



RE: Legislation Relating To Mandatory Registration with the Alberta Institute of Agrologists

Below are those sections of the Agrology Profession Act and Agrology Regulations that are important toward understanding how the use of the term “practice of agrology” is applied in Alberta. Specific legal interpretation may be required to better determine the specific relationships of each of the clauses below.

Mandatory registration is determined by several linking clauses and definitions in the Act. These sections of the Act are highlighted below. Key words and sections are:

1. **Practice of agrology** – as defined by Section 1(v) of the Act
2. **Mandatory Application** – as described in Section 40(1) of the Act
3. **Evidence of Competence** – as described in Section 22(2) of the Act
4. **Education Requirements** – as described in Section 3 and 4 of the Regulation
5. **Regulated Member** – as defined by Section 1(dd) of the Act
6. **Register of Professional Members** – as described in Section 27(1) of the Act
7. **Professional Service** – as defined by Section 1(x) of the Act
8. **Categories of Membership** – as described in Section 29(1) of the Regulation
9. **Written Request by Registrar for Registration** – as described in Section 40(2) of the Act
10. **Application for Registration** – as described in Section 40(3) of the Act
11. **Membership does not apply** – as described in Section 40(4) of the Act
12. **Offence Not to Apply** – as described in Section 41(1) of the Act

Generally, if you have a baccalaureate degree in agricultural or environmental science from a post-secondary institution or have received a diploma, degree or applied degree from post-secondary institutions – all recognized by the council, if you practice agrology, if you provide professional services and if you are eligible for membership in the Institute, then you MUST be registered as a regulated member in the Institute. That is the law! Mandatory registration is required of individuals who are eligible for BOTH a registered technologist in agrology or a professional agrologist designation.

The following sections of the Agrology Profession Act and the Agrology Profession Regulation are relevant to understanding mandatory registration as required by legislation in Alberta.

1. Practice of Agrology – Definition:

Section 1(v) of the Agrology Profession Act, The “practice of agrology” provides the following set of statements:

1(v) “practice of agrology” means the development, acquisition or application of or advising on scientific principles and practices relating to the cultivation, production, utilization and improvement of plants and animals and the management of associated resources and includes

(i) the certification of compliance with Acts, regulations, directives, standards and guidelines related to agrology,

(ii) the conducting of economic, statistical, financial, sociological and other studies related to agrology,

(iii) the production, processing, marketing and protection of agricultural and related products and supplies,

(iv) the analysis, classification and evaluation of land and water systems,

(v) the undertaking of agricultural design and advising on the use of buildings, structures, machinery and equipment,

(vi) the conservation, decommissioning, reclamation, remediation and improvement of soils, land and water systems, and

(vii) the development, management and use of waste treatment and ecological systems;

2. Mandatory Application Section:

The Agrology Profession Act states in section 40(1) that a person must apply for registration if the person is qualified by meeting the requirements (section 22(2) of the Act. Specifically section 40 (1) says:

40(1) A person must apply for registration if the person

(a) is qualified to meet the requirements of section 22(2) for registration as a regulated member, and

(b) intends to provide professional services to the public or to supervise regulated members who provide professional services to the public.

3. Evidence of Competence:

Section 22(2) of the Act states:

- 22(2)** “An applicant must provide evidence of competence in the practice of the profession
- (a) by meeting the education requirements set out in the regulations and by fulfilling one or both of the following as required by the regulations:
 - (i) experience requirements
 - (ii) successful completion of examinations”
 - (b) by being registered with a professional association in another jurisdiction recognized by the regulations or the council as having substantially equivalent competence and practice requirements, meeting the requirements for persons to be registered with that professional association in that jurisdiction and meeting any additional requirements set out in the regulations, or
 - (c) by satisfying the registration committee of having, as determined in accordance with the regulations, a combination of education, experience, practice or other qualifications that demonstrates the competence required for registration as a regulated member.

