

Bill No. 37 of 1947.

**A BILL RESPECTING AGROLOGISTS**

**NOTE.**

This Bill constitutes The Alberta Institute of Agrologists and creates it a body corporate. "Practising agrology" is defined in paragraph (f) of section 2. The governing body of the Institute is the council provided for in section 4. The first council is to consist of the persons named in section 3 and subsequent members of the council are to be elected in accordance with the by-laws.

Section 11 provides for the holding of meetings of the Institute and of the council, and sections 12 to 16 prescribe the procedure, etc., at meetings.

Section 17 sets out the general powers of the Institute including the passing of by-laws for the management of the Institute and the conduct of its business.

Section 19 enumerates the persons who are eligible for membership in the Institute. These briefly are,—

- (a) graduates of at least three years standing in agriculture and practising or qualified to practise agrology when this Act comes into force;
- (b) graduates of three years standing of a faculty other than agriculture and possessing the necessary qualifications (section 21);
- (c) qualified members of a similar professional agricultural body; and
- (d) any resident of Alberta who applies within twelve months after the coming into force of this Act and possesses the necessary qualifications (Section 21).

Section 20 provides for a graduate in agriculture registering as an agrologist in training.

Section 21 provides for the admission as a member of the Institute of graduates in agriculture who practise for three years under an agrologist and pass the required examination unless it is dispensed with.

Sections 23 and 24 deal with examinations and registrations.

Section 29 deals with the discipline of members for breach of the Act or by-laws or the rules of professional ethics and outlines the procedure to be followed where a complaint is made against a member, and provides in proper cases for reinstatement of members expelled or suspended.

Section 32 declares certain conduct offences and prescribes penalties not exceeding one hundred dollars for a first offence and two hundred dollars for subsequent offences.

Section 36 enumerates classes of persons to whom the Act does not apply.

W. S. GRAY,  
*Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 37 of 1947.

An Act respecting Agrologists.

(Assented to , 1947.)

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

## SHORT TITLE.

1. This Act may be cited as "*The Agrologists Act.*"

## INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
  - (a) "Agrologist" means any person registered as an agrologist under the provisions of this Act;
  - (b) "Board" means the board of examiners appointed under the provisions of this Act;
  - (c) "Council" means the council of the Institute;
  - (d) "Institute" means the Alberta Institute of Agrologists;
  - (e) "Member," means a registered member of the Institute;
  - (f) "Practising agrology" and similar forms of expression mean the engaging for hire, gain or the hope of reward in the investigation of, experimenting with, or advising on the application of scientific principles and practices relating to,—
    - (i) the cultivation, production, improvement, use and protection of agricultural plants;
    - (ii) farm forestry;
    - (iii) the raising, feeding, improvement, protection or use of farm animals, poultry or bees;
    - (iv) the production and protection of milk and its products;
    - (v) the classification, cultivation, use, fertilization, conservation and improvement for agricultural purposes of arable, forest and range lands;
    - (vi) the making of economic surveys of any aspect of the agricultural industry;
    - (vii) the management of farms;
    - (viii) the agricultural use of machinery and equipment;

- (ix) the investigation and control of the pests of agricultural plants and animals;
- (g) "Registrar" means the registrar of the Institute;
- (h) "General Faculty Council" means the General Faculty Council of the University of Alberta.

#### INSTITUTE.

3.—(1) The following persons, namely: W. Earl Bowser, Soil Specialist, Edmonton; J. Fraser Carmichael, Vegetable Grower's Field Supervisor, Lethbridge; Herbert Chester, District Substation Supervisor, Lethbridge; S. Stewart Graham, District Agriculturist, Lethbridge; Arthur W. Henry, Professor of Plant Science, Edmonton; R. Erin McAllister, Fertilizer Sales Supervisor, Edmonton; Laird W. McElroy, Professor of Animal Science, Edmonton; James R. McFall, Federation of Agricultural Secretary, Calgary; Robert M. Putnam, Assistant Deputy Minister of Agriculture, Edmonton; Lloyd L. Robertson, Seed and Feed Merchant, Calgary; Robert D. Sinclair, Dean, Faculty of Agriculture, Edmonton; C. Aubrey Weir, District Superintendent of Plant Products, Calgary; are constituted as a body corporate under the name of the Alberta Institute of Agrolologists.

