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This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

PROFESSIONAL GEOSCIENTISTS ACT, 2000

REGISTRATION

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INTERPRETATION

Definitions

1. In this Regulation,

“eligible Canadian organization” means a self-regulating organization of professional engineers, professional geoscientists or both in Canada that is established and operating under the authority of a provincial, territorial or federal Act; (“French”)

“eligible Canadian supervisor” means,

- (a) a practising member in good standing of an eligible Canadian organization who holds a valid certificate, licence, registration or similar official recognition as a professional geoscientist granted by the organization, or
- (b) a practising member in good standing of an eligible Canadian organization of professional engineers who has an educational and employment background demonstrating practical experience in the application of geoscience theory, an understanding of geoscience process and systems and practical experience in the management of geoscience projects; (“French”)

“eligible foreign organization” means a self-regulating organization of engineers, geoscientists or both, that is outside of Canada and that,

- (a) requires its members, at a minimum,
 - (i) to have,
 - (A) a post-secondary degree designed to be completed in a minimum of three years in an area of geoscience, or

(B) post-secondary education that, in the opinion of the foreign organization, is equivalent to the degree mentioned in sub-subclause (A),

- (ii) to have geoscience work experience,
 - (iii) to have good character, and
 - (iv) to comply with professional standards of competence and ethics established by the organization,
- (b) requires or encourages continuing professional development for its members, and
- (c) has disciplinary powers, including the power to suspend or expel a member regardless of where the member practises or resides; (“French”)

“eligible foreign supervisor” means a practising member in good standing of an eligible foreign organization; (“French”)

“eligible foreign work experience” means geoscience work experience obtained outside of Canada that meets at least one of the following criteria:

1. The experience was obtained through work performed on behalf of a corporation incorporated in Canada under a provincial, territorial or federal statute.
2. The experience was obtained under the supervision of an eligible Canadian supervisor.
3. The experience was obtained under the supervision of an eligible foreign supervisor who has completed the Membership Reference Form; (“French”)

“geoscience work experience” means work experience in a field of geoscience that, when accumulated, meets all of the following criteria:

1. The experience provides practical experience in the application of geoscience theory.
2. The experience provides practical experience in the understanding of geoscience processes and systems.
3. The experience provides practical experience in the management of geoscience projects.

4. The experience requires a demonstration of proficiency in both oral and written communication.
5. The experience promotes an awareness of the implications of professional geoscience practice for society in general, including its environmental and economic implications and its implications for safety; (“French”)

“prescribed knowledge requirements” means the knowledge requirements set out in the document entitled “APGO Minimum Knowledge (Academic) Requirements” dated April 2009 and available on the Association’s website. (“French”)

Forms, applications, etc.

2. (1) In this Regulation, when a form is referred to, the reference is to the form available through the website of the Association.

(2) Subsection (1) does not apply in respect of the form mentioned in paragraph 2 of subsection 36 (3).

CLASSES OF MEMBERSHIP

Classes of membership

3. The following are prescribed as classes of membership:

1. Practising.
2. Temporary.
3. Limited.
4. Non-practising.

APPLICATION FOR REGISTRATION

Application for membership

4. (1) For the purposes of subsection 9 (1) of the Act, an individual may apply to be registered as a member of a class of membership by submitting,

- (a) the application, including the Application Form in respect of that class; and
- (b) the required application fee for that class, as set out in the Association’s by-laws.

(2) The Registrar may close an application if the applicant does not provide the documentation required by this Regulation within two years after the day the applicant submits the required application fee.

(3) An individual whose application is closed under subsection (2) may apply to be registered as a member by submitting a new application and the required application fee.

Application for membership, resigned member, etc.

5. (1) An individual who has resigned his or her membership under section 14 or whose membership has expired for a period of more than 75 days may apply to be registered as a member of the same class of membership as the resigned or expired membership under this section if the application is made no later than five years after the effective date of the resignation or expiry.

