

Foresters Association Act

CHAPTER 6

OF THE

ACTS OF 1999 (2nd Session)

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act to Incorporate the
Registered Professional Foresters
Association of Nova Scotia

Short title

1 This Act may be cited as the Foresters Association Act, 1999 (2nd Sess.), c. 6, s. 1 .

Interpretation

2 In this Act,

(a) "Association" means the Registered Professional Foresters Association of Nova Scotia established by this Act;

(b) "Board of Examiners" means the Board of Examiners of the Association;

(c) "by-law" means a by-law of the Association;

(d) "continuous forest education" means the completion of professional education courses or seminars to which the Council has assigned continuous forest-education credits;

(e) "core subject areas" means those subject areas required in an accredited forestry program as listed in the Canadian Forestry Accreditation Board policy statement as prescribed by the Council;

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

(g) "design" means those matters of a scientific or forestry nature that deal with the establishment, conservation, harvesting and access by means of rough logging roads for the purpose of management of forests and forest land, but does not include machinery, structures, works, plants, transportation systems, transmission systems or communication systems;

(h) "forester-in-training" means an individual who has an undergraduate degree in forestry or forest engineering and is enrolled as a forester-in-training with the Association and is in good standing;

(i) "forestry candidate" means an individual who has enrolled as a forestry candidate with the Association and is in good standing and who has at least four years of forestry-related experience prior to enrollment;

(j) "member" means a member of the Association in good standing;

(k) "practice of professional forestry" means performing or directing the analysis, design, organization, co-ordination or evaluation of those matters of the science, business and art of establishing, conserving and managing forests and forest lands for the sustainable development of their resources, material or otherwise that, because of their scope and complexity, require specialized knowledge, training and experience equivalent to the requirements for registration of a professional forester pursuant to Section 7;

(l) "Register" means the Register of Professional Foresters;

(m) "registered professional forester" means a member whose name is on the Register and whose registration is not suspended or cancelled;

(n) "Registrar" means the Registrar of the Association. 1999 (2nd Sess.), c. 6, s. 2 .

Association

3 (1) There is hereby established a body corporate to be known as the Registered Professional Foresters Association of Nova Scotia.

(2) The Association consists of those persons who are members of the Association. 1999 (2nd Sess.), c. 6, s. 3 .

Objects

4 The objects of the Association are to

(a) establish and maintain high standards of professional ethics and excellence for members in the practice of professional forestry;

(b) assure the general public of the knowledge, skill, proficiency and competency in the practice of professional forestry of professional foresters who are members;

(c) promote and improve the knowledge, skill, proficiency and competency in all matters relating to the practice of professional forestry of professional foresters who are members; and

(d) do all such matters and things as will advance the interests of professional foresters in the practice of professional forestry. 1999 (2nd Sess.), c. 6, s. 4 .

Head office

5 The head office of the Association shall be at such place as is determined by the by-laws. 1999 (2nd Sess.), c. 6, s. 5 .

Powers of Association

6 The Association may

(a) provide for the government, discipline and honour of members with respect to the practice of professional forestry within the Province;

(b) acquire, hold, dispose of or deal with real and personal property for the purpose of the Association and the furtherance of its objects;

(c) borrow money for the purpose of the Association;

(d) secure repayment of money borrowed or the performance of an obligation by way of mortgage, pledge or charge of any of its real or personal property;

(e) provide for the determination of, by examination or other means, the competency of persons seeking to become or remain members and grant certificates of registration to persons qualified to be members;

(f) develop principles of association that will facilitate co-operation with the Nova Scotia Section, Canadian Institute of Forestry and any other organization for the advancement of the practice of professional forestry;

(g) do all such matters and things as may be necessary for or incidental or conducive to the welfare of professional foresters and their usefulness to the public. 1999 (2nd Sess.), c. 6, s. 6 .

