

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;
  - (t) respecting the establishment of a register of technologists entitled to use a title referred to in clause;
  - (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;
  - (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 licensee

has 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 16, 17, 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.

1999 c8 s3

### **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 2<sup>nd</sup> offence, to a fine of not more than \$4000, and
- (c) for the 3<sup>rd</sup> 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

THE ENGINEERING, GEOLOGICAL AND  
GEOPHYSICAL PROFESSIONS ACT

**REGULATIONS**

**GENERAL REGULATION**

Consisting of Alberta  
150/99 dated July 14, 1999,  
and 37/2003 dated February 26, 2003

**AND**

**REGISTERED PROFESSIONAL TECHNOLOGIST (GEOLOGICAL)  
AND REGISTERED PROFESSIONAL TECHNOLOGIST (GEOPHYSICAL)  
REGULATION**

Alberta Regulation 36/2003

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

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- 1 (a) “Act” means the Engineering, Geological and Geophysical Professions Act.
- (b) “confirmatory examination” means an examination required by the Board of Examiners for the purpose of assessing an engineering, geology or geophysics or related degree held by the applicant and not for a purpose related to the correction of perceived academic deficiencies.

**PART 1  
MEMBERSHIP IN THE ASSOCIATION**

**Division 1  
General**

**Application**

- 2(1) An application for registration must be submitted to the Registrar and must
  - (a) be in a form acceptable to the Board of Examiners, and
  - (b) be fully completed and accompanied by
    - (i) all required supporting documentation, and
    - (ii) any fees that are prescribed by the Council.
- (2) The Registrar shall refer an application to the Board of Examiners if the application meets the requirements of subsection (1) and the Registrar is satisfied that the applicant meets the eligibility requirements for one of the categories of membership in the Association.

**Annual fees**

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

**Non-payment**

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

**Registers and records**

- 5 The Registrar shall keep the following records and registers for the purposes of this Part:
  - (a) a record of students;
  - (b) a record of examination candidates;
  - (c) a record of members-in-training.

**Division 2  
Students**

**Eligibility**

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



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

### Striking from record

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

## Division 3 Examination Candidates

### Eligibility

- 8 A person who meets the following requirements and applies to the Registrar for registration is entitled to be admitted as an examination candidate:
  - (a) the applicant is of good character and reputation;
  - (b) the applicant is a graduate of
    - (i) a university program in engineering, geology or geophysics, or
    - (ii) a related academic program that is acceptable to the Board of Examiners,

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

### Striking from record

- 9(1) The Council may direct the Registrar to strike the name of an examination candidate from the record of examination candidates
  - (a) if the Council considers that the examination candidate has engaged in behaviour that constitutes unprofessional conduct, or
  - (b) if, in the opinion of the Board of Examiners, the examination candidate fails to make satisfactory progress toward registration as a professional member.
- (2) A person whose name is struck from the record is no longer eligible to proceed with the writing of examinations.

### **Division 4 Members-in-Training**

#### **Eligibility**

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

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

#### **Time limits**

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

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

#### **Professionally qualified persons inadmissible**

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

### **Division 5 Professional Members**

#### **Eligibility**

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

- (a) the applicant is a Canadian citizen or is lawfully admitted to Canada for permanent residence;
- (b) the applicant is of good character and reputation;
- (c) the applicant has a knowledge of the Act and the regulations under the Act, and general knowledge related to the practice of engineering, geology or geophysics, which has been demonstrated by passing an examination that is prescribed by the Board of Examiners;
- (d) the applicant demonstrates to the Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practise the profession of engineering, geology or geophysics;
- (e) the applicant meets one of the following requirements:
  - (i) the applicant is admitted as a member-in-training and has obtained at least 4 years of experience in work of an engineering, geological or geophysical nature that is acceptable to the Board of Examiners;
  - (ii) the applicant is enrolled as a student under section 6(b)(ii) and
    - (A) has completed all examinations prescribed by the Board of Examiners, and

- (B) has obtained at least 8 years of experience in work of an engineering, geological or geophysical nature that is acceptable to the Board of Examiners, at least one year of which is obtained after completion of the examinations referred to in paragraph (A);
  - (iii) the applicant is admitted as an examination candidate and
    - (A) has completed the examinations referred to in section 8(b), and
    - (B) has obtained at least 4 years of experience in work of an engineering, geological or geophysical nature that is acceptable to the Board of Examiners;
  - (iv) the applicant is not in a register or record referred to in subclause (i), (ii) or (iii), but has the combined academic qualifications and experience acceptable to the Board of Examiners that would be required for registration as a professional member had the applicant progressed through one of those registers or records.
- (2) Notwithstanding subsection (1), an applicant is entitled to be registered as a professional member if
- (a) the applicant is a member in good standing with an institution in another province or country that is in the opinion of the Board of Examiners equivalent to the Association, and
  - (b) the Board of Examiners is satisfied that it is appropriate to do so.

## **Division 6 Licensees**

### **Eligibility**

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

## **Division 7 Board of Examiners**

### **Board of Examiners – constitution**

- 15(1)** The Board of Examiners consists of
- (a) an executive committee constituted under subsection (5),
  - (b) other members, who must be professional members, and who are appointed by the Council, and
  - (c) any other persons appointed by the Minister under the Act.
- (2) The Board of Examiners shall meet at least twice each year to consider matters of policy, significant changes in procedure, examination results and other matters referred to it by its executive committee or the Council.
- (3) The executive committee shall meet as is necessary to rule on applications for registration.
- (4) The Council shall designate a person as chair of the Board of Examiners and that person shall also serve as chair of the executive committee.
- (5) The executive committee of the Board consists of
- (a) the deans of engineering at universities in Alberta, or persons designated by the deans,
  - (b) a senior professor, who must be a professional engineer, from each of the major engineering disciplines at universities in Alberta,

- (c) a senior professor, who must be a professional geologist, from each of the departments of geology at universities in Alberta,
  - (d) a senior professor, who must be a professional geophysicist, from each of the departments containing the geophysical discipline at universities in Alberta,
  - (e) other professional members of the Association equal to the number of members specified in clauses (a) to (d), who are not directly associated with any of the universities and are representative of the disciplines of engineering, geology and geophysics,
  - (f) the Registrar of the Association or the Registrar's designate,
  - (g) one member of the public appointed by the Minister in accordance with section 30(2) of the Act, and
  - (h) 2 registered professional technologists (engineering) or engineering technologists appointed by the Minister under section 91 of the Act.
- (6) Where the executive committee sits for the purposes of ruling on applications for registration, members appointed under subsection (5)(h) may sit only in respect of applications for registration as a registered professional technologist (engineering).
- (7) The Council shall appoint the persons referred to in subsection (5)(b) to (e).
- (8) The term of appointment for the chair and members of the Board of Examiners who are appointed by the Council is 3 years, and they may be reappointed.
- (9) Where a vacancy occurs in a category of membership referred to in subsection (5)(a) to (f), the Council shall appoint a professional member to the position for the unexpired portion of the term.
- (10) A quorum for a meeting of the Board of Examiners is  $\frac{1}{4}$  of the members of the Board.
- (11) A quorum for a meeting of the executive committee of the Board of Examiners is  $\frac{1}{4}$  of the members of the executive committee.

