

THE ENGINEERING, GEOLOGICAL AND
GEOPHYSICAL PROFESSIONS ACT

Being Chapter E-11.1
Revised Statutes of Alberta, 2000

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ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS ACT

Chapter E-11

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “Appeal Board” means the Appeal Board established under section 18;
- (b) “Association” means the Association of Professional Engineers, Geologists and Geophysicists of Alberta;
- (c) “Board of Examiners” means the Board of Examiners established under section 30;
- (d) “certificate holder” means
 - (i) a joint firm, and
 - (ii) a restricted practitioner;
- (e) “Council” means the Council of the Association;
- (f) “Court” means the Court of Queen’s Bench;
- (g) “Discipline Committee” means the Discipline Committee established under section 45;
- (h) “Investigative Committee” means the Investigative Committee established by the Council pursuant to section 46;
- (i) “Joint Board” means the Joint Board of Practice under section 1 of Schedule 8 to the *Government Organization Act*;
- (j) “joint firm” means a firm to which a certificate of authorization has been issued under section 35;
- (k) “licensee” means an individual who holds a licence under this Act;
- (l) “member of the Association” means a person who is registered as a professional member or a member of a class or category of membership established under this Act;
- (m) “member of the public” means, in sections 14, 15 and 30, a person who is
 - (i) a Canadian citizen or who is lawfully admitted to Canada for permanent residence,
 - (ii) a resident of Alberta, and
 - (iii) not a professional member of the Association;
- (n) “member-in-training” means engineer-in-training, geologist-in-training or geophysicist-in-training, as the case may be;
- (o) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (p) “permit holder” means a partnership or other association of persons or a corporation that holds a permit under this Act;
- (q) “practice of engineering” means
 - (i) reporting on, advising on, evaluating, designing, preparing plans and specifications for or directing the construction, technical inspection, maintenance or operation of any structure, work or process
 - (A) that is aimed at the discovery, development or utilization of matter, materials or energy or in any other way designed for the use and convenience of humans, and
 - (B) that requires in that reporting, advising, evaluating, designing, preparation or direction the professional application of the principles of mathematics, chemistry, physics or any related applied subject, or

- (ii) teaching engineering at a university;
- (r) “practice of geology” means
 - (i) reporting, advising, evaluating, interpreting, geological surveying, sampling or examining related to any activity
 - (A) that is aimed at the discovery or development of oil, natural gas, coal, metallic or non-metallic minerals, precious stones, other natural resources or water or that is aimed at the investigation of geological conditions, and
 - (B) that requires in that reporting, advising, evaluating, interpreting, geological surveying, sampling or examining, the professional application of the principles of the geological sciences, or
 - (ii) teaching geology at a university;
- (s) “practice of geophysics” means
 - (i) reporting on, advising on, acquiring, processing, evaluating or interpreting geophysical data, or geophysical surveying that relates to any activity
 - (A) that is aimed at the discovery or development of oil, natural gas, coal, metallic or non-metallic minerals or precious stones or other natural resources or water or that is aimed at the investigation of sub-surface conditions in the earth, and
 - (B) that requires in that reporting, advising, evaluating, interpreting, or geophysical surveying, the professional application of the principles of the geophysical sciences, or
 - (ii) teaching geophysics at a university;
- (t) “Practice Review Board” means the Practice Review Board established under section 15;
- (u) “profession” means the profession of engineering, geology or geophysics, as the case may be;
- (v) “professional engineer” means an individual who holds a certificate of registration to engage in the practice of engineering under this Act;
- (w) “professional geologist” means an individual who holds a certificate of registration to engage in the practice of geology under this Act;
- (x) “professional geophysicist” means an individual who holds a certificate of registration to engage in the practice of geophysics under this Act;
- (y) “professional member” means a professional engineer, professional geologist or professional geophysicist;
- (z) “Registrar” means the Registrar appointed under section 13;
- (aa) “restricted practitioner” means a registered architect under the *Architects Act* who holds a certificate of authorization under this Act.

1981 cE-11.1 s1;1983 cD-25.5 s23;1984 c17 s2;
1994 cG-8.5 s30;1995 c14 s2

Part 1 Scope of Practice

Exclusive scope of the practice of engineering

2(1) Except as otherwise provided in this Act, no individual, corporation, partnership or other entity, except a professional engineer, a licensee so authorized in the licensee’s licence, a permit holder so authorized in its permit or a certificate holder so authorized in the certificate holder’s certificate, shall engage in the practice of engineering.

(2) No individual, corporation, partnership or other entity, shall engage in both the practice of engineering and the practice of architecture as defined in the *Architects Act*, or hold out that it is entitled to engage in

both the practice of engineering and the practice of architecture unless it holds a certificate of authorization under this Act or the *Architects Act* permitting it to do so.

(3) A professional engineer, licensee, permit holder or joint firm may engage in the practice of surveying other than land surveying as defined in the *Land Surveyors Act*.

(4) Subsection (1) does not apply to the following:

- (a) a person engaged in the execution or supervision of the construction, maintenance, operation or inspection of any process, system, work, structure or building in the capacity of contractor, superintendent, foreman or inspector or in any similar capacity, when the process, system, work, structure or building has been designed by and the execution or supervision is being carried out under the supervision and control of a professional engineer or licensee;
- (b) a person engaged in the practice of engineering as an engineer-in-training or engineering technologist in the course of being employed or engaged and supervised and controlled by a professional engineer, licensee, permit holder or certificate holder;
- (c) a member of a class of persons designated in the regulations as an engineering technologist as defined in the regulations;
- (d) a person who in accordance with an Act or regulation in respect of mines, minerals, pipelines, boilers and pressure vessels, building codes or safety codes for buildings is engaged in any undertaking or activity required under or pursuant to that Act or the regulations under that Act;
- (e) a person who, on the person's own property and for the person's sole use or the use of the person's domestic establishment, carries out any work that does not involve the safety of the public;
- (f) a member of the Canadian Forces while actually employed on duty with the Forces;
- (g) a person engaged or employed by a university whose practice of the profession consists exclusively of teaching engineering at the university.

(5) A restricted practitioner is not authorized by the operation of subsection (1) to engage in the practice of engineering beyond the scope of the practice that is specified in the register.

(6) Subsection (1) does not apply to a person if the person engages in

- (a) planning, designing or giving advice on the design of or on the erection, construction or alteration of or addition to,
- (b) preparing plans, drawings, detail drawings, specifications or graphic representations for the design of or for the erection, construction or alteration of or addition to, or
- (c) inspecting work or assessing the performance of work under a contract for the erection, construction or alteration of or addition to

a building set out in subsection (7).

(7) The buildings referred to in subsection (6) are the following:

- (a) a building, 3 storeys or less in height, for assembly occupancy or institutional occupancy that,
 - (i) in the case of a single storey building, has a gross area of 300 square metres or less,
 - (ii) in the case of a 2 storey building, has a gross area of 150 square metres or less on each floor, or
 - (iii) in the case of a 3 storey building, has a gross area of 100 square metres or less on each floor;
- (b) a building for residential occupancy that
 - (i) is a single family dwelling, or
 - (ii) is a multiple family dwelling, containing 4 dwelling units or less;

- (c) a building, 3 storeys or less in height, for residential occupancy as a hotel, motel or similar use that,
 - (i) in the case of a single storey building, has a gross area of 400 square metres or less,
 - (ii) in the case of a 2 storey building, has a gross area of 200 square metres or less on each floor, or
 - (iii) in the case of a 3 storey building, has a gross area of 130 square metres or less on each floor;
- (d) a building, 3 storeys or less in height, for warehouse, business and personal services occupancy, for mercantile occupancy or for industrial occupancy that,
 - (i) in the case of a single storey building, has a gross area of 500 square metres or less,
 - (ii) in the case of a 2 storey building, has a gross area of 250 square metres or less on each floor, or
 - (iii) in the case of a 3 storey building, has a gross area of 165 square metres or less on each floor;
- (e) a building that is a farm building not for public use;
- (f) a relocatable industrial camp building.

1981 cE-11.1 s2;1984 c17 s3;1991 cS-0.5 s70

Exclusive use of name engineer

3(1) No individual, corporation, partnership or other entity, except a professional engineer, licensee or permit holder entitled to engage in the practice of engineering, shall

- (a) use
 - (i) the title “professional engineer”, the abbreviation “P. Eng.” or any other abbreviation of that title, or
 - (ii) the word “engineer” in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation, partnership or other entity is a professional engineer, licensee or permit holder,

or

- (b) represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity
 - (i) is entitled to engage in the practice of engineering, or
 - (ii) is a professional engineer, licensee or permit holder.
- (2)** No individual, corporation, partnership or other entity, except a professional engineer, licensee or permit holder entitled to engage in the practice of engineering, shall affix the stamp or seal of a professional engineer or licensee or the permit number of a permit holder or allow that stamp, seal or permit number to be affixed to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless
- (a) that plan, drawing, detail drawing, specification, other document or reproduction was prepared by or under the supervision and control of, and
 - (b) the stamp, seal or permit number is affixed with the knowledge and consent or in accordance with the direction of

the professional engineer or licensee to whom or the permit holder to which the stamp, seal or permit number was issued.

(3) Notwithstanding subsection (2), a professional engineer, licensee or permit holder may affix a stamp, seal or permit number, as the case may be, to a plan, drawing, detail drawing, specification, other document or reproduction prepared by other persons if the professional engineer, licensee or permit holder completes

a thorough review of and accepts professional responsibility for that plan, drawing, detail drawing, specification, other document or reproduction.

1981 cE-11.1 s3;1984 c17 s4;1995 c14 s3;1998 c14 s2

Holding out by joint firm

4 A joint firm

- (a) may hold itself out as “engineers and architects” or “architects and engineers” only if it has both professional engineers and registered architects as partners or shareholders in an arrangement that is satisfactory to the Council and the Council of The Alberta Association of Architects;
- (b) shall not hold itself out as “engineers and architects” or “architects and engineers” if the registered architects or professional engineers are employees only and not partners or shareholders, or if the partnership or shareholding arrangement is not satisfactory to the Council or the Council of The Alberta Association of Architects.

1981 cE-11.1 s4

Exclusive scope of the practice of geology

5(1) Subject to subsection (2), no individual, corporation, partnership or other entity, except a professional geologist, a licensee so authorized in the licensee’s licence and a permit holder so authorized in the permit, shall engage in the practice of geology.

