

The present Act is current to 30 November 2016.

FORESTERS ACT
[SBC 2003] CHAPTER 19

Assented to April 10, 2003

Contents

1	Definitions
2	Application
3	The association
4	Duty and objects of the association
5	Powers of the association
6	Meetings of the association
7	Council of the association
8	Powers of council
9	Bylaws
10	Procedure for bylaws
11	Resolutions
12	Registrar
13	Classes of membership
14	Registration
15	Enrolment
16	Special permit
16.1	Certificate of accreditation
17	Fees
18	Certificates
19	Use of title
20	Unauthorized practice
21	Injunctions
22	Complaints against members or former members
23	Alternative complaint resolution
24	Investigation and citation
25	Search and seizure
26	Confidentiality
27	Discipline hearings
28	Witnesses
29	Costs
30	Appeal
31	Protection against lawsuits
32	Offences
33	Application of the Offence Act
34–36	Spent
37	Commencement

Definitions

1 In this Act:

"agent" means, in a section, the person or body that is designated as agent by the bylaws for the purposes of the section;

"alternative complaint resolution" means a procedure established under the bylaws to assist in appropriate circumstances in the resolution of complaints without completion of a discipline hearing;

"association" means the association continued under section 3 (1);

"bylaw" means a bylaw made under this Act;

"certificate holder" means a person who holds a certificate of accreditation;

"certificate of accreditation" means a certificate of accreditation granted under section 16.1;

"citation" means a citation issued under section 24 (4) (a);

"complaint" means a complaint made under section 22;

"conduct unbecoming a member" means conduct of a member that

(a) brings or may bring the association or its members into disrepute,

(b) undermines the scientific methods and principles that are the foundation of the practice of professional forestry, or

(c) undermines the principles of stewardship that are the foundation of the practice of professional forestry;

"council" means the council continued under section 7;

"discipline hearing" means a hearing under section 27;

"document" means a document as defined in section 42 (1) of the Evidence Act;

"enrolled member" means a person who is admitted under section 15;

"enrolment" means admission of a person under section 15;

"investigation" means an investigation authorized by section 24;

"member" means

(a) a person who is within a class listed in section 13, or

(b) in sections 22 to 30, a person

(i) who is within, or was formerly within, a class listed in section 13, and

(ii) against whom a complaint was made;

"panel" means a panel formed under section 27;

"practice of professional forestry" means, for fees or other remuneration, advising on, performing or directing works, services or undertakings which, because of their scope and implications respecting forests, forest lands, forest resources and forest ecosystems, require the specialized education, knowledge, training and experience of a registered member, an enrolled member, a special permit holder or a certificate holder, and includes the following:

(a) planning, advising on, directing, approving methods for, supervising, engaging in and reporting on the inventory, classification, valuation, appraisal, conservation, protection, management, enhancement, harvesting, silviculture and rehabilitation of forests, forest lands, forest resources and forest ecosystems;

(b) the preparation, review, amendment and approval of professional documents;

(c) assessing the impact of professional forestry activities to

(i) verify that those activities have been carried out as planned, directed or advised,

(ii) confirm that the goals, objectives or commitments that relate to those activities have been met, or

(iii) advise or direct corrective action as required to conserve, protect, manage, rehabilitate or enhance the forests, forest lands, forest resources or forest ecosystems;

(d) auditing, examining and verifying the results of activities involving the practice of professional forestry, and the attainment of goals and objectives identified in or under professional documents;

(e) planning, locating and approving forest transportation systems including forest roads;

(f) assessing, estimating and analyzing the capability of forest lands to yield a flow of timber while recognizing public values related to forests, forest lands, forest resources and forest ecosystems;

"president" means the president referred to in section 7 (a);

"professional documents" means records specified in the bylaws to be professional documents;

"professional forester" means

- (a) a person admitted under section 14 as a registered professional forester, or
- (b) a holder of a special permit entitled to practise as a registered professional forester;

"register" means the register referred to in section 12 (2);

"registered forest technologist" means a person admitted under section 14 as a registered forest technologist;

"registered member" means a person admitted under section 14 as a registered forest technologist or professional forester;

"registration" means admission under section 14 as a registered forest technologist or professional forester;

"resolution" means a resolution passed under this Act by the council;

"special permit" means a special permit granted under section 16;

"vice president" means the vice president referred to in section 7 (b).

