

The Agrologists Act, 1994

being

Chapter A-16.1 of the *Statutes of Saskatchewan, 1994* (effective December 1, 1994) as amended by the *Statutes of Saskatchewan, 1998, c.P-42.1; 2009, c.T-23.01; 2010, c.B-12, c.19 and c.20; 2012, c.3; 2014, c.E-13.1; 2017, c.28; 2020, c.9; and 2021, c.6 and c.19.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER A-16.1

An Act respecting Agrologists

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Agrologists Act, 1994*.

Interpretation

2 In this Act:

- (a) “**administrative bylaw**” means a bylaw made for a purpose set out in subsection 16(1);
- (b) “**bylaws**” means the valid and subsisting bylaws of the institute;
- (c) “**council**” means the council of the institute;
- (d) “**court**” means the Court of Queen’s Bench;
- (e) “**institute**” means the Saskatchewan Institute of Agrologists continued pursuant to section 3;
- (f) “**member**” means a member of the institute who is in good standing;
- (g) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h) “**practise agrology**” means to be engaged for hire, gain or the hope of reward in developing, applying, teaching or advising on scientific principles and practices relating to:
 - (i) cultivating, producing, improving, using, protecting or inspecting plants, animals, soils or microorganisms and the environment of those plants, animals, soils or microorganisms; or
 - (ii) managing the associated resources of air, soil, land or water systems if that work requires knowledge, training and experience equivalent to that required to become a member pursuant to this Act;
- (i) “**practising member**” means a member to whom an annual licence is issued pursuant to section 21;
- (j) “**register**” means the register kept pursuant to section 19;
- (k) “**registrar**” means the registrar appointed pursuant to section 13;
- (l) “**regulatory bylaw**” means a bylaw made for a purpose set out in subsection 16(2).

INSTITUTE

Institute continued

3 The Saskatchewan Institute of Agrologists, continued pursuant to *The Agrologists Act*, is continued as a corporation.

1994, c.A-16.1 s.3.

Objects

4 The objects of the institute are:

- (a) to promote and increase the knowledge, skill and proficiency of its members in the practice of agrology;
- (b) to do all things that may be necessary, incidental or conducive to the usefulness of agrologists to the public;
- (c) to ensure the proficiency and competency of agrologists;
- (d) to protect the public in all matters relating to the gathering, analyzing and distributing of information respecting agrology and to improve agrology services and agrology education; and
- (e) to increase public assurance of the safety of the food supply, to promote the wise use of natural resources and to monitor the environmental sensitivity of the agri-food industry.

1994, c.A-16.1, s.4.

Membership

5 The membership of the institute consists of:

- (a) those persons who are members of the Saskatchewan Institute of Agrologists on the day before this Act comes into force; and
- (b) those persons who are admitted as members of the institute pursuant to this Act and the bylaws.

1994, c.A-16.1, s.5.

Property

6(1) The institute may acquire, hold, mortgage, lease, sell or dispose of any property.

(2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the institute.

(3) The institute may:

- (a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act, 2009*; and
- (b) sell or otherwise dispose of those investments and reinvest the proceeds of the disposition in similar investments.

1994, c.A-16.1, s.6; 2009, c.T-23.01, s.64.

Meetings

- 7(1) An annual meeting of the institute is to be held at the time and place that is determined by the council in accordance with the bylaws.
- (2) A special meeting of the institute for the transaction of the business that is specified in the resolution or demand is to be held:
- (a) on resolution of the council; or
 - (b) on the demand, in writing, of the number of members specified in the bylaws.
- (3) The procedure at an annual or special meeting is to be determined by bylaw.
- (4) The registrar shall send a notice of an annual or special meeting to each member at least 14 days before the meeting, in the manner prescribed in the bylaws.

1994, c.A-16.1, s.7; 2017, c28, s.4.

COUNCIL**Council**

- 8(1) The council shall govern, manage and regulate the affairs and business of the institute.
- (2) The council consists of:
- (a) the number of members prescribed in the bylaws, which shall not be less than eight, elected by the members in accordance with this Act and the bylaws;
 - (b) the persons appointed pursuant to section 9;
 - (c) **Repealed.** 2017, c28, s.5.
 - (d) the Dean of the College of Agriculture and Bioresources at the University of Saskatchewan, or a representative nominated by the Dean, as a member by virtue of the Dean's office.
- (3) For the purposes of clause (2)(a), no member is eligible to be elected as a member of council unless that member resides in Saskatchewan.
- (4) Members of the council elected pursuant to clause (2)(a) are entitled to remuneration and reimbursement for expenses in the amount prescribed in the bylaws.
- (5) Each member of the council elected pursuant to clause (2)(a) holds office for the term prescribed in the bylaws.
- (6) At least one member of the council elected pursuant to clause (2)(a) shall be a person actively engaged in farming.

