

1977 Bill PR 4

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL Pr. 4

**AN ACT TO INCORPORATE THE ASSOCIATION OF
REGISTERED PROFESSIONAL FORESTERS OF ALBERTA**

MR. APPLEBY

First Reading

Second Reading

Third Reading

Bill PR 4
Mr. Appleby

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AN ACT TO INCORPORATE THE ASSOCIATION OF REGISTERED PROFESSIONAL FORESTERS OF ALBERTA

(Assented to _____, 1977)

Preamble

WHEREAS C. E. Andersen, J. D. Clark, D. I. Crossley, R. D. Loomis, F. W. McDougall, P. J. Murphy, R. W. Reid, A. A. Rytz, R. G. Steele and F. E. Sutherland are desirous of legislation for the incorporation of an Association of Registered Professional Foresters;

AND WHEREAS a petition has been presented praying that it be enacted as herein set forth and it is expedient to grant the prayer of the petition;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Short title

1. This Act may be cited as *The Registered Professional Foresters Act*.

Definitions

2. In this Act,

- (a) "Association" means The Association of Registered Professional Foresters;
- (b) "Co-ordinating Council" means the Universities Co-ordinating Council established under *The Universities Act*;
- (c) "Council" means the council of the Association established pursuant to section 5;
- (d) "forester" means a person who in the course of his employment or business applies the principles of forest science in advising, planning, reporting upon or supervising any phase of the administration or management of forests or forest land including the appraisal, valuation, maintenance, improvement, conservation, regeneration or protection of forests and forest lands, or the teaching of or conducting of research on such subjects.
- (e) "member" means a member of the Association.

Incorporation

3. C. E. Andersen of
Grande Prairie, Alberta

P. J. Murphy of
Edmonton, Alberta

J. D. Clark of
Hinton, Alberta

R. W. Reid of
Edmonton, Alberta

D. I. Crossley of
Hinton, Alberta

A. A. Rytz of
Edmonton, Alberta

R. D. Loomis of
Onoway, Alberta

R. G. Steele of
Edmonton, Alberta

F. W. McDougall of
Edmonton, Alberta

F. E. Sutherland of
Rocky Mountain
House, Alberta

together with those other persons who are or become members of the Association in accordance with this Act are hereby constituted a body corporate under the name of The Association of Registered Professional Foresters of Alberta.

Objects

4. The Association has the following objects:

- (a) to advance the proficiency and competency of foresters;
- (b) to set and maintain standards of ethics and competence for foresters;
- (c) to promote and encourage a better understanding of the subject and practice of forestry;
- (d) to carry on or support such other activities as may promote or enhance forestry.

Council

5. (1) The Association shall be managed by a Council, consisting of not less than seven members, to be constituted in the manner provided by by-law.

(2) The members of the Council shall be elected at the annual meeting of the Association in the manner provided by by-law and shall hold office for the term fixed by by-law.

(3) The Council shall appoint a member of the Association to fill any vacancy which occurs in the membership of the Council more than three months before the due date of the next election, to hold office until the next election.

(4) C. E. Andersen, J. D. Clark, D. I. Crossley, R. D. Loomis, F. W. McDougall, P. J. Murphy, R. W. Reid, A. A. Rytz, R. G. Steele, and F. E. Sutherland, shall be the first Council of the Association and shall elect from its members the first officers of the Association

Officers

6. The Council shall elect from its members a president, and may appoint those other officers of the Association provided for by by-law.

Meetings

7. (1) The first annual meeting of the Association shall be held during the year 1977 at a time and place and upon such notice as the Council may prescribe.

(2) Subsequent annual meetings shall be held at the time and place and upon such notice as may be prescribed by by-law.

(3) Meetings of the Association, other than annual meetings, may be held at a time and place determined by the Council and upon such notice as prescribed by by-law.

(4) Every member of the Association is entitled to attend all meetings of the Association in person, or may be represented and his vote exercised by a proxy, however no proxy may be exercised by a person who is not a member of the Association.

Powers

8. (1) The Council may make by-laws to carry out the objects of the Association, and without restricting the generality of the foregoing, may make by-laws

- (a) governing membership and members, including
 - (i) the qualifications and registration of members,
 - (ii) the suspension, cancellation and re-instatement of the registration of members,
 - (iii) the rights, duties and powers of members, and
 - (iv) application and annual fees payable by members;
- (b) governing the appointment of officers of the Association, whether members or not, and specifying the remuneration, conditions and terms of appointment;
- (c) providing for the creation, powers, duties and functions of committees;
- (d) prescribing the procedure for investigating complaints and the rules of procedure and evidence in connection with disciplinary hearings;
- (e) providing for reciprocal membership agreements with associations of foresters of other provinces;
- (f) governing the investing of the funds and the management of the property of the Association;
- (g) governing all administrative and procedural matters including procedures at meetings of the members and of the Council and the election of members of the Council.

