

THE ENGINEERING, GEOLOGICAL AND
GEOPHYSICAL PROFESSIONS ACT

REGULATIONS

GENERAL REGULATION

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(Consolidated up to 346/2009)

**ALBERTA REGULATION 150/99
ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS ACT**

GENERAL REGULATIONS

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Definitions

1 In this Regulation,

- (a) “Act” means the *Engineering, Geological and Geophysical Professions Act*;
- (b) “confirmatory examination” means an examination required by the Board of Examiners for the purpose of assessing an engineering, geology or geophysics or related degree held by the applicant and not for a purpose related to the correction of perceived academic deficiencies;
- (c) “licensee” includes a provisional licensee except where this Regulation specifically provides to the contrary.

AR 150/99 s1;72/2007

Part 1 Membership in the Association

Division 1 General

Application

2(1) An application for registration must be submitted to the Registrar and must

- (a) be in a form acceptable to the Board of Examiners, and
- (b) be fully completed and accompanied by
 - (i) all required supporting documentation, and
 - (ii) any fees that are prescribed by the Council.

(2) The Registrar shall refer an application to the Board of Examiners if the application meets the requirements of subsection (1) and the Registrar is satisfied that the applicant meets the eligibility requirements for one of the categories of membership in the Association.

Annual fees

3 A person who is entered in a record or register under this Part shall pay any annual fees that are prescribed by the Council.

Non-payment

4 The Council may direct the Registrar to strike the name of a person from a record or register if the person fails to pay a prescribed fee.

Registers and records

5 The Registrar shall keep the following records and registers for the purposes of this Part:

- (a) a record of students;
- (b) a record of examination candidates;
- (c) a record of members-in-training.

Division 2 Students

Eligibility

6 A person who meets the following requirements and applies to the Registrar for registration is entitled to be enrolled as a student:

- (a) the applicant is of good character and reputation;
- (b) the applicant
 - (i) is enrolled in a full-time program at a university in Alberta that is recognized by the Board of Examiners as leading to a degree in engineering, geology or geophysics, or
 - (ii) has at least 2 years of post-secondary education acceptable to the Board of Examiners in areas that relate to the science or technology of engineering, geology or geophysics, together with
 - (A) one year of experience in work of an engineering, geological or geophysical nature acceptable to the Board of Examiners where the post-secondary education consists of an engineering, geological or geophysical technology program recognized by the Board of Examiners, or
 - (B) 3 years of such work experience, where the post-secondary education consists of education other than such a program.

Striking from record

7 The Council may direct the Registrar to strike the name of a student from the record of students

- (a) if the Council considers that the student has engaged in behaviour that constitutes unprofessional conduct,
- (b) if the student ceases to be enrolled in a program referred to in section 6(b)(i), or
- (c) if, in the opinion of the Board of Examiners, the student fails to make satisfactory progress toward registration as a professional member.

Division 3 Examination Candidates

Eligibility

8 A person who meets the following requirements and applies to the Registrar for registration is entitled to be admitted as an examination candidate:

- (a) the applicant is of good character and reputation;
- (b) the applicant is a graduate of
 - (i) a university program in engineering, geology or geophysics, or
 - (ii) a related academic program that is acceptable to the Board of Examiners,

but the Board of Examiners has required the applicant to complete one or more confirmatory examinations or examinations for the purpose of correcting a perceived academic deficiency.

Striking from record

9(1) The Council may direct the Registrar to strike the name of an examination candidate from the record of examination candidates

- (a) if the Council considers that the examination candidate has engaged in behaviour that constitutes unprofessional conduct, or
- (b) if, in the opinion of the Board of Examiners, the examination candidate fails to make satisfactory progress toward registration as a professional member.

(2) A person whose name is struck from the record is no longer eligible to proceed with the writing of examinations.

Division 4 Members-in-training

Eligibility

10(1) A person who meets the following requirements and applies to the Registrar for registration is entitled to be admitted as an engineer-in-training, geologist-in-training or geophysicist-in-training:

- (a) the applicant is of good character and reputation;
- (b) the applicant
 - (i) is a graduate of a university program in engineering, geology or geophysics or a related university program that is acceptable to the Board of Examiners, but does not have the work experience required for registration as a professional member, or
 - (ii) is registered as an examination candidate under section 8(b) and has completed the examinations referred to in that provision, but does not have the work experience required for registration as a professional member.

(2) Notwithstanding subsection (1), an applicant is entitled to be registered as a member-in-training if

- (a) the applicant is of good character and reputation, and
- (b) the applicant is registered and in good standing with a professional regulatory organization under an Act of another province or territory of Canada to perform an occupation that, in the opinion of the Board of Examiners, is substantially equivalent, in terms of scope of practice and competencies, to that of a member-in-training.