(2) An application under this section shall include the following:

1. The Application Form in respect of applications under this section.
2. Documentation showing that since the resignation or expiry, the individual has engaged in continuing professional development in the manner required for a member of the same class as the individual's previous class of membership as set out in the document entitled "APGO Continuing Professional Development (CPD) Program Requirements", dated [**, 2016] and available on the Association's website.
3. A statement signed by the individual stating that since the resignation or expiry, the individual has not engaged in any activity in any jurisdiction that would be the subject of proceedings for professional misconduct, incompetence or negligence in Ontario.
4. A statement signed by the individual stating that since the resignation or expiry, the individual has not engaged in the practice of professional geoscience in Ontario.
5. The application fee, as set out in the Association's by-laws.

References

6. (1) An applicant under section 4 shall provide references from three individuals, each of whom shall have completed and submitted to the Association a Membership Reference Form.

(2) At least one of the individuals who provides a reference must be,

- (a) a member in good standing of an eligible Canadian organization who holds a valid certificate, licence, registration or similar official recognition as a professional geoscientist granted by the organization; or
- (b) a practising member in good standing of an eligible foreign organization who holds a valid certificate, licence, registration or similar official recognition as a professional geoscientist granted by the organization.

(3) If only one of the individuals who provides a reference meets the criteria set out in subsection (2), then at least one of the other individuals who provides a reference shall be a professional engineer who,

- (a) is a member in good standing of an eligible Canadian organization or a practising member in good standing of a self-regulating organization of professional engineers outside of Canada with whom Engineers Canada has entered into an active Mutual Recognition Agreement; and
- (b) has an educational and employment background demonstrating that he or she has practical experience in the application of geoscience theory, an understanding of geoscience process and systems and practical experience in the management of geoscience projects.

(4) At least one of the individuals mentioned in subsection (2) or (3) must have, for a total of at least three months, acted as a direct supervisor of the applicant or have had direct knowledge of the applicant's geoscience work experience.

(5) An applicant may use as one of his or her references a reference that was previously provided for the purpose of determining the applicant's eligibility for membership as a professional geoscientist in an eligible Canadian organization, and the Registrar or the registration committee may request a copy of the reference from the organization.

Additional information re work experience

7. An applicant under section 4 shall provide the following information in order to permit the Registrar or the registration committee to assess the applicant's geoscience work experience:

- 1. A completed Work Experience Record Form.
- 2. A completed Membership Reference Form.
- 3. If requested by the Registrar or the registration committee, examples of written work, including correspondence, briefs, reports, documents or publications.

Interview

8. If the Registrar refers an application under section 4 or 5 to the registration committee, the committee may interview the applicant as part of its assessment of the application.

Additional requirements

9. (1) If the Registrar refers an application under section 4 to the registration committee and the committee determines that an applicant's credentials or geoscience work experience do not meet the requirements set out in this Regulation for registration as a member of the class applied for, the committee may request that the applicant do one or more of the following for the purposes of meeting the requirements:

1. Successfully complete one or more written, oral or practical examinations.
2. Obtain additional geoscience work experience.
3. Fulfil one or more additional prescribed knowledge requirements.
4. Submit one or more additional references.

(2) If the Registrar refers an application under section 5 to the registration committee, the committee may request that,

- (a) the applicant provide additional information relating to the individual's activities since resigning his or her membership, in order to permit the committee to assess the applicant's qualifications; and
- (b) the applicant successfully complete the professional practice and ethics examination.

REGISTRATION

Issuance of certificate of registration

10. For the purpose of registering an individual as a member of a class under subsection 10 (1) of the Act, the Registrar shall issue a certificate of registration as a member of that class to the individual.

Prohibition, registration in more than one class

11. No individual shall be registered as a member of more than one class at one time.

Duration of registration

12. (1) Registration as a practising member, a limited member or a non-practising member is valid from,

- (a) the date of issue of the certificate of registration; or
- (b) in the case of a registration that has been renewed, the date of the most recent renewal.

(2) Registration as a practising member, a limited member or a non-practising member expires on,

- (a) December 31 in the same calendar year in which the certificate of registration was issued, unless the Registrar specifies a later date; or
- (b) December 31 in the same calendar year in which the registration was most recently renewed.

(3) For the purposes of clause (2) (a), the Registrar shall not specify a date that is later than two years after the date on which the certificate of registration was issued.

(4) Registration as a temporary member is valid for the period set out in the certificate of registration, which shall not be longer than one year.

Renewal of registration

13. (1) If an individual pays the annual membership fee set out in the Association's by-laws no later than 15 days following the day the individual's registration expires, the Registrar shall renew the registration.