(2) The Institute shall consist of the persons named in subsection (1) and those who may hereafter become members in accordance with the provisions of this Act.

#### COUNCIL.

4.—(1) There shall be a council of management of the institute to be constituted in the manner hereinafter mentioned.

(2) The first council shall consist of the persons named in subsection (1) of section 3 and they shall hold office until their successors are elected at the second general meeting of the institute.

5.—(1) At the second meeting of the institute a new council shall be elected in accordance with the provisions of the by-laws of the institute.

(2) Any member in good standing who is a resident of Alberta shall be entitled to be elected a member of the council.

(3) On retirement each president shall hold office as councillor on the next succeeding council.

(4) The Institute may by by-law increase the number of council members.

6. The president and vice-president shall be elected by and from the members of the council,

7.—(1) The president shall be elected annually and shall hold office until his successor is elected. He shall preside at meetings of the council and the institute and shall be an *ex officio* member of all committees.

(2) The vice-president shall be elected annually and shall have all the powers of the president during his absence.

(3) The members of the council shall hold office for a term of two years, one half of such members retiring each year; provided that of those members elected at the first election the half receiving the lowest number of votes shall hold office for one year only.

8.—(1) In the case of the resignation or death of a member of the council, the remaining councillors may appoint any member of the institute in good standing to fill the vacancy and the person so appointed shall hold office until the next annual meeting of the institute; provided, that not more than three vacancies in any one year may be filled in such manner, and provided further that no such vacancy shall be filled in this manner where the same occurs within three months from the next annual meeting of the institute.

(2) Where four or more members of the council resign at the same time, a general meeting of the institute shall be called to elect members of the council to fill the vacancies on the council created by such resignations.

9. The council shall decide all questions of dispute as to elections to the council, eligibility and right of membership, and the decision of the council in such matters shall be final.

#### OFFICERS.

10.—(1) The council shall appoint a registrar and a secretary-treasurer, who in each case must be a member of good standing. One person may be appointed to both offices.

(2) The council shall appoint such other officers as may be necessary for carrying out the provisions of this Act.

(3) All officers shall hold office during the pleasure of the council.

(4) The council may, from time to time, by by-law fix salaries or fees to be paid to the officers appointed under the provisions of this Act.

#### MEETINGS.

11.—(1) The meetings of the institute and the council shall be held at such time and place as may be fixed by the by-laws and resolutions of the council respectively.

(2) The first annual meeting shall be held within nine months from the date of the coming into force of this Act.

(3) The president, or in his absence the vice-president, may by notice in writing summons a meeting of the institute at such times and at such places as may be stated in the notice.

(4) The secretary-treasurer shall upon the written requisition of ten members of the institute in good standing proceed to convene a general meeting of the institute.

**12.** The president, or in his absence the vice-president, shall act as chairman of all meetings of the institute and the council.

**13.** The chairman shall not have a vote except in cases of equality of votes, in which case the chairman shall have a casting vote.

**14.** All matters submitted to the institute and council shall be decided by the votes of the majority of the members present.

**15.** No business shall be conducted at any meeting at which the quorum provided by the by-laws of the institute is not present.

**16.** There shall be paid to members of the council such fees and travelling expenses as may be fixed by by-law from time to time.

#### POWERS OF THE INSTITUTE.

**17.** The institute may acquire by gift, purchase or otherwise, and alienate, sell, mortgage, lease or otherwise charge or dispose of real or personal property for the purpose of carrying into effect and of promoting the aims, objects and designs of the institute; provided that the value of the real property held at any given time shall not exceed the sum of ten thousand dollars.

