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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 177

(2001, chapter 12)

## **Geologists Act**

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**Introduced 8 December 2000**

**Passage in principle 20 December 2000**

**Passage 30 May 2001**

**Assented to 1 June 2001**

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## **EXPLANATORY NOTES**

*This bill provides for the constitution of the Ordre professionnel des géologues du Québec. In that regard, it defines and regulates the practice of the profession of geologist.*

*The bill also provides for measures to integrate persons into the new professional order who, on the coming into force of the Act, will be regular members of the Association professionnelle des géologues et des géophysiciens du Québec.*

*Lastly, the bill contains various provisions to ensure the proper operation of the new professional order upon the coming into force of the provisions respecting the constitution of the Order.*

## **LEGISLATION AMENDED BY THIS BILL :**

- Professional Code (R.S.Q., chapter C-26) ;
- Mining Act (R.S.Q., chapter M-13.1).

# **Bill 177**

## **GEOLOGISTS ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

### **DIVISION I**

#### **ORDRE PROFESSIONNEL DES GÉOLOGUES**

- 1.** All the persons qualified to practise the profession of geologist in Québec constitute a professional order called the “Ordre professionnel des géologues du Québec” or “Ordre des géologues du Québec”.
- 2.** Subject to the provisions of this Act, the Order and its members shall be governed by the Professional Code (R.S.Q., chapter C-26).

### **DIVISION II**

#### **BUREAU**

- 3.** The Order shall be governed by a Bureau constituted as prescribed in the Professional Code.
- 4.** The Bureau shall, in addition to the regulations it is required to make under the Professional Code, fix the terms and conditions relating to the seal of the Order, in particular its form and content, and the conditions and obligations attached to the use of the seal.

Section 95.1 of the Professional Code applies to the regulation.

### **DIVISION III**

#### **PRACTICE OF THE PROFESSION**

- 5.** The practice of the profession of geologist includes such scientific activities as identifying, observing, characterizing, interpreting or modeling geological phenomena, including geophysical and hydrogeological phenomena.
- 6.** Only a geologist may, within the framework of an activity referred to in section 5, give professional advice or an opinion or make a report in relation to mining, petroleum or gas resource exploration, development, operation or project assessment activities.

Nothing in this section shall affect

- (1) the rights and privileges granted by law to other professionals ;
- (2) acts that may be engaged in by a person in accordance with a regulation under paragraph *h* of section 94 of the Professional Code.

**7.** A geologist must attest, authenticate by affixing his or her seal, certify or sign any opinion or report relating to an act referred to in the first paragraph of section 6 which was prepared by the geologist or under his or her immediate supervision.

**8.** No geologist may practise his or her profession under a name other than his or her own name.

Nevertheless, geologists are allowed to practise their profession under a firm name which may be the name of one, several or all of the partners. The firm name may also include the name of any partner who has ceased to practise, for a period not exceeding three years from the date on which the partner ceased to practise, provided the name of the partner was included in the firm name at the time the partner ceased to practise.

**9.** In the practice of the profession of geologist, no geologist may designate himself or herself otherwise than as a geologist.

## **DIVISION IV**

### **ILLEGAL PRACTICE OF THE PROFESSION**

**10.** Every person who contravenes the first paragraph of section 6 or who, without being a member in good standing of the Order, attests, authenticates by affixing a seal, certifies or signs an opinion or a report relating to an act referred to in the first paragraph of section 6 is guilty of an offence and is liable to the fine prescribed in section 188 of the Professional Code.

**11.** The first paragraph of section 6 and sections 7 and 9 do not apply to members of the Ordre des ingénieurs du Québec.

## **DIVISION V**

### **AMENDING PROVISIONS**

#### **PROFESSIONAL CODE**

**12.** Section 31 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing “21.3” in the second line by “21.4”.

**13.** Section 32 of the said Code, amended by section 1 of chapter 13 of the statutes of 2000, is again amended by replacing “or midwife” in the fifth line of the first paragraph by “, midwife or geologist”.

