

1985 BILL 78

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 78

FORESTRY PROFESSION ACT

MR. APPLEBY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 78
Mr. Appleby

BILL 78

1985

FORESTRY PROFESSION ACT

(Assented to _____, 1985)

TABLE OF CONTENTS

Definitions	1
PART 1	
EXCLUSIVE USE OF NAME	
Restrictions on name	2
Injunction	3
PART 2	
ALBERTA REGISTERED PROFESSIONAL FORESTERS ASSOCIATION	
Association	4
Capacity of the Association	5
Board	6
Registrar	7
Board members	8
PART 3	
PRACTICE REVIEW COMMITTEE	
Practice Review Committee established	9
Powers of Practice Review Committee	10
Matters referred to the Discipline Committee	11
PART 4	
REGISTRATION OF MEMBERS	
Universities Co-ordinating Council	12
Registers	13
Registration Committee	14
Review by Board	15
Requirements for registration	16
Certificate of registration	17
Annual fee	18
Cancellation or suspension	19
Voluntary cancellation	20
Suspension or cancellation for default	21
Reinstatement	22
PART 5	
DISCIPLINE	
Definitions	23
Discipline Committee established	24
Unskilled practice or professional misconduct	25
Complaint	26

Procedure	27
Notice of hearing	28
Suspension pending investigation and hearing	29
Right to counsel and to appearance	30
Proceedings in camera	31
Evidence	32
Witnesses and documents	33
Enforcement of attendance and production of documents	34
Failure to give evidence	35
Finding by the Discipline Committee	36
Powers of the Discipline Committee	37
Collection of penalty	38
Appeal to Board	39
Powers of Board on review	40
Appeal to Court of Appeal	41
Association named as respondent	42
Procedure for appeal to the Court of Appeal	43
Powers of Court of Appeal	44

**PART 6
GENERAL**

Registrar's certificate	45
Protection from liability	46

**PART 7
REGULATIONS AND BY-LAWS**

Regulations	47
By-laws	48

**PART 8
PROHIBITIONS AND PENALTIES**

Holding out	49
Penalties	50

**PART 9
TRANSITIONAL AND COMING INTO FORCE**

Transitional	51
Coming into force	52

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

Definitions

1 In this Act,

- (a) "approved school of forestry" means an institution designated as an approved school of forestry by the Universities Coordinating Council;
- (b) "Association" means The Alberta Registered Professional Foresters Association;
- (c) "Board" means the Board of Directors of the Association;
- (d) "certificate of registration" means a certificate of registration issued under section 17;
- (e) "Discipline Committee" means the Discipline Committee established under this Act;

(f) “forester-in-training” means an individual who is registered as a forester-in-training pursuant to the regulations;

(g) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;

(h) “practice of forestry” means the development, acquisition or application of scientific principles and practices relating to forestry, products of forested land and integrated management of forested land and, without limitation, includes

(i) the appraisal and evaluation of forests and forested land,

(ii) the development of integrated forest resource management plans and programs for harvesting and renewal of forest crops and administration of forested land,

(iii) the classification, conservation, reclamation, improvement or protection of forests, forested land or forest soils for forestry purposes,

(iv) the preparation of forest resource management plans,

(v) the development of improvements on forested land for forestry purposes,

(vi) the conducting of economic or market studies of forestry,

(vii) the teaching of forestry at a college or university, and

(viii) the conducting of research activities pertaining to forestry;

(i) “Practice Review Committee” means the Practice Review Committee established by this Act;

(j) “registered professional forester” means an individual who holds a certificate of registration and an annual certificate as a registered professional forester under this Act;

(k) “Registrar” means the Registrar of the Association appointed under this Act;

(l) “Registration Committee” means the Registration Committee established by this Act;

(m) “Universities Co-ordinating Council” means the Universities Co-ordinating Council established under the *Universities Act*.

PART 1

EXCLUSIVE USE OF NAME

Restrictions
on name

2(1) No person except a registered professional forester shall use

(a) the name “Registered Professional Forester” or “Registered Forester” or the initials “R.P.F.”, or

(b) any title, description, abbreviation, letter or symbol representing the name "Registered Professional Forester" or "Registered Forester" or the initials "R.P.F."

alone or in combination with any other title, description, abbreviation, letter or symbol, in such a way as to represent expressly or by implication that he is a registered professional forester.

