

**Proposed Recommendations to the *Engineering and Geoscience Professions Act*; Mirror legislation for APEGA and ASET  
POLICY DEVELOPMENT DOCUMENT PART A – JOINT SUBMISSION**

**Joint Submission APEGA/ASET – March 2019 – Part A**

Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
<b>Authority of the Registrar</b>				
1	<p>Currently, after a discipline finding or order is made by the Discipline Committee, the Council, the Appeal Board, the Court, or the Court of Appeal, the names of the investigated Members or Permit Holders may be published in accordance with the Regulations.</p> <p>The Discipline Committee or the Appeal Board may direct that reports of disciplinary investigations be published.</p> <p>The Member and Permit Holder directory, called the APEGA Register, must be available to the public, and it must show cancellations and the reasons and duration of any suspensions. (Act, Sections 19(1)(o), 27, 28, 77; Regulation, Section 46)</p>	<p>It is recommended that the legislation be amended to expressly require that the Registrar make public, including the names of Members and Permit Holders, the:</p> <ul style="list-style-type: none"> <li>• Discipline Committee, Practice Review Committee, and Appeal Committee discipline decisions</li> <li>• accepted consent orders</li> <li>• Investigative Panel decisions to suspend or restrict licenses in emergent situations</li> <li>• Orders resulting from a practice review.</li> </ul> <p>It is also recommended that the legislation direct the Register to include:</p> <ul style="list-style-type: none"> <li>• whether a Member or Permit Holder is currently subject to a disciplinary order</li> <li>• the details of any active disciplinary order, including whether the Member’s or Permit Holder’s license or permit has been cancelled, suspended, or restricted, or has had other conditions placed on it</li> <li>• a record of the discipline history of each Member and Permit Holder</li> </ul>	<p>APEGA’s duty to protect the public includes helping the public make informed decisions.</p> <p>It is in the public interest that the public be informed of discipline and practice review decisions, including names, against APEGA Members and Permit Holders.</p> <p>The public should have access to information about cancellations, suspensions, restrictions, and other discipline and practice review related orders.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>17(1) The board may make bylaws (u) respecting the publication, posting or notification of agreements under section 74, resignations under section 75, upcoming hearings, conditions, undertakings, practice restrictions, suspensions or cancellations and decisions of discipline tribunals and appeal tribunals;</i></p> <p><i>Publication</i></p> <p><i>55 When a registrant’s registration is suspended, cancelled or made subject to practice restrictions, undertakings or conditions under this Part or Part 4, the registrar must publish or post a notice of the suspension, cancellation, practice restrictions, undertakings or conditions together with the status of any appeal and any other information necessary to protect the public interest in accordance with the bylaws.</i></p> <p><i>Publication of decisions</i></p> <p><i>98(1) If a discipline tribunal makes any finding of unprofessional conduct, the discipline tribunal secretary must publish or post notice of the decision of</i></p>

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		<ul style="list-style-type: none"> <li>• Council may make policy on how long orders remain on the Registry.</li> </ul> <p>Mirror for ASET (Act, Sections 87.3(1)(o), 88.5(1)(i), 90.6, 91, 92.5, 92.6 ASET Regulation, Section 47; Professional Technologists Regulation, Section 25</p>		<p><i>the discipline tribunal, or a summary of it, in accordance with the bylaws, to provide notice of the decision to the following:</i></p> <p><i>(a) the general public or segments of the general public;</i></p> <p><i>(b) other registrants;</i></p> <p><i>(c) clients of the investigated party;</i></p> <p><i>(d) former clients of the investigated party;</i></p> <p><i>(e) a person who employs the investigated party to provide professional services as a paid or unpaid employee, consultant, contractor or volunteer;</i></p> <p><i>(f) any member of the CPAA, candidate, employee or partner of a professional accounting firm;</i></p> <p><i>(g) an organization outside Alberta that regulates accounting;</i></p> <p><i>(h) any other professional organization the investigated party belongs to, if the CPAA is aware of the membership.</i></p> <p><i>(2) If the discipline tribunal determines that the conduct of the investigated party does not constitute unprofessional conduct, the discipline tribunal secretary must publish or post the decision, or a summary of it, in accordance with the bylaws.</i></p> <p><i>(3) A notice under subsection (1) or (2) may be published or posted immediately following the decision of the discipline tribunal, along with the</i></p>

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				<p><i>status of any appeal that has been commenced under section 103.</i>  <i>(4) If a registrant's registration is cancelled pursuant to section 96(5), the discipline tribunal secretary must publish notice of the cancellation in accordance with the bylaws.</i></p>
2	<p>New.</p> <p>Currently, after a discipline finding or order is made by the Discipline Committee, the Council, the Appeal Board, the Court, or the Court of Appeal, the names of the investigated Members and Permit Holders may be published in accordance with the Regulation.</p> <p>The Discipline Committee or the Appeal Board may direct that reports of disciplinary investigations be published.</p>	<p>It is recommended that the Act expressly authorize the Registrar to inform the public that APEGA is conducting an investigation, inquiry, or practice review into a Member's or Permit Holder's practice, even though a final decision has not been made, if there is a significant risk of harm to the public.</p> <p>The decision of whether to inform the public of an ongoing investigation, inquiry, or practice review will be made according to criteria set in policy by Council.</p> <p>Mirror for ASET Regulated Members, Professional Technologists, and Permit Holders</p>	<p>Since the professions of engineering and geoscience are broad in scope and their impacts on the public are wide, APEGA should be able to make public any actions on incidents that are already in the public domain.</p> <p>For example, in high-profile cases involving engineering, geoscience, or both, it may be in the public's best interest to know that APEGA is looking into the matter, even though final decisions have not been made. Without this express authority, privacy laws prevent APEGA from making this information public.</p>	
3	<p>New.</p> <p>Currently, the Court, on application by Council, may grant an injunction ordering an unlicensed person or company from doing anything that contravenes the Act.</p>	<p>It is recommended that the Act be amended to expressly authorize the Registrar to inform the public that APEGA is taking action against an unlicensed individual or company for use-of-title and scope-of-practice violations, even though Court decisions</p>	<p>Since the professions of engineering and geoscience are broad in scope and their impacts on the public are wide, APEGA should be able to make public any actions on incidents that are already in the public domain.</p>	

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	<p>(Act, Sections 9 and 86.31)</p> <p>The Court may also impose a fine on an unlicensed person or company that is contravening the exclusive use-of-title and scope-of-practice sections of the Act. (Act, Section 98)</p> <p>The legislation does not expressly authorize APEGA to tell the public that action is being taken against an unlicensed individual or company.</p>	<p>have not been made, if there is a significant risk of harm to the public.</p> <p>The decision of whether to inform the public of action being taken will be made according to criteria set in policy by Council.</p> <p>Mirror for ASET Regulated Members, Professional Technologists, and Permit Holders (Act, Sections 96 and 97.2)</p>	<p>For example, in high-profile cases involving engineering, geoscience, or both, it may be in the public’s best interest to know that APEGA is looking into the matter, even though Court decisions have not been made</p> <p>Without this express authority, privacy laws prevent APEGA from making this information public.</p>	
4	<p>The Board of Examiners*approves applications of individuals who are eligible to be registered. (Act, Sections 22, 30 and 31)</p>	<p>The Registration Committee*should be given the express authority to delegate to the Registrar the authority to make decisions regarding certain types of applications for registration.</p> <p>The Registrar could then be authorized by the Registration Committee to evaluate and register certain categories of applicants based on pre-determined criteria established in policy by the Registration Committee.</p> <p>If the Registrar is unsure whether an applicant should be registered, the Registrar would forward the application to the Registration Committee for evaluation and decision.</p> <p>*Note: proposed name change.</p>	<p>At the same time public and the government expect APEGA to review applications and license qualified individuals quickly and effectively so that qualified individuals may enter the workforce and work to their full potential and contribute to the economy, safety and well-being of the public as soon as possible.</p>	<p><i>Health Professions Act</i></p> <p><i>Council delegation</i></p> <p>19(1) A council may delegate any of its powers and duties to one or more persons or committees, except the power to make regulations or bylaws and to adopt a code of ethics or standards of practice.</p> <p>(2) A council may impose conditions on a delegation under subsection (1).</p> <p>(3) When a council delegates a power or duty, it may authorize the person or committee to further delegate the power or duty, subject to any conditions imposed by the council.</p> <p>(4) Any reference in this Act or any other enactment to a council is deemed to be also a reference to a delegate and to a delegate of the delegate under this section.</p>

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		Mirror for ASET Regulated Member Committees (Act, Sections 92.2, 93.1, and 93.2) and for Joint regulated P.Tech committees (Act sections 90.1, 90.2, 90.3)		<p><i>Person, committee delegation</i>  20(1) Subject to the bylaws, a person or committee to whom a power or duty is given under this Act or the bylaws may delegate the power or duty to one or more other persons or committees.  (2) A person or committee making a delegation under subsection (1) may impose conditions on the delegation.  (3) Despite subsection (1),  (a) the powers and duties of both a complaints director and a hearings director may not be delegated to the same person, and  (b) a complaint review committee, a hearing tribunal or a council or panel of council may not delegate its powers or duties with respect to a review or appeal under Part 4.  (4) Any reference in this Act or any other enactment to a person or committee to whom a power or duty is given under this Act is deemed to be also a reference to a delegate of the person or committee under this section.</p> <p><i>Professional Engineers Act (Ontario) Issuance of licence</i>  14. (1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and,  (a) Repealed: 2010, c. 16, Sched. 2, s. 5 (19).</p>

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				<p><i>(b) is not less than eighteen years of age;</i>  <i>(c) has complied with the academic requirements specified in the regulations for the issuance of the licence, including passing such examinations as the Council sets or approves in accordance with the regulations, or is exempted by the Council from complying with the requirements;</i>  <i>(d) has complied with the experience requirements specified in the regulations for the issuance of the licence;</i>  <i>(d.1) has complied with any other requirements specified in the regulations for the issuance of the licence; and</i>  <i>(e) is of good character.</i></p> <p><i>Professional Geoscientists Act (Ontario) Registration as a member</i>  <i>10. (1) The Registrar shall register an individual as a member if the individual has made an application in accordance with the prescribed procedures and if he or she is eligible for membership.</i></p>
5	<p>Currently, the Investigative Committee may suspend the licence of a Member or Permit Holder on an interim basis pending a preliminary investigation or disciplinary hearing.                      (Act, Section 55)</p>	<p>It is recommended the Act be amended as follows:</p> <ul style="list-style-type: none"> <li>The authority to impose interim suspensions and interim restrictions on Members and Permit Holders will rest with</li> </ul>	<p>To protect the public, it is important that APEGA has the ability to respond quickly to suspend or restrict a Member’s licence or a Permit Holder’s permit when there is a question of</p>	<p><i>Professional Geoscientists Act (Ontario)</i>  <i>Suspension of registration</i>  <i>12(1) The Registrar may suspend the registration of a member on any of the grounds set out in the regulations.</i></p>

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	<p>The Investigative Committee does not have authority to impose interim conditions pending an investigation or disciplinary proceedings.</p> <p>However, the Investigative Committee must meet on the matter, and arranging this meeting takes time. This limits APEGA’s ability to act quickly to protect the public in emergent circumstances.</p> <p>Investigations into complaints are conducted by Investigation Panels who are made up of volunteer Members drawn from the Investigative Committee. (Act, Section 47)</p> <p>The panels conduct the preliminary investigations and prepare reports for the Investigative Committee. The Investigative Committee then decides whether to dismiss the complaint, propose a recommended order, or refer it to a discipline hearing.</p>	<p>investigative panels (rather than with the Registrar or Investigative Committee).</p> <p>The circumstances under which this authority could be exercised would be based on criteria clearly described and established in the Regulation.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>serious risk to the public. The main concern in these cases is timeliness.</p> <p>The ability to respond quickly and efficiently in such cases will be available with the introduction of decision-making investigative panels under the amended Act. As a result, public safety can be addressed by giving investigative panels, rather than the Registrar or full Investigative Committee, the authority to impose interim suspensions and restrictions.</p> <p>The decision-making authority will rest with a group of peers and is consistent with other professional, self-regulating bodies.</p> <p>Currently, there is no express authority to impose interim restrictions on a license – there is only the authority to suspend the license on an interim basis.</p> <p>There may be situations when imposing interim restrictions on a Member’s or Permit Holder’s practice may be better than fully suspending the Member or Permit Holder. For example, an interim order prohibiting a Member or Permit Holder from practicing in a certain discipline or practice area may be sufficient to protect the public while allowing the</p>	<p><i>Disciplinary Matters Regulation (Ontario)</i></p> <p><i>13. (1) The Registrar may suspend a member’s registration or a certificate of authorization on an interim basis for at most 90 days under subsection 12 (1) or 18 (1) of the Act where,</i> <i>(a) a matter is the subject of a proceeding before the discipline committee and that matter has not yet been determined; and</i> <i>(b) the discipline committee makes a preliminary finding that the conduct of the member or certificate holder exposes or is likely to expose the public to harm or injury.</i></p> <p><i>(2) The Registrar may grant an extension of an interim suspension once, for an additional period of up to 90 days, where,</i> <i>(a) the matter before the discipline committee has not yet been determined; and</i> <i>(b) the discipline committee continues to find that the conduct of the member or certificate holder exposes or is likely to expose the public to harm or injury.</i></p> <p><i>(3) If the Registrar suspends a registration or certificate of authorization on an interim basis or grants an extension of the suspension, the discipline committee shall make every effort to deal with the matter as</i></p>

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			<p>Member to continue to practice pending further investigation or a disciplinary hearing.</p>	<p><i>expeditiously as possible and shall, where possible, give it precedence over any matter in relation to which no such order or extension has been made.</i>  <i>The Engineering and Geoscientific Professions Act (Manitoba)</i></p> <p><i>Section 37(1) Notwithstanding anything in this Act the investigation committee may, when there is a question of serious risk to the public, suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineering intern or geoscience intern of the investigated person pending the outcome of proceedings under this part.</i></p> <p><i>Engineering Profession Act (Nova Scotia)</i></p> <p><i>Section 17R(1) Notwithstanding any other provision of this Act, in urgent and compelling circumstances the Chair of the Discipline Committee, upon the advice of the Complaints Committee, may, without a hearing, in the interest of the public, immediately suspend the licence of a registrant or immediately impose restrictions on a temporary basis on the registration of a registrant.</i></p>



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				<p><i>Engineers and Geoscientists Act (British Columbia)</i></p> <p><i>Section 31(7) If the discipline committee considers that a delay in holding an inquiry under section 32 concerning a member, licensee or certificate holder would be prejudicial to the public interest, the discipline committee, without giving the member, licensee or certificate holder an opportunity to be heard, may suspend the membership, licence or certificate of authorization, or restrict the scope of practice, of the member, licensee or certificate holder, until an inquiry and decision under section 32.</i></p> <p><i>Chartered Professional Accountants Act (Alberta)</i></p> <p><i>Section 108(1) If a registrant is convicted of an indictable offence in any court in Canada or convicted of an offence outside Canada that would be regarded as an indictable offence in Canada, the registrant must give notice of the conviction, within 21 days after its occurrence, to the CPAA.</i></p> <p><i>(3) The discipline tribunal roster chair must consider the nature and seriousness of the offence and may convene a discipline tribunal, which may, after providing the registrant</i></p>

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All recommendations (where APEGA is noted) are to be mirrored (will apply the same changes) in the legislation for ASET and APEGA/ASET Joint Committees for professional technologists.

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				<i>with an opportunity to provide information and make representations, (i) suspend the registrant’s registration or restrict the registrant’s practice for a stated period or pending compliance with specified conditions</i>
6	Currently under the Act, the Registrar shall renew the registration of a professional Member, Licensee, Permit Holder or Certificate Holder whose registration is not under suspension and who has paid the annual fee. (Act, Section 26(2))	<p>Amend Section 26 of the Act to give Council the ability to establish in policy any other additional criteria for renewing a registration.</p> <p>The Registrar will have the authority to renew annual registration according to criteria established by Council in the new “policy” section in the Act.</p> <p>Mirror for ASET Regulated Members, Professional Technologists, and Permit Holders (Act, Sections 90.5(2) and 92.4(2))</p>	<p>To better protect the public there may be criteria in addition to paying required dues, not being suspended, and meeting mandatory continuing professional development program requirements that Members and Permit Holders should be required to meet in order to renew their annual registration.</p> <p>Examples could include requiring Members and Permit Holders to provide an annual declaration confirming that in the preceding year they have had no professional disciplinary decisions or findings against them in another jurisdiction, no criminal convictions, no findings of professional negligence or liability against them in a court proceeding, and no convictions for violations under other regulatory legislation related to occupational health and safety, the environment, or other areas affecting public safety.</p> <p>Another example could include requiring members to take a</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Resolutions</i>  <i>20(1) The board may make resolutions (d) respecting any other matter not required by this Act to be dealt with in regulations, bylaws, directives, practice standards or rules of professional conduct</i>  <i>(2) Where the board is of the view that a matter to be addressed in subsection (1) is a matter of policy, the board may choose to address the matter by directive instead of by resolution.</i></p> <p><i>Requirements for continuing registration</i>  <i>54(1) A registrant’s registration continues in effect if the registrant (g) provides any further information required by the directives.</i></p> <p><i>Health Professions Act</i></p> <p><i>Applying for practice permit</i>  <i>40(1) An application for a practice permit is complete for consideration</i></p>

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			<p>mandatory ethics refresher course every so many years.</p> <p>The legislation should be flexible enough to require Members and Permit Holders to meet other criteria in order to have their registration renewed if it is in the public interest to do so.</p>	<p><i>under subsection (2) if it is in the form required and given to the registrar by a regulated member</i></p> <p><i>(a) whose registration is not suspended or cancelled,</i></p> <p><i>(b) who</i></p> <p><i>(i) meets the requirements for continuing competence of applicants for a practice permit provided for in the regulations, or</i></p> <p><i>(ii) is enrolled as a student in a program of studies provided for in the regulations or in a substantially equivalent program,</i></p> <p><i>(c) who provides evidence of having the amount and type of professional liability insurance required by the regulations, if the insurance is required by the regulations,</i></p> <p><i>(d) who provides the information required by the registrar under section 33(4)(b) and any other information that the regulations require to be provided, and</i></p> <p><i>(e) who has paid the practice permit fee provided for in the bylaws and provided any information requested under section 122.</i></p> <p><i>Engineers and Geoscientists Act (British Columbia)</i></p> <p><i>Issue of certificates of authorization 14 (8) Despite subsection (1), the council may refuse to issue or renew a</i></p>

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				<i>certificate of authorization if the applicant for the certificate of authorization or the certificate holder, as the case may be, or a member or licensee described in subsection (1)(a), (a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada and, in the circumstances, renders the person unsuitable for the practice of professional engineering or for the practice of professional geoscience, (b) has contravened this Act, the bylaws or the code of ethics of the association, or (c) has demonstrated incompetence, negligence or unprofessional conduct.</i>
7	<p>The Registrar shall issue an annual certificate in accordance with the bylaws to a professional member, licensee, permit holder or certificate holder, professional licensee whose registration is not under suspension, and who has paid the annual fee. (Act, Sections 26(2) and 86.1(2))</p> <p>The Act allows Council to make bylaws regarding the form of annual certificates. (Act, Section 20(1)(w))</p>	<p>It is recommended the Act allow Council the flexibility to determine in policy, how and in what format an annual certificate should be issued to a Member or Permit Holder.</p> <p>Note: add to the new ‘policy’ section within the Act</p> <p>Mirror for ASET Regulated Members, Professional Technologists, and Permit Holders (Act, Sections 90.5(2), 92.4(2), and 87.4(1)(v))</p>	<p>This would give Council the ability to set in policy the process and format for issuing annual certificates. This would provide Council with the flexibility to remove the requirement for the Registrar to physically issue an annual certificate, and would allow Council to use electronic formats for example.</p>	

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8	<p>The Registrar shall not cancel the registration of a Member or Permit Holder following a request for voluntary cancellation unless the request has been approved by Council. (Act, Section 29(1))</p> <p>Council may direct the Registrar to cancel the registration of a Member or Permit Holder who is in default of payment of annual fees or any other fees, dues or levies payable under the Act, or a Permit Holder if it no longer has employees in compliance with this Act. (Act, Section 39(1))</p> <p>Council may direct the Registrar to cancel the registration of a Member or permit holder that was entered in error in the register. (Act, Section 39(3))</p>	<p>It is recommended the Act expressly authorize the Registrar, rather than Council, to cancel the registration of individuals and Permit Holders as an administrative function in cases not involving discipline matters, according to the Regulation.</p> <p>The Act should be amended to remove sections 29(1), 39(1) and 39(3) as they will be included in the Regulation as reasons for cancellation.</p> <p>Mirror for ASET Regulated Members, Professional Technologists, and Permit Holders (Act, Sections 91.1, 91.3(3), and 93)</p> <p>Note: A possible error in the 2009 drafting process omitted a Cancellation section in the Act for Regulated Members. See Row R2 of the Regulations Policy Development Document regarding the proposed consolidation in the regulations to address this omission.</p>	<p>These types of cancellations are administrative in nature and do not need Council’s direct involvement. The authority to cancel these types of registration should rest with the Registrar, rather than with Council. Council’s primary function is to provide governance and leadership and policy.</p> <p>To improve regulatory effectiveness and efficiency the Registrar should be expressly authorized to cancel an individual’s or Permit Holder’s registration according to criteria established by Council through policy without involving Council in each individual decision.</p> <p>Granting the Registrar the authority to cancel these types of registration according to criteria established by Council in policy will put the authority to act at the most responsive and appropriate level of the organization and allow the Registrar to act quickly and efficiently to protect the public.</p>	<p><i>Architects Act</i></p> <p><i>27(1) The Registrar may cancel the registration of</i></p> <p><i>(a) an authorized entity in default of payment of any fees, dues, costs or levies payable by it under this Act, the regulations or the bylaws,</i></p> <p><i>(b) an architects corporation or interior design corporation that no longer has shareholders, directors or officers in compliance with the regulations, or</i></p> <p><i>(c) a joint firm that ceases to have at least one registered architect and at least one professional engineer to take the responsibility referred to in section 18(2)(b),</i></p> <p><i>after the expiration of one month following the service on the authorized entity of a written notice that the Registrar intends to cancel the registration, unless the authorized entity on whom the notice is served complies with the notice.</i></p> <p><i>27(3) If the Registrar decides that the registration of a registered architect, restricted practitioner or licensed interior designer should be cancelled because that authorized entity has failed or refused to comply with the requirements of the continuing competence program, the Registrar may serve that authorized entity with a</i></p>

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				<p><i>written notice that the Registrar intends to cancel the registration.</i></p> <p><i>(5) The Registrar may cancel the registration of a registered architect, restricted practitioner or licensed interior designer who has been served with a written notice under subsection (3) if that authorized entity does not comply with the notice by the time specified in the notice.</i></p> <p><i>(6) The Registrar may cancel the registration of an authorized entity that was entered in the register in error.</i></p> <p><i>Health Professions Act</i></p> <p><i>39 If a regulated member’s application for renewal of a practice permit is not received by the registrar by the date provided for in the bylaws, the member’s practice permit is suspended and the registrar may cancel the member’s practice permit in accordance with section 43.</i></p> <p><i>43(1) If a regulated member does not apply for a practice permit under section 38(1), is in default of payment of the practice permit fee or fails to pay a penalty, costs or any other fees, levies or assessments due under this Act or the bylaws, the registrar, after 30 days or a greater number of days,</i></p>

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				<p><i>as set out in the notice, after giving notice to the regulated member, may cancel the regulated member’s practice permit and registration.</i></p> <p><i>43(4) If the registrar is satisfied that a regulated member does not comply with conditions imposed under section 40(2) within the time specified, the registrar may cancel the regulated member’s practice permit and registration or may refer the matter to the registration committee or competence committee as provided for in the bylaws and the registration committee or competence committee, on being satisfied that the conditions are not complied with, may direct the registrar to cancel the member’s practice permit and registration.</i></p> <p><i>(5) The registrar may cancel the registration or practice permit of a regulated member and cancel the registration of another member on the member’s request.</i></p> <p><i>(6) The registrar may cancel the registration and practice permit of a regulated member on receipt of proof satisfactory to the registrar that the member is deceased.</i></p> <p><i>Professional Engineers Act (Ontario)</i></p> <p><i>Past conduct</i></p>

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				<p><i>15(8) The Registrar may refuse to issue or may suspend or revoke a certificate of authorization where the Registrar is of the opinion, upon reasonable and probable grounds,</i></p> <p><i>(a) that the past conduct of a person who is in a position of authority or responsibility in the operation of the business of the applicant for or the holder of the certificate of authorization affords grounds for the belief that the applicant or holder will not engage in the business of providing services that are within the practice of professional engineering in accordance with the law and with honesty and integrity;</i></p> <p><i>(b) that the holder of the certificate of authorization does not meet the requirements or the qualifications for the issuance of the certificate of authorization set out in the regulations; or</i></p> <p><i>(c) that there has been a breach of a condition of the certificate of authorization.</i></p>
9	<p>New</p> <p>The Act currently requires that if a registration has been cancelled voluntarily; failure to pay fees, dues, fines or to have employees in compliance; or are cancelled for discipline reasons, the member or</p>	<p>Sections 75(1) and (2) of the Act should be merged so that a Member or Permit Holder whose registration has been cancelled for any reason should be required to surrender their stamp and certificate to the Registrar.</p>	<p>The change clarifies and makes explicit that both Members or Permit Holders whose registration have been cancelled registration for failing to comply with the Act, regulation, bylaws, policies, standards, bulletins, etc. should be required to surrender their certificate, license and stamps.</p>	