**14.** Schedule I to the said Code, amended by section 50 of chapter 13 of the statutes of 2000, is again amended by inserting the following paragraph after paragraph 21.3 :

“21.4 The Ordre professionnel des géologues du Québec;”.

## MINING ACT

**15.** Section 101 of the Mining Act (R.S.Q., chapter M-13.1), amended by section 49 of chapter 24 of the statutes of 1998, is again amended

(1) by replacing the words “qualified geologist” in the second and third lines of the second paragraph by “geologist, who meets the qualification requirements prescribed by regulation,”;

(2) by striking out the fourth paragraph.

**16.** Section 226 of the said Act, amended by section 105 of chapter 24 of the statutes of 1998, is again amended by replacing “qualified geologist, within the meaning of the fourth paragraph of section 101” in the fourth and fifth lines of the first paragraph by “geologist”.

**17.** Section 306 of the said Act, amended by section 128 of chapter 24 of the statutes of 1998, is again amended by inserting, after paragraph 12.9, the following paragraph :

“(12.10) determine the qualification requirements concerning the engineer or geologist certifying the report required pursuant to section 101 ;”.

## DIVISION VI

### TRANSITIONAL AND FINAL PROVISIONS

**18.** Notwithstanding section 3 of this Act, the first Bureau shall be composed of the following persons :

(1) six directors appointed by the Office des professions du Québec and chosen from among the persons who, on *(insert here the date of coming into force of this section)*, are directors of the Association professionnelle des géologues et des géophysiciens du Québec; they are deemed to be elected directors;

(2) two directors appointed by the Office des professions du Québec, in accordance with the first paragraph of section 78 of the Professional Code;

(3) a president elected by secret ballot by the directors referred to in subparagraph 1 and chosen from among their number.

The president and the directors referred to in subparagraph 1 of the first paragraph shall remain in office until the first election of the members of the Bureau held in accordance with the provisions of the Professional Code.

**19.** For the purposes of section 75 of the Professional Code, the territory of Québec constitutes a single region until the date of coming into force of a regulation made pursuant to section 65 of the Code.

**20.** A person who, on (*insert here the date of coming into force of this section*), is a regular member of the Association professionnelle des géologues et des géophysiciens du Québec is deemed to be qualified to practise the profession of geologist and shall be issued a permit by the Bureau to practise the profession of geologist.

A person who, on (*insert here the date of coming into force of this section*), is not a regular member of the Association must, to obtain a permit to practise the profession of geologist, satisfy the membership requirements of the Association in effect on 8 December 2000 until they are replaced by a regulation, made in accordance with the provisions of the Professional Code, determining the diplomas and, if applicable, any other qualifications giving access to a permit.

**21.** Notwithstanding section 86 of the Professional Code, the first resolution passed by the Bureau for the purpose of fixing the first annual assessment need not, to come into force, be approved by a majority of the members of the Order, and may take into account the sums already paid as membership dues to the Association professionnelle des géologues et des géophysiciens du Québec.

**22.** The Bureau shall apply, in respect of the members of the Order, the rules applicable to the members of the Association professionnelle des géologues et des géophysiciens du Québec in force on 8 December 2000 until the effective date of a regulation concerning the same subject made in accordance with the provisions of the Professional Code. However, the rules must be compatible with the provisions of the Professional Code and the regulations made thereunder.

**23.** Until the coming into force of a regulation made by the Bureau for the purposes of paragraph *f* of section 93 of the Professional Code, the head office of the Order shall be situated in the territory of Ville de Montréal.

**24.** A person legally authorized to practise outside Québec the same profession as the members of the Ordre des géologues is deemed to hold a special authorization to practise that profession in Québec for a period of twelve months from (*insert here the date of coming into force of this section*).

The authorization may be renewed in accordance with section 33 of the Professional Code.

**25.** The provisions of this Act come into force on the date or dates to be fixed by the Government.