(2) No person shall use

(a) the name "Professional Forester" or the initials "P. For.", or

(b) any title, description, abbreviation, letter or symbol representing the name "Professional Forester" or the initials "P. For."

alone or in combination with any other title, description, abbreviation, letter or symbol, in such a way as to represent expressly or by implication that he is a registered professional forester.

(3) A registered professional forester and a forester-in-training may engage in the practice of forestry in accordance with this Act and the regulations.

Injunction

3 The Court of Queen's Bench, on application by the Board by way of originating notice, may grant an injunction enjoining any person from doing any act or thing that contravenes section 2 notwithstanding any penalty that may be provided by this Act or the regulations in respect of that contravention.

PART 2

ALBERTA REGISTERED PROFESSIONAL FORESTERS ASSOCIATION

Association

4(1) The Alberta Registered Professional Foresters Association is hereby established as a corporation.

(2) The abbreviated form of the name of the Association shall be A.R.P.F.A.

Capacity of the Association

5 The Association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

Board

6(1) There is hereby established a governing body of the Association called the Board.

(2) The Board shall manage and conduct the business and affairs of the Association and exercise the rights, powers and privileges of the Association in the name of and on behalf of the Association.

(3) The Board shall submit annually to the Minister in a form satisfactory to him a report on those matters of the business and affairs of the Association that the Minister requires.

(4) The Minister shall, on receipt of the annual report of the Association, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

- Registrar **7** The Board shall appoint a Registrar for the purposes of this Act.
- Board members **8(1)** The Board shall consist of
- (a) not fewer than 11 registered professional foresters, each of whom shall be elected by and from among registered professional foresters, at the time, in the manner and for the term provided by the by-laws, and
 - (b) when the number of elected registered professional foresters does not exceed 11, 1 member of the public or, when the number of elected registered professional foresters is more than 11, 2 members of the public, who shall be appointed by the Minister after consultation with the other members of the Board for a 1-year term of office.
- (2) A member of the public appointed under subsection (1)(b) continues to hold office after the expiry of his term of office until he is reappointed or his successor is appointed.
- (3) The Minister may, after consultation with the Board, revoke the appointment of a member of the public referred to in subsection (1)(b).
- (4) The Minister may pay to a member of the public appointed under subsection (1)(b) travelling and living expenses incurred by that member for his attendance at any meeting of the Board while away from his usual place of residence and fees in an amount prescribed by the Minister.
- (5) The powers, duties and operation of the Board under this Act, the regulations and the by-laws are not affected by
- (a) the fact that no member of the public is appointed as a member of the Board pursuant to subsection (1)(b),
 - (b) the revocation under subsection (3) of the appointment of a member of the Board, or
 - (c) the resignation from the Board of a member of the public.
- (6) The failure of a member of the public appointed under subsection (1)(b) to attend a meeting of the Board shall not be construed as affecting the Board or restricting it from exercising any powers or performing any duties under this Act, the regulations or the by-laws at that meeting.

PART 3

PRACTICE REVIEW COMMITTEE

- Practice Review Committee established **9** There is hereby established the Practice Review Committee consisting of not fewer than 4 registered professional foresters appointed by the Board in accordance with the by-laws.
- Powers of Practice Review Committee **10(1)** The Practice Review Committee may, on its own initiative, and shall, at the request of the Board, inquire into and report to and advise the Board in respect of
- (a) the assessment and development of educational standards and experience requirements that are conditions precedent to main-

taining registration as a registered professional forester under this Act,

(b) the establishment and evaluation of desirable standards of competence of registered professional foresters generally,

(c) any other matter that the Board from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of forestry under this Act and the regulations, and

(d) the practice of forestry by registered professional foresters generally.

(2) A person requested by the Practice Review Committee to appear at an inquiry under this section may be represented by counsel.