## PART 2 CONTINUING PROFESSIONAL DEVELOPMENT PROGRAM

### Education program established

- 16(1)** The Council establishes the Continuing Professional Development Program of the Association as the compulsory continuing education program for professional members and licensees.
- (2) The Practice Review Board shall administer the Continuing Professional Development Program.

### Mandatory compliance

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

### Exemption

- 18(1)** Notwithstanding section 17, a professional member or licensee who files with the Association a declaration in writing stating that that person is not actively engaged in the practice of a profession is exempt from the requirements of this Part.
- (2) An exemption under this section is only effective for one year from the date the declaration is received by the Association but may be renewed for additional yearly periods.
- (3) A professional member or licensee shall not engage in the practice of a profession while an exemption under this section is in effect.

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

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

### Written records

19 A professional member or licensee must

(a) maintain a written record of activities undertaken in accordance with the Continuing Professional Development Program, and

(a) produce the record under clause (a) on the request of the Practice Review Board.

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

### Proof of compliance

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

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

(a) conduct a review of the practice of that person in accordance with the Act and this Regulation, and

(b) at any time during a review recommend to the Investigative Committee that the review be conducted by the Investigative Committee under Part 5 of the Act as if the recommendation were a written complaint.

## PART 3 PRACTICE REVIEW BOARD

### Constitution

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

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

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

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

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

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

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

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

### **Items considered**

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

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

### **Investigation by Practice Review Board**

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

- (2)** The Board shall appoint a person to conduct an initial review and report to the Board with respect to the substance of the conclusions on which the Board based its decision to commence an investigation.
- (3)** If, on receipt of the report, the Board decides that further investigation is not warranted, the Board shall discontinue the review and report its decision to the Council, along with any recommendations the Board considers appropriate.
- (4)** If, on receipt of the report, the Board decides that investigation of a specific practice is necessary, it shall
  - (a) issue notice of investigation to the professional member, licensee, permit holder or certificate holder if it is of the opinion that the matter to be investigated relates to matters other than to unskilled practice of the profession or unprofessional conduct, and proceed with its investigation in the same manner as provided for in a discipline investigation, or
  - (b) lodge an appropriate complaint with the Investigative Committee if it is of the opinion that further investigation may lead to a finding of unskilled practice of the profession or unprofessional conduct.

### **Report to Council**

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

## **PART 4 COUNCIL**

### **President and Vice-presidents - election and powers**

- 25(1)** The President of the Association must be elected annually by the professional members of the Association, and holds office until a successor is elected.
- (2)** The President shall act as the presiding officer at meetings of the Council and at meetings of the Association.
- (3)** The President may vote at meetings of the Council or the Association only in the event of a tied vote.
- (4)** The 2 Vice-presidents must be elected annually by the professional members of the Association and must be designated as First Vice-president and Second Vice-president on the basis of the number of votes cast for each of them.
- (4.1)** The First Vice-president is deemed to be the President Elect and must be the sole nominee for the office of President in the succeeding year.
- (5)** The First Vice-president or, failing the First Vice-president, the Second Vice-president, has all the powers of the President during the absence of the President for any cause.

### **Election of Council**

- 26(1)** The professional members of the Council, other than those mentioned in section 25, must be elected annually by the professional members of the Association.
- (2)** The term of the members referred to in subsection (1) is 3 years and the elections must be conducted so that as close as possible to 1/3 of the positions come up for election each year.

### **Vacancy**

- 27(1)** Where there is a vacancy in the Council, the remaining members of the Council shall appoint a professional member to fill the vacancy until the next regular election.
- (2)** Where a vacancy is filled at a regular election, the person elected holds office for the unexpired portion of the term of office of the person being replaced.

### **Quorum**

- 28** A quorum for meetings of the Council is
- (a) at least one of the President, the 2 Vice-presidents or the immediate Past President, and
  - (b) 6 other professional members of the Council.

### **Executive Committee**

- 29(1)** There is hereby established an Executive Committee of the Council consisting of the President, who is the chair, the immediate Past President, the 2 Vice-presidents and the Executive Director of the Association.
- (2)** The Executive Committee has the delegated authority and power of the Council with respect to any decisions or actions necessary between Council meetings.

### **Other boards, committees and task forces**

- 30(1)** In addition to the Discipline Committee, Investigative Committee, Board of Examiners, Practice Review Board, Appeal Board and Executive Committee, the Council may appoint any other standing or

special committees, task forces or boards that it considers necessary to serve the interests of the Association, and shall at the time of the appointment, delegate any authority it considers necessary for the committees, task forces or boards to perform their function.

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

## **PART 5 CODE OF ETHICS**

### **Application and availability**

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

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

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

## **PART 6 DISCIPLINE**

### **Investigative Committee**

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

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

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

### **Public member**

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

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

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

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

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



**Term of office**

- 34(1)** The term of office of each member of the Investigative Committee is 3 years, and members may be reappointed.
- (2)** Where there is a vacancy in the membership of the Investigative Committee appointed by the Council, the Council may appoint a person to fill the vacancy for the unexpired portion of the term.
- (3)** Where there is a vacancy in the public membership on the Investigative Committee, the Minister may appoint a person to fill the vacancy for the unexpired portion of the term.

**Quorum**

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

**Discipline Committee**

- 36(1)** There is hereby established a Discipline Committee consisting of professional members appointed by the Council and the member of the public appointed under section 37(1).
- (2)** The Council shall designate one professional member as the chair of the Discipline Committee.
- (3)** The chair or in the absence of the chair a majority of the members of the Discipline Committee may appoint an acting chair who has all the powers of the chair in the absence of the chair.

**Public member**

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

**Term of office**

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

**Quorum**

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

**Appeal Board**

**40(1)** The Council shall appoint professional members, including one Past President of the Association, as members of the Appeal Board.

**(2)** The Council shall designate one professional member as the chair of the Appeal Board.

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

**Term of office**

**41(1)** The term of office of each member of the Appeal Board appointed under section 40 is 3 years, and members may be reappointed.

**(2)** Where there is a vacancy in the membership of the Appeal Board appointed under section 40, the Council may appoint a professional member to fill the vacancy for the unexpired portion of the term.