4. Education Requirements:

The education requirements are set in sections 3 & 4 of the Agrology Profession Regulation as follows:

- 3** An applicant for registration as a regulated member may be registered on the professional agrologist subcategory of the general register if the applicant
 - (a) has received a baccalaureate degree in agriculture or environmental science from a post-secondary institution recognized by the council with credit in all of the courses related to the practice of agrology required by the council,
 - (b) has successfully completed the agrologist in training program,
 - (c) has successfully completed the registration examination required by the council, and
 - (d) meets the requirements of section 11 and 12
- 4** An applicant for registration as a regulated member may be registered on the registered technologist in agrology subcategory of the general register if the applicant
 - (a) has received a diploma, degree or applied degree from a post-secondary institution recognized by the council with credit in all of the courses related to the practice of agrology required by the council,

- (b) has successfully completed the agrology technologist in training program
- (c) has successfully completed the registration examination required by the council, and
- (d) meets the requirements of sections 11 and 12

5. Regulated Member:

A regulated member is defined in section 1(dd):

“regulated member” means a person who is registered as a member in the register established under section 27(1)(a);

6. Register of Regulated Members:

Section 27(1)(a) states:

- 27(1)(a)** The council
- (a) must establish, in accordance with the regulations, a register of regulated members for one or more categories of members who provide professional services, and
 - (b) may, in accordance with the bylaws, establish registers of other members for one or more categories of non-regulated members.

7. Professional Service:

Professional service is defined in section 1(x) of the Act as follows:

1(x) “professional service” means a service provided by a regulated member of the Institute that comes within the practice of Agrology;

8. Categories of Membership:

The Institute has two categories of regulated members who can provide professional services. These categories are defined in the Agrology Profession Regulation, section 2 and 29(1) as follows:

2 The regulated members register established by the council under section 27(1)(a) of the Act has the following categories:

- (a) general register, which includes the following subcategories of members:
 - (i) professional agrologist;
 - (ii) registered technologist in agrology;

29(1) A regulated member registered on the professional agrologist subcategory of the general register or the visiting professional agrologist subcategory of the visiting register may use the title, abbreviations and initials “professional agrologist”, “P.Ag.” or PAg”.

29(2) A regulated member registered on the registered technologist in agrology subcategory of the general register or the visiting registered technologist in agrology subcategory of the visiting register may use the title, abbreviations and initials “registered technologist in agrology”, “R.T.(Ag)” or “RT(Ag)”.

9. Written Request by Registrar for Registration:

Section 40(2) states:

40(2) If the registrar is of the opinion that a person who is not a regulated member meets or may meet the requirements referred to in subsection 1(a) and provides any or all services described in subsection 1(b), the registrar may give that person a written request to apply for registration.

10. Application for Registration:

Section 40(3) of the Act states that:

40(3) A person who receives a request under section (2) must give a complete application for registration, except the application fee, to the registrar within 30 days after receiving the request, and the application fee must be paid before registration.

11. Mandatory Registration Does NOT Apply:

Section 40(Section 40(4) of the Act indicates that mandatory registration does not apply to individuals in the following circumstances:

- 40(4)** This section does not apply to a person who
- (a) is a student of the Agrology profession,
 - (b) is authorized to provide any services referred to in subsection (1) pursuant to another enactment, or [like Engineers, Foresters]
 - (c) provides the professional services on land in which the person has a direct or indirect interest.

A direct or indirect interest is intended to apply to individuals who own or farm land and who do not provide professional services to other individuals outside of that ownership.

12. Offence to Not Apply:

Section 41(1) of the Act states:

41(1) A person who meets the requirements of section 40(1) but does not comply with a request under section 40(3) is guilty of an offence.

40(2) A person who is guilty of an offence under this section is liable

- (a) for a first offence, to a fine of not more than \$2000
- (b) for a 2nd offence, to a fine of not more than \$4000
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

All of the above legislative components must be considered and are related in the interpretation of the “practice of agrology”. If you have any questions about mandatory registration and your status, please call me. I would be pleased to discuss the legislation requirements.

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