Membership

7 (1) A person of the age of majority is entitled to become a member of the Association upon filing with the Registrar satisfactory proof that such person intends to engage in the practice of professional forestry in the Province, has tendered the fees and dues and completed the examinations, both as prescribed by the by-laws, and

(a) has obtained a degree from a recognized school, college or university whose curriculum of study in the science of forestry is approved by the Council and has completed a minimum of two years as a forester-in-training under the guidance, but not necessarily under the direct supervision, of a registered professional forester subsequent to graduation;

(b) has obtained a degree from a recognized school, college or university whose curriculum of study in a science other than forestry is approved by the Council, has six years of experience in forestry, two of which are as a forestry candidate under the guidance, but not necessarily under the direct supervision, of a registered professional forester and has passed examinations as prescribed by the Council in core subject areas;

(c) is a graduate of a forest technician school, has at least six years experience in forestry under the guidance, but not necessarily under the direct supervision, of a registered professional forester as a forest technician, two of which are as a forestry candidate, and has passed examinations prescribed by the Council in core subject areas;

(d) has passed the examinations prescribed by the Council in core subject areas and fundamentals of forestry and has at least eight years of experience in forestry, four of which are as a forestry candidate under the guidance, but not necessarily under the direct supervision, of a registered professional forester; or

(e) is a registered member of an association of professional foresters that, 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 has passed examinations as prescribed by the Council respecting the practice of professional forestry in the Province, paid the prescribed fees and meets any further requirements in the by-laws.

(2) The Council shall admit an applicant who satisfies the requirements specified by the by-laws for enrollment as a forester-in-training or as a forestry candidate.

(3) The Council may establish such additional classes of membership as it deems necessary and establish their criteria in the by-laws. 1999 (2nd Sess.), c. 6, s. 7 .

Corporate seal

8 The Association shall have a corporate seal. 1999 (2nd Sess.), c. 6, s. 8 .

Meetings

9 The Association shall, in the manner provided by the by-laws, hold an annual general meeting in each calendar year and such other meetings as the Council may determine. 1999 (2nd Sess.), c. 6, s. 9 .

Council

10 (1) There shall be a Council of the Association consisting of

(a) a President;

(b) a Vice-president; and

(c) three other members,

who shall be elected by the members in accordance with the by-laws, and

(d) a member of the public appointed by the Governor in Council; and

(e) the immediate Past-president.

(2) The President shall preside at the meetings of the Council and the Association and has such other powers and duties as the by-laws may provide.

(3) The Vice-president has all the powers and duties of the President in the absence of the President.

(4) The President, or other person presiding over a meeting of the Council or Association in place of the President, shall not vote except in the case of a tie. 1999 (2nd Sess.), c. 6, s. 10 .

Duties of Council

11 (1) The Council shall provide for the general management of the affairs and business of the Association and shall carry on and transact the same in accordance with this Act and the by-laws.

(2) The Council shall annually appoint from the members of the Association

(a) a Registrar;

(b) a Secretary;

(c) a Treasurer; and

(d) such other officers as the by-laws may provide. 1999 (2nd Sess.), c. 6, s. 11 .

By-laws

12 (1) Subject to subsection (2), the Council may make by-laws

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

(b) determining the requirements for awarding continuous forest-education credits, the number of continuous forest-education credits to be assigned to each course or seminar for which credit is sought and the number of continuous forest-education credits required annually to fulfil the requirements of subsection 15(2);

(c) respecting the enrollment of forester-in-training or forestry candidates, including the conditions of eligibility for registration as a forester-in-training or forestry candidate, and prescribing the rights, privileges and obligations of foresters-in-training or forestry candidates;

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

(e) governing, subject to this Act, the appointment of the Board of Examiners, the designation of a Chair, the appointment of acting members and the procedures for filling vacancies on the Board and the appointment of ex-officio members to the Board and prescribing their powers, duties and functions;

(f) establishing classes or categories of membership in the Association in addition to registered professional forester, forester-in-training and forestry candidate, establishing conditions of eligibility for registration and prescribing the rights, privileges and obligations of the members of each class or category;

(g) providing for the appointment of an individual as an Acting Registrar who has all the powers and duties of the Registrar pursuant to this Act and the by-laws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;

(h) respecting the fees, dues and levies payable to the Association by a registered professional forester, forester-in-training, forestry candidate or any other class or category of member in the Association and by applicants for registration;

(i) respecting all matters that are considered necessary for, or beneficial to, the attainment of the objects of the Association;

(j) respecting all things that are considered necessary or advisable for the government of the Association and the efficient conduct of the business of the Association.