(2) Subsection (1) does not apply to the following:

- (a) a person engaged in the execution or supervision of the construction, maintenance, operation or inspection of any geological investigation, study, work or instrumentation in the capacity of contractor, superintendent, foreman or inspector, or in any similar capacity, when the investigation, study, work or instrumentation has been designed by and the execution or supervision is being carried out under the supervision and control of a professional geologist or licensee;
- (b) a person engaged in the practice of geology as a geologist-in-training or geological technologist in the course of being employed or engaged and supervised and controlled by a professional geologist, licensee or permit holder;
- (c) a member of a class of persons designated in the regulations as a geological technologist as defined in the regulations;
- (d) a person who, as a prospector, is engaged in any activities that are normally associated with the business of prospecting;
- (e) a member of the Canadian Forces while actually employed on duty with the Forces;
- (f) a person engaged or employed by a university whose practice of the profession consists exclusively of teaching geology at the university.

1981 cE-11.1 s5;1984 c17 s5

Exclusive use of name geologist

6(1) No individual, corporation, partnership or other entity, except a professional geologist or a licensee or permit holder entitled to engage in the practice of geology, shall

- (a) use
 - (i) the title “professional geologist”, the abbreviation “P. Geol.” or any other abbreviation of that title, or
 - (ii) the word “geologist” in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation, partnership or other entity is a professional geologist, licensee or permit holder,

or

- (b) represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity
 - (i) is entitled to engage in the practice of geology, or
 - (ii) is a professional geologist, licensee or permit holder.
- (2) No individual, corporation, partnership or other entity, except a professional geologist, licensee or permit holder entitled to engage in the practice of geology, shall affix the stamp or seal of a professional geologist or licensee or the permit number of a permit holder or allow that stamp, seal or permit number to be affixed to a map, geological cross-section, specification, report or other document or a reproduction of any of them unless
- (a) that map, geological cross-section, specification, report, other document or reproduction was prepared by or under the supervision and control of, and
 - (b) the stamp, seal or permit number is affixed with the knowledge and consent or in accordance with the direction of
- the professional geologist or licensee to whom or the permit holder to which the stamp, seal or permit number was issued.
- (3) Notwithstanding subsection (2), a professional geologist, licensee or permit holder may affix a stamp, seal or permit number, as the case may be, to a map, geological cross-section, specification, report, other document or reproduction prepared by other persons if the professional geologist, licensee or permit holder completes a thorough review of and accepts professional responsibility for that map, geological cross-section, specification, report, other document or reproduction.

1981 cE-11.1 s6;1984 c17 s6;1998 c14 s3

Exclusive scope of the practice of geophysics

- 7(1)** Subject to subsection (2), no individual, corporation, partnership or other entity, except a professional geophysicist, a licensee so authorized in the licensee's licence or a permit holder so authorized in the permit, shall engage in the practice of geophysics.
- (2) Subsection (1) does not apply to the following:
- (a) a person engaged in the execution or supervision of the construction, maintenance, operation or inspection of any geophysical process, system, work or instrumentation in the capacity of contractor, superintendent, foreman or inspector, or in any similar capacity, when the process, system, work or instrumentation has been designed by and the execution or supervision is being carried out under the supervision and control of a professional geophysicist or licensee;
 - (b) a person engaged in the practice of geophysics as a geophysicist-in-training or geophysical technologist in the course of being employed or engaged and supervised and controlled by a professional geophysicist, licensee or permit holder;
 - (c) a member of a class of persons designated in the regulations as a geophysical technologist as defined in the regulations;
 - (d) a person who is engaged in the routine maintenance of geophysical equipment, or if carried out under the supervision and control of a professional geophysicist, the routine operation, reduction or plotting of geophysical observations;
 - (e) a member of the Canadian Forces while actually employed on duty with the Forces;
 - (f) a person engaged or employed by a university whose practice of the profession consists exclusively of teaching geophysics at the university.

1981 cE-11.1 s7;1984 c17 s7

Exclusive use of name geophysicist

- 8(1)** No individual, corporation, partnership or other entity, except a professional geophysicist or a licensee or permit holder entitled to engage in the practice of geophysics, shall

- (a) use
 - (i) the title “professional geophysicist”, the abbreviation “P. Geoph.” or any other abbreviation of that title, or
 - (ii) the word “geophysicist” in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation, partnership or other entity is a professional geophysicist, licensee or permit holder,

or

- (b) represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity
 - (i) is entitled to engage in the practice of geophysics, or
 - (ii) is a professional geophysicist, licensee or permit holder.

(2) No individual, corporation, partnership or other entity, except a professional geophysicist, licensee or permit holder entitled to engage in the practice of geophysics, shall affix the stamp or seal of a professional geophysicist or licensee or the permit number of a permit holder or allow that stamp, seal or permit number to be affixed to a map, geophysical cross-section, specification, report or other document or a reproduction of any of them unless

- (a) that map, geophysical cross-section, specification, report, other document or reproduction was prepared by or under the supervision and control of, and
- (b) the stamp, seal or permit number is affixed with the knowledge and consent or in accordance with the direction of

the professional geophysicist or licensee to whom or the permit holder to which the stamp, seal or permit number was issued.

(3) Notwithstanding subsection (2), a professional geophysicist, licensee or permit holder may affix a stamp, seal or permit number, as the case may be, to a map, geophysical cross-section, specification, report, other document or reproduction prepared by other persons if the professional geophysicist, licensee or permit holder completes a thorough review of and accepts professional responsibility for that map, geophysical cross-section, specification, report, other document or reproduction.

1981 cE-11.1 s8;1984 c17 s8;1998 c14 s4

Injunction

9 The Court, on application by the Council by way of originating notice, may grant an injunction enjoining any person from doing any act or thing that contravenes this Part, notwithstanding any penalty that may be provided by this Act or the regulations in respect of that act or thing.

1981 cE-11.1 s9

Part 2 Association

Association of Professional Engineers, Geologists and Geophysicists

10(1) The Association of Professional Engineers, Geologists and Geophysicists of Alberta shall be continued as a corporation.

(2) The abbreviated form of the name of the Association shall be A.P.E.G.G.A. or APEGGA.

(3) No person other than the Association shall use the abbreviated form of the name of the Association or any other abbreviation alone or in combination with any other word or name in a way that represents expressly or by implication that the person is a member of or connected in any way with the Association.

1981 cE-11.1 s10

Powers of the Association

- 11** In addition to the powers vested in it by this and any other Act, the Association has the power to
- (a) acquire and hold real property and sell, lease or otherwise dispose of it, and
 - (b) borrow money for the purposes of the Association and mortgage or charge real or personal property of the Association or its sources of funds as security.

1981 cE-11.1 s11

Council

- 12(1)** There is hereby established a governing body of the Association called the Council.
- (2)** The Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name of and on behalf of the Association.
- (3)** The Council shall submit annually to the Minister in a form satisfactory to the Minister a report on those matters of the business and affairs of the Association that the Minister requires.
- (4)** The Minister shall, on receipt of the annual report of the Association, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

1981 cE-11.1 s12

Registrar

- 13** The Council shall appoint a Registrar for the purposes of this Act.

1981 cE-11.1 s13

Council members

- 14(1)** Subject to subsection (2), the Council shall include the president, 2 vice-presidents, the immediate past-president and at least 12 other professional members, the number of which shall be prescribed by the bylaws, each of whom shall be elected by the professional members at the time, in the manner and for the period provided for in the bylaws.
- (2)** The Council shall consist of
- (a) at least 16 professional members among whom there shall be not less than
 - (i) 2 professional engineers,
 - (ii) 2 professional geologists, and
 - (iii) one professional geophysicist, and
 - (b) when the total number of elected professional members does not exceed 20, 3 members of the public, who shall be appointed by the Minister, after consultation with the Association, for a 3-year term of office.
- (3)** For each 10 elected professional members by which the membership of the Council exceeds 20, an additional member of the public shall be appointed by the Minister, after consultation with the Association, for a 3-year term of office.
- (4)** A member of the Council appointed under subsection (2)(b) continues to hold office after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.
- (5)** The Minister may, after consultation with the Council, revoke the appointment of a member of the Council made under subsection (2)(b).
- (6)** The Minister may pay to a member of the Council appointed under subsection (2)(b) travelling and living expenses incurred by that member for the member's attendance at any meeting of the Council while away from the member's usual place of residence and fees in an amount prescribed by the Minister.

(7) The powers, duties and operations of the Council under this Act, the regulations and the bylaws are not affected by

- (a) the fact that no member of the public is appointed as a member of the Council pursuant to subsection (2)(b),
- (b) the revocation under subsection (5) of the appointment of a member of the public, or
- (c) the resignation from the Council of a member of the public.

(8) The failure of a member of the public appointed under subsection (2)(b) to attend a meeting of the Council shall not be construed to affect or restrict the Council from exercising at that meeting any powers or performing any duties under this Act, the regulations or the bylaws.

1981 cE-11.1 s14;1995 c14 s4

Practice Review Board

15(1) There is hereby established a board called the Practice Review Board consisting of not less than 5 members as follows:

- (a) the Council shall appoint not less than 4 professional members who have a combination of knowledge and experience suitable for determining the academic qualifications and experience necessary for a person to continue to engage in the practice of the profession of engineering, geology or geophysics;
- (b) the Minister shall appoint one member of the public nominated by the Council.

(2) If the Council fails, within a reasonable period of time after being requested to do so by the Minister, to make a nomination for the purposes of subsection (1)(b), the Minister may appoint a member of the public to the Practice Review Board without the Council's nomination.

(3) The Minister may pay to the member of the Board appointed under subsection (1)(b) travelling and living expenses incurred by that member for the member's attendance at a hearing of the Board while away from the member's usual place of residence and fees in an amount prescribed by the Minister.

(4) The Minister may, after consultation with the Council, revoke the appointment under subsection (1)(b) of a member of the public.

(5) The powers, duties and operations of the Board under this Act, the regulations and the bylaws are not affected by

- (a) the fact that no member of the public is appointed as a member of the Board pursuant to subsection (1)(b),
- (b) the revocation under subsection (4) of the appointment of a member of the public, or
- (c) the resignation as a member of the Board of a member of the public.

(6) The failure of a member of the public appointed under subsection (1)(b) to attend a meeting of the Board shall not be construed to affect or restrict the Board from exercising at that meeting any powers or performing any duties under this Act, the regulations or the bylaws.