(3) After each inquiry under this section, the Practice Review Committee

(a) shall make a written report to the Board on the inquiry, and

(b) may make recommendations to the Board regarding the matter inquired into, with reasons for the recommendations.

Matters referred to the Discipline Committee

11 The Practice Review Committee may at any time during an inquiry by it refer any matter to the Discipline Committee and the Discipline Committee shall deal with it as if it were a complaint.

PART 4

REGISTRATION OF MEMBERS

Universities Co-ordinating Council

12(1) The Universities Co-ordinating Council may grant to and withdraw from any institution the designation "approved school of forestry".

(2) A designation granted or withdrawn under subsection (1) does not come into force unless it is approved by the Lieutenant Governor in Council.

Registers

13(1) The Registrar shall maintain, in accordance with the by-laws and subject to the direction of the Board,

(a) a register of registered professional foresters,

(b) a register of foresters-in-training, and

(c) any other register prescribed by the by-laws.

(2) The Registrar shall enter in the appropriate register the name of an individual

(a) whose application has been approved

(i) by the Registration Committee or the Board, as the case may be, in the case of a registered professional forester, or

(ii) in accordance with the by-laws, in the case of a member of another class or category,

and

(b) who has paid the fee prescribed in the by-laws.

Registration
Committee

14(1) There is hereby established the Registration Committee consisting of registered professional foresters appointed by the Board in accordance with the by-laws.

(2) The Registration Committee shall consider applications for registration as registered professional foresters in accordance with this Part, the regulations and the by-laws, and may

(a) approve the application,

(b) refuse to approve the application, or

(c) defer the approval of registration until it is satisfied that the applicant has obtained further experience as required by the Committee.

(3) The Registrar shall send a written notice of any decision made by it to the applicant.

(4) If the decision made by the Registration Committee is to refuse or defer an application, the Registrar shall send the applicant the reasons for the decision in writing.

(5) If the decision made by the Registration Committee is to approve the application, the Registrar shall publish a notice of approval in accordance with the by-laws.

(6) An applicant whose application for registration is refused may request the Board to review the application by serving on the Registrar, within 30 days of receiving a notice of refusal and the reasons for it, a written request for review by the Board setting out the reasons why, in his opinion, his application for registration as a registered professional forester should be approved.

Review by Board

15(1) The Board shall, after receipt of a request for review under section 14(6), review the application.

(2) The applicant who requests a review pursuant to subsection (1)

(a) shall be notified in writing by the Registrar of the date, place and time at which the Board will review the application, and

(b) may appear with counsel and make representations to the Board when it reviews the application.

(3) A member of the Registration Committee who is also a member of the Board may participate in a review by the Board under this section but shall not vote on a decision of the Board on the review.

(4) On reviewing an application under this section, the Board may make any decision the Registration Committee may make under this Part.

Requirements for
registration

16 No person shall be registered in the register of registered professional foresters unless he

(a) produces documentation satisfactory to the Registration Committee establishing that

(i) he has successfully completed a forestry education program at an approved school of forestry,

(ii) the Universities Co-ordinating Council is satisfied that he has successfully completed a forestry education program considered by the Universities Co-ordinating Council to be substantially equivalent to the forestry education program offered by an approved school of forestry at the time the program was taken, or

(iii) he meets the practical experience requirements established pursuant to the regulations,

(b) has completed professional experience as a forester-in-training as required by the regulations,

(c) meets any other requirements established in the regulations, and

(d) is of good character and reputation.

Certificate of registration

17 On entering the name of a person in the register of registered professional foresters, the Registrar shall issue a certificate of registration to him.

Annual fee

18(1) A registered professional forester shall pay the annual fee prescribed by the by-laws to the Registrar or to any person authorized by the Registrar to accept payment of that fee.

(2) The Registrar shall issue an annual certificate in accordance with the by-laws to a registered professional forester

(a) whose registration is not under suspension or cancelled, and

(b) who has paid the annual fee.

(3) An annual certificate entitles a registered professional forester to engage in the practice of forestry as a registered professional forester during the year for which the annual certificate is issued.

(4) An annual certificate expires on the date prescribed in the by-laws.

