

2017 Bill 25

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Third Session, 29th Legislature, 66 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 25**

## **REGULATED FORESTRY PROFESSION AMENDMENT ACT, 2017**

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THE MINISTER OF LABOUR

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 25

2017

### REGULATED FORESTRY PROFESSION AMENDMENT ACT, 2017

(Assented to \_\_\_\_\_, 2017)

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

**Amends RSA 2000 cR-13**

**1 The *Regulated Forestry Profession Act* is amended by this Act.**

**2 The title of the Act is repealed and the following is substituted:**

#### REGULATED FOREST MANAGEMENT PROFESSION ACT

**3 Section 1(1) is amended**

**(a) in clause (a) by striking out “college” and substituting “Association”;**

**(b) by adding the following after clause (a):**

(a.1) “Association” means the Association of Alberta Forest Management Professionals;

(a.2) “Chair” means the chair of the Association appointed or elected by the Council under section 7;

## Explanatory Notes

**1** Amends chapter R-13 of the Revised Statutes of Alberta 2000.

**2** The title of the Act presently reads:

*REGULATED FORESTRY PROFESSION ACT*

**3** Section 1(1) presently reads in part:

*1(1) In this Act,*

- (a) “alternative complaint resolution process” means a process to help the complainant, the college and the investigated person settle a complaint;*
- (b) “code of ethics” means a code of ethics adopted by a council under Part 8;*
- (c) “college” means the college of a regulated profession;*

- (c) in clause (b) by striking out “a council” and substituting “the Council”;**
- (d) by repealing clause (c);**
- (e) by adding the following after clause (e):**
  - (e.1) “complaint inquiry committee” means a complaint inquiry committee established under Part 1;
- (f) by repealing clause (g);**
- (g) by repealing clause (j) and substituting the following:**
  - (j) “Council” means the council of the Association;
- (h) in clause (o) by striking out “a college” and substituting “the Association”;**
- (i) in clause (q) by striking out “complaints director or other”;**
- (j) in clause (t) by striking out “a college” and substituting “the Association”;**
- (k) by repealing clause (w);**
- (l) in clause (x) by striking out “a college” and substituting “the Association”;**
- (m) by repealing clause (bb) and substituting the following:**
  - (bb) “Registrar” means the registrar of the Association;
- (n) in clause (cc) by striking out “a registration” and substituting “the registration”;**
- (o) in clause (ff) by striking out “a council” and substituting “the Council”.**

**4 The heading “College” preceding section 2 is struck out and the heading “Association” is substituted.**

- (g) *“complaints director” means the complaints director of a college;*
- (j) *“council” means the council of a college;*
- (o) *“hearings director” means the hearings director of a college;*
- (q) *“investigator” means the complaints director or other person who conducts an investigation under Part 4;*
- (t) *“other member” means a non-regulated member of a college registered on a register established under section 27(1)(b);*
- (w) *“president” means the president of a college;*
- (x) *“professional service” means a service provided by a regulated member of a college that comes within the practice of forestry;*
- (bb) *“registrar” means the registrar of a college;*
- (cc) *“registration committee” means a registration committee established under Part 1;*
- (ff) *“standards of practice” means standards of practice adopted by a council under Part 8;*

**4** The heading preceding section 2 presently reads:

**5 Section 2 is repealed and the following is substituted:**

**Association established**

**2(1)** The corporations known as the College of Alberta Professional Foresters and the College of Alberta Professional Forest Technologists are amalgamated, and the amalgamated corporation shall be known as the “Association of Alberta Forest Management Professionals”.

**(2)** The Association is a corporation that

- (a) consists of its members, and
- (b) has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

**6 Section 3 is amended**

**(a) in subsection (1)**

**(i) by striking out “A college” and substituting “The Association”;**

**(ii) in clause (e) by striking out “college” and substituting “Association”;**

**(b) in subsections (1.1) and (2) by striking out “A college” and substituting “The Association”;**

**(c) in subsection (3) by striking out “A college or a council or committee of a college” and substituting “The Association or the Council or a committee of the Association”.**

*Part 1*  
*Governance*  
*College*

**5** Section 2 presently reads:

*2 A college is a corporation that*

- (a) is created or continued in a schedule to this Act,*
- (b) consists of its regulated members and other members, and*
- (c) has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.*

**6** Section 3 presently reads:

*3(1) A college must*

- (a) carry out its activities and govern its regulated members in a manner that protects and serves the public interest,*
- (b) provide direction to and regulate the practice of the regulated profession by its regulated members,*
- (c) establish, maintain and enforce standards of practice, registration and continuing competence for the practice of the regulated profession,*
- (d) establish, maintain and enforce a code of ethics, and*
- (e) carry on the activities of the college and perform other duties and functions by the exercise of the powers conferred by this Act.*

*(1.1) A college may approve programs of study and education courses for the purposes of registration requirements.*

**7 Section 4 is amended**

**(a) in subsection (1)**

**(i) by striking out “A college” and substituting “The Association”;**

**(ii) in clause (c) by striking out “college’s” and substituting “Association’s”;**

**(b) in subsection (3) by striking out “college” and substituting “Association”.**

**8 The heading “Council, President and Registrar” preceding section 5 is struck out and the heading “Council, Chair and Registrar” is substituted.**

**9 Section 5 is amended**

**(a) in subsection (1)**



*(2) A college must not set professional fees, provide guidelines for professional fees or negotiate professional fees on behalf of any or all of its regulated members.*

*(3) A college or a council or committee of a college must not be a certified bargaining agent as defined in the Labour Relations Code.*

**7** Section 4 presently reads in part:

*4(1) A college must submit to the Minister an annual report of its activities in a form acceptable to the Minister that contains the information requested by the Minister, including but not restricted to,*

- (a) a statement respecting the number of complaints made and their disposition, including the number of hearings closed to the public in whole or in part, the number of appeals and the number of regulated members dealt with under Part 4;*
- (b) information respecting registration;*
- (c) a description of and information about the college's continuing competence program;*
- (d) a statement respecting the committees and tribunals established under this Act;*
- (e) audited financial information or financial information presented in a form and manner satisfactory to the Minister.*

*(3) The Minister may, to ensure that the requirements of this Act are met, require reports from the college in addition to the annual report under subsection (1).*

**8** The heading preceding section 5 presently reads:

*Council, President and Registrar*

**9** Section 5 presently reads in part:

*5(1) The governing body of a college is the council.*

- (i) **by striking out** “a college” **and substituting** “the Association”;
- (ii) **by striking out** “council” **and substituting** “Council”;
- (b) **in subsection (2) by striking out** “The council consists of the president and” **and substituting** “The Council consists of the Chair and”;
- (c) **in subsection (3)**
  - (i) **by striking out** “president” **and substituting** “Chair”;
  - (ii) **by striking out** “council” **and substituting** “Council”;
- (d) **by repealing subsection (5) and substituting the following:**
  - (5) Despite section 12(1),
    - (a) if a member described in subsection (2)(a), (b) or (c) is not capable of carrying out the powers or duties of a member, or
    - (b) if a position described in subsection 2(a), (b) or (c) is vacant because the member has resigned,

the Council may continue to carry out its powers and duties until a successor is appointed or elected.

**10 Section 6 is repealed and the following is substituted:**

**Council’s role**

**6** The Council manages and conducts the activities of the Association, exercises the rights, powers and privileges and carries out the duties of the Association in the name of and on behalf of the Association and carries out the powers and duties of the Council under this Act and the bylaws.

*(2) The council consists of the president and*

*(a) the regulated members provided for in the bylaws,*

*(b) the non-voting members, if any, provided for in the bylaws,  
and*

*(c) subject to section 12(1), the number of public members  
appointed by the Lieutenant Governor in Council.*

*(3) The president and the members described in subsection (2)(a)  
and (c) are the voting members of the council.*

*(5) Despite section 12, if a member described in subsection (2)(a),  
(b) or (c) is not capable of carrying out the powers and duties of a  
member, the council may continue to carry out its powers and duties  
until a successor is appointed or elected.*

**10** Section 6 presently reads:

*6 A council manages and conducts the activities of the college,  
exercises the rights, powers and privileges and carries out the duties  
of the college in the name of and on behalf of the college and carries  
out the powers and duties of the council under this Act and the  
bylaws.*

**11 Section 7 is repealed and the following is substituted:**

**Chair**

**7** The Council must appoint, elect or provide for the appointment or election of an individual to be the Chair for the purposes of this Act.

**12 Section 8 is repealed and the following is substituted:**

**Registrar**

**8** The Council must appoint or provide for the appointment of an individual to be the Registrar for the purposes of this Act.

**13 Section 10 is amended**

- (a) in subsections (1) and (2) by striking out “A council” and substituting “The Council”;**
- (b) in subsection (5) by striking out “council” and substituting “Council”.**

**11** Section 7 presently reads:

*7 A council must appoint, elect or provide for the appointment or election of an individual to be president for the purposes of this Act.*

**12** Section 8 presently reads:

*8 A council must appoint or provide for the appointment of an individual as registrar for the purposes of this Act.*

**13** Section 10 presently reads:

*10(1) A council*

*(a) may establish a competence committee consisting of no fewer than 3 members, the majority of whom must be regulated members, and*

*(b) if a competence committee is established, must designate a member of that committee to act as chair.*

*(2) A council may, by bylaw, direct the registration committee to carry out the powers and duties of a competence committee.*

*(3) A member of a competence committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.*

*(4) Despite subsection (1), if a member of a competence committee is not capable of carrying out the powers and duties of a member, the competence committee may continue a review of an application in which the member was participating and may carry out its powers and duties with respect to that review.*

*(5) A competence committee*

*(a) may make recommendations to the council on continuing competence requirements and the assessment of those requirements,*

**14 Section 12 is amended**

**(a) in subsection (1)**

**(i) by striking out** “a council” **and substituting** “the Council, a complaint inquiry committee”;

**(ii) by striking out** “the council” **and substituting** “the Council”;

**(b) in subsection (2)**

**(i) by striking out** “a council” **and substituting** “the Council”;

**(ii) by adding** “complaint inquiry committee or a” **before** “complaint review committee”;

**(c) by repealing subsection (3).**

**15 Section 13 is amended**

**(a) in subsection (1)**

**(i) in clause (a)**

**(A) by striking out** “affected council” **and substituting** “Council”;

**(B) by striking out** “a council” **and substituting** “the Council”;

**(ii) in clause (b) by adding** “complaint inquiry committees,” **after** “establishing”;

**(b) in subsection (2)**

**(i) by striking out** “to be appointed”;

- (b) may assess applications for practice permits, and*
- (c) may undertake any other power or duty given to it under this Act or the bylaws.*

**14** Section 12 presently reads:

*12(1) Twenty-five percent of the voting members of a council, a complaint review committee and a hearing tribunal and of a panel of any of them must be public members, but with the consent of the council the percentage of the public members may be greater than 25%.*

*(2) Despite the bylaws governing quorum, the number of public members required by subsection (1) must be present at an appeal under Part 4 before a council, a ratification of a settlement and a review by a complaint review committee and a hearing by a hearing tribunal.*

*(3) Despite subsections (1) and (2), the powers and duties of a council, complaint review committee or hearing tribunal or a panel of any of them are not affected by a vacancy in the office of a public member for up to 2 years from the date that this Act comes into force.*

**15** Section 13 presently reads in part:

*13(1) Subject to subsection (2), the Lieutenant Governor in Council*

- (a) may, after the Minister has consulted with the affected council, appoint and rescind the appointment of public members to a council, and*
- (b) may appoint persons to a list of public members for the purpose of establishing complaint review committees and hearing tribunals.*

*(2) The following are not eligible to be appointed as public members:*

- (a) with respect to an appointment to a college, a person who is a regulated member of that college;*

**(ii) in clause (a)**

**(A) by striking out “a college” and substituting “the Association”;**

**(B) by striking out “that college” and substituting “the Association”;**

**(iii) by adding the following after clause (a):**

(a.1) a non-resident of Alberta;

**(iv) in clause (b) by striking out “a college” and substituting “the Association”;**

**(c) in subsection (3)**

**(i) by striking out “a hearings director” and substituting “the hearings director”;**

**(ii) by striking out “college” and substituting “Association”;**

**(d) by adding the following after subsection (3):**

**(3.1)** The public members of a complaint inquiry committee are the persons designated by the Council from the list of public members, other than regulated members of the Association, established under subsection (1)(b).