- (h) providing further rules and procedures to allow the Association to carry out its objects.
- (2) In addition to its other powers the Association may
 - (a) acquire and hold real or personal property and sell, lease or otherwise dispose of it, and
 - (b) borrow money for any purpose connected with the objects of the Association and give security therefor by mortgage, charge or otherwise on the real or personal property of the Association.

Evaluation
of qualifica-
tions

9. (1) The evaluation of the academic qualifications of applicants for registration as members of the Association shall be under the control of the Co-ordinating Council.

(2) The Council may enter into an agreement with the Co-ordinating Council for the fulfilment of the Co-ordinating Council's powers, duties and functions under *The Universities Act* with respect to the Association.

Application
for registra-
tion

10. A person may apply for registration as a member of the Association if

- (a) he satisfies the Co-ordinating Council that
 - (i) he holds a bachelors degree in forestry from an educational institution approved by the Co-ordinating Council and has had at least two years of practical experience in the profession of forestry since graduating from that educational institution, or
 - (ii) he has at least six years practical experience in the profession of forestry,
- (b) he attains the required standard in any examination set by the Co-ordinating Council, and
- (c) the Co-ordinating Council issues a certificate that he has satisfied its requirements under this section.

Entitlement
to registra-
tion

11. (1) A person is entitled to registration as a member of the Association if he

- (a) produces a certificate issued by the Co-ordinating Council under section 10,
- (b) has shown himself to the satisfaction of the Council to be of good character and reputation, and
- (c) pays the prescribed fee.

(2) If a person satisfies the requirements of subsection (1) the Association shall issue a certificate of registration stating that the person is a registered member of the Association.

(3) A certificate of registration of membership issued under subsection (2) shall remain in force for the period and be renewable upon the terms prescribed in the by-laws.

(4) While a certificate of registration of membership is in force a member may

(a) assume the title of Registered Professional Forester, and

(b) use the initials "P.For."

Register

12. (1) The Association shall keep a register in which shall be entered the names of all members of the Association who are in good standing with the Association, and only those members whose names are entered in the register shall be entitled to the privileges of membership.

(2) The register shall at all times be open to inspection without charge by any person.

Association
certificate as
evidence

13. A certificate purporting to be signed by an officer of the Association stating that a person was or was not on a specified day or during a specified period a registered member of the Association shall be admitted in evidence as prima facie proof of the facts stated therein without proof of the officers appointment or signature.

Lists of
Registered
Professional
Foresters

14. The Association shall, before the 1st day of February in each year, file with the Minister of Energy and Natural Resources lists certified by an officer of the Association to be true lists showing

(a) the names of all registered members as of the 31st day of December in the preceding year, their addresses as shown by the records of the Association and the dates of their admission to membership in the Association;

(b) the names of all persons whose memberships were suspended or who otherwise ceased to be in good standing with the Association during the preceding year, and

(c) the names of all persons who were reinstated as members during the preceding year.

Discipline

15. (1) The Council may hold hearings into the professional conduct of a member and may by order

(a) suspend or cancel the certificate of registration of membership of a member, or

(b) reprimand a member

where the Council finds that a member is guilty of

(c) professional misconduct,

(d) conduct unbecoming a Registered Professional Forester, or

(e) a violation of the by-laws of the Association.

(2) No order under subsection (1) shall be made unless the member is given a reasonable opportunity to be heard before the Council.

(3) All evidence by the Council upon a hearing under this section shall be recorded and a transcript thereof made available to any member on demand.

(4) Where an order is made against a member under this section the Council shall provide written reasons for their decision to the member.

Appeal

16. (1) Any member against whom an order has been made pursuant to section 15 may appeal the order to the Supreme Court of Alberta by originating notice of motion filed and served upon the Association within 30 days from the date on which the member receives notice of the order.

(2) The court, on hearing the appeal, may

(a) confirm, alter or rescind the order of the Council,

(b) direct that the Council take any action the court considers proper, and

(c) give such directions as to the costs of the appeal as the court deems appropriate.

Title

17. Any person who is not a member of the Association and who assumes the title of Registered Professional Forester or uses the initials "P.For." is guilty of an offence and liable on summary conviction

(a) for a first offence to a fine not exceeding \$50, and

(b) for a subsequent offence, to a fine not exceeding \$200.

Right to practice

18. Nothing in this Act shall be construed as making the right to practice as a forester in the Province dependant upon membership in the Association.

Coming into force

19. This Act comes into force on the day upon which it is assented to.