(2) If an individual wishes to renew his or her registration during the period beginning 16 days following the day the individual's registration expires and ending 75 days following the day the registration expires, the individual may apply to the Registrar for the renewal by,

- (a) paying the annual membership fee and the reinstatement fee set out in the Association's by-laws; and
- (b) providing reasons for failing to pay the annual membership fee in accordance with subsection (1).

(3) Upon receipt of an application under subsection (2), the Registrar may renew the registration if the Registrar is of the opinion that it is appropriate in the circumstances to renew the registration.

(4) Despite subsections (1) to (3), registration as a temporary member may be renewed a maximum of two times in a four-year period.

(5) For greater certainty, once an individual's registration has expired, the individual is not a member until the registration has been renewed under this section or the individual registers again under this Regulation.

Resignation

14. (1) A member may resign his or her membership by giving written notice to the Registrar.

(2) The resignation takes effect,

- (a) if the member does not owe fees or other amounts to the Association, on the day the Registrar receives the notice; or
- (b) if the member owes fees or other amounts to the Association, on the day the Registrar receives payment of the amount owing.

ALL CLASSES

Eligibility requirements for members, all classes

15. (1) The following are the requirements for eligibility to be a member of any class:

1. The applicant must be at least 18 years old.
2. The applicant must be of good character based on a consideration of all relevant factors, including those set out in subsection (2).
3. The applicant must meet the requirements set out in this Regulation with respect to the applicable class of membership.
4. The applicant must not currently be the subject of a finding of incapacity, if the nature of the incapacity is such that the applicant is unfit to carry out the duties and responsibilities of a professional geoscientist as set out in the Act and the regulations.
5. The applicant must pay any outstanding annual membership fees, as set out in the Association's by-laws.

(2) The following factors shall be considered in determining whether the applicant is of good character:

1. Whether the applicant has been found guilty of a criminal offence.
2. Whether the applicant is the subject of proceedings for professional misconduct, incompetence or negligence, whether in Ontario or in another jurisdiction.
3. Whether the applicant has been the subject of a finding of professional misconduct, incompetence or negligence, whether in Ontario or in another jurisdiction.
4. Whether the applicant has been refused registration as a member of a regulated profession, whether in Ontario or in another jurisdiction.
5. Whether the past conduct of the applicant affords reasonable grounds for believing that the applicant will not engage in the practice of professional geoscience with honesty and integrity and in accordance with the law.
6. Whether the applicant knowingly makes a false or misleading statement or representation in his or her application.

Geoscience work experience, determination of amount obtained while enrolled in an academic program

16. (1) If an applicant who holds a credential described in paragraph 1 of subsection 18 (1) obtained geoscience work experience after completing his or her second year of studies and before obtaining the credential, a maximum of 12 months of that geoscience work experience may be considered geoscience work experience obtained by the applicant.

(2) If an applicant holds one or more degrees mentioned in subsection (3) and obtains geoscience work experience while completing the degrees, the following rules apply with respect to that geoscience work experience:

1. If the applicant obtained the experience while completing only one degree, the greater of the following may be considered geoscience work experience obtained by the applicant:
 - i. The total number of months of the experience obtained as part of the degree, up to a maximum of 12 months.
 - ii. The total number of months of the experience that was obtained while completing the degree but not obtained as part of the degree.
 2. If the applicant obtained the experience while completing two or more degrees, the greater of the following may be considered geoscience work experience obtained by the applicant:
 - i. The total number of months of the experience obtained as part of any two of the degrees, up to a maximum of 24 months.
 - ii. The total number of months of experience that was obtained while completing any two of the degrees but that was not obtained as part of the degrees.
- (3) For the purposes of subsection (2), the degrees are the following:
1. A master of science degree in an area of geoscience.
 2. A doctor of philosophy degree in an area of geoscience.
 3. A foreign credential that is equivalent to a degree mentioned in paragraph 1 or 2.

Member to notify Registrar, all classes

17. It is a condition of a membership of any class that the member notify the Registrar in writing within 90 days after any of the following occur and that the member provide details at the request of the Registrar within 60 days or such longer period of time as may be specified by the Registrar:

1. The member is found guilty of a criminal offence.
2. The member is the subject of a proceeding for professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction.
3. The member is the subject of a finding of professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction.