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	<p>permit holder’s certificate of registration, licence, stamp or seal shall be surrendered to the Registrar. (Act, Sections 29(2), 39(4), 39(5), 75(1), 75(2))</p>	<p>Mirror for ASET Regulated Members, Professional Technologist, and Permit Holders. The surrender of stamps and certificates is addressed in the following sections of the Act: 91.1(2), 91.3(4) and (5), and 93(2)</p>		
10	<p>Under the Act, Council is authorized to order the cancellation of a registration gained by false or fraudulent representation or declaration, either oral or written, and only after a hearing. (Act, Section 74)</p> <p>Currently, the procedures of the Discipline Committee apply to such a hearing held by Council.</p>	<p>It is recommended the Registrar, rather than Council, be the entity authorized to cancel a false or fraudulent registration.</p> <p>The process for cancelling a false or fraudulent registration will be simplified and will not require a full hearing, but the individual will be notified of the Registrar’s concerns and be given an opportunity to respond.</p> <p>Where the Registrar cancels a false or fraudulent registration the individual will have the right to appeal that decision to the Court of Appeal, thereby balancing the rights of the individual against APEGA’s obligation to protect the public interest.</p> <p>Note: add to new ‘policy’ section within the Act.</p> <p>Mirror for ASET Regulated Members and Professional Technologists. The Act currently does not include a section on fraudulent registration for Regulated Members or Professional</p>	<p>It is in the public interest that APEGA be authorized to quickly cancel a false or fraudulent registration to protect the public from an individual who has not legitimately proven they have the requisite competency and ethics to be licensed to practice.</p> <p>The authority to cancel a false or fraudulent registration should rest with the Registrar, rather than with Council.</p> <p>Granting the Registrar the authority to cancel a false or fraudulent registration according to criteria established by Council in policy will put the authority to act at the most responsive and appropriate level of the organization and allow the Registrar to act quickly to protect the public.</p> <p>Since the individuals in question were not qualified to practice in the first place, there is a different obligation of fairness to them, which is why their right to appeal is to the Court of Appeal.</p>	<p><i>Professional Engineers Act (Ontario)</i></p> <p><i>Past conduct</i></p> <p><i>15(8) The Registrar may refuse to issue or may suspend or revoke a certificate of authorization where the Registrar is of the opinion, upon reasonable and probable grounds,</i></p> <p><i>(a) that the past conduct of a person who is in a position of authority or responsibility in the operation of the business of the applicant for or the holder of the certificate of authorization affords grounds for the belief that the applicant or holder will not engage in the business of providing services that are within the practice of professional engineering in accordance with the law and with honesty and integrity;</i></p> <p><i>(b) that the holder of the certificate of authorization does not meet the requirements or the qualifications for the issuance of the certificate of authorization set out in the regulations; or</i></p>

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		Technologists, although ASET carries out investigation and discipline in accordance with Part 5 of the Act.		<i>(c) that there has been a breach of a condition of the certificate of authorization.</i>
11	<p>Currently, there are two ways to trigger an investigation into the conduct of a Member or Permit Holder. One is for an individual to submit a written complaint to the Registrar. The individual initiating the complaint can be the Registrar, but the Act does not specifically give the Registrar the authority to initiate a complaint. (Act, Sections 43(1), 43(2))</p> <p>The second way is through the Practice Review Board. During an inquiry or practice review, the Practice Review Board may recommend that the Investigative Committee conduct an investigation. On receiving such a recommendation, the Investigative Committee may proceed with an investigation as if the recommendation were a written complaint. (Act, Section 16(6))</p> <p>The ASET Registrar is expressly authorized to initiate a complaint. (ASET Regulation, Section 30)</p>	<p>The Registrar should have, based on reasonable grounds, the express authority to:</p> <ul style="list-style-type: none"> <li>• initiate a complaint</li> <li>• initiate an investigation into the activities of existing and former Members and Permit Holders</li> <li>• initiate an inquiry</li> <li>• appoint investigators to investigate the matter and report the findings to the Registrar</li> <li>• report the results of the investigation to the Investigative Committee or other entity as the Registrar considers appropriate</li> </ul> <p>The Registrar would decide when and whether to initiate an investigation, inquiry or complaint based on criteria established in policy.</p> <p>Mirror for ASET Regulated Members, Professional Technologist, and Permit Holders (Act, Sections 88.1(6) and 93.5(6); ASET Regulation, Section 30; Professional Technologists Regulation, Section 19)</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these</p>	<p>If the Registrar becomes aware of alleged conduct by a Member or Permit Holder that could put the public at risk but a formal, written complaint has not been received, the Registrar should have the authority to initiate a complaint or alternatively initiate an investigation to protect the public.</p> <p>For consistency and to harmonize the APEGA and ASET sections of the Act, the APEGA Registrar should also have the express authority to initiate a complaint.</p> <p>The change provides the regulator with the express authority to start a conversation on an issue in the absence of receiving a formal complaint.</p>	<p><i>ASET Regulation</i></p> <p><i>Aware of unprofessional conduct 30 Despite not receiving a complaint under section 43 of the Act, but subject to section 43(3) of the Act, if the ASET Registrar has reasonable grounds to believe that the conduct of a regulated member or former member constitutes unprofessional conduct or unskilled practice, the ASET Registrar may treat the information as a complaint and act on it under section 43 of the Act.</i></p> <p><i>(See Also Section 19, P.Tech. Regulation)</i></p> <p>The Professional Engineers of Ontario recently used the authority granted to their Registrar by section 33 of the <i>Professional Engineers Act</i> to start an investigation into the Nipigon River Bridge failure, in the absence of a complaint being filed, and on reasonable and probable grounds that there was an act of professional misconduct or incompetence on behalf of one of their members.</p> <p><i>Professional Engineers Act (Ontario)</i></p> <p><i>Registrar’s investigation</i></p>

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		changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.		<p><i>33(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of authorization, a temporary licence, provisional licence or limited licence has committed an act of professional misconduct or incompetence or that there is cause to refuse to issue or to suspend or revoke a certificate of authorization, the Registrar by order may appoint one or more persons to investigate whether such act has occurred or there is such cause, and the person or persons appointed shall report the result of the investigation to the Registrar</i></p> <p><i>Powers of investigator</i></p> <p><i>(2) For purposes relevant to the subject matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of authorization, temporary licence, provisional licence or limited licence in respect of whom the investigation is being made and, upon production of his or her appointment, may enter at any reasonable time the business premises of the member or holder and examine books, records, documents and things relevant to the subject matter of the investigation.</i></p> <p><i>Application of Public Inquiries Act, 2009</i></p>

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				<p><i>(2.1) Section 33 of the Public Inquiries Act, 2009 applies to the inquiry under subsection (2).</i></p> <p><i>Obstruction of investigator</i></p> <p><i>(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or her or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.</i></p> <p><i>Order by provincial judge</i></p> <p><i>(4) Where a provincial judge is satisfied on evidence upon oath,</i></p> <p><i>(a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and</i></p> <p><i>(b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence whose affairs are being investigated and to the subject-matter of the investigation,</i></p> <p><i>the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such</i></p>

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				<p><i>building, dwelling, receptacle or place for such books, records, documents or things and to examine them.</i></p> <p><i>Execution of order</i>  <i>(5) An order issued under subsection (4) shall be executed at reasonable times as specified in the order.</i></p> <p><i>Expiry of order</i>  <i>(6) An order issued under subsection (4) shall state the date on which it expires, which shall be a date not later than fifteen days after the order is issued.</i></p> <p><i>Application without notice</i>  <i>(7) A provincial judge may receive and consider an application for an order under subsection (4) without notice to and in the absence of the member of the Association or holder of a certificate of authorization, temporary licence, provisional licence or limited licence whose affairs are being investigated.</i></p> <p><i>Removal of books, etc.</i>  <i>(8) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under this section relating to the member or holder whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be</i></p>

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				<p><i>carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member or holder whose practice is being investigated.</i></p> <p><i>Admissibility of copies</i>  <i>(9) Any copy made as provided in subsection (8) and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original book, record or document and its contents.</i></p> <p><i>Report of Registrar</i>  <i>(10) The Registrar shall report the results of the investigation to the Council or such committee as the Registrar considers appropriate.</i></p> <p><i>Veterinary Professions Act</i></p> <p><i>Aware of unprofessional conduct</i>  <i>27.1 Despite not receiving a complaint under section 27(1), if the Complaints Director has information that on reasonable grounds causes the Complaints Director to believe that the conduct of a registered veterinarian constitutes unprofessional conduct or has information that a person has not complied with an order under section 41.1(1) or 45(5) or with a ratified settlement under section 30.1, or if an</i></p>

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				<p><i>admission under section 35.1 does not relate to all matters complained of or investigated, the Complaints Director may treat the information as a complaint received under section 27(1).</i></p> <p><i>Chartered Professional Accountants Act</i></p> <p><i>Requirements for continuing registration</i>  <i>54(2) If a registrant fails to meet the requirements set out in subsection (1), (c) the registrar may make a complaint under section 66 about the conduct of the registrant.</i></p> <p><i>(see also Section 56, Health Professions Act)</i></p>
12	New	<p>Members and Permit Holders must advise APEGA if they have had discipline orders made against them from other jurisdictions within 30 days of receipt of the order.</p> <p>Members and Permit Holders who are subject to discipline orders in other jurisdictions must provide APEGA with a copy of the order and any related decision and record of proceedings.</p>	<p>Although the Investigative Panel can suspend or restrict a Member or Permit Holder on an interim basis pending a preliminary investigation or disciplinary hearing, the Investigative Panel cannot cancel or impose restrictions on a Member's or Permit Holder's licence to practise until after a full investigation and disciplinary hearing.</p> <p>It takes months to conduct a full investigation and disciplinary hearing. If a Member's or Permit Holder's</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Disclosure to other accounting organizations</i>  <i>79(1) The CIC secretary may disclose a complaint and the status of a complaint to any organization outside Alberta that regulates accounting in which a registrant or former registrant who is the subject of the complaint is registered, was registered or is seeking registration.</i></p>

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		<p>Authorize APEGA to share discipline decisions with other professional regulators.</p> <p>Authorize the Registrar to use another provincial or territorial engineering or geoscience association’s discipline record of proceedings, decisions, and orders.</p> <p>Authorize the Registrar to make the equivalent orders to those imposed by the other provincial or territorial engineering or geoscience association without conducting a full investigation and disciplinary hearing, subject to the Registrar first notifying the Member or Permit Holder of the intent to impose the equivalent order and give them an opportunity to respond.</p> <p>Failure of a Member or Permit Holder to disclose any orders made against them in other jurisdictions may result in the licence or permit of the Member or Permit Holder being restricted, suspended, or cancelled.</p> <p>Mirror for ASET Regulated Members, Professional Technologists, and Permit Holders</p>	<p>licence has been suspended, cancelled, or restricted in another province or territory, it is in the interest of the public of Alberta that APEGA can quickly suspend, cancel, or restrict that Member’s or Permit Holder’s licence to practise in Alberta.</p> <p>Using resources for APEGA to conduct a full investigation and disciplinary hearing should not be necessary given that the Member or Permit Holder has already undergone a full investigation and disciplinary hearing and been found guilty in another province or territory.</p>	<p><i>(2) The CIC secretary, or an investigator appointed under section 76(2) with the consent of the CIC secretary, may disclose information about an investigation, other than information that is subject to solicitor-client privilege, to any professional organization with which a registrant or former registrant who is the subject of the investigation is registered, was registered or is seeking registration.</i></p> <p><i>Unprofessional conduct</i></p> <p><i>93(2) A discipline tribunal may make findings and orders whether or not the conduct occurred in Alberta.</i></p> <p><i>Disciplinary proceedings outside Alberta</i></p> <p><i>104(1) If a finding of unprofessional conduct has been made against a registrant in disciplinary proceedings by, or the registrant has entered into a settlement agreement with, any organization outside Alberta that regulates accounting and that is recognized by the board in accordance with the directives, the registrant must give notice to the CPAA of the finding or settlement agreement within 21 days after becoming aware of the decision or entering into the settlement agreement, as the case may be.</i></p> <p><i>(2) The CPAA may act under this section whether it receives notice under subsection (1) or becomes aware</i></p>



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				<p><i>of the finding of unprofessional conduct by other means.</i></p> <p><i>(3) After giving the registrant an opportunity to provide information and make representations, the CIC chair may refer the matter to the discipline tribunal roster chair to convene a discipline tribunal.</i></p> <p><i>(4) A discipline tribunal to whom a matter is referred under subsection (3), after giving notice of a hearing to the registrant and holding a hearing, may</i></p> <p><i>(a) adopt a finding of the other organization that disciplined the registrant,</i></p> <p><i>(b) make a finding that the conduct is unprofessional conduct, and</i></p> <p><i>(c) impose one or more orders under this Part.</i></p> <p><i>(5) The complaints inquiry committee or the registrant or former registrant may appeal the decision under subsection (4) to an appeal tribunal in accordance with Part 7, and the complaints inquiry committee and the registrant or former registrant are the parties to the appeal.</i></p> <p><i>Stay pending appeal</i></p> <p><i>105(1) If a discipline tribunal suspends or cancels the registration or imposes a restriction on the practice of a registrant and the decision is appealed, the decision remains in effect until an appeal tribunal makes a decision on the appeal unless an appeal tribunal</i></p>

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				<p><i>otherwise directs on application by the appellant.</i></p> <p><i>(2) If a discipline tribunal makes an order other than the suspension or cancellation of registration or restriction of practice, the order takes effect only after all rights of appeal have been exhausted unless the discipline tribunal otherwise directs.</i></p> <p><i>(3) The decision of a discipline tribunal must be published or posted in accordance with section 98 even if one or more orders of the discipline tribunal are stayed pending appeal.</i></p> <p><i>Circulation of decisions</i></p> <p><i>106(1) After the period for appeal has expired or all rights of appeal have been exhausted, the CPAA may send a decision of a discipline tribunal or appeal tribunal</i></p> <p><i>(a) to any federal, provincial or territorial minister of the Crown or to any accounting organization, securities commission or other governmental, regulatory or professional association as it considers appropriate, together with such part of the record of proceedings or other information as the CPAA considers appropriate, in order to protect the public interest;</i></p> <p><i>(b) to the practice review committee, together with any part of the record of proceedings as the CPAA considers appropriate.</i></p>

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				<p><i>(2) The CPAA shall not provide any part of the record of proceedings or other information that relates to the portion of a hearing that is closed pursuant to section 132(3).</i></p> <p><i>Conviction for indictable offence</i></p> <p><i>108(1) If a registrant is convicted of an indictable offence in any court in Canada or convicted of an offence outside Canada that would be regarded as an indictable offence in Canada, the registrant must give notice of the conviction, within 21 days after its occurrence, to the CPAA.</i></p> <p><i>(2) The CPAA may act under this section whether it receives notice under subsection (1) or becomes aware of the conviction by other means.</i></p> <p><i>(3) The discipline tribunal roster chair must consider the nature and seriousness of the offence and may convene a discipline tribunal, which may, after providing the registrant with an opportunity to provide information and make representations,</i></p> <p><i>(a) cancel or suspend the registrant’s registration or impose restrictions or place conditions on the registrant’s practice pending the expiry of the appeal period or pending the determination of an appeal from the conviction or a proceeding to have the conviction quashed, or</i></p> <p><i>(b) after the appeal period has expired or an unsuccessful appeal from the</i></p>

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				<p><i>conviction or an unsuccessful proceeding to quash the conviction is concluded, and whether or not a cancellation, suspension, restriction or condition has previously been ordered,</i></p> <p><i>(i) suspend the registrant’s registration or restrict the registrant’s practice for a stated period or pending compliance with specified conditions, or</i></p> <p><i>(ii) cancel the registrant’s registration.</i></p> <p><i>(4) A cancellation, suspension, restriction or condition under subsection (3)(a) may be revoked by the same or another discipline tribunal at any time.</i></p> <p><i>(5) A decision of the discipline tribunal roster chair under this section is final.</i></p> <p><i>(6) The complaints inquiry committee or a registrant who is the subject of a decision of a discipline tribunal under this section may appeal the decision of the discipline tribunal to an appeal tribunal in accordance with Part 7, and the complaints inquiry committee and the registrant who is the subject of the decision are the parties to the appeal.</i></p> <p><i>Engineering and Geoscientists Act (British Columbia)</i></p> <p><i>Disciplinary action in other jurisdiction</i></p> <p><i>33.1 (1) A member or licensee must inform the council of disciplinary action taken against the member or licensee</i></p>

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				<p><i>by a body that governs the practice of professional engineering or professional geoscience in another province of Canada or another jurisdiction outside Canada.</i></p> <p><i>(2) The council may, after becoming aware of disciplinary action against a member or licensee by a body that governs the practice of professional engineering or professional geoscience in another province of Canada, refer the matter to the discipline committee.</i></p> <p><i>(3) After providing an opportunity to be heard to a member or licensee referred to in subsection (2), the discipline committee may, without causing an inquiry to be held, make one or more of the orders in section 33 (2) that it considers equivalent to the order made in the other province.</i></p> <p><i>(4) If the discipline committee makes an order under subsection (3), section 33 (3) and (4) applies.</i></p>
13	<p>The Investigative Committee may terminate an investigation if it is frivolous or vexatious, or there is insufficient evidence of unskilled practice or unprofessional conduct. (Act, Section 51(1))</p> <p>Complaints must be referred to the Investigative Committee. (Act, Section 43(4))</p>	<p>It is recommended the Act be amended to expressly authorize the Registrar to dismiss complaints where there are not sufficient grounds to warrant proceeding with a further investigation or hearing, without the need to refer such complaints to an Investigative Panel.</p> <p>The Act should give the complainant the right to appeal the decision to the</p>	<p>In many cases a dismissal based on “insufficient evidence” of unskilled practice or unprofessional conduct is interpreted by complainants as an indication that they simply have not provided enough information, not that the conduct complained of does not constitute unskilled practice or unprofessional conduct.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Duty of the CIC chair</i></p> <p><i>76(1) On receipt of a complaint and results of a review from the CIC secretary, the CIC chair must (a) direct that no further action be taken regarding the complaint if the CIC chair is of the view that</i></p>

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	<p>APEGA does not have the express ability to dismiss a complaint without referring it to the Investigative Committee where it appears at the outset the complaint is frivolous or vexatious or there is insufficient evidence of unprofessional conduct or unskilled practice.</p>	<p>Appeal Committee if the Registrar dismisses a complaint.</p> <p>The Act should also give the Investigative-Panel the ability to similarly dismiss a complaint on the basis that the conduct is too minor to warrant a sanction or there are not sufficient grounds to proceed with further investigation or hearing rather than on the basis of the current “frivolous or vexatious” and “insufficient evidence” wording.</p> <p>Council may develop policy as to when a complaint may be dismissed to guide the Registrar and the Investigative Panel.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>These complainants then file another complaint based on the same conduct but provide additional evidence. In many cases it is obvious at the outset this additional evidence is not relevant, but the complaint must be referred to an Investigative Panel the Investigative Committee. The APEGA Registrar or designate should be authorized to dismiss the complaint in such circumstances without needing to refer it to an Investigative Panel-</p> <p>In addition, the wording “frivolous and vexatious” is viewed as insulting by some complainants even if the conduct complained of is too minor to warrant sanction or further investigation.</p>	<p><i>(i) the conduct is not unprofessional conduct,</i>  <i>(ii) the conduct is not within the jurisdiction of the complaints inquiry committee or a discipline tribunal, or</i>  <i>(iii) the conduct complained about is too minor to warrant any sanction or further investigation,</i>  <i>or</i>  <i>(b) appoint an investigator to investigate any matter.</i>  <i>(2) An investigator appointed under subsection (1)(b) may also be appointed to investigate a complaint made by any other professional organization to which the investigated party belongs.</i>  <i>(3) If the CIC chair directs that no further action be taken, the CIC chair</i>  <i>(a) must notify the investigated party and the complainant of the decision and give them a written explanation of it,</i>  <i>(b) must provide notice to the complainant of the right to appeal under section 81, and</i>  <i>(c) may make recommendations or provide guidance in respect of the future conduct or practice of the investigated party.</i>  <i>(4) If the CIC chair appoints an investigator, the CIC chair must provide a notice of investigation to the investigated party and the complainant.</i></p>

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				<p><i>Health Professions Act</i></p> <p>55(2) The complaints director (e) if satisfied that the complaint is trivial or vexatious, may dismiss the complaint, (f) if satisfied that there is insufficient or no evidence of unprofessional conduct, may dismiss the complaint,</p> <p><i>Alberta Energy Regulator Rules of Practice</i></p> <p>Non-consideration of statement of concern</p> <p>6.2(1) The Regulator may disregard a statement of concern filed with the Regulator if in the Regulator’s opinion any of the following apply:</p> <p>(a) the person who filed the statement of concern has not demonstrated that the person may be directly and adversely affected by the application or a special circumstance set out in section 6.1, as the case may be;</p> <p>(b) the statement of concern was not filed within the time specified by these Rules;</p> <p>(c) a decision was made on an application by the Regulator prior to the statement of concern being filed;</p> <p>(d) for any other reason the Regulator considers that the statement of concern is not properly before it.</p>

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				<p><i>(2) The Regulator may disregard a concern raised in a statement of concern filed with the Regulator if in the Regulator’s opinion any of the following apply:</i></p> <ul style="list-style-type: none"> <li><i>(a) the concern relates to a matter outside the Regulator’s jurisdiction;</i></li> <li><i>(b) the concern is unrelated to, or relates to a matter beyond the scope of the application;</i></li> <li><i>(c) the concern has been adequately dealt with or addressed through a hearing or other proceeding under any other enactment or by a decision on another application;</i></li> <li><i>(d) the concern relates to a policy decision of the Government;</i></li> <li><i>(e) the concern is frivolous, vexatious, an abuse of process or without merit;</i></li> <li><i>(f) the concern is so vague that the Regulator is not able to determine the nature of the concern.</i></li> </ul> <p><i>Decision regarding whether to hold a hearing</i></p> <p><i>7 The Regulator may consider any of the following factors when deciding whether or not to conduct a hearing on an application:</i></p> <ul style="list-style-type: none"> <li><i>(a) whether any of the circumstances described in section 6.2 apply;</i></li> <li><i>(b) whether the objection raised in a statement of concern filed in respect of the application has been addressed to the satisfaction of the Regulator;</i></li> </ul>



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				<p><i>(c) whether the applicant and any persons who have filed statements of concern in respect of the application have made efforts to resolve the issues in dispute directly with each other through a dispute resolution meeting or otherwise;</i></p> <p><i>(d) whether the application is one described in section 5.2(2);</i></p> <p><i>(e) whether the matter to which the application relates has been adequately dealt with or addressed through a hearing or other proceeding under any other enactment or by a decision on another application;</i></p> <p><i>(f) whether the Crown has requested that a hearing be held for the purpose of assessing impacts to and the means to mitigate the impacts on Aboriginal peoples;</i></p> <p><i>(g) whether the application will result in minimal or no adverse effect on the environment;</i></p> <p><i>(h) in the case of an application made under the Water Act, whether the application will result in minimal or no adverse effect on the aquatic environment, or household users, licensees under the Water Act or traditional agricultural users as defined in the Water Act;</i></p> <p><i>(i) whether the matter is the subject of a cooperative proceeding under section 18 of the Act;</i></p>

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				<i>(j) any other factor the Regulator considers appropriate.</i>
14	<p>NEW</p> <p>The role of the Board of Examiners is to evaluate the qualifications of applicants and confirm they are qualified to practice before they are approved for registration and given a license to practice.</p> <p>Currently, there is no effective or efficient way for the Board of Examiners to investigate potential issues when conflicting evidence is received as part of an application for registration.</p>	<p>The Registrar should be authorized to investigate the eligibility of applicants for registration upon the request of the Registration Committee and to forward the findings of the investigations to the Registration Committee This would include the ability to investigate an applicant’s character and reputation, English language proficiency, proof of identity, or any other criteria required for registration.</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>	<p>The Registration Committee is seeing more applications with potential issues related to applicant character and credibility, proof of identity, and English language proficiency.</p> <p>The Registration Committee is established to evaluate the qualifications of applicants for registration, not to conduct investigations. Registration Committee members are not trained to conduct investigations, nor should they be expected to do so.</p> <p>It is in the public interest that APEGA have the authority to investigate these potential issues when conflicting evidence is received to ensure that complete and accurate information is available to the Registration Committee when determining whether an applicant meets all of the qualifications required to be registered.</p>	<p><i>The Rules of the Law Society of Alberta</i></p> <p><i>Review and Determinations by Executive Director</i></p> <p><i>48.1 (1) Executive Director shall review each application.</i></p> <p><i>(2) In the course of a review under this part the Executive Director may do any of the following:</i></p> <p><i>(a) require the applicant to answer any inquiries or to furnish any records that the Executive Director considers relevant for the purpose of the review; and</i></p> <p><i>(b) direct an investigation of the matter.</i></p> <p><i>(3) Where a person conducts an investigation under this rule, the investigator may require the applicant or a member to:</i></p> <p><i>(a) produce records and supporting documentation;</i></p> <p><i>(b) provide authorizations directed to third parties to permit the review and copying of records and supporting documentation in possession of third parties; and</i></p> <p><i>(c) attend an interview.</i></p> <p><i>(4) The investigator shall provide a written report to the Executive Director containing the findings of the investigation.</i></p>

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				<i>(5) Prior to making a determination the Executive Director shall provide the applicant with a copy of the investigation report and an opportunity to respond to the report in writing.</i>
15	<p>Currently the Registrar may designate a mediator to assist in settling a complaint if the complainant and the person who is the subject of the complaint agree. Failing a resolution, the Registrar must refer the complaint to the Investigative Committee.</p> <p>If a mediated settlement is not reached within 30 days, or longer if agreed to by the parties, the complaint must be sent to the Investigative Committee.</p> <p>If an agreement is reached through a mediator, the agreement must be reviewed by the Investigative Committee, which may approve the agreement or proceed with a preliminary investigation. (Act, Sections 43(4), 43(5))</p>	<p>It is recommended the Act be amended to give APEGA additional settlement and dispute resolution mechanisms to resolve complaints.</p> <p>The Act should to expressly authorize the Registrar to directly settle complaints with the consent of the complainant and the person who is the subject of the complaint, without the Investigative Committee’s approval.</p> <p>It is recommended the Act be amended to authorize an investigation to proceed even if the complaint is settled by agreement of the complainant and the investigated party, or if the complaint is withdrawn, if it is deemed necessary to do so in the public interest.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>Although the investigative and disciplinary processes are essential elements of APEGA’s regulatory mandate and are necessary to protect the public from unskilled practice and unprofessional conduct, the nature of some complaints, and the parties and circumstances involved lend themselves to resolution without the need for a full investigation or hearing while still having regard to the public interest.</p> <p>Appropriate options and mechanisms must be available to facilitate such resolution. APEGA should be able to facilitate resolution of complaints without needing to go through the full investigative and discipline processes.</p> <p>Although the nature of some complaints and the parties and circumstances involved lend themselves to resolution without the need for a full investigation or hearing, it is important that the approval of such settlements must still ensure the public interest is protected.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Settlement</i> 72(1) <i>In the course of proceedings under this Part or in the course of an appeal under Part 7, a complainant and the investigated party may settle the complaint.</i> (2) <i>The CIC chair may continue proceedings under this Act even if the complaint is settled by agreement of the complainant and the investigated party.</i></p> <p><i>Withdrawal</i> 73(1) <i>In the course of proceedings under this Part or in the course of an appeal under Part 7, a complainant may withdraw the complaint.</i> (2) <i>The CIC chair may continue proceedings under this Act even if the complaint is withdrawn by the complainant.</i></p> <p><i>Veterinary Professions Act</i></p> <p><i>Acting on a complaint</i></p>

