



LAKE KENOGAMING, IN THE WILDS NEAR GOGAMA BETWEEN SUDBURY AND TIMMINS

GEOSCIENCE REGULATION, WHY THE PUBLIC SHOULD CARE

A NON-REGISTRANT PERSPECTIVE

As a self-regulatory organization (SRO), Professional Geoscientists Ontario (PGO) is responsible for regulating geoscience in the province of Ontario. This can sound dry to those that don't identify as geoscientists. For the purposes of this article, four non-registrants who are affiliated with PGO provided their own stories and thoughts to explain the importance of geoscience regulation.



RYAN COLE, PGO ADVISOR

“Self-regulatory organizations, like PGO, play a crucial role in overseeing professions where public trust and safety are paramount, particularly in sectors where the government may lack specific technical expertise.” explains Ryan Cole, Vice President at Policy Concepts Inc. For many years, Policy Concepts has been a trusted advisor to the PGO, helping the organization navigate its relationship with the provincial government and counseling the PGO on public policy. During his time working with PGO, Ryan has seen first-hand how the organization works with political and technical officials in government to serve the public and the unique and sometimes challenging role SROs must play.

“The government is, essentially, out-sourcing or delegating the regulation and enforcement of standards for highly specialized fields like geoscience, law, engineering, and medicine to the professionals themselves. This self-regulation, which operates under governmental authority and oversight, allows these bodies to effectively navigate the complexities of their fields and rapidly adapt standards in response to emerging challenges and changing practices.” It makes sense to have those most knowledgeable in the field overseeing the practice of those working in that field. Without that technical understanding, things can slip through the cracks.

In Ontario, the practice of professional geoscience is governed by the Professional Geoscientists Act, 2000, which makes clear that protection of the public is the first obligation of both registered geoscientists and the PGO as the regulator. The world became keenly aware of the need to regulate geoscience following the financial crisis and public mistrust that followed the Bre-X scandal in 1997. Bre-X Minerals Ltd. had excitedly reported its control of a huge gold deposit in Indonesia. Through repeated fraudulent announcements, Bre-X caused its stock to attain a market cap of over \$6 billion. Bre-X completely collapsed in 1997 after its gold samples were found to be ‘salted’ from other sources and therefore fraudulent. The Bre-X fraud was followed in 2000 by the E. coli outbreak in the drinking water in Walkerton, Ontario, originating from the inadequate monitoring and treatment of shallow groundwater for Walkerton’s drinking water. Seven people died and over 2,000 more became ill, including some left with chronic illness. Bacterial contamination in Walkerton has been called the worst public health crisis involving a Canadian water supply. The public enquiry that followed provided over 100 recommendations for the safe management of water supplies and the Ontario Legislature enacted the Safe Drinking Water Act (2002) and the Clean Water Act (2006). Geoscientists have been instrumental in implementing many of these recommendations, protecting drinking water sources from contamination and monitoring the safety and sustainability of water supplies in the years that have followed. Similarly, geoscientists were instrumental in improvement of mineral project disclosures in Ontario by helping to design and implement National Instrument NI-43-101 which requires that reporting of mineral resources or reserves is completed under the supervision of qualified persons (registered and experienced geoscientists or engineers). Both tragic events highlighted the importance of having qualified professionals in positions that protect the public from harm.

By the late 1990s, discussions with the Ontario government about regulating geoscience were already well underway. The Professional Geoscientists Act, 2000 had been drafted in early 2000 and was finally enacted later that year in June 2000, driven by the recommendations of the Mining Standards Task Force to establish the Qualified Person (QP) concept and subsequent development of NI-43-101 in response to the Bre-X scandal. The earliest days of the PGO were characterized by ‘roll-up-your-sleeves’ efforts by geoscientists and like-minded members of the public who understood the important roles of geoscientists in our society. These individuals, passionate about geoscience, were just learning how an SRO should work. Over the 25 years that have followed, the PGO has matured into a capable and professional SRO that has sufficient resources to protect the public and enforce the law by utilizing a combination of education, encouragement, and discipline.