AR 150/99 s10;346/2009

Time limits

11(1) Subject to subsection (2), no person may remain in the record of members-in-training for more than 6 years.

(2) The Council may in particular cases extend the period referred to in subsection (1) to not more than 8 years.

Professionally qualified persons inadmissible

12 No person may be admitted as an engineer-in-training, geologist-in-training or geophysicist-in-training if at the time of application the person is qualified to be registered as a professional member or licensee.

Division 5 Professional Members

Eligibility

13(1) A person who meets the following requirements and applies to the Registrar for registration is entitled to be registered as a professional member:

- (a) the applicant is a Canadian citizen or is lawfully admitted to Canada for permanent residence;
- (b) the applicant is of good character and reputation;
- (c) the applicant has a knowledge of the Act and the regulations under the Act, and general knowledge related to the practice of engineering, geology or geophysics, which has been demonstrated by passing an examination that is prescribed by the Board of Examiners;
- (d) the applicant demonstrates to the Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practise the profession of engineering, geology or geophysics;
- (e) the applicant meets one of the following requirements:
 - (i) the applicant is admitted as a member-in-training and has obtained at least 4 years of experience in work of an engineering, geological or geophysical nature that is acceptable to the Board of Examiners;

- (ii) the applicant is enrolled as a student under section 6(b)(ii) and
 - (A) has completed all examinations prescribed by the Board of Examiners, and
 - (B) has obtained at least 8 years of experience in work of an engineering, geological or geophysical nature that is acceptable to the Board of Examiners, at least one year of which is obtained after completion of the examinations referred to in paragraph (A);
 - (iii) the applicant is admitted as an examination candidate and
 - (A) has completed the examinations referred to in section 8(b), and
 - (B) has obtained at least 4 years of experience in work of an engineering, geological or geophysical nature that is acceptable to the Board of Examiners;
 - (iv) the applicant is not in a register or record referred to in subclause (i), (ii) or (iii), but has the combined academic qualifications and experience acceptable to the Board of Examiners that would be required for registration as a professional member had the applicant progressed through one of those registers or records.
- (2) Notwithstanding subsection (1), an applicant is entitled to be registered as a professional member if
- (a) the applicant is of good character and reputation, and
 - (b) the applicant is registered and in good standing with a professional regulatory organization under an Act of another province or territory of Canada to perform an occupation that, in the opinion of the Board of Examiners, is substantially equivalent, in terms of scope of practice and competencies, to that of a professional member.

AR 150/99 s13;37/2003;346/2009

Division 6 Licensees

Registration as licensee

14(1) A person who meets all of the requirements of section 13 for registration as a professional member, except the requirement set out in section 13(1)(a), is entitled to be registered as a licensee.

(2) Notwithstanding subsection (1), an applicant is entitled to be registered as a licensee if

- (a) the applicant is of good character and reputation, and
- (b) the applicant is registered and in good standing with a professional regulatory organization under an Act of another province or territory of Canada to perform an occupation that, in the opinion of the Board of Examiners, is substantially equivalent, in terms of scope of practice and competencies, to that of a licensee.

AR 150/99 s14;72/2007;346/2009

Registration as a provisional licensee

14.1(1) The Board of Examiners may approve the registration of a person as a provisional licensee if

- (a) the person is legally entitled to work in Canada, whether or not the person meets the requirements of section 13(1)(a),
- (b) the person meets all of the other requirements of section 13 for registration as a professional member, except the requirement set out in section 13(1)(e),
- (c) the person has academic qualifications and experience in work of an engineering, geological or geophysical nature that is acceptable to the Board of Examiners, and
- (d) the Board of Examiners considers that it is appropriate to register the person as a provisional licensee.

(1.1) Notwithstanding subsection (1), an applicant is entitled to be registered as a provisional licensee if

- (a) the applicant is of good character and reputation, and
 - (b) the applicant is registered and in good standing with a professional regulatory organization under an Act of another province or territory of Canada to perform an occupation that, in the opinion of the Board of Examiners, is substantially equivalent, in terms of scope of practice and competencies, to that of a provisional licensee.
- (2) A provisional licensee may practise engineering, geology or geophysics only under the supervision and control of
- (a) a professional member,
 - (b) a licensee, other than a provisional licensee, or
 - (c) a registered professional technologist

who has appropriate training and experience in the same area of practice.