1994, c.A-16.1, s.8; 2017, c28, s.5.

Public appointees

- 9(1)** The Lieutenant Governor in Council may appoint two persons who reside in Saskatchewan as members of the council.
- (2) Where the Lieutenant Governor in Council appoints a person as a member of the council, the term of office of that person is not to exceed two years.
- (3) Subject to subsection (4), a member of council appointed pursuant to this section holds office until the person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.
- (4) A member of council appointed pursuant to this section ceases to hold office if the person ceases to be a resident of Saskatchewan.
- (5) A member of the council appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of the council, but is ineligible to be an officer of the institute.
- (6) A member of council appointed pursuant to this section shall be a member of the discipline committee.
- (7) The absence or inability to act as a member of the discipline committee by a member of the council appointed pursuant to this section or the failure to appoint a member of council pursuant to this section does not impair the right of the other members of the discipline committee to act.
- (8) The minister shall remunerate and reimburse for expenses the member of council appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

1994, c.A-16.1, s.9; 2017, c28, s.6.

Resignation

- 10(1)** An elected member of the council may resign by giving written notice of his or her resignation to the council.
- (2) A member of the council appointed pursuant to section 9 may resign by giving written notice of his or her resignation to the minister.
- (3) The resignation of a member of the council pursuant to subsection (1) or (2) is effective:
- (a) on the date stated in the written notice; or
 - (b) if no date is stated in the written notice, on the date the written notice is received by the council or the minister, as the case may be.

1994, c.A-16.1, s.10.

Vacancy

11(1) When a vacancy occurs in the elected membership of the council, the remaining members of the council may appoint another member to fill the vacancy until the earlier of:

- (a) the expiry of the term of office of the council member who ceased to be a member of the council; or
- (b) the date on which a member is elected to fill the vacancy in accordance with this Act and the bylaws.

(2) A vacancy in the membership of the council does not impair the right of the remaining members of the council to act.

1994, c.A-16.1, s.11.

Officers

12 The officers of the institute are to be those that are:

- (a) designated in the bylaws; and
- (b) appointed or elected in accordance with the bylaws.

1994, c.A-16.1, s.12.

Registrar and other employees

13(1) The council shall appoint a registrar.

(2) The council may engage any employees that it considers necessary to carry out the duties and functions of the institute.

(3) Subject to this Act and the bylaws, the council shall determine the duties, responsibilities and remuneration of the employees of the institute.

1994, c.A-16.1, s.13.

Committees

14(1) The council may establish any committees that are provided for by the bylaws or that it considers necessary.

(2) The council shall appoint members to any committees that are provided for by this Act or the bylaws or that are established pursuant to subsection (1).

(3) Committee members are eligible to be paid any remuneration that may be prescribed in the bylaws.

(4) The council may delegate to a committee that is:

- (a) provided for by this Act or the bylaws; or
- (b) established pursuant to subsection (1);

any of its powers or duties on those terms or conditions that the council may determine.

(5) Subject to this Act and the bylaws, a committee may establish its own procedures.

1994, c.A-16.1, s.14.

BYLAWS

Procedure

15(1) With the approval of a majority of those members who vote at an annual meeting or special meeting, the institute may make bylaws for any purpose set out in section 16.

(2) The council shall notify each member, in the manner prescribed in the bylaws, of each bylaw made pursuant to subsection (1) within 150 days after the bylaw is made.

(3) Failure to comply with subsection (2) does not invalidate a bylaw.

(4) No regulatory bylaw comes into force until it is:

- (a) approved by the minister pursuant to section 17; and
- (b) published in the Gazette.

(5) The council shall file with the Registrar of Corporations two copies, certified by the registrar to be true copies, of:

- (a) all administrative bylaws; and
- (b) all amendments to administrative bylaws;

within 30 days after the bylaws are made.

(6) Where an amendment is filed pursuant to clause (5)(b), the council shall also file two copies, certified by the registrar to be true copies, of the administrative bylaw with the amendment.

