

BY-LAW NO. 11 – MOBILITY AGREEMENT WITH “L’ORDRE DES GÉOLOGUES DU QUÉBEC”

By-Law No. 11

A By-law relating to a Bilateral Agreement on Mobility of Professional Geoscientists in Quebec and Ontario as approved by Council on May 30, 2003

BE IT ENACTED

as a By-law of the Association of Professional Geoscientists of Ontario (hereinafter called the “Association”) as follows:

MOBILITY AGREEMENT

1. The Association shall enter into, and shall be bound by, the Bilateral Agreement on Mobility of Professional Geoscientists in Quebec and Ontario (the “Mobility Agreement”). The Association shall cooperate fully with L’Ordre des Géologues du Québec in the administration of the Mobility Agreement. A copy of the Mobility Agreement is attached hereto as Schedule “A”.
2. Any capitalized terms used in this By-law No.11 are as defined in the Mobility Agreement.

SPECIAL EXEMPTION

3. The Council authorizes the Incidental Practice of professional geoscience by a member of “L’Ordre des Géologues du Québec” (“OGQ”) in the province of Ontario on the condition that such member holds a Special Exemption as described in this by-law.
4. A Special Exemption shall be granted to an individual who:
 - (a) is a member in good standing with the OGQ and intends to practice within the limits of Incidental Practice;
 - (b) who completes an application in the form administered jointly by the Association and the OGQ; and
 - (c) who pays the administration fee as described in this by-law.

ADMINISTRATIVE FEES

5. A fee in the amount as specified in Schedule “B” attached hereto shall be provided with the application for a Special Exemption.
6. The Mobility Agreement also provides for the granting of a Temporary Certificate to members of the OGQ in certain circumstances. Notwithstanding By-law No. 2, fees as determined by mutual agreement between OGQ and APGO and dues in the amounts specified in Schedule “B” attached hereto shall be provided with the application for a Temporary Certificate.

**BILATERAL AGREEMENT ON MOBILITY OF
GEOLOGISTS/PROFESSIONAL GEOSCIENTISTS IN QUEBEC AND
ONTARIO**

B E T W E E N: **THOSE CONSTITUENT ASSOCIATIONS IN
ONTARIO AND QUEBEC WHICH HAVE LEGAL
AUTHORITY TO LICENSE GEOSCIENTISTS AND
GEOLOGISTS** , namely:

**THE ASSOCIATION OF PROFESSIONAL
GEOSCIENTISTS OF ONTARIO ("APGO"); and**

**L'ORDRE DES GÉOLOGUES DU QUÉBEC
("OGQ")**

WHEREAS there is a recognised need for inter-association mobility of licensed Professional Geoscientists/Geologists in Canada;

AND WHEREAS there is considerable commonality of the admissions requirements of the APGO and the OGQ, and the objective of this agreement is to achieve and maintain mobility between these associations;

AND WHEREAS there is recognition of the basic premise of mutual trust between the APGO and the OGQ with respect to their admissions decisions;

AND WHEREAS nothing in this agreement shall be construed as repealing, overriding or superseding any provision of any Ontario or Quebec statute authorizing, empowering or requiring either association to license, register, certify or authorise Professional Geoscientists/Geologists;

AND WHEREAS each of the APGO and the OGQ under its enabling legislation retains the final authority to set standards for licensing, registering, certifying or evaluating the qualifications of applicants for registration or certification;

NOW THEREFORE, we the undersigned associations, having legislative authority to license, register or certify geoscientists in our respective jurisdictions, agree that:

1. **Definitions.**

"Act" means (i) in Quebec, the Geologists' Act and the Professional Code and (ii) in Ontario, the Professional Geoscientists' Act 2000

“Geoscientist” or “Geologist” means any suitably qualified professional authorised to practice through permit or registration under the appropriate regulatory authority, i.e:

- in Quebec, under the Geologists’ Act and the Professional Code
- in Ontario, under the Professional Geoscientists’ Act 2000

“Home Association” means the licensing association where a Professional is currently on the roll or is registered;

“Host Association” means the licensing association in the province where the Professional is not on the roll or is not registered;

“Host Territory” means the province where the Professional is not a fully licensed member.

“Incidental Practice” means the practice of geoscience in a well-defined location and limited in scope and time, which is normally of short duration and nonrecurring. A rule of thumb for Incidental Practice means a maximum of three Separate Activities within a maximum period of three months.

“Incidental Practice Authorization” means (i) in Quebec, a Special Authorization; or (ii) in Ontario, a Special Exemption.

“Order” or “Professional Order” means any professional order listed in Schedule I to the Geologists’ Act and the Professional Code of Quebec;

“Practice” means performance of professional work as defined under the Geologists’ Act of Quebec or the Professional Geoscientists’ Act 2000.

“Professional” means any person who is member of the OGQ and is on the roll of the OGQ or who is a practising member of APGO and is on the register of APGO;

“Recurring Practice” means practice in scope and duration which exceeds the limits adopted for Temporary Practice.

“Separate Activity” means any work which constitutes the practice of professional geoscience as defined by the legislation of the Host Territory carried out within the Host Territory, with specified dates of beginning and end of such work.

“Temporary Practice” means practice in scope and duration which exceeds the limits adopted for Incidental Practice without exceeding twelve months.