**(e) in subsection (5) by striking out “a council” and substituting “the Council”.**

**16 Section 14 is amended**

**(a) by repealing subsection (1) and substituting the following:**

**Hearings director**

**14(1)** The Council must provide for the appointment of an individual as a hearings director for the purposes of this Act.

**(b) in subsection (2) by striking out “A hearings director” and substituting “The hearings director”;**

;



*(b) a person who represents or is normally engaged in representing a group of employees who are regulated members in the negotiation of collective bargaining agreements or in any proceedings under a collective bargaining agreement with respect to regulated members or who negotiates or sets professional fees or guidelines on professional fees on behalf of regulated members of a college.*

*(3) The public members of a complaint review committee and a hearing tribunal are the persons designated by a hearings director from the list of public members, other than regulated members of the college, established under subsection (1)(b).*

*(5) A member of a council appointed under subsection (1)(a) continues to be an appointed member after the expiry of the term of the appointment until the member is reappointed, the member's appointment is rescinded or a successor is appointed.*

**16** Section 14 presently reads:

*14(1) A council must provide for the appointment of an individual as a hearings director for the purposes of this Act.*

*(2) A hearings director may not chair or participate in a hearing, review or appeal under Part 4.*

*(3) A council must provide for the appointment of an individual as a complaints director for the purposes of this Act.*

(c) by repealing subsection (3).

**17 Section 15(1) is repealed and the following is substituted:**

**Membership lists**

**15(1)** The Council must appoint members to a membership list consisting of no fewer than 4 regulated members to be used for appointing members to the hearing tribunals, complaint inquiry committees and complaint review committees.

**18 Section 16 is amended**

(a) by adding the following after subsection (1):

(1.1) A public member of a complaint review committee cannot be appointed as a member of a hearing tribunal or complaint inquiry committee.

(b) by repealing subsection (3)(b) and substituting the following:

(b) the complaint review committee may continue to review and ratify a settlement under section 49, conduct a review under section 57 in which the member was participating and ratify a sanction agreement under section 58.1 and may carry out its powers and duties with respect to that settlement, review or ratification.

**17** Section 15(1) presently reads:

*15(1) A council must appoint members to a membership list consisting of no fewer than 4 regulated members to be used for appointing members to both hearing tribunals and complaint review committees.*

**18** Section 16 presently reads:

*16(1) The hearings director may establish a hearing tribunal and a complaint review committee consisting of*

- (a) 2 or more members from the membership list established under section 15, and*
- (b) the number of public members required by section 12(1),*

*and if a hearing tribunal or complaint review committee is established, the hearings director must designate a member of that tribunal or committee to act as chair.*

*(2) Despite section 13(4), a member of a hearing tribunal or of a complaint review committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.*

*(3) Despite section 12(2), if any member of a hearing tribunal or of a complaint review committee is not capable of carrying out the powers and duties of a member,*

- (a) the hearing tribunal may continue to hold a hearing in which the member was participating and may carry out its powers and duties with respect to that hearing, and*
- (b) the complaint review committee may continue to review and ratify a settlement under section 49 and to conduct a review under section 57 in which the member was participating and may carry out its powers and duties with respect to that settlement or review.*

**19 The following is added after section 16:**

**Complaint inquiry committee established**

**16.1(1)** The Council must establish a complaint inquiry committee consisting of

- (a) 3 members from the membership list established under section 15, and
- (b) the number of public members required by section 12(1),

and the Council must designate a member of that committee to act as chair.

**(2)** A public member of a complaint inquiry committee cannot be designated as a member of a hearing tribunal or the complaint review committee.

**(3)** Despite section 13(4), a member of a complaint inquiry committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.

**(4)** Despite section 12(2), if any member of a complaint inquiry committee is not capable of carrying out the powers and duties of a member, and if the matter is already before the complaint inquiry committee, the complaint inquiry committee may continue to carry out its powers and duties with respect to that matter.

**(5)** All members of a complaint inquiry committee are voting members.

**20 Section 17(2) is amended by striking out “and conducting reviews under section 57” and substituting “, conducting reviews**

*(4) All members of a hearing tribunal or of a complaint review committee are voting members.*

*(5) The hearings director may direct one or more hearing tribunals or complaint review committees established under this section to carry out any power or duty that a hearing tribunal or complaint review committee may carry out under this Act.*

**19** Complaint inquiry committee established.

**20** Section 17 presently reads:

under section 57 and ratifying sanction agreements under section 58.1”

**21 Section 18 is amended by striking out “a council” and “the council” wherever they occur and substituting “the Council”.**

*17(1) A hearing tribunal's powers and duties include holding hearings under this Act.*

*(2) A complaint review committee's powers and duties include reviewing and ratifying settlements under section 49 and conducting reviews under section 57.*

**21** Section 18 presently reads:

*18(1) Subject to section 12,*

*(a) a person or committee designated by a council may designate 3 or more members of the council to sit as a panel of the council and designate a member of the panel to act as chair, or*

*(b) the chair of the registration committee and of the competence committee may designate 3 or more members of the registration committee or competence committee to sit as a panel of the registration committee or competence committee and designate a member of the panel to act as chair.*

*(2) A person or committee designated by a council may direct a panel of the council to carry out the powers and duties of the council with respect to a review under Part 2 and an appeal under Part 4.*

*(3) The chair of the registration committee or of the competence committee may direct a panel of the registration committee or of the competence committee to carry out any power or duty that the registration committee or competence committee may carry out under this Act.*

*(4) If a member designated under subsection (1) is not capable of carrying out the powers and duties of a member, the panel may continue an appeal or review an application in which the member was participating and may carry out its powers and duties with respect to that appeal or application.*

*(5) A power or duty carried out by a panel of the council, of the registration committee or of the competence committee is a power or duty carried out by the council, registration committee or competence committee.*

**22 Section 19 is amended**

- (a) in subsections (1) and (2) by striking out “A council” and substituting “The Council”;**
- (b) in subsection (3) by striking out “a council” and “the council” and substituting “the Council”;**
- (c) in subsection (4) by striking out “a council” and substituting “the Council”.**

**23 Section 20(3) is amended**

- (a) by repealing clause (a) and substituting the following:**
  - (a) the powers and duties of a complaint inquiry committee, a complaint review committee and a hearings director may not be delegated to the same person or committee, and
- (b) by repealing clause (b) and substituting the following:**
  - (b) a complaint review committee, a hearing tribunal or the Council or a panel of the Council may not delegate its powers or duties with respect to a review or appeal under Part 4.



*(6) Two or more panels of the council, of the registration committee or of the competence committee may carry out their powers and duties simultaneously.*

*(7) Any reference in this Act or any other enactment to a council, registration committee or competence committee is deemed to be also a reference to a panel of the council, a panel of the registration committee or a panel of the competence committee.*

**22** Section 19 presently reads:

*19(1) A council may delegate any of its powers and duties to one or more persons, panels or committees, except the power to make regulations or bylaws and to adopt a code of ethics or standards of practice.*

*(2) A council may impose conditions on a delegation under subsection (1).*

*(3) When a council delegates a power or duty, it may authorize the person or committee to further delegate the power or duty, subject to any conditions imposed by the council.*

*(4) Any reference in this Act or any other enactment to a council is deemed to be also a reference to a delegate and to a delegate of the delegate under this section.*

**23** Section 20(3) presently reads:

*(3) Despite subsection (1),*

*(a) the powers and duties of both a complaints director and a hearings director may not be delegated to the same person, and*

*(b) a complaint review committee, a hearing tribunal or a council or panel of council may not delegate its powers or duties with respect to a review or appeal under Part 4.*

**24 Section 21(1) is amended**

- (a) by striking out “A council” and substituting “The Council”;**
- (b) in clause (a) by striking out “complaints director” and substituting “chair of the complaint inquiry committee”;**
- (c) in clause (c) by striking out “registrar” and substituting “Registrar”;**
- (d) in clause (d) by striking out “president” and substituting “Chair”;**
- (e) in clause (e) by striking out “council” and substituting “Council”.**

**25 Section 22 is amended**

- (a) in subsection (1) by striking out “registrar” wherever it occurs and substituting “Registrar”;**
- (b) in subsection (2) by repealing clause (b) and substituting the following:**
  - (b) by being registered with a professional regulatory organization that regulates the practice of forestry, in a province or territory that is a signatory to one or more domestic trade agreements that are in force in Alberta at the time the application is made, or**

**24** Section 21(1) presently reads:

*21(1) A council must establish and keep up to date a directory that contains the names of and how to contact*

- (a) the complaints director and any delegate;*
- (b) the hearings director and any delegate;*
- (c) the registrar and any delegate;*
- (d) the president and any delegate;*
- (e) the council and any delegate and any delegate of the delegate.*

**25** Section 22 presently reads:

*22(1) An application for registration as a regulated member is complete for the purpose of consideration under section 23(3) if it is in the required form and given to the registrar by the applicant along with*

- (a) evidence of meeting the requirements for competence in the practice of the profession as required by subsection (2),*
- (b) the fees provided for in the bylaws,*
- (c) evidence of having the amount and type of professional liability insurance, if insurance is required by the regulations,*
- (d) evidence of being a Canadian citizen or a person lawfully permitted to work or study in Canada, if required by the regulations,*
- (e) evidence of having good character and reputation, if required by the regulations,*
- (f) evidence of meeting standards of language proficiency, if required by the regulations, and*

**26 Section 23 is amended**

- (a) by striking out “registrar” wherever it occurs and substituting “Registrar”;**
- (b) by striking out “college” and substituting “Association”.**

(g) *any information required by the registrar for the purposes of section 27(3) and (4) and any other information required to be provided under the regulations.*

(2) *An applicant must provide evidence of competence in the practice of the profession*

(a) *by fulfilling one or more of the following as required by the regulations:*

(i) *education requirements, that may include being enrolled in a program of studies,*

(ii) *experience requirements,*

(iii) *successful completion of examinations, or*

(iv) *holding degrees, certificates or diplomas,*

(b) *by being registered with a profession in another jurisdiction recognized by the regulations or the council as having substantially equivalent competence and practice requirements and meeting the requirements for persons to be registered with that profession in that jurisdiction and by meeting any additional requirements set out in the regulations, or*

(c) *by satisfying the registration committee of having, as determined in accordance with the regulations, a combination of education, experience, practice or other qualifications that demonstrates the competence required for registration as a regulated member.*

**26** Section 23 presently reads:

*23(1) The registrar must, as soon as reasonably possible on receipt of an application for registration as a regulated member, give notice to the applicant that the application has been received, whether it is complete and, if it is not complete, how it is not complete.*