Cancellation or suspension

19(1) The registration of a registered professional forester is cancelled or suspended when the decision to cancel or suspend the registration is made in accordance with this Act.

(2) The Registrar shall enter a memorandum of the cancellation or suspension of the registration in the register indicating

(a) the date of the cancellation or suspension,

(b) the period of the suspension, and

(c) the nature of any finding under section 25.

(3) The Registrar shall not remove from the register any memorandum made by him under subsection (2), except in accordance with the by-laws.

(4) The Registrar shall, during regular office hours, permit any person to inspect the register of registered professional foresters.

Voluntary cancellation

20(1) The Registrar shall not cancel the registration of a registered professional forester at his request unless the request for the cancellation has been approved by the Board.

(2) When a request for the cancellation of registration is approved by the Board,

(a) the Registrar shall cancel that registration, and

(b) the registered professional forester requesting the cancellation shall, on being notified of the approval, surrender to the Registrar his certificate of registration.

Suspension or
cancellation
for default

21(1) The Board may direct the Registrar to suspend or cancel the registration of a registered professional forester or a person in the register of registered professional foresters who is in default of payment of annual fees, penalties or costs or any other fees, dues or levies payable by him under this Act, the regulations or the by-laws after the expiration of 30 days following the service on him of a written notice by the Board unless he complies with the notice.

(2) The notice under subsection (1) shall state that the Registrar may suspend or cancel the registration unless the fees, penalties, costs, dues or levies are paid as indicated in the notice.

(3) The Board may direct the Registrar to cancel the registration of any person entered in the register in error.

Reinstatement

22 If a registration is suspended or cancelled pursuant to section 21, the Board may, subject to the regulations and the by-laws, direct the Registrar to reinstate that registration in the register and reissue the certificate.

PART 5 DISCIPLINE

Definitions

23 In this Part,

(a) “chairman” means the chairman of the Discipline Committee and includes a vice-chairman;

(b) “conduct” includes any act or omission;

(c) “investigated person” means a registered professional forester or forester-in-training with respect to whose conduct an investigation or hearing is held or may be held under this Part.

Discipline
Committee
established

24 There is hereby established the Discipline Committee consisting of not fewer than 3 registered professional foresters appointed by the Board in accordance with the by-laws.

Unskilled
practice or
professional
misconduct

25 Any conduct of a registered professional forester or forester-in-training that, in the opinion of the Discipline Committee,

(a) is detrimental to the best interests of the public,

(b) contravenes this Act or a regulation,

(c) harms or tends to harm the standing of the profession of forestry generally, or

(d) displays a lack of knowledge of or lack of skill or judgment in the practice of forestry,

whether or not that conduct is disgraceful or dishonourable, constitutes either professional misconduct or unskilled practice of forestry, whichever the Discipline Committee finds.

Complaint

26(1) A person who has a complaint about the conduct of a registered professional forester or forester-in-training may make a complaint in writing to the Registrar, and the Registrar shall forthwith refer the complaint to the chairman to be dealt with under this Part.

(2) A complaint respecting the conduct of a registered professional forester or forester-in-training whose registration was cancelled or suspended pursuant to this Act may, notwithstanding the cancellation or suspension, be dealt with within 2 years following the date of cancellation or suspension as if the cancellation or suspension had not occurred.

Procedure

27(1) On receiving a complaint the chairman shall

(a) direct that no further action be taken if he is satisfied that the complaint is frivolous or vexatious, or

(b) in any other case, schedule the complaint for a hearing before the Discipline Committee not more than 60 days after he receives the complaint, or within any longer period that he and the investigated person agree on.

(2) The Registrar shall serve the investigated person and the complainant with notice of any decision made under subsection (1).

(3) A complainant who is served with a notice informing him that a direction under subsection (1)(a) has been made may, within 30 days of receipt of the notice, appeal that decision to the Board by notice in writing to the Registrar.

(4) On an appeal under subsection (3), the Board shall determine

(a) whether the complaint is frivolous or vexatious, or

(b) whether the complaint should be referred to the Discipline Committee for a hearing in accordance with this Part and, if so, the time limits, if any, within which the hearing must be held,

and shall notify the complainant, the investigated person and the Discipline Committee in writing of its decision.