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			<p>As a result, there may be cases where it is still appropriate to proceed with an investigation in the public interest even though the complainant and person complained against settle the complaint or the complaint is withdrawn.</p>	<p><i>28(1) Within 30 days of being given a complaint, the Complaints Director must give notice to the complainant of the action taken with respect to it.</i>  <i>(2) The Complaints Director</i>  <i>(a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,</i>  <i>(b) may, with the consent of the complainant and investigated person, attempt to resolve the complaint,</i>  <i>(c) may make a referral to an alternative complaint resolution process under Division 2,</i>  <i>(d) may request an expert to assess and provide a written report on the subject-matter of the complaint,</i>  <i>(e) may conduct, or appoint an investigator to conduct, an investigation,</i>  <i>(f) may make a referral in accordance with section 65.1(1),</i>  <i>(g) if satisfied that the complaint is trivial or vexatious, may refer the complaint to the Complaint Review Committee,</i>  <i>and</i>  <i>(h) if satisfied that there is insufficient or no evidence of unprofessional conduct, may refer the complaint to the Complaint Review Committee.</i>  <i>(3) The Complaints Director must refer a complaint to the Complaint Review Committee if</i></p>

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				<p><i>(a) the complaint is not resolved under subsection (2)(a) or (b), or</i>  <i>(b) the settlement with regards to all matters is not ratified pursuant to a referral to an alternative complaint resolution process.</i>  <i>Alternative Complaint Resolution Process</i>  <i>29(1) The Complaints Director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process at any time before the commencement of a hearing by the Hearing Tribunal.</i>  <i>(2) If the Complaints Director makes a referral under subsection (1), a member of the Association must participate in or conduct the alternative complaint resolution process.</i>  <i>(3) The person who conducts the alternative complaint resolution process must set out the process in writing and include a statement that the investigated person or the complainant or both may cease participating in the alternative complaint resolution process at any time.</i>  <i>(4) The complainant and the investigated person must agree to the process as written under subsection (3)</i></p>

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				<p><i>before the alternative complaint resolution process may begin.</i></p> <p><i>(5) A person who conducts an alternative complaint resolution process must be impartial and must act impartially.</i></p> <p><i>(6) If a report has been prepared under section 28(2)(d) with respect to the subject-matter of the complaint, the Complaints Director must submit a copy of the report to the person conducting the alternative complaint resolution process.</i></p> <p><i>(7) If a report has not been prepared under section 28(2)(d), the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</i></p> <p><i>(8) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if</i></p> <p><i>(a) in the opinion of that person, a settlement is not likely to occur, or</i></p> <p><i>(b) the Complaint Review Committee does not ratify the settlement under section 30.1,</i></p> <p><i>the person must notify the Complaints Director.</i></p>

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				<p><i>(9) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the Complaints Director, and the Complaints Director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (10).</i></p> <p><i>(10) On being notified under subsection (8) or section 30.1(3) that a settlement has not been ratified or under section 30.1(8)(b) of the matters that do not form part of a ratified settlement, or on deciding under subsection (9) to process a matter under this subsection, the Complaints Director must</i></p> <ul style="list-style-type: none"> <li><i>(a) if an investigation has not been commenced, commence an investigation under Division 3,</i></li> <li><i>(b) if an investigation has been commenced but no report on the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report, or</i></li> <li><i>(c) refer the matter to the Complaint Review Committee to determine whether the complaint should be</i></li> </ul>

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				<p><i>dismissed or referred to the Hearings Director for a hearing.</i></p> <p>(Other examples may be found in Section 32.2, <i>Engineers and Geoscientists Act</i> (British Columbia).</p>
<b>Council</b>				
16	<p>There are few provisions in the legislation allowing Council to delegate its authority or duties. (Regulation, Sections 29(2), 30(1), 62(6))</p> <p>Otherwise, APEGA’s Council is not expressly authorized to delegate specific or general authority and duties to the Registrar or others.</p>	<p>It is recommended the Act expressly allow APEGA’s Council, the Registrar, statutory entities (Registration Committee, Practice Review Committee, Appeal Committee, Discipline Committee and Investigative Committee) and CEO to delegate their authority and duties, as appropriate.</p> <p>Mirror for ASET Council, ASET Registrar, ASET statutory entities and joint statutory entities (Registration Committee, Joint Registration Committee, Practice Review Committee, Joint Practice Review Committee, Appeal Committee, Joint Appeal Committee, Discipline Committee, Joint Discipline Committee, Investigative Committee, Joint Investigative Committee) and ASET CEO</p>	<p>This will eliminate uncertainty around whether Council or the Registrar can delegate a given authority or function. This would bring clarity to the Act, authorize the appropriate entities that execute Association business, and align the legislation with that of other professional associations in Alberta and other jurisdictions in Canada.</p>	<p><i>Health Professions Act</i></p> <p><i>Council delegation</i></p> <p><i>19(1) A council may delegate any of its powers and duties to one or more persons or committees, except the power to make regulations or bylaws and to adopt a code of ethics or standards of practice.</i></p> <p><i>(2) A council may impose conditions on a delegation under subsection (1).</i></p> <p><i>(3) When a council delegates a power or duty, it may authorize the person or committee to further delegate the power or duty, subject to any conditions imposed by the council.</i></p> <p><i>(4) Any reference in this Act or any other enactment to a council is deemed to be also a reference to a delegate and to a delegate of the delegate under this section.</i></p> <p><i>Person, committee delegation</i></p> <p><i>20(1) Subject to the bylaws, a person or committee to whom a power or duty is given under this Act or the bylaws may</i></p>



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				<p><i>delegate the power or duty to one or more other persons or committees.</i>  <i>(2) A person or committee making a delegation under subsection (1) may impose conditions on the delegation.</i>  <i>(3) Despite subsection (1),</i>  <i>(a) the powers and duties of both a complaints director and a hearings director may not be delegated to the same person, and</i>  <i>(b) a complaint review committee, a hearing tribunal or a council or panel of council may not delegate its powers or duties with respect to a review or appeal under Part 4.</i>  <i>(4) Any reference in this Act or any other enactment to a person or committee to whom a power or duty is given under this Act is deemed to be also a reference to a delegate of the person or committee under this section.</i></p>
17	<p>19(1) The Council may make regulations                      (a) respecting the establishment of categories of and conditions respecting the enrolment of engineers-in-training, geoscientists-in-training, examination candidates and students;</p>	<p>NOTE: Recommendations regarding Council’s authority to make regulations under Section 19 will be submitted at the same time as the Regulation PDD, so that consequential changes may be included.</p>	<p>The proposed changes to Section 19 reflect the recommendations and changes detailed across the Policy Development Document for the Act, and the resultant changes proposed in the Policy Development Document for the General Regulation.</p> <p>Categories of membership that are not regulated should not be in regulation.</p>	

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		<p>(a) respecting the establishment of categories of and conditions respecting the enrolment of members-in-training.</p> <p>Mirror for ASET (Note: This may entail deletion of Division 2, Students from the ASET Regulation if non-regulated membership categories are being removed from regulation).</p>		
	<p>(b) respecting the academic qualifications of and experience requirements for applicants for registration as professional engineers or geoscientists;</p>	<p>(b) respecting the academic qualifications of and experience requirements for applicants for registration as professional engineers or geoscientists and for professional limited licensees;</p> <p>Note: This is already captured for ASET in the Act, Sections 87.3(1)(b) and 88.5(1)(b).</p>	<p>Categories of membership should be inclusive</p>	
	<p>(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 or geoscience and the examination of those applicants with respect to those qualifications or requirements;</p>	<p>(c) governing the evaluation by the Council, the Registration Committee, the Practice Review Committee, the Appeal Committee 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 or geoscience and the examination of those applicants with respect to those qualifications or requirements;</p>	<p>Name change to remove the word 'board' from committees</p>	

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		Mirror for ASET (Act, Section 87.3(1)(c)). Note: Name changes will also be required throughout Division 2, Joint Boards and Committees to reflect the change from “boards” to “committees”		
	(d) respecting the eligibility of applicants generally for registration to engage in the practice of engineering or geoscience;	(d) respecting the eligibility of applicants generally for registration to engage in the practice of engineering or geoscience;	No change	
	(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;	Delete section  Mirror for ASET (Act, Section 87.3(e)).	Per PDD Row 25, Regulation PDD Row R5	
	(f) respecting the appointment of members of the Appeal Board, other than the public member;	Delete section  Mirror for ASET (Act, Section 87.3(f)).	Per PDD Row 25, Regulation PDD Row R5	
	(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;	Delete Section  Mirror for ASET (Act, Section 87.3(g)).	Per PDD Row 25, Regulation PDD Row R5  Quorum of Council moving from Regulation to bylaws per Regulation PDD Row R4	
	(h) governing the establishment of boards or committees of professional members and respecting the	Delete section  Mirror for ASET (Act, Section 87.3(h)).	The ability for council to delegate its authority is consolidated in the PDD Row 16/1.	

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	delegation of powers of the Council to those boards or committees or the Practice Review Board;		Regulation PDD Row R6 removes the authority from Regulations to create committees, as this has been consolidated in the Act under PDD Row 25.	
	(i) prescribing technical standards for the practice of the profession;	(i) prescribing practice or technical standards for the practice of the profession;  Mirror for ASET Regulated Members (Act, Section 87.3(i)) and Professional Technologists (Act, Section 88.5(1)(j)). – Note: APEGA has concerns related to Practice Standards – see Part B Row B(9)	To be inclusive	
	(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;	(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;  Mirror for ASET Regulated Members (Act, Section 87.3(j)) and Professional Technologists (Act, Section 88.5(1)(h)).	No change	
	(k) governing the names under which professional members, licensees, permit holders and certificate holders may engage in the practice of the profession;	(k) governing the names under which professional members and permit holders may engage in the practice of the profession;	Per PDD Row 44	

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		Mirror for ASET Regulated Members (Act, Section 87.3(k)) and Professional Technologists (Act, Section 88.5(1)(f)).		
	(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;	Delete section  Mirror for ASET (Act, Section 87.3(l)).	Per PDD Row 25	
	(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;	Delete Section  Mirror for ASET (Act, Section 87.3(m)).	Per PDD Row 25	
	(n) respecting the establishment by the Council of a compulsory continuing education program for professional members and licensees;	(n) respecting the establishment by the Council of a mandatory continuing professional development program professional members;		

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		Mirror for ASET Regulated Members (Act, Section 87.3(n)) and Professional Technologists (Act, Section 88.5(1)(g)).		
	(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;	Delete section  Mirror for ASET Regulated Members (Act, Section 87.3(o)) and Professional Technologists (Act, Section 88.5(1)(i)).	Moving from Regulation into Policy per PDD Row 110	
	(p) respecting committees of inquiry for reinstatement under Part 5;	Delete Section  Mirror for ASET Regulated Members (Act, Section 87.3(p)) and Professional Technologists (Act, Section 88.5(1)(i)).	Per PDD Row 48	
	(q) - (w) repealed 2007 c13 s11;			
	(x) establishing classes or categories of professional engineers or geoscientists and licensees or permit holders and prescribing the restrictions of practice and the privileges and obligations of the classes or categories so established;	(x) establishing categories of professional engineers or geoscientists or professional limited licensees or permit holders and prescribing the restrictions of practice and the privileges and obligations of the categories so established;  Mirror for ASET Regulated Members (Act, Section 87.3(r)) and Professional Technologists (Act, Section 88.5(1)(i)).	Various Categories of membership – or specialists may be required in a future state	
	(y) respecting the academic and other qualifications and the experience	(y) respecting the academic and other qualifications and the experience	Specialists may be required in a future state	

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	required of the classes or categories established under clause (x);	required of the categories established under clause (x);  Mirror for ASET (Act, Section 87.3(s)). New section for 88.5(1)		
	(z) respecting the use of stamps, seals and permit numbers;	(z) respecting the use of stamps and authentication of professional documents  Mirror for Professional Technologists (Act, Section 88.5(e)).	Per PDD Rows 79, 80	
	(aa) governing the eligibility for registration of persons, firms, partnerships and other entities as permit holders or certificate holders;	(aa) governing the eligibility for registration of persons, firms, partnerships and other entities as permit holders  Mirror for ASET Regulated Members (Act, Section 87.3(t)) and Professional Technologists (Act, Section 88.5(k)).	No longer have certificate holders	
	(bb) governing the operation of permit holders or certificate holders;	(bb) governing the operation of permit holders  Mirror for ASET (Act, Section 87.3(u))	No longer have certificate holders	
	(cc) governing the publication of information with respect to the profession, including but not limited to the publication of surveys of fees;	(cc) governing the publication of information with respect to the professions  Mirror for ASET (Act, Section 87.3(v))	Edited to remove fees	
	(dd) respecting registration, licensing, the issuing of permits and certificates,	(dd) respecting registration, licensing, the issuing of permits and certificates,	No change	

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	disciplinary matters and the practice of engineering and geoscience generally;	disciplinary matters and the practice of engineering and geoscience generally;  Mirror for ASET Regulated Members (Act, Section 87.3(w)) and Professional Technologists (Act, Section 88.5(l)).		
	(ee) respecting the service on any person of a document or notice required to be served under this Act.	(ee) respecting the service on any person of a document or notice required to be served under this Act.  Mirror for ASET Regulated Members (Act, Section 87.3(x)) and Professional Technologists (Act, Section 88.5(m)).	No change	
	New	Respecting the criteria and circumstances under which the Investigative panel could impose interim conditions on a professional member or permit holder on an expedited basis in emergent situations;  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 5, Regulation PDD Row R20	
	New	Respecting the establishment of a practice review program  Mirror for ASET Regulated Members and Professional Technologists		
	New	Respecting the conduct of practice reviews by practice reviewers;	Per PDD Rows 66, 68	



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Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
		Mirror for ASET Regulated Members and Professional Technologists		
	New	Respecting orders requiring investigated persons to pay costs of a hearing, proceeding or appeal.  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 93, Regulation PDD Row R21	
	New	Respecting the criteria according to which the Registrar is authorized to cancel the registration of individuals and permit holders, in cases not involving discipline matters;  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 8, Regulation PDD Row R2	
	New	Any other matter or thing not provided for in this Act or insufficiently provided for in this Act as is considered advisable by the Minister to carry out the intent of this Act  Mirror for ASET Regulated Members and Professional Technologists		
	Act, Sections 19(3) to (6)	Sections 19 (3) to (6) remain other than the changes proposed in PDD Row 99 (Note: 88:5(2) remains with no changes)	PDD Row 99	

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<b>Act Row #</b>	<b>Current</b>	<b>Proposed</b>	<b>Rationale</b>	<b>Legislative Precedents/Examples</b>
<b>18</b>	20(1) The Council may make bylaws	NOTE: Recommendations regarding Council’s authority to make bylaws under Section 20 will be submitted at the same time as the Regulation PDD, so that consequential changes may be included.	The proposed changes to Section 20 reflect the recommendations and changes detailed across the Policy Development Documents for the Act, and the resultant changes needed for the APEGA Bylaws.	<i>Health Professions Act</i>  <i>Bylaws</i> <i>132(1) A council may make bylaws (c) establishing a council and respecting the number and selection or election of the voting and non-voting members of council, their terms of office, removal from office and the filling of vacancies;</i>
	(a) for the government of the Association and the management and conduct of its affairs;	(a) for the governance of the Association and the management and conduct of its affairs;  Mirror for ASET (Act, Section 87.4(1)(a))	Bylaws are the governance rules	
	(b) determining the location of the head office of the Association;	(b) determining the location of the head office of the Association;	No change	
	(c) respecting the calling of and conduct of meetings of the Association and the Council;	(c) respecting the calling of and conduct of meetings of the Association and the Council;	No change	
	(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,	(d) respecting the nomination and election of president; nomination and election of vice president; the nomination and annual election of Council members; and the filling of Council vacancies;	Per Regulation PDD Row R4  Appointments to committees will be addressed in the Act per PDD Row 25.	

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<b>Act Row #</b>	<b>Current</b>	<b>Proposed</b>	<b>Rationale</b>	<b>Legislative Precedents/Examples</b>
	the Appeal Board, the Board of Examiners and any other committee established by the Council and prescribing their powers, duties and functions;	Mirror for ASET (Act, Section 87.4(1)(d))		
	(e) prescribing those areas of the professions of engineering and geoscience from which members of the Board of Examiners shall be appointed by the Council;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(e))	Per PDD Row 25	
	(f) respecting the appointment, functions, duties and powers of a Chief Executive Officer of the Association;	(f) respecting the appointment, functions, duties and powers of a Chief Executive Officer of the Association;  Note: ASET requires a housekeeping change to this section to revise “Executive Director” to “Chief Executive Officer” (Act, Section 87.4(1)(f))	No change	
	(g) respecting the establishment of districts and branches of the Association and their operation;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(g))	This is in bylaws does not need to be in act	
	(h) providing for the division of Alberta into electoral districts and prescribing the number of Council members to be elected from each district;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(h))	This is in bylaws does not need to be in act	

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Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
	(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;	(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;	No changes	
	(j) establishing classes or categories of membership in the Association in addition to professional engineers and professional geoscientists and prescribing the rights, privileges and obligations of the classes or categories of membership so established;	(j) establishing categories of membership in the Association in addition to professional members and permit holders and prescribing the rights, privileges and obligations of the categories of membership so established;  Mirror for ASET (Act, Section 87.4(1)(j))	Allows for other categories like, life membership, non-practicing etc..	
	(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;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(k))	Included in Section 20(1)(d) above.	
	(l) prescribing the number of professional members that constitutes a quorum at meetings of the Association;	(l) prescribing the number of members that constitutes a quorum at meetings of the Association;	Allows for MITs to vote	

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<b>Act Row #</b>	<b>Current</b>	<b>Proposed</b>	<b>Rationale</b>	<b>Legislative Precedents/Examples</b>
	(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;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(m))	The ability for Council to delegate its authority is consolidated in PDD Row 16.  Regulation PDD Row R6 removes the authority from Regulations to create committees, as this has been consolidated in the Act under PDD Row 25.	
	(n) prescribing fees and expenses payable to members of the Association for attending to the business of the Association;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(n))	Move to policy	
	(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;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(o))	Move to Policy	
	(p) governing the information to be engraved on stamps and seals issued to professional members, licensees and restricted practitioners;	(p) governing the information to be included on stamps-issued to licensed professionals and permit holders.	Per PDD Row 79	
	(q) respecting permit numbers issued to permit holders;	(q) respecting permit stamps-issued to permit holders;  Mirror for ASET (Act, Section 87.4(1)(p))	Per PDD Row 80	

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<b>Act Row #</b>	<b>Current</b>	<b>Proposed</b>	<b>Rationale</b>	<b>Legislative Precedents/Examples</b>
	(r) respecting the fixing of fees, dues and levies payable to the Association;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(q))	Move from bylaws to policy per PDD Row 56.	
	(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;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(r))	Per PDD Row 93 move from bylaws to regulations	
	(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;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(s)) and Professional Technologists (Act, Section 88.5(1)(d))	Move to policy per PDD Row 110	
	(u) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(t))	Move to policy per PDD Row 110	
	(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;	(v) requiring licensed professionals and permit holders to inform the Registrar in writing of their current mailing addresses and of any change of address forthwith after the change occurs;  (note: and regulated members ASET Section 87.4(1)(u))		

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Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
	(w) prescribing the form of a certificate of registration, a licence, a permit, a certificate of authorization and an annual certificate;	Delete Section  Mirror for ASET (Act, Section 87.4(1)(v)) and Professional Technologists (Act, Section 88.5(1)(o))	Move to policy per PDD Row 6	
	(x) respecting the expiry of annual certificates, annual licences, permits and other authorizations.	Delete Section  Mirror for ASET Regulated Members (Act, Section 87.4(1)(x)) and Professional Technologists (Act, Section 88.5(1)(p))	Move to policy per PDD Row 6	
New		respecting the role and duties of the President respecting other offices or positions on Council; respecting the composition of Council  Mirror for ASET Council	Adjustment resulting from Regulations sections moving to bylaws per Regulation PDD Row R4	
New		Respecting the nomination criteria and criteria for the removal of an elected member of Council  Mirror for ASET Council	Provides clarity on the process	
New		respecting the calling of and conduct, and quorum of meetings of Council;  Mirror for ASET Council	Council quorum moved from Act Section 19(1)(g) to Bylaws, per Regulation PDD Row R4	

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Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
	Act, Sections 20(2) to 20(4)	Sections 20(2) to 20(4) remain unchanged except as proposed in PDD Row 100	PDD Row 100	
	New	respecting any other matter not required by this Act or Regulation to be dealt with in the bylaws  Mirror for ASET Council		
19	New The Act allows the Council to make Regulations, (Act, Section 19) and Bylaws (Act, Section 20).	Add new section to Act to give Council the authority to make policies regarding:		<p><i>Chartered Professional Accountants Act</i></p> <p><i>Resolutions</i> 20(1) The board may make resolutions (d) respecting any other matter not required by this Act to be dealt with in regulations, bylaws, directives, practice standards or rules of professional conduct (2) Where the board is of the view that a matter to be addressed in subsection (1) is a matter of policy, the board may choose to address the matter by directive instead of by resolution.</p> <p><i>The Engineering and Geoscientific Professions Act (Manitoba)</i></p> <p><i>Policies and procedures</i> 12(3) The council may establish operating policies and procedures not inconsistent with this Act or with any by-law of the Association</p>



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Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
				<i>(a) providing specific requirements for any aspect of the processes of governing, regulating or advancing the practice of professional engineering or the practice of professional geoscience in the public interest in the Province of Manitoba;</i>
	New	a) Governing how long orders remain on the register  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Rows 1, 110	
		aa) regarding the disclosure of a complaint, the status of a complaint, and information about an investigation to engineering and geoscience associations outside Alberta and other professional organizations to which the subject of an investigation is registered or is seeking registration.  Mirror for ASET Regulated Members and Professional Technologists	Per Row 103	
	New	b) the criteria to determine whether to inform the public of ongoing investigations, inquiries or practice reviews, prior to a final decision being made  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 2	

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<b>Act Row #</b>	<b>Current</b>	<b>Proposed</b>	<b>Rationale</b>	<b>Legislative Precedents/Examples</b>
	New	c) the criteria to determine whether to inform the public of action APEGA is taking against unlicensed individuals or companies for use-of-title/ scope of practice violations  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 3	
	New	d) governing the publication of notice of the suspension, restriction of practice or cancellation of the registration of a professional member or permit holder,  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 110	
	New	e) the criteria professional members, member-in-training and permit holders must meet to renew their annual registration  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 6	
	New	f) prescribing the form of certificates of registration, permits and annual certificates  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 6	
	New	g) the criteria for cancelling a false or fraudulent registration by the Registrar	Per PDD Row 10	

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Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
		Mirror for ASET Regulated Members and Professional Technologists		
	New	h) the criteria to guide the Registrar in deciding whether to initiate an investigation, inquiry or complaint  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 11	
	New	i) the criteria to guide the Registrar and Investigative Panels in deciding whether to dismiss a complaint where the conduct is too minor to warrant a sanction or there are not sufficient grounds to proceed with further investigation  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 13	
	New	j) requirements for professional Members and Permit Holders to carry Professional Liability Insurance  Mirror for ASET Regulated Members and Professional Technologists (Note: ASET currently provides professional liability insurance to ASET Regulated Members and Professional Technologists as part of their membership benefits/dues)	Per PDD Row 28	
	New	k) Regarding what information about voluntary resignations should be published and entered in the	Per PDD Row 54	

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Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
		<p>Register, and criteria for statutory entities regarding placing conditions or restrictions.</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>		
New		<p>l) the types of fees, dues, levies and assessments to be paid and the time for payment by applicants for registration, and by members and permit holders for continuance of registration, for practice reviews and for reinstatement or any other compliance matter</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>	Move from bylaws to policy per PDD Row 56	
New		<p>m) respecting the service on any person of a document or notice required to be served under this Act, regulations, bylaws or policies.</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>	Move from Regulation to policy per Regulation PDD Row R25	
New		<p>n) the content and maintenance of registers for each category of membership established under the Act and bylaws</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>	Per PDD Rows 1, 110	
New		<p>o) the collection, use and disclosure of personal information and any</p>	Per PDD Rows 1, 110	

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Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
		<p>other information as required from a professional member, permit holder or other category of membership for the purposes of maintaining a register</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>		
	New	<p>p) governing the publishing of a register</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>	Per PDD Rows 1, 110	
	New	<p>q) governing the disclosure of information in a register</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>	Per PDD Rows 1, 110	
	New	<p>r) governing the removal of information from the register</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>	Per PDD Rows 1, 110	
	New	<p>s) the criteria for assessing permit to practice management plans (PPMPs) and applications for permits to practice</p> <p>Mirror for Professional Technologists</p>	Per PDD Row 101, Regulation PDD Row R10	
	New	<p>t) governing the eligibility and process for re-registration of permit holders following cancellation</p>	Per PDD Row 102	

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<b>Act Row #</b>	<b>Current</b>	<b>Proposed</b>	<b>Rationale</b>	<b>Legislative Precedents/Examples</b>
		Mirror for Professional Technologists		
	New	u) respecting criteria for assessing good character and reputation  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 14	
	New	v) respecting any administrative matter not dealt with under the bylaws  Mirror for ASET Regulated Members and Professional Technologists		
	New	w) respecting any other matter not required by this Act to be dealt with in regulations or bylaws  Mirror for ASET Regulated Members and Professional Technologists		
	New	x) criteria to guide Council, the Registrar, CEO and statutory entities in deciding whether to delegate authority, when such delegation is appropriate and any conditions or restriction in that delegation  Mirror for ASET Regulated Members and Professional Technologists	Per PDD Row 16	
	New	y) prescribing fees and expenses payable to members of the Association for attending to the business of the Association;  Mirror for ASET Council	Move from bylaws	

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Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
	New	z) 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;  Mirror for ASET Council	Move from bylaws	
20	Regulatory entities in the Act are currently identified as Investigative Committee, Discipline Committee, Appeal Board, Practice Review Board, Board of Examiners, Joint Investigative Committee, Joint Discipline Committee, Joint Appeal Board, Joint Practice Review Board, Joint Board of Examiners and JPT Regulations Committee. (Act, Section 1)	The term “board” should be removed from all bodies accountable to Council in the Act  Examples of the name changes would be: <ul style="list-style-type: none"> <li>• Registration Committee</li> <li>• Investigation Committee</li> <li>• Discipline Committee</li> <li>• Appeal Committee</li> <li>• Practice Review Committee</li> </ul> Mirror for ASET boards/committees and joint boards/committees	There is some confusion and apparent inconsistency in the names given to the current regulatory statutory boards versus statutory committees under the Act. This confusion is further compounded by the naming conventions specified in the General Regulation and used internally for the standing committees of Council.  The term “board” should be reserved for the governing entity of the association.  (See Rows 20 to 24: GOVERNANCE COMMITTEE RECOMMENDATIONS)	<i>Chartered Professional Accountants Act</i>  <i>Board</i> <i>11(1) Subject to section 152, the board of the CPAA consists of</i> <i>(a) at least 3 but not more than 15 elected members of the CPAA, and</i> <i>(b) sufficient public members appointed by the Lieutenant Governor in Council under section 23 to comprise at least 25% of the board’s voting members.</i> <i>(2) The board’s functions are</i> <i>(a) to govern the business and affairs of the CPAA,</i> <i>(b) to fulfil the purposes of this Act, and</i> <i>(c) to exercise the CPAA’s powers in the name of and on behalf of the CPAA.</i>
21	The Joint Councils Committee is composed of an equal number of members from the Executive Committees of the Council and ASET Council. This may be adjusted by agreement between both Councils.	Section 1.1(1) of the Act should be amended by striking “The Executive Committees of” to read: <i>1.1(1) There is established a Joint Councils Committee composed of an equal number of members from, the</i>	Provides more flexibility so that membership on the Joint Councils Committee is not limited to members from the Executive Committees of each Council but open to all Council Members.	