RSA 2000 cE-11 s15;2001 c10 s3

Powers of the Practice Review Board

16(1) The Practice Review Board

- (a) shall, on its own initiative or at the request of the Council, inquire into
 - (i) the assessment of existing and the development of new educational standards and experience requirements that are conditions precedent to obtaining and continuing registration under this Act,
 - (ii) the evaluation of desirable standards of competence of professional members, licensees, permit holders and certificate holders generally,

- (iii) the practice of the profession by professional members, licensees, permit holders or certificate holders generally, and
 - (iv) any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of the profession under this Act and the regulations, and
- (b) may conduct a review of the practice of a professional member, licensee, permit holder or certificate holder in accordance with this Act and the regulations.
- (2) The Board shall report to and advise the Council with respect to any matter dealt with by it pursuant to subsection (1).
- (3) A person requested to appear at an inquiry under this section by the Board is entitled to be represented by counsel.
- (4) The Board may, after a review under this section with respect to an individual practitioner, make any order that the Discipline Committee may make under section 63 or 64.
- (5) The provisions of Part 5 with respect to an investigation by the Investigative Committee apply to a review of an individual practitioner by the Practice Review Board.
- (6) The Board may at any time during an inquiry or review under this section recommend to the Investigative Committee that the inquiry or review be conducted by the Investigative Committee pursuant to Part 5.
- (7) On receiving a recommendation under subsection (6), the Investigative Committee may proceed with an investigation under Part 5 as if the recommendation were a written complaint.
- (8) After each inquiry under this section, the Board shall make a written report to the Council on the inquiry and may make any recommendations to the Council that the Board considers appropriate in connection with the matter inquired into, with reasons for the recommendations.
- (9) The Council may, if it considers it to be in the public interest to do so, direct that the whole or any portion of an inquiry by the Board under this section shall be held in camera.

1981 cE-11.1 s16;1995 c14 s6;1998 c14 s5

Appeal to Appeal Board

- 17** A professional member, licensee, permit holder or certificate holder who is the subject of a hearing or a review by the Practice Review Board may appeal any decision or order of the Board to the Appeal Board as if it were a decision or order of the Discipline Committee under Part 5.

1981 cE-11.1 s17;1995 c14 s7

Appeal Board

- 18(1)** There is hereby established an Appeal Board consisting of
- (a) the professional members appointed by the Council in accordance with the regulations, and
 - (b) one member of the public appointed by the Minister, after consultation with the Association, for a 3-year term of office.
- (2) A member of the Appeal Board appointed under subsection (1)(b) continues to hold office after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.
- (3) The Minister may, after consultation with the Appeal Board, revoke the appointment of a member of the Appeal Board made under subsection (1)(b).
- (4) The Minister may pay to a member of the Appeal Board appointed under subsection (1)(b) travelling and living expenses incurred by that member for the member's attendance at any meeting of the Appeal Board while away from the member's usual place of residence and fees in an amount prescribed by the Minister.

- (5) The powers, duties and operations of the Appeal Board under this Act, the regulations and the bylaws are not affected by
- (a) the fact that no member of the public is appointed as a member of the Appeal Board pursuant to subsection (1)(b),
 - (b) the revocation of the appointment of a member of the public, or
 - (c) the resignation from the Appeal Board of a member of the public.
- (6) The failure of a member of the public appointed pursuant to subsection (1)(b) to attend a meeting of the Appeal Board shall not be construed to affect or restrict the Appeal Board from exercising any powers or performing any duties under this Act, the regulations or the bylaws at that meeting.

1995 c14 s8

Part 3 Regulations and Bylaws

Regulations

19(1) The Council may make regulations

- (a) respecting the establishment of categories of and conditions respecting the enrolment of engineers-in-training, geologists-in-training, geophysicists-in-training, examination candidates and students;
- (b) respecting the academic qualifications of and experience requirements for applicants for registration as professional engineers, geologists or geophysicists;
- (c) governing the evaluation by the Council, the Board of Examiners, the Practice Review Board, the Appeal Board or a committee established by any of them of the academic qualifications of and experience requirements for applicants for registration to engage in the practice of engineering, geology or geophysics and the examination of those applicants with respect to those qualifications or requirements;
- (d) respecting the eligibility of applicants generally for registration to engage in the practice of engineering, geology or geophysics;
- (e) respecting the powers, duties and functions of the Practice Review Board, including but not limited to the referral of matters by that Board to the Council or the Investigative Committee and appeals from decisions of that Board;
- (f) respecting the appointment of members of the Appeal Board, other than the public member;
- (g) prescribing the number of members that constitutes a quorum of the Council, the Investigative Committee, the Appeal Board, the Practice Review Board, the Board of Examiners or the Discipline Committee;
- (h) governing the establishment of boards or committees of professional members and respecting the delegation of powers of the Council to those boards or committees or the Practice Review Board;
- (i) prescribing technical standards for the practice of the profession;
- (j) establishing and providing for the publication of a code of ethics respecting the practice of the profession, the maintenance of the dignity and honour of the profession and the protection of the public interest;
- (k) governing the names under which professional members, licensees, permit holders and certificate holders may engage in the practice of the profession;
- (l) governing, subject to this Act, the operation and proceedings of the Appeal Board, the Board of Examiners and the Practice Review Board, the designation of chair and vice-chair, the appointment of acting members and the procedures for filling vacancies in the offices of chair and vice-chair and in the membership of any of those Boards, and the appointment to any of those Boards of members by virtue of their office and prescribing their powers, duties and functions;

- (m) respecting the procedures of the Discipline Committee, of the Practice Review Board, of the Investigative Committee and of the Appeal Board in matters relating to the conduct or practice of professional members, licensees, permit holders or certificate holders, whether or not a complaint has been made;
 - (n) respecting the establishment by the Council of a compulsory continuing education program for professional members and licensees;
 - (o) governing the publication of a notice of the suspension or cancellation of the registration of a professional member, licensee, permit holder or certificate holder in a form and manner prescribed by the Council;
 - (p) respecting committees of inquiry for reinstatement under Part 5;
 - (q) for the purposes of sections 2(4), 5(2) and 7(2), designating a class of persons as engineering, geological or geophysical technologists;
 - (r) respecting the titles that may be used by engineering, geological or geophysical technologists and the circumstances and the conditions under which the titles may be used and prohibiting any other person from using those titles or from representing or holding out, expressly or by implication, that the person is entitled to use the titles;
 - (s) respecting the academic and other qualifications and the experience required of a technologist before the technologist becomes entitled to use a title referred to in clause (r);
 - (t) respecting the establishment of a register of technologists entitled to use a title referred to in clause (r);
 - (u) governing the establishment of boards or committees with respect to engineering, geological or geophysical technologists and respecting the powers, duties and operations of those boards or committees;
 - (v) respecting the circumstances under which a board or committee established under clause (u) may suspend or terminate the right of a technologist to use a title referred to in clause (r);
 - (w) respecting the stamp or seal issued to an engineering, geological or geophysical technologist and the circumstances under which it is to be surrendered by the technologist;
 - (x) establishing classes or categories of professional engineers, geologists or geophysicists and licensees or permit holders and prescribing the restrictions of practice and the privileges and obligations of the classes or categories so established;
 - (y) respecting the academic and other qualifications and the experience required of the classes or categories established under clause (x);
 - (z) respecting the use of stamps, seals and permit numbers;
 - (aa) governing the eligibility for registration of persons, firms, partnerships and other entities as permit holders or certificate holders;
 - (bb) governing the operation of permit holders or certificate holders;
 - (cc) governing the publication of information with respect to the profession, including but not limited to the publication of surveys of fees;
 - (dd) respecting registration, licensing, the issuing of permits and certificates, disciplinary matters and the practice of engineering, geology and geophysics generally;
 - (ee) respecting the service on any person of a document or notice required to be served under this Act.
- (2)** The Council shall consult with the Alberta Society of Engineering Technologists before making a regulation under subsection (1)(q) to (w).
- (3)** A regulation under subsection (1) does not come into force unless it has been approved by
- (a) a majority of the professional members

- (i) present and voting at a general meeting, or
 - (ii) voting in a mail vote conducted in accordance with the bylaws,
- and
- (b) the Lieutenant Governor in Council.

1981 cE-11.1 s18;1984 c17 s9;1995 c14 s9;
1998 c14 s6;1999 c8 s2

Bylaws

20(1) The Council may make bylaws

- (a) for the government of the Association and the management and conduct of its affairs;
- (b) determining the location of the head office of the Association;
- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election, number and term of office of Council members and officers of the Association and the appointment of individuals as members of the Council by virtue of their office, the Discipline Committee, the Practice Review Board, the Appeal Board, the Board of Examiners and any other committee established by the Council and prescribing their powers, duties and functions;
- (e) prescribing those areas of the professions of engineering, geology and geophysics from which members of the Board of Examiners shall be appointed by the Council;
- (f) respecting the appointment, functions, duties and powers of an Executive Director of the Association;
- (g) respecting the establishment of districts and branches of the Association and their operation;
- (h) providing for the division of Alberta into electoral districts and prescribing the number of Council members to be elected from each district;
- (i) providing for the appointment of a Deputy Registrar who has all of the powers and can perform all of the duties of the Registrar under this Act, the regulations and the bylaws when the Registrar is absent, or unable to act or when there is a vacancy in the office of Registrar;
- (j) establishing classes or categories of membership in the Association in addition to professional engineers, professional geologists and professional geophysicists and prescribing the rights, privileges and obligations of the classes or categories of membership so established;
- (k) providing for the appointment of acting members of the Council and procedures for the election or appointment of professional members to fill vacancies on the Council;
- (l) prescribing the number of professional members that constitutes a quorum at meetings of the Association;
- (m) governing the establishment, operation and proceedings of committees, the appointment of members of committees, the appointment of acting members and procedures for filling vacancies on committees and the delegation of any powers or duties of the Council under this Act, the regulations or the bylaws to a committee established by the Council or under this Act;
- (n) prescribing fees and expenses payable to members of the Association for attending to the business of the Association;
- (o) respecting the establishment and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit program that the Council considers appropriate;
- (p) governing the information to be engraved on stamps and seals issued to professional members, licensees and restricted practitioners;
- (q) respecting permit numbers issued to permit holders;

- (r) respecting the fixing of fees, dues and levies payable to the Association;
 - (s) respecting the costs payable by any person on the conclusion of a hearing or review by the Practice Review Board or under Part 5;
 - (t) respecting the establishment, content and maintenance of registers of professional members, licensees, permit holders and certificate holders and of records of other classes or categories of membership to be kept by the Registrar;
 - (u) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws;
 - (v) requiring professional members, licensees, permit holders and certificate holders to inform the Registrar in writing of their current mailing addresses and of any change of address forthwith after the change occurs;
 - (w) prescribing the form of a certificate of registration, a licence, a permit, a certificate of authorization and an annual certificate.
- (2) The Council may make bylaws respecting the holding of mail votes on any matter relating to the Association, but a bylaw under this subsection does not come into force unless it is approved by a majority of professional members of the Association present and voting at a general meeting.
- (3) A bylaw under subsection (1) does not come into force unless it is approved by a majority of the professional members
- (a) present and voting at a general meeting, or
 - (b) voting by a mail vote conducted in accordance with the bylaws.
- (4) The *Regulations Act* does not apply to bylaws of the Association made under this section.

