

BILL NO. 117

(as passed, with amendments)



*2nd Session, 58th General Assembly
Nova Scotia
51 Elizabeth II, 2002*

Private Member's Bill

Geoscience Profession Act

CHAPTER 7 OF THE ACTS OF 2002

Jim DeWolfe
Pictou East

[First Reading](#): April 22, 2002 (LINK TO BILL AS INTRODUCED)

Second Reading: May 9, 2002

[Third Reading](#): May 28, 2002 (WITH COMMITTEE AMENDMENTS)

Royal Assent: May 30, 2002



**An Act Respecting
the Geoscience Profession**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Geoscience Profession Act*.

2 In this Act,

(a) "Association" means the Association of Professional Geoscientists of Nova Scotia;

(b) "Board" means the Admissions Board of the Association or such members of the Board as may be deputed by the Council to examine credentials or conduct examinations;

(c) "by-laws" means by-laws of the Association;

(d) "certificate of authorization" means a certificate in force under this Act that is issued to a partnership, association of persons or a body corporate that meets the requirements of this Act for the practice of professional geoscience;

(e) "certificate of registration" means a certificate in force under this Act that is issued to a member of the Association who meets the requirements of this Act for the practice of professional geoscience;

(f) "complaint" means a complaint, allegation or other report or information made pursuant to this Act respecting unprofessional conduct or incompetence on the part of a member of the Association, a person licensed to practice or a member-in-training;

(g) "Complaints Committee" means the Complaints Committee established pursuant to this Act, and includes a panel of the Complaints Committee;

(h) "Council" means the Council of the Association;

(i) "Discipline Committee" means the Discipline Committee established pursuant to this Act, and includes a panel of the Discipline Committee;

(j) "geoscience" means the performing of any activity that requires the application of the principles of the geological sciences, and that concerns the safeguarding of public welfare, life, health, property or economic interests, including, but not limited to,

(i) investigations, interpretations, evaluations, consultations or management aimed at the discovery or development of metallic or non-metallic minerals, rocks, nuclear or fossil fuels, precious stones or water resources, or

(ii) investigations, interpretations, evaluations, consultations or management relating to geoscientific properties, conditions or processes that may affect the well-being of the general public, including those pertaining to the preservation of the natural environment;

(k) "geoscientist" means a person who, through specialized education, training and experience, is skilled in the principles and practice of geoscience;

(l) "licence to practise" means a licence to practise issued and in force under this Act, and includes a licence to practise professional geoscience;

(m) "licensed to practise" means holding a licence to practise;

(n) "member-in-training" means a person enrolled as a geoscientist-in-training in good standing;

(o) "member of the Association" means the holder of a certificate of registration;

(p) "practice of professional geoscience" means the performance of any act within or involving geoscience for gain, hire

or hope of reward, either directly or indirectly;

(q) "President" means the President of the Association;

(r) "professional geoscientist" means a person who engages in the practice of professional geoscience;

(s) "Registrar" means the Registrar of the Association;

(t) "Secretary" means the Secretary of the Association;

(u) "Treasurer" means the Treasurer of the Association;

(v) "Vice-president" means the Vice-president of the Association.

3 (1) Nothing in this Act affects the rights or obligations under the *Engineering Profession Act* of members of the Association of Professional Engineers of Nova Scotia or of the holders of licences to practise professional engineering.

(2) Without limiting the generality of subsection (1) or any other provision of this Act, nothing in this Act limits the right of any person or entity authorized under the *Engineering Profession Act* to undertake the practise of professional engineering or the application of engineering to perform in accordance with that Act activities that constitute the practice of professional geoscience.

4 The Association of Professional Geoscientists of Nova Scotia, established pursuant to the *Societies Act* is hereby continued as a body corporate under the name "Association of Professional Geoscientists of Nova Scotia" and has perpetual succession and a common seal.