Application

2 (1) Nothing in this Act, the bylaws or the resolutions prohibits a person from practising a profession or an occupation in accordance with an enactment that governs the practice of the profession or occupation.

(2) This Act does not apply to a member of Her Majesty's armed forces while actually employed on duty.

(3) This Act does not apply to restrict a person from

(a) appraising or valuing forest land or from quantity surveying on forest land if the appraisal, valuation or quantity survey has been designed by

(i) a registered member, or

(ii) a special permit holder acting in accordance with the special permit, or

(b) engaging in the practice of professional forestry if the person does it under the supervision of

(i) a registered member, or

(ii) a special permit holder acting in accordance with the special permit.

(4) [Repealed 2011-18-13.]

The association

3 (1) The Association of British Columbia Forest Professionals is continued as a corporation composed of

(a) the members of the association, and

(b) the members of the council.

(2) The Company Act and the Business Corporations Act do not apply to the association unless the Lieutenant Governor in Council, by order, provides that specified provisions of one of these Acts apply to the association, in which case the specified provisions apply.

Duty and objects of the association

4 (1) It is the duty of the association

(a) to serve and protect the public interest,

(b) to exercise its powers and functions, and to perform its duties, under this Act, and

(c) to enforce this Act.

(2) The objects of the association are the following:

(a) to uphold the public interest respecting the practice of professional forestry by

(i) ensuring the competence, independence, professional conduct and integrity of its members, and

(ii) ensuring that each person engaged in the practice of professional forestry is accountable to the association;

- (b) to advocate for and uphold principles of stewardship of forests, forest lands, forest resources and forest ecosystems;
- (c) to govern its members in accordance with this Act, the bylaws and the resolutions;
- (d) to establish, monitor and enforce standards of education and qualifications for enrolment, registration and continued membership in the association;
- (e) to establish, monitor and enforce codes of conduct and standards of practice for its members;
- (f) to establish and administer certification schemes for technical occupations related to the practice of professional forestry, including establishing, monitoring and enforcing standards of education and qualifications for certification.

Powers of the association

5 Subject to this Act, the association may

- (a) carry out the duties and objects under section 4, and
- (b) acquire, hold and dispose of property, and borrow, raise, guarantee or secure the payment of money, for the purposes of this Act, the bylaws and the resolutions.

Meetings of the association

6 (1) A general meeting of the association must be held at least once in each calendar year.

(2) The council, on the written request of 100 or more registered members or retired registered members, must call a special general meeting of the association.

Council of the association

7 The council is continued and consists of the following persons:

- (a) the president;
- (b) the vice president;
- (c) the immediate past president;
- (d) not more than 8 councillors elected under a bylaw enacted under section 9 (1) (d);
- (e) not more than 2 lay councillors appointed by the Lieutenant Governor in Council.

Powers of council

8 (1) The powers of the association under section 5 may be exercised by the council.

(2) The council must govern, control and administer the affairs of the association in accordance with this Act, the bylaws and the resolutions.

(3) The council may create committees by resolution and delegate any of its powers to a committee.

Bylaws

9 (1) The council may make bylaws as follows:

- (a) regulating the practice of professional forestry, including establishing
 - (i) standards of practice and codes of ethics and conduct for members,
 - (ii) standards for the use of a member's signature, stamp or seal,
 - (iii) quality assurance programs in areas other than continuing education and peer or practice review, and
 - (iv) standards, codes and programs described in subparagraphs (i), (ii) and (iii) developed in concert with the governing bodies for other professions;
- (b) establishing categories within a class listed in section 13, the qualifications for entry into a category, the requirements a member of a category must meet to remain a member of the category and the scope of practice within the practice of professional forestry and other privileges of membership to be accorded to members of a category;
- (c) regulating the issuance, display and return to the association of certificates of registration, certificates of accreditation, annual membership decals, professional seals and stamps;
- (d) respecting the qualifications and election of a president, a vice president and the elected councillors of the association;
- (e) respecting the calling and conduct of meetings of association members, including quorums, voting, balloting and related matters;
- (f) [Repealed 2011-18-15.]
- (g) establishing a board of examiners and defining its duties, practices and procedures;
- (h) specifying the records that are professional documents for the purposes of this Act;