1981 cE-11.1 s19;1995 c14 s10;1998 c14 s7

Part 4 Registration

Registers and membership records

- 21(1)** The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register for each of the following:
- (a) professional engineers;
 - (b) professional geologists;
 - (c) professional geophysicists;
 - (d) licensees to engage in the practice of
 - (i) professional engineering,
 - (ii) professional geology, or
 - (iii) professional geophysics;
 - (e) permit holders to engage in the practice of
 - (i) professional engineering,
 - (ii) professional geology, or
 - (iii) professional geophysics;
 - (f) joint firms;
 - (g) restricted practitioners.
- (2) The Registrar shall enter in the appropriate register the name of a person who has paid the fee prescribed under the bylaws, and

- (a) whose registration to engage in the practice of
 - (i) engineering, as a professional engineer or licensee,
 - (ii) geology, as a professional geologist or licensee, or
 - (iii) geophysics, as a professional geophysicist or licenseehas been approved by the Board of Examiners,
 - (b) whose registration to engage in the practice of the profession as a permit holder has been approved by the Council, or
 - (c) whose registration to engage in the practice of engineering has been approved
 - (i) in the case of a joint firm, by the Council, or
 - (ii) in the case of a restricted practitioner, in accordance with section 37.
- (3) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a membership record of the members in each class or category of membership established under the regulations and the bylaws.

1981 cE-11.1 s20

Registration as professional member

22 The Board of Examiners shall approve for registration as a professional engineer, professional geologist or professional geophysicist an individual who has applied to the Board and is eligible in accordance with this Act and the regulations to become a professional engineer, geologist or geophysicist, as the case may be.

1981 cE-11.1 s21

Registration as licensee

23 The Board of Examiners shall approve the registration as a licensee of an individual who has applied to the Board of Examiners and is eligible in accordance with this Act and the regulations to become registered to engage in the practice of engineering, geology or geophysics as a licensee.

1981 cE-11.1 s22

Registration of permit holders

24(1) The Council shall approve the registration as a permit holder of a partnership or other association of persons, or of a corporation incorporated or registered under the *Companies Act* or continued, incorporated or registered under the *Business Corporations Act*, that has applied to the Council and is eligible under this section and the regulations to become registered to engage in the practice of engineering, geology or geophysics as a permit holder.

(2) A partnership or other association of persons or a corporation that applies to the Council is eligible to become registered as a permit holder entitled to engage in the practice of engineering, geology or geophysics if it satisfies the Council that it complies with the Act and the regulations.

1981 cE-11.1 s23;1984 c17 s10

Evidence of registration

25(1) On entering the name of a professional engineer, geologist or geophysicist in the register, the Registrar shall issue to the professional engineer, geologist or geophysicist

- (a) a certificate of registration, and
 - (b) a stamp or seal engraved as prescribed in the bylaws.
- (2) On entering the name of a licensee in the register, the Registrar shall issue to the licensee
- (a) a licence to engage in the practice of engineering, geology or geophysics as a licensee as authorized in the licence, and

- (b) a stamp or seal engraved as prescribed in the bylaws.
- (3) On entering the name of a permit holder in the register, the Registrar shall issue to the permit holder
 - (a) a permit to engage in the practice of engineering, geology or geophysics as a permit holder as authorized in the permit, and
 - (b) a permit number as prescribed in the bylaws.
- (4) On entering the name of a joint firm in the register, the Registrar shall issue to the joint firm
 - (a) a certificate of authorization to engage in the practice of engineering and architecture, and
 - (b) a permit number as prescribed in the bylaws.
- (5) On entering the name of a restricted practitioner in the register, the Registrar shall issue to that individual a certificate of authorization to engage in the restricted scope of the practice of engineering that is specified in the certificate.
- (6) A certificate of registration, a licence, a permit or a certificate of authorization issued under this section entitles the holder to engage in the practice of engineering, geology or geophysics, as the case may be, subject to this Act, the regulations and the bylaws.

1981 cE-11.1 s24;1995 c14 s11;1998 c14 s8

Annual certificate

- 26(1)** A professional member, licensee, permit holder or certificate holder engaged in the practice of engineering, geology or geophysics shall pay to the Association the annual fee prescribed under the bylaws.
- (2) The Registrar shall issue an annual certificate in accordance with the bylaws to a professional member, licensee, permit holder or certificate holder
 - (a) whose registration is not under suspension, and
 - (b) who has paid the annual fee.
- (3) Subject to this Act, an annual certificate entitles the professional member, licensee, permit holder or certificate holder to engage in the practice of engineering, geology or geophysics, as the case may be, during the year for which the annual certificate is issued.
- (4) An annual certificate expires on December 31 of the year for which it is issued.

1981 cE-11.1 s25

Entries in registers

- 27(1)** The registration of a professional member, licensee, permit holder or certificate holder is suspended when the decision to suspend the registration is made in accordance with this Act.
- (2) The Registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating
 - (a) the duration of the suspension, and
 - (b) the reason for the suspension.
- (3) The registration of a professional member, licensee, permit holder or certificate holder is cancelled when the decision to cancel the registration is made in accordance with this Act.
- (4) The Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.
- (5) The Registrar shall not remove from the registers any memorandum made by the Registrar under this section, except in accordance with the bylaws.

1981 cE-11.1 s26

List of registrants open to the public

28 The Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all the professional members, licensees, permit holders and certificate holders in good standing.

1981 cE-11.1 s27

Cancellation on request

29(1) The Registrar shall not cancel the registration of a professional member, licensee, permit holder or certificate holder at that person's request unless the request for the cancellation has been approved by the Council.

(2) When a request for cancellation of a registration is approved by the Council

(a) the Registrar shall cancel that registration, and

(b) the professional member, licensee, permit holder or restricted practitioner requesting the cancellation shall, on being notified of the approval,

(i) immediately surrender to the Registrar

(A) the certificate of registration, licence and the stamp or seal, in the case of a professional member, licensee or restricted practitioner, or

(B) the permit and annual certificate, in the case of a permit holder,

and

ii) cease using the permit number, in the case of a permit holder.

(3) The Council may direct the Registrar to reinstate in the applicable register a registration that was cancelled under this section, subject to any conditions that the Council may prescribe, and to reissue the certificate of registration, licence or permit and the stamp, seal or permit number.

(4) Notwithstanding subsection (3), if a person whose registration is cancelled applies to be reinstated more than 7 years after the date of the cancellation, the application for reinstatement must be referred to the Board of Examiners.

1981 cE-11.1 s28;1995 c14 s12;1998 c14 s9

Board of Examiners

30(1) The Council shall establish a Board of Examiners in accordance with the regulations.

(2) The Minister shall appoint as members of the Board of Examiners 3 persons from a list of members of the public nominated by the Council.

(3) If the Council fails, within a reasonable period of time after being requested to do so by the Minister, to make nominations for the purposes of subsection (2), the Minister may appoint 3 members of the public to the Board of Examiners without the Council's nomination.

(4) The Minister may pay to a member of the Board appointed under subsection (2) travelling and living expenses incurred by that member for the member's attendance at a hearing of the Board while away from the member's usual place of residence and fees in an amount prescribed by the Minister.

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

(6) The powers, duties and operations of the Board under this Act, the regulations and the bylaws are not affected by

(a) the fact that no member of the public is appointed as a member of the Board pursuant to subsection (2),

(b) the revocation under subsection (5) of the appointment of a member of the public, or

(c) the resignation as a member of the Board of a member of the public.

(7) The failure of a member of the public appointed under subsection (2) to attend a meeting of the Board is not to be construed to affect or restrict the Board from exercising at that meeting any powers or performing any duties under this Act, the regulations or the bylaws.

(8) The Board of Examiners shall consider applications for the registration of applicants as professional members or licensees in accordance with this Part, the regulations and the bylaws and may

- (a) approve the registration,
- (b) refuse the registration, or
- (c) defer the approval of registration until it is satisfied that the applicant has complied with a requirement made under this section.

(9) The Board of Examiners may, in its discretion, require an applicant for registration

- (a) to pass one or more examinations set by the Board,
- (b) to obtain more experience of a kind satisfactory to the Board for a period set by the Board, or
- (c) to pass one or more examinations and obtain more experience

before it approves the registration.

1981 cE-11.1 s29;1984 c17 s11;1995 c14 s13

Approval by the Board of Examiners

31(1) The Board of Examiners shall approve the registration as a professional member of a person who proves to the satisfaction of the Board that

- (a) the person is of good character and reputation,
- (b) the person is a Canadian citizen or lawfully admitted to Canada for permanent residence, and
- (c) the person meets the requirements of the regulations.

(2) If an applicant for registration as a licensee is not a Canadian citizen or lawfully admitted to Canada for permanent residence but otherwise complies, to the satisfaction of the Board of Examiners, with subsection (1), the Board shall approve the registration.

1981 cE-11.1 s30;1984 c17 s12;1995 c14 s14

Review by the Appeal Board

32(1) The Board of Examiners shall send a written notice of any decision made by it under this Part to the applicant.

(2) If the decision made by the Board is to refuse or defer registration of the applicant, reasons for the decision shall be sent in writing to the applicant.

(3) If the decision made by the Board is to approve the registration, the Registrar shall publish a notice of approval in accordance with the bylaws.

(4) An applicant whose application for registration has been refused by the Board of Examiners may, within 30 days after receiving a notice of refusal and the reasons for refusal, appeal the decision to the Appeal Board by serving a notice of appeal on the Registrar.

(5) On receiving a notice of appeal, the Registrar shall set a date, time and place for the hearing of the appeal and notify the appellant, in writing, of the date, time and place.

(6) The appellant may appear with counsel and make representations to the Appeal Board.

(7) On concluding the hearing, the Appeal Board may make any decision the Board of Examiners was authorized to make.

1981 cE-11.1 s31;1995 c14 s15

Joint firms

33(1) In this section and sections 34 and 35,

(a) “Architects Association” means The Alberta Association of Architects under the *Architects Act*;

(b) “architects firm” means a partnership or corporation

(i) that

(A) confines its practice to providing architectural consulting services, or

(B) if it does not confine its practice to providing architectural consulting services, engages in a practice satisfactory to the Joint Board,

and

(ii) in which registered architects

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of architecture under the *Architects Act*;

(c) “engineers firm” means a partnership or corporation

(i) that

(A) confines its practice to providing engineering consulting services, or

(B) if it does not confine its practice to providing engineering consulting services, engages in a practice satisfactory to the Joint Board,

and

(ii) in which professional engineers

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of engineering under this Act;

(d) “proposed engineers and architects firm” means a partnership or corporation

(i) that

(A) proposes to confine its practice to providing engineering consulting services and architectural consulting services, or

(B) if it does not propose to confine its practice to providing engineering consulting services and architectural consulting services, proposes to engage in a practice satisfactory to the Joint Board,

and

(ii) in which professional engineers and registered architects

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of engineering under this Act or the practice of architecture under the *Architects Act*.

