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Bill Pr15

An Act respecting the Ontario Institute of Professional Agrologists

Mr. E. Hardeman

Private Bill

1st Reading September 23, 2013
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

The Bill repeals and replaces *The Ontario Professional Agrologists Act, 1960*. The major change from the repealed Act is the addition of a provision reserving certain designations for the exclusive use of the members of the Ontario Institute of Professional Agrologists and making it an offence for unauthorized persons to use those designations or to hold out that they are members of the Institute.

An Act respecting the Ontario Institute of Professional Agrologists

Preamble

The Ontario Institute of Professional Agrologists has applied for special legislation to enable it to grant to its members the right to the exclusive use of the designations “Professional Agrologist (Ontario)”, “P.Ag.”, “Technical Agrologist (Ontario)”, “T.Ag.”, “Articling Agrologist (Ontario)” and “A.Ag.”. The applicant represents that it was constituted as a corporation without share capital by *The Ontario Professional Agrologists Act, 1960* and was given the power, under that Act, to govern and discipline its members.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Institute continued

1. (1) The Ontario Institute of Professional Agrologists, referred to in this Act as the Institute, is continued as a corporation without share capital.

Membership

(2) The Institute is composed of the members of its board of directors and such persons who are admitted to membership in accordance with the by-laws of the Institute.

Continuation of present board and officers

(3) The members of the board of directors and the officers of the Institute in office immediately before the coming into force of this Act are continued in office until their successors are elected or appointed under this Act.

Objects

2. (1) The principal object of the Institute is to promote and protect the public interest by governing and regulating the practice of its members in the field of professional agrology.

Same

(2) In meeting its principal object, the Institute’s further objects are,

- (a) to establish, maintain, develop and enforce standards of qualification for its members;
- (b) to establish, maintain, develop and enforce standards of practice;
- (c) to establish, maintain, develop and enforce a code of ethics;

- (d) to establish, maintain, develop and enforce standards of knowledge, skill and proficiency;
- (e) to regulate the practice, competence and professional conduct of its members;
- (f) to promote inter-professional collaboration with other professional bodies; and
- (g) to promote and protect the welfare and interests of the Institute and of the practice of professional agrology.

Definition of professional agrology

3. (1) For the purposes of this Act, the field or practice of professional agrology is the application of science to the management of biophysical resources, food production systems, food security and safety and environmental quality in order to contribute to the health of society, the environment and the economy, and includes the application of bioresources and economics to the agriculture, agri-food, environmental resources and natural resources sectors.

Same

(2) Without limiting the generality of subsection (1), the field or practice of professional agrology includes the following:

1. The application of scientific principles, processes and practices relating to the cultivation, production, utilization and improvement of aquatic or terrestrial plants or animals and the management of associated resources.
2. The production, processing and protection of agricultural, horticultural and related products and supplies.
3. The analysis, classification and evaluation of land and water systems.
4. The study and application of scientific principles of agriculture.
5. Agricultural design with respect to the use of buildings, structures, machinery and equipment.
6. Pest control.
7. Agricultural and natural resource economics, finance, communication, business management, marketing, supply chains and trade.
8. Rural community development and support.
9. Biosystem and agricultural engineering.

10. Wetland and riparian area evaluation, conservation planning and management.
11. The conservation, decommissioning, reclamation, remediation and improvement of soils, land and water systems.
12. The use and development of agricultural products for the human health and nutrition industry.
13. The analysis and management of the risks associated with the safety and security of food supply systems, including monitoring quality assurance and quality control practices and the assessment of food safety and security risk from the pre-harvest and pre-slaughter stages through processing and distribution.
14. The development, management and use of waste treatment and ecological systems.

Board of directors

4. The Institute's board of directors, referred to in this Act as the board, shall manage or supervise the management of the activities and affairs of the Institute in accordance with its by-laws.

Committees

5. (1) The board shall by by-law establish as committees of the board a registration committee, a professional requirements committee, a complaints committee, a disciplinary committee, a review committee and an appeal committee and may establish additional committees as it considers appropriate.

Committees' functions

(2) A committee of the board shall perform the functions that are delegated to it by the board or as specified in the Institute's by-laws.

Membership

6. (1) Every individual who applies in accordance with the by-laws and who meets the requirements and qualifications for membership that are specified in the by-laws shall be admitted to membership in the Institute.

Continued registration of present members

(2) A person who is registered as a member of the Institute immediately before the coming into force of this Act is, on the day this Act comes into force, registered as a member of the Institute, subject to the same terms, conditions and restrictions as his or her membership was subject to immediately before the coming into force of this Act.