5 The head office of the Association shall be within the Halifax Regional Municipality.

6 The objects of the Association are to

(a) promote and improve the proficiency of professional geoscientists in all matters relating to the profession;

(b) establish, maintain and develop standards of knowledge and skill among professional geoscientists;

(c) establish, maintain and develop standards of qualification and standards for the practice of geoscience;

(d) establish, maintain and develop standards of professional ethics among members of the Association, persons licensed to practise and members in training;

(e) do all such matters and things as will advance and protect the interests of professional geoscientists in the profession;

(f) assure the general public of the proficiency and competency of professional geoscientists in the practice of the profession; and

(g) do all such other matters and things as may be necessary for or incidental or conducive to the welfare of professional geoscientists and their usefulness to the public.

7 The Association has all of the powers vested in a company under the *Companies Act* and, in addition, is authorized and empowered to

(a) provide for the government, regulation, discipline and honour of members of the Association, persons licensed to practise and members-in-training;

(b) acquire, hold and dispose of real and personal property or any part thereof;

(c) borrow money for the purpose of carrying out any of the objects of the Association and give security for any money

so borrowed on any of the real, personal or mixed property of the Association by way of mortgage, pledge, charge or otherwise;

(d) establish and maintain a register of professional geoscientists which is the official register of persons entitled to practise professional geoscience;

(e) fix and collect the fees payable by any person upon being admitted as a member of the Association, licensed to practise or enrolled as a member-in-training, fix and collect the fees payable by any person desiring to write any examination prescribed by the Association with a view to becoming a member of the Association or being enrolled as a member-in-training, fix and collect the annual dues payable by members of the Association, persons licensed to practise and members-in-training, and exempt any person from the payment of any fees or dues for such reason and upon such terms and conditions as the Council may from time to time determine;

(f) assess members of the Association for any ordinary, special or extraordinary expenditures that may be deemed necessary or expedient to further any of the objects of the Association and make such assessment in the manner provided by the by-laws of the Association;

(g) prescribe the nature and extent of the education and practical experience that must be possessed by any person before being permitted to practice professional geoscience or before being enrolled as a member-in-training;

(h) adopt and require adherence to standards of practise, competence and conduct, and performance standards and technical standards, for members of the Association, persons licensed to practise and members-in-training;

(i) provide facilities for determining by examination or other means the competency of persons seeking to practise professional geoscience or to be enrolled as members-in-training and grant certificates of registration and licences to practise to persons qualified to practise;

(j) arrange and establish ways and means by which persons may be trained in the profession of geoscience;

(k) negotiate for and on behalf of any member of the Association or member-in-training in any matter pertaining to the professional welfare of the member or member-in-training;

(l) enter into agreements on behalf of the Association or members of the Association or members-in-training with any person or association of persons as may be necessary for or incidental or conducive to the carrying out of the objects of the Association;

(m) prescribe conditions, requirements and procedures for the registration of members of the Association, the enrolment of members-in-training and the issuance of licences to practise, and the renewal and re-instatement thereof;

(n) subject to the approval of the Governor in Council, make, amend and repeal by-laws

(i) relating to the objects or powers of the Association including, but not limited to, matters within or reasonably incidental to any object or power,

(ii) respecting any matter or thing expressly required or authorized by this Act to be the subject of a by-law,

(iii) defining any word or expression used but not defined in this Act or better defining any word or expression defined in this Act,

(iv) generally, as considered necessary or advisable by the Council for the carrying into effect of this Act;

(o) do all other matters and things as may be necessary for or incidental or conducive to the welfare of professional geoscientists and their usefulness to the public.

8 (1) The Association shall, in the manner provided by the by-laws, hold an annual meeting in each calendar year and such other meetings as are required.

(2) Only a member of the Association is entitled to vote at a meeting of the Association.

9 (1) The Association shall have a corporate seal.

(2) Every person registered as a member of the Association under this Act shall have a seal, the impression of which shall bear the words "The Association of Professional Geoscientists of Nova Scotia" and the registration number of the member and with which the member shall stamp all official documents prepared by the member.

(3) Every person licensed to practise under this Act shall have a seal bearing the words "The Association of Professional Geoscientists of Nova Scotia" and the licence to practise number of the person licensed to practise and the person licensed to practise shall stamp all official documents prepared by that person.