(7) The registrar shall forward copies of proposed bylaws to all members in the manner prescribed in the bylaws sent at least 14 days before the date of the annual or special meeting at which they are to be presented.

1994, c.A-16.1, s.15; 2010, c.B-12, s.11; 2017,
c28, s.7; 2021, c6, s.23-26.

Bylaws

16(1) Subject to this Act, administrative bylaws may be made pursuant to section 15 for the following purposes:

- (a) prescribing the location in Saskatchewan for the head office of the institute;
- (b) prescribing the seal of the institute;
- (c) providing for the execution of documents by the institute;
- (d) respecting the banking and financial dealings of the institute;
- (e) fixing the fiscal year of the institute and providing for the audit of the accounts and transactions of the institute;
- (f) respecting the management of the property of the institute;

- (g) prescribing the number of elected members of the council and their terms of office;
 - (h) prescribing the duties of members of the council and officers of the institute;
 - (i) prescribing remuneration and reimbursement for expenses for elected members of the council and members of committees;
 - (j) governing procedures for the election of elected members of the council;
 - (k) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
 - (l) respecting the holding and procedures of meetings of the council and annual or special meetings of the institute;
 - (m) prescribing the amounts of registration, licensing and other fees payable to the institute, the times of payment and the penalties for late payment;
 - (n) providing for the receipt, management and investment of contributions, donations or bequests;
 - (o) establishing and governing scholarships, bursaries and prizes;
 - (p) authorizing the institute to enter into agreements or arrangements with any person, group, association, organization or body corporate having goals or objectives similar to those of the institute;
 - (q) establishing any committees that the council or the institute considers necessary and prescribing the manner of election or appointment of members to those committees;
 - (r) providing for the establishment of branches throughout Saskatchewan that the council or the institute considers necessary and prescribing the rules and procedures for conducting branch business;
 - (s) providing for any other thing that is necessary for the effective administration of the institute.
- (2) Subject to this Act, regulatory bylaws may be made pursuant to section 15 for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency for:
 - (i) the registration of persons or any category of persons as members; and
 - (ii) the issuing of licences;
 - (b) prescribing:
 - (i) the procedures governing registration of persons or any category of persons as members;
 - (ii) the procedures governing the issuing of licences; and
 - (iii) the terms and conditions of licences;

- (c) providing for a code of professional ethics;
- (d) setting standards of professional conduct, competency and proficiency of members;
- (e) setting standards regarding the manner and method of practice of members;
- (f) setting requirements for maintenance of membership;
- (g) setting standards for professional development and the participation of members in professional development;
- (h) prescribing procedures for reviews pursuant to subsection 21(3), investigations by the professional conduct committee and hearings by the discipline committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
- (i) governing the reinstatement of a member who has been expelled;
- (j) establishing categories of membership in the institute and prescribing the rights and privileges of each category;
- (k) prescribing the circumstances under which members are required to attend re-entry education programs and courses, and approving programs and courses for that purpose;
- (l) prescribing the qualifications, courses, manner of study and examinations for articling agrologists;
- (m) governing the approval of education programs for purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
- (n) prescribing the minimum amount of liability protection that is required to be obtained by a practising member who is not employed pursuant to *The Public Service Act, 1998* or by any category of practising members;
- (o) respecting the reporting and publication of decisions and reports of the council and committees;
- (p) regulating advertising by members;
- (q) prescribing the number of members required to demand a special meeting of the institute;
- (r) prescribing any other matters considered necessary for the better carrying out of this Act.

Filing of regulatory bylaws

17(1) The institute shall file with the minister two copies, certified by the registrar to be true copies, of:

- (a) all regulatory bylaws; and
 - (b) any amendment of a regulatory bylaw, together with two certified copies of the regulatory bylaw to which it relates.
- (2) Where the minister does not advise the institute in writing within 90 days of receiving copies of the regulatory bylaw or amendment that the minister approves the regulatory bylaw or amendment, it is deemed not to be approved.
- (3) Where the minister approves a regulatory bylaw or an amendment to a regulatory bylaw, the minister shall file with the Registrar of Corporations two copies, certified by the registrar to be true copies, of the regulatory bylaw or amendment.
- (4) Where an amendment to a regulatory bylaw is filed pursuant to subsection (3), the minister shall file two copies, certified by the registrar to be true copies, of the regulatory bylaw with the amendment.