(2) An application for a certificate of authorization may be made by the following:

(a) a professional engineer;

(b) a registered architect;

- (c) an engineers firm;
 - (d) an architects firm;
 - (e) a proposed engineers and architects firm;
 - (f) a partnership or corporation that is not referred to in clause ©, (d) or (e) that the Joint Board considers a suitable applicant for a certificate of authorization.
- (3) An applicant under subsection (2) shall
- (a) if its prime activity is the provision of engineering consulting services, apply to the Council, and
 - (b) if its prime activity is the provision of architectural consulting services, apply to the Council of the Architects Association.

1981 cE-11.1 s32

Approval by Joint Board

- 34(1)** Every application under section 33 shall be referred to the Joint Board by the Council to which it was made, with or without comment from that Council.
- (2) The Joint Board shall consider with respect to each application referred to it whether
- (a) the applicant is eligible to apply under section 33(2);
 - (b) the applicant has at least one full-time employee who is a professional engineer who shall take responsibility for the engineering work of the applicant and at least one full-time employee who is a registered architect who shall take responsibility for the architectural work of the applicant;
 - (c) the presence of any ownership interests in the applicant will give rise to conflicts with the professional responsibilities of the firm;
 - (d) the granting of a certificate of authorization to the applicant will give rise to unauthorized practice or otherwise lead to circumvention of this Act or the *Architects Act*;
 - (e) any detriment to the public would result from the applicant becoming entitled to engage in the practice of both engineering and architecture.
- (3) After considering an application for a certificate of authorization referred to it, the Joint Board shall recommend
- (a) in the case of an application by a registered architect or an architects firm, to the Council,
 - (b) in the case of an application by a professional engineer or an engineers firm, to the Council of the Architects Association, or
 - (c) in the case of an application by a proposed engineers and architects firm or other applicant, to the Council and to the Council of the Architects Association,

whether or not to grant a certificate of authorization, based on the criteria considered by it under subsection (2).

1981 cE-11.1 s33

Registration of joint firm

- 35(1)** On receipt of a recommendation of the Joint Board under section 34, the Council may approve the registration of a proposed engineers and architects firm if that firm is eligible to become registered under the regulations.
- (2) When recommendations are made by the Joint Board to both the Council and the Council of the Architects Association with respect to an application for a certificate of authorization, both Councils must agree that the certificate should be issued and both shall sign the certificate before it is issued.

(3) Subject to subsection (2), an applicant is entitled to be registered as a joint firm when the Council approves its registration.

1981 cE-11.1 s34

Duties of joint firm

36(1) A joint firm may engage in the practice of both engineering and architecture in

- (a) the names of the individuals who are its partners,
- (b) its corporate name, or
- (c) any other name that is approved by the Council pursuant to the bylaws.

(2) A joint firm shall advise the Registrar in writing of

- (a) the names of the individual shareholders, directors and officers of the firm,
- (b) the names of the employees who are professional engineers and registered architects, and
- (c) of any change in those shareholders, directors, officers or employees forthwith after the change occurs.

(3) When a joint firm causes plans, drawings, detail drawings and specifications prepared in its practice of engineering, or prepared by other persons and reviewed by the professional members in its practice of engineering, to be signed by its proper officers and affixed with the permit number issued to the firm, it shall also cause them to be signed by and imprinted with the stamp or seal of the professional engineer who

- (a) had supervision and control over their preparation, or
- (b) reviewed and assumed professional responsibility for them.

1981 cE-11.1 s35;1998 c14 s10

Restricted practitioner

37(1) The Joint Board may recommend to the Council that a certificate of authorization be issued to an individual who is a registered architect who

- (a) has historically competently provided a service in the practice of professional engineering in Alberta, and
- (b) applied for the certificate before October 1, 1982.

(2) On receipt of a recommendation under subsection (1), the Council may approve the registration of an individual who has applied to the Council and is eligible under the bylaws to become registered as a restricted practitioner.

(3) If the Council approves the registration of an individual as a restricted practitioner, it shall specify in the certificate and in the register the restricted scope of the practice of engineering in which the individual is permitted to engage.

1981 cE-11.1 s36;1983 cD-25.5 s23

Exemption from stamp or seal requirement

38 On the recommendation of the Joint Board, the Council may authorize an individual who is a registered architect under the *Architects Act* to apply for a permit authorized by the regulations under the *Safety Codes Act* without the final design drawings and specifications of the building having the stamp or seal of a professional engineer.

1981 cE-11.1 s37;1991 cS-0.5 s70;1995 c14 s16

Cancellation

39(1) The Council may direct the Registrar to cancel the registration of

- (a) a professional member, licensee or permit holder who is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or

- (b) a permit holder if it no longer has employees in compliance with this Act,
- after the expiration of 30 days following the service on the professional member, licensee or permit holder of a written notice by the Council pursuant to subsection (2), unless the professional member, licensee or permit holder on whom the notice is served complies with the notice.
- (2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless
- (a) the fees, dues or levies are paid as indicated in that notice, or
 - (b) evidence satisfactory to the Council has been received by it within the time prescribed in the notice indicating that the permit holder has employees in compliance with this Act.
- (3) The Council may direct the Registrar to cancel the registration of a professional member, licensee or permit holder that was entered in error in the register.
- (4) If the registration of a professional member or licensee has been cancelled under this section, the professional member or licensee shall forthwith surrender to the Registrar any certificate of registration, licence, stamp or seal issued to the professional member or licensee.
- (5) If the registration of a permit holder has been cancelled under this section, the permit holder shall immediately surrender the permit to the Registrar and cease to use the permit number issued to that permit holder.
- (6) If a registration has been cancelled pursuant to subsection (1), the Council may direct the Registrar, subject to any conditions that the Council may prescribe, to reinstate that registration in the applicable register and to reissue the certificate of registration, licence or permit and the stamp, seal or permit number.
- (7) Notwithstanding subsection (6), if a person whose registration is cancelled applies to be reinstated more than 7 years after the date of the cancellation, the application for reinstatement must be referred to the Board of Examiners.

1981 cE-11.1 s38;1995 c14 s17;1998 c14 s11

Cancellation of a joint firm

- 40(1)** The Council may direct the Registrar to cancel the registration of a joint firm that
- (a) is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or
 - (b) ceases to have at least one professional engineer and at least one registered architect to take the responsibility referred to in section 34(2)(b),
- after the expiration of one month following the service on the joint firm of a written notice that the Council intends to cancel the registration, unless the joint firm on which the notice is served complies with the notice.
- (2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless
- (a) the fees, dues or levies are paid as indicated in the notice, or
 - (b) the joint firm has at least one professional engineer and at least one registered architect to take the responsibility referred to in section 34(2)(b).
- (3) If the registration of a joint firm has been cancelled under this section, the joint firm shall forthwith surrender to the Registrar the certificate of authorization and the stamp issued to it.
- (4) The Council may direct the Registrar, subject to any conditions that the Council may prescribe, to reinstate the joint firm in the applicable register and to reissue the certificate of authorization and the stamp.

1981 cE-11.1 s39

Cancellation of restricted practitioners

- 41(1)** The Council may direct the Registrar to cancel the registration of a restricted practitioner who
- (a) is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or

- (b) who is not a registered architect in good standing under the *Architects Act*, after the expiration of one month following the service on the restricted practitioner of a written notice that the Council intends to cancel the registration, unless the restricted practitioner on whom the notice is served complies with the notice.
- (2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless
- (a) the fees, dues or levies are paid as indicated in the notice, or
 - (b) the restricted practitioner is a registered architect in good standing under the *Architects Act*.
- (3) If the registration of a restricted practitioner has been cancelled under this section, the restricted practitioner shall forthwith surrender to the Registrar the certificate of authorization and the stamp issued to it.
- (4) The Council may direct the Registrar, subject to any conditions that the Council may prescribe, to reinstate the restricted practitioner in the applicable register and to reissue the certificate of authorization and the stamp.

1981 cE-11.1 s40

Part 5 Discipline

Definitions

- 42** In this Part,
- (a) “conduct” includes an act or omission;
 - (b) “investigated person” means a professional member, licensee, permit holder, certificate holder or member-in-training with respect to whose conduct an investigation is held under this Part;
 - (c) “practice of the profession” means practice of engineering, practice of geology or practice of geophysics, as the case may be.

1981 cE-11.1 s41

Complaints

- 43(1)** A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.
- (2) A complaint must be in writing.
- (3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.
- (4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator’s opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.
- (5) If a complaint is settled with the assistance of a mediator, any agreement that is reached by the complainant and the person about whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may
- (a) approve the agreement, or

- (b) proceed with a preliminary investigation in accordance with section 47.

1981 cE-11.1 s42;1984 c17 s13;1995 c14 s18

Determination of unprofessional conduct and unskilled practice

44(1) Any conduct of a professional member, licensee, permit holder, certificate holder or member-in-training that in the opinion of the Discipline Committee or the Appeal Board

- (a) is detrimental to the best interests of the public,
- (b) contravenes a code of ethics of the profession as established under the regulations,
- (c) harms or tends to harm the standing of the profession generally,
- (d) displays a lack of knowledge of or lack of skill or judgment in the practice of the profession, or
- (e) displays a lack of knowledge of or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession,

whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.

(2) If an investigated person fails to comply with or contravenes this Act, the regulations or the bylaws, and the failure or contravention is, in the opinion of the Discipline Committee, of a serious nature, the failure or contravention may be found by the Discipline Committee to be unprofessional conduct whether or not it would be so found under subsection (1).

1981 cE-11.1 s43;1995 c14 s19

Discipline Committee

45(1) The Council shall establish a Discipline Committee, the members of which shall be appointed in accordance with the regulations.

(2) The Council shall make regulations governing, subject to this Part, the operation and proceedings of the Discipline Committee, the designation of a chair, the appointment of acting members and the procedures for filling vacancies in the offices of the chair and the membership and the appointment of members by virtue of their office, and prescribing their powers, duties and functions.

(3) The Council may make regulations respecting the hearing of a matter under this Part by a panel of the Discipline Committee.

(4) A regulation made under subsection (2) or (3) does not come into force unless it has been approved by the Lieutenant Governor in Council.

1981 cE-11.1 s44;1984 c17 s14

Investigative Committee

46(1) The Council shall establish an Investigative Committee, the members of which shall be appointed in accordance with the regulations.

(2) The Council shall make regulations governing, subject to this Part, the operation and proceedings of the Investigative Committee, the designation of a chair, the appointment of members, acting members and members by virtue of their office and the procedures for filling vacancies in the offices of the chair and the membership, and prescribing their powers, duties and functions.

(3) A regulation made under subsection (2) does not come into force unless it has been approved by the Lieutenant Governor in Council.