10 (1) Any person is entitled to be registered as a member of the Association upon filing with the Registrar satisfactory proof that the person has tendered the fees and dues prescribed by the by-laws, has met any other conditions or requirements prescribed by the by-laws relating to registration and

(a) is a citizen of Canada, is lawfully admitted to Canada for permanent residence or is otherwise eligible to be registered as a member by reason of falling within such other class or category of citizenship or residence as prescribed by by-law;

(b) has obtained the knowledge requirements as established by the Council and has had, in the opinion of the Council, four years of relevant experience;

(c) is a registered member of an association of geoscientists, which association, in the opinion of the Council, is similarly constituted and has similar membership requirements to the Association, and furnishes the Registrar with a certificate of membership in good standing in the other association and such other documentation as may be required by the by-laws;

(d) has passed examinations prescribed by the Council and has had a sufficient number of years of relevant experience to qualify the person, in the opinion of the Council, to practise professional geoscience; or

(e) has had, in the opinion of the Council, outstanding experience in geoscience.

(2) Every person who, in the opinion of the Council expressed by a resolution of the Council, has complied with subsection (1), shall, in the manner prescribed by this Act and the by-laws, be registered as a member of the Association.

11 (1) Any person is entitled to a licence to practise upon tendering the fees and dues prescribed by the by-laws and filing with the Registrar satisfactory proof that any other conditions or requirements prescribed by the by-laws have been met and that

(a) the person is a registered member in good standing of an association of geoscientists which association, in the opinion of the Council, is similarly constituted and has similar membership requirements to the Association; or

(b) the person is qualified to practise professional geoscience but is a resident of a province, state or country in which there is no association similarly constituted.

(2) Every person who, in the opinion of the Council expressed by a resolution of the Council, has complied with subsection (1) shall, in the manner prescribed by this Act and the by-laws, be licensed to practise professional geoscience.

12 (1) Any person who has obtained the knowledge requirements as established by the Council or who has passed examinations prescribed by the Council, may, with the approval of the Council, be enrolled with the Association as a member-in-training.

(2) A person who, in the opinion of the Council, has complied with subsection (1) shall, in the manner prescribed by this Act and the by-laws, be enrolled as a member-in-training.

(3) A member-in-training is subject to the control of the Council in the manner provided by this Act and the by-laws.

13 (1) For greater certainty, this Act does not apply to any person while a member of and on duty with any branch of the Canadian Armed Forces.

(2) This Act does not apply to a person engaged in the practice of geoscience as a member-in-training while employed or engaged and under the direct supervision of a professional geoscientist who assumes full responsibility for the work.

(3) Nothing in this Act prevents a person from assisting in the performance of any professional geoscience service or work while the person is employed or engaged, if the service or work is under the direct supervision of a professional geoscientist who assumes full responsibility for the work.

(4) Nothing in this Act prohibits or precludes any person from practising any profession, carrying out any inspection or working in any trade or calling with respect to which the person is registered, licensed or otherwise authorized under any other enactment.

14 (1) A partnership, association of persons or body corporate shall not be registered as a member of the Association or licensed to practise.

(2) A partnership, association of persons or body corporate may undertake and carry out the application of geoscience in its own name if one of its principal and customary functions is the application of geoscience and such application of geoscience is carried on under the supervision of a member or full-time permanent employee of the partnership, association or body corporate who holds a certificate of registration or a licence to practise.

(3) A partnership, association of persons or body corporate that, in the opinion of the Council expressed by a resolution of the Council, has complied with subsection (2) shall, in the manner prescribed by this Act and the by-laws, be issued a certificate of authorization.

15 (1) The Council consists of

(a) the President, immediate Past-president and the Vice-president, who shall be members of the Association and shall be elected and hold office as provided by the by-laws;

(b) six other members of the Association who shall be elected and hold office as provided by the by-laws; and

(c) two persons who are not members of the Association or licensed to practice, who shall be appointed by the Governor in Council and hold office as prescribed by the by-laws.