PRACTISING MEMBER CLASS

Registration requirements, practising members

18. (1) An applicant for registration as a practising member must meet the following requirements:

1. The applicant must have one of the following credentials:
 - i. A bachelor of science degree designed to be completed in four years that is awarded by a Canadian university in an area of geoscience and meets the prescribed knowledge requirements.
 - ii. A degree awarded by a Canadian university that meets the prescribed knowledge requirements and is equivalent in terms of academic requirements to a degree mentioned in subparagraph i.
 - iii. A foreign credential awarded by a post-secondary institution that meets the prescribed knowledge requirements and is equivalent in terms of academic requirements to a degree mentioned in subparagraph i.
 2. The applicant must have at least four years of geoscience work experience obtained within 10 years before the date of the application, at least 12 months of which must consist of one or both of,
 - i. geoscience work experience that was obtained in Canada, and
 - ii. eligible foreign work experience.
- (2) The requirements in subsection (1) do not apply if the applicant,
- (a) has at least 10 years of geoscience work experience obtained within 15 years before the date of the application, at least 12 months of which must consist of one or both of,
 - (i) geoscience work experience that was obtained in Canada, and

(ii) eligible foreign work experience; and

- (b) has a credential other than one of those mentioned in subsection (1) which, when combined with the geoscience work experience mentioned in clause (a), demonstrates that the applicant has knowledge in an area of geoscience that is equivalent to the knowledge obtained through the credentials and work experience described in subsection (1).

(3) The applicant must successfully complete the professional practice and ethics examination or have successfully completed an equivalent examination.

(4) Despite subsections (1) to (3), an applicant who meets the following requirements is eligible for registration as a practising member:

1. The applicant holds a valid certificate, licence, registration or similar official recognition as a professional geoscientist that is granted by an eligible Canadian organization.
2. The certificate, licence, registration or similar official recognition must not be suspended, cancelled or revoked.

Conditions of membership, practising member

19. Every membership as a practising member is subject to the following conditions:

1. The member must comply with the continuing professional development requirements set out in the document entitled “APGO Continuing Professional Development (CPD) Program Requirements”, dated [**, 2016] and available on the Association’s website.
2. The member must use the designation “P. Geo.” in English or “G.P.” in French when practising professional geoscience in Ontario.

TEMPORARY MEMBER CLASS

Registration requirements, temporary members

20. (1) An applicant for registration as a temporary member must meet one of the following requirements:

1. The applicant must be a practising member or a limited member in good standing of an eligible Canadian organization and must hold a valid certificate, licence, registration or similar official recognition as a practising or limited professional geoscientist granted by the eligible Canadian organization.
2. The applicant must be a member in good standing of an eligible foreign organization who has an educational and employment background indicating that he or she has

practical experience in the application of geoscience theory, an understanding of geoscience process and systems and practical experience in the management of geoscience projects.

3. The applicant must be an individual who,
 - i. is nationally or internationally recognized for his or her work experience or other specialized experience in the area of geoscience to which the activities to be carried out under the temporary certificate relate, and
 - ii. has completed at least 10 years of geoscience work experience in that area.

(2) An individual is not eligible for registration as a temporary member during the five-year period following the expiry of the individual's most recent registration as a temporary member if the individual has been issued a certificate of registration as a temporary member three times within a four-year period.

Contents of temporary certificate

21. A certificate of registration as a temporary member shall specify the following:

1. The activities that the member is entitled to carry out in Ontario.
2. The name of the person, firm or corporation by whom the member is employed or engaged to carry out the activities mentioned in paragraph 1 in Ontario.
3. Whether the member is required to collaborate with a practising member as a condition of his or her certificate under this Regulation and, if so, the name of the practising member.
4. The period of time for which the certificate has been issued.

Conditions of membership, temporary member

22. (1) Every membership as a temporary member is subject to the following conditions:

1. The member must carry out only the activities specified in the certificate of registration when practising professional geoscience in Ontario.
2. The member must use the designation "P.Geo. (Temporary)" in English or "G.P. (membre temporaire)" in French when practising professional geoscience in Ontario.
3. Subject to subsection (2), the member must collaborate with a practising member in carrying out the activities specified in the certificate of registration.

