

**BY-LAWS  
of the  
ASSOCIATION OF PROFESSIONAL GEOSCIENTISTS  
OF NOVA SCOTIA**

made under the  
*Geoscience Profession Act* Chapter 7 of the Acts of 2002

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**Interpretation**

**1 (1)** “Act” means the *Geoscience Profession Act*.

**(2)** Words and terms appearing in the within by-laws shall, unless the context otherwise requires, have the same meaning as is given to the said words and terms in the Act.

**Meetings of the Association**

**2 (1)** The annual meeting of the Association shall be held at such time and place as may be fixed by the Council.

**(2)** General meetings of the Association for the transaction of general business and the reading of papers or discussion of questions of interest to professional geoscientists, may be held whenever called by the President or the Council.

**(3)** Special meetings of the Association shall be held at the call of the President, or of the Secretary upon the receipt by the Secretary of a requisition signed by not fewer than eight members of the Council or by not fewer than twelve members of the Association.

**Notice for meetings of the Association**

**3** Notice of all meetings of the Association setting out the place and date thereof and business to be transacted shall be given to each member and member-in-training not more than three weeks and not less than one week prior to such meeting.

**Procedure of Association meetings**

**4 (1)** Twenty members shall constitute a quorum at all meetings of the Association.

**(2)** The President of the Association shall preside as Chair at every meeting of the Association. If the President is absent or refuses to act as Chair, the Vice-President shall preside. If both the President and Vice-President are absent or refuse to act as Chair, the members present shall choose one of their number to be Chair.

**(3)** All meetings of the Association shall be conducted in accordance with parliamentary procedure using Roberts Rules of Order.

**(4)** Only a member shall be entitled to vote at a meeting of the Association.

**(5)** Order of business at the annual meeting of the Association shall, unless otherwise decided by a vote of the meeting, be as follows:

**(a)** read, correct and confirm the minutes of the last annual and all subsequent meetings of the Association;

**(b)** business arising from the minutes;

**(c)** President’s report;

**(d)** Treasurer’s report;

**(e)** Registrar’s report;

**(f)** reports of committees;

**(g)** unfinished business;

**(h)** declare the result of the ballot and install the new officers; and

- (i) other business.
- (6) Order of business at general and special meetings of the Association shall be as follows:
  - (a) read, correct and confirm the minutes of the last meeting of the Association;
  - (b) business arising from the minutes and any unfinished business;
  - (c) business for which the meeting is called;
  - (d) other business.

**Terms of office**

- 5 (1) The President and the Vice-President shall be elected annually. Three Councillors shall be elected annually for a term of two years.
- (2) The retiring President, Vice-President and Councillors shall not be eligible for re-election to the same office for the following year.

**Nominations and elections**

- 6 (1) The Council shall, not later than 120 days before the date established by Council for the close of ballots, appoint a Nominating Committee consisting of three members, to include a Past President, preferably the immediate Past President, and, wherever practicable, the Committee will include representation from the Halifax Regional Municipality (HRM) and mainland Nova Scotia, outside the Halifax Regional Municipality
- (2) (a) The Nominating Committee shall prepare and deliver to the Secretary not later than 90 days before the close of ballots, a list of eligible members for the officers of the Association and members of the Council for the next ensuing year. The list shall include not more than two names for President, not more than two

names for Vice-President, and not more than six names for members of Council. It shall not include the name of any member who is known to be unable or unwilling to accept office if elected. In addition, nominations shall conform to paragraph (2)(c), herein to follow.

- (b) The Secretary shall not later than 120 days before the close of ballots advise the membership by letter, or by any Association publication sent to every member of the Association, that nominations from the membership at large will be received by the Secretary of the Association up to 90 days before the close of ballots. Any ten members of the Association may submit nominations for candidates for any or all of the offices of President, Vice-President and members of Council. Nominations shall be in writing signed by all the nominators, and shall be accompanied by the consent in writing of the member or members so nominated. Nominations may include a single name only but shall include not more than one name for President, one name for Vice-President, and two names of members for members of the Council. In addition, nominations shall conform to paragraph (2)(c), herein to follow.

- (c) Wherever practicable, all of the nominees for President shall be in alternate years a resident of the Halifax Regional Municipality or a resident of Nova Scotia residing outside the Halifax Regional Municipality. When the nominees for President are residents of the Halifax Regional Municipality all of the nominees for Vice-President shall be residents of Nova Scotia outside the Halifax Regional Municipality, and vice versa. Provided, however, that should the required number of eligible nominees be not available for President or Vice-President in the geographical area as required in any year, the rule may be suspended for that year and the nominees may be supplied from the total list of eligible members, with the next year's nominees being selected from the area which has not supplied the incumbents. Nominees for President and Vice-President

shall preferably have had previous experience on Council.