1995 c14 s20

Investigation panel

47 When a complaint is referred to the Investigative Committee under section 43, the Investigative Committee shall appoint an investigation panel from among its members to conduct a preliminary investigation.

1981 cE-11.1 s45;1995 c14 s21

Notice of preliminary investigation

48 The Registrar shall forthwith send notice in writing to the investigated person that a preliminary investigation is being conducted.

1981 cE-11.1 s46

Evidence for preliminary investigation

49(1) An investigation panel may

- (a) require the investigated person or any other member of the Association to produce any plans, drawings, detailed drawings, specifications, reports, books, papers or other documents or records in that person's possession or control, and
- (b) copy and keep copies for the purposes of this Part of any thing that is produced under clause (a).

(2) An investigation panel may investigate any other matter regarding the conduct of the investigated person that arises in the course of the investigation.

1981 cE-11.1 s47;1995 c14 s22

Report to Investigative Committee

50 On concluding a preliminary investigation, the investigation panel shall report its findings to the Investigative Committee.

1981 cE-11.1 s48;1995 c14 s23

Termination of investigation

51(1) The Investigative Committee may terminate an investigation at any time if it is of the opinion that

- (a) the complaint is frivolous or vexatious, or
- (b) there is insufficient evidence of unskilled practice of the profession or unprofessional conduct.

(2) On terminating an investigation, the Investigative Committee shall direct the Registrar to serve on the investigated person and on the complainant, if any, a notice in accordance with the bylaws that the investigation has been terminated.

(3) A complainant who is served with a notice under subsection (2) informing the complainant that the investigation has been terminated may, by notice in writing to the Registrar within 30 days after receipt of the notice under subsection (2), appeal that decision to the Appeal Board.

(4) On an appeal under subsection (3), the Appeal Board shall

- (a) uphold the decision of the Investigative Committee to terminate the investigation if, in the opinion of the Appeal Board,
 - (i) the complaint is frivolous or vexatious, or
 - (ii) there is insufficient evidence of unskilled practice of the profession or unprofessional conduct,

or

- (b) refer the matter to the Discipline Committee for a formal hearing.

(5) The Appeal Board shall notify the complainant, the investigated person and the Investigative Committee in writing of its decision under subsection (4).

1981 cE-11.1 s49;1984 c17 s15;1995 c14 s24;1998 c14 s12

Power of Investigative Committee to recommend an order

52(1) If an investigation is not terminated under section 51, the Investigative Committee may

- (a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or
 - (b) refer the matter to the Discipline Committee for a formal hearing.
- (2) An order recommended by the Investigative Committee must be provided to a member of the Discipline Committee who has been designated by that Committee to act as a case manager.
- (3) If the case manager agrees with the order recommended by the Investigative Committee, the case manager must discuss the order with the investigated person and, if the investigated person agrees with the order, the order has the same force and effect as an order made by the Discipline Committee following a formal hearing.
- (4) If the case manager or the investigated person rejects the order recommended by the Investigative Committee, the matter must be referred to the Discipline Committee for a formal hearing.

1995 c14 s25

Duty of Discipline Committee

- 53(1)** On the referral of a matter to the Discipline Committee for a formal hearing, the Discipline Committee shall hold the hearing forthwith.
- (2) Notwithstanding subsection (1), if proceedings in respect of the same circumstances or events are commenced in Provincial Court or the Court of Queen's Bench, the Discipline Committee may adjourn the hearing.
- (3) The Registrar shall serve on the investigated person and on the complainant, if any, a notice of hearing stating the date, time and place at which the Discipline Committee will hold the hearing and giving reasonable particulars of the conduct or complaint in respect of which the hearing will be held.

1981 cE-11.1 s50;1984 c17 s16;1995 c14 s26

Further investigation

- 54(1)** The Discipline Committee may also investigate and hear any other matter concerning the conduct of the investigated person that arises in the course of the hearing, but in that event the Committee shall declare its intention to investigate and hear the further matter and shall permit the person sufficient opportunity to prepare the person's answer to the further matter.
- (2) Sections 56 to 62 apply to an investigation and hearing of a further matter under subsection (1).

1981 cE-11.1 s51

Suspension pending investigation and hearing

- 55(1)** Notwithstanding anything in this Act, the Investigative Committee may suspend the registration of a professional member, licensee, permit holder, certificate holder or member-in-training pending a preliminary investigation or a decision of the Discipline Committee.
- (2) A person whose registration is suspended under subsection (1) may, by filing an originating notice with the Court and serving a copy on the Registrar, apply for an order of the Court staying the suspension.

1981 cE-11.1 s52;1984 c17 s17;1995 c14 s27

Right to counsel and to appearance

- 56** The Investigative Committee and the investigated person may appear and be represented by counsel at a hearing before the Discipline Committee.

1981 cE-11.1 s53;1984 c17 s18;1995 c14 s28

Public hearings

- 57** All hearings before the Discipline Committee and the Appeal Board under this Part are open to the public unless that Committee or Board orders otherwise.

1981 cE-11.1 s54;1995 c14 s29

Evidence

58(1) Evidence may be given before the Discipline Committee in any manner that the Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) For the purposes of an investigation, hearing or review under this Act, any member of the Appeal Board, the Discipline Committee or the Practice Review Board is conferred with the power of a commissioner for oaths under the *Commissioners for Oaths Act*.

1981 cE-11.1 s55;1995 c14 s30

Witnesses and documents

59(1) The investigated person and any other person who in the opinion of the Discipline Committee has knowledge of the complaint or any conduct being investigated are compellable witnesses in any proceeding under this Part.

(2) A witness may be examined on oath on all matters relevant to the investigation or hearing and is not to be excused from answering any question on the ground that the answer might

- (a) tend to incriminate the witness,
- (b) subject the witness to punishment under this Part, or
- (c) tend to establish the witness's liability
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or
 - (ii) to prosecution under any Act or regulations under any Act,

but if the answer so given tends to incriminate the witness, subjects the witness to punishment or tends to establish the witness's liability, it shall not be used or received against the witness in any civil proceedings, in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court on an application ex parte by the Association may direct the issuing of a commission for the obtaining of the evidence of the witness, and the commission is to be issued and the evidence taken pursuant to the *Alberta Rules of Court*.

1981 cE-11.1 s56;1985 c15 s11

Enforcement of attendance and production of documents

60(1) The attendance of witnesses before the Discipline Committee and the production of plans, drawings, detail drawings, specifications, reports, books, papers and other documents or records may be enforced by a notice issued by the Registrar requiring the witness to attend and stating the date, time and place at which the witness is to attend and the plans, drawings, detail drawings, specifications, reports, books, papers and other documents or records, if any, the witness is required to produce.

(2) On the written request of the investigated person or of the investigated person's counsel or agent, the Registrar shall without charge issue and deliver to that person or that person's counsel or agent any notices that that person or that person's counsel or agent may require for the attendance of witnesses or the production of documents or records.

(3) A witness other than the investigated person who has been served with a notice to attend or a notice for the production of documents or records under subsection (1) or (2) is entitled to be paid the same fees as are payable to witnesses in an action in the Court.

1981 cE-11.1 s57

Failure to give evidence

61(1) Proceedings for civil contempt of court may be brought against a witness

- (a) who fails

- (i) to attend before the Discipline Committee in compliance with a notice to attend,
- (ii) to produce any books, papers or other documents or records in compliance with a notice to produce them, or
- (iii) in any way to comply with either notice,

or

- (b) who refuses to be sworn or to answer any question directed to be answered by the Discipline Committee.
- (2) If the witness referred to in subsection (1) is the investigated person, the witness's failure or refusal may be held to be unprofessional conduct.
- (3) The Discipline Committee, on proof of service of the notice of investigation on the investigated person and the complainant, if any, may
- (a) proceed with the investigation in the absence of either or both of those persons, and
 - (b) act on the matter being investigated in the same way as though either or both of those persons were in attendance.

1981 cE-11.1 s58

Finding by the Discipline Committee

- 62(1)** The Discipline Committee may find that the conduct of an investigated person constitutes neither unskilled practice of the profession nor unprofessional conduct.
- (2) The Discipline Committee may find that the conduct of an investigated person constitutes unskilled practice of the profession or unprofessional conduct, or both, and shall deal with the investigated person in accordance with this Part.

1981 cE-11.1 s59

Powers of the Discipline Committee

- 63** If the Discipline Committee finds that the conduct of the investigated person is unprofessional conduct or unskilled practice of the profession, or both, the Discipline Committee may make any one or more of the following orders:
- (a) reprimand the investigated person;
 - (b) suspend the registration of the investigated person for a specified period;
 - (c) suspend the registration of the investigated person either generally or from any field of practice until
 - (i) the investigated person has completed a specified course of studies or obtained supervised practical experience, or
 - (ii) the Discipline Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice;
 - (d) accept in place of a suspension the investigated person's undertaking to limit the investigated person's practice;
 - (e) impose conditions on the investigated person's entitlement to engage in the practice of the profession generally or in any field of the practice, including the conditions that the investigated person
 - (i) practise under supervision,
 - (ii) not engage in sole practice,
 - (iii) permit periodic inspections by a person authorized by the Discipline Committee, or
 - (iv) report to the Discipline Committee on specific matters;

- (f) direct the investigated person to pass a particular course of study or satisfy the Discipline Committee as to the investigated person's practical competence generally or in a field of practice;
- (g) direct the investigated person to satisfy the Discipline Committee that a disability or addiction can be or has been overcome, and suspend the person until the Discipline Committee is so satisfied;
- (h) require the investigated person to take counselling or to obtain any assistance that in the opinion of the Discipline Committee is appropriate;
- (i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Discipline Committee, were not rendered or were improperly rendered;
- (j) cancel the registration of the investigated person;
- (k) any other order that it considers appropriate in the circumstances.

1981 cE-11.1 s60

Order to pay costs or a fine

64(1) The Discipline Committee may, in addition to or instead of dealing with the investigated person in accordance with section 63, order that the investigated person pay

- (a) all or part of the costs of the hearing in accordance with the bylaws,
- (b) a fine not exceeding \$10 000 to the Association, or
- (c) both the costs under clause (a) and a fine under clause (b),

within the time fixed by the order.

(2) If the investigated person ordered to pay a fine, costs, or both, under subsection (1) fails to pay the fine, costs, or both, within the time ordered, the Discipline Committee may suspend the registration of that person until the person has paid the fine, costs or both.

(3) A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.

1981 cE-11.1 s61;1984 c17 s19

Service of written decision

65(1) The Discipline Committee shall, within a reasonable time after the conclusion of a hearing, make a written decision on the matter, in which it shall

- (a) describe each finding made in accordance with this Part,
- (b) state the reasons for each finding made, and
- (c) state any order made under this Part.