Notice of hearing

28(1) If the Discipline Committee holds a hearing with respect to a complaint, the Registrar shall, within a reasonable period of time before the date of the hearing, serve on the investigated person a copy of the complaint and a notice stating the date, time and place at which the Discipline Committee will hold the hearing.

(2) The Discipline Committee may adjourn a hearing from time to time.

Suspension pending investigation and hearing

29 Notwithstanding anything in this Act, the chairman may suspend the registration of an investigated person pending a decision by the Discipline Committee on the complaint.

Right to counsel and to appearance	30 The Association and the investigated person may appear and be represented by counsel at a hearing before the Discipline Committee.
Proceedings in camera	31 The Discipline Committee and the Board may direct that hearings held before them under this Part be held in camera.
Evidence	<p>32(1) Evidence may be given before the Discipline Committee in any manner that the Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.</p> <p>(2) For the purposes of an investigation, hearing or review under this Act, the Registrar and any member of the Board or the Discipline Committee have the power of a commissioner for oaths under the <i>Commissioners for Oaths Act</i>.</p>
Witnesses and documents	<p>33(1) The investigated person and any other registered professional forester or forester-in-training who in the opinion of the Discipline Committee has knowledge of the complaint or any conduct being investigated are compellable witnesses in any proceeding under this Part.</p> <p>(2) A witness referred to in subsection (1) may be examined on oath on all matters relevant to the investigation or hearing and shall not be excused from answering any question on the ground that the answer might</p> <ul style="list-style-type: none"> (a) tend to incriminate him, (b) subject him to punishment under this Part, or (c) tend to establish his liability <ul style="list-style-type: none"> (i) to a civil proceeding at the instance of the Crown or of any other person, or (ii) to prosecution under any Act or regulations under any Act, <p>but if the answer so given tends to incriminate him, subjects him to punishment or tends to establish his liability, it shall not be used or received against him in any civil proceedings, in a prosecution under Part 8 or in any proceedings under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.</p> <p>(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench on an application made ex parte by the Association may direct the issuing of a commission for the obtaining of the evidence of the witness, and the commission shall be issued and the evidence taken pursuant to the Alberta Rules of Court.</p>
Enforcement of attendance and production of documents	34(1) The attendance of witnesses referred to in section 33(1) before the Discipline Committee and the production of plans, documents, records or materials that are relevant to the investigation may be enforced by a notice issued by the Registrar requiring the witness to attend and stating the date, time and place at which the witness is to

attend and the plans, documents, records or materials, if any, he is required to produce.

(2) On the written request of the investigated person or of his counsel or agent, the Registrar shall without charge issue and deliver to that person or his counsel or agent any notices that he may require for the attendance of witnesses or the production of plans, documents, records or materials.

(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for the production of plans, documents, records or materials under subsection (1) is entitled to be paid the same fees as are payable to witnesses in an action in the Court of Queen's Bench.

Failure to
give evidence

35(1) Proceedings for civil contempt of court may be brought against a witness

(a) who fails

(i) to attend before the Discipline Committee in compliance with a notice to attend, or

(ii) to produce any plans, documents, records or materials in compliance with a notice to produce them,

or

(b) who refuses to be sworn or to answer any question directed to be answered by the Discipline Committee.

(2) The Discipline Committee, on proof of service of the notice of hearing on the investigated person, may

(a) proceed with the hearing in the absence of the investigated person, and

(b) act on the matter that is the subject of the hearing in the same way as though the investigated person were in attendance.

Finding by the
Discipline
Committee

36(1) The Discipline Committee may find that the conduct of an investigated person constitutes neither professional misconduct nor unskilled practice of forestry.

(2) The Discipline Committee may find that the conduct of an investigated person constitutes professional misconduct or unskilled practice of forestry or both, and shall deal with the investigated person in accordance with this Part.