**Quorum**

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

**Adjournment of investigation if court proceedings commenced**

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

**Assistance in conducting preliminary investigation**

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

**Panel of the Discipline Committee**

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

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

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

**Publication**

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

### Reinstatement of disciplined individuals

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

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

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

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

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

## PART 7 REGISTRATION OF PERMIT HOLDERS

### Requirements for issue of permit

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

- (a) an application is made to the Registrar in the form and containing the information required by the Council,
  - (b) the application is accompanied with the fees prescribed by the Council,
  - (c) the Council is satisfied that the practice will be carried on under the direct personal supervision and responsibility of a full-time permanent employee or member of the partnership, corporation or other entity who is also a professional member or licensee and who is qualified by education and experience in the field of engineering, geology or geophysics in which the partnership, corporation or other entity intends to engage, and
  - (d) the professional member or licensee certifies to the satisfaction of the Council that the partnership, corporation or other entity has in place and will follow a professional management plan that is appropriate to its professional practice.
- (2) A permit expires one year after the date on which it is issued.
  - (3) When the Council issues a permit, it shall provide the permit holder with a permit number.
  - (4) No person shall use a permit number where the permit to which the number is assigned has been cancelled or suspended.

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

### Signing and sealing of documents

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

- (a) be signed by and be stamped or sealed with the stamp or seal of

- (i) the professional member or licensee who prepared them or under whose supervision and control they were prepared, or
- (ii) in the case of plans, specifications, reports or documents that were prepared by other persons, the professional member or licensee who thoroughly reviewed and accepted professional responsibility for them,

and

- (b) show the permit number issued to the partnership, corporation or other entity under section 48.

### **Notification to Association**

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

**(2)** The professional member or licensee referred to in section 48 shall forthwith advise the Registrar if the professional member or licensee

- (a) ceases to be the person accepting responsibility under that section, or
- (b) is no longer able to provide the certification referred to in section 48(1)(d).

### **Revocation of permit**

**51** The Council may revoke a permit issued under section 48 if the permit holder contravenes the Act, this Regulation or a term or condition of the permit.

### **Name of firm**

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

### **Use of permit number**

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

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

## **PART 8 GENERAL**

### **Use of stamps and seals issued to members**

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

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

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

- (3) When a stamp or seal is applied, the professional member or licensee to whom it was issued shall ensure that the stamp or seal is accompanied with that person's signature and the date on which the stamp or seal is applied.
- (4) A stamp or seal may be applied to the cover page or final page of reports or documents in a manner that clearly indicates acceptance of professional responsibility for the reports or documents, without being applied to each page.
- (5) A professional member or licensee shall not acquire a stamp or seal from any source other than the Registrar.
- (6) A professional member or licensee shall only use a stamp or seal while that person is registered pursuant to this Regulation.
- (7) Stamps and seals are the property of the Association and a person in possession of a stamp or seal shall surrender it to the Association on demand.
- (8) A professional member or licensee may, with the approval of the Registrar, apply a computer generated facsimile of the stamp or seal if that person otherwise meets the requirements of the Act and this Regulation.

### **Association publications**

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

### **Publications on professional services**

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

### **Publications on professional services**

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

### **Publications on professional services**

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

### **Publications on professional services**

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

### **Membership register**

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

### Service of notices

**61(1)** If notice is required to be given to a person under the Act, this Regulation or the bylaws, the notice is sufficiently given if it is served personally or sent by prepaid mail to the person at the latest address provided to the Registrar by the person.

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

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

### Enforcement Review Committee

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

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

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

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

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

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

## PART 9 TECHNOLOGISTS

### Definitions

**63** In this Part,

- (a) “registered engineering technologist” means a person registered as a registered engineering technologist under this Part;
- (b) “Society” means the Alberta Society of Engineering Technologists.

### Use of title and stamp or seal

**64(1)** For the purposes of section 2(4)(c) of the Act, an engineering technologist is a person

- (a) who engages in the practice of engineering,
- (b) for whose engineering practice a professional engineer accepts responsibility,
- (c) whose engineering practice is subject to the supervision and controls that the professional engineer considers appropriate in the circumstances, and
- (d) who is registered as a registered engineering technologist under this Part.

**(2)** No person except a registered engineering technologist shall use the title “registered engineering technologist”, the initials “R.E.T.” or any other abbreviation of that title in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the person is entitled to practise as a registered engineering technologist.

**(3)** No person except a registered engineering technologist shall affix the stamp or seal of a registered engineering technologist or permit 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 or other document was prepared by, and
- (b) the stamp or seal is affixed with the knowledge and consent or in accordance with the direction of the registered engineering technologist to whom the stamp or seal was issued.

### **Joint Registration Board**

- 65(1)** There is hereby established a Joint Registration Board consisting of 5 members appointed by the Council and 5 members appointed by the Society.
- (2) The members of the Board shall select a chair from among themselves, who shall serve as chair for a term of not more than one year.
  - (3) In selecting a chair the members of the Board shall alternate between Council appointees and Society appointees.
  - (4) The chair may designate a member of the Board as vice-chair, and the vice-chair may exercise all the powers of the chair in the absence of the chair.
  - (5) A quorum of the Board consists of the chair or the vice-chair, 2 appointees of the Council and 2 appointees of the Society.
  - (6) The Board shall meet at least once every 6 months.

### **Registration of engineering technologists**

- 66(1)** An individual may apply to the Joint Registration Board to be registered as a registered engineering technologist.
- (2) An application under subsection (1) must be in the form approved by the Joint Registration Board.
  - (3) Subject to subsection (1), an applicant who
    - (a) is a member in good standing of the Society and is registered with the Society as a certified engineering technologist,
    - (b) has at least 4 years of experience satisfactory to the Joint Registration Board in the practice of engineering technology,
    - (c) holds a confirmed diploma in Engineering Technology from a post-secondary education institution that offers a program approved by the Joint Registration Board or has equivalent academic qualifications satisfactory to the Board,
    - (d) has general knowledge of the practice of engineering technology demonstrated by passing an examination or examinations set by the Joint Registration Board, and
    - (e) satisfies the Joint Registration Board that the applicant is of good character and reputationis entitled to be registered as a registered engineering technologist.
  - (4) On considering an application, the Joint Registration Board may
    - (a) approve the registration,
    - (b) refuse the registration, or
    - (c) defer the approval of the registration until the applicant
      - (i) passes an examination approved by the Board,
      - (ii) obtains further experience prescribed by the Board, or
      - (iii) passes an examination approved by the Board and obtains further experience prescribed by the Board.

- (5) The Joint Registration Board shall send written notice of any decision made by it under this section to the applicant.
- (6) If the decision made by the Joint Registration Board is to refuse or defer registration of the applicant, the Board shall send written reasons for the decision to the applicant.

### Appeals of Board decisions

**67(1)** If the Joint Registration Board

- (a) defers an application for an aggregate period in excess of one year from the date the application was submitted, or
- (b) refuses to approve an application,

the applicant may appeal the decision of the Board by filing a written notice of appeal with the Joint Appeal Board not later than 30 days after receiving notice of the decision of the Joint Registration Board.