- (3) A provisional licensee may not vote in any matter affecting the Association or hold office in the Association.
- (4) Subject to subsection (5), no person may remain in the register of provisional licensees for more than 2 years.
- (5) The Council may, in a particular case, extend the time period in subsection (4) to not more than 4 years where the Council considers it appropriate to do so.

AR 72/2007 s3;346/2009

Division 7 Board of Examiners

Board of Examiners - constitution

15(1) The Board of Examiners consists of

- (a) an executive committee constituted under subsection (5),
 - (b) other members, who must be professional members, and who are appointed by the Council, and
 - (c) any other persons appointed by the Minister under the Act.
- (2) The Board of Examiners shall meet at least twice each year to consider matters of policy, significant changes in procedure, examination results and other matters referred to it by its executive committee or the Council.
- (3) The executive committee shall meet as is necessary to rule on applications for registration.
- (4) The Council shall designate a person as chair of the Board of Examiners and that person shall also serve as chair of the executive committee.
- (5) The executive committee of the Board consists of
- (a) the deans of engineering at universities in Alberta, or persons designated by the deans,
 - (b) a senior professor, who must be a professional engineer, from each of the major engineering disciplines at universities in Alberta,
 - (c) a senior professor, who must be a professional geologist, from each of the departments of geology at universities in Alberta,
 - (d) a senior professor, who must be a professional geophysicist, from each of the departments containing the geophysical discipline at universities in Alberta,
 - (e) other professional members of the Association equal to the number of members specified in clauses (a) to (d), who are not directly associated with any of the universities and are representative of the disciplines of engineering, geology and geophysics,
 - (f) the Registrar of the Association or the Registrar's designate,

- (g) one member of the public appointed by the Minister in accordance with section 30(2) of the Act, and
 - (h) 2 registered professional technologists (engineering) or engineering technologists appointed by the Minister under section 91 of the Act.
- (6) Where the executive committee sits for the purposes of ruling on applications for registration, members appointed under subsection (5)(h) may sit only in respect of applications for registration as a registered professional technologist (engineering).
- (7) The Council shall appoint the persons referred to in subsection (5)(b) to (e).
- (8) The term of appointment for the chair and members of the Board of Examiners who are appointed by the Council is 3 years, and they may be reappointed.
- (9) Where a vacancy occurs in a category of membership referred to in subsection (5)(a) to (f), the Council shall appoint a professional member to the position for the unexpired portion of the term.
- (10) A quorum for a meeting of the Board of Examiners is 1/4 of the members of the Board.
- (11) A quorum for a meeting of the executive committee of the Board of Examiners is 1/4 of the members of the executive committee.

AR 150/99 s15;8/2005

Part 2

Continuing Professional Development Program

Interpretation

15.1 In this Part, “licensee” does not include provisional licensee.

AR 72/2007 s4

Education program established

16(1) The Council establishes the Continuing Professional Development Program of the Association as the compulsory continuing education program for professional members and licensees.

(2) The Practice Review Board shall administer the Continuing Professional Development Program.

Mandatory compliance

17 A professional member or licensee shall comply with the requirements of the Continuing Professional Development Program as it applies to that person’s practice of engineering, geology or geophysics, as the case may be.

Exemption

18(1) Notwithstanding section 17, a professional member or licensee who files with the Association a declaration in writing stating that that person is not actively engaged in the practice of a profession is exempt from the requirements of this Part.

(2) An exemption under this section is only effective for one year from the date the declaration is received by the Association but may be renewed for additional yearly periods.

(3) A professional member or licensee shall not engage in the practice of a profession while an exemption under this section is in effect.

(4) A professional member or licensee who has filed a declaration under subsection (1) must immediately notify the Association in writing if that person intends to resume the practice of the profession.

(5) The Practice Review Board may require a professional member or licensee who has notified the Association under subsection (4) to comply with any conditions that the Board may set prior to allowing that person to resume the practice of the profession.

Written records

19 A professional member or licensee must

- (a) maintain a written record of activities undertaken in accordance with the Continuing Professional Development Program, and
- (b) produce the record under clause (a) on the request of the Practice Review Board.

Striking from register

19.1 The Council may direct the Registrar to strike from the register of professional members or licensees the name of a person who fails to comply with a notice that is served on the professional member or licensee and direct the professional member or licensee to comply with section 19 within 30 days after the date of service of the notice.

AR 37/2003 s3

Proof of compliance

20(1) On the request of the Practice Review Board, a professional member or licensee must satisfy the Board that that person is complying with the requirements of the Continuing Professional Development Program.

(2) Where a professional member or licensee fails to satisfy the Practice Review Board under subsection (1), the Board may

- (a) conduct a review of the practice of that person in accordance with the Act and this Regulation, and
- (b) at any time during a review recommend to the Investigative Committee that the review be conducted by the Investigative Committee under Part 5 of the Act as if the recommendation were a written complaint.