4. If the condition mentioned in paragraph 3 applies, the member must not issue a final drawing, specification, plan, report or other document unless the practising member with whom the temporary member is collaborating has signed and dated it and attached his or her seal to it.

(2) If the registration committee receives an application under subsection 11 (2) of the Act to have the condition mentioned in paragraph 3 of subsection (1) varied or removed, the registration committee may vary or remove the condition from the membership if the member,

- (a) satisfies the registration committee that his or her qualifications are at least equal to the qualifications required for registration as a practising member and that he or she knows the codes, standards and laws relevant to the activities to be carried out in Ontario; or
- (b) satisfies the registration committee that he or she knows the codes, standards and laws relevant to the activities to be carried out in Ontario and is,
 - (i) a practising member or limited member in good standing of an eligible Canadian organization who holds a valid certificate, licence, registration or similar official recognition as a practising or limited professional geoscientist granted by the eligible Canadian organization, or
 - (ii) a member in good standing of an eligible foreign organization who has an educational and employment background indicating that he or she has practical experience in the application of geoscience theory, an understanding of geoscience process and systems and practical experience in the management of geoscience projects.

LIMITED MEMBER CLASS

Registration requirements, limited members

23. (1) An applicant for registration as a limited member must meet the following requirements:

1. The applicant must hold at a minimum,
 - i. a bachelor of science degree designed to be completed in three years, awarded by a Canadian university, or
 - ii. a foreign credential that is equivalent in terms of academic requirements to a degree mentioned in subparagraph i.
2. The applicant must have at least 13 years of geoscience work experience obtained under the supervision and direction of one or more eligible Canadian supervisors or

eligible foreign supervisors, and at least 12 months of the geoscience work experience must be work experience that was obtained in Canada or eligible foreign work experience.

3. At least the two most recent years of the geoscience work experience must have been obtained in the last six years and must be in the area of geoscience that is the same as the area in which the applicant will be entitled to carry out activities, as set out in the certificate of registration as a limited member.
4. The applicant must successfully complete the professional practice and ethics examination or have successfully completed an equivalent examination.

(2) Despite section 16, for the purposes of paragraph 2 of subsection (1), a maximum of three years of the applicant's post-secondary education in an area of geoscience may be considered geoscience work experience.

(3) Despite subsection (1), an applicant who satisfies the following conditions meets the requirements for registration as a limited member:

1. The applicant must be a limited member in good standing of an eligible Canadian organization and must hold a valid certificate, licence, registration or similar official recognition as a limited professional geoscientist granted by the eligible Canadian organization that attests to the applicant's qualification to practise professional geoscience in the area of geoscience that is the same as the area of geoscience in which the applicant will be entitled to carry out activities, as set out in the certificate of registration as a limited member.
2. The applicant's certificate, licence, registration or similar official recognition must not be suspended, cancelled or revoked.

Contents of limited certificate

24. A certificate of registration as a limited member shall specify the activities the member is entitled to carry out under the certificate.

Conditions of membership, limited member

25. Every membership as a limited member is subject to the following conditions:

1. The member must carry out only the activities specified in the certificate of registration when practising professional geoscience in Ontario.
2. The member must use the designation "P.Geo. (Limited)" in English or "G.P. (membre restreint)" in French when practising professional geoscience in Ontario.

3. When the member ceases to carry out the activities specified in the certificate of registration, the member must return the certificate to the Registrar.
4. The member must comply with the continuing professional development requirements set out in the document entitled “APGO Continuing Professional Development (CPD) Program Requirements”, dated [**, 2016] and available on the Association’s website.

NON-PRACTISING MEMBER CLASS

Registration requirements, non-practising members

26. An applicant for registration as a non-practising member must meet one of the following requirements:

1. The applicant must be or have been a practising member or limited member of the Association and, in the case of an applicant who is no longer a member, the applicant’s membership must not have been suspended, cancelled or revoked as a result of a failure to pay fees or a complaint or disciplinary proceeding.
2. The applicant must hold or have held a valid certificate, licence, registration or similar official recognition as a practising or limited professional geoscientist granted by an eligible Canadian organization and have practised in an area of professional geoscience and, in the case of an applicant who is no longer a member, the membership must not have been suspended, cancelled or revoked as a result of a failure to pay fees or a complaint or disciplinary proceeding.