DON JOHNSTON, PGO
NON-REGISTRANT PUBLIC
APPOINTEE (2006-2021) AND
ONGOING COMMITTEE
MEMBER

PGO may be charged with regulating the practice of geoscience in Ontario, but even regulators need to answer to a higher power. The business and operations of PGO are governed by a Council comprised of 20 individuals, including five non-registrant public appointees to represent the public that PGO protects. Don Johnston, a lawyer, and former public member of Council, wrote: *“I was asked to join the PGO Council as one of these non-geoscientist public representatives and became a public appointee on Council in 2006. I had no idea at that time what a ‘geoscientist’ was, but I agreed to join Council and attended my first meeting. I felt like a fish out of water, but immediately I was greatly inspired by the Council’s work ethic and concern for the public good. Gradually, I got to know more about the job and was able to make contributions as a public member of Council – and I loved it!”*

Council and committees, statutory, standing, and ad hoc, are ably supported by the PGO’s small staff of six very hard-working administrators. In those early days, because the PGO was light on staff, very few topics were not covered by Council deliberations. Even some correspondence was the subject of discussion, including wordsmithing replies on behalf of PGO. It was then a callow but eager organization. Since that time, Council has changed and matured and become far more sophisticated – while no less eager and dedicated. The organization now spends its time wisely on matters of protection of the public, strategic decisions, oversight of its committees and staff, and establishing and enforcing policy. But the focus on protection of the public has never varied.

Ryan Cole described above the symbiotic relationship between government and regulators that function as their delegates. A parallel can be made about the vital role that non-registrants play within the regulatory organizations such as the PGO. Ryan states, *“SROs are instrumental in advising the government on how various laws and regulations might affect their professions, thus ensuring informed policymaking. By acting as intermediaries between the public and the government, SROs help educate citizens about professional standards and address complaints, thereby fostering transparency and strengthening public trust in these vital professions.”* For this transparency to be effective and for regulators to be trusted, they cannot be seen to be advocating for their registrants.

While geoscientists might lend the technical expertise needed to advise on matters concerning geoscience, it is the many non-geoscientist professionals that lend their expertise to Council and committees that bring this balance.



PGO AGM 2013

The Act requires at least one quarter of Council to be public non-registrants. Every committee of Council also has non-registrant public member requirements. The 'public view' that public non-registrants bring to Council and its committees cannot be overstated. Far from being regarded as 'outsiders,' public members are accorded a voice at Council and its committees equal to any of their registrant peers. This includes strategic deliberations and even in disciplinary tribunals. Non-registrant participation ensures that PGO remains accountable to the public it serves through the promotion of transparency, trust, and confidence. The diversity of perspectives represented by public members' various viewpoints and experiences enhance decision-making by providing insights that professional geoscientists might overlook. Moreover, protection of the public is enhanced by their influencing policies and practices that prioritize that protection. Finally, the presence of non-members in Council and on its committees proves that PGO is willing to be scrutinized by those outside the geoscience profession, as a matter of accountability, transparency, and openness.



CERISE LATIBEAUDIÈRE, PGO
NON-REGISTRANT PUBLIC
APPOINTEE AND PGO
COMMITTEE MEMBER SINCE
2022

Cerise Latibeaudiere, Principal Lawyer and Founder of Cerise Latibeaudiere Law Professional Corporation, CL Law, is a recognized corporate commercial lawyer with her law firm based out of Toronto, Ontario. Cerise has an in-depth understanding of the importance of strong regulatory practices and transparency when dealing with the public. As a result, she was honoured to join Council as a non-registrant public appointee in 2022. Council regularly maintains at least one practicing lawyer to advise on legal matters. Although Council has included lawyers with a variety of legal specializations over the years, it is their knowledge of the law and specialized way of approaching issues that are fundamental to their contributions to decision-making.

"During my tenure with PGO I have been deeply involved in ongoing discussions and planning sessions regarding the strategic plans of the organization as well as analyzing organizational objectives to determine whether past goals have been achieved. While being a member of Council I have also had the privilege of participating in committee work including the Complaints Committee and the Diversity & Inclusion Committee. Committee work has been particularly rewarding, because as a committee member, I have had a direct impact on determining the outcome of certain decisions while ensuring that the core PGO values focused on protecting the public interest are upheld.

As a practising lawyer, I am driven by principles of fairness, public interest, equal protection and transparency, and the committee work I have been involved in has demonstrated the importance of those principles as integral factors in how all committee decisions are determined."