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<b>Act Row #</b>	<b>Current</b>	<b>Proposed</b>	<b>Rationale</b>	<b>Legislative Precedents/Examples</b>
	(Act, Sections 1.1(1), 1.1(4))	<i>APEGA Council and ASET Council, at least one of whom must come from each Council's executive committee, appointed respectively by the [APEGA] Council and ASET Council. Whenever possible a least one of the ASET Council representatives to the Joint Councils Committee should be a professional technologist.</i>	Whenever possible, at least one ASET appointed joint council committee member should be a P.Techs to ensure licensed professionals are involved in regulating licensed professionals	
<b>22</b>	Under the current wording in the Act, the Council “manages and conducts the business and affairs” of APEGA. (Act, Section 12(2))	Section 12(2) of the Act should be amended by striking “manage and conduct the business and affairs of” and replacing it with “govern”, to read: <i>12(2) The Council shall govern the Association and exercise the powers of the Association in the name of and behalf of the Association.</i>  Mirror for ASET Council (Act, Section 87(2))	This change better reflects the role and function of Council.	<i>Chartered Professional Accountants Act</i>  <i>Board</i> <i>11(2) The board's functions are (a) to govern the business and affairs of the CPAA, (b) to fulfil the purposes of this Act, and (c) to exercise the CPAA's powers in the name of and on behalf of the CPAA.</i>
<b>23</b>	The Act currently allows all of the Council to be elected by the professional membership, and identifies those to be elected as the president, 2 vice-presidents, the immediate past-president and at least 12 other professional members. (Act, Section 14(1))	Section 14(1) of the Act should be amended to strike the complete section and replace with the requirement for a President whose roles and responsibilities will be in accordance with the bylaws. It should read: <i>14(1) Council shall include a President and establish the role and duties in accordance with the Bylaws.</i>	This change allows the flexibility to determine how the President is elected in the future.  Other Council positions can be stated in the Bylaws.	<i>Chartered Professional Accountants Act</i>  <i>Board</i> <i>11 (3) The board must (a) elect a chair of the board, and (b) establish the role and duties of the chair of the board in accordance with the directives.</i>



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Act Row #	Current	Proposed	Rationale	Legislative Precedents/Examples
		Mirror for ASET Council (Act, Section 87.2(1))		
24	The Act currently prescribes the size and composition of the Council. Council shall be at least 16 professional members, of whom 2 are professional engineers, and 2 are professional geoscientists. If there are less than 20 professional members, 3 members of the public will be appointed by the Minister. (Act, Section 14(2))	Section 14(2) should be amended by striking 14 (2)(a)(i)(ii)(iii) to read: <i>14(2) The Council shall consist of at least 12 but not more than 20 members, made up of 2 or 3 public members appointed by the Minister, and elected professional members in accordance with the Bylaws.</i>  Mirror for ASET Council (Act, Section 87.2(2))	This change simplifies the section in that it establishes the size of the Council in the Act, but moves the composition of the Council to the Bylaws.  The smaller size of Council is consistent with most of the other Alberta professions and most constituent associations across the country.	<i>Chartered Professional Accountants Act</i>  <i>Board</i> <i>11(1) Subject to section 152, the board of the CPAA consists of</i> <i>(a) at least 3 but not more than 15 elected members of the CPAA, and</i> <i>(b) sufficient public members appointed by the Lieutenant Governor in Council under section 23 to comprise at least 25% of the board's voting members.</i>
<b>Statutory Entities Structure and Accountability</b>				
25	New  There exists an implied accountability of all the statutory boards and committees to Council which is understood by the Government but not necessarily by the statutory boards and committees themselves or the public.  Some statutory boards and committees are established by Council (Board of Examiners, Investigative Committee, Discipline Committee), and others by the Act itself (Practice Review Board, Appeal Board).	It is recommended that the Act and where applicable the Regulation be amended so that: <ul style="list-style-type: none"> <li>• Consolidate related information on the statutory entities into one division.</li> <li>• Council will establish all statutory entities.</li> <li>• Council will appoint members of statutory entities (current).</li> <li>• statutory entities will be explicitly accountable to the Council.</li> <li>• the Registrar will be an ex-officio non-voting member of each statutory entity and will not participate on panels.</li> </ul>	Legislation governing regulatory bodies includes statutory entities to carry out the regulatory mandate. The authorities and duties of statutory boards and committees vary from one to another, and are described in different locations across the Act, Regulations and bylaws. The changes consolidate this information into one area with clarity around what is required.  Putting this information into one location within the legislation will make it easy for statutory committee members, professional members,	<i>The Engineering and Geoscientific Professions Act (Manitoba)</i>  <i>30 The council shall, in accordance with the by-laws, appoint an investigation committee of not fewer than five natural persons</i> <i>(a) a chair appointed by the council;</i>  <i>38(1) The council shall, in accordance with the by-laws, appoint a discipline committee of not fewer than 10 natural persons consisting of</i> <i>(a) a chair appointed by the council;</i>

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	<p>The Investigative Committee and the Discipline Committee currently use panels. A panel of the Discipline Committee has the same authority as the Discipline Committee. (Act, Sections 15, 18, 45, 46, 47, 49, 50; Regulation, Section 45)</p> <p>Council appoints the chairs of statutory entities. (Regulation, Sections 15(4), 21(2), 32(2), 36(2), 40(2))</p>	<ul style="list-style-type: none"> <li>there will be a requirement that each statutory entity must have at least three members at any time.</li> <li>Council will appoint chairs and vice-chairs to each of the statutory entities.</li> <li>panels will be chosen from the roster by the chair and in the chair’s absence by the vice-chair, of the respective statutory entity.</li> <li>panels will have a minimum of one or more persons, one of whom is appointed chair of the panel. Discipline panels and Appeal panels for discipline decisions should include one public member. Panels require an odd number of members.</li> <li>each statutory entity will have terms of reference that will be approved by Council.</li> <li>Statutory entities may make policies in relation to their specific mandates.</li> <li>Council may appoint any other committees it considers necessary, and shall delegate any authority necessary for the committee to perform its function. The composition and mandate of the committee will be set out in its terms of reference.</li> </ul>	<p>Permit Holders and the general public to find the information.</p> <p>Statutory entities should all have the same accountability arrangements, so it is clear to whom they are accountable.</p> <p>This accountability should be explicit.</p> <p>The number of required members to be appointed to the statutory entities and panels is currently not consistent.</p> <p>Statutory entities would be consistent in accountability and structure. A minimum size requirement allows the statutory board and committees to fulfil their mandate even though they may not have a full roster.</p> <p>The Regulation allows for the Board of examiners to consider matters of policy, but it does not explicitly state what it may do with the policy. It is unclear whether they may create or change policy.</p> <p>The Act should give Statutory entities the explicit authority to set policy as needed.</p>	<p><i>Engineering and Geoscience Professions Act (New Brunswick)</i></p> <p><i>12(3) The Council shall name one member of the Complaints Committee to be chairperson</i></p> <p><i>Engineering Profession Act (Nova Scotia)</i></p> <p><i>17C(5) The Council shall appoint the Chair and Vice-chair of the Complaints Committee.</i></p> <p><i>17G(3) The Council shall appoint the Chair and Vice-chair of the Discipline Committee.</i></p> <p><i>Engineering Act (PEI)</i></p> <p><i>Act Enforcement Committee</i> <i>14(4) The Council shall appoint one member of the Committee to be chairman. Chairman</i></p> <p><i>Discipline Committee</i> <i>17(4) The Council shall name the chairman of the Committee as well as any additional members of the Committee. Chairman (</i></p> <p><i>Engineers and Geoscientists Act (Newfoundland &amp; Labrador)</i></p>

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		Mirror for ASET boards/committee and joint boards/committees		<p><i>21.(3) The board shall appoint the chairperson and vice-chairperson of the complaints authorization committee from the persons appointed under subsection (1).</i></p> <p><i>21.(4) The board shall appoint at least 12 members who are not members of the board, one of whom shall be appointed to serve as chairperson, and the minister shall appoint at least 4 persons who are not members to represent the public interest, who shall together constitute a disciplinary panel</i></p> <p><i>Engineers Yukon Bylaws</i></p> <p><i>29(4) The Chair of the Board of Examiners shall be appointed by Council.</i></p> <p><i>30(2) Council shall appoint a Chair and Vice-chair from among the Discipline Committee members</i></p> <p><i>Engineers and Geoscientists Act (NWT)</i> <i>31(3) Council shall designate one member of the Discipline Committee to be the chairperson.</i></p> <p><i>Engineering and Geoscience Professions Act General Regulation</i></p>

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				15(2) <i>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.</i>
26	<p>Currently under the Act, the Minister holds the authority over Joint Boards and Committees to set the number of members, the governance and operation of joint committees including the method of appointment and term of the chairs, quorum of the committees, the delegation of authority to the committee to set procedures. (Act, Section 88(1))</p> <p>The Act establishes joint boards and committees. The specific boards and committees that may be created are:</p> <ul style="list-style-type: none"> <li>• Joint Practice Review Board;</li> <li>• Joint Appeal Board;</li> <li>• Joint Professional Technologists Regulations Committee;</li> <li>• Joint Discipline Committee;</li> <li>• Joint Board of Examiners;</li> </ul> <p>(Act, Section 87.5)</p>	<p>The Act should authorize the Joint Councils Committee to establish, appoint chairs and vice chairs, and approve terms of reference for all of the Joint Committees.</p> <p>The Joint Committees would be accountable to the APEGA Council and ASET Council.</p> <p>Proposed Name Changes for consistency</p> <ul style="list-style-type: none"> <li>• Joint Practice Review Committee</li> <li>• Joint Appeal Committee</li> <li>• Joint Registration Committee (see row 20)</li> </ul>	<p>As the Joint Councils Committee is to be made of an equal number of members of APEGA and ASET Councils, they are the appropriate governance body to establish joint statutory committees, set their membership and their terms of reference (the same as the other statutory committees established in the Act).</p> <p>If Joint Councils create joint committees, they should be accountable for them, including terms of reference, quorum, etc..</p> <p>This is an activity whose accountability best rests with APEGA and ASET to monitor and ensure the committee is meeting their mandate as part of the oversight of the councils.</p> <p>(The terms of reference will describe the committee member’s term of appointment, a maximum size of the committee if appropriate, the ability to create subcommittees as appropriate, the composition and skill sets required</p>	<p><i>Engineering and Geoscience Professions Act</i></p> <p>88(1) <i>After consultation with the Council and ASET Council, the Minister shall, by order, prescribe, subject to any provision to the contrary in this Act, with respect to each joint board and committee established under section 87.5,</i></p> <p><i>(a) the number of members, and</i></p> <p><i>(b) the governance and operation of the committee or board, including</i></p> <p><i>(i) the method of appointment and term of the chair,</i></p> <p><i>(ii) the quorum, and</i></p> <p><i>(iii) procedural matters or delegating to the board or committee the authority to make decisions about procedural matters.</i></p>

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			to fill committee panels needed to achieve each of their mandates, and a description of how they will perform their roles and responsibilities.)	
<b>Conditions of Practice</b>				
27	<p>There is an implied obligation for Members and Permit Holders to comply with the Act, Regulation, Bylaws, Code of Ethics, Practice Standards, and policies established by Council.</p> <p>The Regulation includes specific provisions requiring compliance with the Continuous Professional Development Program and the Code of Ethics. (Regulation, Sections 16, 31)</p> <p>The Code of Ethics states that Members and Permit Holders must comply with applicable statutes, regulations, and bylaws in their professional practices. (Regulation, Schedule)</p> <p>Failure to comply with the Act, General Regulation, or Bylaws that is (in the opinion of the Discipline Committee) of a serious nature may constitute unprofessional conduct. (Act, Section 44(2))</p>	<p>It is recommended that the legislation be amended to explicitly state that:</p> <p>Members and Permit Holders must:</p> <ul style="list-style-type: none"> <li>• comply with the Act, Regulation, Bylaws, Code of Ethics, Practice Standards, Practice Bulletins and policies established by Council.</li> <li>• cooperate with requests to provide documents or other information made by APEGA as part of exercising its regulatory mandate under the legislation.</li> <li>• comply with the conditions of a finding or order</li> </ul> <p>There are consequences for failing to comply or cooperate which could include suspending, cancelling, imposing restrictions or not issuing or renewing a licence or permit to practice through existing mechanisms.</p> <p>Failing to comply or cooperate may constitute unprofessional conduct.</p>	<p>It is in the public interest that Members and Permit Holders comply with the Act, Regulation, Bylaws, Code of Ethics, Practice Standards, Practice Bulletins and policies established by Council and cooperate by providing APEGA with documents or other information requested by APEGA in carrying out its regulatory mandate.</p> <p>These obligations should be explicitly stated in the legislation so the public as well as Members and Permit Holders know that Members and Permit Holders are obligated to comply and cooperate and that there are consequences for failing to do so.</p> <p>Current tools available in response to a failure to comply or cooperate include treating the matter as a complaint, proceeding through the disciplinary process, conducting a practice review, or through the Registrar’s authority around administrative compliance.</p>	<p><u>Obligation to Comply</u></p> <p><i>Chartered Professional Accountants Act (Alberta)</i></p> <p>5 A registrant must comply with (a) this Act and the regulations, bylaws, directives, resolutions, rules of professional conduct and practice standards, and (b) any requirement, prohibition, restriction, condition or undertaking on the registrant’s practice or registration imposed, given or provided under this Act, a former Act or the regulations.</p> <p>6 No person shall knowingly (a) obstruct or interfere with a registrant’s complying with section 5, or (b) request or permit a registrant to contravene or not to comply with section 5 or assist a registrant in contravening or not complying with section 5.</p> <p><u>Consequences of Failing to Comply and Cooperate</u></p>

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	<p>Conduct that (in the opinion of the Discipline Committee or the Appeal Board) contravenes the Code of Ethics may constitute unprofessional conduct. (Act, Section 44(1)(b))</p>	<p>Members and Permit Holders will have the right to appeal such decisions to the Appeal Committee.</p> <p>APEGA will have the ability to apply for a court an order enjoining a person from violating any part of the Act, Regulation or Bylaws; or directing a person to take some action to comply or to rectify any contravention.</p> <p>Mirror for ASET Regulated Members, Professional Technologists, and ASET Permit Holders</p>		<p><i>Engineers and Geoscientists Act (British Columbia)</i></p> <p><i>14(1) The council must issue a certificate of authorization to a corporation, partnership or other legal entity for the practice of professional engineering or for the practice of professional geoscience if the council is satisfied that the corporation, partnership or other legal entity</i></p> <p><i>a) has on its active staff members or licensees who directly supervise and assume responsibility for the practice of professional engineering or for the practice of professional geoscience undertaken by the corporation, partnership or other legal entity,</i></p> <p><i>14(8) Despite subsection (1), the council may refuse to issue or renew a certificate of authorization if the applicant for the certificate of authorization or the certificate holder, as the case may be, or a member or licensee described in subsection (1) (a) (a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada and, in the circumstances, renders the person unsuitable for the practice of professional engineering or for the practice of professional geoscience,</i></p>

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				<p><i>(b) has contravened this Act, the bylaws or the code of ethics of the association, or</i>  <i>(c) has demonstrated incompetence, negligence or unprofessional conduct.</i></p> <p><i>Chartered Professional Accountants Act (Alberta)</i></p> <p><i>54(2) If a registrant fails to meet the requirements [for continuing registration] set out in subsection (1)</i>  <i>(a) the registrant’s registration may be suspended, cancelled or made subject to practice restrictions in accordance with the bylaws,</i>  <i>(b) the registrant is liable for any financial penalty for the contravention imposed in accordance with the bylaws, and</i>  <i>(c) the registrar may make a complaint under section 66 about the conduct of the registrant.</i></p> <p><u>Application to Court</u></p> <p><i>Chartered Professional Accountants Act (Alberta)</i></p> <p><i>8(1) The Court of Queen’s Bench, on application by the CPAA</i>  <i>(a) may grant an injunction prohibiting any person from doing any act that contravenes this Division [which includes sections 5 and 6, found</i></p>

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				<p><i>under examples of “Obligation to Comply”, above], even if other proceedings may be taken and sanctions may be imposed for that contravention under this Act, or</i></p> <p><i>(b) may make an order requiring or directing a person to take some action in order to comply with this Division or to rectify any contravention of this Division.</i></p> <p><i>Professional Engineers Act (Ontario)</i></p> <p><i>39 (1) Where it appears to the Association that any person does not comply with this Act or the regulations, despite the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Association may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision, and upon the application the judge may make the order or such other order as the judge thinks fit.</i></p> <p><i>The Engineering and Geoscientific Professions Act (Manitoba)</i></p> <p><i>64 On application of the association, the court may grant an injunction (b) enjoining a person from employing for work that is the practice of professional engineering or</i></p>



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				<p><i>professional geoscience any person not entitled to practice professional engineering or professional geoscience under this Act; or</i></p> <p><i>(c) enjoining a person from violating any provision of this Act whether or not such person has been found guilty of an offence under that provision.</i></p>
28	<p>NEW</p> <p>Although many APEGA Members and Permit Holders voluntarily purchase professional liability insurance (errors and omissions insurance), such insurance is not currently required under the Act, Regulation or Bylaws.</p> <p>Similarly, there is no obligation for Members or Permit Holders to make a mandatory declaration that they do not have professional liability insurance. Rather, Members and Permit Holders must ensure stakeholders are aware of the risks inherent in their projects.</p>	<p>It is recommended that the legislation be amended to have the explicit authority for Council to make policy respecting the requirements for Members and Permit Holders to carry Professional Liability Insurance.</p> <p>Note; Add to new 'policy' section within the Act</p> <p>Mirror for ASET Council (Note: ASET currently provides professional liability insurance to ASET Regulated Members and Professional Technologists as part of their membership benefits/dues)</p>	<ul style="list-style-type: none"> <li>• It is in the public interest that individuals, partnerships and companies who provide engineering and geoscience consulting services carry primary professional liability insurance to ensure the public is protected in the event of errors or omissions.</li> <li>• Primary professional liability insurance also protects the individuals and Permit Holders themselves by providing coverage for errors and omissions (negligence and compensatory damages).</li> <li>• It would bring APEGA in line with many constituent associations in Canada and other professional associations in Alberta.</li> </ul>	<p><i>The Engineering and Geoscientific Professions Act (Manitoba)</i></p> <p><i>16(2) No person is entitled to hold a certificate of authorization, unless such person</i></p> <p><i>(e) complies with such requirements as the council, taking into account the public interest, may establish from time to time respecting</i></p> <p><i>(i) the amounts, terms and conditions of professional liability insurance coverage to be maintained by a partnership, corporation or other legal entity,</i></p> <p><i>(ii) alternatives to professional liability insurance coverage for a partnership, corporation or other legal entity that provide coverage which is substantially the same or greater than that which would be provided by professional liability insurance for the legal entity, and</i></p> <p><i>(iii) disclosure of the nature and extent of professional liability insurance coverage or any alternative to such</i></p>

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				<p><i>coverage maintained by a partnership, corporation or other legal entity, or one or more of its partners, employees or members, and provides evidence of compliance as required by the council; 16(2.1) Notwithstanding clause (2)(e), after taking into account the public interest, the council may waive the requirement to maintain professional liability insurance coverage for a partnership, corporation or other legal entity that undertakes to restrict its practice to providing professional geoscience services to the mining exploration industry.</i></p>
29	<p>A corporation, partnership, or other association of persons can only engage in the practice of engineering or geoscience with a Permit to Practice. A Permit to Practice also authorizes its holder (referred to as a Permit Holder) to use protected titles and words. (Act, Sections 2, 3, 5, 6)</p> <p>Council may issue a Permit to Practice to a partnership, corporation, or other entity if:</p> <ul style="list-style-type: none"> <li>• it is satisfied that the practice will be performed under the direct supervision and responsibility of: <ul style="list-style-type: none"> <li>○ a full-time permanent employee or</li> <li>○ a member of the partnership, corporation,</li> </ul> </li> </ul>	<p>It is recommended that the legislation be amended to:</p> <p>a) Add a definition for Responsible Member to indicate that the Responsible Member must be a Licensed Professional and must have a sufficiently close relationship with the Permit Holder to undertake the roles and responsibilities associated with acting as a Responsible member.</p> <p>b) Clarify that, in addition to the existing requirements for Responsible Members, their responsibilities are expanded to explicitly include:</p> <ul style="list-style-type: none"> <li>○ being professionally responsible for the PPMP</li> </ul>	<p>APEGA must have the ability to set minimum standards and requirements on any entity that engages in the practice of engineering or geoscience.</p> <p>a) Responsible Members need to understand their responsibilities associated with acting as Responsible Members and that they are held accountable for ensuring that their Permit Holders uphold their obligations.</p> <p>b) Companies are accountable for the engineering or geoscience work they do. They are also responsible for providing the work environment, organizational structure, and practice management systems necessary so the work done meets technical,</p>	

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	<p>or other entity who is also a Professional Member or Licensee and who is qualified by education and experience in the field in which the entity intends to engage.</p> <ul style="list-style-type: none"> <li>○ These individuals are referred to as Responsible Members.</li> <li>• the Responsible Member certifies, to the satisfaction of Council, that the partnership, corporation, or other entity has in place and will follow a Professional Practice Management Plan (PPMP). (Regulation, Sections 48(c), 48(d))</li> </ul> <p>Currently, a Permit Holder needs only one Responsible Member, regardless of its size. Permit Holders that engage in both engineering and geoscience need at least one engineering Responsible Member and one geoscience Responsible Member. (Regulation, Section 48(1)(c))</p> <p>A Responsible Member must:</p> <ul style="list-style-type: none"> <li>• be a Professional Member, Licensee or Professional Licensee.</li> <li>• attend a Permit to Practice seminar at least once every five years</li> </ul>	<p>and for ensuring it is being followed</p> <ul style="list-style-type: none"> <li>○ sign and date the PPMP within their area of responsibility</li> </ul> <p>c) Clarify that a deficiency in a PPMP (or evidence that a PPMP is not being followed) may result in a practice review order or a finding of unskilled practice or unprofessional conduct against the Responsible Members, collectively or individually, and against the Permit Holder</p> <p>d) Change the requirement from needing only one Responsible Member to needing one or more Responsible Members, as appropriate to the practice.</p> <p>e) Require Permit Holders and Responsible Members to advise APEGA within 30 days if an existing Responsible Member ceases to be the person accepting responsibility for the practice of the Permit Holder or can no longer provide the necessary certification regarding the PPMP.</p> <p>f) Require a sole practitioner to obtain a Permit to Practice.</p> <p>g) Move the requirement for a Responsible Member to attend a seminar every five years from the Regulation to part of the mandatory Continuing</p>	<p>professional, and ethical standards, and complies with relevant legislation.</p> <p>c) All entities, including sole practitioners, must have quality management systems in place to ensure:</p> <ul style="list-style-type: none"> <li>• they are aware of their obligations</li> <li>• that any work done by them meets technical, professional, and ethical standards</li> </ul> <p>d) The change to require one or more Responsible Members will allow for flexibility depending on the size and areas of practice of a Permit Holder in the event it is determined that more than one Responsible Member is needed to protect the public interest.</p> <p>e) Both the Permit Holder and the Responsible Member would be required to advise APEGA if an individual ceases to be a Responsible Member will place an obligation on both parties to advise APEGA of the change.</p> <p>f) Sole practitioners will need to have a Permit to Practice so that PPMP applies and there is greater protection of the public.</p> <p>Note: Sections in the Act and the Regulation need to be changed to</p>	

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	<ul style="list-style-type: none"> <li>advise APEGA if they cease to be the person accepting responsibility for the practice of the Permit Holder or if he or she can no longer provide the necessary certification regarding the PPMP (Regulation, Section 50)</li> </ul> <p>Currently, a Member practising as a sole practitioner does not need a Permit to Practice because the Member’s licence grants the right to independently practise engineering or geoscience. If the same individual practises through an incorporated company, the company requires a Permit to Practice even though the Member is the only employee. (Act, Sections 2(1), 5(1))</p>	<p>Professional Development (CPD) program requirements for Responsible Members. The details will be described in the CPD program.</p> <p>Mirror for Professional Technologists/ASET Permit Holders</p> <p>Note: A P.Tech. can only be a Responsible Member for an ASET Permit to Practice.</p> <p>An APEGA professional member can only be a Responsible Member for an APEGA Permit to Practice.</p>	<p>reflect the proposed recommendations.</p>	
30	<p>Council may revoke a Permit to Practice if the Permit Holder contravenes the Act, the Regulation, or a term or condition of the permit. (Regulation, Section 51)</p>	<p>Delete Section</p> <p>Mirror for ASET Permit Holders</p>	<p>Housekeeping - this has been addressed in Rows 6, 8, 9 and 101</p>	
<b>Exemptions</b>				
31	<p>There are a number of building code-related exemptions within the Act allowing individuals and entities to practice engineering without being licensed with APEGA if the activity relates to buildings of a certain type, size and occupancy.</p>	<p>The building code exemptions contained in sections 2(6) and (7) of the Act should be repealed, and the Act refer to the current Alberta Building Code as the source for relevant exemptions.</p>	<p>Building structures and building science have evolved since the 1980s. However, these particular sections within the Building Code, the Act and the <i>Architects Act</i> relating to exemptions are not up to date to reflect these changes because of the</p>	

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	<p>(Act, Sections 2(1), 2(6))</p> <p>The Act and the <i>Architects Act</i> both share wording from the 1982 Alberta Building Code. The wording introduced into both Acts are not the same wording used in the 1982 Code. (Act, Section 2(7))</p>	<p>This does not eliminate the exemptions; rather it would make the Building Code the sole source of reference for the relevant exemptions.</p>	<p>difficulty in updating three pieces of legislation at the same time.</p> <p>By repealing the building code exemptions from the Act and referencing them in the Building Code, the public interest is better served because it would be clear to the public, APEGA Members, the authorities having jurisdiction and the provincial government that the most current version of the building code is the sole source of reference for the relevant exemptions.</p> <p>In addition, it will be easier to make changes to building code exemptions in the future, as there would be no need to revise the Act to reflect those changes as the exemptions would be found solely in the updated Building Code.</p> <p>Eliminating the current exemptions in the Act would eliminate the differences in wording between the Act and the Building Code and would eliminate differing interpretations as a result.</p>	
32	<p>Section 89.6 of the Act makes exemptions for Professional Technologists who are practicing engineering and geoscience within a specified scope of practice. These</p>	<p>The exemptions found in Section 89.6 should be moved to be included in the rest of the exemptions under Sections 2(1) and 3(1)(b)(i) for Engineering, and</p>	<p>The change would put related exemptions together into the same areas in the Act.</p>	

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	exemptions involve the scopes of practice of both engineering and geoscience, and the exclusive use of the names engineer and geoscientist, found in Sections 2(1), 3(1)(b)(i), 5(1) and 6(1)(b)(i).	Sections 5(1) and 6(1)(b)(i) for Geoscience.		
33	Section 83.4 of the Act makes exemptions for Professional Licensees who are practicing engineering and geoscience within a specified scope of practice. These exemptions involve the scopes of practice of both engineering and geoscience found in Sections 2(1), 3(1)(b)(1), 5(1) and 6(1)(b)(i).	The exemptions found in Section 83.4 should be moved to be included in the rest of the exemptions under Sections 2(1) and 3(1)(b)(i) for Engineering, and Sections 5(1) and 6(1)(b)(i) for Geoscience.	The change would put related exemptions together into the same areas in the Act.	
34		NOTE: This Row was originally included as a placeholder but no change is necessary. It is included here for completeness.) Canadian Forces members on duty in Sections 2(4)(f) and 5(2)(d). No change to this section necessary.		
35	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	It is recommended that sections 2(4)(a) and 5(2)(a) of the Act be amended to reflect the guiding principle that the described work must be carried out under the immediate and direct supervision of a licensed professional “who is employed or engaged by a permit holder”.	The proposed amendments will improve public protection by clarifying an internal inconsistency within the legislation that allows some companies doing engineering and geoscience work in the described areas to avoid having an APEGA permit to practice.	