**18.—(1)** The institute may, from time to time, pass such by-laws as shall be necessary and convenient for the management and welfare of the institute and for the conduct of its business and without restricting the generality of the foregoing with respect to,—

- (a) the election of the council;
- (b) the conduct, discipline and honour of its members;
- (c) the management of its property;
- (d) the appointment of such officers, in addition to those provided for in section 10, as may be necessary for carrying out the purposes of the institute, and the defining of the duties of such officers;
- (e) the levying of annual and other fees and the levying of fines and penalties;



- (f) the time, place and conduct of the annual and other meetings of the institute and meetings of the council;
- (g) the admission to membership in the institute;
- (h) the nomination of candidates to the council;
- (i) the registration of agrologists in training;
- (j) the formation of branches throughout the Province;
- (k) the making of grants to such branches and to any other association or institute of agrologists or persons with similar qualifications;
- (l) the examinations of admissions of members.

(2) The by-laws so passed may at any time be amended or repealed.

(3) The secretary-treasurer shall send the Minister of Agriculture for the Province of Alberta a certified copy of every by-law and every amendment and repeal of by-laws within seven days from the date of the passing thereof, and such by-law, amendment or repeal shall become effective on the expiration of thirty days from the date of the delivery to the said Minister unless in the meantime the said by-law, amendment or repeal has been disallowed by him.

#### MEMBERSHIP.

19. The following persons shall be entitled, upon payment of the proper fees, to be registered as members of the institute and to receive a certificate of membership (Form A) :

(a) Any person who was on the thirty-first day of December, 1946, a graduate of at least three years' standing in agriculture of a university or college recognized by the General Faculty Council and practising agrology at the time of the coming into force of this Act and who, in the opinion of the Council is qualified to practise agrology within the Province of Alberta; provided that such person produces to the council within six months of the coming into force of this Act satisfactory proof of his qualifications for membership.

(b) Any person who is a graduate of three years' standing, in a faculty other than agriculture, of a university or college recognized by the General Faculty Council and who makes application to the council for registration and who satisfies the council by examination or otherwise that he possesses qualifications similar to those required by section 21 by reason of experience, training or examination;

(c) Any person who is a registered member of a professional agricultural body having similar standards of qualifications for membership to those required by section 21 and who produces to the council a certificate of membership in good standing in such body and an application for transfer of registry duly endorsed;

(d) Any *bona fide* resident of the Province of Alberta who within twelve months after the coming into force of this Act files an application with the council in that behalf and satisfies the council by credentials or otherwise that he, by reason

of experience, training or examinations, possesses qualifications similar to those required by section 21.

**20.** Any graduate in agriculture from the University of Alberta or other college or university recognized by the General Faculty Council, may apply to be registered as an agrologist in training and, on payment of such a registration fee and subsequent annual fees as may be determined by the by-laws of the institute, he may be allowed to practise agrology under the guidance of an agrologist.

**21.** Any other person who is of the full age of twenty-one years and has shown himself to be of good character and reputation and who,—

- (a) shall have obtained a degree in agriculture from the University of Alberta or from a university or college recognized by the General Faculty Council or any degree deemed by the General Faculty Council to be equivalent to such degree in agriculture;
- (b) has practised agrology under an agrologist for a period of at least three years subsequent to his graduation: Provided that the time spent in post graduate studies may, in the discretion of the council be counted as part of this three-year period; and
- (c) shall pass the examination required by the General Faculty Council; provided, however, that the General Faculty Council may by a certificate in writing dispense with such examination;

shall be entitled to membership in the institute.

**22.** No partnership, company, corporation or association of persons shall as such be registered as a member of the institute.

#### EXAMINATIONS.

**23.—(1)** The examination of candidates for admission to the institute shall be under the control of the General Faculty Council.

(2) The General Faculty Council may from time to time, appoint a board of examiners to examine candidates, and may make regulations prescribing the subjects of examination and prescribe the fees payable by applicants and governing the conduct of examinations.