*(2) When an incomplete application is made complete by the applicant the registrar must, as soon as reasonably possible, give notice to the applicant that a complete application has been received.*

**27 Section 25 is amended**

- (a) by striking out “registrar” wherever it occurs and substituting “Registrar”;**
- (b) by striking out “council” wherever it occurs and substituting “Council”;**
- (c) by striking out “college” and substituting “Association”.**

*(3) On receipt of a complete application, the registrar, registration committee or competence committee, as provided for in the bylaws, must consider the application and make a decision under section 24 and notify the applicant of the decision as soon as reasonably possible.*

*(4) An application for registration as an other member under section 27(1)(b) must be considered by the college in accordance with the bylaws.*

**27** Section 25 presently reads:

*25(1) An applicant whose application for registration is accepted subject to conditions or whose registration is deferred or whose application is refused by the registrar, registration committee or competence committee may, within 30 days after being given a copy of the decision, request a review by the council in accordance with subsection (3).*

*(2) An applicant who is not notified of a decision by the date described in section 24(5) may, within 30 days from that date, request a review by the council in accordance with subsection (3).*

*(3) A request for a review must*

*(a) be in writing,*

*(b) set out the reasons why the application for registration should be approved with or without conditions, and*

*(c) be given to the registrar, who must give a copy of the request to the council.*

*(4) On being given a request for a review, the registrar must, within 30 days, notify the applicant of the date, time and place at which the council will conduct the review.*

*(5) A review must be commenced not later than 60 days after the registrar is given the request for a review.*

*(6) The college may, in accordance with the regulations, charge a fee for a review.*

**28 Section 26 is amended**

- (a) by striking out “council” wherever it occurs and substituting “Council”;**
- (b) by striking out “registrar” wherever it occurs and substituting “Registrar”.**

**29 Section 27 is amended**

- (a) in subsection (1) by striking out “A council” and substituting “The Council”;**
- (b) in subsections (3), (4) and (5) by striking out “registrar” wherever it occurs and substituting “Registrar”.**



**28** Section 26 presently reads:

*26(1) An applicant and the registrar, registration committee or competence committee may appear with or without counsel and make representations to the council at a review.*

*(2) On reviewing a decision pursuant to a request for a review under section 25, the council may*

*(a) confirm, reverse or vary the decision of the registrar, registration committee or competence committee and make any decision that the registrar, registration committee or competence committee could have made, or*

*(b) refer the matter back to the registrar, registration committee or competence committee and direct the registrar, registration committee or competence committee to make a further assessment of the application and make a decision under section 24 on the application,*

*and may make any further order the council considers necessary for the purposes of carrying out the decision.*

*(3) The council must conduct the review as soon as reasonably possible and on making a decision must give the applicant and the registrar a copy of its decision with the reasons for the decision.*

**29** Section 27 presently reads:

*27(1) A council*

*(a) must establish, in accordance with the regulations, a regulated member register for one or more categories of members who provide professional services of the regulated profession, and*

*(b) may, in accordance with the bylaws, establish other member registers for one or more categories of non-regulated members.*

*(2) The name of a regulated member who is suspended remains in the register.*

**30 Section 28 is amended**

- (a) in subsection (1) by striking out “college” and substituting “Association”;**
- (b) in subsection (2) by striking out “A college” and substituting “The Association”.**

*(3) The registrar must enter the following information for each regulated member in the appropriate category of register established under subsection (1)(a):*

- (a) the full name of the member;*
- (b) the member's unique registration number;*
- (b.1) whether the member's registration is restricted to a period of time and, if so, the period of time;*
- (c) any conditions imposed on the member's practice permit;*
- (d) the status of the member's practice permit, including whether it is suspended or cancelled;*
- (e) information described in section 89(1) or required by regulation.*

*(4) The registrar may, in accordance with the regulations,*

- (a) enter in a register described in subsection (1)(a) information in addition to that required by subsection (3), and*
- (b) remove information from a register.*

*(5) The registrar may, if authorized by the bylaws, enter in a register and remove from the register information about members registered under subsection (1)(b).*

**30** Section 28 presently reads:

*28(1) If a member of the public, during regular business hours, requests information in the register respecting a named regulated member, the college must provide the information described in section 27(3) with respect to that member.*

*(2) A college may, in accordance with the regulations or the bylaws, release information about its members in addition to the information referred to in subsection (1).*

**31 Section 29 is repealed and the following is substituted:**

**Register error**

**29** The Council, a hearing tribunal, the registration committee, the complaint review committee or the competence committee may direct the Registrar to correct or remove, and the Registrar may correct or remove, any entry made in error in a register.

**32 Section 30 is amended**

- (a) in subsections (1) and (2) by striking out “registrar” wherever it occurs and substituting “Registrar”;**
- (b) in subsection (3)**
  - (i) by repealing clause (c) and substituting the following:**
    - (c) the name of the Association;
  - (ii) in clause (d) by striking out “*Regulated Forestry Profession Act*” and substituting “*Regulated Forest Management Profession Act*”;**
  - (iii) in clause (f) by striking out “college” and substituting “Association”;**
- (c) in subsection (4)**
  - (i) by striking out “a college” and substituting “the Association”;**
  - (ii) by striking out “the college” and substituting “the Association”.**

**31** Section 29 presently reads:

*29 The council, a hearing tribunal, the registration committee, the complaint review committee or the competence committee may direct the registrar to correct or remove, and the registrar may correct or remove, any entry made in error in a register.*

**32** Section 30 presently reads in part:

*30(1) If an application for registration as a regulated member has been approved, the registrar must assign that member a unique registration number and enter the information required by section 27(3) in the appropriate register.*

*(2) On entering the name of a person in the register of regulated members, the registrar must issue the person a practice permit.*

*(3) A practice permit must include*

- (a) the name of the regulated member;*
- (b) the regulated member's unique registration number;*
- (c) the name of the college that is issuing the practice permit;*
- (d) a statement that the practice permit is issued pursuant to the Regulated Forestry Profession Act;*
- (e) any conditions imposed on the regulated member's practice permit;*
- (f) the category of registration if the college has more than one category of regulated member;*
- (g) the expiry date of the practice permit.*

*(4) If a college issues a registration document in addition to a practice permit, the college must clearly state on the registration document that it is not a practice permit.*

**33 Section 35 is amended**

- (a) by striking out “council” wherever it occurs and substituting “Council”;**
- (b) by striking out “registrar” wherever it occurs and substituting “Registrar”;**
- (c) in subsection (8) by striking out “college” and substituting “Association”.**

**33** Section 35 presently reads:

*35(1) An applicant whose practice permit is issued subject to conditions, suspended or refused by the registrar, registration committee or competence committee may, within 30 days after being given a copy of the decision, request a review by giving the registrar a written request for a review that sets out the reasons why the application should be approved with or without conditions.*

*(2) On being given a request for a review, the registrar must, within 30 days, notify the applicant of the date, time and place at which the council will conduct the review.*

*(3) A review must be commenced not later than 60 days after the registrar is given the request for a review.*

*(4) A regulated member whose practice permit is suspended under this section may apply to the registrar for a stay of the suspension until the council makes a decision under subsection (6), and the person or committee designated by the council must consider and make a decision on the application.*

*(5) The applicant and the registrar, registration committee or competence committee may appear with or without counsel and make representations to the council at a review.*

*(6) On completing a review, the council may*

*(a) confirm, reverse or vary the decision of the registrar, registration committee or competence committee and make any decision that the registrar, registration committee or competence committee could have made, or*

*(b) refer the matter back to the registrar, registration committee or competence committee and direct the registrar, registration committee or competence committee to make a further assessment of the application for a practice permit and make a decision under section 34(2) on the application,*

*and may make any further order the council considers necessary for the purposes of carrying out the decision.*

*(7) The council must give the applicant and the registrar a written copy of its decision under subsection (6) with the reasons for the decision.*

**34 Section 40 is amended**

**(a) in subsection (2)**

**(i) by striking out “college” and substituting “Association”;**

**(ii) by striking out “registrar” wherever it occurs and substituting “Registrar”;**

**(b) in subsection (3) by striking out “registrar” and substituting “Registrar”;**

**(c) in subsection (4) by striking out “college” and substituting “professional regulatory organization”.**

**35 Section 43.1 is amended**



*(8) The college may, in accordance with the regulations, charge a fee for a review.*

**34** Section 40 presently reads:

*40(1) A person must apply for registration if the person*

*(a) is qualified to meet the requirements of section 22(2) for registration as a regulated member, and*

*(b) intends to provide any or all of the following:*

*(i) professional services on public land;*

*(ii) the teaching of the practice of a regulated profession to regulated members or students of the regulated profession;*

*(iii) the supervision of regulated members who provide professional services on public land.*

*(2) If the registrar is of the opinion that a person who is not a regulated member meets or may meet the requirements of subsection (1)(a) with respect to the college and provides any or all services described in subsection (1)(b), the registrar may give that person a written request to apply for registration.*

*(3) A person who receives a request under subsection (2) must give a complete application for registration, except for the application fee, to the registrar within 30 days after receiving the request and the application fee must be paid prior to registration.*

*(4) This section does not apply to a person who is*

*(a) a regulated member of another college,*

*(b) a student of a regulated profession, or*

*(c) authorized to provide any services referred to in subsection (1) pursuant to another enactment.*

**35** Section 43.1 presently reads:

- (a) **by striking out** “complaints director” **wherever it occurs and substituting** “complaint inquiry committee”;
- (b) **by striking out** “registrar” **wherever it occurs and substituting** “Registrar”.

**36 The following is added after section 44:**

**Particulars and response**

**44.1(1)** The complaint inquiry committee must, within 30 days after receiving a complaint, provide the complaint and particulars of the complaint to any regulated member or former member whose conduct is the subject of an action taken under section 45.

**(2)** A regulated member or former member who receives a complaint and particulars of a complaint under subsection (1) must respond in writing to the complaint or the particulars of the complaint to the complaint inquiry committee within 30 days after receiving the complaint and the particulars of the complaint or within any other period agreed to by the complaint inquiry committee.

**(3)** This section does not apply if the complaint inquiry committee has dismissed the complaint under section 45(2)(e) or (f).

*43.1(1) A competence committee, registration committee or registrar must make a referral to the complaints director if, on the basis of information obtained from a continuing competence program, the competence committee, registration committee or registrar is of the opinion that a regulated member has intentionally provided false or misleading information respecting participation in a continuing competence program.*

*(2) A competence committee must make a referral to the complaints director if, on the basis of information obtained from a continuing competence program, it is of the opinion that*

- (a) the regulated member displays a lack of competence in the provision of professional services that has not been remedied by participating in the continuing competence program, or*
- (b) the conduct of the regulated member constitutes unprofessional conduct that cannot be readily remedied by means of the continuing competence program.*

**36** Particulars and response.

**37 Section 45 is amended**

- (a) by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”;**
- (b) in subsection (2)(d) by striking out “may conduct, or appoint an investigator to conduct,” and substituting “may appoint an investigator to conduct”;**
- (c) by adding the following after subsection (2):**
  - (2.1)** Despite the bylaws governing quorum, the chair of the complaint inquiry committee may sit alone to hear and decide questions relating to matters set out in the regulations.
  - (2.2)** The chair of the complaint inquiry committee sitting alone and deciding questions relating to matters set out in the regulations may make any decision within the jurisdiction of the complaint inquiry committee and is deemed to be the complaint inquiry committee for the purposes of this Act.