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	<p>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.</p> <p>2(4) Subsection (1) does not apply to the following:</p> <p>(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; Exclusive scope of the practice of geoscience</p> <p>5(1) Subject to subsection (2), no individual, corporation, partnership or other entity, except a professional geoscientist, a licensee so authorized in the licensee's licence or a permit holder so authorized in the permit, shall engage in the practice of geoscience.</p>		<p>This is of particular concern in operating and manufacturing plant environments and also in the construction industry where failures can be catastrophic and cause severe harm to the public.</p> <p>The effect of this subsection is that it allows companies doing engineering work that falls within the described areas to avoid the requirement to obtain a permit to practice if they have P.Eng. employees supervising the work.</p> <p>This undermines the very essence of the regulatory permit to practice system which is contained within the legislation and which is designed to protect the public by ensuring that companies engaged in the practice of engineering are accountable for their activities, and have appropriate organizational structure and quality management systems in place to ensure the professional practice within the company is being carried on pursuant to the legislative requirements and appropriate technical, professional and ethical standards.</p> <p>APEGA's Compliance Department currently receives responses from companies who operate plants and manufacturing facilities within Alberta</p>	

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	<p>5(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 geoscientific investigation, process, system, study, work or instrumentation in the capacity of contractor, superintendent, foreman or inspector, or in any similar capacity, when the investigation, process, system, 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 geoscientist or licensee;</p>		<p>who resist getting an APEGA permit citing this exemption section. The potential harm to the public of as a result of incidents occurring at operating plants and other manufacturing facilities can be significant. The public includes in-house employees as well as the general public that may be visiting or living nearby these workplaces. To protect the public the engineering work done as part of operating such plants and manufacturing facilities should be done under the immediate and direct supervision of a licensed professional who in turn is working under a permit holder’s professional practice management plan and quality management system. Similar issues can also arise during ongoing plant maintenance and scheduled shutdowns; as well as in the construction industry where changes to designs are done in the field, sometimes without the knowledge and approval of a licensed professional. The determining factor of whether an APEGA permit to practice is needed will be whether the activity falls within the definition of the practice of engineering or not. If it does, the company will need a permit. If the activity does not fall within the definition of the practice of</p>	



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			<p>engineering the company will not need a permit. Companies could meet the requirements under the proposed amendment in three ways: 1) The company itself could get a permit, and have the work done under the immediate and direct supervision of a licensed professional employee working under the company's professional practice management plan, or 2) Immediate and direct supervision by a licensed professional who works for a third-party permit holder company, or 3) Immediate and direct supervision by a licensed professional sole proprietor who is a permit holder The same considerations apply to geoscience carried out under a P.Geo.</p>	
36	<p>If recommended by the APEGA/AAA Joint Board of Practice, Council may authorize a registered architect to apply for a permit under the <i>Safety Codes Act</i> Regulations without the final design drawings and specifications being authenticated by a P.Eng.. (Act, Section 38)</p> <p>Similarly, the same exemption exists where drawings and specifications of a P.Eng. may not need the seal of a registered architect (<i>Architects Act</i>, Section 28)</p>	<p>Remove the exemption in Section 38 from the <i>Engineering and Geoscience Professions Act</i>, from Section 28 of the <i>Architects Act</i>, and from Division C 2.4.2.1.(7) of the Alberta Building Codes.</p>	<p>This exemption creates a potential gap in the level of protection provided to the public.</p> <p>The change removes that gap as well as any confusion among the public or authorities having jurisdiction.</p>	

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37	<p>Exclusive scope of the practice of engineering</p> <p>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.</p> <p>2(4) Subsection (1) does not apply to the following:</p> <p>(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;</p> <p>Exclusive scope of the practice of geoscience</p> <p>5(1) Subject to subsection (2), no individual, corporation, partnership or other entity, except a professional geoscientist, a licensee so authorized in the licensee’s licence or a permit holder so authorized in the permit,</p>	<p>It is recommended that the exemptions in sections 2(4)(b) and 5(2)(b) of the Act be amended to include any individual who is supervised by a licensed professional and who has post-secondary education related to engineering or geoscience, engineering or geoscience technician or technology, or a related discipline; or who has relevant industry related training.</p> <p>The Act should also be amended to clarify what immediate and direct supervision means and guidance provided in a practice standard to a licensed professional who assumes all responsibility for the work. Proposed wording:</p> <p>2(4) Subsection (1) does not apply to the following: (b) an engineer-in-training, a certified engineering technologist, an individual who has post-secondary education at the engineering, engineering technology, or engineering technician level or in a related discipline or who has relevant industry related training; and who is engaged in the practice of engineering in the course of being employed or engaged and supervised by a licensed professional who</p>	<p>Under section 2(4)(b), engineers in training (E.I.T.) and engineering technologists are specifically exempted. Section 5(2)(b) is the geoscientist equivalent for geoscientists in training (G.I.T.) and geoscience technologists.</p> <p>There may be other categories of individuals who should also be exempt but who might not fall within the definition of EIT, GIT, engineering technologist or geoscience technologist. These could include foreign trained engineers and geoscientists, co-op/intern students, summer students and others.</p> <p>It is important that foreign trained engineers and geoscientists be able to find jobs and earn a livelihood before they are licensed by APEGA as long as they are working under appropriate supervision of a licensed professional. There is currently no explicit exemption for such individuals and we do not want a situation where these individuals would be in violation of the legislation and thereby unable to get a job or earn a livelihood even if they are working under supervision. Similar considerations apply to co-op/intern students, summer students and others.</p>	

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	<p>shall engage in the practice of geoscience.</p> <p>5(2) Subsection (1) does not apply to the following:</p> <p>(b) a person engaged in the practice of geoscience as a geoscientist-in-training or geoscience technologist in the course of being employed or engaged and supervised and controlled by a professional geoscientist, licensee or permit holder;</p>	<p>assumes responsibility for the professional practice;</p> <p>2(4)(b)(i): For the purposes of subsection 2(4)(b), supervised means appropriate supervision as determined by the permit holder employer and licensed professional taking responsibility for the professional practice</p> <p>2(4)(b)(ii): For the purposes of subsections 2(4)(b) and 2(4)(b)(i), where the engineering services under supervision are performed outside Alberta, supervised means “immediate and direct supervision and guidance by a permit holder and licensed professional who assume all responsibility for the work”.</p> <p>Parallel changes are needed to s. 5(2)(b) for geoscience.</p>	<p>The proposed changes would capture the above-mentioned individuals as well as others with education in related sciences that might work as part of the engineering or geoscience team.</p> <p>To further protect Albertans, particularly in light of globalization and the offshoring of engineering and geoscience goods and services, the requirements on what constitutes appropriate supervision should be strengthened as well.</p> <p>The “immediate and direct” element would explicitly limit the number of individuals a licensed professional could supervise. Further clarification and guidance could be provided in related practice standards.</p> <p>“Immediate and direct” wording combined with legislation requiring the licensed professional to assume all responsibility for the work should help licensed professionals recognize the accountability and liability they are taking on when they supervise and take responsibility for outsourced work.</p>	
38	Exclusive scope of the practice of engineering	It is recommended that section 2(4)(d) of the Act be amended to reflect the guiding principle that an individual	If an individual is practicing engineering, the public would expect that someone is regulating that	

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	<p>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.</p> <p>2(4) Subsection (1) does not apply to the following:</p> <p>(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</p>	<p>doing engineering work pursuant to legislation related to mines, minerals, pipelines, boilers and pressure vessels, building and safety codes must be licensed or certified under either that other legislation or under the <i>Engineering and Geoscience Professions Act</i>.</p>	<p>professional practice. It is a question of public safety. In some cases other legislation encompasses professional regulation in the sense that it establishes a comprehensive scheme for licensing or certifying individuals which requires them to meet certain entry qualifications and practice standards.</p> <p>For example, the <i>Safety Codes Act</i> provides a comprehensive scheme to ensure that safety codes officers are qualified and certified to carry out their duties under that Act. In such cases the public is protected by a licensing or certification regime other than the requirement for licensure under the <i>EGP Act</i> and licensure with APEGA is not required. To improve public protection, it should be clear and explicit that if an individual is not licensed or certified under that other Act or regulation, they are not exempt under the <i>Engineering and Geoscience Professions Act</i> and must be licensed with APEGA. The proposed amendment is intended to make this explicit.</p>	
<b>Membership Categories</b>				

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39		<p>General clean-up of all titles and designations and move to areas of the Act describing title and scope</p> <p>Mirror for ASET</p>	Housekeeping	
40	<p>The Act defines a “professional member” as either a professional engineer, or professional geologist. (Act, Section 1(y))</p> <p>22 The Board of Examiners shall approve for registration as a professional engineer or professional geoscientist an individual who has applied to the Board and is eligible in accordance with this Act and the regulations to become a professional engineer or professional geoscientist, as the case may be.</p> <p>86.2(1) Sections 14, 15, 16, 17, 19(4), 20(3), 24, 27, 28, 29, 31, 39, 78, 79, 80(2), 81 and 82(2) apply to a professional licensee as if the professional licensee were a professional member.</p> <p>(2) Section 2(4)(a) applies to a professional licensee (engineering) practising within the scope of practice specified by the Board of Examiners as if that professional licensee (engineering) were a professional engineer or licensee.</p> <p>(3) Section 5(2)(a) applies to a professional licensee (geoscience)</p>	<p>The Act should be amended to include “Professional Limited Licensee” within the definition of professional member in Section 1(y).</p> <p>Professional Limited Licensee should be included where references and provisions regarding professional members include professional engineers and professional geologists.</p> <p>Consolidate or remove sections which are duplications as a result of the professional limited licensee being included in the definition of professional member.</p>	The creation of the Professional Limited Licensee designation requires a change to the definition of professional member.	

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	<p>practising within the scope of practice specified by the Board of Examiners as if that professional licensee (geoscience) were a professional geoscientist or licensee. (4) Repealed 2011 c3 s19. (5) Section 32 applies to a professional licensee as if the professional licensee were an applicant. (6) Part 5 applies to a professional licensee as if the professional licensee were a professional member.</p>			
41	New	<p>Add a new definition for “licensed professional”.</p> <p>“Licensed professional” means:</p> <ul style="list-style-type: none"> <li>• professional engineer,</li> <li>• professional geoscientist,</li> <li>• professional limited licensee (engineering) within the scope of practice authorized by the professional limited licensee’s license,</li> <li>• professional limited licensee (geoscience) within the scope of practice authorized by the professional limited licensee’s license,</li> <li>• professional technologist (engineering) within the scope of practice authorized by the professional technologist’s license, or</li> </ul>	<p>The change recognizes that professional limited licensees and professional technologists can provide appropriate supervision within their authorized scope of practice the same as professional engineers and professional geoscientists can provide supervision and control.</p> <p>The change clarifies the use of the term “licensed professional” throughout the Act. (specially this term is referenced in : EGP Act PDD -Rows 29, 32, 35, 37, 75, 76, 77, 78, 79, 80, 86, 89, 95, 98, 101, 102, 111, and General Regulation PDD Row R27)</p>	

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		<ul style="list-style-type: none"> <li>professional technologist (geoscience) within the scope of practice authorized by the professional technologist’s license.</li> </ul> <p>The Act should also be amended to clarify that appropriate supervision can be provided by a "licensed professional".</p>		
42	Professional Limited Licensees: Professional Licensees are given the right to independently practice engineering or geoscience within a limited scope of practice as specified by the Board of Examiners (BOE). (Act, Sections 83 to 86.3(1))	<p>It is recommended the existing Professional Licensee designation be removed and replaced by a Professional Limited Licensee (P.L.L.) designation. The P.L.L. designation would be available only to individuals with engineering or geoscience degrees who do not immediately qualify for P.Eng. or P.Geo. designations but who may be qualified to practice engineering or geoscience within a limited scope of practice, or to individuals registered as Professional Technologists (P.Tech.) with ASET.</p> <p>Existing Professional Licensees would be grandfathered.</p> <p>Eligibility requirements for the P.L.L. designation will be set out in the Regulations.</p>	<p>The new P.L.L. designation would be particularly relevant to many internationally educated individuals with degrees in engineering or geoscience of narrower breadth as compared to Canadian Engineering Accreditation Board degrees, and it would give them the opportunity to contribute in their field to the Alberta workforce and economy at a level that more accurately reflects their qualifications.</p> <p>New designation provides clarity to the public in relation to the license they have which is ‘limited in scope’.</p> <p>This also allows an opportunity for highly qualified and experienced technologists to obtain a scope of practice involving complex problems solving and methodologies beyond that of the P.Tech. designation.</p>	

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43	<p>Examination Candidates and Students: The Act currently gives Council the authority to make regulations regarding categories and conditions of enrolment for members-in-training, exam candidates and students. (Act, Section 19(1)(a))</p>	<p>It is recommended that this section be amended to remove examination candidates and students.</p> <p>Mirror for ASET (Act, Section 87.3(1)(a))</p>	<p>Examination candidates and students are not regulated designations and should be moved out of the regulations.</p>	
44	<p>Licensee A Licensee is an individual who holds a licence under the Act but is not a Professional Member. The Licensee designation is given to individuals who, under the Regulations, meet all of the requirements for registration as a P. Eng. or P.Geoc. but do not meet the Canadian citizen or permanent resident criteria and are, therefore, not considered eligible under the definition of Professional Member. (Regulation, Sections 13(1)(a), 14(1)(2))</p> <p>Licensee does not include Professional Licensee. (Act, Section 1(k))</p> <p>Sections 31(1)(b) and 31(2) of the Act require applicants for registration to be Canadian Citizens or lawfully admitted to Canada for permanent residence.</p>	<p>Eliminate the Licensee designation so that qualified individuals may be registered as Professional Engineers or Professional Geoscientists irrespective of Canadian citizenship or permanent resident status.</p> <p>Eliminate as a requirement of registration that the applicant be a Canadian Citizen or be lawfully admitted to Canada for permanent residence.</p> <p>Housekeeping item to remove references to 'licensee' from all sections of the act and regulation.</p>	<p>If individuals have the competency to independently practice engineering or geoscience, they should be registered as Professional Engineers or Professional Geoscientists. Citizenship or residency has no bearing on their competency to independently practice engineering or geoscience.</p> <p>Eliminating the Licensee category will reduce confusion and increase clarity for the public and authorities having jurisdiction</p>	



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45	<p><u>Restricted Practitioners</u> Currently, APEGA legislation states that the Joint Board may recommend to Council that a certificate of authorization be issued to an individual who is a registered architect who:</p> <ul style="list-style-type: none"> <li>• has historically competently provided a service in the practice of professional engineering in Alberta, and</li> <li>• applied for the certificate before October 1, 1982</li> </ul> <p>(Act, Section 37)</p> <p>Similarly, restricted practitioners in architecture are Professional Engineers who, for historical reasons, have been granted the right to practise certain restricted parts of the scope of the practice of architecture. (<i>Architects Act</i>, Section 73)</p> <p>These membership categories were only available to Professional Engineers and architects who applied for the certificate before October 1, 1982.</p>	It is recommended that the legislation be amended to remove the restricted practitioner category from the legislation.	<p>Provisions related to restricted practitioners are no longer applicable or necessary.</p> <p>There are no restricted practitioners registered with APEGA, and the deadline to apply expired 34 years ago.</p>	
<b>Registrations</b>				
46	The role of the Board of Examiners is to evaluate the qualifications of applicants and confirm they are qualified to practice before they are	It is recommended the Act be amended to authorize the Registration Committee to impose additional conditions other than examinations or	Before being licensed to practice, an individual must meet all the eligibility criteria for licensure including academic training, experience, communication ability, good character,	<p><i>Health Professions Act</i></p> <p><i>Decision on application 30(1) On considering a complete application for registration as a</i></p>

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	<p>approved for registration and given a license to practice.</p> <p>Currently, the Board of Examiners can defer the registration of an applicant until the applicant complies with certain conditions including passing examinations, obtaining more experience, or both. (Act, Section 30(9))</p>	<p>more experience before registering an applicant.</p> <p>Examples of conditions could include assigning bridging programs or requiring an applicant to take training to improve their English language skills.</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>	<p>and knowledge of law, ethics, and professional practice.</p> <p>All five of these eligibility criteria are equally important and it is in the public interest that the Registration Committee should have the ability to impose conditions or other remedial action to ensure that an individual meets all five of these criteria before they are registered.</p>	<p><i>regulated member, the registrar, the registration committee or the competence committee, as provided for in the bylaws, must</i> <i>(a) approve the application,</i> <i>(b) defer registration if in the opinion of the registrar, registration committee or competence committee it is in the best interest of the public to defer the registration of the applicant until the applicant complies with conditions imposed by the registrar, registration committee or competence committee,</i></p> <p><i>Chartered Professional Accountants Act</i></p> <p><i>Decision on application</i> <i>36(1) On considering an application for registration, the registrar or the registration committee must</i> <i>(a) approve the application,</i> <i>(b) defer the registration if in the opinion of the registrar or the registration committee it is in the best interests of the public to defer the registration of the applicant until the applicant complies with conditions imposed by the registrar or the registration committee,</i></p>
47	<p>Currently the Board of Examiners can require an applicant to comply with conditions before they are registered, but the Board cannot approve an</p>	<p>The Act should authorize the Registration Committee to place conditions on an approved registration if it is in the public interest to do so.</p>	<p>Members are more mobile and the manner in which the profession is practiced is changing with globalization and new technology. Building flexibility</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Decision on application</i></p>

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	<p>individual's registration and at the same time impose conditions on that approved registration. (Act, Section 30(9))</p>	<p>Examples in the future could include restricting an applicant's practice to a specific practice area or geographic location; prohibiting an applicant from practising in a specific practice area; issuing temporary licenses, granting specialist certifications, or other yet to be conceived ideas.</p> <p>Mirror for ASET Regulated Members and Professional Technologists</p>	<p>into our new legislation to allow APEGA to impose conditions on approved registrations will enable us to respond to these changes and better protect the public.</p> <p>The changes align the Act with other modern self-regulating legislation in Alberta.</p>	<p><i>36(3) The registrar or the registration committee may impose conditions on an approval under subsection (1)(a) that in the opinion of the registrar or the registration committee are in the best interests of the public.</i></p> <p><i>Health Professions Act</i></p> <p><i>Decision on application</i> <i>30(2) The registrar, registration committee or competence committee may impose conditions on an approval under subsection (1)(a) that in the opinion of the registrar, registration committee or competence committee are in the best interest of the public.</i></p>
48	<p>Reinstatement pertains to an individual who was registered in the past but is not currently a Member, and who wishes to be registered again</p> <p>Under the Act, if the registration has been cancelled for a period of less than seven years, Council may direct the Registrar to reinstate the individual subject to any conditions the Council may prescribe. In practice, these reinstatement applications are reviewed by the Practice Review Board on behalf of Council.</p> <p>Applications for reinstatement for an individual whose registration has been</p>	<p>It is recommended that the Registration Committee become the decision-making body for both reinstatement applications and resumption applications for individual members, irrespective of the length of time since the cancellation or the member moving to non-practicing status.</p> <p>It is also recommended that the Registration Committee be expressly authorized to delegate to the Registrar the authority to make administrative decisions on reinstatement and resumption applications for individual members according to pre-determined</p>	<p>It is in the public interest that before being licensed to practice again, individuals should be required to meet the same standard of competency regardless of whether they have been cancelled versus non-practicing, and regardless of how long they have not been a member or been on non-practicing status.</p> <p>It is in the public interest that the standard for entry to practice should be the same as the standard for re-entry to practice.</p> <p>It will better protect the public by having a single decision maker make</p>	<p><i>Health Professions Act</i></p> <p><i>43(3) If a practice permit and registration are cancelled under subsection (2) only because the practice permit fee or a penalty, cost, fee, levy or assessment is not paid, the registrar may, on its payment, issue or reissue the practice permit and reinstate the registration.</i></p> <p><i>Engineering and Geoscience Professions Act (NWT)</i></p> <p><i>22. (1) Council may require a member or licensee who, for a period exceeding five years, has been inactive in the field</i></p>

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	<p>cancelled (either voluntarily or involuntarily) for more than seven years must be referred to the Board of Examiners. (Act, Sections 29(4) and 39(7))</p> <p>Resumption pertains to an individual who has maintained membership but with non-practicing status, and who wishes to resume practice and change status from non-practicing to active.</p> <p>Currently under the Regulation, applications for resumption of practice are reviewed by the Practice Review Board. (Regulation, Sections 18(4), 18(5))</p>	<p>criteria established in policy by the Registration Committee</p> <p>Remove Sections 75(3), 75(4), and 75(5) from the Act. Remove Section 47 from the Regulation.</p> <p>Mirror for ASET Regulated Members (Act, Sections 93(3) and (4)) and Professional Technologists (Act, Sections 91.1(3) and (4), and 91.3(6) and (7))</p> <p>Note: A possible error in the 2009 drafting process omitted a Cancellation section in the Act for Regulated Members. The proposed consolidation in the Regulation Policy Development Document (Row R2) should address this omission.</p>	<p>the decision on whether an individual should be licensed to practice again. Having one decision-making body applying the same set of standards will result in consistency of decisions.</p> <p>In both cases individuals would be required to meet the same required standard of competency before being licensed to practice again, regardless of the intervening timeframe and regardless of whether the registration was cancelled or the member had non-practicing status.</p>	<p><i>of practice in which the member or licensee obtained his or her qualifications for registration within his or her designated profession, to have his or her present qualifications reviewed by the Board of Examiners.</i></p> <p><i>(2) The Board of Examiners may require the member or licensee to</i></p> <p><i>(a) pass examinations set by the Board; and</i></p> <p><i>(b) pass a course of study or obtain satisfactory to the Board and relating to his or her designated profession, either generally or in a field of practice specified by the Board.</i></p>
<b>Investigations</b>				
49	<p>Currently, complaints against a Professional Member, Licensee, Permit or Certificate Holder whose registration has been cancelled “must be dealt with” within two years of the date of cancellation. APEGA has the authority to regulate complaints against former Members only within that timeframe. (Act, Section 43(3))</p>	<p>It is recommended the legislation be amended to clarify that a complaint against a current or former member or permit holder may be commenced within the limitation periods provided for under the Alberta <i>Limitations Act</i>.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these</p>	<p>The length of time for issues to surface relating to work by Professional Engineers and Professional Geoscientists may often be longer than two years.</p> <p>It is in the public interest that current and former Members or Permit Holders be accountable for the same</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Jurisdiction over former registrants 65(1) If the registration of a registrant is cancelled or otherwise terminated, the CPAA continues to have jurisdiction in respect of that person only if</i></p>

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		<p>changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>time periods for conduct that occurred while they were a Member.</p> <p>The <i>Limitations Act</i> limitation would be comparable to construction and other engineering or geoscience related limitation periods.</p> <p>The current wording that a complaint “must be dealt with” within two years is unclear and could mean the entire investigation, discipline and appeal process related to the complaint must be completed within two years; or it could mean that as long as APEGA receives the complaint within 2 years APEGA has jurisdiction over the former member.</p> <p>The proposed wording does not contain a specified number of years but instead refers to the <i>Limitations Act</i>. The reason is that if the time periods in the <i>Limitations Act</i> change in the future, the corresponding time limits under the Act will automatically change to match.</p>	<p><i>(a) a complaint is made within 6 years after the date of the cancellation or termination, and</i></p> <p><i>(b) the complaint relates to conduct while the person was a registrant.</i></p> <p><i>(2) In the circumstances described in subsection (1), this Part and Part 7 apply to the former registrant in the same way and to the same extent as they would if the cancellation or termination of registration had not occurred.</i></p> <p><i>(3) A complaint against a registrant is not affected by the person about whom the complaint is made ceasing to be a registrant before the proceedings with respect to the complaint are completed.</i></p> <p><i>(4) Notwithstanding subsection (1), a complaint about a former registrant who was registered under a former Act but has not been a registrant under this Act may be made under this Part only if discipline proceedings under a former Act could be commenced if that Act were still in force.</i></p>
50	<p>Currently, investigations into complaints are conducted by Investigation Panels who are made up of volunteer Members drawn from the Investigative Committee. (Act, Section 47)</p>	<p>Amend the Act to allow Investigators, rather than Investigative Panels, to investigate complaints and report the findings of their investigations to Investigative Panels. Investigators will use technical subject matter experts as part of the investigation as required.</p>	<p>The Investigative Panel are members of the Investigative Committee and are volunteers. They are not trained investigators. The investigative staff has investigative skills and conducts investigations and prepares reports for</p>	<p><i>Professional Engineers Act (Ontario)</i></p> <p><i>Registrar’s investigation</i></p> <p><i>33. (1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of authorization,</i></p>

