

IMPORTANT NOTICE

(posted January 18, 2012)

On December 12, 2011, a decision on an appeal of an APGO Special Meeting of Council registration decision was handed down by the Divisional Court of Ontario. The APGO believes this decision, as worded, could have repercussions not only on APGO applicants for registration, but also on the Association's ability to restrict membership only to those who have successfully completed specified knowledge requirements, the mobility of APGO members, and possibly on a member's ability to act as a Qualified Person under NI43-101.

The decision hinges on whether the APGO has the legislated authority to review the content of a university degree to ascertain whether it meets the minimum knowledge requirements, as established by Geoscience Canada and as accepted by the self-regulating geoscience associations across Canada.

The APGO has filed a motion for leave to appeal the decision with the Ontario Court of Appeal. Opposing Counsel has consented to a stay of the decision pending the determination of the APGO's motion for leave to appeal the findings of the Divisional Court. The stay of the decision was granted by the court on January 12, 2012. APGO Counsel advises that the determination of this motion for leave to appeal the decision could take three to four months. In the interim, the Association will not be processing applications that appear to be affected by the Divisional Court's decision. Those clearly not affected will continue to be processed.

APGO finds it regrettable that it has found it necessary to seek further assistance from the Courts and does not do so without much consideration. However, this action is found to be necessary out of concern for the protection of the public, and the rights and privileges of APGO members, both current and future. Unfortunately, the Divisional Court decision has left the APGO with what it considers to be some ambiguity and confusion as to how it is to proceed in assessing and determining the underlying knowledge necessary to determine whether or not an applicant has met the specified knowledge requirements. APGO has taken the steps it has in the hope it will obtain some clarity in this regard from the Court of Appeal.