“Temporary Practice Authorization” means (i) in Quebec, a Temporary Permit; or (ii) in Ontario, a Temporary Certificate.

2. **Objective.** This agreement sets forth an understanding between the APGO and the OGQ to address short term or temporary assignments in one province of Professionals on the roll or registered in the other province. It does not address Recurring Practice in both jurisdictions which presently requires full dual registration.

3. **Legal framework.**

- (a) Access to Incidental or Temporary Practice in Quebec by APGO members will be handled through the process of a Special Authorization and Temporary Permit as defined in the Professional Code of Quebec (the “Code”).
- (b) Access to Incidental or Temporary Practice in Ontario by OGQ members will be handled through the process of a Special Exemption as defined within a special By-law of the APGO and a Temporary Certificate as defined in Ontario Regulation 59/01 of the APGO (the “Registration Regulation”).

PART I – INCIDENTAL PRACTICE

4. **Authorization of Incidental Practice.**

- (a) In Quebec, Incidental Practice is authorized through the process of a Special Authorization, as described in Articles 1(g) and 33 of the Code. A Special Authorization will not result in the delivery of a permit nor the entry on the roll of OGQ. A Special Authorization will be granted by the OGQ to an individual who: (i) is in good standing with the APGO; (ii) intends to practice within the limits of Incidental Practice, and; (iii) shows proof of professional liability insurance (proof of liability insurance will have to be provided in accordance with applicable OGQ regulations when these regulations are in force).
- (b) In Ontario, Incidental Practice is authorized through the process of a Special Exemption issued under the authority of special By-law No. 11 of the APGO. A Special Exemption will not require the delivery of a permit or license nor the entry on the register of the APGO. A Special Exemption will be granted by the APGO to an individual who: (i) is in good standing with the OGQ, and; (ii) intends to practice within the limits of Incidental Practice. If an individual practices on behalf of a firm that is normally required to hold professional practice liability insurance, proof of coverage will be required.

5. **Discipline and control of Incidental Practice.**

- (a) It is the duty and commitment of the Home Association to prosecute or apply disciplinary measures in all cases where one of its members is the subject of a complaint while practising in the Host Territory under an Incidental Practice Authorization. Furthermore, it is the obligation of the Home Association to respond to a request from the Host Association for complaints and discipline matters.

- (b) Individuals who breach the conditions of an Incidental Practice Authorization will be considered to have breached the offence provisions of the Act in the Host Province and will be prosecuted in accordance with the provisions of the Host.
6. **Fees and dues.** Administrative fees determined by mutual agreement between the Associations will be charged for processing a request for Incidental Practice Authorization. No dues will be collected.

PART II – TEMPORARY PRACTICE

7. **Authorization of Temporary practice.**

- (a) In Quebec, Temporary Practice will be authorised through the process of the Temporary Permit as defined in Article 41 of the Code. Holders of Temporary Permits are entered onto the roll of OGQ and are subject to all OGQ regulations including the obligation to hold professional liability insurance. The Board grants temporary permits in Quebec for a maximum of twelve months, after consultation of the Board of Examiners. Temporary Permits may be renewed twice or up to a maximum of three years. Temporary Permits will be granted to those individuals who:
 - (i) are in good standing with APGO;
 - (ii) specify the activity in Quebec to which the Temporary Permit relates;
 - (iii) provide the name of the person, firm or corporation by whom the permit holder is employed or engaged to perform the services in Quebec; and
 - (iv) specify the period of time, not exceeding 12 months, for which the permit is required.
 - (b) In Ontario, Temporary Practice will be authorized through the process of a Temporary Certificate as set out in Sections 11, 12 and 13 of the Registration Regulation. Pursuant to Section 12 of the Registration Regulation, a Temporary Certificate will be granted to those individuals who:
 - (i) are in good standing with OGQ;
 - (ii) specify the activity in Ontario to which the Temporary Certificate relates; and
 - (iii) provide the name of the persons, firms or corporations by whom the certificate holders are employed or engaged to perform services in Ontario; and
 - (iv) specify the period of time, not exceeding 12 months, for which the certificate is required.
8. **Discipline and control of Temporary Practice.**

- (a) Part II of this agreement allows for the elimination of duplication of effort in the discipline of members. The Home Association shall retain the responsibility for complaints and disciplinary measures, including the investigation of its members following complaints, and shall ensure the professional development of its members while they are practising in the Host Territory under a Temporary Practice Authorization.
- (b) Individuals who breach the conditions of a Temporary Practice Authorization will be considered to have breached the offence provisions of the Act in the Host Association and will be prosecuted in accordance with the provisions of the Host Association..
9. **Fees and dues.** Holders of a Temporary Practice Authorization will pay fees and dues as determined by mutual agreement between the Associations.

SIGNED this *19th* day of *June*, 2003.

THE ASSOCIATION OF PROFESSIONAL GEOSCIENTISTS OF ONTARIO

Signed by William Stiebel

President

Signed by Oliver Bonham

Registrar

L'ORDRE DES GÉOLOGUES DU QUÉBEC

Signed by Michel Bouchard

President

Signed by Alain Liard

Registrar

[A version of this Agreement in the French language was also signed by the same officers on the same date].

Schedule "B"

Fees

Special Exemption No Charge

Application Fee

Temporary Certificate As determined under the provisions as set out in Section 6

Membership Dues

Temporary Certificate \$200.00