Conditions of membership, non-practising members

27. Every membership as a non-practising member is subject to the following conditions:

1. The member must not practise professional geoscience in Ontario.
2. The member must not use a stamp or seal of a member.
3. The member may use only the designation “P.Geo. (Non-practising)” in English or “G.P. (membre inactif)” in French.

EXAMINATIONS

Examination arrangements

28. (1) The Registrar is responsible for arranging for examinations under this Regulation, including their time and place.

(2) Any examination the registration committee requires an applicant to complete shall be administered by the Association at least once every 12 months.

(3) An individual is eligible to take an examination if,

- (a) he or she has applied for registration as a member;
- (b) he or she submits an application form to take the examination and pays the fee set out in the Association's by-laws; and
- (c) the application form and fee are received by the Registrar at least 60 days before the examination is scheduled to take place.

Examination requirements

29. (1) In this section,

“academic year” means the period beginning on September 1 in a year and ending on August 31 in the next year.

(2) If the registration committee requires an applicant for registration to take only one examination, the applicant shall take it within two academic years after the date set out on the notice of the requirement sent to the applicant.

(3) If the registration committee requires an applicant to take more than one examination, the applicant shall take at least one examination within two academic years after the date set out on the notice of the requirement sent to the applicant and shall take at least one other required examination in each academic year after taking the first examination.

(4) An applicant must successfully complete all required examinations within four academic years after the date set out on the notice of the requirement sent to the applicant.

(5) The Registrar or the registration committee may close an application for registration if the applicant,

- (a) fails to appear at the time and place set for an examination without providing reasonable justification in writing within 30 days after the date of the examination; or
- (b) fails to successfully complete his or her required examinations in accordance with the timing requirements set out in this section without providing reasonable justification in writing within 30 days after the expiration of the final time period.

(6) If an applicant does not successfully complete an examination required by the registration committee,

- (a) he or she is not entitled to take the examination again except with the permission of the registration committee; and
- (b) the registration committee may close the application.

Professional practice and ethics examination

30. If an applicant is required to successfully complete the professional practice and ethics examination in order to be registered, the applicant must do so no later than two years after the later of the following dates:

1. The date the applicant submits his or her application fee.
2. The date the applicant successfully completes any other examination required by the registration committee.

Marking of examinations

31. (1) The Registrar shall appoint examiners to mark examinations on a pass or fail basis.

(2) In no event shall a passing mark be determined to be less than 50 per cent.

(3) The Registrar shall provide the applicant's examination results to the applicant in writing no later than 60 days after the date of the examination.

CERTIFICATE OF AUTHORIZATION**Application for certificate of authorization**

32. (1) A corporation, partnership or other entity may apply for a certificate of authorization by submitting an application form and paying the fee set out in the Association's by-laws.

(2) The application shall contain the following information:

1. The name and address of,
 - i. each officer and director of the applicant, if the applicant is a corporation,
 - ii. each partner of the applicant, if the applicant is a partnership, and
 - iii. the applicant, if the applicant is another entity.
2. Confirmation that one of the main functions of the applicant is or will be to provide professional geoscience services to the public.
3. The name of each individual employed as mentioned in clause 15 (2) (a) of the Act.
4. Confirmation that the individuals named under paragraph 3 will devote sufficient time to directly supervising the practice of professional geoscience undertaken by the corporation, partnership or other entity.

5. Confirmation signed by one of the individuals named under paragraph 3 that the information contained in the application is correct.

(3) For the purposes of clause 15 (2) (a) of the Act, the corporation, partnership or other entity shall only employ a member who is authorized to practise professional geoscience in Ontario.

Ineligibility for certificate of authorization

33. A corporation, partnership or other entity is eligible to be issued a certificate of authorization only if its past conduct or the past conduct of an individual in a position of authority or responsibility in the corporation, partnership or other entity affords reasonable grounds for believing that the corporation, partnership or other entity will engage in the business of providing professional geoscience services with honesty and integrity and in accordance with the law.

Duration of certificate of authorization

34. (1) A certificate of authorization is valid from the date of issue and expires one year after the last day of the month in which it was issued.