Powers of the
Discipline
Committee

37(1) If the Discipline Committee finds that the conduct of the investigated person is professional misconduct or unskilled practice of forestry or both, the Discipline Committee may make any one or more of the following orders:

(a) reprimand the investigated person;

(b) direct the investigated person to pay a fine of not more than \$5000 to the Association;

(c) suspend the registration of the investigated person for a stated period with or without conditions;

- (d) cancel the registration of the investigated person;
- (e) impose any conditions or restrictions that it considers appropriate on the practice of forestry by the investigated person;
- (f) order the investigated person to pay the costs of the investigation and hearing;
- (g) require the investigated person to complete the training prescribed by the Discipline Committee at the times and in the manner specified in the order;
- (h) any other order that it considers appropriate in the circumstances.

(2) The Registrar shall

- (a) serve any order the Discipline Committee makes, together with written reasons for making the order, on the investigated person, and
- (b) inform the complainant in writing of the nature of the order.

Collection of penalty

38 If the Discipline Committee makes a direction under section 37(1)(b) or (f), the amount directed to be paid is recoverable by the Association in an action for debt.

Appeal to Board

39(1) An investigated person in respect of whom an order has been made under section 37 may, within 30 days of the date of the service of the order, by notice in writing addressed to the Registrar, appeal the order to the Board.

(2) A notice in writing shall set out the reasons for the request.

(3) The Board shall hear the appeal within 90 days after the date of service of the order on the investigated person or within any longer period that the investigated person and the Registrar agree on.

Powers of Board on review

40(1) The Board, in hearing an appeal under section 39, has all the powers of the Discipline Committee under sections 28 to 37.

(2) The Association and the investigated person may appear and be represented by counsel at an appeal before the Board.

(3) The Board shall, forthwith after the date of the conclusion of all proceedings before it,

(a) make any finding as to the conduct of the investigated person that in its opinion ought to have been made by the Discipline Committee,

(b) quash, vary or confirm the finding or order of the Discipline Committee or substitute or make a finding or order of its own, or

(c) refer the matter back to the Discipline Committee for further consideration in accordance with any direction that the Board may make.

(4) The Registrar shall serve the investigated person with a copy of the Board's decision and of the reasons for its decision.

- Appeal to Court of Appeal **41(1)** An investigated person may appeal to the Court of Appeal any finding or order made by the Board under section 40.
- (2) An appeal under this section shall be commenced
- (a) by filing a notice of appeal with the Registrar of the Court in Edmonton or Calgary, and
- (b) by serving a copy of the notice of appeal on the Registrar of the Association,
- both within 30 days from the date on which the decision of the Board is served on the investigated person.
- Association named as respondent **42** The Association shall be named as the respondent in any appeal under section 41 and the Association's counsel may make representations at the hearing of the appeal.
- Procedure for appeal to the Court of Appeal **43(1)** An appeal to the Court of Appeal shall be founded on
- (a) the record of the proceedings before the Board, and
- (b) a copy of the finding and order of the Board.
- (2) The appellant may, on notice to the Registrar, apply to the Court of Appeal for an order staying all or any part of the decision of the Board pending the Court's decision on the appeal.
- Powers of Court of Appeal **44(1)** The Court of Appeal on hearing the appeal may
- (a) make any finding or order that in its opinion ought to have been made,
- (b) quash, vary or confirm the order or decision of the Board or any part of it,
- (c) refer the matter back to the Board for further consideration in accordance with any direction of the Court, or
- (d) direct that a new trial of any mixed questions of law and fact relating to a finding or order or both a finding and an order of the Board under section 40 be held before the Court of Queen's Bench.
- (2) The Court of Appeal may make any award as to the costs of an appeal to it that the Court considers appropriate.

PART 6 GENERAL

- Registrar's certificate **45** A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during a specified period,
- (a) a registered professional forester,
- (b) a forester-in-training, or
- (c) an officer of the Association or a member of the Board,
- shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the Registrar's appointment or signature.

Protection from liability

46(1) No action lies against

(a) the Registrar, the Association or a member of the Discipline Committee, the Board, the Practice Review Committee or the Registration Committee or any person acting on the instructions of any of them, or

(b) any member, officer or employee of the Association,

for anything done by him in good faith and in purporting to act under

(c) this Act,

(d) the regulations, or

(e) a by-law that relates to or is incidental to a professional matter or a matter of public interest that is or may be the subject of a regulation under section 47.