(3) Every examination of candidates for admission to practise agrology shall be held at a time and place fixed by the General Faculty Council.

(4) Application for admission to examination shall be made on a form to be supplied on application to the registrar of the University of Alberta and shall be filed with him at least four weeks before the times fixed for the examination. Every application shall be accompanied by the prescribed



examination fee and shall contain such information concerning the applicant's preliminary education and course of study as the General Faculty Council may prescribe.

(5) The registrar of the University of Alberta shall report to the registrar of the institute the names of the candidates who passed the examinations.

#### REGISTRATION.

**24.—**(1) The registrar shall keep a book to be known as the register, in which shall be entered the names and addresses of all members of the institute and such register shall be open to inspection by the members of the institute at all reasonable times without charge.

**25.—**(1) The registrar shall issue a certificate in such form and subject to such regulations as may be prescribed by by-law each year to all members of the institute in good standing.

(2) All certificates of registration shall expire on the 30th day of April in the year following their issue;

(3) No person shall be entitled to use the title of "Agrologist" or any abbreviation thereof within the Province of Alberta unless he is the holder of a subsisting certificate of registration.

**26.** The Registrar shall from time to time cause to be printed and published a correct list of the names of the members of the institute arranged in alphabetical order according to the surname with the respective residences, and if such list is not published yearly, he shall issue a yearly addendum.

**27.—**(1) Such list and addendum published by the institute shall be *prima facie* evidence in all Courts in the Province that the persons therein named are registered according to the provisions of this Act, and the absence of the name of any person from such list or from such list and addendum, as the case may be, shall be *prima facie* evidence that such person is not a member of the institute;

(2) A certificate of registration purporting to be signed by the registrar of the institute shall be *prima facie* evidence that the person signing the same is in fact the registrar and of the facts certified to.

**28.—**(1) A member shall pay on registration and annually such fees as are prescribed from time to time by the by-laws of the institute.

(2) The name of any person in default shall be removed from the register on the order of the council after one month's notice, sent to the member in default by prepaid

registered mail, and shall not be re-entered on the register of the institute except upon the payment of all arrears and of such fine, if any, as may be imposed under the by-laws of the institute.

#### DISCIPLINE.

**29.—**(1) The council shall have jurisdiction to hear and determine any complaint against any member of the institute for violation of any of the provisions of this Act or of the by-laws, rules or regulations or rules of professional ethics of the institute, or any complaint of disgraceful or improper conduct;

(2) Upon the receipt of a complaint, the council, five members of which for such purposes shall constitute a quorum, shall fix the time and place for hearing of the same and the complainant and the accused member shall be given due notice in writing of the time and place at which the council shall meet and hear evidence adduced for and on behalf of the complainant and the accused member.

(3) At the time and place mentioned in the said notice or at any adjournment thereof, the council shall hear the evidence adduced for and on behalf of the complainant and the accused member and if the charge is found to have been proven, the council may reprimand or fine the accused member or may suspend or expel him.

(4) Any member suspended or expelled may be reinstated and all his rights and privileges as a member restored upon such terms and conditions as the council may decide.

(5) The notice of the hearing of the complaint against the accused member shall be signed by the president or vice-president and shall be served on such accused member at least fourteen days before the date set for the hearing, and such notice shall embody or be accompanied by a copy of the charges made against him.

(6) The testimony of witnesses at the hearing shall be taken under oath and the presiding chairman is hereby authorized to administer such oath, and there shall be the right to examine, cross-examine and re-examine all witnesses called on behalf of the complainant or the accused member.

(7) The evidence given at any hearing shall be taken down in shorthand and in case of an appeal, shall be transcribed.

(8) If the accused member does not attend at the hearing, the counsel may, upon proof of the service of the notice and the charge against him, proceed in his absence in the same manner as if he were present, and he shall not be entitled to notice of any adjourned or other meetings and proceedings of the council in the matter.