(2) The Discipline Committee shall immediately forward to the Registrar

- (a) the decision, and
- (b) the record of the hearing, consisting of all evidence presented before it, including
 - (i) all exhibits,
 - (ii) all documents and records, and
 - (iii) a transcript of all testimony given before it, whether recorded electronically, mechanically or in handwritten form.

(3) The Registrar shall, immediately on receiving the decision and the record of the hearing referred to in subsection (2), serve

- (a) a copy of the decision on the investigated person and the Investigative Committee, and

- (b) a notice of the nature of the decision on the complainant, if any.
- (4) The investigated person or the investigated person's counsel or agent may examine the record or any part of the record of the proceedings and hear any recording or examine any mechanical or handwritten form of record of any testimony.

1981 cE-11.1 s62;1995 c14 s31

Suspension or cancellation pending appeal

- 66(1)** Notwithstanding an appeal under this Part, the Discipline Committee may order that its decision remain in effect until the Appeal Board or the Court of Appeal, as the case may be, makes its decision on the appeal.
- (2) An investigated person may, by filing an originating notice with the Court and serving a copy on the Registrar, apply for an order of the Court staying the decision of the Discipline Committee pending the determination of the appeal.
 - (3) The Court may hear an application made under this section not less than 10 days after the originating notice has been served on the Registrar.
 - (4) On hearing an application made under this section the Court may, subject to any conditions that it considers proper, stay the decision of the Discipline Committee pending the determination of the appeal.

1981 cE-11.1 s63;1984 c17 s20;1995 c14 s32

Appeal to Appeal Board

- 67(1)** The Investigative Committee or the investigated person may appeal to the Appeal Board any finding or order of the Discipline Committee.
- (2) An appeal under subsection (1) shall be commenced by a written notice of appeal that shall
 - (a) describe the finding or order appealed from,
 - (b) state the reasons for the appeal, and
 - (c) be served on the Registrar not more than 30 days after the date that the decision of the Discipline Committee was served on the investigated person.
 - (3) On receiving a notice of appeal from the Investigative Committee, the Registrar shall forthwith provide a copy to the investigated person and make the record of the hearing available to the investigated person.
 - (4) On receiving a notice of appeal, the Registrar shall provide a copy to the Appeal Board and make the record of the hearing available to each member of the Appeal Board.

1981 cE-11.1 s64;1984 c17 s21;1995 c14 s33

Time of appeal

- 68(1)** The Appeal Board, on receiving a notice of appeal under section 67, shall serve on the investigated person and the Investigative Committee a notice of hearing of an appeal stating the date, time and place that the Appeal Board will hear the matters appealed.
- (2) The Appeal Board shall hear an appeal forthwith.

1981 cE-11.1 s65;1995 c14 s34

Powers of the Appeal Board on appeal

- 69(1)** The Appeal Board on an appeal may do any or all of the following:
- (a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Appeal Board;
 - (b) receive further evidence on granting special leave for that purpose;
 - (c) draw inferences of fact and make a determination or finding that in its opinion ought to have been made by the Discipline Committee;

- (d) order that the matter be referred back to the Discipline Committee.
- (2) Sections 56 to 62, 65 and 66 apply to the hearing of an appeal by the Appeal Board.
- (3) The Appeal Board shall forthwith after the date of the conclusion of all proceedings before it,
 - (a) make any finding as to the conduct of the investigated person that in its opinion ought to have been made by the Discipline Committee,
 - (b) quash, confirm or vary the finding or order of the Discipline Committee or substitute or make a finding or order of its own, or
 - (c) refer the matter back to the Discipline Committee for further consideration in accordance with any direction that the Appeal Board may make.
- (4) The Appeal Board may order the investigated person to pay all or part of the costs of the appeal determined in accordance with the bylaws.

1981 cE-11.1 s66;1984 c17 s22;1995 c14 s35

Appeal to the Court of Appeal

- 70(1)** An investigated person may appeal to the Court of Appeal any finding or order made by the Appeal Board under section 69.
- (2) The Appeal Board shall be the respondent in an appeal under subsection (1) and may make representations to the Court of Appeal.
- (3) An appeal under this section shall be commenced
 - (a) by filing a notice of appeal with the Registrar of the Court of Appeal in Edmonton or Calgary, and
 - (b) by serving a copy of the notice of appeal on the Registrar,
 both within 30 days from the date on which the decision of the Appeal Board is served on the investigated person.

1981 cE-11.1 s68;1984 c17 s24;1995 c14 s36

Order for stay pending appeal

- 71** The appellant may, after commencing an appeal and on notice to the Registrar, apply to the Court of Appeal for an order staying all or any part of the order or decision of the Appeal Board appealed.
- 1981 cE-11.1 s69;1984 c17 s25;1995 c14 s37

Material in support of appeal

- 72(1)** An appeal under section 70 shall be supported by copies, certified by the Registrar, of the decision of the Appeal Board and the record of the appeal before the Appeal Board.
- (2) The Registrar, on being paid any disbursements and expenses in connection with a request made by the appellant or the appellant's solicitor or agent, shall furnish to the appellant or the appellant's solicitor or agent the number of copies so requested of the documents mentioned in subsection (1).

1981 cE-11.1 s70;1984 c17 s26;1995 c14 s37

Power of the court on appeal

- 73(1)** The Court of Appeal on hearing the appeal may do any or all of the following:
 - (a) make any finding that in its opinion ought to have been made;
 - (b) quash, confirm or vary the order or decision of the Appeal Board or any part of it;
 - (c) refer the matter back to the Appeal Board for further consideration in accordance with any direction of the Court of Appeal;
 - (d) direct that a new trial of any mixed questions of law and fact relating to a finding or order, or to both a finding and an order of the Appeal Board made under section 69, be held before the Court.

(2) The Court of Appeal may make any award as to the costs of an appeal to it that it considers appropriate.

1981 cE-11.1 s71;1984 c17 s27;1995 c14 s37

Fraudulent registration

74(1) If the Council is satisfied, after a hearing on the matter, that a person whose registration is entered in the register obtained registration by means of any false or fraudulent representation or declaration, either oral or written, the Council shall order that the person's registration be cancelled.

(2) The provisions of this Part respecting the procedures of the Discipline Committee apply to a hearing held by the Council under subsection (1).

1981 cE-11.1 s72

Surrender of certificates

75(1) If the registration of a professional member, licensee or restricted practitioner has been cancelled or suspended under this Part, the professional member, licensee or restricted practitioner shall immediately surrender any certificate, stamp or seal to the Registrar.

(2) If the registration of a permit holder or joint firm has been cancelled or suspended under this Part, the permit holder or joint firm shall immediately

- (a) surrender the permit or certificate of authorization to the Registrar, and
- (b) cease using the permit number issued by the Registrar.

(3) If the registration of a professional member, licensee, permit holder or certificate holder has been cancelled under this Part, the registration shall not be reinstated in the register except by order of the Council, the Court or the Court of Appeal.

(4) No order shall be made under subsection (3) within one year after

- (a) the date on which the registration was cancelled, or
- (b) if an order was granted staying the imposition of a punishment imposed by the Council and the punishment is later confirmed by the Court or the Court of Appeal, the date on which the Court or the Court of Appeal made its order confirming the punishment.

(5) A member of the Council who is a member of a committee of inquiry appointed pursuant to the regulations to consider an application under this Part for reinstatement of registration may participate in or vote at any proceedings of the Council under this section, and the Registrar and the Association's solicitor may participate in those proceedings.

1981 cE-11.1 s73;1998 c14 s13

Misrepresentation of status

76 The conduct of a person who is or was registered as a professional member, licensee, permit holder or certificate holder who represents or holds out that the person is registered and in good standing while the person's registration is suspended or cancelled may be dealt with as being unprofessional conduct in accordance with this Part.

1981 cE-11.1 s74

Publication

77 After a finding or order is made by the Discipline Committee, the Council, the Appeal Board, the Court or the Court of Appeal under this Part, the name of the investigated person may be published in accordance with the regulations.

1981 cE-11.1 s75;1995 c14 s38

Part 6 General

Use of stamps, seal, permit number

78(1) A professional member, licensee or restricted practitioner shall, in accordance with the regulations,

- (a) sign documents or records, and
- (b) stamp or seal documents or records.

(2) A permit holder shall affix its permit number on documents or records in accordance with the regulations.

1981 cE-11.1 s76;1984 c17 s28;1998 c14 s14

Exemption from municipal licence

79 No municipality has the power to require

- (a) any professional member, licensee, permit holder or certificate holder to obtain a licence from the municipality to engage in the practice of engineering, the practice of geology or the practice of geophysics, or
- (b) any member-in-training to obtain a licence from the municipality for or in connection with the performance of any acts or services authorized by this Act to be performed by a member-in-training.

1998 c36 s3

Liability to others

80(1) The relationship between a permit holder or certificate holder engaged in the practice of engineering, geology or geophysics and a person receiving the professional services of the permit holder or certificate holder is subject to this Act, the regulations and any other law applicable to the relationship between a professional member and the professional member's client.

(2) The relationship of a professional member or licensee to a permit holder, whether as member, shareholder or employee of the permit holder, does not affect, modify or diminish the application of this Act, the regulations and the bylaws

- (a) to the professional member or licensee personally as a professional member or licensee, or
- (b) to the relationship between the professional member or licensee and the professional member's or licensee's client.

1981 cE-11.1 s77;1984 c17 s29

Registrar's certificate

81(1) A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during a specified period,

- (a) a professional member, licensee or certificate holder, or
- (b) an officer of the Association or a member of the Council

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the Registrar's appointment or signature.

(2) A certificate purporting to be signed by the Registrar and stating that a named corporation, partnership or other association of persons was or was not, on a specified day or during a specified period, a permit holder or certificate holder shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the Registrar's appointment or signature.

1981 cE-11.1 s78

Protection from liability

82(1) No action lies against

- (a) any person conducting a preliminary investigation, a member of the Discipline Committee, the Practice Review Board, the Investigative Committee, the Appeal Board, the Council or the Board of Examiners, the Registrar, the Association or any person acting on the instructions of any of them, or
- (b) any member, officer or employee of the Association

for anything done by that person or body in good faith and in purporting to act under this Act, the regulations or the bylaws.

(2) No action for defamation may be founded on a communication that consists of or pertains to a complaint regarding the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, if the communication is published to or by

- (a) the Association,
- (b) a member of the Council, the Discipline Committee, the Practice Review Board, the Investigative Committee, the Appeal Board or the Board of Examiners,
- (c) a person conducting a preliminary investigation,
- (d) an officer or employee of the Association, or
- (e) a person acting on the instructions of any of them

in good faith in the course of investigating the complaint or in the course of any proceedings under Part 5 relating to the complaint.