(2) No person shall be elected or appointed to the Council or hold office as a member of the Council unless that person meets all the requirements of this Act and the by-laws relating to the qualifications, nomination, appointment and election of persons to the Council and is resident of the Province.

(3) A majority of the members of the Council constitutes a quorum.

(4) For greater certainty,

(a) a vacancy in the membership of the Council including, but not limited to, a vacancy within the category referred to in clause 1(c), does not affect the ability of the Council to discharge its powers and duties, if the number of members of the Council remaining in office is not fewer than a quorum;

(b) the absence of a member of the Council from any meeting, including persons appointed pursuant to clause 1(c), does not affect the ability of a quorum of the Council to discharge any of the powers and duties of the Council.

(5) The President holds office until a successor is elected and shall act as presiding officer at the meetings of the Council and of the Association voting only when the votes are evenly divided.

(6) The Vice-president has all the powers of the President in the absence of the President.

(7) The Council shall appoint annually a Registrar, a Secretary and a Treasurer, who shall perform the duties assigned to them by this Act and the by-laws and the Council may appoint one person to any one or more of the offices of Registrar, Secretary and Treasurer.

(8) The Council shall appoint annually such other officers as may be necessary for carrying out this Act and the by-laws.

(9) The members of the Council, officers and examiners appointed under this Act and the by-laws shall be paid such fees and expenses as prescribed by the by-laws.

(10) The Council shall provide for the general management of the affairs and business of the Association in accordance with this Act and the by-laws.

16 (1) A proposed new by-law or the amendment or repeal of an existing by-law shall be presented in writing to the Council signed by at least ten members of the Association or approved by resolution of the Association or Council.

(2) The proposed by-law, amendment or repeal shall then be sent by the Secretary, without delay, in the form of a letter ballot to every member of the Association, and the ballot shall be returnable at a date to be fixed by the Council.

(3) Immediately after the date referred to in subsection (2), scrutineers appointed by the Council shall count the ballots and report the result to the Council.

(4) Where at least two thirds of the valid ballots affirmatively approve of the proposed by-law, amendment or repeal, the Secretary shall submit the proposed by-law, amendment or repeal to the Governor in Council for approval.

17 The Council shall, in the manner provided by the by-laws, appoint annually an Admissions Board consisting of members of the Association who are residing within the Province and may, at any time, fill any vacancy on the Board, replace any member of the Board and add to the membership of the Board.

18 The Board shall, in the manner provided by the by-laws,

(a) examine and report on all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining registration as a member of the Association, a licence to practise or enrolment as a member-in-training; and

(b) set and conduct the examinations of candidates for membership and enrolment as members-in-training and file the results of examinations.

19 (1) The Council may establish joint practice boards or reciprocal arrangements with any similarly constituted association in one or more provinces of Canada or any professional body it considers appropriate to assist in developing and maintaining a professional relationship with that body.

(2) The Council may establish standards and qualifications for the evaluation of knowledge, experience, competence, character, professional practice and continuing education requirements in respect of the examination of candidates for membership or renewal or enrolment as a member-in-training, so long as any examinations are held in the Province.

20 (1) The Council shall, in the manner provided by the by-laws, establish a Complaints Committee and appoint the members of the Committee.

(2) There shall be a Discipline Committee of the Association the members of which shall be elected in the manner provided by the by-laws from a list of candidates who are considered qualified by the Council.

(3) The composition, quorum, conduct, procedure and powers and duties of the committees referred to in subsections (1) and (2), the means of appointment or election of the members of such committees, their qualifications and their term or terms of office, the filling of vacancies and the establishment of panels to exercise the powers and fulfil the duties of the committees, shall be as provided by the by-laws.