- (i) designating the person or body that is an agent for the purposes of a section of this Act;
 - (j) specifying the composition, quorum, practices and procedures of an agent designated under paragraph (i);
 - (k) specifying how panels are established and function, including
 - (i) the composition of panels, which may include a lawyer or former lawyer,
 - (ii) the roles of panel members, and
 - (iii) the practices and procedures for the conduct of a discipline hearing by a panel;
 - (l) delegating to an agent designated under paragraph (i) any of the powers, duties or functions of the council under this Act for the purposes of a section of this Act;
 - (m) establishing alternative complaint resolution practices and procedures to assist in appropriate circumstances in the resolution of complaints without completion of a discipline hearing.
- (2) The council may make bylaws to do the following:
- (a) authorize the council to summarily
 - (i) suspend or rescind the membership of a member, or
 - (ii) reject the application of an applicant for enrolment, registration, a special permit or a certificate of accreditation who is convicted of an indictable offence;
 - (b) govern the initiation or conduct of an investigation referred to in section 24 (1);
 - (c) specify the nature and extent of the requirements that may be imposed on a member in a request issued under section 24 (2);
 - (d) govern the issuance or rescission of a citation.

Procedure for bylaws

10 Bylaws come into force when ratified by 2/3 of the members who

- (a) are eligible to vote, as specified in the bylaws, and
- (b) cast votes by ballot in accordance with the bylaws.

Resolutions

11 (1) The council may pass resolutions for the governance of the members, and for the management of the affairs and the discharge of the business of the association, including resolutions for the following:

- (a) the establishment and administration of standards, policies and procedures for enrolment and registration and the qualifications of candidates for admission, including the subjects of study, the examinations to be passed and the experience in forestry required of applicants for membership and for registration;
 - (a.1) the establishment and administration of quality assurance programs in areas of continuing education and peer or practice review, including
 - (i) the requirements that must be met in order to participate in and complete a quality assurance program, and
 - (ii) the development of quality assurance programs in concert with the governing bodies for other professions;
- (b) the resignation, reinstatement and temporary withdrawal from practice of members;
- (c) the fees, including the annual membership fees, payable by members;
- (d) the levy, assessment, payment, remission and collection of fees, assessments and all other such charges;
- (e) the removal of members from the register for the non-payment of fees or other charges;
- (f) the removal of enrolled members from the register for not completing registration requirements within a specified period;
- (g) the investment and disbursement of funds and the banking and borrowing of money by the association;
- (h) the assistance, financial or otherwise, to be given to individuals or organizations for the benefit of the public, the association or its members;
- (i) the calling and conduct of council meetings, including quorums, voting and related matters;
- (j) the creation of regional groups and chapters of the association and the delegation of powers, duties and functions of the association to these bodies;
- (k) the promotion of the profession of professional forestry;
- (l) the promotion of good forest stewardship;
- (m) the establishment and administration of certification schemes for technical occupations related to the practice of professional forestry, including establishing, monitoring and enforcing
 - (i) standards, policies and procedures for certification, and
 - (ii) qualifications of candidates for certification, including the subjects of study, the examinations to be passed, and the experience in forestry required of applicants for certification;

(n) other matters set out in section 4 or 5 for which this Act does not specify that a bylaw can be made.

(2) [Repealed 2011-18-19.]

(3) If there is conflict between a bylaw and a resolution, the bylaw prevails.

Registrar

12 (1) The council must appoint a registrar to hold office at its pleasure.

(2) The registrar must keep a register of members of the association that includes information specified by resolution.

Classes of membership

13 There are 6 classes of membership in the association as follows:

- (a) registered members;
- (b) enrolled members;
- (c) retired registered members;
- (d) holders of special permits;
- (e) associate members;
- (f) honorary members.