(2) The written notice of appeal must include the reasons for the appeal.(3) On considering an appeal, the Joint Appeal Board may

- (a) approve the registration,
- (b) refuse the registration,
- (c) defer the approval of the registration until it is satisfied that the applicant has complied with section 66,
- (d) require the applicant to pass an examination approved by the Joint Appeal Board,
- (e) require the applicant to obtain further experience prescribed by the Joint Appeal Board, or
- (f) require the applicant to pass an examination approved by the Joint Appeal Board and obtain further experience prescribed by the Joint Appeal Board.

### Joint Appeal Board

**68(1)** There is hereby established a Joint Appeal Board consisting of the following members:

- (a) 2 members appointed by the Council;
- (b) 2 members appointed by the Society;
- (c) one member, who shall be the chair, who is not a member of the Association or of the Society and who is appointed jointly by the Council and the Society.

(2) The Members of the Board shall select from among themselves a vice-chair, and the vice-chair may exercise all the powers of the chair in the absence of the chair.

(3) A quorum of the Board consists of the chair or the vice-chair, one member of the Board appointed by the Council and one member of the Board appointed by the Society.

### Cancellation and suspension

**69(1)** The Joint Registration Board may cancel the registration of a registered engineering technologist whose registration was made in error.

(2) If the Joint Registration Board is satisfied that a registered engineering technologist is no longer a member in good standing of the Society or registered with the Society as a certified engineering technologist, the Board may

- (a) cancel the registration of the registered engineering technologist, or



- (b) suspend the registration of the registered engineering technologist until the Board is satisfied that the registered engineering technologist has been reinstated in the Society as a member in good standing and as a certified engineering technologist.

### **Certificates and stamps or seal**

**70(1)** The Society shall issue a certificate of registration to a person whose application to be registered as a registered engineering technologist has been approved by the Joint Registration Board or the Joint Appeal Board.

**(2)** On application by a registered engineering technologist, the Society shall issue a stamp or seal in a form approved by the Council and the Society to the registered engineering technologist.

**(3)** A registered engineering technologist shall apply the stamp or seal to a plan, specification or report only if

- (a) the plan, specification or report was prepared by the technologist or under the technologist's supervision,
- (b) a professional engineer accepts responsibility for the plan, specification or report,
- (c) the preparation of the plan, specification or report was subject to any supervision and controls the professional engineer considered appropriate in the circumstances, and
- (d) the professional engineer has affixed the professional engineer's professional stamp or seal to the plan, specification or report.

### **List of registered engineering technologists**

**71** The Society shall maintain and, during regular office hours, permit any person to inspect a list of registered engineering technologists in good standing.

### **Surrender of stamps and certificates**

**72** A registered engineering technologist whose registration has been suspended or cancelled shall forthwith on being notified of the suspension or cancellation surrender to the Society the certificate of registration and the stamp or seal issued to the technologist.

## **PART 10 REGISTERED PROFESSIONAL TECHNOLOGISTS**

### **Register**

**73** The Registrar shall keep

- (a) a register of registered professional technologists (engineering), and
- (b) a register for each of registered professional technologists (geological) and registered professional technologists (geophysical) as required under the *Registered Professional Technologist (Geological) and Registered Professional Technologist (Geophysical) Regulation*.

### **Application**

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

- (a) be in a form acceptable to the Board of Examiners, and
- (b) be fully completed and accompanied by
  - (i) all required supporting documentation, and

(ii) any fees that are prescribed by the Council.

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

(3) The Registrar shall refer an application for registration as a registered professional technologist (geological) or a registered professional technologist (geophysical) to the Board of Examiners if the applicant meets the requirements of subsection (1) and the Registrar is satisfied that the applicant meets the eligibility requirements for registration set out in the *Registered Professional Technologist (Geological) and Registered Professional Technologist (Geophysical) Regulation*.

### **Annual fees**

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

### **Non-payment**

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

### **Eligibility**

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

- (a) the applicant is of good character and reputation;
- (b) the applicant is a registered engineering technologist within the meaning of section 63(a) and has been nominated for registration as a registered professional technologist (engineering) by the Alberta Society of Engineering Technologists;
- (c) the applicant has a knowledge of the Act and the regulations under the Act, and general knowledge related to the practice of engineering which has been demonstrated by passing an examination for those purposes that is prescribed by the Board of Examiners;
- (d) the applicant demonstrates to the Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practise the profession of engineering;
- (e) the applicant has obtained at least 6 years of experience in work of an engineering nature that is acceptable to the Board of Examiners, at least 2 of which are in the applicant's specific area of professional practice and were completed under the supervision and control of a professional member.

### **Application of regulations**

78 Sections 16, 17, 18, 19, 20, 22, 23, 31, 47, 48, 48.1, 49, 50, 51, 53, 54, 59, 60 and the Schedule apply in respect of registered professional technologists as if they were professional members.

## **PART 11 REPEAL AND EXPIRY**

### **Repeal**

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

**APPENDIX**  
**ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS ACT**

**REGISTERED PROFESSIONAL TECHNOLOGIST (GEOLOGICAL) AND REGISTERED  
PROFESSIONAL TECHNOLOGIST (GEOPHYSICAL) REGULATION**

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**Scope of practice**

**1** No registered professional technologist (geological) shall engage in the practice of geology and no registered professional technologist (geophysical) shall engage in the practice of geophysics, except within the scope of practice specified by the Board of Examiners.

**Use of title**

**2(1)** No individual, corporation, partnership or other entity

- (a) except a registered professional technologist (geological) shall use the title "registered professional technologist (geological)", the abbreviation "R.P.T. (geological)" or any other abbreviation of that title;
- (b) except a registered professional technologist (geophysical) shall use the title "registered professional technologist (geophysical)", the abbreviation "R.P.T. (geophysical)" or any other abbreviation of that title.

**(2)** No individual, corporation, partnership or other entity, except a registered professional technologist (geological) or a registered professional technologist (geophysical) shall represent or hold out, expressly or

by implication, that the person is a registered professional technologist (geological) or registered professional technologist (geophysical), as the case may be.

### **Stamp or seal**

**3(1)** No individual, corporation, partnership or other entity, except a registered professional technologist (geological) or registered professional technologist (geophysical), shall affix the stamp or seal of a registered professional technologist (geological) or registered professional technologist (geophysical) 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 (geological) or registered professional technologist (geophysical) to whom the stamp or seal was issued.
- (2)** Notwithstanding subsection (1), a registered professional technologist (geological) or registered professional technologist (geophysical) 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 (geological) or registered professional technologist (geophysical) completes a thorough review of and accepts professional responsibility for that plan, drawing, detail drawing, specification, other document or reproduction.