Part 3 Practice Review Board

Interpretation

20.1 In this Part, "licensee" does not include provisional licensee.

AR 72/2007 s5

Constitution

21(1) The Council shall appoint not fewer than 2 professional engineers, one professional geologist and one professional geophysicist as members of the Practice Review Board.

(2) The Council shall designate one of the professional members as chair.

(3) The Registrar or the Registrar's designate shall serve as Secretary to the Practice Review Board.

(4) The chair and professional members must be appointed for a 3-year term, and may be reappointed.

(5) A quorum of the Practice Review Board is 4 of its members.

(6) Where a vacancy occurs in the Practice Review Board, other than with respect to the member of the public appointed under section 15(1)(b) of the Act, the Council shall appoint a professional member to the position for the unexpired portion of the term.

(7) In appointing professional members to the Practice Review Board under this section, the Council

- (a) shall not appoint a professional member unless the professional member has at least 10 years of experience in the practice of the profession, and
- (b) shall appoint professional members so that the membership will represent a combination of academic qualifications and experience such that the Practice Review Board can effectively review and assess registration requirements and procedures and disciplinary procedures in order to ensure the continuing competency of members of the Association, and advise the Council on those matters.

Items considered

22(1) The Practice Review Board shall meet at least twice each year, and more frequently if the chair considers it necessary, to consider

- (a) items referred to the Board by the Council, the Board of Examiners or the Discipline Committee,
 - (b) reports from the Registrar submitted under subsection (2),
 - (c) items that have come to the attention of the Board from other sources and that reflect a need to review the procedures of the Association with respect to registration, discipline or maintenance of professional competency, and
 - (d) any other items that may be considered by the Board pursuant to the Act.
- (2) The Registrar shall submit at each regular meeting of the Practice Review Board a report setting out
- (a) the number and nature of appeals and complaints relating to rulings of the Board of Examiners, and
 - (b) the number and nature of complaints dealt with under Part 5 of the Act and the disposition of the complaints, with special emphasis on cases reflecting on the competency of members of the Association.

Investigation by Practice Review Board

23(1) If the Practice Review Board undertakes a review of the practice of a professional member, licensee, permit holder or certificate holder, it shall proceed with the review in accordance with this section.

(2) The Board shall appoint a person to conduct an initial review and report to the Board with respect to the substance of the conclusions on which the Board based its decision to commence an investigation.

(3) If, on receipt of the report, the Board decides that further investigation is not warranted, the Board shall discontinue the review and report its decision to the Council, along with any recommendations the Board considers appropriate.

(4) If, on receipt of the report, the Board decides that investigation of a specific practice is necessary, it shall

- (a) issue notice of investigation to the professional member, licensee, permit holder or certificate holder if it is of the opinion that the matter to be investigated relates to matters other than to unskilled practice of the profession or unprofessional conduct, and proceed with its investigation in the same manner as provided for in a discipline investigation, or
- (b) lodge an appropriate complaint with the Investigative Committee if it is of the opinion that further investigation may lead to a finding of unskilled practice of the profession or unprofessional conduct.

Report to Council

24 Following each meeting, the Practice Review Board shall report through its chair to the Council and may make any recommendations as to changes in procedures regarding registration, discipline or maintenance of competency that the Board considers appropriate.

Part 4 Council

President and Vice-presidents - election and powers

25(1) The President of the Association must be elected annually by the professional members of the Association, and holds office until a successor is elected.

(2) The President shall act as the presiding officer at meetings of the Council and at meetings of the Association.

(3) The President may vote at meetings of the Council or the Association only in the event of a tied vote.

(4) The 2 Vice-presidents must be elected annually by the professional members of the Association and must be designated as First Vice-president and Second Vice-president on the basis of the number of votes cast for each of them.

(4.1) The First Vice-president is deemed to be the President Elect and must be the sole nominee for the office of President in the succeeding year.

(5) The First Vice-president or, failing the First Vice-president, the Second Vice-president, has all the powers of the President during the absence of the President for any cause.

AR 150/99 s25;37/2003

Election of Council

26(1) The professional members of the Council, other than those mentioned in section 25, must be elected annually by the professional members of the Association.

(2) The term of the members referred to in subsection (1) is 3 years and the elections must be conducted so that as close as possible to 1/3 of the positions come up for election each year.

Vacancy

27(1) Where there is a vacancy in the Council, the remaining members of the Council shall appoint a professional member to fill the vacancy until the next regular election.