1994, c.A-16.1, s.17; 2010, c.B-12, s.11; 2021, c.6, s.23-26.

MEMBERSHIP AND REGISTRATION**Membership**

18(1) The council, in accordance with this Act and the bylaws, may admit persons as members.

- (2) The council may issue licences to members.
- (3) A membership certification issued before the coming into force of this section:
 - (a) is deemed to be a licence issued pursuant to this Act;
 - (b) may be dealt with pursuant to this Act as if it were a licence issued pursuant to this Act; and
 - (c) is subject to the same terms and conditions governing it that were in place on the day on which *The Agrologists Amendment Act, 2017* comes into force.

2017, c.28, s.10.

Register

19(1) The registrar, in accordance with the bylaws, shall keep or cause to be kept a register in which is to be entered the name and address of every member.

- (2) The register is to be:
 - (a) kept at the head office of the institute; and

- (b) open for inspection by all persons, without fee, during normal office hours of the institute.
- (2.1) The register may be made available in any other manner acceptable to the registrar, including an electronic format.
- (3) A certificate purporting to be signed by the registrar stating that a named person was or was not, on a specified day or during a specified period a member, a practising member, an articling agrologist or a suspended member according to the register, or an extract from the register that is certified by the registrar, is admissible in evidence as proof, in the absence of evidence to the contrary, of its contents without proof of the registrar's appointment or signature.

1994, c.A-16.1, s.19; 2020, c.9, s.3.

Annual register

20 On or before February 1 in each year, the institute shall file with the Registrar of Corporations and the minister a list, to be called the annual register, certified by the registrar to be a true list, showing:

- (a) the names of the members of the institute as at December 31 in the preceding year;
- (b) the addresses of the members mentioned in clause (a) as shown by the records of the institute; and
- (c) the respective dates of admission to membership in the institute of the members mentioned in clause (a).

1994, c.A-16.1, s.20; 2010, c.B-12, s.11; 2021, c.6, s.23-26.

Registration

21(1) The council may register a person as a member and annually issue a licence to the person to practise agrology where the person produces evidence establishing to the satisfaction of the council that the person:

- (a) has successfully completed one of the following from a university, college or other educational institution recognized by the council and specified in the bylaws:
 - (i) a four-year degree in agriculture or bioresources;
 - (ii) a degree equivalent to a degree mentioned in subclause (i);
- (b) meets the membership criteria prescribed in the bylaws;
- (c) has complied with the bylaws with respect to registration as a member; and
- (d) has paid the prescribed fees.

(1.1) Notwithstanding subsection (1), the council may register a person as a member and annually issue a licence to the person to practise agrology if the person produces evidence establishing to the satisfaction of the council that the person:

- (a) meets the membership criteria prescribed in the bylaws;
- (b) has complied with the bylaws with respect to registration as a member;
- (c) has paid the prescribed fees; and

- (d) is registered as the equivalent of an agrologist in good standing pursuant to the legislation of another jurisdiction in Canada.
- (2) **Repealed.** 2017, c28, s.11.
- (3) A person who is aggrieved by a decision of the council pursuant to this section may apply to the council to review that decision.
- (4) On a review pursuant to subsection (3), the person aggrieved by the decision of the council has the right to appear in person before the council in support of the application.
- (5) The council shall cause the applicant to be informed in writing of its decision on the review.
- (6) The council may register as a member, and issue a restricted licence to practise to, a person who:
- (a) does not fully meet the requirements of clause (1)(a);
 - (b) agrees to practise in accordance with the conditions or restrictions specified on the restricted licence;
 - (c) has paid the prescribed fees; and
 - (d) has complied with the bylaws with respect to registration as a member with a restricted licence.

1994, c.A-16.1, s.21; 2010, c.19, s.2; 2017, c28, s.11.