Registration

14 The council must admit a person to membership in the association as either a registered professional forester or a registered forest technologist if

- (a) the person
 - (i) pays the registration fees,
 - (ii) passes the examinations established by the council,
 - (iii) passes the examinations in courses approved or specified by the council,
 - (iv) satisfies the thesis or professional report requirements of the council,
 - (v) has had experience in forestry work as determined by the council, and
 - (vi) is of good character and repute, or
- (b) the person is a person whom the council is obliged under the Labour Mobility Act to admit to membership in the association.

Enrolment

15 The council must admit as an enrolled member an applicant who satisfies the entrance requirements established under this Act.

Special permit

16 (1) The council may grant special permits, with or without terms and conditions, to persons meeting the relevant requirements of the bylaws and the resolutions.

- (2) A special permit must conspicuously state
- (a) the title and designation that the holder of the permit is entitled to use, and
 - (b) any limitations on practice specified in the granting of the permit.

Certificate of accreditation

16.1 (1) The council may grant a certificate of accreditation, with or without terms and conditions, to a person who

- (a) is a member of a class listed in section 13 (a), (b), (d) or (e), and
 - (b) meets the relevant requirements of the resolutions.
- (2) A certificate of accreditation must conspicuously state
- (a) the title and designation that the certificate holder is entitled to use, and
 - (b) any limitations on practice specified in the granting of the certificate.

Fees

17 (1) Each member must pay to the association

- (a) the annual membership fees, and
- (b) the other fees, assessments, levies, charges or penalties the member owes to the association, in accordance with this Act, the bylaws and the resolutions.

- (2) If a member does not pay a fee, assessment, levy, charge or penalty referred to in subsection (1), the council, in accordance with the bylaws, may remove the member's name from the register and, in the case of
- (a) a registered member, cancel the person's registration,
 - (b) an enrolled member, cancel the person's enrolment,
 - (c) a special permit holder, cancel the person's special permit,
 - (c.1) a certificate holder, cancel the person's certificate of accreditation, or
 - (d) an associate or retired member, cancel the person's membership.
- (3) Monies that a member owes to the association under this Act may be recovered as a debt owing to the association.

Certificates

18 (1) The registrar must issue to each registered member a certificate of registration in accordance with the bylaws.

- (2) Certificates of registration, certificates of accreditation, annual membership decals, and seals or stamps issued or procured under this Act
- (a) remain the property of the association,
 - (b) are proof, in the absence of evidence to the contrary, of registration or certification under this Act as at the date of issue, and
 - (c) must be returned to the association on demand if,
 - (i) in the case of a registered member, the registered member ceases to practise or has their registration suspended or cancelled, and
 - (ii) in the case of a certificate holder, the certificate holder ceases to practise or has their certificate of accreditation suspended or cancelled.

Use of title

19 (1) In this section:

"transferring professional forester" means a person

- (a) whom the council recognizes to be the equivalent in another jurisdiction to a professional forester,
 - (b) who lives and works in British Columbia on a permanent basis, and
 - (c) who meets the requirements under this Act to be issued a special permit on application;
- "visiting professional forester" means a person

- (a) whom the council recognizes to be the equivalent in another jurisdiction to a professional forester, and
- (b) to whom the council has issued a special permit to work in British Columbia for a limited time and within a limited scope of practice.

(2) Only members of the association who are acting as authorized by the bylaws or the resolutions may use or assume the following titles or designations, either alone or in combination with other words:

- (a) "professional forester", "registered professional forester", or "RPF";
- (b) "transferring professional forester";
- (c) "visiting professional forester";
- (d) "registered forest technologist" or "RFT";
- (e) "forester in training" or "FIT";
- (f) "forestry pupil" or "FP";
- (g) "trainee forest technologist" or "TFT";
- (h) "accredited timber cruiser" or "ATC";
- (i) "accredited timber evaluator" or "ATE".

(3) A person who is not a registered member, an enrolled member, a special permit holder or a certificate holder must not assume, use or advertise in any manner, or permit to be assumed, used or advertised in any manner, with that person's name or business or otherwise, any designation, descriptive term or statement implying that the person is a registered member, an enrolled member, a special permit holder or a certificate holder.

(4) Despite this section, this Act does not apply to prevent a person from assuming a title or designation as authorized by another enactment purporting to regulate another profession or occupation.