**(3)** The Secretary shall submit the list of all nominees to the Council at the first Council meeting after receipt thereof, for its approval. If for any reason the Nominating Committee fails to properly fulfil all or any of the requirements of its office, the Council may complete all or any of those requirements. The Council shall then instruct the Secretary to prepare a ballot of the approved list of nominees and send a copy thereof, bearing an impress of the seal of the Association, to each member not later than 60 days before the close of ballots with the request to indicate thereon, his/her choice of officers of the Association and members of the Council and to return the list unsigned to the Secretary not later than 30 days before the close of ballots. The ballot shall be so prepared that members shall be instructed to vote for not more than one member for President, one member for Vice-President, three members for Councillors.

**(4)** Not later than 15 days before the annual general meeting, all ballots received from the members shall be handed by the Secretary to three scrutineers appointed by Council. The scrutineers shall analyse the vote and notify the candidates in camera, not less than one week before the annual meeting, and will submit to the annual meeting the names of the members who have received the greatest number of votes for the offices of President and Vice-President, and for the three Councillors. The presiding officer at the annual meeting shall then declare such members duly elected to their respective offices. The scrutineer's report and all ballots shall be filed with the Secretary who shall retain the ballots for three months before destroying them unless a resolution at the AGM is passed to do otherwise.

**(5)** In the event of two or more qualified nominees obtaining an equal number of votes and when only one can be elected, the annual meeting shall elect the President,

Vice-President or member of the Council so tied.

### **President**

**7** The President shall perform all the duties imposed on him/her by the Act and by-laws and generally supervise the affairs of the Association and Council.

### **Vice-President**

**8** The Vice-President shall perform the duties of the President in the absence or on the resignation or death of the latter and when doing so, the Vice-President shall act as the President.

### **Secretary**

**9 (1)** The Council at its first regular meeting shall appoint the Secretary of the Association.

**(2)** The Secretary shall perform the duties imposed upon him/her by the Act and by-laws. He/She shall attend all meetings of the Association and Council and keep proper minutes of the proceedings thereof, send out all notices on behalf of the Association, Council, and any Committee, conduct all correspondence and keep the seal of the Association and all records pertaining to the office. He/She shall perform all the duties incidental to the office, or which may be assigned to him/her by the Association, Council or any Committee of the Association.

**(3)** The Secretary shall hold office until a successor is appointed and shall be subject to removal at pleasure at any time during his/her term of office by a majority vote of the Council.

**(4)** The Secretary shall be paid a salary determined by Council for performing the

duties of Secretary.

(5) The Secretary, while performing the duties of Secretary, may, with the approval of the Council and at the expense of the Association, engage the services of clerks or stenographers, on a full time or part time basis.

#### **Registrar**

10 (1) The Council at its first regular meeting shall appoint the Registrar of the Association.

(2) The Registrar shall perform the duties imposed upon him/her by the Act and by-laws. He/She shall receive and present to the Board all applications for membership, licence to practise or enrolment as a member-in-training, and keep a full and correct record of such applications and the Council's resolution on each application. He/She shall maintain the Register and issue all certificates of registration, licences to practise and perform all other duties incidental to the office or which may be assigned to him/her by the Association or the Council.

(3) The Registrar shall keep a Register in which shall be entered the full name, address and date of registration of every member, person licensed to practise and member-in-training. He/She shall erase therefrom the name of any such person who has resigned, ceased to be in good standing, been expelled or died, by drawing a line through the name of such person and noting opposite such name the word "resigned", "not in good standing", "expelled", or "deceased" together with the date thereof; provided that notice shall first be given to such person not in good standing in the manner provided by Section 21(2) hereof. The word "suspended" and the date and period thereof shall be placed after the name of any such person who has been suspended.

(4) The Registrar shall provide the Secretary when requested with a list of members,

persons licensed to practise and members-in-training who are in good standing.

(5) The Registrar may be paid a salary determined by Council for performing the duties of Registrar.

#### **Treasurer**

11 (1) The Council at its first regular meeting shall appoint the Treasurer of the Association.

(2) The Treasurer shall perform the duties imposed on him/her by the Act and by-laws. He/She shall, under the instructions of the Council, collect and receive, pay out or invest all monies due to and payable by the Association. He/She shall keep proper books of account entering therein all moneys received and paid out by the Association, prepare and submit to the annual meeting of the Association the financial statement, duly certified by the Auditor of the Association, of the annual revenues and expenditures of the Association and furnish such other financial reports as may be requested by the Council. He/She shall perform all other duties incidental to his/her office or which may be assigned to him/her by the Association or Council.

(3) The Treasurer shall be bonded or insured to the satisfaction of the Council and at the expense of the Association before commencing his/her duties.