### **Non-application of Act**

**4(1)** Sections 5(1) and 6(1)(b)(i) of the Act do not apply to a registered professional technologist (geological) engaged in the practice of geology within the scope of practice specified by the Board of Examiners.

**(2)** Sections 7(1) and 8(1)(b)(i) of the Act do not apply to a registered professional technologist (geophysical) engaged in the practice of geophysics within the scope of practice specified by the Board of Examiners.

### **Registers**

**5(1)** The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council,

- (a) a register for registered professional technologists (geological), and
  - (b) a register for registered professional technologists (geophysical).
- (2)** The Registrar shall enter in the appropriate register the name of a person who has paid the fee prescribed under the bylaws, and whose registration to engage in the practice of geology as a registered professional technologist (geological) or in the practice of geophysics as a registered professional technologist (geophysical) has been approved by the Board of Examiners.

### **Eligibility for registration**

**6** A person who meets the following requirements and applies to the Registrar for registration is entitled to be registered as a registered professional technologist (geological) or registered professional technologist (geophysical), as the case may be:

- (a) the applicant is of good character and reputation;
- (b) the applicant has a knowledge of the Act and the regulations under the Act, and general knowledge related to the practice of geology or geophysics which has been demonstrated by passing an examination for those purposes that is prescribed by the Board of Examiners;

- (c) the applicant demonstrates to the Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practice the profession of geology or geophysics;
- (d) the applicant has at least 2 years of post-secondary education acceptable to the Board of Examiners in areas that relate to the science or technology of geology or geophysics;
- (e) the applicant has obtained at least 6 years of experience in work of a geological or geophysical nature that is acceptable to the Board of Examiners, at least 2 years of which are in the applicant's specific area of professional practice and were completed under the supervision and control of a professional member.

### **Application for registration**

**7(1)** The Board of Examiners shall consider applications for the registration of applicants as registered professional technologists (geological) or registered professional technologists (geophysical) 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.

**(2)** The Board of Examiners may, at 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.

**(3)** If the Board of Examiners approves the registration of an individual as a registered professional technologist (geological) or a registered professional technologist (geophysical), it shall specify in the certificate and in the register the scope of practice of geology or geophysics in which the individual is permitted to engage.

### **Evidence of registration**

**8** On entering the name of a registered professional technologist (geological) or registered professional technologist (geophysical) in the appropriate register, the Registrar shall issue to that individual

- (a) a certificate of registration to engage in the practice of geology or geophysics within the scope of practice specified by the Board of Examiners, and
- (b) a stamp or seal engraved as prescribed in the bylaws.

### **Council regulations and bylaws**

**9(1)** The Council may make regulations or bylaws to apply to registered professional technologists (geological) and registered professional technologists (geophysical) in respect of any of the matters under sections 19 and 20 of the Act.

**(2)** Fees fixed in the bylaws in respect of registered professional technologists (geological) and registered professional technologists (geophysical) must not be greater than the corresponding fees fixed in respect of professional members.

**Application of Act**

**10(1)** Sections 16, 17, 26, 27, 28, 29, 31, 39, 78, 79, 80(2), 81 and 82(2) of the Act apply to registered professional technologists (geological) and registered professional technologists (geophysical) as if they were professional members.

**(2)** Section 5(2)(a) of the Act applies to registered professional technologists (geological) practising within the scope of practice specified by the Board of Examiners as if they were professional geologists or licensees.

**(3)** Section 7(2)(a) of the Act applies to registered professional technologists (geophysical) practising within the scope of practice specified by the Board of Examiners as if they were professional geophysicists or licensees.

**(4)** Section 32 of the Act applies to registered professional technologists (geological) and registered professional technologists (geophysical) as if they were applicants.

**(4)** Part 5 of the Act applies to registered professional technologists (geological) and registered professional technologists (geophysical) as if they were professional members.

**Practice prohibitions**

**11(1)** A person whose registration as a registered professional technologist (geological) or registered professional technologist (geophysical) is cancelled or suspended under the Act shall not, without the consent of the Council, engage in the practice of geology or geophysics, as the case may be, or directly or indirectly associate in the practice of geology or geophysics, as the case may be, with any professional member, registered professional technologist, licensee, permit holder or certificate holder.

**(2)** No registered professional technologist (geological) or registered professional technologist (geophysical) shall, except with the consent of the Council, associate in the practice of geology or geophysics, as the case may be, directly or indirectly with or employ in connection with the registered professional technologist's (geological) or registered professional technologist's (geophysical) practice a person whose registration has been cancelled or suspended under the Act.

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

## **CODE OF ETHICS**

**(established pursuant to section 19(1)(j) of the  
Engineering, Geological and Geophysical Professions Act)**

### **Preamble**

Professional engineers, geologists and geophysicists shall recognize that professional ethics is founded upon integrity, competence, dignity and devotion to service. This concept shall guide their conduct at all times

### **Rules of Conduct**

- 1 Professional engineers, geologists and geophysicists shall, in their areas of practice, hold paramount the health, safety and welfare of the public and have regard for the environment.
- 2 Professional engineers, geologists and geophysicists shall undertake only work that they are competent to perform by virtue of their training and experience.
- 3 Professional engineers, geologists and geophysicists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.
- 4 Professional engineers, geologists and geophysicists shall comply with applicable statutes, regulations and bylaws in their professional practices.
- 5 Professional engineers, geologists and geophysicists shall uphold and enhance the honour, dignity and reputation of their professions and thus the ability of the professions to serve the public interest.

THE ENGINEERING, GEOLOGICAL AND  
GEOPHYSICAL PROFESSIONS ACT

**BY-LAWS**

As approved by the Association and incorporating amendments  
approved at the Annual General Meetings of  
June 1983, June 1987, April 1991,  
April 1993, April 1996,  
April 1997, April 1998, April 1999, April 2000, April 2001, and April 2002.



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Adopted by Authority of Section 19 of the Engineering, Geological and Geophysical Professions Act.

## **Part 1 Head Office, Branches and Districts**

### **Location**

- 1(1) The Head Office of the Association shall be located in the City of Edmonton in the Province of Alberta.
- (2) Council may establish such branches and districts as it deems necessary for the benefit of members of the professions concentrated in specific regions of the province. Constitution, structure and operation of the branches and districts shall be subject to the approval of the Council.

## **Part 2 Election of Council**

### **Nominating Committee**

- 2 A nominating committee shall be appointed at the annual meeting to serve for the ensuing year. The Committee shall consist of a minimum of 11 professional members of the Association, 1 of who shall be the retiring president, who shall be the chairman. Council shall fill any vacancies which may occur in this nominating committee.

### **Nominees**

- 3(1) Not less than 150 days prior to the annual meeting the nominating committee shall submit to the Executive Director a list of nominees for Council, which shall include the president-elect as the sole nominee for president, 3 nominees for vice-president, and at least 3 more nominees for councillors than there are vacancies to be filled on Council.
- (2) Nominees for president or vice-president shall have served at least 1 year on the Council.