(4) Without limiting the generality of subsection (9), the committees referred to in subsections (1) and (2) including, for greater certainty, panels of the committees established under the by-laws may, to the extent provided by the by-laws, have and exercise the following powers:

(a) in the case of the Complaints Committee, power to investigate, report on, refer, dismiss or otherwise dispose of complaints;

(b) in the case of the Discipline Committee, power to hear, make findings respecting, adjudicate, dismiss or otherwise dispose of complaints, power to make orders and directions related thereto and, where the Discipline Committee makes a finding that a member of the Association or person licensed to practise is guilty of either unprofessional conduct or incompetence, or both, power to order the imposition of sanctions, penalties and remedial measures, which sanctions, penalties and remedial measures may include, but are not limited to, any one or more of the following:

(i) cancellation of the certificate of registration of a member of the Association, the licence of a person licensed to practise or the enrolment of a member-in-training,

(ii) suspension, for a fixed period, of the certificate of registration of a member of the Association, the licence of a person licensed to practise or the enrolment of a member-in-training,

(iii) suspension of the certificate of registration of a member of the Association, the licence of a person licensed to practise or the enrolment of a member-in-training until the fulfilment of such conditions as may be specified by the Discipline Committee including, but not limited to, payment to the Association or any fine or costs, or both, as may be imposed by the Discipline Committee,

(iv) a direction that the imposition of a sanction or remedial measure be suspended or postponed for such period and upon such terms or for such purpose as the Discipline Committee considers appropriate,

(v) the reprimanding, admonishment or counselling of a member of the Association, person licensed to practise or a member-in-training,

(vi) the imposition of a fine, not exceeding ten thousand dollars, payable to the Association within such time as is ordered by the Discipline Committee,

(vii) the imposition of terms, conditions or limitations on the entitlement of a member of the Association or a person licensed to practise to carry on the practice of professional geoscience or to provide services within the practice of professional geoscience to the public, or both, including, but not limited to, the successful completion of a course of study, as specified by the Discipline Committee,

(viii) the fixing and imposition of costs to be paid to the Association by the member of the Association, the person licensed to practise or the member-in-training within such time as ordered by the Discipline Committee.

(5) A fine or costs ordered to be paid to the Association pursuant to this Section is a debt due to the Association and, in addition to any other remedy that may be available for the non-payment of a fine or costs in accordance with the order of the Discipline Committee, the Association may recover the fine or costs by civil action for debt.

(6) The Complaints Committee and the Discipline Committee have all the powers, privileges and immunities of commissioners appointed under the *Public Inquiries Act* including, but not limited to, the same powers of taking evidence, compelling the attendance of witnesses and the production of books, papers and documents and of punishing for contempt for the failure to comply with orders of the committee.

(7) Notwithstanding anything contained in this Act, the jurisdiction and authority of the Complaints Committee and the Discipline Committee continues notwithstanding that the person who is the subject of a complaint ceases to be registered as a member of the Association, licensed to practise or enrolled as a member-in-training, as the case may be.

(8) The Council may, in the manner provided by the by-laws, appoint a mediator who has those powers and duties conferred or imposed by the by-laws respecting the investigation, mediation, settlement and referral of complaints, allegations or other reports or information respecting unprofessional conduct or incompetence on the part of a member of the Association, person licensed to practise or member-in-training.

(9) In addition to the power to make by-laws conferred by other provisions of this Act, the Association may make by-laws providing for all matters relating to the investigation, mediation, settlement, adjudication or other resolution or disposition of complaints, and the imposition of sanctions, penalties or remedial actions including, but not limited to, by-laws

(a) prescribing the form in which complaints must be made for the purpose of this Section or by-laws made under this Section;

(b) prescribing procedures for the investigation, mediation, settlement, adjudication or other resolution or disposition of complaints;

(c) defining unprofessional conduct and incompetence on the part of members of the Association, persons licensed to practise and members-in-training for the purpose of this Act and the by-laws and, without limiting the generality of the foregoing, defining unprofessional conduct or incompetence to include categories of acts or omissions that, in the opinion of the Discipline Committee, constitute unprofessional conduct or incompetence;

(d) providing for the appointment of a mediator and prescribing the powers and duties of the mediator for the investigation, mediation, settlement or referral of complaints, and prescribing the term of office of the mediator and the filling of vacancies in that position;