(2) No action for defamation may be founded on a communication that consists of or pertains to the conduct of a registered professional forester or forester-in-training if the communication is published to or by

(a) the Association,

(b) a member of the Board, the Discipline Committee, the Practice Review Committee or the Registration Committee,

(c) an officer or employee of the Association, or

(d) a person acting on the instructions of any of the persons or entities referred to in clauses (a) to (c),

in good faith in the course of investigating a complaint or in the course of any proceeding under this Act relating to the conduct of a registered professional forester or forester-in-training.

PART 7

REGULATIONS AND BY-LAWS

Regulations

47(1) The Board may make regulations

(a) respecting the establishment or adoption of standards of practice for the practice of forestry;

(b) establishing or adopting and providing for the publication of a code of ethics respecting the practice of forestry, the maintenance of the dignity and honour of the profession of forestry and the protection of the public interest;

(c) respecting practical experience and training requirements for applicants for registration as registered professional foresters;

(d) establishing conditions of eligibility for registration as a registered professional forester in addition to those referred to in clause (c);

(e) respecting the registration of foresters-in-training, including the conditions of eligibility for registration as a forester-in-train-

ing, and prescribing the rights, privileges and obligations of foresters-in-training;

(f) prescribing the number of voting members that constitutes a quorum of the Board, the Discipline Committee, the Practice Review Committee and the Registration Committee;

(g) respecting the procedures of the Discipline Committee, the Practice Review Committee and the Board in matters relating to the conduct or practice of registered professional foresters or foresters-in-training, whether or not a complaint has been made;

(h) respecting registration, the review of complaints and the practice of forestry generally;

(i) respecting the establishment and operation by the Board of a compulsory continuing education program for registered professional foresters;

(j) governing the publication of a notice of the suspension or cancellation of the registration of a registered professional forester or forester-in-training;

(k) governing the nature and contents of advertising by registered professional foresters;

(l) respecting reinstatement after cancellation or suspension of registration;

(m) governing voting by proxy on any matter relating to the Association.

(2) A regulation under subsection (1) does not come into force unless it has been approved by

(a) a majority of those registered professional foresters

(i) voting in person or by proxy at a general meeting, or

(ii) voting in a mail vote in accordance with the by-laws,

and

(b) the Lieutenant Governor in Council.

By-laws

48(1) The Board may make by-laws

(a) for the government of the Association and the management and conduct of its affairs;

(b) determining the location of the head office of the Association;

(c) respecting the calling of and conduct of meetings of the Association and the Board;

(d) respecting the nomination, election, number and term of office of Board members and officers of the Board and officers of the Association;

(e) providing for the appointment of acting members and of ex officio members of the Board;

- (f) governing, subject to this Act, the appointment of the Discipline Committee, the Registration Committee and the Practice Review Committee, the designation of chairmen and vice-chairmen, the appointment of acting members and the procedures for filling vacancies on any Committee and the appointment of ex officio members of any Committee and prescribing their powers, duties and functions;
- (g) governing the establishment, operation and proceedings of boards and committees, the appointment of members and of acting members and procedures for filling vacancies on boards and committees;
- (h) establishing classes or categories of membership in the Association in addition to registered professional foresters and foresters-in-training, establishing conditions of eligibility for registration and prescribing the rights, privileges and obligations of the members of those classes or categories;
- (i) providing for the appointment of an individual as an Acting Registrar who has all the powers and performs all of the duties of the Registrar under this Act, the regulations and the by-laws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;
- (j) prescribing the number of registered professional foresters that constitutes a quorum at meetings of the Association;
- (k) providing for the delegation of any power or duty of the Board under this Act, the regulations or the by-laws, with or without conditions;
- (l) prescribing fees and expenses payable to members of the Board and of committees and boards established under this Act, the regulations or the by-laws for attending to the business of the Association;
- (m) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit programs that the Board considers appropriate;
- (n) respecting the fees, dues and levies payable to the Association by registered professional foresters, foresters-in-training or any other class or category of membership of the Association and by applicants for registration;
- (o) respecting the establishment, contents and maintenance of registers for the purposes of section 13(1);
- (p) respecting the removal from the registers of any memorandum or entry made in them under this Act, the regulations or the by-laws;
- (q) respecting the publication of information and notices by the Registrar and the Association;
- (r) authorizing the Board to prescribe the form of a certificate of registration, an annual certificate and any other form or docu-

ment that may be required for the purposes of this Act, the regulations or the by-laws;