**38 Section 47 is amended**

- (a) in subsections (1) and (4) by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”;**
- (b) in subsection (2)**
  - (i) by striking out “complaints director” and substituting “complaint inquiry committee”;**

**37** Section 45 presently reads:

*45(1) Within 30 days after being given a complaint or treating information as a complaint, the complaints director must give notice to the complainant of the action taken with respect to it.*

*(2) The complaints director*

- (a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,*
- (a.1) may, with the consent of the complainant and the investigated person, attempt to resolve the complaint,*
- (b) may make a referral to an alternative complaint resolution process under Division 2,*
- (c) may request an expert to assess and provide a written report on the subject-matter of the complaint,*
- (d) may conduct, or appoint an investigator to conduct, an investigation,*
- (e) if satisfied that the complaint is trivial or vexatious, may dismiss the complaint, and*
- (f) if satisfied that there is insufficient or no evidence of unprofessional conduct, may dismiss the complaint.*

*(3) If the complaints director dismisses the complaint, the complaints director must, within 30 days, give notice to the complainant of the dismissal and the right to apply for a review by the complaint review committee under section 57.*

**38** Section 47 presently reads:

*47(1) The complaints director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process provided for in the regulations at any time before the commencement of a hearing by a hearing tribunal.*

**(ii) by striking out “college” and substituting “Association”;**

**(c) by repealing subsection (6) and substituting the following:**

**(6)** A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if

- (a) in the opinion of that person a settlement is not likely to occur, or
- (b) the complaint review committee does not ratify the settlement under section 49,

the person must notify the complaint inquiry committee.

**(d) in subsections (7) and (8) by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”;**

**(e) by adding the following after subsection (8):**

**(9)** The complaint inquiry committee may continue to take any steps under this Division even if the complaint is resolved as between the complainant and the investigated party pursuant to this section.

*(2) If the complaints director makes a referral under subsection (1), a regulated member of the college must participate in or conduct the alternative complaint resolution process.*

*(3) The person who conducts an alternative complaint resolution process must be impartial and must act impartially.*

*(4) If a report has been prepared under section 45(2)(c) with respect to the complaint, the complaints director must submit a copy of the report to the person conducting the alternative complaint resolution process.*

*(5) The person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.*

*(6) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if*

*(a) in the opinion of that person a settlement is not likely to occur, or*

*(b) the complaints review committee does not ratify the settlement under section 49,*

*the person must notify the complaints director.*

*(7) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the complaints director, and the complaints director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (8).*

*(8) On being notified under subsection (6) or section 49(7)(b) or on deciding under subsection (7) to process a matter under this subsection, the complaints director must*

*(a) if an investigation has not been commenced, commence an investigation under Division 3,*

**39 Section 49 is amended**

- (a) in subsections (3), (4) and (5) by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”;**
- (b) in subsection (6) by striking out “college” and substituting “Association”;**
- (c) in subsection (7) by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”.**



- (b) *if an investigation has been commenced but no report of the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report,*
- (c) *dismiss the complaint, or*
- (d) *in all other cases, refer the matter to the hearings director for a hearing.*

**39** Section 49 presently reads:

*49(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the complaint review committee.*

*(2) The complaint review committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),*

- (a) ratify the settlement,*
- (b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or*
- (c) refuse to ratify the settlement.*

*(3) The complaint review committee must notify the complaints director of its actions under subsection (2).*

*(4) On being aware that a ratified settlement is not complied with, the complaints director may*

- (a) treat it as information and act on it on under section 45, or*
- (b) treat it as a complaint and refer it to the hearings director for a hearing.*

*(5) If the complaints director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the complaints director must notify the complainant and the investigated person.*

**40 Section 52(3) is amended by striking out** “The complaints director, on the request of an investigator or without a request if the complaints director is the investigator,” **and substituting** “The complaint inquiry committee, on the request of an investigator,”.

*(6) The college must retain a copy of a ratified settlement and must release information related to the complaint, investigated person and ratified settlement as required by this Act and*

- (a) may publish, in accordance with the bylaws, information respecting a complaint and a ratified settlement, and*
- (b) may reveal the identity of the investigated person or the complainant, or both, if it is authorized to do so by the ratified settlement.*

*(7) Subject to subsections (4) and (6), if a ratified settlement*

- (a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or*
- (b) relates to only part of the matters complained of or that arose during the alternative complaint resolution process, the person who conducted the alternative complaint resolution process must notify the complaints director of the matters that do not form part of the ratified settlement, and the complaints director must act on it under section 47(8).*

**40** Section 52(3) presently reads:

*(3) The complaints director, on the request of an investigator or without a request if the complaints director is the investigator, may apply to the Court of Queen's Bench for*

- (a) an order directing any person*
  - (i) to give to the investigator any documents, substances or things relevant to the investigation in the person's possession or under the person's control,*
  - (ii) to give up possession of any document described in subclause (i) to allow the investigator to take it away to copy it, in which case the investigator must return it within a reasonable time after receiving it but return it no later than after a hearing is completed, or*

**41 Section 54 is amended**

**(a) in subsection (1)**

**(i) by striking out “complaints director” and substituting “complaint inquiry committee”;**

**(ii) by striking out “council” and substituting “Council”;**

**(b) in subsection (3) by striking out “registrar” and substituting “Registrar”.**

**42 Section 55 is amended**

**(a) by repealing subsection (1) and substituting the following:**

**Report of investigation**

**55(1)** When an investigator concludes an investigation, the investigator must make a report within a reasonable time and submit the report to the complaint inquiry committee.

- (iii) *to give up possession of any substance or thing described in subclause (i) to allow the investigator to take it away, examine it and perform tests on it, in which case the investigator must return it, if possible, within a reasonable time of being given it but return it, if possible, no later than after a hearing is completed;*
- (b) *an order directing any person to attend before the investigator to answer any relevant questions the investigator may have relating to the investigation.*

**41** Section 54 presently reads in part:

*54(1) On the recommendation of the complaints director or a hearing tribunal, a person or committee designated by the council may*

*(a) impose conditions on an investigated person's practice permit generally or with respect to any area of the practice of that regulated profession, including the condition that the investigated person*

*(i) practise under supervision, or*

*(ii) practise with one or more other regulated members,*

*or*

*(b) suspend the practice permit of an investigated person,*

*until the completion of proceedings under this Part.*

*(3) A copy of an application under subsection (2) must be given to the registrar.*

**42** Section 55 presently reads:

*55(1) When an investigator concludes an investigation, the investigator must make a report within a reasonable time and, if the investigator is not the complaints director, submit the report to the complaints director.*

- (b) in subsections (2), (3) and (4) by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”.**

**43 Section 57 is amended**

- (a) in subsection (2) by striking out “complaints director” and substituting “complaint inquiry committee”;**
- (b) in subsection (5)(b) by striking out “complaints director to conduct or” and substituting “complaint inquiry committee to”.**

*(2) If, on reviewing a report made under this section, the complaints director determines that the report is not complete or that the investigation was not properly conducted, the complaints director*

- (a) must direct the investigator, or appoint another investigator, to undertake a further investigation and make a report and submit it to the complaints director, and*
- (b) may request an expert to assess and prepare a written report on the subject-matter of the complaint or matters arising from the investigation of the complaint.*

*(3) If, on reviewing a report prepared under this section or section 57(5)(b), the complaints director determines that the investigation is concluded, the complaints director must*

- (a) refer the matter to the hearings director for a hearing, or*
- (b) dismiss the complaint, if in the opinion of the complaints director*
  - (i) the complaint is trivial or vexatious, or*
  - (ii) there is insufficient or no evidence of unprofessional conduct.*

*(4) Despite subsection (3)(a), if the hearing tribunal has not commenced a hearing and the complaints director learns of new evidence that causes the complaints director to be of the opinion that the complaint is trivial or vexatious or there is insufficient or no evidence of unprofessional conduct, the complaints director may withdraw the complaint from the hearings director and the hearing tribunal and dismiss the complaint.*

**43** Section 57 presently reads in part:

*(2) Despite section 14(2), on receipt of an application under subsection (1), the hearings director must notify the investigated person, give a copy of the application to the complaint review committee and direct the complaints director to give a copy of the report made under section 55 to a complaint review committee.*

*(5) The complaint review committee, on complying with subsection (3), must*

**44 Section 58 is amended**

- (a) by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”;**
- (b) by striking out “council” and substituting “Council”.**

**45 The following is added after section 58:**

**Sanction agreements**

**58.1(1)** At any time after a complaint has been made but before a hearing tribunal starts to hear evidence about an allegation of unprofessional conduct, the complaint inquiry committee and the investigated party may, in accordance with this section, enter into an agreement

- (a) setting out the relevant agreed facts,



- (a) *refer the matter to the hearings director for a hearing,*
- (b) *direct the complaints director to conduct or appoint an investigator to conduct a further investigation and to prepare a report on the further investigation and submit it to the complaint review committee for its consideration before acting under clause (a) or (c), or*
- (c) *confirm that the complaint is dismissed, if in the opinion of the complaint review committee*
  - (i) *the complaint is trivial or vexatious, or*
  - (ii) *there is insufficient or no evidence of unprofessional conduct.*

**44** Section 58 presently reads:

*58 Within 90 days after receiving a referral for a hearing, the hearings director must set a date for a hearing with respect to the complaint unless*

- (a) *the complaints director dismisses the complaint under section 55(4),*
- (b) *the person or committee designated by the council grants, on reasonable grounds, an extension on application by the hearings director, or*
- (c) *the complaints director and the investigated person agree to an extension.*

**45** Sanction agreements.

- (b) admitting the unprofessional conduct of the investigated party, and
  - (c) stating the sanction to be imposed on the investigated party, including any one or more of the orders described in section 71.
- (2) The complaint inquiry committee must refer the proposed sanction agreement under subsection (1) to the complaint review committee, and cannot enter into a sanction agreement unless the complaint review committee has ratified the sanction agreement under subsection (3).
- (3) The complaint review committee may, on reviewing a proposed sanction agreement referred to it under subsection (2),
  - (a) ratify the sanction agreement, or
  - (b) refuse to ratify the sanction agreement.
- (4) The complaint review committee must notify the complaint inquiry committee of its actions under subsection (3).
- (5) If the complaint inquiry committee is unable to enter into an agreement under this section, the proceedings under this Division continue.
- (6) If an agreement is made under this section,
  - (a) each admission of unprofessional conduct is to be considered and treated, for all purposes, as a finding of unprofessional conduct made by a complaint inquiry committee, and
  - (b) the agreement is to be considered and treated, for all purposes, as a decision and order of a hearing tribunal.
- (7) The complaint inquiry committee must give the complainant written notification of any agreement made under this section.
- (8) An agreement made under this section may not be appealed to the hearing tribunal.
- (9) If the complaint inquiry committee is of the opinion that there are reasonable and probable grounds to believe that the



investigated party has committed a criminal offence, the complaint inquiry committee must

- (a) send a copy of the agreement made under this section to the Minister of Justice and Solicitor General, and
- (b) on request, send a copy of any other information related to the agreement to the Minister of Justice and Solicitor General, except information that is subject to solicitor-client privilege.

**46 Section 60 is amended by striking out “a council,” and substituting “the Council or a”.**

**47 Section 67(3)(c) is repealed and the following is substituted:**

- (c) a member of the complaint inquiry committee and counsel for the hearing tribunal, the complaint inquiry committee and the Association may attend.