(2) A by-law pursuant to subsection (1) does not come into force until the by-law has been approved by a majority of the registered professional foresters

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

(b) voting in a mail vote in accordance with the by-laws. 1999 (2nd Sess.), c. 6, s. 12 .

Board of Examiners

13 There shall be a Board of Examiners consisting of three members who shall

(a) be appointed annually by the Council as provided in the by-laws; and

(b) set and conduct the examinations of applicants for membership and file the results of the examinations. 1999 (2nd Sess.), c. 6, s. 13 .

Registrar of Professional Foresters

14 (1) The Registrar shall keep a register to be known as the Register of Professional Foresters.

(2) The Registrar shall enter in the Register the names of all persons who are members.

(3) The Register shall be open for public inspection at all reasonable times without charge.

(4) Upon entering the name of a person in the Register, the Registrar shall issue a certificate of registration to that person. 1999 (2nd Sess.), c. 6, s. 14 .

Fees and certificates

15 (1) A registered professional forester, forester-in-training, forestry candidate and all other class of member shall pay the annual fee prescribed by the by-laws to the Registrar or to any person authorized by the Registrar to accept payment of that fee.

(2) The Registrar shall issue an annual certificate in accordance with the by-laws to a registered professional forester whose registration is not under suspension or cancellation, who has paid the annual fee and who has completed the continuous forest education requirements.

(3) An annual certificate certifies the registration of a registered professional forester during the year for which the annual certificate is issued.

(4) An annual certificate expires on the date prescribed in the by-laws. 1999 (2nd Sess.), c. 6, s. 15 .

Suspension or cancellation of registration

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

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

(a) the date of the cancellation or suspension;

(b) in the case of a suspension, the period of suspension; and

(c) the reason for the cancellation or suspension.

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

(4) The Registrar shall not cancel the registration of a registered professional forester at that person's request unless the request for the cancellation has been accepted by the Council.

(5) Where a request for the cancellation of a registration is accepted by the Council,

(a) the Registrar shall cancel the registration; and

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

(6) The Council may direct the Registrar to suspend or cancel the registration of a registered professional forester who is in default of payment of annual fees, penalties or costs or any other fees, dues or levies payable by the registered professional forester pursuant to this Act, the continuous forest-education requirements or the by-laws after the expiration of thirty days following service on the registered professional forester of a written notice by the Council, unless the notice has been complied with.

(7) The notice pursuant to subsection (6) shall state that the Registrar may suspend or cancel the registration unless the fees, penalties, costs, dues or levies are paid, or the continuous forest-education requirement is met, as indicated in the notice.

(8) The Council may direct the Registrar to cancel the registration of a person entered in the Register in error.

(9) Where a registration is suspended or cancelled pursuant to subsection (6) or (7), the Council may, subject to the by-laws, direct the Registrar to re-instate the registration in the Register and re-issue the certificate.

(10) Where a registration is suspended or cancelled pursuant to subsection (6) or (7), the member may appeal the decision as provided in the by-laws. 1999 (2nd Sess.), c. 6, s. 16 .

Interpretation of Sections 18 to 27

17 In Sections 18 to 27,

(a) "Chair" means the Chair of the Discipline Committee and includes a Vice-chair;

(b) "conduct" includes any act or omission;

(c) "investigated person" means a registered professional forester, forester-in-training or forestry candidate with respect to whose conduct an investigation or hearing is held, or may be held, pursuant to Sections 18 to 27. 1999 (2nd Sess.), c. 6, s. 17 .