(4) The Treasurer may be paid a salary determined by Council for performing the duty of Treasurer.

#### **Auditor**

12 The Council shall appoint annually a chartered accountant to audit the books of the Association. The Auditor shall examine into the financial condition of the Association, prepare a balance sheet and

report thereon. Such balance sheet and report shall be delivered to the Treasurer, who shall submit it to the annual meeting of the Association.

### **Application for membership, licence or enrolment**

**13 (1)** Application for registration as a member, or for a licence to practise or enrolment as a member-in-training shall be made to the Registrar on a form prescribed by the Council and shall be accompanied by the credentials and fees required by the Act and the by-laws.

**(2)** The application shall be presented by the Registrar to the Board of Examiners. The Board shall deal with the application in the manner provided by Section 14 hereof, and shall submit its findings to the Council, which shall dispose of the application by resolution.

**(3)** The Registrar shall immediately advise the applicant by letter of the Council's decision on the application.

**13A (1)** The Admissions Board shall require a member-in-training who is a graduate in geoscience of a school, college or university approved by the Council, or who has passed examinations prescribed by the Council, to report to a member of the Association designated by Council concerning his/her experience in geoscience, during the period in which the member-in-training is engaged in gaining the experience in geoscience prerequisite to registration as a member of the Association. The member so appointed to guide the member-in-training is known as a mentor.

**(2)** A member of the Association to whom a member-in-training is required to report pursuant to subsection (1) hereof shall be a member with a minimum of five years experience in the practice of professional geoscience who has been designated to act in that capacity by the Council and who has consented so to act. A member so

designated shall be known as a "mentor".

**(3)** The member-in-training shall report to the mentor pursuant to subsection (1) hereof on his/her experience in geoscience in such form and manner and with such frequency as may from time to time be prescribed by the Council.

**(4)** Upon completion by the member-in-training of the required period of experience in geoscience, if the mentor is satisfied that the member-in-training has had satisfactory experience in geoscience and has otherwise satisfied the requirements of this Section, including any rules, policies and guidelines made pursuant to subsection (6) hereof, the mentor shall certify on the application of the member-in-training for registration as a member of the Association that the member-in-training has successfully completed the period of reporting on geoscience experience, and the mentor shall endorse the application of the member-in-training for registration.

**(5)** In considering an application by a member-in-training for registration as a member pursuant to Section 13 hereof, the Board of Examiners and the Council shall be entitled to take into account, in addition to all other relevant matters, the reports and submissions which the member-in-training has made to the mentor pursuant to this Section, and the rules, policies and guidelines made pursuant to subsection (6) hereof, together with the comments of the mentor upon such reports and submissions. If, in the opinion of the Council, the experience in geoscience of the member-in-training has been deficient, Council may prescribe such further period of experience as may be required to ensure that the member-in-training has obtained the nature and extent of experience in geoscience prerequisite to registration as a member of the Association.

**(6)** The Board of Examiners, with the approval of the Council, may make rules, policies and guidelines consistent with the section concerning the duties and

obligations of mentors and members-in-training under this Section, and concerning the administration of this Section generally.

### **Partnerships, associations of persons, bodies corporate**

**13B (1)** Every partnership, association of persons and body corporate which, pursuant to the Act, undertakes and carries out the application of geoscience in its own name by providing geoscience services to the public shall furnish to the Association, in the manner and form prescribed by this Section, the following information:

(a) names, addresses and occupations of all of the partners, members of the association of persons, or officers and directors of the body corporate, as the case may be;

(b) names of its members or full-time permanent employees, as the case may be, who are the members of the Association or persons licensed to practise under whose supervision geoscience is applied;

(c) a description of the nature of its business and professional activities, including areas of geoscience specialization, and confirmation that one of its principal and customary functions is the application of geoscience.

(2) The information specified in subsection (1) shall be filed with the Registrar by way of an information return in such form as is prescribed from time to time by the Council. Every information return which is filed with the Registrar shall contain information which is in all respects current and accurate as of the date of filing.

(3) Information returns shall be filed with the Registrar as follows:

(a) every partnership, association of persons or body corporate which is or becomes engaged in providing geoscience services to the public shall, for as long as it is engaged in providing geoscience services to the

public, annually file a further information return with the Registrar on or before January 1st of each year;

(4) Where a partnership, association of persons or body corporate has filed the prescribed form of information return together with the required administrative fee, and the Registrar is satisfied that the return contains all information required to be provided under subsection (1), the Registrar shall issue in the name of the partnership, association of persons or body corporate a Certificate of Authorization with the requirements of this Section. The certificate shall apply only during the calendar year in which it is issued, and shall be in such form as is prescribed from time to time by the Council. Issuance of such a certificate shall indicate compliance with the requirements of this Section only, and shall not affect, and shall not be deemed to affect, any right, duty, obligation or liability imposed by or under the Act on any partnership, association of persons, or body corporate respecting the application of geoscience.