Paul Connor, Treasurer and Executive Director of Canadian Open Data Society, has been a part of PGO in various capacities since 2017. With a Masters in Business Administration and expertise in corporate communications and governance, Paul's financial expertise and organizational know-how have been welcomed on Council and the committees he has chaired and supported over the years. *"SROs are, to my mind, an important independent check-and-balance in our society. PGO's mandate of preserving public safety in the practice of geoscience is certainly a worthy one, and it is not too much of a stretch to say that lives and livelihoods are at stake. Every day in Ontario, hydrogeologists are gaining assurance about a water table somewhere (which real people depend on for their lives), or mining geologists are signing off on the value of ore samples (on which, in turn, the valuations of companies that real people invest in depend). These decisions are based on the honest application of their professional expertise, and PGO exists to hold such professional expertise to a standard just as doctors and lawyers and engineers are. So, you can trust the water you drink, and the stocks you invest in, thanks to P.Geo.s."*

Although PGO has benefited tremendously from Paul's years of dedicated service and insightful expertise, Paul also recognizes the benefits gained by non-registrants through their involvement with the organization. *"My time with PGO has not been without challenge. Occasionally urgent or difficult situations have arisen. But we never face these situations alone; everyone has something useful to contribute. We learn and grow and change the PGO to meet future challenges, and best of all, we become more capable professionals by addressing these challenges. In the end, we have always returned to the path of progress. Safeguarding the viability and effectiveness of PGO as a Self-Regulatory Organization and assuring the conduct and fluency of our registrants as professional experts, are absolutely worthwhile."*

As this article draws to a close, Don Johnston provides some final thoughts on checks and balances, and how people evolve along with PGO for public benefit. Don wrote, *"PGO by-laws have set a limit on how long a person can be on Council, and so in 2021 I had to retire from Council. However, I joined the Discipline Committee (where I am still a member and potential panelist), the Audit Committee, the Enforcement & Compliance Committee, and the Diversity & Inclusion Committee. In addition to helping on committees, I also have had the honour of doing some voluntary legal work for the PGO. Being involved in PGO has been one of the highlights of my professional life."*

About

This article was prepared by a committee of volunteers from Professional Geoscientists Ontario (PGO) working to plan a celebration of the 25th anniversary of the Professional Geoscientists Act on June 6, 2025, in Toronto. The thoughts and opinions expressed are those of the dedicated PGO volunteers and authors who gave their time and professional input to this endeavor, not of the PGO. The committee would like to extend thanks to the following authors.

Lead Author:

Donald B. Johnston was called to the Ontario Bar in 1978. Don is Co-leader of the Technology Group, as well as a member of the Intellectual Property, Corporate/Commercial, Privacy & Data Security, National Security, Communications, Mining and Space Tech Groups, of Aird & Berlis LLP, a Toronto business law firm. He is also an Honorary Fellow of Geoscientists Canada, Honorary Consul of the Kingdom of Belgium for Ontario, and is listed as one of the Best Lawyers in Canada in the fields of Information Technology Law, Public Procurement Law and Technology Law.

Contributing Authors:

Ryan Cole is the Vice-President at Policy Concepts Inc. and has extensive experience working with government, from policy development and legislative affairs to speech writing and strategic communications. He provides clients with innovative tactics to shape public policy and helps distill their message for maximum impact. Prior to joining Policy Concepts, Ryan served as a senior political advisor at Ontario's Treasury Board and at the Ministry of Finance, where he advised the Progressive Conservative government on two provincial budgets as well as pandemic support measures, the financial services sector, public sector procurement, alcohol policy, auto insurance reform, and iGaming regulation. In addition to his experience in government, Ryan has developed and implemented cutting-edge digital communications and advocacy strategies for political parties, unions, industry associations and charities. He has also managed political campaigns at all three levels of government.



PAUL CONNOR, PGO NON-REGISTRANT PUBLIC APPOINTEE AND PGO COMMITTEE MEMBER SINCE 2017

Cerise Latibeaudiere is the founder of CL Law. She earned her Bachelor of Arts (Hons.) with a specialization in Law and Society from York University and received her Juris Doctor (JD) from Osgoode Hall Law School before being called to the Ontario Bar in 2005. Prior to founding CL Law, Cerise practised on Bay Street at two large international law firms, where she consistently led complex commercial transactions and represented her clients on a variety of corporate matters. Cerise then moved to in-house counsel roles where she acted as in-house counsel for large international financial institutions and also acted as in-house counsel for Canada's largest publicly traded company.

Paul Connor is an experienced non-profit manager and economic researcher with an MBA from the Ted Rogers School of Management. He is currently Executive Director of the Canadian Open Data Society and the Ontario Clean Technology Industry Association. Previously he served as Niagara Region's Economic Research Manager and as President of Angel Investors Ontario. He was born in Thunder Bay and lives in Mississauga, Ontario.