(2) Where a vacancy is filled at a regular election, the person elected holds office for the unexpired portion of the term of office of the person being replaced.

Quorum

28 A quorum for meetings of the Council is

- (a) at least one of the President, the 2 Vice-presidents or the immediate Past President, and
- (b) 6 other professional members of the Council.

Executive Committee

29(1) There is hereby established an Executive Committee of the Council consisting of the President, who is the chair, the immediate Past President, the 2 Vice-presidents and the Executive Director of the Association.

(2) The Executive Committee has the delegated authority and power of the Council with respect to any decisions or actions necessary between Council meetings.

Other boards, committees and task forces

30(1) In addition to the Discipline Committee, Investigative Committee, Board of Examiners, Practice Review Board, Appeal Board and Executive Committee, the Council may appoint any other standing or special committees, task forces or boards that it considers necessary to serve the interests of the Association, and shall at the time of the appointment, delegate any authority it considers necessary for the committees, task forces or boards to perform their function.

(2) Except for the Discipline Committee, Investigative Committee, Board of Examiners, Practice Review Board, Appeal Board and Executive Committee, the Council shall determine the terms of reference for all committees, task forces or boards.

Part 5 Code of Ethics

Application and availability

31(1) Professional members, licensees, permit holders, members-in-training, examination candidates and students shall comply with the Code of Ethics in the Schedule to this Regulation.

(2) The Association shall publish interpretations of the rules comprising the Code of Ethics and distribute them to professional members, licensees, permit holders, members-in-training, examination candidates and students.

(3) The Association shall make the Code of Ethics available on request to members of the public.

Part 6 Discipline

Investigative Committee

32(1) There is hereby established an Investigative Committee consisting of professional members and registered professional technologists (engineering) or engineering technologists appointed by the Council and the member of the public appointed under section 33(1).

(2) The Council shall designate one professional member as the chair of the Investigative Committee.

(3) The chair or in the absence of the chair a majority of the members of the Investigative Committee may appoint an acting chair who has all the powers of the chair in the absence of the chair.

Public member

33(1) The Minister shall appoint one member of the public, from a list of persons nominated by the Council, to the Investigative Committee.

(2) The Minister may, after consultation with the Council, revoke the appointment of the member of the public.

(3) The powers, duties and operations of the Investigative Committee are not affected by

- (a) the failure of the Minister to appoint a member of the public,
- (b) the revocation of the appointment of the member of the public,
- (c) the resignation from the Investigative Committee of the member of the public, or
- (d) the absence of the member of the public from a meeting of the Investigative Committee.

(4) The Minister may pay to the member of the public appointed to the Investigative Committee travelling and living expenses incurred by that member for attendance at meetings of the Investigative Committee away from the member's usual place of residence and fees in an amount prescribed by the Minister.

Term of office

34(1) The term of office of each member of the Investigative Committee is 3 years, and members may be reappointed.

(2) Where there is a vacancy in the membership of the Investigative Committee appointed by the Council, the Council may appoint a person to fill the vacancy for the unexpired portion of the term.

(3) Where there is a vacancy in the public membership on the Investigative Committee, the Minister may appoint a person to fill the vacancy for the unexpired portion of the term.

Quorum

35 A quorum of the Investigative Committee consists of the chair or the acting chair and the number of professional members and registered professional technologists (engineering) or engineering technologists determined by the Council.

Discipline Committee

36(1) There is hereby established a Discipline Committee consisting of professional members appointed by the Council and the member of the public appointed under section 37(1).

(2) The Council shall designate one professional member as the chair of the Discipline Committee.

(3) The chair or in the absence of the chair a majority of the members of the Discipline Committee may appoint an acting chair who has all the powers of the chair in the absence of the chair.

Public member

- 37(1)** The Minister shall appoint one member of the public, from a list of persons nominated by the Council, to the Discipline Committee.
- (2) The Minister may, after consultation with the Council, revoke the appointment of the member of the public.
- (3) The powers, duties and operations of the Discipline Committee are not affected by
- (a) the failure of the Minister to appoint a member of the public,
 - (b) the revocation of the appointment of the member of the public,
 - (c) the resignation from the Discipline Committee of the member of the public, or
 - (d) the absence of the member of the public from a meeting of the Discipline Committee.
- (4) The Minister may pay to the member of the public appointed to the Discipline Committee travelling and living expenses incurred by that member for attendance at meetings of the Discipline Committee away from the member's usual place of residence and fees in an amount prescribed by the Minister.