### **Nominees selection**

- 4(1) The nominating committee, in selecting nominees, shall give due consideration to the composition of the Council as required by the Act, regulations and by-laws and to the geographical distribution and field of practice of the nominees.
- (2) The written consent of the nominees to act if elected shall be secured and shall accompany the list of nominees submitted to the Executive Director.
- (3) Not less than 120 days prior to the annual meeting the Executive Director shall distribute to each professional member, either directly by mail or via the Association publication known as the PEGG, a list of the nominations made by the nominating committee.

### **Additional nominations**

- 5 Additional nominations for any office or any offices, except the president may be made in writing by any 10 professional members. Such nominations shall reach the Executive Director properly endorsed not later than 90 days prior to the annual meeting and shall be accompanied by the written consent of the nominee or nominees to act if elected.

### **Conduct of elections**

- 6(1) Elections shall be conducted by letter ballot.
- (2) The names of all persons nominated for office shall be placed on the ballot form in groups relating to each office. The number, professional classification and term of councillors to be elected shall be made clear on the ballot form. Ballot forms shall be mailed to the professional members by the Executive Director not later than 50 days prior to the annual meeting.
- (3) Each professional member is entitled to one vote for one candidate for vice-president, and to vote for as many candidates as there are vacancies to be filled for council, or for a lesser number.
- (4) The poll shall close at noon on the 20th day prior to the annual meeting and no ballots received after that time shall be considered.

### **Ballot counting committee**

- 7(1) At least 20 days before the annual meeting the president shall appoint 6 professional members including a chairman to act as a ballot counting committee.
- (2) This committee shall meet at a time and place designated by the president, but at least 15 days prior to the annual meeting, and shall receive then the package containing the ballots from the Executive Director.
- (3) The envelope containing the ballots shall be opened by a member or members of the ballot counting committee who shall scrutinize and count the votes cast and keep a record thereof.

### **Counting of ballots**

- 8(1) Of the candidates for the offices of vice-presidents, the one receiving the highest number of votes shall be elected first vice-president and the one receiving the second highest number of votes shall be elected second vice-president.
- (2) The candidate elected as first vice-president shall be deemed to be the president-elect and shall be the sole nominee for the president in the succeeding year.
- (3) The requisite number of persons who receive the highest number of votes for the office of councillor shall be elected as councillors for a term of 3 years. If there are any vacancies in council to be filled the person or persons receiving the next highest number of votes for the office of councillor shall be elected as councillors for the balance of the unexpired term or terms to be filled, and as among them, the person or persons receiving the highest number of votes shall fill any vacancy or vacancies which have the longer unexpired term or terms.
- (4) On completion of the counting of the ballots, the chairman of the ballot counting committee shall deliver to the president or the Executive Director the results of the poll, together with the ballots and tally sheets in a separate sealed package.

### **Results of election**

- 9(1) Prior to the annual meeting, the president or the Executive Director shall inform the candidates in the election of the results of the balloting including the number of votes cast for each candidate.
- (2) The results of the election shall be announced at the annual meeting by the chairman of the meeting.
- (3) In case of equality of votes for any officer or councillor, the president or, in the absence of the president, the chairman of the nominating committee shall cast the deciding vote.

### **Objection and recount**

**10(1)** Any objection to the poll as announced will be valid only if made immediately after the announcement and a proper motion for a recount will then be in order. If such a motion is made and carried the chairman shall appoint a ballot counting committee of not less than 12 professional members who shall forthwith recount all ballots. Candidates may be present or represented at such recount.

(2) On completion of the recount the results shall be communicated in writing to the chairman who shall announce it to the annual meeting immediately. Such recount shall be final and binding.

(3) Following the announcement of the poll or of the recount, as the case may be, the ballots and any tally sheets shall be destroyed.

### **Failure to comply with procedures**

**11** In the event of any failure to comply with procedures relating to the election of members of Council, Council shall have the power to take any action it deems necessary to validate the nomination, the counting of the ballots or the election.

## **Part 3 Meetings of the Council**

### **Council meetings**

**12(1)** Council shall meet at the call of the president or on request in writing to the Executive Director signed by not less than 4 councillors.

(2) The time and place of Council meetings shall be fixed by the president or by the councillors, whichever called the meeting.

(3) Professional members of the Association shall be informed as to the time and place of Council meetings and may attend meetings of the Council as observers if advance notification of their attendance is given to the Executive Director.

(4) If any member of Council is unable to attend a meeting of Council he shall so inform the Executive Director or the executive secretary prior to the meeting.

(5) If any member of Council absents himself from 3 consecutive meetings of Council without the approval of Council, Council may declare his seat to be vacant.

### **Expenses**

**13** Members of Council and, at the discretion of Council, appointed representatives of the Association, members of committees of the Association, members invited for special purposes and the representatives of other organizations shall be paid the reasonable out-of-pocket expense of attending meetings of the Council or of the Association or when travelling on business of the Association.

### **Honorarium President**

**13.1** An honorarium shall be paid to the President, or the President's nominee in an amount and under such conditions as may be determined by the Council from time to time.

**13.2** Onus to respond

## **Part 4 Representatives to and from other Organizations and Groups**

### **Representatives on other organizations**

- 14**(1) Council may appoint professional members to represent the Association on the Engineering Faculty Councils and Science Faculty Councils of Universities in Alberta and shall appoint a director of the Canadian Council of Professional Engineers.
- (2) Council may appoint a professional member to represent the Association on the Council, governing body, or committees of any other organization or association.
- (3) Representatives appointed under the provisions of subsections (1) and (2) hereof, if not members of Council, may be invited by Council to attend meetings of Council and to take part in the proceedings of Council but shall not be entitled to vote on any question.

### **Representatives from other organizations**

- 15**(1) Council may invite any organization or association to appoint a member of its executive as a representative to sit with Council at such meetings of Council as Council may determine.
- (2) Any representative appointed pursuant to subsection (1) hereof, if not a member of Council, may be invited by Council to attend meetings of Council and to take part in the proceedings of Council but shall not be entitled to vote on any question.

## **Part 5 Meetings of the Association**

### **Annual meetings**

- 16**(1) An annual meeting of the Association shall be held in every calendar year with the period between such meetings not to exceed 18 months. At each annual meeting the Council shall submit a recommendation as to the date and place of the next annual meeting.
- (2) Notice of the annual meeting shall be distributed, either directly by mail or via the Association publication known as the PEGG, to all members at least 90 days in advance of the meeting.
- (3) At the annual meeting of the Association a quorum shall consist of 60 professional members.