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	<p>The panels conduct the preliminary investigations and prepare reports for the Investigative Committee. The Investigative Committee then decides whether to dismiss the complaint, propose a recommended order, or refer it to a discipline hearing.</p>	<p>These technical subject matter experts may be drawn from the pool of Investigative Committee members or elsewhere and will be different individuals than the members of the Investigative Panel.</p> <p>Investigative Panels will become the decision makers and have the same powers and decision-making authority as the Investigative Committee currently has. The panels will review the investigation reports and decide whether to dismiss a complaint, propose a recommended order, or refer it to a discipline hearing. Investigative Panels will not conduct the investigation.</p> <p>The Investigative Committee will become the pool or roster from which members of the Investigative panels are drawn.</p> <p>Amend the Act to include a definition of “investigator” as someone appointed as an investigator by the Chair of the Investigative Committee or the Registrar.</p> <p>Amend the Act to include a definition of “practice reviewer” as someone appointed as a practice reviewer by the Chair of Practice Review Committee or the Registrar</p>	<p>the Investigative Committee’s use as part of their processes.</p> <p>Investigators will use technical subject matter experts as part of the investigation as required.</p> <p>Using highly trained investigators to conduct the investigations will result in more thorough, more timely and more consistent investigations.</p> <p>The decision on what to do with the complaint will be a peer review done by an Investigative Panel made up Members of the profession and a public member.</p> <p>These changes will make the structure and operation of the Investigative Committee consistent with the Discipline Committee and Appeal Board in their use of panels.</p> <p>There currently is no definition of “investigator” or “practice reviewer” under the Act. These changes bring the Act in line with other modern legislation.</p>	<p><i>a temporary license, provisional license or limited license has committed an act of professional misconduct or incompetence or that there is cause to refuse to issue or to suspend or revoke a certificate of authorization, the Registrar by order may appoint one or more persons to investigate whether such act has occurred or there is such cause, and the person or persons appointed shall report the result of the investigation to the Registrar.</i></p> <p><i>Engineers Act (Quebec) Division VI Miscellaneous Provisions 24. (3) Any investigator designated by the board of directors may at any reasonable hour enter on the premises where works contemplated in section 2 are carried out for the purpose of verifying whether the provisions of subsection 1 of this section are respected and obtain all the pertinent plans and specifications of engineering works. Such investigator must, if it is requested of him, show a certificate signed by the secretary of the Order, certifying his capacity.</i></p> <p><i>Chartered Professional Accountants Act</i></p> <p><i>Definitions 1((jj) “investigator” means an investigator appointed under Part 5</i></p>

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		<p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>76(1) On receipt of a complaint and results of a review from the CIC secretary, the CIC chair must</i>  <i>(b) appoint an investigator to investigate any matter.</i>  <i>(2) An investigator appointed under subsection (1)(b) may also be appointed to investigate a complaint made by any other professional organization to which the investigated party belongs.</i>  <i>77(1) An investigator to whom a matter is referred for investigation pursuant to section 76 or 80(1)(a) may also investigate any other conduct that comes to the attention of the investigator in the course of the investigation, whether connected with the matter referred for investigation or not.</i>  <i>(2) The investigator may, in addition to investigating the conduct of the investigated party, investigate the conduct of any other registrant or former registrant who may be involved in any conduct that comes to the attention of the investigator.</i>  <i>(3) The investigator must report to the complaints inquiry committee, in writing, on the results of an investigation.</i></p> <p><i>Health Professions Act</i></p>



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				<p><i>Interpretation</i> 1(u) “investigator” means the complaints director or other person who conducts an investigation under Part 4;</p> <p><i>Inspectors</i> 53.1 A council may appoint inspectors for the purpose of determining whether regulated members are complying with this Act and the bylaws, standards of practice and code of ethics of the regulated profession. 55(2) The complaints director (d) may conduct, or appoint an investigator to conduct, an Investigation.</p>
51	<p>Currently the Discipline Committee and the Appeal Board have the authority to compel any person to appear before them, to produce documents, and to bring contempt of court proceedings against a person who fails to cooperate. (Act, Sections 59(1), 60, 61)</p> <p>The Investigative Committee may only require the investigated person or another Member of the Association to produce documents. (Act, Section 49)</p>	<p>It is recommended that as part of the investigation process, APEGA investigators be given the explicit authority to:</p> <ul style="list-style-type: none"> <li>• require any person, whether a Member or non-Member, to produce documents related to the complaint;</li> <li>• require any person, whether a Member or non-Member, to submit to an interview as part of the investigation;</li> <li>• apply to the Court for an order compelling cooperation.</li> </ul>	<p>Investigators need to be able to conduct thorough investigations and gather relevant information from all possible witnesses and sources in order to have a complete investigation. It is in both the public interest and the interest of the investigated person that the most complete information possible be gathered and taken into consideration by the relevant decision-making bodies.</p>	<p><i>ASET Regulation</i></p> <p><i>Investigation by ASET Practice Review Board</i> 24 (5) For the purposes of conducting an investigation under this section, any or all of the members of the ASET Practice Review Board may, in order to ensure that continuing competence requirements are met, do one or more of the following: (a) subject to subsection (6), at any reasonable time and on having given notice, conduct a practice visit by entering and inspecting any place where the regulated member works in the profession of applied science,</p>



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		<p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>information technology or engineering technology;</i>  <i>(b) interview a regulated member about the member’s work in the profession of applied science, information technology or engineering technology;</i>  <i>(c) observe the regulated member working in the profession of applied science, information technology or engineering technology;</i>  <i>(d) interview or survey clients, co-workers, the regulated member’s employer or the regulated member about the regulated member’s work in the profession of applied science, information technology or engineering technology;</i>  <i>(e) review documents and examine substances and things that</i>  <i>(i) are owned by or under the control of the regulated member, and</i>  <i>(ii) are related to the work in the profession of applied science, information technology or engineering technology by the regulated member;</i>  <i>(f) assess the safety and condition of equipment and technology used by the regulated member.</i>  <i>(6) No member of the ASET Practice Review Board may enter a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except with the</i></p>

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				<p><i>consent of the occupant of the dwelling place.</i></p> <p><i>(see also P.Tech. Regulation, Section 15(5) and 15(6).)</i></p> <p><i>Chartered Professional Accountants Act (Alberta)</i></p> <p><i>Investigation powers</i>  <i>78(1) For the purpose of conducting an investigation, an investigator</i>  <i>(a) may, at any reasonable time, require a registrant or former registrant</i>  <i>(i) to attend meetings with the investigator or others,</i>  <i>(ii) to answer any questions the investigator may have relating to the investigation and to answer the questions under oath, and</i>  <i>(iii) to give to the investigator any records, information or things that, in the opinion of the investigator, are or may be relevant to the investigation that the registrant or former registrant possesses or that are under the control of the registrant or former registrant, including any records, information or things that a registrant or former registrant obtained or prepared in order to perform any engagement, and</i>  <i>(b) may require a registrant or former registrant to give up possession of any</i></p>

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				<p><i>records, information or things described in clause (a) to allow the investigator to take them away to copy, examine or perform tests on them, in which case the investigator must return them within a reasonable time of being given them and must return them after a hearing is completed and any right to an appeal is expired, and the registrant or former registrant must comply.</i></p> <p><i>(2) For the purposes of conducting an investigation, an investigator (a) may, at any reasonable time, request a person, other than a registrant or former registrant, (i) to attend meetings with the investigator or others, (ii) to answer any questions the investigator may have relating to the investigation and to answer the questions under oath, and (iii) to give to the investigator any records, information or things that, in the opinion of the investigator, are or may be relevant to the investigation that the person possesses or that are under the control of the person, including any records, information or things that a registrant or former registrant obtained or prepared in order to perform any engagements, and (b) may request a person to give up possession of any records, information</i></p>

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				<p><i>or things described in clause (a) to allow the investigator to take them away to copy, examine or perform tests on them, in which case the investigator must return them within a reasonable time of being given them and must return them after a hearing is completed and any right to an appeal is expired.</i></p> <p><i>(3) The investigator may copy and keep copies of any records, information or things given under subsection (1) or (2).</i></p> <p><i>(4) All records, information or things received by an investigator under subsection (1)(a)(iii) or (2)(a)(iii) are confidential and may not be used or disclosed except in accordance with this Part or Part 7 without</i></p> <p><i>(a) the written consent of all persons whose interests might reasonably be expected to be affected by the disclosure, or</i></p> <p><i>(b) a court order authorizing the disclosure.</i></p> <p><i>(5) No investigator, CIC member or member of a discipline or appeal tribunal and no officer, employee, board member, agent or representative of the CPAA shall be required in any proceeding, other than a proceeding under this Act, to give testimony or produce any document with respect to records, information or</i></p>

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				<p><i>things provided under subsection (1)(a)(iii) or (2)(a)(iii).</i></p> <p><i>(6) Disclosure of records, information or things under subsection (1)(a)(iii) or (2)(a)(iii) does not negate or constitute a waiver of any privilege, and the privilege continues for all other purposes.</i></p> <p><i>(7) The CPAA, on the request of an investigator or the CIC chair, may apply to the Court of Queen’s Bench for</i></p> <p><i>(a) an order directing a registrant or former registrant to comply with all or part of subsection (1),</i></p> <p><i>(b) an order directing any other person (i) to attend meetings with the investigator to answer any questions the investigator may have relating to the investigation and to answer those questions under oath, if the investigator requires, and</i></p> <p><i>(ii) to give to the investigator any records, information or things that, in the opinion of the investigator, are or may be relevant to the investigation that the person possesses or that are under the control of the person, and</i></p> <p><i>(c) an order directing any person to give up possession of any records, information or things described in clause (b) to allow the investigator to take them away to copy, examine or perform tests on them and return them</i></p>

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				<p><i>within a reasonable time of being given them.</i></p> <p><i>(8) Notice of an application for an order under subsection (7) must be given to all affected parties unless the Court is satisfied that it is proper to dispense with notice in the circumstances.</i></p> <p><i>(9) A person may comply with a request or an order to give records, information or things by giving copies of the records, information or things.</i></p> <p><i>(10) If a person gives copies under subsection (9), the person must on the request of the investigator allow the investigator to compare the copies with the original records, information or things at the person’s place of business during regular business hours.</i></p> <p><i>(11) A person who gives records, information or things under subsection (1), (2) or (7) or copies of records, information or things under subsection (9) is not entitled to any indemnification for the expense of producing the records, information or things, except for the reasonable costs of copying them.</i></p> <p><i>Health Professions Act</i></p> <p><i>63(3) The complaints director, on the request of an investigator or without a request if the complaints director is the</i></p>

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				<p><i>investigator, may apply to the Court of Queen’s Bench for</i></p> <p><i>(a) an order directing any person (i) to produce to the investigator any documents, substances or things relevant to the investigation in the person’s possession or under the person’s control,</i></p> <p><i>(ii) to give up possession of any document described in subclause (i) to allow the investigator to take it away to copy it, in which case the investigator must return it within a reasonable time after receiving it but return it no later than after a hearing is completed, or</i></p> <p><i>(iii) to give up possession of any substance or thing described in subclause (i) to allow the investigator to take it away, examine it and perform tests on it, in which case the investigator must return it, if possible, within a reasonable time of being given it but return it, if possible, no later than after a hearing is completed;</i></p> <p><i>(b) an order directing any person to attend before the investigator to answer any relevant questions the investigator may have relating to the investigation.</i></p> <p><i>Professional Engineers Act (Ontario)</i></p> <p><i>Powers of investigator</i></p>

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				<p><i>33(2) For purposes relevant to the subject matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of authorization, temporary licence, provisional licence or limited licence in respect of whom the investigation is being made and, upon production of his or her appointment, may enter at any reasonable time the business premises of the member or holder and examine books, records, documents and things relevant to the subject matter of the investigation.</i></p> <p><i>Application of Public Inquiries Act, 2009</i></p> <p><i>(2.1) Section 33 of the Public Inquiries Act, 2009 applies to the inquiry under subsection (2).</i></p> <p><i>Obstruction of investigator</i></p> <p><i>(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or her or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.</i></p> <p><i>Order by provincial judge</i></p> <p><i>(4) Where a provincial judge is satisfied on evidence upon oath,</i></p>



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				<p><i>(a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and</i></p> <p><i>(b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence whose affairs are being investigated and to the subject-matter of the investigation,</i></p> <p><i>the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them.</i></p> <p><i>Execution of order</i>  <i>(5) An order issued under subsection (4) shall be executed at reasonable times as specified in the order.</i></p> <p><i>Expiry of order</i>  <i>(6) An order issued under subsection (4) shall state the date on which it expires, which shall be a date not later</i></p>

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				<p><i>than fifteen days after the order is issued.</i></p> <p><i>Application without notice</i>  <u>(7)</u> <i>A provincial judge may receive and consider an application for an order under subsection (4) without notice to and in the absence of the member of the Association or holder of a certificate of authorization, temporary licence, provisional licence or limited licence whose affairs are being investigated.</i></p> <p><i>Removal of books, etc.</i>  <u>(8)</u> <i>Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under this section relating to the member or holder whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member or holder whose practice is being investigated.</i></p> <p><i>Admissibility of copies</i>  <u>(9)</u> <i>Any copy made as provided in subsection (8) and certified to be a true</i></p>

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				<i>copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original book, record or document and its contents.</i>
52	New	<p>It is recommended the legislation be amended to:</p> <ul style="list-style-type: none"> <li>consolidate the sections describing the authority of investigators in conducting investigations.</li> <li>explicitly enable APEGA to apply to the court, on reasonable grounds, for an order authorizing investigators, accompanied by police as necessary; to enter and search buildings, dwellings or places for documents, media or other records as part of an investigation.</li> <li>require APEGA’s statutory entities to report suspected criminal activity if found in the course of an investigation or review. Statutory entities would advise the Registrar who would inform the Minister of Justice and Solicitor General or police of the concern. Statutory entities would not be required to complete their investigation before reporting an activity, if it</li> </ul>	<p>Investigators need to be able to gather relevant documents and information from all possible witnesses and sources in order to have a complete investigation from which the Investigative Panel may make decisions.</p> <p>The authority of investigators to conduct those investigations needs to be clearly stated in the legislation.</p> <p>It is in the public interest that criminal activity be reported to the Minister of Justice, Solicitor General, or the police.</p>	<p><i>Engineering and Geoscience Professions Act, ASET Regulation (Alberta)</i> (also found in <i>Professional Technologist Regulation</i> Section 16) <i>Investigation by ASET Practice Review Board</i></p> <p><i>24 (5) For the purposes of conducting an investigation under this section, any or all of the members of the ASET Practice Review Board may, in order to ensure that continuing competence requirements are met, do one or more of the following:</i> <i>(a) subject to subsection (6), at any reasonable time and on having given notice, conduct a practice visit by entering and inspecting any place where the regulated member works in the profession of applied science, information technology or engineering technology;</i> <i>(b) interview a regulated member about the member’s work in the profession of applied science,</i></p>

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		<p>were in the public interest to do so.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>information technology or engineering technology;</i></p> <p><i>(c) observe the regulated member working in the profession of applied science, information technology or engineering technology;</i></p> <p><i>(d) interview or survey clients, co-workers, the regulated member’s employer or the regulated member about the regulated member’s work in the profession of applied science, information technology or engineering technology;</i></p> <p><i>(e) review documents and examine substances and things that</i></p> <p><i>(i) are owned by or under the control of the regulated member, and</i></p> <p><i>(ii) are related to the work in the profession of applied science, information technology or engineering technology by the regulated member;</i></p> <p><i>(f) assess the safety and condition of equipment and technology used by the regulated member.</i></p> <p><i>(6) No member of the ASET Practice Review Board may enter a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except with the consent of the occupant of the dwelling place.</i></p> <p><i>Chartered Professional Accountants Act (Alberta)</i></p>

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				<p><i>Investigation powers</i>  78(1) For the purpose of conducting an investigation, an investigator (a) may, at any reasonable time, require a registrant or former registrant (i) to attend meetings with the investigator or others, (ii) to answer any questions the investigator may have relating to the investigation and to answer the questions under oath, and (iii) to give to the investigator any records, information or things that, in the opinion of the investigator, are or may be relevant to the investigation that the registrant or former registrant possesses or that are under the control of the registrant or former registrant, including any records, information or things that a registrant or former registrant obtained or prepared in order to perform any engagement, and (b) may require a registrant or former registrant to give up possession of any records, information or things described in clause (a) to allow the investigator to take them away to copy, examine or perform tests on them, in which case the investigator must return them within a reasonable time of being given them and must return them after a hearing is</p>

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				<p><i>completed and any right to an appeal is expired, and the registrant or former registrant must comply.</i></p> <p><i>(2) For the purposes of conducting an investigation, an investigator</i></p> <p><i>(a) may, at any reasonable time, request a person, other than a registrant or former registrant,</i></p> <p><i>(i) to attend meetings with the investigator or others,</i></p> <p><i>(ii) to answer any questions the investigator may have relating to the investigation and to answer the questions under oath, and</i></p> <p><i>(iii) to give to the investigator any records, information or things that, in the opinion of the investigator, are or may be relevant to the investigation that the person possesses or that are under the control of the person, including any records, information or things that a registrant or former registrant obtained or prepared in order to perform any engagements, and</i></p> <p><i>(b) may request a person to give up possession of any records, information or things described in clause (a) to allow the investigator to take them away to copy, examine or perform tests on them, in which case the investigator must return them within a reasonable time of being given them and must return them after a hearing is</i></p>

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				<p><i>completed and any right to an appeal is expired.</i></p> <p><i>(3) The investigator may copy and keep copies of any records, information or things given under subsection (1) or (2).</i></p> <p><i>(4) All records, information or things received by an investigator under subsection (1)(a)(iii) or (2)(a)(iii) are confidential and may not be used or disclosed except in accordance with this Part or Part 7 without</i></p> <p><i>(a) the written consent of all persons whose interests might reasonably be expected to be affected by the disclosure, or</i></p> <p><i>(b) a court order authorizing the disclosure.</i></p> <p><i>(5) No investigator, CIC member or member of a discipline or appeal tribunal and no officer, employee, board member, agent or representative of the CPAA shall be required in any proceeding, other than a proceeding under this Act, to give testimony or produce any document with respect to records, information or things provided under subsection (1)(a)(iii) or (2)(a)(iii).</i></p> <p><i>(6) Disclosure of records, information or things under subsection (1)(a)(iii) or (2)(a)(iii) does not negate or constitute a waiver of any privilege, and the privilege continues for all other purposes.</i></p>

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				<p><i>(7) The CPAA, on the request of an investigator or the CIC chair, may apply to the Court of Queen’s Bench for</i></p> <p><i>(a) an order directing a registrant or former registrant to comply with all or part of subsection (1),</i></p> <p><i>(b) an order directing any other person (i) to attend meetings with the investigator to answer any questions the investigator may have relating to the investigation and to answer those questions under oath, if the investigator requires, and</i></p> <p><i>(ii) to give to the investigator any records, information or things that, in the opinion of the investigator, are or may be relevant to the investigation that the person possesses or that are under the control of the person, and</i></p> <p><i>(c) an order directing any person to give up possession of any records, information or things described in clause (b) to allow the investigator to take them away to copy, examine or perform tests on them and return them within a reasonable time of being given them.</i></p> <p><i>(8) Notice of an application for an order under subsection (7) must be given to all affected parties unless the Court is satisfied that it is proper to dispense with notice in the circumstances.</i></p>



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				<p><i>(9) A person may comply with a request or an order to give records, information or things by giving copies of the records, information or things.</i></p> <p><i>(10) If a person gives copies under subsection (9), the person must on the request of the investigator allow the investigator to compare the copies with the original records, information or things at the person’s place of business during regular business hours.</i></p> <p><i>(11) A person who gives records, information or things under subsection (1), (2) or (7) or copies of records, information or things under subsection (9) is not entitled to any indemnification for the expense of producing the records, information or things, except for the reasonable costs of copying them.</i></p> <p><u>Ability to obtain court orders to enter premises</u></p> <p><i>Health Professions Act (Alberta)</i></p> <p><i>53.2(1) Subject to the regulations, an inspector</i></p> <p><i>(d) subject to subsection (6), may at any reasonable time enter and inspect any place</i></p> <p><i>(i) where a regulated member provides professional services,</i></p> <p><i>(ii) related to the provision of professional services, or</i></p>

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				<p><i>(iii) where documents associated with the provision of professional services are maintained.</i></p> <p><i>(6) No inspector may enter</i></p> <p><i>(a) a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except</i></p> <p><i>(i) with the consent of the occupant of the dwelling place, or</i></p> <p><i>(ii) pursuant to an order of the Court of Queen’s Bench;</i></p> <p><i>(b) a publicly funded facility as defined in section 51(1), except</i></p> <p><i>(i) with the consent and agreement of the person who controls or operates the publicly funded facility to the carrying out of one or more of the powers and duties under subsection (1), or</i></p> <p><i>(ii) pursuant to an order of the Court of Queen’s Bench.</i></p> <p><i>Professional Geoscientist Act (Ontario)</i></p> <p><i>22(4) An investigator may enter lands or business premises, other than a private dwelling, without the consent of the owner or occupier and without a warrant if the entry is for the purpose of an investigation under this section, or with a warrant issued under subsection (6).</i></p>

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				<p><i>22(5) An investigator shall not enter a private dwelling unless the investigator has obtained,</i></p> <p><i>(a) the consent of the owner of the dwelling and, if the occupier of the dwelling is not the owner, the consent of the occupier;</i></p> <p><i>(b) the authority of a warrant issued under subsection (6).</i></p> <p><i>Environmental Protection and Enhancement Act (Alberta)</i></p> <p><i>Private dwelling place</i></p> <p><i>199 An investigator may not enter a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except</i></p> <p><i>(a) with the consent of the occupant of the place, or</i></p> <p><i>(b) under the authority of an order to enter and inspect or a search warrant.</i></p> <p><i>Professional Engineers Act (Ontario)</i></p> <p><i>Order by provincial judge</i></p> <p><i>33(4) Where a provincial judge is satisfied on evidence upon oath,</i></p> <p><i>(a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and</i></p>

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				<p><i>(b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them.</i></p> <p>(Additional similar examples are found in other legislation including <i>Professional Geoscientist Act</i> (Ontario); <i>Quebec Professional Code</i>; <i>Occupational Health and Safety Act</i> (Alberta); and <i>Environmental Protection and Enhancement Act</i> (Alberta).)</p> <p><u>Ability to advise of criminal offences</u></p> <p><i>Chartered Professional Accountants Act</i> (Alberta)</p>

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				<p><i>68(8) After completing a review under this Part, if the CIC secretary is of the opinion that there are reasonable and probable grounds to believe that the investigated party has committed a criminal offence, the CIC secretary may</i></p> <p><i>(a) advise the Minister of Justice and Solicitor General of the nature of the concerns, and</i></p> <p><i>(b) on request, send a copy of information related to the concerns to the Minister of Justice and Solicitor General, except information that is subject to solicitor-client privilege.</i></p> <p><i>74(12) If the complaints inquiry committee is of the opinion that there are reasonable and probable grounds to believe that the investigated party has committed a criminal offence, the complaints inquiry committee must</i></p> <p><i>(a) direct the CIC secretary to send a copy of the agreement made under this section to the Minister of Justice and Solicitor General, and</i></p> <p><i>(b) on request, send a copy of any other information related to the agreement to the Minister of Justice and Solicitor General, except information that is subject to solicitor-client privilege.</i></p> <p><i>Discipline tribunal findings</i></p> <p><i>94(2) If a discipline tribunal is of the opinion that there are reasonable and probable grounds to believe that the investigated party has committed a</i></p>

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				<p><i>criminal offence, the discipline tribunal must</i></p> <p><i>(a) direct the discipline tribunal secretary to send a copy of the written decision under section 97 to the Minister of Justice and Solicitor General, and</i></p> <p><i>(b) on request, send a copy of any other information related to the finding of the discipline tribunal to the Minister of Justice and Solicitor General, except information that is subject to solicitor-client privilege.</i></p> <p><i>Health Professions Act (Alberta)</i></p> <p><i>Tribunal Decision</i></p> <p><i>80 (2) If the hearing tribunal is of the opinion that there are reasonable and probable grounds to believe that the investigated person has committed a criminal offence, the hearing tribunal must direct the hearings director to send a copy of the written decision under section 83 to the Minister of Justice and Solicitor General and on the request of the Minister of Justice and Solicitor General also send a copy of the record of the hearing.</i></p> <p><i>(Additional similar examples are found in the Veterinary Profession Act (Alberta) and Legal Professions Act (Alberta).)</i></p>

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53	<p>The Act protects from liability anyone conducting preliminary investigations, members of the Discipline Committee, Practice Review Board, Investigative Committee, Appeal Board, Board of Examiners, Council, Registrar, the Association or any person acting on their instructions; and members, officers or employees of the association acting in good faith under the legislation. (Act, Section 82(1))</p> <p>The Act protects from defamation based on information regarding complaints as published to or anyone conducting preliminary investigations, members of the Discipline Committee, Practice Review Board, Investigative Committee, Appeal Board, Board of Examiners, Council, the Association or officers or employees of the association, or any person acting on their instructions in good faith in relation to the investigation or proceedings relating to the complaint. (Act, Section 82(2))</p>	<p>Section 82 of the <i>Engineering and Geoscience Professions Act</i> should be adjusted to reflect the language around protection from liability, defamation; and the protection of records and regulatory documents as found in the <i>Chartered Professional Accountants Act</i>.</p> <p>The proposal is to broaden the language in the Act so that “no legal action of complaint may be brought pursuant to the Act,” similar to what’s in the <i>Chartered Professional Accountants Act</i>.</p> <p>Mirror for ASET (Act, Section 95). Note: There is currently no corresponding section in the Act for joint boards/committees. There should be to cover these entities as well</p>	<p>The changes would update the language in the Act to reflect more current legislation.</p> <p>This change would also protect APEGA’s regulatory documents from being subpoenaed or used in other types of proceedings.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Protection from liability</i>  137(1) No legal action may be brought or maintained against any of the following in respect of anything done or omitted to be done in good faith under this Act or the regulations, bylaws, directives, resolutions, rules of professional conduct or practice standards:</p> <p>(a) the CPAA or a person who is or was an officer, employee or agent of the CPAA;</p> <p>(b) a discipline tribunal roster chair or appeal tribunal roster chair;</p> <p>(c) an investigator;</p> <p>(d) a practice reviewer appointed under section 60(3);</p> <p>(e) a mediator or other person who assists in the resolution of a complaint under section 71;</p> <p>(f) a member of the board or of a committee, tribunal or task force established or continued under this Act or the regulations, bylaws, directives or resolutions;</p> <p>(g) a person who acts on the instructions of and under the supervision of a person or body referred to in clauses (a) to (f).</p> <p>(2) No action for defamation may be founded on a communication regarding the conduct of a registrant</p>