(5) The Registrar shall maintain a record of partnerships, associations of persons and bodies corporate which have filed information returns in accordance with the requirements of this Section, which record will include information from which it can be ascertained from time to time which partnerships, associations of persons and bodies corporate hold current certificates of compliance under this Section.

### **Admissions**

**14 (1)** The Council shall appoint an Admissions Board consisting of at least four members and shall designate which of the members is to be Chair of the Board. Council shall, wherever practicable, consider representation from industry, academia and government in the composition of the Board. Council may, wherever practicable, consider nominations from industry, academia and government for

membership on the Board. The Council may at any time fill any vacancies on the Board, replace any member thereof, or add to its number.

**(2)** The Board shall

**(a)** meet at the discretion of its Chair to consider all applications for membership, licences to practise and enrolment as member-in-training submitted to it by the Registrar.-

**(b)** report at each meeting of Council its findings as to whether or not each applicant is qualified in accordance with the requirements of the Act.

**(3)** The Board, when directed by Council to examine a candidate, may nominate one or more qualified persons acceptable to Council to set and conduct the examination.

**(4)** The Board, with the approval of Council, may draw up rules and policies prescribing the scope of and the procedure for conducting the examinations.

**(5)** The Registrar, upon receiving from a candidate a written request for an examination, accompanied by the prescribed fee, shall, after consultation with the Board, notify the candidate in writing of the time and place at which he/she shall present himself/herself for the examination. The candidate shall be given at least thirty days notice before the examination.

**(6)** As soon as possible and not later than twenty-one days after the close of each examination, the persons who have set and conducted the examination shall make and file with the Board, a certificate showing the results of the examination, a copy of the examination papers, the answers of the candidate thereto, and the marks awarded in each subject.

The Board shall submit these documents with its findings as to the qualifications of the applicant to the Council at its next meeting. Thereafter such documents shall remain on file with the Registrar and shall

be open to inspection during regular office hours by the candidate or by any person duly authorized in writing on his/her behalf for a period of at least six months following consideration by Council.

**(7)** A candidate failing an examination may be examined again but not before three months have elapsed.

**(8)** The Council shall prescribe the fee payable by the candidate for the examination.

**Honorary life membership, and life membership**

**15 (1)** Honorary life membership in the Association shall be granted by the Council, on the unanimous vote of all members of the Council given by ballot, to a person eminent in the geoscience profession who has rendered signal service to the Association.

**(2)** Life membership in the Association may be granted by the Council on written request of the member to:

**(a)** a person who has reached the age of sixty-five years and has been a member for the ten preceding years;

**(b)** a person who has been a member for forty years;

**(3)** Honorary life members and life members shall be entitled to enjoy all the rights and privileges of the Association without payment of fees or dues.

**Council**

**Meetings of Council**

**16 (1)** At least four regular meetings of the Council shall be held in each fiscal year at such time and place in Nova Scotia as the President shall determine.

**(2)** Special meetings of the Council shall be

called by the Secretary on the written requisition of any five members of the Council at such time and place within Nova Scotia as is designated in the requisition.

**(3)** Notice of both regular and special meetings of the Council shall be transmitted by the Secretary to all members of the Council at least 4 working days in advance of the holding of such meeting. Such notice may be waived by the written consent of five members of the Council.

### **Procedure of Council meetings**

**17 (1)** The President of the Council shall preside as Chair at every meeting of the Council. If the President is absent or refuses to act as Chair, the Vice-President shall preside. If both the President and Vice-President are absent or refuse to act as Chair, the members present shall choose one of their number to be Chair.

**(2)** Six members of the Council shall constitute a quorum for the transaction of business at a meeting of the Council.

**(3)** Order of business at meetings of the Council shall include but not be limited to:

**(a)** read, correct and confirm the minutes of the last Council meeting;

**(b)** business arising out of the minutes;

**(c)** read and consider correspondence and reports of committees, Board of Examiners, auditors, etc.;

**(d)** deal with applications for membership, licence to practise and enrolment as a member-in-training;

**(e)** consider and pass accounts;

**(f)** other business.

**(4)** A resolution assented to and adopted in writing by at least three-quarters of the members of the Council, although not passed at a Council meeting, shall be of the

same force and effect as if it had been duly passed at a Council meeting.