Discipline Committee

18 There shall be a Discipline Committee established as prescribed in the by-laws. 1999 (2nd Sess.), c. 6, s. 18 .

Conduct subject to disciplinary action

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

(a) constitutes negligence;

(b) contravenes this Act or the by-laws;

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

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

whether or not that conduct is disgraceful or dishonourable, constitutes either professional misconduct or the unskilled practice of forestry, whichever the Discipline Committee determines, and may be the subject of a disciplinary action. 1999 (2nd Sess.), c. 6, s. 19 .

Complaints

20 (1) A person who has a complaint about the conduct of a registered professional forester, forester-in-training or forestry candidate may take a complaint in writing to the Registrar and the Registrar shall forthwith refer the complaint to the Chair to be dealt with by the Discipline Committee in accordance with the by-laws.

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

(3) Upon receiving a complaint, the Discipline Committee shall proceed in accordance with the by-laws. 1999 (2nd Sess.), c. 6, s. 20 .

Suspension pending decision

21 Notwithstanding anything contained in this Act, the Chair may suspend the registration of an investigated person pending a decision by the Discipline Committee on the complaint. 1999 (2nd Sess.), c. 6, s. 21 .

Public Inquiries Act

22 For the purpose of exercising jurisdiction pursuant to this Act, the Discipline Committee has all the powers, privileges and immunities of a commissioner appointed pursuant to the Public Inquiries Act. 1999 (2nd Sess.), c. 6, s. 22 .

Duties of Discipline Committee

23 (1) The Discipline Committee shall assign penalties in accordance with the by-laws.

(2) The Registrar shall, upon completion of the discipline hearing and the presentation of the findings of the Discipline Committee,

(a) serve any order the Discipline Committee makes, together with written reasons for making the order, on the investigated person;

(b) inform the complainant in writing of the disposition of the complaint; and

(c) impose and collect any penalties as prescribed in the decision. 1999 (2nd Sess.), c. 6, s. 23 .

Appeal

24 An investigated person in respect to whom a decision has been made pursuant to subsection 23(2) may, within thirty days after the decision, appeal to a judge of the Supreme Court of Nova Scotia from such decision, giving ten days notice of the appeal to the Registrar, and may require the evidence taken to be filed with the proper officer of the Court, whereupon the judge shall decide the appeal, either on the evidence taken or by a trial de novo, and confirm or set aside the order and, where the order is confirmed, the costs of the appeal shall be borne by the investigated person. 1999 (2nd Sess.), c. 6, s. 24 .

Consequences of suspension or cancellation

25 (1) Unless a decision of suspension or cancellation is set aside on appeal or the judge or the Discipline Committee otherwise orders, the person suspended or whose certificate of registration as a member has been cancelled shall, upon receiving the order of suspension or cancellation, surrender to the Registrar the certificate of registration.

(2) Where no appeal has been taken pursuant to Section 24 within the time prescribed for filing a notice of appeal, the Discipline Committee

(a) may cause notice of any order reprimanding and censuring an investigated person to be given to members of the Association by publication in such form and manner as the Committee determines;

(b) shall cause notice of an order suspending or cancelling the certificate of registration of a member or enrollment of a forester-in-training or forestry candidate to be given to the members of the Association by publication in such form and manner as the Committee determines, and the Committee may give such further public notice as it deems appropriate.

(3) Where an appeal from an order of the Discipline Committee is taken pursuant to Section 24, no notice pursuant to subsection (2) shall be given until the order of the Discipline Committee is upheld on appeal and the periods for taking any further appeals have expired. 1999 (2nd Sess.), c. 6, s. 25 .

Re-instatement

26 (1) A person whose membership has been cancelled pursuant to this Act may apply to the Discipline Committee for re-instatement as a member and the Discipline Committee shall, subject to subsection (2), hear the application and make such order as the Committee considers proper.