Unauthorized practice

20 (1) A person must not engage in the practice of professional forestry unless that person is

- (a) admitted under section 14 as a professional forester,
- (b) a registered forest technologist acting in accordance with subsection (2) of this section,
- (c) the holder of a special permit allowing the person to engage in the practice of professional forestry,
- (d) a certificate holder acting in accordance with subsection (3) of this section, or
- (e) an enrolled member acting under the supervision of
 - (i) a person described in paragraph (a) or (c) of this subsection, or
 - (ii) a registered forest technologist who is acting in accordance with subsection (2) (a) of this section.
- (2) A registered forest technologist may engage in aspects of the practice of professional forestry to the extent consistent with their education, training and experience
 - (a) independently, if carrying out functions described in the bylaws for this purpose,
 - (b) while executing, supervising the execution of or inspecting work designed by a professional forester admitted under section 14 or special permit holder acting within the scope of their permit, or
 - (c) under the supervision of a professional forester admitted under section 14 or a special permit holder acting within the scope of their permit.
- (3) A certificate holder may engage independently in aspects of the practice of professional forestry if carrying out functions described in the bylaws for this purpose.

Injunctions

21 (1) The registrar may apply on behalf of the association to the Supreme Court for an injunction restraining a person from contravening this Act, the bylaws or the resolutions.

- (2) The court may grant an injunction sought under subsection (1) if the court is satisfied that there is reason to believe there has been or will be a contravention of this Act, the bylaws or the resolutions.
- (3) The court may grant an interim injunction to apply until the outcome of an action commenced under subsection (1).

Complaints against members or former members

22 (1) A person may make a complaint to the registrar if the person believes that a member has

- (a) incompetently engaged in the practice of professional forestry,
- (b) engaged in conduct unbecoming a member, or
- (c) contravened this Act, the bylaws or the resolutions.
- (2) The president or vice president, on behalf of the association, may make a complaint under subsection (1).
- (3) A complaint must be in writing and must include particulars.
- (4) Unless the complaint is made anonymously, the registrar must
 - (a) on receipt of the complaint, acknowledge its receipt, and
 - (b) on disposition of the matter, inform the complainant of the disposition.
- (5) The fact that a member did not receive a fee or other remuneration for a matter that otherwise would constitute the practice of professional forestry is not grounds for
 - (a) dismissing a complaint about the matter, or
 - (b) refusing to investigate the matter or to take disciplinary action regarding the matter.
- (6) The registrar must accept a complaint if satisfied that
 - (a) the complaint concerns a member or former member,
 - (b) sufficient information has been provided to allow an investigation to proceed,
 - (c) the allegations, if proven, involve a breach of this Act, the bylaws or the resolutions of the association, and
 - (d) the parties cannot resolve the matter on a reasonable and appropriate basis.

Alternative complaint resolution

23 (1) With the consent of the person who made the complaint, the registrar and the member concerning whom the complaint was made, one or more issues relating to the complaint may be referred for alternative complaint resolution as provided in the bylaws.

- (2) The fact that issues have been referred under subsection (1) for alternative complaint resolution does not bar
 - (a) the registrar from accepting the complaint under section 22 (6),
 - (b) an investigation or the issue of a citation under section 24 concerning the complaint,
 - (c) an application under section 25 to the Supreme Court arising from the complaint, or

(d) a discipline hearing under section 27 into the matters set out in the citation, unless the person who made the complaint, the registrar and the member concerning whom the complaint was made agree in writing that the issues giving rise to the complaint are resolved.

(3) Despite subsection (2), until the outcome of the alternative complaint resolution proceeding,

(a) the registrar may delay the decision whether or not to act under section 22 (6),

(b) the agent may delay proceeding with an investigation or the registrar may delay deciding whether or not to issue a citation under section 24, or

(c) a discipline hearing under section 27 may be adjourned.

Investigation and citation

24 (1) On acceptance under section 22 (6) of a complaint, the agent may investigate the conduct or competence of the member to determine if grounds exist for a discipline hearing under section 27.

(2) If the agent is satisfied that a person possesses any information, record or thing that is relevant to an investigation of a member, the agent may request in writing that the person

(a) answer, or meet with the agent to answer, inquiries by the agent relating to the investigation, and

(b) produce the information, record or thing for examination by the agent.