Term of office

- 38(1)** The term of office of each member of the Discipline Committee is 3 years, and members may be reappointed.
- (2) Where there is a vacancy in the professional members on the Discipline Committee, the Council may appoint a person to fill the vacancy for the unexpired portion of the term.
- (3) Where there is a vacancy in the public membership on the Discipline Committee, the Minister may appoint a person to fill the vacancy for the unexpired portion of the term.

Quorum

39 A quorum of the Discipline Committee consists of the chair or the acting chair and the number of professional members determined by the Council.

Appeal Board

- 40(1)** The Council shall appoint professional members, including one Past President of the Association, as members of the Appeal Board.
- (2) The Council shall designate one professional member as the chair of the Appeal Board.
- (3) The chair or in the absence of the chair a majority of the members of the Appeal Board may appoint an acting chair who has all the powers of the chair in the absence of the chair.

Term of office

- 41(1)** The term of office of each member of the Appeal Board appointed under section 40 is 3 years, and members may be reappointed.
- (2) Where there is a vacancy in the membership of the Appeal Board appointed under section 40, the Council may appoint a professional member to fill the vacancy for the unexpired portion of the term.

Quorum

42 A quorum of the Appeal Board consists of the chair or the acting chair and the number of professional members determined by the Council.

Adjournment of investigation if court proceedings commenced

43 A preliminary investigation under Part 5 of the Act may be adjourned if the complaint that gave rise to the investigation is the subject of proceedings in the Provincial Court of Alberta or the Court of Queen's Bench of Alberta.

Assistance in conducting preliminary investigation

44 An investigation panel appointed under section 47 of the Act may employ any technical consultants and legal counsel it considers necessary to conduct a preliminary investigation.

AR 150/99 s44;8/2005

Panel of the Discipline Committee

45(1) A panel of the Discipline Committee must consist of at least 3 members of the Discipline Committee who are professional members.

(2) A member of the Discipline Committee who has been designated to act as a case manager under section 52(2) of the Act in respect of a matter must not sit as part of the panel of the Discipline Committee that is hearing the matter under section 53 of the Act.

(3) A panel of the Discipline Committee has all the powers and authority of the Discipline Committee.

AR 150/99 s45;8/2005

Publication

46 The Discipline Committee or the Appeal Board may direct that reports of disciplinary investigations be published.

Reinstatement of disciplined individuals

47(1) A professional member or licensee whose registration has been cancelled or a permit holder whose permit has been revoked under Part 5 of the Act as a result of the disciplinary proceedings may apply to the Council to be reinstated.

(2) An application under subsection (1) may not be made until at least one year after the date on which the registration was cancelled or the permit was revoked, or from the date on which the Court made its order confirming or varying the decision of the Council.

(3) The Council may establish a Committee of Inquiry to consider the application for reinstatement and make recommendations to the Council.

(4) The Council may require the former professional member, licensee or permit holder to demonstrate by means prescribed by the Council that that person is competent to re-engage in the practice of engineering, geology or geophysics.

(5) Where an application for reinstatement is not approved by the Council, no further application may be made by the former professional member, licensee or permit holder until at least one year after the date the Council ruled on the previous application.

Part 7 Registration of Permit Holders

Interpretation

47.1 In this Part, "licensee" does not include a provisional licensee.

AR 72/2007 s6

Requirements for issue of permit

48(1) The Council may issue to a partnership, corporation or other entity a permit to practice engineering, geology or geophysics in its own name if

- (a) an application is made to the Registrar in the form and containing the information required by the Council,
- (b) the application is accompanied with the fees prescribed by the Council,
- (c) the Council is satisfied that the practice will be carried on under the direct personal supervision and responsibility of a full-time permanent employee or member of the partnership, corporation or other entity who is also a professional member or licensee and who is qualified by education and experience in the field of engineering, geology or geophysics in which the partnership, corporation or other entity intends to engage, and

- (d) the professional member or licensee certifies to the satisfaction of the Council that the partnership, corporation or other entity has in place and will follow a professional management plan that is appropriate to its professional practice.
- (2) A permit expires one year after the date on which it is issued.
- (3) When the Council issues a permit, it shall provide the permit holder with a permit number.
- (4) No person shall use a permit number where the permit to which the number is assigned has been cancelled or suspended.

AR 150/99 s48;37/2003

Seminars

48.1 A professional member or licensee who accepts responsibility under section 48(1)(c) shall every 5 years attend a permit to practice seminar acceptable to the Council.

AR 37/2003 s6

Signing and sealing of documents

49 When the practice of engineering, geology or geophysics is carried on by a partnership, corporation or other entity pursuant to a permit under section 48, all final plans, specifications, reports or documents of a professional nature must

- (a) be signed by and be stamped or sealed with the stamp or seal of
 - (i) the professional member or licensee who prepared them or under whose supervision and control they were prepared, or
 - (ii) in the case of plans, specifications, reports or documents that were prepared by other persons, the professional member or licensee who thoroughly reviewed and accepted professional responsibility for them,
- and
- (b) show the permit number issued to the partnership, corporation or other entity under section 48.