**48 Section 68 is amended**

- (a) in subsection (1)
  - (i) **by striking out “college” and substituting “Association”;**
  - (ii) **by striking out “complaints director” and substituting “complaint inquiry committee”;**

**46** Section 60 presently reads:

*60 Any person who has investigated, reviewed or made a decision on a complaint or matters related to a complaint may not subsequently sit as a member of a council, tribunal or committee while it is holding a hearing or a review with respect to that complaint.*

**47** Section 67(3) presently reads:

*67(3) Even if a hearing is held in private,*

- (a) the investigated person and the investigated person's counsel may attend,*
- (b) the complainant may attend unless the hearing tribunal directs otherwise, and*
- (c) the complaints director and counsel for the hearing tribunal, complaints director and college may attend.*

**48** Section 68 presently reads in part:

*68(1) If the hearing tribunal is advised by counsel acting on behalf of the tribunal at a hearing, that counsel must not lead or present evidence at the hearing on behalf of the college or act as counsel for the complaints director.*

*(4) If the hearing tribunal is of the opinion that a separate hearing is required with respect to a matter described in subsection (3), the hearing tribunal may*

- (b) in subsection (4)(a) by striking out “complaints director” and substituting “complaint inquiry committee”.**

**49 Section 71 is amended**

- (a) in subsection (1)**
  - (i) in clause (c)(v) by striking out “council” and substituting “Council”;**
  - (ii) in clause (i) by striking out “college” and substituting “Association”;**
- (b) in subsection (3) by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”;**
- (c) in subsection (4) by striking out “college” wherever it occurs and substituting “Association”.**

- (a) *refer the matter as information to the complaints director under section 46, or*
- (b) *refer the matter to the hearings director for a hearing under section 58.*

**49** Section 71 presently reads in part:

*71(1) If the hearing tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the hearing tribunal may make any one or more of the following orders:*

- (a) *caution the investigated person;*
- (b) *reprimand the investigated person;*
- (c) *impose conditions on the investigated person's practice permit generally or in any area of the practice of the regulated profession, including conditions that the investigated person*
  - (i) *practise under supervision,*
  - (ii) *practise with one or more other regulated members,*
  - (iii) *not practise in an area of the practice of the regulated profession until the investigated person has completed a specific course of studies or obtained supervised practical experience of a type described in the order,*
  - (iv) *not practise in an area of the regulated profession, or*
  - (v) *report on specific matters to the hearing tribunal, the council or a committee or individual specified in the order;*
- (d) *direct that within the time set by the order the investigated person must pass a specific course of study, obtain supervised practical experience of a type described in the order or satisfy the hearing tribunal or a committee or individual specified in the order as to the investigated person's competence generally or in an area of the practice of the regulated profession;*





- (e) *suspend the practice permit of the investigated person for a stated period or until*
    - (i) *the investigated person has successfully completed a specific course of studies or obtained supervised practical experience of a type described in the order, or*
    - (ii) *the hearing tribunal or a committee or individual specified in the order is satisfied as to the competence of the investigated person generally or in a specified area of the practice of the regulated profession;*
  - (f) *cancel the registration and practice permit of the investigated person;*
  - (g) *if, in the opinion of the hearing tribunal, the investigated person's fees for professional services were improper or inappropriate or the professional services that the investigated person provided were improperly rendered, the hearing tribunal may direct the investigated person to waive, reduce or repay the fee for professional services provided by the investigated person;*
  - (h) *direct, subject to the regulations, that the investigated person pay within the time set in the order all or part of the expenses of the investigation or hearing or both;*
  - (i) *direct that the investigated person pay to the college within the time set in the order a fine not exceeding \$5000 for each finding of unprofessional conduct or an aggregate amount not exceeding \$25 000 for all findings of unprofessional conduct arising out of the hearing;*
  - (j) *any order that the hearing tribunal considers appropriate for the protection of the public.*
- (3) *If the complaints director is satisfied that a person has not complied with an order under this section or section 78(5)(b), the complaints director may*
- (a) *treat the matter as information under section 46,*
  - (b) *refer the matter to the hearings director to schedule a hearing before the hearing tribunal, or*

**50 Section 73(2) is amended**

**(a) by repealing clause (a) and substituting the following:**

(a) the complaint inquiry committee and the Registrar,

**(b) by striking out “council” and substituting “Council”.**

**51 Section 75 is amended by striking out “council” wherever it occurs and substituting “Council”.**

*(c) in the case of non-payment of a fine described in subsection (1)(i) or expenses described in subsection (1)(h) or section 78(6), suspend the practice permit of the person until the fine or expenses are paid in full or the complaints director is satisfied that they are being paid in accordance with an agreement entered into with the person.*

*(4) A fine or expenses ordered to be paid under this section are a debt due to the college and may be recovered by the college by an action in debt.*

**50** Section 73(2) presently reads:

*(2) The hearings director must, on receiving the decision and the record described in subsection (1), give a copy of the decision to*

*(a) the complaints director and the registrar,*

*(b) the complainant,*

*(c) the investigated person, and*

*(d) the Minister of Justice and Solicitor General, if so directed under section 69(2),*

*and notify the investigated person of the right to appeal the decision to the council.*

**51** Section 75 presently reads:

*75(1) A decision of the hearing tribunal remains in effect pending an appeal to the council unless the person or committee designated by the council, on written application, stays the decision pending the appeal.*

*(2) The investigated person may make a written submission with respect to an application under subsection (1).*

*(3) If the person or committee designated by the council*

*(a) decides not to stay the decision of the hearing tribunal, or*

**52 The heading “Appeal within College” preceding section 76 is struck out and the heading “Appeal within Association” is substituted.**

**53 Section 76 is amended**

- (a) by repealing subsection (1) and substituting the following:**

**Appeal to Council**

**76(1)** An investigated person or the complaint inquiry committee, on behalf of the Association, may commence an appeal to the Council of a decision of a hearing tribunal by a written notice of appeal that

- (a) identifies the appealed decision, and
  - (b) states the reasons for the appeal.
- (b) in subsection (3) by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”;**
- (c) by striking out “council” wherever it occurs and substituting “Council”.**

(b) *does not make a decision within 10 days, excluding holidays, of the application,*

*the applicant may apply to the Court of Queen's Bench for a stay of the decision of the hearing tribunal pending an appeal to the council.*

*(4) A decision of the council remains in effect pending an appeal to the Court of Appeal unless the Court of Appeal, on application, stays the decision pending the appeal.*

**52** The heading preceding section 76 presently reads:

*Appeal within College*

**53** Section 76 presently reads in part:

*76(1) An investigated person or the complaints director, on behalf of the college, may commence an appeal to the council of a decision of a hearing tribunal by a written notice of appeal that*

*(a) identifies the appealed decision, and*

*(b) states the reasons for the appeal.*

*(3) The hearings director must, on being given a notice of appeal,*

*(a) give a copy of the notice of appeal, and make a copy of the decision and record of the hearing available, to each member of the council or of the panel of the council hearing the appeal,*

*(b) ensure that the complaints director, the investigated person and the complainant are given a notice of the hearing of an appeal that states the date, time and place at which the council will hear the appeal, and*

*(c) ensure that the investigated person and the complaints director are given a copy of the record of the hearing.*

**54 Section 77 is amended**

- (a) by striking out “A council” wherever it occurs and substituting “The Council”;**
- (b) by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”.**

**55 Section 78 is amended**

- (a) in subsection (1) by striking out “complaints director” and substituting “complaint inquiry committee”;**
- (b) by striking out “council” wherever it occurs and substituting “Council”;**
- (c) by striking out “college” wherever it occurs and substituting “Association”.**

**54** Section 77 presently reads:

*77(1) A council must,*

- (a) if conditions have been imposed on the practice permit of the investigated person under section 71(1)(c)(i), (ii), (iii) or (iv) or if the practice permit of the investigated person has been suspended or cancelled under section 71(1)(e) or (f), schedule the appeal within 45 days after the date of service of the notice of appeal, and*
- (b) in all other cases, schedule the appeal within 90 days after the date of service of the notice of appeal.*

*(2) A council may, on the written request of the investigated person or the complaints director, extend the periods referred to in subsection (1) for one or more additional periods, but*

- (a) in a case to which subsection (1)(a) applies, no extension may be granted without the consent of the investigated person, and*
- (b) in a case to which subsection (1)(b) applies, no extension may be granted without the consent of the investigated person and the complaints director.*

**55** Section 78 presently reads:

*78(1) The complaints director and the investigated person may appear and be represented by counsel at an appeal before the council.*

*(2) Subject to subsection (4)(b), an appeal to the council must be based on the record of the hearing and the decision of the hearing tribunal.*

*(3) Subject to subsection (4)(b), sections 60, 61(1), 66(a) and (b), 67, 68(1), (5) and (6) and 69 to 74 apply to proceedings before the council.*

*(4) The council on an appeal may*





- (a) *grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the council, but no adjournment may be granted without the consent of the investigated person if that person's practice permit is suspended or cancelled,*
  - (b) *on hearing an application for leave to introduce new evidence, direct the hearing tribunal that held the hearing to hear that evidence and to reconsider its decision and quash, confirm or vary the decision, and*
  - (c) *draw inferences of fact and make a determination or finding that, in its opinion, should have been made by the hearing tribunal.*
- (5) *The council must, within 90 days from the date of the conclusion of the appeal hearing before it, make a decision and, by order, do any or all of the following:*
- (a) *make any finding that in its opinion should have been made by the hearing tribunal,*
  - (b) *quash, confirm or vary any finding or order of the hearing tribunal or substitute or make a finding or order of its own,*
  - (c) *refer the matter back to the hearing tribunal to receive additional evidence for further consideration in accordance with any direction that the council may make, or*
  - (d) *refer the matter to the hearings director to schedule it for rehearing before another hearing tribunal, composed of persons who were not members of the hearing tribunal that heard the matter, to rehear the matter.*
- (6) *Subject to the regulations, the council may direct the investigated person to pay, within the time set by the council, all or part of the expenses of the appeal in addition to the expenses referred to in section 71(1)(h) if the investigated person is the appellant.*
- (7) *A fine or expenses ordered or directed to be paid under this section are a debt due to the college and may be recovered by the college by an action in debt.*

**56 Section 79 is amended**

- (a) by striking out “council” wherever it occurs and substituting “Council”;**
- (b) in subsection (2)(b) by striking out “complaints director” and substituting “complaint inquiry committee”.**

**57 Section 80 is amended**

- (a) in subsection (1)**
  - (i) by striking out “council” and substituting “Council”;**
  - (ii) by striking out “council’s” and substituting “Council’s”;**
- (b) in subsection (2) by striking out “council” and substituting “Council”.**

**58 Section 81 is amended**

- (a) by striking out “council” wherever it occurs and substituting “Council”;**
- (b) by striking out “college” wherever it occurs and substituting “Association”.**

**56** Section 79 presently reads:

*79(1) An investigated person may appeal to the Court of Appeal any finding, order or direction of the council under section 78.*

*(2) An appeal under this section may be commenced*

*(a) by filing a notice of appeal with the Court at Edmonton or Calgary, and*

*(b) by giving a copy of the notice of appeal to the complaints director and the complainant*

*within 30 days from the date on which the decision of the council is given to the investigated person.*

**57** Section 80 presently reads:

*80(1) The appeal to the Court of Appeal must be based on the record of the hearing before the council and the council's decision, including the reasons for the decision, all of which must be certified by the hearings director.*

*(2) The hearings director, at the expense of the appellant, must arrange for the preparation of the record of the hearing before the council.*

*(3) If part of the hearing was held in private, the hearings director must ensure that the part of the record that relates to it is sealed.*

*(4) The part of a record that is sealed under subsection (3) may be reviewed by the Court of Appeal, and the Court of Appeal may direct that it remain sealed or that it be unsealed in whole or in part.*

**58** Section 81 presently reads:

*81(1) The Court of Appeal on hearing an appeal may*

*(a) make any finding that in its opinion should have been made;*

*(b) quash, confirm or vary the finding or order of the council or any part of it;*

**59 Section 82 is amended**

- (a) **by striking out** “complaints director” **and substituting** “complaint inquiry committee”;
- (b) **by striking out** “council” **and substituting** “Council”.