PROHIBITION

Prohibited practice

- 22(1)** No person other than a practising member shall:
- (a) practise agrology;
 - (b) carry out the functions of an agrologist;
 - (c) hold himself or herself out to the public as an agrologist; or
 - (d) use the title “agrologist” or any abbreviation, name, title or designation that may lead the public to believe that the person is a practising member.
- (2) No person other than a member registered as an articling agrologist shall use the title “articling agrologist” or any abbreviation, name, title or designation that may lead the public to believe that the person is an articling agrologist.
- (3) Clauses (1)(a) to (c) do not apply to:
- (a) a person carrying on the business of farming;
 - (b) an undergraduate student working under the supervision of a practising member; or

- (c) a person, or his or her agent, who gives advice based on information provided to him or her by a practising member, regarding the quality or use of a product or service that he or she offers for sale;
- (d) **Repealed.** 2017, c28, s.12.
- (4) Clause (1)(a) does not apply to:
- (a) a member as defined in *The Assessment Appraisers Act* who evaluates agricultural land for tax base purposes;
- (b) a person certified pursuant to section 24.1 of *The Assessment Management Agency Act* who evaluates agricultural land for tax base purposes;
- (c) a person practising as a professional engineer or a professional geoscientist, as defined in *The Engineering and Geoscience Professions Act*; or
- (d) a person practising as a professional forester, a professional forest technologist or a restricted member, or any forester-in-training or forest technologist-in-training practising under the supervision of a registered member, as defined in *The Forestry Professions Act*.

1994, c.A-16.1, s.22; 2012, c.3, s.20; 2017, c 28, s.12.

DISCIPLINE

Interpretation re discipline provisions

22.1 In sections 22.2 to 37, “**member**” includes a former member.

2010, c.20, s.2.

Proceedings against former members

22.2(1) No proceedings conducted pursuant to this Act shall be commenced against a former member more than two years after the day he or she became a former member.

(2) For the purposes of this section, a proceeding is commenced when the professional conduct committee, pursuant to subsection 24(1), is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence.

2010, c.20, s.2.

Professional conduct committee

23(1) The professional conduct committee is established consisting of at least three persons appointed by the council, a majority of whom shall be members.

(2) No member of the discipline committee is eligible to be appointed as a member of the professional conduct committee.

1994, c.A-16.1, s.23.

Investigation

24(1) Where the professional conduct committee is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence, the professional conduct committee shall:

- (a) review the complaint; and
- (b) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint.

(2) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending that:

- (a) the discipline committee hear and determine the formal complaint set out in the written report; or
- (b) no further action be taken with respect to the matter under investigation.

(3) The formal complaint set out in a written report made pursuant to clause (2)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or in the investigation conducted pursuant to subsection (1).

(4) A report signed by a majority of the professional conduct committee is a decision of that committee.

(5) The professional conduct committee shall provide or cause the registrar to provide a copy of a written report made pursuant to clause (2)(b) to:

- (a) the council;
- (b) the person, if any, who made the complaint mentioned in subsection (1); and
- (c) the member whose conduct is the subject of the complaint mentioned in subsection (1).

1994, c.A-16.1, s.24.

Discipline committee

25(1) The discipline committee is established consisting of at least five persons appointed by the council, one of whom shall be the member of council appointed pursuant to section 9.

(2) No member of the professional conduct committee is eligible to be appointed as a member of the discipline committee.

1994, c.A-16.1, s.25.

Discipline hearing

26(1) Where a report of the professional conduct committee recommends that the discipline committee hear and determine a complaint, the registrar, at least 14 days prior to the date the discipline committee is to sit, shall:

- (a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and
 - (b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.
- (2) The professional conduct committee shall prosecute the complaint, but its members shall not participate in any other manner in the hearing of the complaint, except as witnesses when required.
- (3) The discipline committee shall hear the complaint and decide whether or not the member is guilty of professional misconduct or professional incompetence, notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any question to a court for adjudication.
- (4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.
- (5) The discipline committee may employ, at the expense of the institute, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing may be represented by counsel at his or her own expense.
- (6) The testimony of witnesses is to be under oath administered by the chairperson of the discipline committee.
- (7) At a hearing by the discipline committee, there is to be a full right:
- (a) to examine, cross-examine and re-examine all witnesses; and
 - (b) to present evidence in defence and reply.
- (8) On the application of the member whose conduct is the subject of a hearing or a member of the professional conduct committee or the discipline committee, the local registrar of the court at any judicial centre, on payment of the appropriate fees, shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* and, where a writ is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (9) Where the member whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in his or her absence.
- (10) If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall:
- (a) notify the member of that fact; and
 - (b) if the discipline committee proposes to amend, add to or substitute the charge in the formal complaint and unless the member otherwise consents, adjourn the hearing for any period that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended formal complaint.
- (11) The person, if any, who made the complaint pursuant to section 24:
- (a) is to be notified by the registrar of the date, time and place of the hearing; and
 - (b) is entitled to attend the hearing.