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				<p><i>or former registrant if the communication is made or published in accordance with this Act by any person or body referred to in subsection (1) in the course of anything done or omitted to be done in good faith under this Act or the regulations, bylaws, directives, resolutions, rules of professional conduct or practice standards.</i></p> <p><i>(3) Subsections (1) and (2) do not operate to restrict or abrogate any immunity or protection that is otherwise provided by law to a person within any of the classes of person referred to in subsection (1) or to any other person.</i></p> <p><i>(4) Notwithstanding any other Act or law, no person who is or was within any of the classes of person referred to in subsection (1) may be required in any proceedings, other than proceedings under this Act or the regulations or bylaws or a prosecution under this Act, to give evidence relating to any matter that arose in any proceedings under this Act or the regulations or bylaws, or to produce any record or thing adduced in evidence in proceedings under this Act or the regulations or bylaws or forming part of the records of the board that relate to the conduct of a registrant or former registrant.</i></p>



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<b>Discipline</b>				
54	<p>Currently, if an investigation is not terminated and the investigated Member or Permit Holder has admitted to unskilled practice or unprofessional conduct, the Investigative Committee may recommend a Discipline Order. The draft Recommended Discipline Order (RDO) is presented to a Member of the Discipline Committee who acts as a case manager.</p> <p>The case manager can be any Member of the Discipline Committee and changes from case to case. The case manager reviews the RDO from the Investigative Committee, and if the case manager agrees with the proposed order, the case manager meets with the investigated Member or Permit Holder to discuss it.</p> <p>If the Member or Permit Holder agrees with the RDO, it has the same effect as a decision by the Discipline Committee following a formal hearing.</p> <p>If the case manager or the investigated Member or Permit Holder rejects the proposed RDO, the matter must be referred to the Discipline Committee for a formal hearing. (Act, Section 52)</p>	<p>It is recommended the Act be amended as follows:</p> <ul style="list-style-type: none"> <li>• Include the definition of “Consent Order” to be a negotiated settlement between the investigative panel and the member or Permit Holder under investigation that has admitted to unskilled practice or unprofessional conduct.</li> <li>• A consent order will be forwarded to a discipline panel for review and decision.</li> <li>• The criteria for approval of consent orders will be set by the Discipline Committee, in policy, to ensure consistency.</li> <li>• The Discipline Panel will have the express authority to review and approve proposed consent orders, reject proposed consent orders, refer the matter to the Discipline Committee for a formal hearing, or refer the matter back to the parties for further negotiation, with or without suggested amendments or other direction.</li> <li>• Approved Consent Orders will not be open to appeal since they are negotiated agreements and the Member or Permit Holder has admitted to unskilled practice or unprofessional conduct.</li> </ul>	<p>Although the investigative and disciplinary processes are essential elements of APEGA’s regulatory mandate and are necessary to protect the public from unskilled practice and unprofessional conduct, the nature of some complaints, and the parties and circumstances involved lend themselves to resolution without the need for a full investigation or hearing while still having regard to the public interest.</p> <p>An admission of unskilled practice or unprofessional conduct, or an agreed statement of facts should not require a hearing.</p> <p>The change makes it clear that the Act allows for a consent agreement to be negotiated between parties.</p> <p>Negotiated agreements may involve disciplinary sanctions and should be approved by the appropriate disciplinary arm that has the authority to impose sanctions.</p> <p>The option of a voluntary resignation should be available so full proceedings are not necessary if the member is willing to resign, subject to the statutory entity being authorized to</p>	<p><i>Engineers and Geoscientists Act</i> (British Columbia)</p> <p><i>Consent orders</i> 32.1 (1) After serving notice of an inquiry under section 32(2) to the person who is the subject of the inquiry, and before the commencement of the inquiry, the discipline committee, in writing, may propose to that person the making of a consent order under subsection (2)(a) of this section for the voluntary resolution of one or more matters to be dealt with at the inquiry. (2) A consent order is made if (a) the person who is the subject of an inquiry under section 32(2) accepts the proposal of the discipline committee under subsection (1) of this section, or (b) an agreement is reached under section 32.2(2) between the person who is the subject of an inquiry under section 32(2) and the discipline committee. (3) A consent order made under subsection (2)(a) must contain (a) the terms set out in the proposal made by the discipline committee under subsection (1), (b) one or more admissions by the person who is the subject of the inquiry in relation to one or more of the</p>

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	<p>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. (Act, Section 29(1))</p>	<p>A Member may apply to the statutory entity holding the proceeding to request a voluntary resignation. The statutory entity may accept or reject the request or may accept the request subject to any restrictions or conditions it considers appropriate in the circumstances (similar to Section 75, <i>Chartered Professional Accountants Act</i>). Criteria in Council policy will guide statutory entities regarding placing restrictions or conditions on voluntary resignations.</p> <p>Mirror for ASET (Act, Sections 91.1(1) and 93(1). Or new sections created Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>accept, reject or accept the request with conditions or restrictions to ensure the public interest is protected.</p>	<p><i>matters to be dealt with at the inquiry, and</i> <i>(c) one or more of the orders set out in section 33(2).</i> <i>(4) A consent order made under subsection (2)</i> <i>(a) has the same effect as an order made under section 33(2), and</i> <i>(b) may be dealt with under section 34 if conditions in the consent order are not met.</i> <i>(5) After a consent order is made under subsection (2), no further action may be taken under this section and sections 21.2, 29 to 32, 32.2 and 33 with respect to the matters contained in the consent order.</i> <i>(6) If the person to whom a proposal under subsection (1) is made rejects the proposal,</i> <i>(a) an inquiry under section 32(2) respecting the matters contained in the proposal must proceed as though the proposal had not been made,</i> <i>(b) the discipline committee conducting the inquiry must not consider the admissions contained in the proposal or the terms of the proposal in determining the matters or in making an order under section 33(2) respecting the matters, and</i> <i>(c) a person who participated in making the proposal under subsection (1) must not participate as a member</i></p>

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				<p><i>of the discipline committee in the inquiry concerning those matters.</i></p> <p><i>Alternative complaint resolution</i></p> <p><i>32.2 (1) At any time before the commencement of an inquiry under section 32(2), the person who is the subject of the inquiry, the registrar and the discipline committee may agree that alternative complaint resolution, as provided in the bylaws, will commence between the person who is the subject of the inquiry and the discipline committee respecting one or more matters to be dealt with at the inquiry.</i></p> <p><i>(2) If the discipline committee and the person who is the subject of the inquiry reach an agreement respecting one or more of the matters to be dealt with at the inquiry, a consent order may be made under section 32.1(2)(b) on the terms set out in the agreement.</i></p> <p><i>(3) No further action may be taken under this section and sections 21.2, 29 to 32.1 and 33 with respect to a matter referred to in subsection (1) of this section unless the discipline committee determines that an agreement respecting the matter cannot be reached within a reasonable period of time.</i></p> <p><i>(4) If the discipline committee determines that an agreement respecting a matter referred to in</i></p>

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				<p><i>subsection (1) cannot be reached within a reasonable period of time, (a) an inquiry under section 32(2) respecting the matter must proceed, (b) the discipline committee conducting the inquiry must not consider the information disclosed during the alternative complaint resolution process in determining the matter or in making an order under section 33(2) respecting the matter, and (c) a member of the discipline committee who participated in the alternative complaint resolution process must not participate as a member of the discipline committee in the inquiry concerning the matter.</i></p> <p><i>Conditions not met</i></p> <p><i>34 (1) If the discipline committee imposes conditions under section 33(2)(b) and the discipline committee subsequently is satisfied that these conditions have not been met, it may propose, in addition to any order under section 33(2), one or more of the following:</i></p> <p><i>(a) imposition of further conditions;</i></p> <p><i>(b) suspension or cancellation of the membership, licence or certificate of authorization;</i></p> <p><i>(c) imposition of a fine, payable to the association, of not more than \$25 000 on the member, licensee or certificate holder.</i></p>

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				<p><i>(2) Notice of the proposal in subsection (1) and the reasons for it must be given, in the manner set out in section 32(2), to the person on whom the conditions were imposed, setting out the proposal and giving the person at least 28 days from the date that notice is given to deliver to the discipline committee any written submissions the person wishes to make.</i></p> <p><i>(3) After the time for delivering written submissions has elapsed, the discipline committee may take the proposed action without a further inquiry if</i></p> <p><i>(a) no submissions have been made, or</i></p> <p><i>(b) on reviewing the submissions that have been made the discipline committee remains satisfied that the conditions have not been met.</i></p> <p><i>Architects Act (British Columbia)</i></p> <p><i>Consensual resolution</i></p> <p><i>51.1 (1) At any time before the commencement of an inquiry hearing under section 48, a person designated by the institute and the member, architectural firm, licensee or associate that is the subject of the inquiry may agree to refer for consensual resolution, as provided in the bylaws, one or more issues relating to</i></p> <p><i>(a) an inquiry into a complaint against the member, architectural firm, licensee or associate, or</i></p>

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				<p><i>(b) an inquiry into the conduct, capability or fitness to practise of a member, architectural firm, licensee or associate.</i></p> <p><i>(2) The fact that issues have been referred under subsection (1) for consensual resolution does not bar</i></p> <p><i>(a) an inquiry under section 46(1),</i></p> <p><i>(b) a notice of the inquiry under section 48,</i></p> <p><i>(c) an application under section 49 to the Supreme Court arising from the inquiry, or</i></p> <p><i>(d) an order under section 50, unless</i></p> <p><i>(e) the person designated by the institute and the member, architectural firm, licensee or associate that is the subject of the inquiry have signed a consensual resolution agreement resolving the issues giving rise to the inquiry, and</i></p> <p><i>(f) the agreement is approved by the consensual resolution review panel.</i></p> <p><i>(3) Despite subsection (2), until the outcome of the consensual resolution proceedings, the council may delay the decision whether or not to order an inquiry under section 46(1).</i></p> <p><i>(4) A consensual resolution agreement</i></p> <p><i>(a) may contain provisions respecting the issues referred for consensual resolution that</i></p> <p><i>(i) the person designated by the institute and the member, architectural firm, licensee or associate that is the</i></p>

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				<p><i>subject of the inquiry consider appropriate, and</i></p> <p><i>(ii) are not inconsistent with this Act,</i></p> <p><i>(b) has no effect unless it is approved by the consensual resolution review panel, and</i></p> <p><i>(c) has the same effect as an order made under section 50 once approved by the consensual resolution review panel.</i></p> <p><i>(5) In deciding whether or not to approve a consensual resolution agreement signed by the person designated by the institute and the member, architectural firm, licensee or associate that is the subject of the inquiry, the consensual resolution review panel must have regard to the public interest.</i></p> <p><i>(6) If the consensual resolution proceedings do not result in a consensual resolution of all the issues referred for consensual resolution,</i></p> <p><i>(a) an inquiry under section 46(1) respecting the issues referred for consensual resolution must proceed as if the consensual resolution proceedings had not taken place,</i></p> <p><i>(b) the disciplinary committee must not consider the admissions made or any information provided in the consensual resolution proceedings, apart from information collected in an investigation separate from the consensual resolution proceedings, in</i></p>

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				<p><i>determining issues or making an order under section 50, and</i>  <i>(c) a person who participated in the consensual resolution proceedings under this section must not participate as a member of the discipline committee in the inquiry concerning those issues.</i></p> <p><i>Veterinary Professions Act (Alberta)</i></p> <p><i>28(4) The Complaint Review Committee must review a referral under subsection (2) or (3) within 30 days of receiving it and may</i>  <i>(a) dismiss the complaint, if in the opinion of the Complaint Review Committee</i>  <i>(i) the complaint is trivial or vexatious, or</i>  <i>(ii) there is insufficient or no evidence of unprofessional conduct,</i>  <i>(b) direct the Complaints Director to conduct or appoint an investigator to conduct an investigation and to prepare a report on the investigation and submit it to the Complaint Review Committee for its consideration before acting under clause (a) or referring the matter to the Hearings Director for a hearing, or</i>  <i>(c) make a referral in accordance with section 65.1.</i></p>



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				<p><i>(5) The Complaint Review Committee must, within 30 days from making a decision under subsection (4),</i>  <i>(a) give the complainant and, subject to section 31(1)(b), give the investigated person written notification, with reasons, of the decision under subsection (4), and</i>  <i>(b) if the complaint is dismissed, give the complainant written notification of the right to apply to the Hearings Director for a review under section 34.1.</i></p> <p><i>Chartered Professional Accountants Act (Alberta)</i></p> <p><i>Sanction agreements</i>  <i>74(1) At any time before a discipline tribunal starts to hear evidence about an allegation of unprofessional conduct, the complaints inquiry committee and the investigated party may, in accordance with this section, enter into an agreement</i>  <i>(a) setting out the relevant agreed facts,</i>  <i>(b) admitting the unprofessional conduct of the investigated party, and</i>  <i>(c) stating the sanction to be imposed on the investigated party, including any one or more of the matters described in sections 95, 96 and 98.</i>  <i>(2) The CIC chair must select a panel consisting of 2 members of the</i></p>

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				<p><i>complaints inquiry committee, the CIC chair and one public member from the public members roster established under section 23(1)(b) to recommend an agreement to the complaints inquiry committee.</i></p> <p><i>(3) If a panel of the complaints inquiry committee is unable to recommend an agreement under subsection (2), the proceedings under this Part continue.</i></p> <p><i>(4) A member of the panel may not vote as a member of the complaints inquiry committee.</i></p> <p><i>(5) The CIC chair may appoint a chair for a panel, but if the CIC chair does not do so, the members of a panel must choose a chair from among themselves.</i></p> <p><i>(6) The quorum for a panel is 3 members, which must include the public member.</i></p> <p><i>(7) Each member of the panel has a vote and the agreement recommended by the panel must be approved by a majority vote.</i></p> <p><i>(8) On receipt of the agreement recommended by the panel, the complaints inquiry committee may</i>  <i>(a) approve the agreement, or</i>  <i>(b) reject the agreement and continue the proceedings under this Part.</i></p> <p><i>(9) If an agreement is made under this section,</i>  <i>(a) each admission of unprofessional conduct is to be considered and</i></p>

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				<p><i>treated, for all purposes, as a finding of unprofessional conduct made by a discipline tribunal, and</i></p> <p><i>(b) the agreement is to be considered and treated, for all purposes, as a decision and order of a discipline tribunal.</i></p> <p><i>(10) The complaints inquiry committee must give the complainant written notification of any agreement made under this section.</i></p> <p><i>(11) An agreement made under this section may not be appealed to an appeal tribunal.</i></p> <p><i>(12) If the complaints inquiry committee is of the opinion that there are reasonable and probable grounds to believe that the investigated party has committed a criminal offence, the complaints inquiry committee must</i></p> <p><i>(a) direct the CIC secretary to send a copy of the agreement made under this section to the Minister of Justice and Solicitor General, and</i></p> <p><i>(b) on request, send a copy of any other information related to the agreement to the Minister of Justice and Solicitor General, except information that is subject to solicitor-client Privilege.</i></p> <p><i>Voluntary resignation</i></p> <p><i>75(1) If the complaints inquiry committee approves an agreement under section 74 or a discipline tribunal or appeal tribunal makes a finding of</i></p>

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				<p><i>unprofessional conduct, the investigated party may apply to the committee or tribunal for resignation instead of having the proceedings continue.</i></p> <p><i>(2) The complaints inquiry committee, discipline tribunal or appeal tribunal may reject the application to resign or may accept it and</i></p> <p><i>(a) may make acceptance of the resignation subject to any conditions that it considers appropriate in the circumstances;</i></p> <p><i>(b) must, in accordance with the directives, give directions about what information about the resignation is to be entered in the information maintained by the CPAA in respect of registrants and former registrants;</i></p> <p><i>(c) must, in accordance with the bylaws, give directions about the publication, posting or notification of the finding of unprofessional conduct and the resignation;</i></p> <p><i>(d) may specify conditions that must be met by the investigated party before the investigated party becomes entitled to apply for reinstatement of registration;</i></p> <p><i>(e) may discontinue the proceedings in whole or in part</i></p> <p><i>Legal Profession Act</i></p>

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				<p><i>Resignation instead of continued proceedings</i>  <i>61(1) Subject to the rules, a member whose conduct is the subject of proceedings under this Division may at any time during the proceedings apply to the Benchers for their approval of the member's resignation as a member instead of having the proceedings continue.</i></p>
55	<p>NEW</p> <p>Creative sanctions appear in various pieces of legislation in Alberta (the <i>Environmental Protection and Enhancement Act</i> and the <i>Occupational Health and Safety Act</i>) and may include:</p> <ul style="list-style-type: none"> <li>• bond or other monetary payment</li> <li>• community service orders</li> <li>• compensation orders</li> <li>• providing specified information</li> <li>• publication orders</li> <li>• remediation orders</li> <li>• stop orders</li> <li>• any other measures the court may see fit to secure the offender's good conduct.</li> </ul> <p>Creative sanctions aim to benefit the public and/or victim by restricting or changing the behaviour of the person who has violated the Act.</p>	<p>It is recommended the legislation be amended to expand the sanctions that can be imposed:</p> <ul style="list-style-type: none"> <li>• in discipline matters to include creative sanction provisions.</li> <li>• by the court against unlicensed title and practice violators to include creative sanction provisions.</li> </ul> <p>These amendments should adopt provisions similar to what is contained in section 234 of the <i>Environmental Protection and Enhancement Act</i> and section 41.1 of the <i>Occupational Health and Safety Act</i>.</p> <p>Non-compliance with a creative sanction order may result in the suspension of a licence or permit until the order is fulfilled.</p>	<p>A creative sanction is a sanction other than a punitive measure such as a fine or imprisonment, where practice restrictions or prohibition, or orders for restoration or rehabilitation might be more appropriate.</p> <p>The legislation should explicitly allow for creative sanctions in order to give APEGA's Discipline Committee, Appeal Board and the court the flexibility to make creative sentencing orders either instead of, or in addition to, other sanctions in the Act.</p> <p>In some circumstances, creative sanctions may be more appropriate and effective than other sanctions currently contained in the Act.</p> <p>Creative sanctions can also help improve the overall health of the professions by requiring offenders to participate in activities that will raise</p>	<p><i>Environmental Protection and Enhancement Act</i></p> <p><i>Court orders relating to penalty 234(1) When a person is convicted of an offence under this Act, in addition to any other penalty that may be imposed under this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order having any or all of the following effects:</i>  <i>(a) prohibiting the offender from doing anything that may result in the continuation or repetition of the offence;</i>  <i>(b) directing the offender to take any action the court considers appropriate to remedy or prevent any harm to the environment that results or may result from the act or omission that constituted the offence;</i>  <i>(c) directing the offender to publish, in the prescribed manner and at the</i></p>

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	<p>Creative sanction orders are innovative by connecting the violation with the project (or the victim) so the main beneficiary will be the victim and/or the public. The benefits address the wrong that was done.</p> <p>The current Act and Regulation do not include creative sanction provisions.</p>	<p>Mirror for ASET Regulated Members and Professional Technologists</p>	<p>the competency and practice of the professions as Members and Permit Holders strive to do their jobs better.</p> <p>It is in the public interest this be available as an option especially in cases where the violator’s conduct has affected the public interest.</p>	<p><i>offender’s cost, the facts relating to the conviction;</i>  <i>(d) directing the offender to notify any person aggrieved or affected by the offender’s conduct of the facts relating to the conviction, in the prescribed manner and at the offender’s cost;</i>  <i>(e) directing the offender to post a bond or pay money into court in an amount that will ensure compliance with any order made pursuant to this section;</i>  <i>(f) on application to the court by the Minister made within 3 years after the date of conviction, directing the offender to submit to the Minister any information with respect to the conduct of the offender that the court considers appropriate in the circumstances;</i>  <i>(g) directing the offender to compensate the Minister, in whole or in part, for the cost of any remedial or preventive action that was carried out or caused to be carried out by the Government and was made necessary by the act or omission that constituted the offence;</i>  <i>(h) directing the offender to perform community service;</i>  <i>(i) requiring the offender to comply with any other conditions the court considers appropriate in the circumstances for securing the offender’s good conduct and for</i></p>

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				<p><i>preventing the offender from repeating the same offence or committing other offences.</i></p> <p><i>Occupational Health and Safety Act</i></p> <p><i>Additional powers of court to make directions</i>  <i>41.1(1) Where a person is convicted of an offence against this Act, in addition or as an alternative to taking any other action provided for in this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order directing the person</i>  <i>(a) to establish or to revise</i>  <i>(i) the policy referred to in section 32(a) and arrangements referred to in section 32(b), or</i>  <i>(ii) a training or educational program regarding the health or safety of workers at the work site,</i>  <i>(b) to take specific action to improve health and safety at work sites, or</i>  <i>(c) to take any other action specified in the regulations.</i>  <i>(2) The order may contain any substance or conditions that the court considers appropriate.</i></p>
<b>Fees, Orders, Fines, and Costs</b>				
56	The Council may make bylaws regarding the setting of fees, dues and levies payable to the Association.	The Act should allow the types of fees, dues, levies and assessments Council can set to be expanded in scope and	The changes will ensure APEGA has the flexibility to set fees, dues, levies and assessments related to the regulation	<i>Chartered Professional Accountants Act</i>

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	<p>(Act, Section 20(1)(r))</p> <p>The bylaws set out fees for annual membership renewal and registration. There are no fees attached to other administrative assessments.</p>	<p>located in policy, similar to the Chartered Professional Accountants' Resolutions.</p> <p>Mirror for ASET Council (Act, Section 87.4(1)(q))</p>	<p>of the profession, in a manner consistent with other professional regulators.</p> <p>The CPA Resolutions allow for various categories of fees, levies, and assessments. See CPA Act s. 20(1)(a).</p>	<p><i>Resolutions</i></p> <p>20(1) The board may make resolutions (a) respecting reasonable fees, levies and assessments to be paid and the time for payment of those fees, levies and assessments by applicants for registration, and by registrants for continuance of registration, for practice reviews and for reinstatement;</p>
57	<p>The Discipline Committee may order that an offender pay all or part of the costs of a hearing, a fine not exceeding \$10,000, or both costs and a fine. (Act, Section 64)</p>	<p>Discipline-related fines for Members should be increased to a maximum of \$100,000 per offence.</p> <p>Discipline-related fines for Permit Holders should be increased to a maximum of \$500,000 per offence.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>A fine should be proportional to the risk the offending action posed to the public. It should also deter the offender from reoffending and deter other Members and Permit Holders from offending.</p> <p>The current maximum fine is too low and no longer acts as a sufficient punishment or deterrent. To better protect the public, APEGA must have the ability to impose much larger fines on offending Members and Permit Holders.</p> <p>In severe cases, the maximum fine will represent a penalty that will impose a significant, financial hardship on the Member or Permit Holder, which will punish the offender appropriately.</p> <p>It will better protect the public because the increased fines will deter Members and Permit Holders from engaging in unskilled or unprofessional</p>	<p><i>Chartered Professional Accountants Act</i></p> <p>95(1) If a discipline tribunal determines that the conduct of an investigated party constitutes unprofessional conduct, the discipline tribunal may make one or more of the following orders:</p> <p>(o) order the investigated party to pay to the CPAA a fine not exceeding \$100 000 for each finding of unprofessional conduct;</p> <p><i>Environmental Protection and Enhancement Act</i></p> <p><i>Penalties</i></p> <p>228(1) A person who commits an offence referred to in section 60, 87, 108(1), 109(1) or 227(a), (d), (f) or (h) is liable (a) in the case of an individual, to a fine of not more than \$100 000 or to</p>



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			conduct, and will deter offenders from reoffending.	<p><i>imprisonment for a period of not more than 2 years or to both fine and imprisonment, or</i></p> <p><i>(b) in the case of a corporation, to a fine of not more than \$1 000 000.</i></p> <p><i>(2) A person who commits an offence referred to in section 61, 67, 75, 76, 79, 88, 108(2), 109(2), 110(1) or (2), 111, 112, 137, 148, 149, 155, 157, 163, 169, 170, 173, 176, 188, 191, 192, 209, 227(b), (c), (e), (g) or (i) or 251 is liable</i></p> <p><i>(a) in the case of an individual, to a fine of not more than \$50 000, or</i></p> <p><i>(b) in the case of a corporation, to a fine of not more than \$500 000.</i></p>
58	<p>The Act imposes maximum fines of \$2,000 for a first offence, \$4,000 for a second offence, and \$6,000 or imprisonment for third and subsequent offences for scope of practice and title violations of the Act; and for failure to surrender a certificate of registration, license, and stamp or seal following cancellation. (Act, Section 98)</p>	<p>Fines for unlicensed individuals for scope-of-practice or use-of-title violations should be increased to a maximum of \$100,000 per offence.</p> <p>Fines for unlicensed companies for scope-of-practice or use-of-title violations should be increased to a maximum of \$500,000per offence.</p>	<p>Unlicensed individuals and companies pose risks to the public when they practice engineering or geoscience or hold themselves out as qualified.</p> <p>The risk to the public by unlicensed individuals and companies can be just as great, if not greater, than the risk to the public from unskilled practice or unprofessional conduct by licensed Members and Permit Holders, the maximum fines for scope-of-practice and use-of-title violations should be at least be equal to the maximum fines for discipline offences.</p> <p>A fine should be proportional to the risk the offending action posed to the public. It should deter the offender</p>	<p><i>Professional Engineers Act (Ontario)</i></p> <p><i>12. (1) No person shall engage in the practice of professional engineering or hold himself, herself or itself out as engaging in the practice of professional engineering unless the person is the holder of a licence, a temporary licence, a provisional licence or a limited licence</i></p> <p><i>40. (1) Every person who contravenes section 12 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$25,000 and for each subsequent offence to a fine of not more than \$50,000.</i></p>