(s) prescribing the date on which an annual certificate expires;

(t) respecting the holding of votes by mail on any matter relating to the Association.

(2) A by-law under subsection (1) does not come into force unless it has been approved by a majority of those registered professional foresters

(a) voting in person or by proxy at a general meeting, or

(b) voting in a mail vote in accordance with the by-laws.

(3) The *Regulations Act* does not apply to by-laws of the Association.

PART 8

PROHIBITIONS AND PENALTIES

Holding out **49** A person whose registration is cancelled or suspended under this Act shall not hold himself out to be registered under this Act or entitled to practise forestry as a registered professional forester.

Penalties **50(1)** Every person who contravenes this Act is guilty of an offence and liable

(a) for a first offence, to a fine of not more than \$2000,

(b) for a 2nd offence, to a fine of not more than \$4000, and

(c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

(2) A prosecution under this section may be commenced within 2 years after the alleged commission of the offence, but not afterwards.

PART 9

TRANSITIONAL AND COMING INTO FORCE

Transitional **51(1)** *The Minister shall appoint the first Registrar for the purposes of this Act, who shall hold office until he is reappointed or replaced under section 7.*

(2) *The Minister shall appoint a board to be known as the Professional Foresters Review Board consisting of the following persons:*

(a) *1 employee of the branch of Government that is responsible for the administration of professions and occupations;*

(b) *1 member of the public;*

(c) *5 persons who are, in the Minister's opinion, knowledgeable in the practice of forestry.*

(3) *Notwithstanding section 16, the Registrar appointed under subsection (1) shall enter in the register of registered professional foresters the name of an applicant whose application for registration as a reg-*

istered professional forester is approved in accordance with this section and the regulations under subsection (10).

(4) A person who

(a) has been or is engaged in the practice of forestry in Alberta, and

(b) meets the requirements set out in the regulations under subsection (10),

may, within 1 year after the coming into force of this section, apply to the Professional Foresters Review Board under this section to be registered in the register of registered professional foresters.

(5) The Professional Foresters Review Board shall make a decision in accordance with the regulations under subsection (10) on applications made under subsection (4).

(6) The persons entered in the register of registered professional foresters under this section shall be the initial members of the Association.

(7) The Registrar shall forthwith advise the Minister when he has entered the names of 24 persons in the register of registered professional foresters under subsection (3), and the Minister shall appoint from those persons 7 persons who shall be the initial Board of the Association, notwithstanding section 8.

(8) The Minister shall prescribe the term of office of persons appointed under subsection (7) and shall appoint a chairman.

(9) The Board referred to in subsection (7)

(a) continues as the Board for the purposes of this Act until it is replaced by a Board constituted in accordance with section 8, and

(b) may make the initial regulations under section 47 and the initial by-laws under section 48, but shall not exercise any other powers under this Act.

(10) The Lieutenant Governor in Council may make regulations

(a) respecting the requirements, including the fee payable, that an applicant for registration under this section must meet;

(b) respecting the criteria on which the Professional Foresters Review Board may make a decision under this section;

(c) governing the procedures of the Professional Foresters Review Board, the designation of a chairman and a vice-chairman, the appointment of acting members of the Board and the procedure for filling vacancies on the Board;

(d) prescribing the powers, duties and functions of the members of the Professional Foresters Review Board;

(e) respecting the number of members that constitutes a quorum of the Professional Foresters Review Board;

(f) prescribing fees and expenses payable to members of the Professional Foresters Review Board, other than employees of the Government, for carrying out the functions of the Board.

Coming
into force

52 *This Act comes into force on Proclamation.*