(e) establishing the Complaints Committee and providing for the establishment of panels of the Committee, and prescribing the powers and duties of that Committee to investigate, report on, refer, dismiss or otherwise dispose of complaints;

(f) providing for the establishment of panels of the Discipline Committee with power to hear, make findings respecting, adjudicate and dispose of complaints and with power to impose sanctions, penalties or remedial measures and make orders and give directions;

(g) prescribing the sanctions, penalties or remedial measures that the Discipline Committee may impose upon or require of a member of the Association, a person licensed to practise or a member-in-training in respect of whom a finding of unprofessional conduct or incompetence, or both, is made by the Discipline Committee and providing for other orders and directions that may be imposed or given by the Committee;

(h) respecting the giving of public or other notice of decisions, orders or findings of the Complaints Committee and the Discipline Committee;

(i) conferring such duties and powers on officers, committees, including the Complaints Committee and the Discipline Committee or other bodies of the Association as appear advisable for the implementation of this Section and of by-laws made under this Section;

(j) respecting the registration, licensing to practise or enrolment as a member-in-training of persons whose certificate of registration, licence to practise or enrolment as a member-in-training has been cancelled or suspended by order of the Discipline Committee.

21 (1) An appeal lies to a judge of the Supreme Court of Nova Scotia from any decision or order of the Discipline Committee.

(2) An appeal under subsection (1) shall be taken by notice of appeal filed with the prothonotary of the Supreme Court of Nova Scotia and served on the Registrar within thirty days of the day when the decision or order was made by the Discipline Committee.

(3) Upon receipt of a notice of appeal pursuant to subsection (2), the Registrar shall, as soon as practicable, file with the prothonotary of the Supreme Court of Nova Scotia the record of proceedings before the Discipline Committee, including all testimony given and exhibits entered in evidence before the Committee, together with a copy of the decision or order from which the appeal is taken.

(4) A judge may decide the matter on the basis of the record furnished pursuant to subsection (3) or after a hearing *de novo*, as the judge thinks fit.

(5) The judge, on hearing an appeal, may do any or all of the following:

- (a) make any finding that, in the judge's opinion, ought to have been made;
- (b) quash, confirm or vary the decision or order of the Discipline Committee, or any part of the decision or order;
- (c) refer the matter back to the Discipline Committee, with or without directions; or
- (d) make any other order that the justice of the case requires.

(6) The costs of an appeal pursuant to this Section are in the discretion of the judge.

22 (1) The Registrar shall, in the manner provided by the by-laws, keep a register and enrol in the register in the manner provided by the by-laws the names of all persons who are members, licensed to practise or members-in-training and the register shall be open for public inspection at all times without charge.

(2) Subject to this Act and the by-laws, the Registrar shall issue a certificate of registration or a licence to practise, as the case may be, to a person whose registration as a member of the Association or to a person to whom the granting of a licence to practise, as the case may be, has been approved by resolution of the Council under this Act.

(3) All certificates of registration and licences to practise expire on December 31st of the year for which they are issued, but shall be renewable by the Registrar for one year, from year to year, where the holder meets the requirements of this Act and the by-laws for renewal of registration as a member of the Association or issuance of a licence to practise, as the case may be.

(4) Where the Council refuses to pass a resolution authorizing any person to be registered as a member of the Association or licensed to practise or, where the Registrar refuses to register or issue a certificate of registration or licence to practise to a person, the person aggrieved, upon serving ten days' notice upon the Secretary, has the right to apply to a judge of the Supreme Court of Nova Scotia who, upon due cause shown, may grant an order directing the Council and the Registrar to register the name of the person as a member of the Association or to issue to the person a licence to practise or make such other order as may be warranted by the facts, and the Council shall forthwith comply with the order.

23 (1) Every person who is a member of the Association licensed to practise or a member-in-training, shall pay on January 1st in each year to the Treasurer or any person deputed by the Council to receive it, the annual dues prescribed by the by-laws, which dues are deemed to be a debt due by the person and recoverable, with costs, in the name of the Association in any court of competent jurisdiction.