(3) On completion of an investigation, the agent must consider the information, records and things obtained under this section or section 25 and the credibility of any person interviewed in the course of the investigation and report these findings to the registrar.

(4) On receipt of a report under subsection (3), the registrar may

(a) issue a citation, if in the opinion of the registrar the report sets out a reasonable basis for a belief described in section 22 (1), or

(b) decline to issue a citation, if in the opinion of the registrar the report does not set out a reasonable basis for the citation to be issued.

Search and seizure

25 (1) The registrar may apply to the Supreme Court for an order that files, records or other evidence, wherever located, belonging to or relating to a member be seized from the person named in the order, if there are reasonable grounds to believe that the member may have

(a) incompetently engaged in the practice of professional forestry,

(b) engaged in conduct unbecoming a member, or

(c) contravened this Act, the bylaws or the resolutions.

(2) An application under subsection (1) may be made without notice to anyone or on such notice as the court requires.

(3) The person making the application under subsection (1) must state on oath or by affirmation the grounds for believing

(a) the matter referred to in subsection (1), and

(b) that the seizure will produce evidence relevant to the matter.

(4) In an order under subsection (1), the court may

(a) designate the person who will conduct the seizure and authorize that person to conduct it,

(b) state the time and place that the seizure will take place, and

(c) give any other directions necessary to carry out the seizure.

(5) This section does not apply to files, records or other evidence subject to solicitor-client privilege.

Confidentiality

26 (1) A person who obtains information, files, records or things while carrying out an investigation must not disclose the information, files, records or things to anyone, unless it is for the purpose of carrying out a duty under this Act or as required by law.

(2) Except in respect of a proceeding under this Act, a person to whom subsection (1) applies must not be compelled in a civil proceeding to disclose or give evidence respecting any information, files, records or things obtained in the course of conducting an investigation.

Discipline hearings

27 (1) If a citation is issued respecting a member, the registrar may

(a) direct that a panel be formed in accordance with the bylaws to conduct a discipline hearing into the matters set out in the citation, and

(b) give the member a copy of the citation and 10 days' written notice of the time and place that the discipline hearing will begin.

(2) Once the conditions in subsection (1) (b) have been satisfied, the panel may proceed with the discipline hearing and act under this section whether or not the member appears in person or by legal counsel at the discipline hearing.

(3) A discipline hearing must be conducted by a panel in accordance with the bylaws and, at the conclusion of the discipline hearing, the panel must

(a) act under subsection (4) if satisfied that the member has

(i) incompetently engaged in the practice of professional forestry,

(ii) engaged in conduct unbecoming a member, or

(iii) contravened this Act, the bylaws or the resolutions, or

(b) dismiss the citation if not satisfied that the member has acted as described in paragraph (a).

(4) If subsection (3) (a) applies, the panel must do one or more of the following:

(a) reprimand the member;

(b) impose a penalty on the member in an amount not exceeding \$10 000;

(c) impose conditions on the member's enrolment, registration, special permit or certificate of accreditation;

(d) suspend the member's enrolment, registration, special permit or certificate of accreditation

(i) for a specified period of time,

(ii) until the member complies with a requirement under paragraph (f), or

(iii) for a specified minimum period of time and until the member complies with a requirement under paragraph (f);

(e) rescind the member's enrolment, registration, special permit or certificate of accreditation;

(f) require the member to

(i) complete a remedial program to the satisfaction of the council, or

(ii) appear before a board of examiners appointed by the council and satisfy the board that the member is competent to engage in the practice of professional forestry;

(g) give written reasons for a determination about the conduct or competence of the member and an action taken against the member;

(h) record in writing an order for costs against the member.

(5) For the purposes of a discipline hearing, sections 34 (3) and (4), 48 and 49 of the Administrative Tribunals Act apply to the panel.

(6) If a panel member is unable for any reason to continue to serve on the panel, the remaining panel members may continue the discipline hearing and act under this section, and the vacancy does not invalidate the proceeding.

Witnesses

28 (1) The registrar, on behalf of the association, or the member to whom the citation is issued, may apply to the Supreme Court, without notice to anyone, for an order that a subpoena in the form set out in the Supreme Court Civil Rules be issued to compel the attendance of a person as a witness at the discipline hearing.