**(5)** Meetings of the Council shall be conducted in accordance with Roberts Rules of Order.

### **Resignations from Council and filling vacancies**

**18 (1)** A member shall be deemed to have resigned from the Council

**(a)** on the death of the member;

**(b)** when the member's written resignation filed with the Secretary is approved by the Council;

**(c)** when the member has been absent for more than three consecutive meetings of the Council without the consent of the Council;

**(d)** when the member, in the opinion of the Council, has given up his/her residence in the Province of Nova Scotia;

**(e)** when the member has resigned as a member of the Association;

**(f)** when a member's certificate of registration has been suspended or cancelled.

**(2)** A vacancy on the Council or in any office may be filled by the Council for the period between the date of such resignation and the next annual meeting of the Association.

### **Committees**

**19 (1)** (a) The Council shall appoint an Executive Committee consisting of the President, Vice-President, immediate Past President, and one other member of the Council residing in the Halifax Regional Municipality.

**(b)** The Executive Committee shall conduct the affairs of Council between Council



Meetings and deal with Association business within established policy as required between meetings of Council.

(c) Any three members of the Executive Committee shall constitute a quorum.

(2) The Council may from time to time appoint from the membership of the Association such other committees as it determines necessary and may delegate to such committees any of its powers; provided that such committees shall conform to any policies imposed upon them by the Council.

(3) The President and the Vice-President shall be ex-officio members of all such other committees.

(4) Each committee shall elect its own Chair and a Vice-Chair who shall, in the absence of the former, exercise all the functions and powers of the Chair.

(5) A committee may meet at such time and place as it sees fit.

(6) Questions arising at any meeting of a committee shall be determined by the majority of those present, and in case of equality of votes, the Chair shall have the casting vote.

(7) The majority of any committee shall constitute a quorum.

(8) This section does not apply to the Complaints Committee as described in Section 24.

### **Arbitration**

20 The Executive Committee of the Council, upon the written request from a member or member-in-training in the form of a statutory declaration filed with the Secretary setting forth the terms and conditions of the issue involved, may act itself or designate a member or members of the Association to act as arbiter between members or members-in-training or as negotiator on behalf of the

member or member-in-training respecting any matter pertaining to his/her professional welfare. Any action taken hereunder shall be deemed as having been taken by the Association.

### **Fees and Dues**

21 (1) The fees and dues of the Association shall be as set out in Schedule A, which document forms and is a component of these by-laws.

(2) (a) The annual dues shall be for the calendar year and are due and payable in advance on or before the first day of January in each year to the Treasurer or some person appointed by the Council to receive them; provided that applicants accepted as members, licenses to practice and members-in-training after the first day of October in each year shall only pay one-half of the annual dues for that year.

(b) Notwithstanding the amounts respectively specified for annual dues in Schedule A, the annual dues for members and members-in-training whose dues are due and payable as of January 1 of any calendar year but are not received by the Association on or before January 31 of that same year, shall be the amounts specified respectively for members and members-in-training plus, in each case, interest as prescribed in Schedule A.

(c) A member, a person licensed to practise or a member-in-training shall cease to be in good standing when his/her dues are seventy days or more in arrears.-

(d) The name of any person whose annual dues are three months or more in arrears shall be erased from the Register by the Registrar after the Registrar has given such person ten days notice of the intended erasure by registered mail addressed to his/her last known address on the Register.

(e) Fees of an applicant shall not be refunded to the applicant when the

application for membership, licence to practise or enrolment as a member-in-training has been refused.

**(3)** The Council, at its discretion, may on receipt of written application:

**(a)** remit or rebate the fees or dues of any member, who is incapacitated by sickness, infirmity, or for other grievous disability or who resigns as a member and subsequently appears for reinstatement;

**(b)** without limiting the generality of (a), exempt from the payment of fifty percent of the applicable annual dues for any calendar year those persons who are, in the opinion of the Council:

(i) members retired from the practice of professional geoscience;

(ii) members who are unemployed;

(iii) members-in-training who are unemployed;

(iv) members who are experiencing or who have experienced extended illness of a serious nature;

(v) members who have taken an extended leave of absence from employment or other professional geoscience activity due to maternity or paternity leave;

(vi) members who are enrolled in a full time university program at the post-graduate level, provided that no exemption may be granted on this ground for more than two calendar years.

**(4)** Assessments of members for payments, other than fees and annual dues, required to cover ordinary, special or extraordinary expenditures necessary to further any of the objects of the Association, may be made after approval by two-thirds majority of the members voting by letter ballot following the passing of a resolution for such assessment by the Association or Council.

## **Funds of the Association**

**22 (1)** All money received on behalf of the Association shall be deposited to the credit of the Association at a chartered bank in Halifax Regional Municipality approved by the Council. All payments shall be made by cheque signed by the Treasurer and countersigned by the President, or other person duly authorized by Council.

**(2)** The Funds of the Association may be invested in securities following the guidelines established by Council. Such securities shall be registered in the name of the Association and placed in a safety deposit box of a chartered bank and subject to access only on the written order of the Treasurer and President or other person authorized by Council. The Council may at its discretion dispose of any or all of the securities.