**60 Section 84 is repealed and the following is substituted:**

**Commissioner for oaths**

**84** A person appointed by the complaint inquiry committee to conduct an investigation and any member of a hearing tribunal, the Council, the complaint inquiry committee or the complaint review committee is conferred with the powers of a commissioner for oaths under the *Notaries and Commissioners Act* for the purposes of an investigation, hearing, review or appeal under this Part.

**61 Section 89 is amended**

- (a) **in subsection (1)**
  - (i) **by striking out** “registrar” **and substituting** “Registrar”;
  - (ii) **by repealing clause (e).**
- (b) **in subsection (2) by striking out** “registrar” **and substituting** “Registrar”;

(c) *refer the matter back to the council for further consideration in accordance with any direction of the Court;*

(d) *if the appeal is wholly or partly successful, direct that all or part of the cost of preparation of the record referred to in section 80 be repaid by the college to the appellant or be applied to reduce the amount of penalties or costs otherwise payable to the college by the appellant.*

(2) *The Court of Appeal may make any award as to the costs of an appeal to it that it considers appropriate.*

**59** Section 82 presently reads:

*82 If the time for filing an appeal under this Part has passed or due to a change in circumstances an order under this Part is impossible to carry out, the person to whom the order is directed or the complaints director may apply to the council for a variation of the order.*

**60** Section 84 presently reads:

*84 A complaints director, a person appointed by the complaints director to conduct an investigation and any member of a hearing tribunal, the council or the complaint review committee is conferred with the powers of a commissioner for oaths under the Notaries and Commissioners Act for the purposes of an investigation, hearing, review or appeal under this Part.*

**61** Section 89 presently reads in part:

*89(1) If under Part 2 or Part 4 a regulated member's practice permit is suspended or cancelled, or if conditions are imposed on a regulated member's practice permit, the registrar*

(e) *may provide the information to another college if the registrar knows that the regulated member is also a member of that college,*

**(c) in subsection (3)**

- (i) by striking out “a college” and substituting “the Association”;**
  - (ii) by striking out “the college” and substituting “the Association”;**
- (d) in subsection (4) by striking out “college” and substituting “Association”.**

**62 Section 90(3) is amended**

- (a) by striking out “registrar” and substituting “Registrar”;**
- (b) by striking out “college” and substituting “Association”.**

**63 Section 91 is amended by striking out “A college” and substituting “The Association”.**

*(2) If a regulated member applies for a review of a decision under Part 2 or appeals a decision under Part 4 and a cancellation or suspension is lifted, imposed conditions are varied or removed or a reprimand is removed, the registrar must provide that information in the same manner as the information on the cancellation, suspension, conditions or reprimand was provided under subsection (1).*

*(3) If a member of the public, during regular business hours, requests from a college information referred to in this section or section 27(3) or 74(3), or information as to whether a hearing is scheduled to be held or has been held under Part 4 with respect to a named regulated member, the college must provide the information with respect to that regulated member subject to the payment of costs referred to in section 74(3) and the period of time provided for in the regulations.*

*(4) If the governing body of a similar profession in another jurisdiction requests information as to whether a regulated member or a former member is an investigated person, the college may provide the information.*

**62** Section 90(3) presently reads:

*(3) When this Act or the bylaws require that a document or notice be given to any person, the document or notice is sufficiently given if it is given by personal service to that person or sent to that person by certified or registered mail at that person's address last shown on the register or record of the registrar or, if that is not reasonably possible, then by publishing the document or notice at least twice, and not more than a week apart, in a local newspaper circulating at or near the address last shown for that person in the records of the college.*

**63** Section 91 presently reads:

*91 A college must keep, for at least 10 years,*

- (a) a copy of ratified settlements and admissions of unprofessional conduct,*
- (b) records of investigations and hearings, and*

**64 Section 92 is amended**

**(a) in subsection (1)**

**(i) by striking out “registrar” and substituting “Registrar”;**

**(ii) by striking out “college” and substituting “Association”;**

**(iii) by striking out “registrar’s” and substituting “Registrar’s”;**

**(b) in subsection (2) by striking out “registrar” and substituting “Registrar”;**

**(c) in subsection (3)**

**(i) by striking out “registrar” wherever it occurs and substituting “Registrar”;**

**(ii) by striking out “college” and substituting “Association”;**

**(iii) by striking out “registrar’s” and substituting “Registrar’s”;**

**(d) in subsection (4) by striking out “registrar” and substituting “Registrar”.**

**65 Section 94 is amended**

**(a) by striking out “a college” wherever it occurs and substituting “the Association”;**



(c) records of complete registration applications and reviews.

**64** Section 92 presently reads:

*92(1) A certificate purporting to be signed by the registrar that states that, according to the records of the college under this Act or a former Act, a named person was or was not, on a specified day or during a specified period, a regulated member, other member or former member, including the category of membership, is admissible in evidence as proof, in the absence of evidence to the contrary, of those facts without proof of the registrar's appointment or signature.*

*(2) When proof of registration under this Act or a former Act is required, a printed copy of or extract from the register certified by the registrar is admissible in evidence instead of the original register.*

*(3) A certificate purporting to be signed by a person in that person's capacity as registrar and bearing the seal of the college is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature of the registrar or the registrar's appointment.*

*(4) When*

*(a) proof that a person is a regulated member under this Act whose practice permit is not suspended or cancelled is required to validate a witness's evidence, and*

*(b) a copy of the register or extract from the register certified by the registrar is not available and the production of the original register is not feasible without prejudicial delay to the case or the parties interested,*

*the evidence of the person under oath claiming to be a regulated member whose practice permit is not under suspension or cancelled is admissible in evidence as proof, in the absence of evidence to the contrary, of those facts.*

**65** Section 94 presently reads:

*94(1) Despite any other Act or law except the Ombudsman Act,*

- (b) by striking out “the college” and substituting “the Association”;**
- (c) in subsection 1(d) by striking out “a council” and substituting “the Council”.**

**66 Section 95 is amended**

- (a) by striking out “a council” and substituting “the Council”;**
- (b) by striking out “the council” wherever it occurs and substituting “the Council”;**
- (c) by striking out “a college” wherever it occurs and substituting “the Association”.**

- (a) a college,
- (b) a person who is or was an officer, employee or agent of a college,
- (c) a person who conducts or has conducted an investigation or an alternative complaint resolution process under Part 4, or
- (d) a person who is or was a member of a council or a committee or hearing tribunal of a college

*shall not be required in any proceedings to give evidence relating to any matter that arose in any proceedings under this Act or the bylaws, or to produce any record or thing adduced in evidence in proceedings under this Act or the bylaws or forming part of the records of the college that relate to proceedings under Part 4, except in a prosecution with respect to perjury or the giving of contradictory evidence or in proceedings under this Act.*

*(2) Subsection (1) does not apply to information described in section 89.*

*(3) Despite any other Act or law except the Ombudsman Act, a regulated member who is participating or has participated in a continuing competence program shall not be required in any proceedings to give evidence relating to any matter under Part 3 or to produce any record or thing that relates to any matter under Part 3 except in*

- (a) proceedings under this Act, or*
- (b) a prosecution with respect to perjury or the giving of contradictory evidence.*

**66** Section 95 presently reads:

*95(1) No action lies against any of the following in respect of anything done or omitted to be done in good faith pursuant to this Act, the bylaws or any direction of a council:*

- (a) a college or a person who is or was an officer, employee or agent of a college;*

**67 Section 96(2) is repealed and the following is substituted:**

**(2)** The Association, the Council or a panel, a committee, a tribunal, the Registrar, the Chair, the chair of the complaint inquiry committee and the hearings director of the Association and any officer, investigator or person engaged by the Association may, on the recommendation of the Ombudsman,

- (a) rehear any matter and reconsider any decision or recommendation made by that person or body, and
- (b) quash, confirm or vary the decision or recommendation or any part of it.

**68 Section 97 is amended**

- (a) by repealing subsection (2) and substituting the following:**

**(2)** No person or group of persons shall use the name of the Association, alone or in combination with other words, in a manner that states or implies that the person or group of persons is the Association under this Act, unless the person or group of persons is the Association under this Act.

**(2.1)** No person or group of persons shall use the words “college”, “College of Alberta Professional Foresters” or

- (b) *a person who conducts or has conducted an investigation or an alternative complaint resolution process under Part 4;*
- (c) *the council or a person who is or was a member of the council, a committee, a panel or a hearing tribunal of a college;*
- (d) *a person who acts on the instructions of and under the supervision of a person referred to in clauses (a) to (c).*

*(2) No action for defamation may be founded on a communication regarding the conduct of a regulated member if the communication is made or is published in accordance with this Act by a college, a person described in subsection (1) or the council, a committee or a hearing tribunal in good faith and in the course of any proceedings under this Act or the bylaws relating to that conduct.*

**67** Section 96(2) presently reads:

*96(2) A college, the council or a panel, a committee, a tribunal, the registrar, the president, the complaints director and the hearings director of a college and any officer, investigator or person engaged by a college may, on the recommendation of the Ombudsman,*

- (a) *rehear any matter and reconsider any decision or recommendation made by that person or body, and*
- (b) *quash, confirm or vary the decision or recommendation or any part of it.*

**68** Section 97 presently reads:

*97(1) No person or group of persons shall represent or imply that the person is a regulated member or that the group of persons consists of regulated members unless the person is a regulated member or the group of persons consists of regulated members.*

*(2) No person or group of persons shall use the name of a college, alone or in combination with other words, in a manner that states or implies that the person or group of persons is a college under this Act unless the person or group of persons is a college under this Act.*

“College of Alberta Professional Forest Technologists”, alone or in combination with other words, in a manner that states or implies that the person or group of persons is the former College of Alberta Professional Foresters, the former College of Alberta Professional Forest Technologists or the Association, unless the person or group of persons is the Association under this Act.

**(b) in subsection (4)**

- (i) by adding “, “regulated forest management professional” ” after “ “regulated forestry professional” ”;**
- (ii) by striking out “a college” wherever it occurs and substituting “the Association”;**

**(c) in subsection (5)**

- (i) by striking out “2 of a schedule to this Act” and substituting “97.1”;**
- (ii) by striking out “college to which section 2 of the Schedule refers” and substituting “Association”;**

**(d) by repealing subsection (6) and substituting the following:**

**(6)** No corporation shall use the word “association”, alone or in combination with other words, in a manner that states or implies that the corporation is the Association under this Act, unless the corporation is the Association under this Act.

**(6.1)** No corporation shall use the words “college”, “College of Alberta Professional Foresters” or “College of Alberta Professional Forest Technologists”, alone or in combination with other words, in a manner that states or implies that the corporation is the former College of Alberta Professional Foresters, the former College of Alberta Professional Forest Technologists or the Association, unless the corporation is the Association under this Act.