Notification to Association

50(1) A partnership, corporation or other entity practising pursuant to a permit under section 48 shall keep the Association advised of the name of the professional member or licensee referred to in that section.

- (2) The professional member or licensee referred to in section 48 shall forthwith advise the Registrar if the professional member or licensee
 - (a) ceases to be the person accepting responsibility under that section, or
 - (b) is no longer able to provide the certification referred to in section 48(1)(d).

AR 150/99 s50;37/2003

Revocation of permit

51 The Council may revoke a permit issued under section 50 if the permit holder contravenes the Act, this Regulation or a term or condition of the permit.

AR 150/99 s51;8/2005

Name of firm

52 No partnership, corporation or other entity may be incorporated or registered in the Province of Alberta under a name including the words "Engineering", "Geology" or "Geophysics", or variations of those words, unless it holds and continues to hold a valid permit issued under section 48.

Control and use of stamps and seals

53 The permit number issued to a permit holder may only be used by the professional members or licensees referred to in section 48(1)(c).

Waiver of compliance

53.1 The Council may, subject to any terms and conditions it considers appropriate, waive compliance with the requirements of sections 48(1)(d) and 48.1.

AR 37/2003 s8

Part 8 General

Use of stamps and seals issued to members

54(1) A stamp or seal issued to a professional member or licensee must at all times remain under that person's direct control and must be applied by the professional member or licensee or by a person acting under the professional member's or licensee's immediate and direct control to all final plans, specifications, reports or documents of a professional nature

- (a) that were prepared by the professional member or licensee or under the professional member's or licensee's supervision and control, or
- (b) that were prepared by another person in circumstances where the professional member or licensee has thoroughly reviewed them and accepted professional responsibility for them.

(2) No person shall permit a stamp or seal to be physically located in a manner that would allow its use by a person other than the professional member or licensee to whom it was issued.

(3) When a stamp or seal is applied, the professional member or licensee to whom it was issued shall ensure that the stamp or seal is accompanied with that person's signature and the date on which the stamp or seal is applied.

(4) A stamp or seal may be applied to the cover page or final page of reports or documents in a manner that clearly indicates acceptance of professional responsibility for the reports or documents, without being applied to each page.

(5) A professional member or licensee shall not acquire a stamp or seal from any source other than the Registrar.

(6) A professional member or licensee shall only use a stamp or seal while that person is registered pursuant to this Regulation.

(7) Stamps and seals are the property of the Association and a person in possession of a stamp or seal shall surrender it to the Association on demand.

(8) A professional member or licensee may, with the approval of the Registrar, apply a computer generated facsimile of the stamp or seal if that person otherwise meets the requirements of the Act and this Regulation.

(9) In this section, "licensee" does not include a provisional licensee.

AR 150/99 s54;72/2007

Association publications

55 The Association shall issue on a regular basis as directed by the Council the publications known as *The Annual Report* and *The PEGG* for the general information of members on the affairs of the Association and the professions generally.

Publications on professional services

56 The Association may publish, on an annual basis or as directed by the Council, for the information of members and the public, conditions of engagement and surveys of professional fees for particular types of professional engineering, geological and geophysical services.

Publications on professional services

57 The Association may publish a guide to the selection of professional engineers, geologists and geophysicists for consulting services to assist clients in the selection of professionally and legally qualified consultants and consulting firms.

Publications on professional services

58 The Association may publish guides that define for clients the scope of professional services to be expected from a consulting engineer, geologist or geophysicist.

Publications on professional services

59 The Association may issue, on an annual basis or as directed by the Council, publications for the purpose of promoting high standards of professional services and adequate remuneration for those services, and the maintenance and improvement of the competency of members.

Membership register

60 The Association may publish from time to time as directed by the Council, a register, in a format directed by the Council, of professional members, licensees, permit holders, joint firms and restricted practitioners.

Service of notices

61(1) If notice is required to be given to a person under the Act, this Regulation or the bylaws, the notice is sufficiently given if

- (a) it is served personally on the person,
- (b) it is sent by prepaid mail to the person at the latest address provided to the Registrar by the person, or
- (c) where the person has provided to the Registrar an electronic address for the purpose of receiving notices that meets the requirements of the Council, it is sent to the person by electronic transmission to that address.