1981 cE-11.1 s79;1995 c14 s39

Part 7 Registered Professional Technologists (Engineering)

Purpose

83 The purpose of this Part is to implement an arrangement between the Alberta Society of Engineering Technologists and APEGGA whereby engineering technologists who are members of the Alberta Society of Engineering Technologists may engage in the practice of engineering within a specified scope of practice and use a title, seal or stamp as provided in this Part.

1999 c8 s3

Scope of practice

84 No registered professional technologist (engineering) shall engage in the practice of engineering except within the scope of practice specified by the Board of Examiners.

1999 c8 s3

Use of title

85(1) No individual, corporation, partnership or other entity, except a registered professional technologist (engineering), shall use the title “registered professional technologist (engineering)”, the abbreviation “R.P.T. (engineering)” or any other abbreviation of that title.

(2) No individual, corporation, partnership or other entity, except a registered professional technologist (engineering), shall represent or hold out, expressly or by implication, that the person is a registered professional technologist (engineering).

1999 c8 s3

Stamp or seal

86(1) No individual, corporation, partnership or other entity, except a registered professional technologist (engineering), shall affix the stamp or seal of a registered professional technologist (engineering) or allow that stamp or seal to be affixed to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless

(a) that plan, drawing, detail drawing, specification, other document or reproduction was prepared by or under the supervision and control of, and

(b) the stamp or seal is affixed with the knowledge and consent or in accordance with the direction of the registered professional technologist (engineering) to whom the stamp or seal was issued.

(2) Notwithstanding subsection (1), a registered professional technologist (engineering) may affix a stamp or seal to a plan, drawing, detail drawing, specification, other document or reproduction prepared by other persons if the registered professional technologist (engineering) completes a thorough review of and accepts professional responsibility for that plan, drawing, detail drawing, specification, other document or reproduction.

1999 c8 s3

Non-application of sections 2, 3(1)(b)(i)

87 Sections 2(1) and 3(1)(b)(i) do not apply to a registered professional technologist (engineering) engaged in the practice of engineering within the scope of practice specified by the Board of Examiners.

1999 c8 s3

Register for registered professional technologists (engineering)

88(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register for registered professional technologists (engineering).

(2) The Registrar shall enter in the register the name of a person who has paid the fee prescribed under the bylaws, and whose registration to engage in the practice of engineering as a registered professional technologist (engineering) has been approved by the Board of Examiners.

(3) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a membership record of the members in each class or category of membership established under the regulations and the bylaws.

(4) A registered professional technologist (engineering) must remain a member of the Alberta Society of Engineering Technologists so long as the name of the registered professional technologist (engineering) is entered in the register referred to in subsection (1).

1999 c8 s3

Registration as registered professional technologist (engineering)

89 The Board of Examiners shall approve for registration as a registered professional technologist (engineering) an individual who has been nominated by the Alberta Society of Engineering Technologists and has applied to the Board and is eligible in accordance with this Act and the regulations to engage in the practice of engineering within the scope of practice specified by the Board of Examiners.

1999 c8 s3

Evidence of registration

90 On entering the name of a registered professional technologist (engineering) in the register, the Registrar shall issue to that individual

(a) a certificate of registration to engage in the practice of engineering within the scope of practice specified by the Board of Examiners, and

(b) a stamp or seal engraved as prescribed in the bylaws.

1999 c8 s3

Board of Examiners

- 91(1)** In addition to any appointments made under section 30, the Minister shall appoint as members of the Board of Examiners at least 2 registered professional technologists (engineering).
- (2)** An appointment under subsection (1) must be from a list of registered professional technologists (engineering) nominated by the Alberta Society of Engineering Technologists.
- (3)** Where there are no registered professional technologists (engineering) entered in the register referred to in section 88, the Minister may appoint under subsection (1) an engineering technologist on an interim basis to hold office until there are registered professional technologists (engineering) entered in the register.
- (4)** The Board of Examiners shall consider applications for the registration of applicants as registered professional technologists (engineering) in accordance with the Act, the regulations and the bylaws and may
- (a) approve the registration,
 - (b) refuse the registration, or
 - (c) defer the approval of registration until it is satisfied that the applicant has complied with a requirement made under this section.
- (5)** The Board of Examiners may, in its discretion, require an applicant for registration
- (a) to pass one or more examinations set by the Board,
 - (b) to obtain more experience of a kind satisfactory to the Board for a period set by the Board, or
 - (c) to pass one or more examinations and obtain more experience
- before it approves the registration.
- (6)** If the Board of Examiners approves the registration of an individual as a registered professional technologist (engineering), it shall specify in the certificate and in the register the scope of practice of engineering in which the individual is permitted to engage.

1999 c8 s3

Regulation-making authority

- 92(1)** The Council may make regulations or bylaws to apply to registered professional technologists (engineering) in respect of any of the matters under sections 19 and 20.
- (2)** Fees fixed in the bylaws in respect of registered professional technologists (engineering) must not be greater than the corresponding fees fixed in respect of professional members.

1999 c8 s3

Application of Act

- 93(1)** Sections 14, 16, 17, 19(3), 20(3), 26, 27, 28, 29, 31, 39, 78, 79, 80(2), 81 and 82(2) apply to registered professional technologists (engineering) as if they were professional members.
- (2)** Section 2(4)(a) applies to a registered professional technologist (engineering) practising within the scope of practice specified by the Board of Examiners as if that registered professional technologist (engineering) were a professional engineer or licensee.
- (3)** Section 32 applies to a registered professional technologist (engineering) as if that registered professional technologist (engineering) were an applicant.
- (4)** Part 5 of the Act applies to registered professional technologists (engineering) as if they were professional members.

(5) If the registration of a registered professional technologist (engineering) has been cancelled pursuant to Part 5 of this Act, the registration shall not be reinstated in the register in accordance with section 75 unless the Alberta Society of Engineering Technologists approves the application for reinstatement.

RSA 2000 cE-11 s93;2006 c14 s2

Investigative Committee

94(1) Notwithstanding section 46, the Council shall appoint as members of the Investigative Committee at least 2 registered professional technologists (engineering) from a list of registered professional technologists (engineering) nominated by the Alberta Society of Engineering Technologists.

(2) Where there are no registered professional technologists (engineering) entered in the register referred to in section 88, the Council shall appoint under subsection (1) an engineering technologist on an interim basis to hold office until there are registered professional technologists (engineering) entered in the register.

(3) When the Investigative Committee appoints an investigation panel under section 47 for the investigation of a registered professional technologist (engineering), the Investigative Committee shall appoint at least one registered professional technologist (engineering) or, in the case where there are no registered professional technologists (engineering) entered in the register, an engineering technologist to be a member of the panel that conducts the preliminary investigation.

1999 c8 s3

Practice prohibitions

95(1) A person whose registration as a registered professional technologist (engineering) is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of engineering or directly or indirectly associate in the practice of engineering with any professional member, registered professional technologist, licensee, permit holder or certificate holder.

(2) No registered professional technologist (engineering) shall, except with the permission of the Council, associate in the practice of engineering directly or indirectly with or employ in connection with the registered professional technologist's (engineering) practice a person whose registration has been cancelled or suspended under this Act.

(3) Notwithstanding subsections (1) and (2), an engineering technologist may continue to engage in the practice of engineering in accordance with this Act and the regulations if that engineering technologist's registration as a registered professional technologist (engineering) is cancelled or suspended under this Act.

1999 c8 s3

Part 8 Registered Professional Technologists (Geological, Geophysical)

Lieutenant Governor in Council regulations

96 The Lieutenant Governor in Council may make regulations, with respect to the practice of geology or geophysics, or both,

- (a) designating classes of persons as registered professional technologists and prescribing the restrictions of practice and the privileges and obligations of the classes so established;
- (b) respecting the titles that may be used by the classes established under clause (a) and the circumstances and the conditions under which the titles may be used and prohibiting any other persons from using those titles or from representing or holding out, expressly or by implication, that they are entitled to use the titles;
- (c) respecting the academic and other qualifications and the experience required of a registered professional technologist before the technologist becomes entitled to use a title referred to in clause (b);

- (d) respecting the establishment of a register of registered professional technologists entitled to use a title referred to in clause (b);
- (e) governing the establishment of boards or committees with respect to the classes of registered professional technologists established under clause (a) and respecting the powers, duties and operations of those boards or committees;
- (f) respecting the circumstances under which a board or committee established under clause (e) may suspend or terminate the right of a registered professional technologist to use a title referred to in clause (b);
- (g) respecting the stamp or seal issued to a registered professional technologist and the circumstances under which it is to be surrendered by the registered professional technologist;
- (h) respecting the application of any provision of this Act, with or without modification, to a class of registered professional technologist established under clause (a).

1999 c8 s3

Part 9 Prohibitions and Penalties

Practice prohibitions

97(1) A person whose registration as a professional engineer, professional geologist, professional geophysicist, licensee, permit holder or certificate holder is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of engineering, geology or geophysics, as the case may be, or directly or indirectly associate the person or itself in the practice of engineering, geology or geophysics with any other professional member, licensee, permit holder or certificate holder.

(2) No professional engineer, professional geologist, professional geophysicist, licensee, permit holder or certificate holder shall, except with the consent of the Council, associate in the practice of engineering, geology or geophysics, as the case may be, directly or indirectly with or employ in connection with that practice a person whose registration has been cancelled or suspended under this Act.

(3) The Council may permit a professional member, licensee, permit holder or certificate holder to employ in connection with the person's practice a person whose registration has been cancelled or suspended under this Act, but the employment shall be in the capacity and subject to the terms and conditions that are prescribed by the Council.

1981 cE-11.1 s80

Penalties

98(1) Every person and every member, officer, employee or agent of a firm, partnership or other association of persons and of a corporation who contravenes Part 1, section 29(2)(b), section 39(4), section 84, 85 or 86, this Part or a regulation made under section 19(1) or 96(b) is guilty of an offence and liable

- (a) for the first offence, to a fine of not more than \$2000,
- (b) for the 2nd offence, to a fine of not more than \$4000, and
- (c) for the 3rd and each 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.

(2) If a person or a member, officer, employee or agent of a firm, partnership or other association of persons or of a corporation is found guilty of an offence in respect of a regulation made under section 19(1), the court may, in addition to or instead of imposing any other penalty, order the person, member, officer, employee or agent to comply with the regulations made under section 19(1).

(3) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

1981 cE-11.1 s81;1984 c17 s30;1999 c8 s4

Onus of proof

99 In a prosecution under this Act, the burden of proving that a person is a professional engineer, professional geologist, professional geophysicist, registered professional technologist (engineering), licensee, permit holder or certificate holder is on the accused.

1981 cE-11.1 s82;1999 c8 s5

Name change

100 If the name of the Alberta Society of Engineering Technologists is changed after April 29, 1999, the reference to the Alberta Society of Engineering Technologists is to be construed as a reference to the Alberta Society of Engineering Technologists by its new name.

1999 c8 s6