(2) The Supreme Court Civil Rules respecting the following apply to a person who is the subject of an order under subsection (1):

(a) the use of a subpoena to compel a person to attend at the trial of an action;

(b) failure to obey a subpoena or an order of the court.

Costs

29 (1) A panel, in the context of a discipline hearing under section 27, may require the member to pay the costs of any or all of the following:

(a) an investigation;

(b) the discipline hearing.

(2) Costs assessed under subsection (1)

(a) must not exceed the actual costs incurred by the association during the course of the investigation and discipline hearing, and

(b) may include the remuneration costs for employees, officers or agents of the association engaged in the investigation or discipline hearing.

(3) The council may make bylaws governing the assessment of costs under subsection (1), including the following:

- (a) the factors to be considered in assessing costs;
 - (b) the maximum amount of costs that may be assessed within the limits set out in subsection (2);
 - (c) the time allowed for payment of costs;
 - (d) the extension of time for payment of costs.
- (4) The amount of costs assessed under subsection (1) against a member may be recovered as a debt owing to the association and, if collected, that amount is the property of the association.

Appeal

30 (1) A member or the association may appeal the determination made under section 27 to the Supreme Court on a question of law or jurisdiction.

- (2) The Supreme Court may confirm, vary or reverse the determination referred to in subsection (1) or send the matter back to the panel with directions.
- (3) An appeal under this section must be brought within 30 days after written notice of the determination referred to in subsection (1) was given to the member.
- (4) An appeal from a decision of the Supreme Court lies to the Court of Appeal with leave of a justice of the Court of Appeal.

Protection against lawsuits

31 (1) Subject to subsection (2), no legal proceedings for damages lies or may be commenced or maintained against the president, the vice president, a councillor, an agent, an employee or an officer of the association, or any other individual acting on behalf of the association or under the direction of the council, including a member of a panel appointed under section 27, because of anything done or omitted

- (a) in the performance or intended performance of any duty on behalf of the association or the council under this Act, or
 - (b) in the exercise or intended exercise of any power on behalf of the association or the council under this Act.
- (2) Subsection (1) does not apply to an individual in relation to anything done or omitted in bad faith.
 - (3) Subsection (1) does not absolve the association from vicarious liability arising out of anything done or omitted by an individual referred to in that subsection for which the association would be vicariously liable if this section were not in force.
 - (4) The council may purchase and maintain insurance protecting the association and the individuals referred to in subsection (1) against liability arising out of the operations or activities of the association and providing for indemnity with respect to any claims arising out of acts done or not done in good faith by those individuals while acting or purporting to act on behalf of the association.

Offences

32 (1) A person who contravenes section 19 (2) or (3) commits an offence.

- (2) A person commits an offence who applies for a registration, an enrolment, a special permit or a certificate of accreditation by a false or fraudulent representation.
- (3) A person commits an offence who knowingly assists another person to apply for a registration, an enrolment, a special permit or a certificate of accreditation as described in subsection (2).
- (4) A person commits an offence who takes punitive action against
 - (a) a member who fulfills their obligation under this Act to exercise professional judgment or take independent action in the practice of professional forestry, or
 - (b) a person who, in good faith, makes a complaint or report respecting the manner in which a person engages in the practice of professional forestry.
- (5) For the purposes of subsection (4), "punitive action" includes reprimanding, suspending, discharging, demoting, denying promotion to or transferring, or refusing to award a contract to a member or another person because the member or person acted as described in subsection (4) (a) or (b).
- (6) A person who commits an offence under this Act is liable, on conviction
 - (a) for a first offence, to a fine of not less than \$1 000,
 - (b) for a second offence, to a fine of not less than \$5 000, and
 - (c) for every subsequent offence, to a fine of not less than \$10 000.

Application of the Offence Act

33 Section 5 of the Offence Act does not apply to this Act, the bylaws or the resolutions.

Spent

34–36 [Repeal and consequential amendment. Spent. 2003-19-34 to 36.]

Commencement

37 This Act comes into force by regulation of the Lieutenant Governor in Council.

Copyright (c) Queen's Printer, Victoria, British Columbia, Canada