(9) Where the council directs that the member be suspended, it may direct that the costs of and incidental to the inquiry be paid by such member, and after the taxation of the costs on the District Court scale by a taxing officer, execution may issue out of any District Court for the recovery thereof, as upon a judgment in an action in that Court.

(10) No action shall lie against the council or any member thereof for any proceedings taken in good faith or orders made or enforced under the disciplinary provisions of this Act.

(11) The council may make rules regulating the making of complaints and the hearing and determination of matters of complaint under the provisions of this section.

**30.—**(1) Any person suspended or expelled from the institute may at any time within three months after the date of the order of the council appeal to a Judge of the Supreme Court of Alberta against such order, and the Judge to whom the appeal has been made shall after due notice to all parties concerned, hear the appeal and shall allow or dismiss the same or shall make such order varying the same and such order as to costs as to him shall be just, and there shall be no appeal from the decision of the said Judge.

(2) The appeal shall be founded upon a copy of the evidence and the record of the proceedings before the council and the order of the council certified by the Registrar, who shall furnish a copy of the same to the Appellant upon request.

**31.** The council may order to be paid out of the funds of the institute such costs as to them seem just to any person against whom any complaint has been made when the same has finally been determined and which, in the opinion of the council, is found to have been frivolous and vexatious.

#### OFFENCES.

**32.** Any person who not being a registered agrologist under this Act,—

- (a) practises agrology;
  - (b) usurps the functions of an agrologist;
  - (c) assumes verbally or otherwise the title of agrologist or makes use of any abbreviation thereof, or of any name, title or designation which may lead the public to the belief that he is an agrologist of the Province of Alberta or a member of the institute;
  - (d) acts in such manner as to lead to the belief that he is authorized to fill the office or act as an agrologist;
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars for the first offence and not exceeding two hundred dollars for every

subsequent offence, and he shall be incapable of recovering any fees, rewards or disbursements for the services so rendered.

**33.** No prosecution shall be commenced for an offence against this Act after the expiration of two years from the date of the alleged offence.

**34.** A certificate of the registrar under the seal of the institute shall be *prima facie* evidence of registration or non-registration.

#### MISCELLANEOUS.

**35.** Nothing in this Act shall apply,—

- (a) to any person carrying on the business of farming or the growing of crops, unless he becomes a member of the institute;
- (b) to any member of His Majesty's naval, military or air forces while actually employed on duty with such forces;
- (c) to undergraduate student assistants in agriculture working under the direct supervision of an agrologist and not taking responsibility for their work other than to their immediate superiors;
- (d) to a veterinarian, forester, land surveyor, or to a member of the Association of Professional Engineers of Alberta, unless any such person becomes a member of the institute;
- (e) to any person servicing or repairing farm machinery, unless such person becomes a member of the institute.

**36.** The head office of the institute shall be at the City of Edmonton in the Province of Alberta.

**37.** This Act shall come into force on the day upon which it is assented to.

#### FORM A.

(Section 19.)

#### CERTIFICATE OF MEMBERSHIP.

The Alberta Institute of Agrologists by virtue of the authority vested in it by the Legislature of the Province of Alberta, certifies that

.....  
who has complied with all the requirements of the law

regarding the practice of agrology and has been adjudged qualified to practise agrology, is a duly registered member of the said Institute.

In witness whereof we, the undersigned officers of the Institute have hereunto signed our names and affixed the corporate seal of the Institute this.....day of ....., one thousand nine hundred and....., at the City of Edmonton, in the Province of Alberta.

.....*President.*

.....*Registrar.*

No. 37

---

FOURTH SESSION  
TENTH LEGISLATURE

11 GEORGE VI

1947

---

**BILL**

An Act respecting Agrologists.

---

Received and read the

First time.....

Second time.....

Third time.....

---

MR. URE.

---

EDMONTON:  
A. Shnitka, King's Printer  
1947