(2) No application pursuant to subsection (1) shall be heard before the fulfilment of the penalty assigned by the Discipline Committee or the date of the final disposition of an appeal, whichever is later.

(3) Upon a hearing for re-instatement as a member pursuant to subsection (1), the Discipline Committee shall follow, as far as is practicable, the procedure provided for in the case of a complaint pursuant to this Act, and a former member has the same right of appeal from an order made by the Discipline Committee as is provided pursuant to Section 24. 1999 (2nd Sess.), c. 6, s. 26 .

Assistance to Discipline Committee

27 The Discipline Committee may, in the execution of its duties pursuant to this Act, employ such legal or other assistance as the Committee deems necessary. 1999 (2nd Sess.), c. 6, s. 27 .

Use of designation and seal

28 A member may

(a) use the designation "Registered Professional Forester" or the abbreviation "R.P.F."; and

(b) use a seal as provided in the by-laws. 1999 (2nd Sess.), c. 6, s. 28 .

Prohibition

29 No person shall use the designation "Registered Professional Forester" or the abbreviation "R.P.F." either alone or in combination with other words, letters or descriptions to imply that that person is entitled to practise as a registered professional forester unless that person is a member. 1999 (2nd Sess.), c. 6, s. 29 .

Preservation of certain rights

30 Nothing in this Act affects the right of a person who is not a member to engage in the practice of professional forestry as long as that person does not use a designation referred to in Section 29. 1999 (2nd Sess.), c. 6, s. 30 .

Right to be registered and examinations

31 (1) Notwithstanding Section 7, any person of the age of majority is entitled, within six months of the coming into force of this Act, to be registered as a member upon filing with the Registrar satisfactory proof that such person has tendered the fees and dues prescribed by the by-laws, has obtained a degree in forestry or forest engineering approved by the Council at least twenty four months before the coming into force of this Act and is, on the coming into force of this Act, engaged in the practice of professional forestry in the Province.

(2) Notwithstanding Section 7, any person of the age of majority is entitled, within six months of the coming into force of this Act, to be registered as a member upon filing with the Registrar satisfactory proof that such person has tendered the fees and dues prescribed by the by-laws, is a graduate of a recognized forestry technician school at the time of the filing, is, on the coming into force of this Act, engaged in the practice of professional forestry in the Province and has been so engaged for seven years immediately preceding the filing and who meets the requirements set out in the by-laws.

(3) Every person who, in the opinion of the Council expressed by a resolution of the Council, has complied with subsection (1) or (2) shall be registered as a member.

(4) Notwithstanding subsection (3), every person who has been accepted for membership pursuant to subsections (1) or (2) shall pass examinations as prescribed by the Council respecting the practice of professional forestry in the Province, within thirty-six months of their date of original membership, in order to maintain their membership. 1999 (2nd Sess.), c. 6, s. 31 .

Provisional Council

32 (1) Notwithstanding subsection 10(1), there shall be a Provisional Council consisting of

(a) Ian Millar, BScF, MF, of Onslow, who shall be the President;

(b) Michael Kelly, BScFE, of Port Hastings;

(c) Peter Robichaud, BScF, of Bible Hill;

(d) Michael Brown, BScF, of Truro; and

(e) David Dwyer, BScF, of Musquodoboit Harbour.

(2) The Provisional Council has all the powers and duties of the Council until the first Council is elected in accordance with subsection 10(1) or not later than one year after the coming into force of this Act, whichever is earlier.

(3) Subsection 12(2) does not apply to by-laws made by the Provisional Council and such by-laws have effect until by-laws are made by the Council or not later than one year after the coming into force of this Act, whichever is earlier. 1999 (2nd Sess.), c. 6, s. 32 .

Proclamation

33 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 1999 (2nd Sess.), c. 6, s. 33 .

Proclaimed - January 18, 2001
In force - February 1, 2001