## **Payment of accounts**

**23 (1)** The Council may pay out of the Association funds

**(a)** all reasonable expenses of members of the Council, of committees and of the Board of Examiners for travel, board and lodging incurred while attending Council, committee or Board Meetings or while transacting any authorized business on behalf of the Association or Council in places outside of the place of residence of such members;

**(b)** any expenses incurred for the travel, reception and entertainment of guests of the Association;

**(c)** such salaries, wages and fees as may be approved by the Council;

**(d)** all other expenses which the Council or Association shall consider necessary or advisable for the management of or in the interest of the Association.

**23(2)** The President, Vice-president and Treasurer shall be empowered as signing

officers of the Association for the purposes of executing cheques, contracts and other documents. All cheques or contracts will be signed by the President or Vice-President and the Treasurer.

### **Discipline**

**24** Members, persons licensed to practise and members-in-training shall conduct themselves in accordance with the Code of Ethics appended hereto, and without restricting the meaning of unprofessional conduct, any breach of the Code of Ethics shall be deemed to be a form of unprofessional conduct.

#### **24A The APGNS Complaints Committee**

**(1)** Council shall appoint, from among the members of the Association, a Complaints Committee composed of five members.

**(2)** No member of the Association shall be eligible to be a member of the Complaints Committee while holding office as a member of the Council.

**(3)** The Chair of the Complaints Committee shall be appointed by the Council. Members of the Committee shall be appointed for a term of three years, unless the Council otherwise determines. In the case of a vacancy in the Committee, the President may appoint another member of the Association to fill the vacancy and to complete the term of the vacating member.

**(4)** A quorum of the Committee shall consist of three members and all decisions of the Committee require the vote of the majority of the members of the Committee present. In determining a quorum, wherever practicable, the area of practice of geoscience under review shall be represented.

#### **24B The APGNS Complaints Procedure**

**(1)** The procedure to be followed before reprimanding and censuring any member,

person licensed to practise or member-in-training, or suspending or cancelling the certificate of registration of any member or the licence to practise of any person or the enrolment of any member-in-training under the provisions of the Act, shall be as set out in this Section 24B and Section 24C.

**(2)** A complaint in writing shall be filed with the Registrar, and may be filed by any person (the “complainant”). Upon the filing of the complaint, the Registrar shall forthwith advise the person complained of (the “practitioner”), by written notice, that the complaint has been made by: written notice

**(a)** enclosing a copy of the complaint; and

**(b)** advising the practitioner that he/she has the opportunity to provide the Registrar with written comments concerning the complaint within fourteen days of the date that a copy of the complaint was sent.

**(3)** After the expiration of fourteen days, or if the complainant is of the opinion that a complaint should go forward, the Registrar shall refer the complaint to the Complaints Committee, together with any written comments of the practitioner which have been provided pursuant to subsection (2).

**(4)** If, in the absence of a complaint, circumstances shall come to the notice of the Registrar which, in his/her opinion, may constitute grounds for discipline pursuant to the Act, the Registrar may, pursuant to subsections (2) and (3), prepare a report thereon in writing to the Complaints Committee. The Committee shall deal with such a report as if it were a complaint, and the report shall be treated for purposes of the Act and by-laws in the same manner as a complaint.

#### **(5) The Role of the APGNS Complaints Committee**

The role of the APGNS Complaints Committee is to review both the complaint and the response of the practitioner to the complaint. The Committee shall:

- (a) refer the complaint in whole or in part to the APGNS Discipline Committee; or
- (b) dismiss the complaint, or
- (c) direct staff to obtain more information, pursuant to subsection (6), and re-submit the complaint for review by the Committee.

**(6) The Decision of the APGNS Complaints Committee**

The written decision of the Complaints Committee shall be submitted to the complainant and the practitioner in question.

**24C The APGNS Discipline Committee**

(1) The Discipline Committee shall be elected by the members of the Association from a slate of members provided by the Council. There shall be at least 8 members of the Committee and, in the initial election, one half will be elected for 1 year and one half elected for 2 years. After the initial Committee has been elected, elections of one half of the Committee members will take place each year and each member will have a term of 2 years. The Discipline Committee shall elect its Chair and Vice-Chair at its first meeting each year.

The Discipline Committee can establish panels of itself to hold hearings. A panel of the Discipline Committee shall function within the same guidelines and procedures as the Discipline Committee.

A quorum of the Committee shall consist of five members and all decisions require the vote of the majority of the members of the Committee present at the hearing. In determining a quorum, wherever practicable, the area of practice of the practitioner under review shall be represented.

A panel of the Committee shall consist of not less than five members. In establishing a panel or determining a quorum of the panel, wherever practicable, the area of

practice under review shall be represented.