Members of other provinces' agrology institutes

(3) A member of another provincial agrology institute in Canada shall be accepted for membership as specified in the by-laws.

Issuance of certificate

(4) The registrar of the Institute shall issue a certificate to every individual admitted as a member of the Institute, which shall indicate the class of membership to which the individual belongs and the designation described in subsection 9 (1) that the member is entitled to use.

Terms, conditions, etc.

(5) An individual's membership may be subject to terms, conditions or restrictions as set out in the by-laws and indicated on the individual's certificate of membership.

By-laws

7. (1) The board may make by-laws necessary or desirable to conduct the business and carry out the objects of the Institute, including on the following matters:

1. Governing the admission of individuals to membership in the Institute, including specifying the requirements and qualifications for membership and governing applications for membership.
2. Establishing classes of membership and prescribing the qualifications for and conditions of membership in the different classes of membership.
3. Governing members of the Institute, including,
 - i. establishing standards of practice, a code of ethics and rules of professional conduct,
 - ii. governing the imposition of terms, conditions and restrictions on a member's membership,
 - iii. governing the use of designations and descriptions by different classes of members and specifying circumstances when the board may deny a member the right to use any designation or description,
 - iv. governing the renewal, suspension, revocation and resignation of memberships,
 - v. prescribing record-keeping and reporting requirements,
 - vi. providing for the inspection of members' practices, including their record-keeping and reporting,
 - vii. prescribing the minimum requirements for professional liability insurance that must be carried by members, including proof of the insurance,
 - viii. governing complaints against and discipline of members,
 - ix. providing for the suspension or revocation of membership or other penalties and consequences for members' professional misconduct, incapacity or incompetence, or in the case of a member's bankruptcy or insolvency,
 - x. requiring the payment of annual fees by members and fees for registration, examinations and continuing education, including penalties for late payment, and fees for anything the registrar is required or authorized to do, and prescribing the amounts of the fees,
 - xi. governing the resignation of members and governing the reinstatement or readmission of individuals who have resigned or whose membership is suspended or revoked, and

- xii. providing for the training and recognition of members as specialists, including,
 - A. specifying the requirements and qualifications for recognition of specialist status,
 - B. respecting the applications for recognition of specialist status, and
 - C. respecting the renewal, expiration, suspension and revocation of the recognition of specialist status.
 - 4. Governing the contents of the register to be maintained by the registrar of the Institute, including the addition of information to and the removal of information from the register.
 - 5. Governing the qualifications, nomination, election, appointment and disqualification of members of the board, including fixing the number of appointed and elected directors and setting out terms of office.
 - 6. Governing the nomination, election and appointment of officers of the Institute, including the registrar, and setting out their powers and duties.
 - 7. Establishing and governing the committees required by this Act and any additional committees, and authorizing and governing the formation of panels of committees.
 - 8. Delegating any of the board's powers or duties to one or more committees or to the registrar or any other officer of the Institute and specifying restrictions or conditions on the delegation.
 - 9. Respecting the calling, holding and conducting of meetings of the members of the Institute, of the board and of committees of the board.
 - 10. Respecting matters of procedure for any meeting, process or proceeding of the board, a committee of the board or an officer of the Institute.
 - 11. Prescribing a code of conduct for board members and committee members.
 - 12. Respecting remuneration and payment of expenses for board members and committee members.
 - 13. Governing continuing education and professional development, including providing for the development or approval of continuing education and professional development programs for members of the Institute and requiring members to successfully complete or participate in such programs, and governing the provision of professional development and related services to members and non-members.
 - 14. Governing the organization of members into local groups or branches for purposes including holding local meetings and organizing activities for members, and governing the dissolution of such local groups or branches.
 - 15. Establishing honours and awards criteria.
 - 16. Establishing and administering a benevolent or charitable fund and, for that purpose, making or receiving contributions.
 - 17. Governing the establishing or making of grants or donations to foundations or other entities whose work may tend to,
 - i. advance knowledge of professional agrology education,
 - ii. maintain or improve the standards of practice in professional agrology, or
 - iii. support and encourage public information and interest in the role of professional agrology serving society.
 - 18. Governing the making of any grant application by the Institute for any purpose that may tend to advance professional agrology practice or support and encourage public information and interest in the profession of agrology serving society.
 - 19. Providing for the affiliation of the Institute with a university, college, school, corporation or other entity that supports the Institute's objects.
 - 20. Respecting membership of the Institute in other organizations the objects of which are not inconsistent with and are complementary to those of the Institute, and the payment of annual assessments.
 - 21. Authorizing the entering into agreements which serve members.
 - 22. Authorizing the procurement and sale of Institute goods.
 - 23. Respecting the establishment, creation, distribution and use of publications of the Institute.
- General or particular**
- (2) A by-law made under this section may be general or particular in its application.
- Publicly available**
- (3) The board shall ensure that every by-law is available to the public for as long as it remains in effect.
- Examinations permitted**
- (4) A by-law may authorize the registrar to assess the qualifications or competence of potential members by examinations or other means.
- Registrar**
- 8.** (1) The board shall appoint or provide for the appointment of an individual to serve as registrar of the Institute, who shall be responsible for the administration of the Institute.
- Register**
- (2) The registrar shall keep a register with the names of the members of the Institute in good standing and their class of membership. The register shall include other information respecting a member as set out in the by-laws, including any terms, conditions or restrictions on his or