### **Agenda**

- 17**(1) The following items of business shall be dealt with at the annual meeting:
- (a) minutes of the last annual meeting and of any special meetings held since the last annual meeting;
  - (b) business arising from the minutes;
  - (c) address of the president,
  - (d) reports of representatives of the Association;
  - (e) reports of committees;
  - (f) auditor's report;
  - (g) appointment of auditor;
  - (h) new business;
  - (i) fixing of the date and place of the next annual meeting;

- (j) announcement of the results of the annual election;
  - (k) objection, if any, to the election results as announced;
  - (l) appointment of the nominating committee.
- (2) Any resolution carried at an annual meeting shall be considered at the next regular meeting of the Council.

### **Special meetings**

- 18**(1) Special meetings of the Association may be held when considered necessary by the Council or upon written request to the Executive Director signed by not less than 30 professional members of the Association. A special meeting summoned pursuant to the written request of the 30 or more professional members shall be held not more than 45 days after the request is received by the Executive Director.
- (2) Written notice calling a special meeting of the Association shall be distributed to all members, directly either by mail or via the Association publication known as the PEGG, at least 14 days in advance of the meeting and shall clearly state the object of the meeting, and no other business shall be transacted at the meeting.
- (3) At any special meetings of the Association a quorum shall consist of 60 professional members.
- (4) Any resolution carried at a special meeting shall be considered at the next regular meeting of the Council.

### **District meetings**

- 19**(1) District meetings of the Association may be held as approved by Council or as directed by the executive of a properly constituted Branch of the Association.
- (2) Notice of a district meeting shall be distributed to all members resident in the district, either directly by mail or via the Association publication known as the PEGG, at least 14 days in advance of the meeting.
- (3) Council shall approve the holding of a district meeting of the Association on a request to the Executive Director signed by not less than 30 professional members of the Association.
- (4) A quorum at a district meeting shall be 10 professional members.
- (5) Any resolution carried at a district meeting shall be considered by Council at its next regular meeting.

### **Procedures at meetings**

- 20**(1) The proceedings at any meeting of the Association and of Council shall be governed by the rules laid down in the latest edition of Robert's Rules of Order, except as these by-laws may otherwise provide.
- (2) Only professional members are entitled to vote at annual, district or special meetings of the Association.

## **Part 6 Executive Director, Acting Registrar**

### **Responsibilities**

- 21** (1) The Executive Director shall be a professional member of the Association and shall post a security bond at the expense of the Association in a sum to be fixed by Council.
- (2) The Executive Director shall be in responsible charge, under Council, of all property of the Association and shall be responsible for the work of all employees of the Association.

- (3) The Executive Director shall be responsible for
- a) the presentation of business and recording of proceedings at all meetings of the Association and of Council,
  - (b) conducting the correspondence of the Association and keeping full records thereof,
  - (c) the books and accounts of the Association and ensuring that all monies due the Association are collected and deposited with the funds of the Association,
  - (d) the drawing of cheques against the funds of the Association to be signed by the Executive Director and president or alternates approved by the Council,
  - (e) providing from time to time such information and reports as may be requested by Council, or which he deems necessary in the interest of the Association, and
  - (f) such other functions as are necessary or expedient for the proper administration of the Act, regulations and by-laws, and the affairs of the Association generally.

### **Acting Registrar**

**22** The Council may appoint an Acting Registrar who has all the powers and can perform all the duties of the Registrar under the Act, the regulations and the by-laws when the Registrar is absent or unable to act, or when there is a vacancy in the office of the Registrar.

## **Part 7 Finances of the Association**

### **Auditing**

- 23**(1) The finances of the Association shall be audited annually as of the 31st day of December.
- (2) The auditors shall be a firm of chartered accountants who shall be appointed annually at the annual meeting.
- (3) The auditors shall submit a written report for the annual meeting, a copy of which shall be sent to members prior to the meeting either directly by mail or via one of the Association publications.

### **Fees**

- 24**(1) The annual fee for a professional member shall be as specified from time to time by Council and shall be payable in advance, on the anniversary date of the member's initial or current registration, subject to such discount, if any, as Council may from time to time direct.
- (2) The registration fee shall consist of an administrative charge as established by Council from time to time plus any other fees payable with the application for registration.
- (3) In the case of new applicants, the annual fee for the following 12 months shall be payable at the time of registration.
- (4) The annual fee for a licensee shall be fixed by Council from time to time, and shall not be less than the annual fee for a professional member.
- (5) (a) The annual fee for a permit holder shall be fixed by Council from time to time and shall be not less than the annual fee for the professional member or licensee assuming direct personal supervision of and responsibility for the practice of the permit holder.
- (b) Council may, in its discretion, on application of a permit holder waive or reduce the annual fee.
- (6) The annual fee for a registered professional technologist shall be as specified from time to time by Council and shall be payable as directed by Council.



## **Part 8 Life and Honorary Members**

### **Life Member**

**25(1)** Council, may confer life membership in the Association upon any professional member who

- (a) has been a professional member for 25 or more years; or has held equivalent registration in a jurisdiction recognized by the Association, and professional membership totalling a minimum of 25 years, of which at least the last 10 years have been with the Association, and
- (b) has retired from the practice of the profession

(2) Notwithstanding Section 25(1), Council, in its sole discretion, may confer life membership in the Association upon any professional member it deems worthy.

(3) Subject to Section 25(1), life members retain all of the obligations, duties and privileges of professional membership and pay annual fees as may be specified by Council.

### **Honorary Life Member**

**26(1)** Council, in its discretion by unanimous vote, may confer Honorary Life Membership in the Association upon any professional member who has rendered signal service to the Association.

(2) Honorary Life Members retain all of the obligations, duties and privileges of professional membership but are exempted from payment of annual fees.

### **Honorary Member**

**27(1)** Council, in its discretion by unanimous vote, may confer honorary membership in the Association upon persons who have given eminent service to the profession. There shall at no time be more than 30 honorary members in the Association.

(2) Honorary membership may be revoked by unanimous vote of the Council for conduct considered detrimental to the profession.

(3) Honorary members do not have the right to vote on Association affairs, to call themselves professional members or create the impression that they are professional members, or to engage in the practice of engineering, geology or geophysics.

(4) Honorary members are not required to pay any annual fees.

## **Part 9 Committees**

### **Procedures and appointments**

**28(1)** Standing Committees, Task Forces, or Boards, appointed by the Council pursuant to the Act and Regulations, shall proceed in accordance with terms of reference and procedures designated by the Council at the time of appointment.

(2) The Chair and members of Standing Committees, Task Forces, and Boards shall be appointed by the Council or if the Council so directs, by the Executive Director.

(3) Members of Standing Committees, Task Forces, and Boards, shall be appointed by the Council or by Chairmen in consultation with the Executive Director with ratification by the Council.

## **Expenses**

**29** The Chairs and members of Standing Committees, Task Forces and Boards shall receive reimbursement of expenses incurred in performing their designated functions.