(12) Notwithstanding clause (11)(b), the discipline committee may exclude from any part of the hearing the person who made the complaint when the committee is of the opinion that evidence brought in the presence of that person will unduly violate the privacy of a person other than the member.

1994, c.A-16.1, s.26.

Disciplinary powers

27(1) Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

- (a) an order that the member be expelled from the institute and that his or her name be struck from the register;
- (b) an order that the member be suspended from the institute for a specified period of time;
- (c) an order that the member be suspended pending the satisfaction and completion of any conditions specified in the order;
- (d) an order that the member may continue to practise only under conditions specified in the order that may include, but are not restricted to, an order that the member:
 - (i) not do specified types of work;
 - (ii) successfully complete specified classes or courses of instruction;
 - (iii) obtain treatment, counselling or both;
- (e) an order reprimanding the member; or
- (f) any other order that to it seems just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

- (a) that the member pay to the institute within a fixed period:
 - (i) a fine in a specified amount not exceeding \$2,000 for each finding and \$6,000 in the aggregate for all findings; and
 - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and
- (b) where the member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the institute.

(3) The discipline committee shall send a copy of an order made pursuant to subsection (1) or (2) to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.

(4) The discipline committee may inform a member's employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence.

(5) Where a member is expelled or suspended from the institute, the registrar shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

1994, c.A-16.1, s.27.

Professional misconduct

28(1) Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, that:

- (a) is harmful to the best interests of the public or the members of the institute;
- (b) tends to harm the standing of the profession of agrology;
- (c) is a breach of this Act or the bylaws; or
- (d) is a failure to comply with an order of the professional conduct committee, the discipline committee or the council;

is professional misconduct within the meaning of this Act.

(2) Professional incompetence is a question of fact, but the display by a member of:

- (a) a lack of knowledge, skill or judgment; or
- (b) a disregard for the welfare of members of the public served by the profession;

of a nature or to an extent that demonstrates that the member is unfit to continue in the practice of the profession is professional incompetence within the meaning of this Act.

1994, c.A-16.1, s.28.

Criminal conviction

29 The discipline committee may, by order, expel the member from the institute where:

- (a) a member has been convicted of an indictable offence pursuant to the *Criminal Code*;
- (b) a report of the professional conduct committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the member giving rise to the conviction makes the member unfit to continue to be a member.

1994, c.A-16.1, s.29.

Duty to report

30 Where the professional conduct committee in its investigation pursuant to subsection 24(1) or the discipline committee at the conclusion of its hearing pursuant to section 26 believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to:

- (a) the president of the institute; and
- (b) the Deputy Minister of Justice.

1994, c.A-16.1, s.30.

Suspension

31 On application of the council, a judge of the court may direct that a member be suspended pending the disposition of the criminal charge where:

- (a) a criminal charge is laid against the member; and
- (b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

1994, c.A-16.1, s.31.

Appeal

32(1) A member who has been found guilty by the discipline committee, or who has been expelled pursuant to section 29, may appeal the decision or any order of the discipline committee within 30 days of the decision or order to a judge of the court by serving the registrar with a copy of the notice of appeal and filing the notice with a local registrar of the court.

(2) On receipt of a notice of appeal, the registrar shall file with the local registrar of the court a true copy of:

- (a) the formal complaint and notice served pursuant to subsection 26(1) or the report of the professional conduct committee pursuant to section 29;
- (b) the transcript of the evidence presented to the discipline committee; and
- (c) the decision and order of the discipline committee.

(3) The appellant or the appellant's solicitor or agent may obtain from the registrar a copy of the documents filed pursuant to subsection (2) on payment of the costs of producing them.

1994, c.A-16.1, s.32.

Powers of judge

33 In hearing an appeal pursuant to section 32, the judge shall:

- (a) dismiss the appeal;
- (b) quash the finding of guilt;

- (c) direct a new hearing or further inquiries by the discipline committee;
- (d) vary the order of the discipline committee; or
- (e) substitute his or her own decision for the decision of the discipline committee;

and may make any order as to costs that the judge considers appropriate.

1994, c.A-16.1, s.33.

Effect of appeal

34 The commencement of an appeal pursuant to section 32 does not stay the effect of a decision or order of the discipline committee, but, on five days' notice to the registrar, the appellant may apply to the court for a stay of proceedings pending the disposition of the appeal.