(2) Upon referral of a complaint to it, the Discipline Committee shall set a time and place for the holding of a hearing by the Committee to deal with the complaint. Notice of the time and place of the hearing shall be sent by the Registrar to the practitioner at least ten days before the hearing, and the notice shall advise the practitioner that he/she may appear in person or by or with counsel at the hearing.

(3) The Discipline Committee shall hold a hearing under oath at the time and date specified, or at any adjournments thereof. The practitioner shall have the right to cross-examine any witnesses called at the hearing and to adduce evidence on his/her behalf. The hearing shall be held in camera unless the practitioner requests a public hearing, and the Discipline Committee, in its discretion, is satisfied that a public hearing is in the interest of the public and of the geoscience profession.

If the practitioner fails to appear at the hearing, the Discipline Committee may proceed with the hearing in the absence of such person upon receiving proof in the form of a Statutory Declaration that due notice of the meeting had been given or mailed to the practitioner. The person presiding at the hearing shall have the right to administer oaths thereat.

**(4) The APGNS Discipline Hearing**

Discipline Hearings are held in convenient chambers. Before the Hearing begins, the members of the Discipline Committee will meet in camera and select from within their ranks the Chairperson for the Hearing. The role of the Chairperson is to oversee the Hearing and to work with the recording secretary and the Committee in creating the written decisions and reasons for the decisions.

An attendance list is distributed to all parties. This list includes the names of the Discipline Committee Members, Counsel for the Association, Counsel for the

Committee, witnesses for the Association, the practitioner(s), Counsel for the practitioner(s), witnesses for the practitioner(s) – if counsel for the practitioner(s) chooses to disclose this, recording secretary to the committee and court reporter.

**(5) Legal Counsel for the APGNS Discipline Committee**

The Association will arrange for the Discipline Committee to have its own independent legal counsel who, after hearing the submissions by both parties can, if requested by the Discipline Committee, offer legal advice to the Discipline Committee.

**(6) The Role of the APGNS Discipline Committee**

The role of the Discipline Committee is to formally hear complaints and determine whether or not the practitioner is guilty of misconduct or incompetence and, where necessary, set an appropriate penalty. It is the role of the Committee to make judgements as to guilt and penalty based solely on the evidence placed before it. It is not the role of the Committee to question the merit of the decision to place the complaint before it nor the completeness of the evidence placed before it. The hearing is a peer review process which relies on the Committee's knowledge of professional matters relevant to the practice of geoscience, and common sense, to come to a disposition of the matter before the Committee.

**(7) Conduct of the APGNS Discipline Committee**

The members of the Discipline Committee will conduct themselves at a hearing in such a manner as to engender respect for both the Discipline Committee and the process itself. The Members of the Committee therefore maintain an appropriate psychological and physical distance from the parties and witnesses appearing before it and the lawyers for those parties.

**(8) The Decision of the APGNS Discipline Committee**

Upon completion of the hearing, the Discipline Committee must make a decision and give reasons for it. The Committee shall;

- (a) dismiss the complaint; or
- (b) if the Committee concludes that grounds exist for discipline pursuant to the Act, reprimanding and censuring the practitioner or suspending or cancelling the certificate of registration or licence to practise or enrolment as a member-in-training of such person.

**(9)** The written decision of the Discipline Committee shall be submitted to the complainant and the practitioner in question.

**(10)** Where no appeal has been taken pursuant to the Act within the time prescribed for the filing of notices of appeal;

(a) the Discipline Committee may cause notice of any resolution reprimanding and censuring a practitioner to be given to members of the Association by publication in such form and in such manner as the Discipline Committee shall determine; or

(b) Council shall cause notice of any resolution suspending or cancelling the certificate of registration or licence to practise or enrolment as a member-in-training of a practitioner to be given to the members of the Association by publication in such form and in such manner as the Committee shall determine, and the Committee may give such further public notice as it shall decide.

**(11)** In the event that an appeal from a resolution of Council is taken pursuant to the Act, no such notice shall be given unless and until the resolution of the Discipline Committee is upheld on appeal and the periods for the taking of any further appeals have expired.

## **Notices**

**25** All notices required to be given or mailed under the provisions of the Act and by-laws shall be deemed to have been given or mailed if mailed pre-paid in a Halifax Regional Municipality Post Office within the time specified for such notice, addressed (to the person entitled to the notice at his/her address) as it appears on the Register. A statutory declaration of the Secretary shall be conclusive evidence of the giving and mailing of such notice, and unless the contrary is proven, service of the said notice shall be deemed to have been effected at the time at which the letter or notice should have been delivered in the ordinary course of post.