## **Part 10 Scholarships and Benefit Programs**

### **Program**

**30(1)** The Council in its discretion may establish such scholarship or other educational incentive programs that it considers will serve the interests of the professions of engineering, geology or geophysics and shall decide from time to time the amount of financial support to be provided for such programs.

(2) The Council in its discretion may establish such other types of benefit programs that it considers will advance the welfare of the professions of engineering, geology or geophysics and shall decide from time to time the amount of financial support to be provided for such programs.

## **Part 11 Register of Members**

### **Content**

**31(1)** The Registrar shall be responsible for maintaining an up-to-date register providing a record of

- (a) professional members,
- (b) licensees,
- (c) permit holders,
- (d) Life Members, Honorary Life Members, and Honorary Members,
- (e) members-in-training,
- (f) examination candidates,
- (g) students,
- (h) joint firms, and
- (i) restricted practitioners, and
- (j) registered professional technologists.

(2) The Registrar shall be responsible for entering any memoranda in the register related to cancellations and suspensions and any subsequent modifications to such memoranda and shall advise the next regular meeting of the Council of any memoranda entered or modified.

### **Mailing addresses**

**32** Professional members, licensees, permit holders, registered professional technologists, Life Members, Honorary Life Members, Honorary Members, members-in-training, examination candidates, students, joint firms and certificate holders shall provide the Registrar with their current mailing addresses and advise the Registrar forthwith in writing of any change in address.

### **Onus to respond**

**32.1** Professional members, licensees, permit holders, life members registered professional technologists, members in training, joint firms, or certificate holders, shall respond promptly and appropriately to any duly served communication of a regulatory nature received from the Association that contemplates a reply.

## **Part 12**

### **Seals, Stamps and Certificates**

#### **Seals and stamps**

- 33**(1) Seals and stamps issued to professional members shall be in a form prescribed by the Council and shall show the professional category of the professional member as Professional Engineer, Professional Geologist or Professional Geophysicist.
- (2) Seals and stamps issued to licensees shall be in a form prescribed by the Council and shall show the professional category of the licensee as Professional Engineer, Professional Geologist or Professional Geophysicist and in addition shall carry the word "licensee",
- (3) Stamps issued to permit holders shall be in a form prescribed by the Council and shall show the designation "Permit Holder".
- (4) Stamps issued to joint firms shall be in a form prescribed by the Council and shall show the designation "Engineers and Architects" or "Architects and Engineers".
- (5) Seals and stamps issued to registered professional technologists shall be in a form prescribed by the Council and shall show the designation "Registered Professional Technologist (Engineering), (Geology), or (Geophysics)" as the case may be.

#### **Certificates**

- 34**(1) The Registrar shall issue to each professional member a certificate in a form prescribed by the Council signed by the president and Registrar showing the date of registration and the professional category in which the member is registered; and upon renewal an annual certificate.
- (2) The Registrar shall issue to each licensee a license certificate in a form prescribed by the Council signed by the president and Registrar showing the date of registration and the professional category of the licensee; and upon renewal of the license an annual certificate in the form of a license renewal card.
- (3) The Registrar shall issue to each permit holder a certificate in a form prescribed by the Council signed by the president and Registrar showing the permit number assigned to the permit holder and professional category in which the permit holder is entitled to practice; and upon renewal of the permit an annual certificate in the form of a permit renewal card.
- (4) The Registrar shall issue to each restricted practitioner a certificate in a form prescribed by the Council signed by the president and Registrar and showing the date of registration and the restricted area of practice in which the certificate holder may engage; and upon renewal of registration as a restricted practitioner, an annual certificate in the form of a restricted practice renewal card.
- (5) The Registrar shall issue to each registered professional technologist a certificate in a form prescribed by the Council, signed by the President and Registrar, and showing the date of registration and the area of practice in which the registered professional technologist may engage; and upon renewal of registration as a registered professional technologist an annual certificate in the form of a renewal card.

#### **Surrender of seals, stamps and certificates**

**35** Professional members, licensees, permit holders, certificate holders, and registered professional technologists shall surrender to the Registrar, forthwith upon development of any of the following eventualities, any seals, stamps and certificates that have been issued to them:

- (a) temporary withdrawal of the professional member, licensee, permit holder, certificate holder, or registered professional technologist from practice of the profession for a period estimated to exceed 1 year;

- (b) resignation of the professional member, licensee, permit holder, certificate holder, or registered professional technologist from the Association;
- (c) the suspension or cancellation of the professional membership, license, permit or certificate.

### **Part 13**

#### **Assessment of Costs for Hearings and Appeals**

##### **Content**

**36** Where the Discipline Committee, Practice Review Board or the Appeal Board orders an investigated person to pay the costs of the hearing, or the costs of the appeal, or both the costs of the hearing and the costs of the appeal, those costs may include all or any of the following costs and expenses:

- (a) any honorarium, payment, or professional fees paid to a person retained to participate in the hearing or appeal;
- (b) costs of any transcripts of evidence taken in the proceedings;
- (c) costs of reproduction of all or any documents including drawings and plans relating to the proceedings;
- (d) witness fees;
- (e) cost of renting rooms, renting recording equipment, or hiring a reporter to take transcript of the evidence;
- (f) fees payable to the solicitor acting on behalf of the Association in the proceedings;
- (g) any other expenses incurred that are attributable to the hearing or an appeal resulting from it.

### **Part 14**

#### **General**

##### **Voting by mail**

- 37(1)** The Council may direct that a mail vote be conducted on any matter related to the Association.
- (2) Announcement of a mail vote giving full details of the matter to be voted upon must be made to all professional members at least 21 days in advance of the vote being taken and if objections to a mail vote are received by the Registrar in writing at least 3 days before the announced date of the vote from at least 30 professional members of the Association the matter shall be held over to a meeting of the Association.
- (3) A vote by mail shall be declared valid if at least 10 percent of the professional members respond and the matter shall be declared carried or defeated on the basis of a simple majority of the votes returned.
- (4) The results of a mail vote shall be considered by the Council at its next regular meeting.

##### **Amendments to By –laws**

- 38(1)** Proposed amendments to by-laws shall be submitted to a properly convened meeting of the Association and shall not be effective unless approved by a majority of the professional members present and voting at the meeting, or shall be submitted to the professional members for a mail vote in accordance with section 37.
- (2) If the proposed amendments are to be voted on at a meeting of the Association, full details of the proposed amendments shall be disclosed to all professional members at least 14 days in advance of the meeting.

**Validation**

**39** When any act or thing under the provisions of these by-laws directed to be done within a limited time is not so done, or is not properly or effectually done, then anything actually done prior to such omission or improper or ineffectual act shall not be thereby vitiated, but shall remain in full effect and the Council, either prior or subsequent to such act not properly or effectually done or omitted, may extend the time for completing or perfecting such act or thing, which when completed or perfected, shall have the same effect as if done strictly in accordance with the provisions of these by-laws.

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