her membership and any disciplinary actions taken against the member.

Evidence of membership

(3) For the purposes of this Act, an individual is not a member of the Institute unless the register indicates that he or she is a member.

Publicly available

(4) The register shall be open to examination by the public at the head office of the Institute during normal business hours.

Designations

9. (1) Subject to subsection (2), every member of the Institute whose name appears in the register as a member in good standing and who meets the qualifications and conditions as set out in the by-laws of the Institute may use the designation “Professional Agrologist (Ontario)” or “P.Ag.,” “Technical Agrologist (Ontario)” or “T.Ag.” or “Articling Agrologist (Ontario)” or “A.Ag.,” as appropriate for his or her class of membership.

Limitation

(2) The board may deny a member the right to use a designation set out in subsection (1) in a circumstance set out in the by-laws.

Offence

(3) Any person in Ontario who is not a member of the Institute in good standing is guilty of an offence,

- (a) if that person takes or uses any of the designations set out in subsection (1), alone or in combination with any other word, name, title, initial or description; or
- (b) if that person implies, suggests or holds out that he, she or it is a registered member of the Institute in good standing.

Same

(4) Any individual in Ontario who is a member in good standing of the Institute but who is not authorized by his or her membership to use a particular designation set out in subsection (1) is guilty of an offence,

- (a) if he or she takes or uses that designation, alone or in combination with any other word, name, title, initial or description; or
- (b) if he or she implies, suggests or holds out that he or she belongs to a different class of membership than that to which he or she actually belongs.

Appeal

10. (1) An individual who has been refused membership in the Institute, whose membership is subject to terms, conditions or restrictions, who is denied the right to use a designation set out in subsection 9 (1), who has been subject to a disciplinary sanction or whose membership has been suspended or revoked or made subject to terms, conditions or restrictions may appeal the refusal, terms, restrictions or conditions, denial, sanction, suspension or revocation to the Divisional Court.

Parties

(2) The parties to an appeal are the Institute and the applicant or member, as the case may be.

Record

(3) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the registrar of the Institute shall give the party a certified copy of the record of the proceeding, including the documents submitted and the decision appealed from.

Grounds for appeal

(4) An appeal may be made on questions of law or fact or both.

Powers of court

(5) The court may affirm or rescind the decision being appealed, may substitute its opinion for that of the registrar, board or committee of the Institute, as the case may be, may refer the matter back to the registrar, board or committee for rehearing in whole or in part or may direct the registrar, board or committee to take such action as the court considers appropriate.

Evidence

11. (1) A copy of the register, certified by the registrar as a true copy, shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of a person’s membership and class of membership in the Institute.

Same

(2) A certificate purporting to be signed by the registrar is proof, in the absence of evidence to the contrary, that such person is the registrar without proof of the person’s signature or of the person being in fact the registrar.

Same

(3) The absence of the name of any person from a copy of the register certified by the registrar as a true copy is proof, in the absence of evidence to the contrary, that the person is not a member of the Institute.

Right to practise not affected

12. This Act does not affect, restrict or interfere with the right of any person who is not a member of the Institute to practise in the field of professional agrology.

Surplus

13. Any surplus obtained from carrying on the business of the Institute shall be solely devoted to and applied towards promoting and carrying out its objects and shall not be divided among its members.

Repeal

14. *The Ontario Professional Agrologists Act, 1960 is repealed.*

Commencement

15. **This Act comes into force on the day it receives Royal Assent.**

Short title

16. The short title of this Act is the *Ontario Institute of Professional Agrologists Act, 2013*.