(2) Where any member of the Association, person licensed to practise or a member-in-training omits to pay the annual dues prescribed by the by-laws within six months of the date upon which the dues become due, the Registrar, after issuing ten days' notice by registered letter addressed to the last known address of the person on the register, shall cause the name of the person to be erased from the register and the person ceases to be a member of the Association, licensed to practise or a member-in-training, as the case may be.

24 (1) Any person to whom a certificate of registration or a licence to practise has not been issued or whose certificate of registration or licence to practise has expired or been suspended or cancelled under this Act, who

(a) engages in the practise of professional geoscience;

(b) uses verbally or otherwise the title of professional geoscientist or any abbreviation of such title;

(c) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that the person is a professional geoscientist or entitled to engage in the practise of professional geoscience; or

(d) advertises, holds himself or herself out or engages in conduct in any way that implies or leads or may lead any other person to believe that such person is a professional geoscientist or entitled to engage in the practise of professional geoscience,

is guilty of an offence and liable upon summary conviction for the first offence to a fine of not less than two thousand dollars and not more than ten thousand dollars and costs and, on failure to pay the same, to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same, to imprisonment for a period of not more than six months.

(2) Subsection (1) does not apply to a person who is, or is supervised by, a member of the Association of Professional Engineers of the Province of Nova Scotia under the *Engineering Profession Act* or the holder of a licence to practise professional engineering under that Act in respect of the practice of professional engineering or the performance of any act within, involving or related to engineering.

25 (1) Any partnership, association of persons or body corporate, not having as a partner or full-time permanent employee a person who holds a certificate of registration or a licence to practise, that

(a) undertakes or carries out the application of geoscience;

(b) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that the partnership, association of persons, or body corporate is qualified or entitled to undertake or carry out the application of geoscience; or

(c) advertises, holds out or conducts itself in any way implying or intending to lead any person to believe that the partnership, association of persons or body corporate is qualified or entitled to undertake or carry out the application of geoscience,

is guilty of an offence and the partnership or any partner, the association of persons or any member of the association or the body corporate or any director of the body corporate is liable upon summary conviction for the first offence to a fine of not less than five thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than fifty thousand dollars, and on failure to pay the same to imprisonment for a period of not more than six months.

(2) Subsection (1) does not apply to a partnership, association of persons or body corporate entitled under the *Engineering Profession Act* to undertake and carry out the application of engineering in respect of the application of engineering or the performance of any act within, involving or related to engineering.

26 (1) Any person who, or any partnership, association of persons or body corporate that, directs or permits any member or employee who does not hold a certificate of registration or a licence to practise to apply geoscience is guilty of an offence and the person, partnership or any partner, association of persons or any member of the association or body corporate or any director of the body corporate, is liable upon summary conviction for the first offence to a fine of not less than five thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same

to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than fifty thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than six months.

(2) Subsection (1) does not apply where the member or employee so directed or permitted is, or is acting under the supervision of, a member of the Association of Professional Engineers of the Province of Nova Scotia under the *Engineering Profession Act* or the holder of a licence to practise professional engineering under that Act and the direction or permission given is to perform an act within the practice of professional engineering or otherwise within, involving or related to engineering.

27 Any person who makes or causes to be made any wilful falsification in any of the registers maintained by the Registrar under this Act or the by-laws, is liable upon summary conviction to a fine of not less than two thousand dollars and not more than ten thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months.

28 Any person who wilfully procures or attempts to procure registration as a member of the Association, a licence to practise or to be enrolled as a member-in-training, or any partnership, association of persons or body corporate that wilfully procures or attempts to procure the issuance of a certificate of authorization, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, or any person knowingly aiding or assisting a person therein, is liable upon summary conviction to a fine of not less than two thousand dollars and not more than ten thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months.

29 Any information for the prosecution of any person under this Act may be laid by any member of the Association or any person appointed by the Council.

30 A certificate purporting to be certified under the seal of the Association and the hand of the Registrar shall be received in evidence in any court or elsewhere without proof of the seal of the Association or of the signature or of the official character of the person appearing to have signed the certificate, and without further proof is *prima facie* evidence of the issuance of a certificate of registration, a licence to practise or of the non-issuance, suspension or cancellation thereof.