**(e) in subsection (7)**

*(3) No regulated member shall use the word “registered” in a manner that states or implies that the member is a regulated member of a regulated profession except in accordance with the regulations.*

*(4) No person or group of persons shall use the word “regulated” in connection with the name of a regulated profession or professional service or the words “regulated forestry professional” or “regulated forest professional” in a manner that states or implies that the person or group of persons is a college or a regulated member or group of regulated members unless the person or group of persons is a college under this Act or another enactment, the person is a regulated member or the group consists of regulated members.*

*(5) No person, other than a regulated member, shall use a title, an abbreviation or initials set out in section 2 of a schedule to this Act alone or in combination with other words in a manner that states or implies that the person is a regulated member of the college to which section 2 of the schedule refers.*

*(6) No corporation shall use the word “college”, alone or in combination with other words, in a manner that states or implies that the corporation is a college under this Act unless the corporation is a college under this Act or authorized to use the word “college” under another enactment.*

*(7) No person or group of persons shall use the word “registered” or “regulated” or the words “regulated forestry professional” or “regulated forest professional”, alone or in combination with other words, in a manner that states or implies that the person is a regulated member or group of regulated members unless the person or group of persons*

*(a) is a regulated member or consists of a group of regulated members, or*

*(b) is a person or group of persons authorized to use the word “registered” or “regulated” or the words “regulated forestry professional” or “regulated forest professional” in connection with the practice of forestry by another enactment.*

- (i) **by adding** “, “regulated forest management professional” ” **after** “ “regulated forestry professional” ”;
- (ii) **in clause (b) by adding** “, “regulated forest management professional” ” **after** “ “regulated forestry professional” ”.

**69 The following is added after section 97:**

**Use of titles, abbreviations and initials**

**97.1** A regulated member of the Association may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- “Registered Professional Forester”, “R.P.F.” or “RPF”;
- “Registered Forester”, “R.F.” or “RF”;
- “Professional Forester”, “P.For.” or “PFor”;
- “Forester-in-training”, “F.I.T.” or “FIT”;
- “Registered Professional Forest Technologist”, “R.P.F.T.” or “RPFT”;
- “Registered Forest Technologist”, “R.F.T.” or “RFT”;
- “Professional Forest Technologist”, “P. For. Tech” or “P For Tech”;
- “Forest Technologist-in-training”, “F.T.T.” or “FTT”.

**70 Section 100 is amended**

**(a) in subsection (1)**

- (i) **by striking out** “A council” **and substituting** “The Council”;
- (ii) **by repealing clause (h) and substituting the following:**
  - (h) respecting the use of abbreviations and titles within the meaning of the Act and the use of the words “registered” and “regulated” and “regulated forestry professional”, “regulated forest management professional” or “regulated forest professional” by a regulated member or a category of regulated members;



**69** Use of titles, abbreviations and initials.

**70** Section 100 presently reads:

*100(1) A council may make regulations*

- (a) respecting requirements for and applications for registration and practice permits, including but not restricted to,*
  - (i) education, experience, enrolment in programs of studies, successful completion of examinations and holding of degrees, certificates and diplomas;*
  - (ii) recognizing professions in other jurisdictions for the purposes of section 22(2)(b);*
  - (iii) requirements for the purposes of section 22(2)(b);*

**(iii) in clause (j) by striking out “registrar” and substituting “Registrar”;**

**(iv) by adding the following after clause (k):**

(k.1) respecting the powers and duties of the chair of the complaint inquiry committee;

**(v) in clause (l) by striking out “a college” and substituting “the Association”;**

**(b) by adding the following after subsection (1):**

**(1.1)** A regulation must be approved in principle by a majority of the registered members voting

(a) at a special meeting called for that purpose,

(b) by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or

(c) at the annual general meeting following the Council’s making of the regulation.

**(1.2)** The Council may change the text of a regulation that was approved in principle under subsection (1.1) if the change

(a) is consistent with the approval in principle, and

(b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.

- (iv) *carrying professional liability insurance and governing the minimum amount and type of insurance required to be carried;*
- (v) *providing evidence of being a Canadian citizen or lawfully permitted to work or study in Canada;*
- (vi) *providing evidence of having good character and reputation;*
- (vii) *providing evidence respecting standards of language proficiency;*
- (viii) *for the purposes of section 22(2)(c), determining the combination of education, experience, practice and other qualifications that demonstrates the competence required for registration as a regulated member;*
- (b) *respecting the evaluation of education, training, experience, practice and competence required of applicants for registration as regulated members and of applicants for practice permits, including regulations establishing or designating an entity that may conduct all or part of an evaluation;*
- (c) *respecting conditions on practice permits;*
- (d) *establishing and respecting continuing competence programs, including the requirements of those programs;*
- (e) *respecting reinstatement of registration and practice permits cancelled under Part 4;*
- (f) *respecting the establishment of registers for and respecting categories of regulated members;*
- (g) *imposing conditions on categories of regulated members, restricting the time periods of registration and practice permits of categories of members and restricting renewal of registration and practice permits of categories of members;*
- (g.1) *respecting reissuing practice permits and reinstating registration;*

**71 Section 101 is amended**

**(a) in subsection (1)**

**(i) by striking out “A council” and substituting “The Council”;**

**(ii) in clause (a)**

**(A) by striking out “council” and substituting “Council”;**

**(B) by striking out “college” and substituting “Association”;**

**(iii) in clauses (c), (d), and (e) by striking out “council” wherever it occurs and substituting “Council”;**

**(iv) in clause (k) by striking out “college” and substituting “Association”;**

**(b) by adding the following after subsection (1):**

- (h) *respecting the use of abbreviations and titles within the meaning of the schedules to this Act and the use of the words “registered” and “regulated” and “regulated forestry professional” or “regulated forest professional” by a regulated member or a category of regulated members;*
- (i) *respecting the establishment of a register of regulated members and the entry of information in the register and the removal of that information from the register;*
- (j) *respecting information to be provided to the registrar by regulated members and by applicants for registration;*
- (k) *respecting alternative complaint resolution processes;*
- (l) *respecting the period of time during which a college is obliged to provide information under section 89(3);*
- (m) *respecting other matters related to this Act.*

*(2) A regulation under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.*

**71** Section 101 presently reads:

*101(1) A council may make bylaws*

- (a) *respecting the governance of the college and the management and conduct of its affairs, including the management and carrying out of powers and duties by council, committees, tribunals, panels and other entities;*
- (b) *respecting the appointment, election, establishment and removal of officers, employees, committees, tribunals, panels and other entities and their members, and their powers and duties;*
- (c) *establishing council and respecting the number and selection or election of the voting and non-voting members of council, their terms of office, removal from office and the filling of vacancies;*

**(1.1)** A bylaw must be approved by a majority of the registered members voting

- (a) at a special meeting called for that purpose,
- (b) by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or
- (c) at the annual general meeting following the Council's making of the bylaw.

- (d) respecting quorum, procedures at meetings and the holding of meetings of the council, committees, tribunals and other entities by mail, telephone conference or audiovisual or other electronic means;*
  - (e) establishing how or by whom expenses and remuneration payable to members of the council, committees, tribunals and other entities are determined;*
  - (f) respecting the establishment of registers of other members and the entry of information in the registers and the removal of that information;*
  - (g) respecting other members, including transitional provisions respecting such members under a former Act;*
  - (h) establishing the date by which regulated members are to apply for renewal of practice permits and providing for reinstatement of registration and reissuance of practice permits cancelled under this Act except those cancelled under Part 4;*
  - (i) respecting benefits programs and educational incentives;*
  - (j) respecting forms and notices;*
  - (k) respecting costs, fees, levies and assessments to be paid by regulated members and applicants with respect to registration, practice permits and late payment fees under this Act or the bylaws and costs, fees, levies and assessments for any accreditation, review, appeal, thing or service provided by the college under this Act or the bylaws;*
  - (l) respecting the publication and distribution of information described in sections 49(6) and 89(1);*
  - (m) respecting the approval of bylaws;*
  - (n) respecting the development of or adoption of a code of ethics and standards of practice.*
- (2) The Regulations Act does not apply to bylaws under this section.*

**72 Section 101.1 is amended**

- (a) by striking out “a college” and substituting “the Association”;**
- (b) by striking out “the college” and substituting “the Association”.**

**73 Section 102 is amended**

- (a) in subsection (1) by striking out “A council” and substituting “The Council”;**
- (b) in subsection (2)**
  - (i) by striking out “A college” and substituting “The Association”;**
  - (ii) by striking out “the council” and substituting “the Council”;**
- (c) in subsection (3) by striking out “A council” and substituting “The Council”;**
- (d) in subsection (5)**
  - (i) by striking out “college” and substituting “Association”;**
  - (ii) by striking out “council” and substituting “Council”.**

**74 Part 10 is repealed.**

**75 Schedules 1 and 2 are repealed.**



**72** Section 101.1 presently reads:

*101.1 Before a college approves or removes the approval from a program of study or an education course under section 3(1.1), the college must consult with the Minister and the Minister responsible for Parts 1 to 3 of the Post-secondary Learning Act and must consider the comments received from those Ministers.*

**73** Section 102 presently reads:

*102(1) A council may, in accordance with procedures set out in the bylaws, develop or propose the adoption of a code of ethics and standards of practice for a regulated profession.*

*(2) A college must provide, for review and comment, a copy of a proposed code of ethics and proposed standards of practice to*

*(a) its regulated members,*

*(b) the Minister, and*

*(c) any other persons the council considers necessary.*

*(3) A council may adopt a code of ethics and standards of practice after it has reviewed and considered the comments received from a review described in subsection (2).*

*(4) The Regulations Act does not apply to codes of ethics and standards of practice approved under this section.*

*(5) The college must ensure that copies of the code of ethics and standards of practice adopted under subsection (3) are readily available to the public and regulated members, and the copies may be distributed in the manner directed by the council.*

**74** Repeals Part 10 Profession-specific Provisions.

**75** Repeals Schedules 1 and 2.

**76 The following provisions are amended by striking out “college” wherever it occurs and substituting “Association”:**

section 48(1);  
section 64;  
section 65;  
section 70;  
section 88(a).

**77 The following provisions are amended by striking out “a college” wherever it occurs and substituting “the Association”:**

section 42;  
section 99.

**78 The following provisions are amended by striking out “complaints director” wherever it occurs and substituting “complaint inquiry committee”:**

section 43.2;  
section 44(1);  
section 46;  
section 50;  
section 53;  
section 56;  
section 59;  
section 63.

**79 The following provisions are amended by striking out “A council” wherever it occurs and substituting “The Council”:**

section 9(1);  
section 43(1).

**80 The following provisions are amended by striking out “registrar” wherever it occurs and substituting “Registrar”:**

section 24;  
section 32;  
section 33;  
section 34;

**76** Replace “college” with “Association”.

**77** Replace “a college” with “the Association”.

**78** Replace “complaints director” with “complaint inquiry committee”.

**79** Replace “A council” with “The Council”.

**80** Replace “registrar” with “Registrar”.

section 37;  
section 38.

## **Transitional Provisions, Consequential Amendments and Coming into Force**

### **Transitional Provisions**

#### **Interpretation**

**81(1)** In this section and sections 82 to 90,

- (a) “amalgamating entity” means each of the College of Alberta Professional Foresters or the College of Alberta Professional Forest Technologists;
- (b) “governing bodies of the amalgamating entities” means the council of the College of Alberta Professional Foresters and the council of the College of Alberta Professional Forest Technologists;
- (c) “prior Act” means the *Regulated Forestry Profession Act*, as it read prior to the coming into force of this section;
- (d) “revised Act” means the *Regulated Forestry Profession Act*, as amended by this Act;

**(2)** For the purposes of this section and sections 82 to 90, a hearing or an appeal is concluded once a final written decision, including any orders or conditions, has been made.