**Forms of Certificates**

**26 (1)** A “Certificate of Registration” shall be in the following form or in a form to the like effect:

**the ASSOCIATION OF  
PROFESSIONAL GEOSCIENTISTS  
OF NOVA SCOTIA**  
Founded 1997

THIS IS TO CERTIFY that

---

of

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was enrolled as a MEMBER of

THE ASSOCIATION OF  
PROFESSIONAL  
GEOSCIENTISTS OF NOVA SCOTIA

on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_

and as such is entitled to practise  
Professional Geoscience in the Province of  
Nova Scotia

\_\_\_\_\_  
President

\_\_\_\_\_  
Registrar

[SEAL ]

**26 (2)** A “Licence to Practise” shall be in the following form or in a form to the like effect:

**the ASSOCIATION OF  
PROFESSIONAL GEOSCIENTISTS  
OF NOVA SCOTIA**  
Founded 1997

THIS IS TO CERTIFY that

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of

---

has been duly granted a

**LICENCE TO PRACTISE  
GEOSCIENCE**

in the Province of Nova Scotia  
from the \_\_\_\_ day of  
\_\_\_\_\_ 20\_\_

to the \_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Registrar

[SEAL ]

26 (3) A "Certificate of Enrolment of a member-in-Training" shall be in the following form or in a form to the like effect:

**the ASSOCIATION OF  
PROFESSIONAL GEOSCIENTISTS  
OF NOVA SCOTIA**  
Founded 1997

THIS IS TO CERTIFY that

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of

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was duly enrolled as an  
MEMBER-IN-TRAINING  
of the  
ASSOCIATION OF PROFESSIONAL  
GEOSCIENTISTS OF NOVA SCOTIA

on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Registrar

[SEAL ]

26 (4) A "Certificate of Compliance" is issued yearly to all companies offering geoscience services in Nova Scotia and shall be in the following form to the like effect:

**the ASSOCIATION OF  
PROFESSIONAL GEOSCIENTISTS  
OF NOVA SCOTIA**  
Founded 1997

**CERTIFICATE OF AUTHORIZATION**

This Certificate, issued by the Registrar  
of the Association of Professional Geoscientists  
of Nova Scotia, records that:

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Being engaged in providing Geoscience Services to the public, is in compliance with the requirements of the Section 13B of the By-Laws of the Association for the calendar year shown.

**Company #**  
In witness whereof the common seal of the Association of Professional Geoscientists of Nova Scotia has been hereunto affixed under the hand of its proper officers.

\_\_\_\_\_  
President

\_\_\_\_\_  
Registrar

[SEAL]

**Validation**

27 The Council may ratify, confirm or do any act or thing purporting to have been done or which should have been done under the provisions of the Act or the by-laws, or may extend the time for completing or perfecting any such act or thing; and the said act or thing when so ratified, confirmed, done, completed or perfected shall have the same effect as if done strictly in accordance with the provisions of the Act or the by-laws.



**the Association of Professional Geoscientists of Nova Scotia**

**CODE OF ETHICS**

Professional Geoscientists shall conduct themselves in an honorable and ethical manner. They shall uphold the values of truth, honesty and trustworthiness and safeguard human life and welfare and the environment. In keeping with these basic tenets, Professional Geoscientists shall:

- a. hold paramount the safety, health and welfare of the public and the protection of the environment and promote health and safety within the workplace;
- b. offer services, advise on, or undertake assignments only in areas of their competence and practice in a careful and diligent manner;
- c. act as faithful agents of their clients or employers, maintain confidentiality and avoid conflicts of interest;
- d. keep themselves informed in order to maintain their level of competence, strive to advance the body of knowledge within which they practice, and provide opportunities for the professional development of their subordinates;
- e. conduct themselves with fairness, courtesy and good faith toward clients, colleagues and others, give credit where it is due, and accept, as well as give, honest and fair professional criticism;
- f. present clearly to employers and clients the possible consequences if geoscience decisions or judgements are overruled or disregarded;
- g. report to their Association or other appropriate agencies any illegal or unethical geoscience decisions or practices by geoscientists or others; and
- h. be aware of, and ensure that clients and employers are made aware of, societal and environmental consequences of actions or projects, and endeavor to interpret geoscience issues to the public in an objective and truthful manner.
- i. shall sign and seal only such plans, documents or work as he/she has prepared or carried out or as have been prepared or carried out under his/her direct professional supervision;

- j. shall not accept compensation, financial or otherwise, from more than one interested party for the same service or for service pertaining to the same work, without the consent of all interested parties;
- k. shall co-operate in extending the effectiveness of the geoscience profession by interchanging information and experience with other professionals and students and by contributing to the work of geoscience societies, schools and the scientific geoscience press;
- l. shall not use the advantages of a salaried position to compete unfairly with another practitioner.