(2) A certificate holder may apply to renew the certificate by paying the renewal fee set out in the Association's by-laws on or before the day the certificate expires.

(3) Despite subsection (1), if the members named under paragraph 3 of subsection 32 (2) in an application form for a certificate of authorization are all temporary members, the certificate of authorization expires on the last day on which all of the temporary members' certificates of registration that were held at the time that the certificate of authorization was issued have expired.

(4) For the purposes of subsection (3), if one of the temporary members renews his or her registration before the certificate of authorization expires, subsection (1) applies in respect of the certificate of authorization.

Limitation on certificate of authorization

35. If the member assuming responsibility for and supervision of the professional geoscience services provided under a certificate of authorization is a limited member, the limitations that apply to the limited member's certificate of registration also apply to the certificate of authorization.

Professional liability insurance

36. (1) It is a condition of every certificate of authorization that the certificate holder meet one of the following requirements:

1. The certificate holder must be insured against professional liability under a policy of professional liability insurance that meets or exceeds the requirements set out in subsection (2) and must provide to the Registrar a certificate of insurance that confirms the insurance coverage.
2. The certificate holder must be insured against professional liability under a policy of professional liability insurance that substantially complies with the requirements set out in subsection (2) and, before the certificate holder enters into any agreement to provide professional geoscience services to any person, the certificate holder must provide documentation of the insurance to the person and to the Registrar.
3. If the certificate holder is not insured against professional liability, the requirements listed in subsection (3) must be met before the certificate holder enters into an agreement to provide professional geoscience services to any person.

(2) The requirements referred to in paragraphs 1 and 2 of subsection (1) are as follows:

1. The policy must contain a limit for each single claim of not less than \$250,000 and either an aggregate policy limit for all claims of not less than \$500,000 per year or an automatic policy reinstatement feature.
2. The policy must contain coverage for liability for errors, omissions and negligent acts arising out of the performance of all services within the practice of professional geoscience offered or provided to the public by the insured subject to such exclusions and conditions and otherwise on such terms as are consistent with normal insurance industry practice from time to time.

(3) For the purposes of paragraph 3 of subsection (1), the following requirements must be met before a certificate holder who is not insured against professional liability enters into an agreement to provide professional geoscience services to any person:

1. The certificate holder must give the person a copy of the certificate holder's identification and a copy of his or her certificate of authorization.
2. The certificate holder must give the person a written statement signed by a person with the authority to legally bind the certificate holder in the following form:

Ontario Regulation [***16] (Registration) made under the *Professional Geoscientists Act, 2000* requires a holder of a certificate of authorization who is not insured against professional liability to inform a person with whom he or she intends to enter into an agreement for professional geoscientific services that he or she is not so insured.

I, (*name of representative of the certificate holder*), as representative of (*name of the certificate holder*), the holder of a

certificate of authorization issued by the Association of Professional Geoscientists of Ontario, inform you with this statement that the certificate holder is not insured against professional liability.

3. The person must give the certificate holder a signed statement confirming that the person has read the statement set out in paragraph 2 and acknowledges that the certificate holder is not insured against professional liability.
4. The certificate holder must give the Registrar a copy of the documents described in paragraph 1 and the statements described in paragraphs 2 and 3.

TRANSITION, REVOCATION AND COMMENCEMENT

Transition

37. (1) This Regulation, other than subsection 4 (2), does not apply in respect of the following:

1. An applicant who submits an application for membership and the application fee before the day this Regulation comes into force.
2. An applicant who submits an application for renewal of membership and the application fee,
 - i. before the day this Regulation comes into force, or
 - ii. on or after the day this Regulation comes into force, if, on the day this Regulation comes into force, the applicant is a member in good standing.
3. An applicant who submits an application for a certificate of authorization and application fee before the day this Regulation comes into force.

(2) Ontario Regulation 59/01 (Registration) made under the Act, as it read immediately before it was revoked, applies in respect of an applicant to whom this Regulation does not apply under subsection (1).

(3) As of the day the Registrar registers an individual as a member or issues a certificate of authorization in respect of an application mentioned in subsection (1), this Regulation applies in respect of the member or certificate holder who submitted the application.

Revocation

38. Ontario Regulation 59/01 is revoked.

Commencement

39. [Commencement].