#### **Transitional — effect of amalgamation**

**82** On the coming into force of this section, the following applies:

- (a) the property, assets, rights, privileges and benefits of each amalgamating entity become the property, assets, rights, privileges and benefits of the Association;
- (b) the documents, records and other information of each amalgamating entity become the documents, records and other information of the Association;
- (c) any bequest, legacy, devise or other gift made before or after the coming into force of this section in the name of or for the benefit of an amalgamating entity is, unless the terms

## **Transitional Provisions**

**81-89** Transitional provisions.

of the bequest, legacy, devise or other gift expressly state otherwise, continued and, in furtherance of the bequest, legacy, devise or other gift, deemed to have been made to and for the benefit of the Association;

- (d) the Association is liable for the debts, obligations and liabilities, contractual or otherwise, of each amalgamating entity;
- (e) any existing causes of action, claims or liabilities by or against an amalgamating entity are unaffected except that they may be continued by or against the Association;
- (f) a civil, criminal or administrative action or proceeding pending by or against an amalgamating entity may be continued by or against the Association;
- (g) a conviction against an amalgamating entity may be enforced against the Association;
- (h) a ruling, order or judgment in favour of or against an amalgamating entity may be enforced by or against the Association.

**Transitional — initial Council**

**83(1)** In this section,

- (a) “year 1” means the period of time starting on the coming into force of this section and ending on a date set by the Council at the first meeting of the Council, which end date must be no less than 365 days and no more than 400 days after the coming into force of this section;
- (b) “year 2” means the one-year period that begins immediately after year 1.

**(2)** On the coming into force of this section, the council of the College of Alberta Professional Foresters and the council of the College of Alberta Professional Forest Technologists are collectively replaced with the Council established and the members appointed under the revised Act in accordance with the following:

- (a) the initial Council shall consist of



- (i) one chair, elected by the Council from the members of the Council,
  - (ii) at least 4 members appointed by the council of the College of Alberta Professional Foresters who were members of the College of Alberta Professional Foresters immediately before the coming into force of this section, for terms ending at the end of year 2,
  - (iii) at least 4 members appointed by the council of the Alberta Professional Forest Technologists who were members of the College of Alberta Professional Forest Technologists immediately before the coming into force of this section, for terms ending at the end of year 2,
  - (iv) at least 2 or more public members, comprising at least 25% of the Council, appointed by the Lieutenant Governor in Council pursuant to section 13 of the revised Act;
- (b) at the end of year 2, the members appointed pursuant to clause (a)(i), (ii), (iii) or (c) must be replaced by a member elected in accordance with the bylaws;
  - (c) where a member appointed in accordance with clause (a)(i) or (ii) is unable to fulfil the member's term, the Council must appoint a replacement member, and that appointment expires at the end of the original term of the member being replaced.

**Transitional — governance**

**84** On the coming into force of this section,

- (a) the president of each amalgamating entity is replaced with the Chair of the Council elected under the revised Act;
- (b) the registrar of each amalgamating entity is replaced with the Registrar appointed under the revised Act;
- (c) the members of the registration committee of each amalgamating entity are replaced with the members of the registration committee appointed under the revised Act;





- (d) the members of the competence committee of each amalgamating entity are replaced with the members of the competence committee appointed under the revised Act;
- (e) the members of the complaint review committee of each amalgamating entity are replaced with the members of the complaint review committee appointed under the revised Act;
- (f) the individuals appointed under section 13 of the prior Act are deemed to have been appointed under section 13 of the revised Act;
- (g) the hearings director of each amalgamating entity is replaced with the hearings director appointed under the revised Act;
- (h) the members of the hearing tribunal roster of each amalgamating entity are replaced with the members of the hearing tribunal roster appointed under the revised Act.

**Transitional — regulated members**

**85** On the coming into force of this section, an individual who is registered under the prior Act as a

- (a) Registered Professional Forester,
- (b) Registered Forester,
- (c) Professional Forester,
- (d) Forester-in-training,
- (e) Registered Professional Forest Technologist,
- (f) Registered Forest Technologist,
- (g) Professional Forest Technologist, or
- (h) Forest Technologist-in-training,

with one of the amalgamating entities, including an individual whose registration is subject to a suspension, is deemed to be registered as a member of the Association under the revised Act, subject to the same approvals, privileges, conditions, undertakings,



restrictions or suspensions that exist on the individual's registration or practice immediately before the coming into force of this section.

**Transitional — registration**

**86(1)** On the coming into force of this section, an application for registration or for reinstatement that has been deferred or commenced but has not been concluded under the prior Act must be concluded in accordance with that Act.

**(2)** Subject to subsection (3), for the purposes of subsection (1), the powers and duties of a Registrar or registration committee under the prior Act are vested in and may be carried out by the Registrar or registration committee under the revised Act and any reference to the Registrar or registration committee in the prior Act is deemed to be a reference to the Registrar or registration committee under the revised Act.

**(3)** On the coming into force of this section, if a hearing of the registration committee has been commenced under the prior Act but has not been concluded, the members of the registration committee continue as members of the registration committee for the purposes of the hearing until the hearing is concluded.

**(4)** A person who is registered or reinstated under this section is deemed to be registered, subject to any conditions or restrictions imposed, as a registered member of the Association under the revised Act.

**Transitional — complaint inquiry and discipline**

**87(1)** Any complaint made on or after the day this section comes into force that relates to conduct occurring all or partly before the coming into force of this section must be dealt with in accordance with the prior Act.

**(2)** On the coming into force of this section, a complaint made under the prior Act before the coming into force of this section and any matters, including any hearings or appeals, arising from the complaint must be concluded in accordance with the prior Act.

**(3)** Subject to subsections (4) and (5), for the purposes of subsection (2), the powers and duties



- (a) of a complaint director under the prior Act are vested in and may be carried out by the complaint inquiry committee under the revised Act, and any reference to the complaint director in the prior Act is deemed to be a reference to the complaint inquiry committee under the revised Act,
- (b) of a complaint review committee under the prior Act are vested in and may be carried out by the complaint review committee under the revised Act and any reference to the complaint review committee in the prior Act is deemed to be a reference to the complaint review committee under the revised Act,
- (c) of an investigator under the prior Act are vested in and may be carried out by an investigator appointed under the revised Act, and
- (d) of a hearing tribunal under the prior Act are vested in and may be carried out by a hearing tribunal under the revised Act, and any reference to a hearing tribunal in the prior Act is deemed to be a reference to a hearing tribunal under the revised Act.

**(4)** On the coming into force of this section, if an investigator has been appointed to conduct an investigation under the prior Act and the investigation has not been concluded under Division 3 of that Act, the investigation must be concluded in accordance with that Act.

**(5)** On the coming into force of this section, if members of a hearing tribunal have been appointed to hear a matter under the prior Act and the hearing has not been concluded, the members of the hearing tribunal continue as members of the hearing tribunal, and the hearing must be concluded in accordance with that Act.

#### **Transitional — initial regulations**

**88(1)** The governing bodies of the amalgamating entities may, before the Council is established under section 83, jointly make regulations under section 100(1) of the prior Act on behalf of and in the name of the Council.

**(2)** Sections 100(1.1) and (1.2) of the revised Act do not apply to a regulation made pursuant to subsection (1).



**(3)** A regulation made pursuant to subsection (1) must be approved in principle by a majority of the members of each amalgamating entity present and voting

- (a) at a special meeting called for that purpose, or
- (b) by a mail vote or a vote conducted by electronic, telecommunication or other appropriate means.

**(4)** The governing bodies of the amalgamating entities may jointly change the text of a regulation that was approved in principle under subsection (3) if the change

- (a) is consistent with the approval in principle, and
- (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.

**(5)** A regulation made pursuant to subsection (1) does not come into force unless it has been approved by the Lieutenant Governor in Council.

**Transitional — initial bylaws**

**89(1)** The governing bodies of the amalgamating entities may, before the Council is established under section 83, jointly make bylaws under section 101(1) of the prior Act on behalf of and in the name of the Council.

**(2)** Section 101(1.1) of the revised Act does not apply to a bylaw made pursuant to subsection (1).

**(3)** A bylaw made pursuant to subsection (1) must be ratified by a majority of the members of each amalgamating entity present and voting

- (a) at a special meeting called for that purpose, or
- (b) by a mail vote or a vote conducted by electronic, telecommunication or other appropriate means.





## Consequential Amendments

Amends RSA 2000 cO-8

**90(1) The *Ombudsman Act* is amended by this section.**

**(2) Section 1 is amended**

**(a) by repealing clause (b)(iv) and substituting the following:**

- (iv) when used in reference to a forestry association means the Registrar as defined in the *Regulated Forest Management Profession Act*,

**(b) by repealing clause (e) and substituting the following:**

- (e) “forestry association” means
  - (i) the Association of Alberta Forest Management Professionals, and
  - (ii) the Council, panel, committee, tribunal, Registrar, Chair and hearings director of the Association of Alberta Forest Management Professionals and any officer, investigator or person engaged by the Association of Alberta Forest Management Professionals;

**(c) by repealing clause (h)(iii) and substituting the following:**

- (iii) a forestry association,

## Consequential Amendments

**90** Amends chapter O-8 of the Revised Statutes of Alberta 2000.  
Section 1 presently reads in part:

*1 In this Act,*

*(b) “administrative head”*

*(i) when used in reference to an agency means the person designated by the Minister responsible for that agency to act as the head of that agency or, if a head is not so designated, the person who acts as the chief officer and is charged with the administration and operation of that agency,*

*(i.2) when used in reference to a health authority that is a provincial health board means*

*(A) a person designated by the board to act as the administrative head or chief executive officer of the board, or*

*(B) the official administrator or a person designated by the official administrator to act as the administrative head or chief executive officer of the board,*

*(i.3) when used in reference to a health authority that is a regional health authority means*

*(A) a person designated by the regional health authority to act as the administrative head or chief executive officer of the regional health authority, or*

*(B) the official administrator or a person designated by the official administrator to act as the administrative head or chief executive officer of the regional health authority,*

*(ii) when used in reference to an accounting organization means the chief executive officer as defined in the Chartered Professional Accountants Act,*

### **Coming into Force**

**91 This Act, except sections 88 and 89, comes into force on Proclamation.**

- (iii) *when used in reference to a health profession college means a registrar as defined in the Health Professions Act,*
- (iv) *when used in reference to a forestry college means a registrar as defined in the Regulated Forestry Profession Act,*
- (v) *when used in reference to a veterinary association means the Registrar as defined in the Veterinary Profession Act, and*
- (vi) *when used in reference to an agrology association means the registrar as defined in the Agrology Profession Act;*
- (e) *“forestry college” means*
  - (i) *a college as defined in the Regulated Forestry Profession Act, and*
  - (ii) *a council, panel, committee, tribunal, registrar, president, complaints director and hearings director of a forestry college and any officer, investigator or person engaged by a forestry college;*
- (h) *“professional organization” means*
  - (i) *an accounting organization,*
  - (i.1) *a health authority,*
  - (ii) *a health profession college,*
  - (iii) *a forestry college,*
  - (iv) *a veterinary association, and*
  - (v) *an agrology association;*

### **Coming into Force**

**91** Coming into force.





**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>