31 (1) In any prosecution under this Act, it is sufficient proof of the offence alleged if it is proved that the person, partnership, association of persons or body corporate accused has done or committed a single act of the kind complained of.

(2) An information or complaint for contravening this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceeding for prosecution under this Act is deemed objectionable or insufficient by reason of the fact that it relates to two or more offences.

32 No summary conviction proceeding shall be commenced for any violation of this Act after five years from the date of the committing of the violation.

33 Nothing in this Act prevents a person from carrying out prospecting and acquiring mineral rights or performing work necessary to maintain such rights under the *Mineral Resources Act*, if the person is engaged in activities that are confined to prospecting and does not hold himself or herself out as a professional geoscientist.

34 No action or other proceeding for damages shall be brought against the Association, the Council or any board, panel or committee of the Association, or against a member of the Association, Council or any board, panel or committee, or against an officer, employee or agent or appointee of the Association, for anything done in good faith for or on behalf of the Association under this Act or the by-laws.

35 (1) In this Section, "former Act" means the *Societies Act*.

(2) All persons who were, immediately before the coming into force of this Act, members of the society incorporated

under the *Societies Act* on August 25, 1997 under the name the Association of Professional Geoscientists of Nova Scotia are declared to be members of the Association, and are deemed to hold certificates of registration issued for the year in which this Act comes into force, which certificates are deemed to remain in force until their expiry, suspension or cancellation under this Act.

(3) Notwithstanding anything contained in this Act, the members of the Board of Directors of the Association of Professional Geoscientists of Nova Scotia who were elected and in office immediately before the coming into force of this Act continue as the Council, and those members of the Council then holding office as President, Vice-president and Past-president continue in those offices, and all such persons hold office and are deemed to be elected under Section 15 and the by-laws until the expiration of the term for which they were elected, or until the office otherwise becomes vacant, and the additional persons to be elected or to be appointed under this Act begin to serve as members and officers of the Council, as the case may be, from the date of their election or appointment as provided by the by-laws.

(4) The by-laws of the Association made under the former Act continue in full force and effect until they are repealed or until and to the extent that they are amended in accordance with the procedure prescribed by this Act for the adoption and approval of by-laws.

(5) A proposed by-law respecting any matter concerning which the Council has authority to make by-laws under this Act and for which approval has been given before the coming into force of this Act by two thirds of the members of the Association voting in accordance with the procedures prescribed in Section 16, is deemed to be a by-law of the Association made under the former Act for the purpose of subsection (4).

(6) A certificate of registration, licence to practise or enrolment as a member-in-training issued or granted under the former Act continues in force and is deemed to be a certificate of professional geoscience registration, a license to practice professional geoscience or enrolment as a member-in-training issued or granted for the year in which this Act comes into force, and is deemed to remain in force until its expiry, suspension or cancellation under this Act.

(7) Where, under the former Act, a complaint of unprofessional conduct has been filed with the Secretary or a report of unprofessional conduct has been made by the Secretary before the coming into force of this Act, and the proceedings in respect of the complaint or report have not been concluded before the coming into force of this Act, the complaint or report shall proceed and be disposed of under the former Act and the by-laws made under it as if the former Act remained in full force and effect.

(8) Any proceedings in respect of a complaint that are commenced after the coming into force of this Act shall be dealt with under this Act and the by-laws, notwithstanding that the acts, conduct or events to which the complaint relates, occurred, in whole or in part, prior to the coming into force of this Act.

(9) Every order, direction or other disposition of the former complaints committee or the Council made or done in disciplinary proceedings under the former Act continue in full force and effect, notwithstanding the coming into force of this Act.

(10) An application for a certificate of registration as a member, a licence to practise or enrolment as a member-in-training made but not finally disposed of before the coming into force of this Act shall be dealt with under the former Act as if it remained in force, but any certificate, licence or enrolment issued or granted under the authority of this subsection is subject to this Act.

36 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