(1.1) If a notice is served by electronic transmission in accordance with subsection (1), unless the contrary is proved, the service is presumed to be effected on the date on which the notice was transmitted.

(2) If notice is served by mail in accordance with subsection (1), unless the contrary is proved, the service is presumed to be effected

- (a) 7 days from the date of mailing if the document is mailed to an address in Alberta, or
- (b) 14 days from the date of mailing if the document is mailed to an address outside Alberta.

AR 150/99 s61;37/2003;72/2007

Enforcement Review Committee

62(1) There is hereby established an Enforcement Review Committee consisting of not fewer than 9 professional members appointed by the Council.

(2) The Council shall designate one member of the Committee as the chair.

(3) A member of the Committee may be appointed for a term of not more than 3 years and may be reappointed.

(4) A quorum of the Committee is the chair and 3 of its members.

(5) The chair may designate a member of the Committee as vice-chair, and the vice-chair may exercise all the powers of the chair in the absence of the chair.

(6) The Council may delegate to the Committee matters respecting the enforcement of compliance with Part 1 of the Act and this Regulation, subject to the directions of the Council.

AR 150/99 s62;37/2003

Part 9 Registered Engineering Technologists

Definition

63 In this Part, “registered engineering technologist” means a person who was registered as a registered engineering technologist under this Part immediately before the coming into force of the *Engineering, Geological and Geophysical Amendment Act, 2007*.

AR 150/99 s63;281/2009

Transitional

63.1 Subject to the Act and the *ASET Regulation*, a person who was registered as a registered engineering technologist under this Part immediately before the coming into force of the *Engineering, Geological and Geophysical Amendment Act, 2007* continues to be so registered under section 63.2.

AR 281/2009 s3

Register to be maintained

63.2 For the purposes of section 92.1(2) of the Act, the ASET Registrar shall maintain a register for registered engineering technologists.

AR 281/2009 s3

64 to 72 Repealed AR 281/2009 s4.

Part 10 Professional Licensees

73 Repealed AR 281/2009 s6.

Application

74(1) An application for registration as a professional licensee must be submitted to the Registrar and must

- (a) be in a form acceptable to the Board of Examiners, and
- (b) be fully completed and accompanied by
 - (i) all required supporting documentation, and
 - (ii) any fees that are prescribed by the Council.

(2) The Registrar shall refer an application for registration as a professional licensee to the Board of Examiners if the application meets the requirements of subsection (1) and the Registrar is satisfied that the applicant meets the eligibility requirements for registration set out in section 77.

AR 150/99 s74;37/2003;281/2009

Annual fees

75 A person who is entered in a register of professional licensees shall pay any annual fees that are prescribed by the Council.

AR 150/99 s75;37/2003; 281/2009

Non-payment

76 The Council may direct the Registrar to strike the name of a person from a register of professional licensees if the person fails to pay a prescribed fee.

AR 150/99 s76;37/2003;281/2009

Eligibility

77(1) A person who meets the following requirements and applies to the Registrar for registration is entitled to be registered as a professional licensee:

- (a) the applicant is of good character and reputation;
 - (b) the applicant has at least 2 years of post-secondary education acceptable to the Board of Examiners in areas that relate to the practice of engineering, geology or geophysics;
 - (c) the applicant has a knowledge of the Act and regulations under the Act, and general knowledge related to the practice of engineering, geology or geophysics, which has been demonstrated by passing an examination for those purposes that is prescribed by the Board of Examiners;
 - (d) the applicant demonstrates to the Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practise the profession of engineering, geology or geophysics;
 - (e) the applicant has obtained at least 6 years of experience in work of an engineering, geological or geophysical nature that is acceptable to the Board of Examiners, at least 2 of which are in the applicant's specific area of professional practice and were completed under the supervision and control of a professional member.
- (2)** Notwithstanding subsection (1), an applicant is entitled to be registered as a professional licensee if
- (a) the applicant is of good character and reputation, and
 - (b) the applicant is registered as a professional licensee or in an equivalent capacity in good standing with a regulated entity in another province that, in the opinion of the Board of Examiners, is equivalent to the Association.

AR 150/99 s77;281/2009

Application of regulations

78 Sections 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 47, 48, 48.1, 49, 50, 51, 53, 54, 59, 60 and the Schedule apply in respect of professional licensees as if they were professional members.

AR 150/99 s78;37/2003;72/2007;281/2009

Part 11 Repeal and Expiry

Repeal

79 The *General Regulation* (AR 244/81) is repealed.

Expiry

79.1 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repressed in its present or an amended form following a review, this Regulation expires on September 30, 2014.

AR 281/2009 s10

80 Repealed AR 37/2003 s15.