1994, c.A-16.1, s.34.

Appeal to Court of Appeal

35 With leave of a judge of the Court of Appeal, the institute or a member who brings an appeal pursuant to section 32 may appeal a decision of the court to the Court of Appeal on a question of law only.

2021, c 19, s.2.

Effect of expulsion

36 Where a member is expelled or suspended from the institute pursuant to this Act, that member's rights and privileges as a member are removed for the period during which he or she is expelled or suspended.

1994, c.A-16.1, s.36.

Reinstatement

37(1) A person who has been expelled as a member may apply to the council for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the council shall:

- (a) review the application; and
- (b) investigate the application by taking any steps it considers necessary.

(3) On the completion of the investigation pursuant to subsection (2), the council may:

- (a) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the council considers appropriate; or
- (b) by order, refuse to reinstate the person.

- (4) A decision of the majority of the members of the council is a decision of the council.
- (5) Where, on an application pursuant to subsection (1), the council refuses to reinstate the person as a member, the person, within 30 days after the date of the order, may appeal the order of the council to a judge of the court and the judge may allow or disallow the appeal.
- (6) On an appeal pursuant to subsection (5), the judge shall consider:
- (a) the proceedings before the council on the application for reinstatement;
 - (b) the past record of the appellant as shown by the books and records of the institute; and
 - (c) the evidence taken before the council and any committee that dealt with the expulsion and the application for reinstatement and the report of that committee.
- (7) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

1994, c.A-16.1, s.37.

GENERAL

Immunity

38 No action lies or shall be instituted against:

- (a) members of the council;
- (b) the discipline committee;
- (c) the professional conduct committee;
- (d) any member of any committee; or
- (e) any officer, employee or agent;

of the institute for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

1994, c.A-16.1, s.38.

Offence and penalty

39 Every person who contravenes section 22 is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000 for a first offence, not more than \$4,000 for a second offence and not more than \$6,000 for each subsequent offence.

1994, c.A-16.1, s.39.

Limitation of prosecution

40 No prosecution for a contravention of section 22 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the council.

1994, c.A-16.1, s.40.

Report of termination of employment

41 Any employer who terminates for cause the employment of a member shall report the termination to the institute where the employer reasonably believes the cause is professional incompetence or professional misconduct.

1994, c.A-16.1, s.41.

Review by Legislative Assembly

42(1) One copy of all bylaws and amendments filed pursuant to section 15 or 17 with the Registrar of Corporations is to be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act, 2021* in accordance with section 13 of *The Executive Government Administration Act*.

(2) Where any bylaw or amendment laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, the bylaw or amendment ceases to have any effect and is deemed to have been revoked.

1994, c.A-16.1, s.42; 2010, c.B-12, s.11; 2014, c.E-13.1, s.62; 2021, c.6, s.23-26.

Record of revocation and notification

43(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Legislative Assembly shall immediately forward two copies of the Votes and Proceedings to the Registrar of Corporations and at the same time advise him or her that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Registrar of Corporations shall file one of the copies with the bylaw or amendment to which it relates and immediately forward the other copy to the institute and at the same time advise the institute that the copy is forwarded pursuant to this subsection.

1994, c.A-16.1, s.43; 2010, c.B-12, s.11; 2021, c.6, s.23-26.

Report to minister

44 The institute shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

1994, c.A-16.1, s.44.

Other Acts not to prohibit practice

45 No provision of any other Act is to be interpreted as preventing a member from practising as an agrologist or an articling agrologist for gain or reward.

1994, c.A-16.1, s.45.

Compliance

46 Every member shall comply with this Act and the bylaws.

1994, c.A-16.1, s.46.

Service of notices, etc.

47(1) Unless otherwise provided for in this Act, any notice or other document that is required to be served pursuant to this Act may be served by:

- (a) personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
- (b) registered mail addressed to the last business or residential address of the person to be served known to the registrar.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.

(3) If it is for any reason impractical to effect service of any documents in the manner provided for in subsection (1), the court may, on application that may be made without notice, make an order for substituted service.

(4) A document served in accordance with the terms of an order mentioned in subsection (3) is deemed to have been properly served.

1994, c.A-16.1, s.47; 2017, c28, s.13.

REPEAL AND COMING INTO FORCE**R.S.S. 1978, c.A-16 repealed**

48 *The Agrologists Act* is repealed.

1994, c.A-16.1, s.48.