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			from reoffending and deter other unlicensed individuals and companies from offending.	
59	<p>The Act currently allows APEGA to suspend the licence of Members and Permit Holders that have not paid discipline-related fines or costs ordered against them. The Act currently states that disciplinary fines or costs are debts due the Association and may be recovered by civil action for debt.</p> <p>If offending Members or Permit Holders do not pay the fines and costs stipulated in the order, APEGA must file statements of claim and sue the offenders in Court to recover the amounts. (Act, Sections 64(2), 64(3))</p>	<p>It is recommended the Act authorize APEGA to file discipline orders with the Court if there are outstanding fines or costs. These orders would be enforceable as Orders of the Court.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>It costs APEGA time and money to file statements of claim and sue in Court to recover the amounts owing. In many cases, APEGA has already spent significant resources to obtain the original discipline decision.</p> <p>APEGA could use these resources for other regulatory endeavours, resulting in better protection of the public interest and improved regulatory effectiveness.</p> <p>It will eliminate the need for APEGA to start separate lawsuits to collect the monies owing. APEGA could invoke the collection and recovery-of-debt remedies associated with the Orders of the Court, without the expense and time of a civil trial.</p>	<p><i>The Engineering and Geoscientific Professions Act (Manitoba)</i></p> <p><i>Filing of order</i> 48(2) <i>The association may file an order under subsection (1) in the court, and on the order being filed it may be enforced in the same manner as a judgment of the court.</i></p> <p><i>Professional Engineers Act (Ontario)</i></p> <p><i>Order directing compliance</i> 39.(1) <i>Where it appears to the Association that any person does not comply with this Act or the regulations, despite the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Association may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision, and upon the application the judge may make the order or such other order as the judge thinks fit.</i></p>
<b>Appeals</b>				
60	Currently when an application has been refused by the Board of	It is recommended that an individual whose application for registration is	It is in the public interest that APEGA's registration processes and decisions	<i>Health Professions Act</i>

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	<p>Examiners, the applicant may appeal the decision to the Appeal Board. The Appeal Board may make any decision the Board of Examiners was authorized to make. (Act, Section 32(4))</p> <p>There is no option for the applicant to appeal to the Appeal Board if the registration has been deferred with conditions. (Act, Section 30(8))</p>	<p>accepted subject to conditions, deferred or whose application is refused by the Registration Committee may request a review of that decision and that shall be done by an appeal panel of the Appeal Committee.</p> <p>The Appeal Panel would continue to hold the existing authority plus the ability to refer the matter back to the Registration Committee, with or without directions, for further assessment of the application and decision.</p> <p>Mirror for ASET Regulated Members (Act, Sections 93.1(2) and 93.3(4)) and Professional Technologists (Act, Sections 90.3(1) and 91.2(4))</p>	<p>must be transparent, objective, impartial and fair.</p> <p>The duty of fairness requires that an individual whose application for registration has not been accepted (either refused or deferred) should have the opportunity to have that decision reviewed by an independent body.</p> <p>Part of this duty of fairness is to provide a review mechanism; another part is to ensure the fairness of the original decision.</p>	<p><i>Review application</i></p> <p><i>31(1) An applicant whose application for registration is accepted subject to conditions or whose registration is deferred or whose application is refused by the registrar, registration committee or competence committee may, within 30 days after being given a copy of the decision, request a review by the council in accordance with subsection (3).</i></p> <p><i>(2) An applicant who is not notified of a decision by the date described in section 30(5) may, within 30 days from that date, request a review by the council in accordance with subsection (3).</i></p> <p><i>(3) A request for a review must</i></p> <ul style="list-style-type: none"> <li><i>(a) be in writing,</i></li> <li><i>(b) set out the reasons why the application for registration should be approved with or without conditions, and</i></li> <li><i>(c) be given to the registrar, who must give a copy of the request to the council.</i></li> </ul> <p><i>(4) On being given a request for a review, the registrar must, within 30 days, notify the applicant of the date, time and place at which the council will conduct the review.</i></p> <p><i>(5) A review must be commenced not later than 60 days after the registrar is given the request for a review.</i></p>

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				<p><i>(6) The college may, in accordance with the bylaws, charge a fee for a review.</i></p> <p><i>Review of registration decision</i>  <i>32(2) On reviewing a decision pursuant to a request for a review under section 31, the council may</i>  <i>(a) confirm, reverse or vary the decision of the registrar, registration committee or competence committee and make any decision that the registrar, registration committee or competence committee could have made,</i>  <i>(b) refer the matter back to the registrar, registration committee or competence committee and direct the registrar, registration committee or competence committee to make a further assessment of the application and make a decision under section 30 on the application, and</i>  <i>(c) make any further order the council considers necessary for the purposes of carrying out its decision.</i></p> <p><i>(3) The council must conduct the review as soon as reasonably possible and on making a decision must give the applicant and the registrar a copy of its decision with the reasons for the decision.</i></p> <p><i>Chartered Professional Accountants Act</i></p> <p><i>Appeal to appeal tribunal</i></p>

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				<p><i>37(1) An applicant whose application for registration is approved subject to conditions, whose registration is deferred or whose application is refused by the registrar or the registration committee may, within 30 days after being given a copy of the decision, appeal to an appeal tribunal in accordance with Part 7.</i></p> <p><i>Appeal tribunal decisions</i>  <i>116(1) An appeal tribunal may quash, confirm, vary or reverse all or any part of a decision of the body from which the appeal was made, make any finding or order that in its opinion the body ought to have made or refer the matter back to the same or another body, with or without directions.</i></p>
61	<p>An Appeal Board may draw inferences or make determinations or findings that in its opinion should have been made by the Discipline committee, or refer the matter back to the Discipline Committee. (Act, Section 69(1))</p> <p>If an investigation is terminated, Appeal Board has the authority to refer a matter to the Discipline Committee for a hearing but cannot refer a matter back to the Investigative Committee for further investigation. (Act, Section 51)</p>	<p>An Appeal Panel should be able to refer a matter back to the Investigative Committee, with or without directions, where the Appeal Panel is of the view that further investigation is required.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>This will allow for a full and complete investigation of the complaint and will result in fairness to the complainant and member under investigation.</p> <p>A committee or panel may hear new evidence or perspectives during the course of a proceeding. If they feel they need new information, or the information they have is incomplete, they may refer the matter to the appropriate committee for additional investigation.</p>	<p><i>Health Professions Act</i></p> <p><i>Review of dismissal of complaint</i>  <i>68(1) A complainant may apply, in writing with reasons, to the hearings director for a review of the dismissal of a complaint within 30 days after being notified of the dismissal under section 55 or 67.</i>  <i>(2) Despite section 14(2), on receipt of an application under subsection (1) the hearings director must notify the investigated person, give a copy of the application to the complaint review committee and direct the complaints</i></p>

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				<p><i>director to give a copy of the report made under section 66 to a complaint review committee.</i></p> <p><i>(3) Within 60 days after receipt of a report under subsection (2), a complaint review committee must commence a review of the report and the decision to dismiss the complaint.</i></p> <p><i>(4) A complaint review committee may determine whether the submissions to it with respect to a review under subsection (3) by the complainant and the investigated person must be written, oral or both.</i></p> <p><i>(5) The complaint review committee, on complying with subsection (3), must</i></p> <p><i>(a) refer the matter to the hearings director for a hearing,</i></p> <p><i>(b) direct the complaints director to conduct or appoint an investigator to conduct a further investigation and to prepare a report on the further investigation and submit it to the complaint review committee for its consideration before acting under clause (a) or (c), or</i></p> <p><i>(c) confirm that the complaint is dismissed if in the opinion of the complaint review committee</i></p> <p><i>(i) the complaint is trivial or vexatious, or</i></p> <p><i>(ii) there is insufficient or no evidence of unprofessional conduct.</i></p> <p><i>(6) The complaint review committee must give the complainant and the</i></p>

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				<i>investigated person written notification, with reasons, of any action taken under subsection (5).</i>
62	All hearings before the Discipline Committee and the Appeal Board dealing with discipline matters are open to the public unless that committee or board orders otherwise. (Act, Section 57)	<p>The Act should contain criteria to guide when a statutory entity may close a hearing to the public.</p> <p>A hearing or portion thereof may be closed to the public by the chair of the panel for the following reasons:</p> <ul style="list-style-type: none"> <li>• to protect the safety of a person or the public;</li> <li>• not disclosing a person’s confidential information outweighs the desirability of having the hearing open to the public;</li> <li>• the presence of the public or complainant could compromise the ability of a witness to testify;</li> <li>• to prevent a prejudice to a civil action or a prosecution of an offence;</li> <li>• another Act requires the hearing be held in private;</li> <li>• other reasons satisfactory to the Discipline Committee or Appeal Committee.</li> </ul> <p>Regardless of the reason, the reasons for holding the hearing in private must be stated and be included in the record.</p>	<p>There may be situations where it is appropriate for hearings to be closed. However, there should be guidelines around if part or all of a hearing should be closed.</p> <p>Hearings (or portions of them) could be held in private to protect the safety of a person or the public; because not disclosing a person’s confidential information outweighs the desirability of having the hearing open to the public; because the presence of the public or complainant could compromise the ability of a witness to testify; to prevent a prejudice to a civil action or a prosecution of an offence; or because of other reasons satisfactory to the Discipline Committee or Appeal Committee.</p>	<p><i>Health Professions Act</i></p> <p><i>Access to hearing</i> 78(1) A hearing is open to the public unless</p> <p>(a) the hearing tribunal holds the hearing or part of the hearing in private on its own motion or on an application of any person that the hearing or part of the hearing should be in private</p> <p>(i) because of probable prejudice to a civil action or a prosecution of an offence,</p> <p>(ii) to protect the safety of the person or of the public,</p> <p>(iii) because not disclosing a person’s confidential personal, health, property or financial information outweighs the desirability of having the hearing open to the public,</p> <p>(iv) because the presence of the public or complainant could compromise the ability of a witness to testify,</p> <p>or</p> <p>(v) because of other reasons satisfactory to the hearing tribunal,</p> <p>or</p> <p>(b) another Act requires that the hearing or part of the hearing be held in private.</p>

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		<p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>(2) If a hearing or part of a hearing is held in private, the hearing tribunal must state the reason why and must include the reason in the record.</i></p> <p><i>(3) Even if a hearing is held in private,</i></p> <p><i>(a) the investigated person and the investigated person’s counsel may attend,</i></p> <p><i>(b) the complainant may attend unless the hearing tribunal directs otherwise, and</i></p> <p><i>(c) the complaints director and hearing tribunal’s, complaints director’s and college’s counsel may attend.</i></p> <p><i>(4) Even if a hearing is open to the public, a witness, except for the investigated person, may be excluded from the hearing until the witness has given evidence and has been released or dismissed from the hearing.</i></p> <p><i>Chartered Professional Accountants Act.</i></p> <p><i>Public and private proceedings</i></p> <p><i>132(3) If the board, registration committee, practice review committee, discipline tribunal or appeal tribunal considers</i></p> <p><i>(a) that a matter involves public security,</i></p> <p><i>(b) that a matter involves records, information or things that are the subject of solicitor-client privilege, or</i></p>



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				<p><i>(c) that it is necessary to prevent the disclosure of intimate financial, personal, commercial or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open meeting or hearing or a public record of proceedings, the body concerned</i>  <i>(d) must conduct all or any part of the meetings or hearings in private, and</i>  <i>(e) may do anything it considers necessary or direct anything to be done</i>  <i>(i) to keep the decision and record of proceedings secure and confidential, and</i>  <i>(ii) to protect confidentiality and preserve privilege in the decision and record of proceedings.</i></p>
63	<p>A member under investigation can appeal a decision of the Appeal Board to the Court of Appeal. In such cases, the Appeal Board is the respondent in the appeal to the Court of Appeal. (Act, Section 70(2))</p>	<p>The Investigative Committee, rather than the Appeal Committee, should be the respondent in appeals to the Court of Appeal from decisions of the Appeal Committee relating to discipline of the member.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>One of the parties to the dispute, and not the decision-making body itself, should be the respondent in an appeal of that decision-making body's decision. The parties to a discipline hearing are the Investigative Committee and the member under investigation. The Discipline Committee is the first level decision-making body. Their decision may be appealed to the Appeal Board which is a second level decision-making body. The Appeal Board decision can be appealed to a third level decision-making body which is the Alberta Court</p>	

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			<p>of Appeal. In the same way that a judge from a lower court does not stand as respondent in an appeal of their decision to a higher court, the Appeal Committee should not stand as respondent in an appeal of its decision. In addition, the court may refer a case back to the Appeal Committee for further consideration in accordance with any direction of the court.</p> <p>The amendment is a correction to what may have been a drafting error.</p>	
64	New	<p>Add to the Act the ability to make a complaint in respect to matters under the Act to the provincial Ombudsman.</p> <p>(Similar to <i>Chartered Professional Accountants Act</i>, Section 141)</p> <p>Mirror for ASET</p>	<p>Increasingly, professional regulatory statutes are including provisions that expressly make the regulator subject to review by the Ombudsman.</p> <p>The intent is to ensure that as a regulator, APEGA’s processes are fair and transparent.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Complaints to Ombudsman</i> 141(1) Any person may make a complaint in respect of matters under this Act in accordance with the Ombudsman Act. (2) The CPAA, the board, any committee or tribunal, the registrar, the CIC chair, the CIC secretary, the discipline tribunal secretary, a discipline tribunal chair, the appeal tribunal secretary and an appeal tribunal chair and any practice reviewer, investigator or person engaged by the CPAA may, on the recommendation of the Ombudsman, (a) rehear any matter and reconsider any decision or recommendation made by that person or body, and</p>

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				<p><i>(b) quash, confirm or vary the decision or recommendation or any part of it, and may, in its decision or otherwise, explain the reason for rehearing the matter or reconsidering the decision.</i></p> <p><i>(3) If a matter is reheard or reconsidered under subsection (2), the provisions of this Act governing the original hearing or consideration apply to the rehearing or reconsideration.</i></p>
65	New	<p>The following types of decisions may not be appealed:</p> <ul style="list-style-type: none"> <li>• Negotiated settlements between an complainant and a member or permit holder</li> <li>• Consent orders</li> <li>• Cancellations for failing to meet the conditions of an order</li> <li>• Removal of registrations entered in error</li> </ul> <p>Mirror for ASET Regulated Members and Professional Technologists</p>	<p>Consent orders should not be appealable since the Member or Permit Holder has admitted to unskilled practice or unprofessional conduct.</p> <p>A negotiated settlement should not be appealable because the complainant and the member have voluntarily reached a settlement</p> <p>Members or Permit Holders who have orders placed upon them and do not meet the conditions of those orders have opportunities to appeal those orders. A cancellation for failing to comply with orders should not be appealable.</p> <p>Registrations entered in error should not have existed in the first place, and should not be open to appeal.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>74(11) An agreement made under this section may not be appealed to an appeal tribunal.</i></p>
<b>Practice Review</b>				

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66	<p>Currently, the Practice Review Board (PRB) has authority to:</p> <ul style="list-style-type: none"> <li>• conduct practice reviews of Members and Permit Holders</li> <li>• inquire into and advise Council accordingly about standards of admission, practice and competency, the practice of the professions generally, and any other matter related to competence in the practice of the professions</li> <li>• refer a matter to the Investigative Committee</li> <li>• make any order the Discipline Committee is authorized to make against a Member following a discipline hearing</li> <li>• evaluate practice standards and guidelines</li> <li>• administer the Continuing Professional Development (CPD) program</li> <li>• assess applications for resumption to practice</li> </ul> <p>(Act, Section 16)</p>	<p>It is recommended the legislation be amended to create a Practice Review Committee (PRC) with:</p> <ol style="list-style-type: none"> <li>a) explicit responsibility to develop the standards for the mandatory CPD program (existing).</li> <li>b) explicit responsibility to develop practice standards, practice guidelines, and practice bulletins (existing).</li> <li>c) explicit authority to develop practice review procedures and protocols (existing).</li> <li>d) explicit authority to refer a matter to the Investigative Committee or Registrar (existing).</li> <li>e) explicit authority to establish subcommittees and task forces, as required (existing).</li> <li>f) explicit authority to establish the qualifications that practice reviewers must have to conduct practice reviews of Members and Permit Holders (new).</li> <li>g) explicit authority to establish panels with decision-making authority and authority to make orders related to practice review findings (new).</li> <li>h) explicit authority to establish the eligibility standards for registration as a Permit Holder (new).</li> </ol> <p>It is recommended the legislation be amended to clarify that:</p> <ol style="list-style-type: none"> <li>a) Council has the explicit authority to approve all APEGA practice standards and related bulletins to which</li> </ol>	<p>The changes will authorize APEGA, through its practice reviewers and panels, to ensure Members and Permit Holders comply with established practice standards to protect the public.</p> <p>It will explicitly clarify that the role and authority of the PRC is to focus on:</p> <ul style="list-style-type: none"> <li>• professional competency through developing and enforcing practice standards, guidelines, and bulletins across the professions.</li> <li>• developing the standards of the mandatory CPD program and setting related policies.</li> </ul> <p>It will provide an improved mechanism for practice reviewers to work collaboratively with Members and Permit Holders to educate and assist them in improving their professional practices.</p> <p>It will authorize the PRC to establish panels with decision-making authority to issue binding orders requiring Members and Permit Holders to remedy deficiencies identified in practice reviews. Failure to comply could result in restriction, suspension, or cancellation of a licence or permit.</p>	

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		<p>Members and Permit Holders will be held and to approve the requirements for the mandatory CPD program.</p> <p>b) The PRC has the authority to approve practice guidelines.</p> <p>Mirror for the ASET Practice Review Board (Act, Section 93.5) and the Joint Practice Review Board (Act, Section 88.1)</p> <p>Note: APEGA has concerns in relation to development of practice standards see Part B – Row B (9)</p>		
67	<p>The Practice Review Board currently has implied authority to establish practice standards (establishes a standard of practice that Members and Permit Holders must comply with) (Act, Section 16(1)(a)(ii); Regulation, Section 17), guidelines (provides guidance to aid Members and Permit Holders in their professional practice and may include recommended best practices) and bulletins (addresses an issue related to the practice of the professions and remains in force until a practice standard on the issue has been developed or the bulletin has been repealed).</p>	<p>It is recommended the legislation be amended to explicitly clarify that:</p> <p>a) The Practice Review Committee (PRC) has the responsibility to develop APEGA practice standards, guidelines, and bulletins.</p> <p>b) The PRC has the authority to approve practice guidelines.</p> <p>c) Council has the authority to approve all practice standards, and bulletins.</p> <p>d) APEGA’s practice standards and bulletins apply to all individuals and permit holders, engaged in the practice of engineering and geoscience</p> <p>d) Failure to comply with practice standards, bulletins or Council policies can result in the restriction, suspension, or cancellation of a licence or permit, and may also constitute unskilled practice and/or unprofessional conduct.</p>	<p>The new Practice Review Committee (PRC) will have explicit responsibility to establish practice standards, guidelines and bulletins that can be enforced.</p> <p>The process followed by the PRC in developing practice standards, guidelines, and bulletins will be established in Council policy and will include consulting with Licensed Professionals, Permit Holders and other stakeholders (which can include but is not limited to ASET regulated members) during the development process.</p> <p>The practice standards, guidelines and bulletins let individuals and Permit Holders working within in the practice of engineering and geoscience know what is expected of them.</p>	

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		<p>Add the following definitions to the Act:</p> <p>Practice Standard: <i>A document that establishes a standard of practice that Members and Permit Holders must comply with in their professional practice.</i></p> <p>Practice Bulletin: <i>A document that addresses an issue related to the practice of the professions and remains in force until a practice standard on the issue has been developed or the bulletin has been repealed.</i></p> <p>Practice Guideline: <i>A document that provides guidance to aid Members and Permit Holders in their professional practice and may include recommended best practices.</i></p> <p>Mirror for ASET Practice Review Board (Act, Section 93.5(1)(a)(ii) and ASET Regulation, Section 24)</p> <p>Note: APEGA has concerns with the development of practice standards – refer to Part B Row B(9)</p>	<p>This is consistent with what other self-regulating organizations are doing to maintain best practices in other professions.</p> <p>The Joint Practice Review Committee will only need the authority to develop practice guidelines.</p>	
68	Currently, the Practice Review Board (PRB) appoints reviewers to review the practices of Members and Permit	It is recommended the legislation be amended to: a) Authorize practice reviewers to have the same authority in conducting	In order for practice reviews to be useful in protecting the public, practice reviewers must have the authority to assess compliance against required	

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	<p>Holders and to report the findings of the review to the PRB. (Act, Sections 16(1)(b); Regulation, Section 23)</p> <p>The PRB may find that the practice under review is satisfactory and that nothing further is required or make orders similar to the orders the Discipline Committee can make. (Act, Section 16(4))</p> <p>The PRB may, at any time during a review, recommend to the Investigative Committee that the review be conducted by the Investigative Committee, and the Investigative Committee may proceed as if it were a written complaint. (Regulation, Section 20(2)(b))</p>	<p>practice reviews as investigators have in conducting investigations; practice reviewers will conduct practice reviews as prescribed in the regulations.</p> <p>b) Authorize practice reviewers to use subject matter experts to assist in practice reviews, if required.</p> <p>c) Require practice reviewers to provide a practice review report to the Member or Permit Holder whose practice was reviewed.</p> <p>d) Authorize practice reviewers to assess compliance against standards and make recommendations:</p> <ul style="list-style-type: none"> <li>• aimed at educating and supporting the Member or Permit Holder to aid them in improving their professional practice.</li> <li>• some of which must be complied with within a specified time period.</li> </ul> <p>e) Authorize practice reviewers to refer a matter to a practice review panel if a Member or Permit Holder does not comply with a required element in a recommendation within the required time period.</p> <p>f) Provide a Member or Permit Holder the right to appeal a practice reviewer’s recommendation to a practice review panel.</p> <p>g) Authorize practice reviewers to refer a matter to the Investigative Committee or Registrar.</p>	<p>standards, and to make recommendations to Members and Permit Holders to address deficiencies identified in practice reviews.</p> <p>This also allows for practice reviewers to work collaboratively with Members and Permit Holders to educate and assist them in improving their professional practices.</p> <p>A Member or Permit Holder will have the right to appeal a reviewer’s recommendations to a practice review panel.</p> <p>If a Member or Permit Holder does not comply with a recommendation, the matter will be referred by the practice reviewer to a panel of the Practice Review Committee.</p> <p>This is similar and consistent with how Alberta Environment and Parks or the Alberta Energy Regulator already enforces standards and other legislation.</p>	

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		Mirror for ASET Practice Review Board (Act, Sections 93.5(1)(b) and (4), and ASET Regulation, Section 23) and Joint Practice Review Board (Act, Sections 88.1(1)(b) and (4), and Professional Technologists Regulation, Section 16)		
69	<p>Currently, the Practice Review Board (PRB) may conduct practice reviews of Members and Permit Holders and has the authority to make orders similar to the orders made by the Discipline Committee. (Act, Sections 16 (1)(b), 16(4))</p> <p>A Member or Permit Holder who is the subject of a practice review may appeal any decision or order of the PRB to the Appeal Board. (Act, Section 17)</p>	<p>It is recommended the legislation be amended to:</p> <p>a) Allow for submissions from all parties to be made to the practice review panel before the panel issues an order.</p> <p>b) Add a section to the Act indicating that sections 56 to 61 apply to a hearing by a practice review panel.</p> <p>c) Authorize practice review panels to issue orders to Members and Permit Holders requiring them to remedy deficiencies identified in practice reviews.</p> <p>d) Authorize practice review panels to make other orders related to competence and standards of practice that Members and Permit Holders must comply with, including directing that courses, examinations, tutorials, or other forms of professional development or skills training be taken.</p> <p>e) Authorize practice review panels to refer a matter to the Investigative Committee or Registrar.</p> <p>f) Grant a member or permit holder the right to appeal a decision of a</p>	<p>Moving the authority to issue orders to practice review panels will maintain consistency within the regulatory system and mirrors the current model of having panels with decision-making authority like the Discipline Committee, Appeal Board and the Investigative Committee (proposed).</p> <p>Peer review will be maintained. Panels will be formed from members of the Practice Review Committee (PRC).</p> <p>If a Member or Permit Holder appeals a reviewer’s recommendation, or if a practice reviewer refers a matter to a practice review panel, the panel will make the order it determines is appropriate. Procedural fairness will be maintained.</p> <p>Panels will have the authority to issue orders to Members and Permit Holders requiring them to remedy deficiencies identified in practice reviews.</p> <p>Panels will have the authority to order that the licence or permit of a Member</p>	



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		<p>practice review panel, other than consent orders, to the Appeal Committee</p> <p>g) A Practice Reviewer may negotiate consent orders with Members and Permit Holders, according to policy established by the Practice Review Committee</p> <p>h) The Practice Review Panel will have the express authority to review and approve proposed consent orders, reject proposed consent orders, refer the matter to the Practice Review Committee for a hearing, or refer the matter back to the parties for further negotiation, with or without suggested amendments or other direction.</p> <p>i) Authorize practice review panels to order that the licence or permit of a Member or Permit Holder be restricted, suspended, or cancelled if the Member or Permit Holder does not comply.</p> <p>Mirror for ASET Practice Review Board (Act, Sections 93.5(1)(b) and (4), and 94) and Joint Practice Review Board (Act, Sections 88.1(1)(b) and (4), and 88.3)</p>	<p>or Permit Holder be restricted, suspended, or cancelled if the Member or Permit Holder does not comply.</p> <p>Panel orders, other than consent orders, can be appealed to the Appeal Committee. Consent orders should not be appealable because the Member or Permit Holder have voluntarily reached an agreement.</p>	
<b>Proceedings</b>				
70	The Act allows only for the Investigative Committee and the investigated person to appear and be	The Act should specify that Council, all Statutory Entities, the Registrar and any APEGA staff are allowed their own	The Act does not specify that the Discipline Panel may be represented by counsel at Discipline hearings.	<i>Chartered Professional Accountants Act</i>

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	represented by counsel at a Discipline Committee hearing. (Act, Section 56)	separate independent legal counsel at any of APEGA’s statutory entities or Council proceedings.  Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.	The Act allows for legal counsel for some Statutory Entities at meetings/hearings, but not all.  The Act should explicitly clarify there should be allowed counsel representation for all.	<i>Representation before discipline tribunal</i> 85(1) <i>The parties to a discipline tribunal hearing are the investigated party and the complaints inquiry committee, and each is entitled to be represented.</i> (2) <i>If an issue at a discipline tribunal hearing concerns</i> (a) <i>a matter of importance to the CPAA, or</i> (b) <i>the interpretation of this Act or the regulations, bylaws, directives, rules of professional conduct or practice standards, the CPAA may be represented and may present argument at the hearing.</i> (3) <i>If the discipline tribunal is advised by counsel acting on its behalf at a discipline tribunal hearing, that counsel must not present evidence or arguments at the hearing on behalf of the complaints inquiry committee or the CPAA.</i>
71	The Investigative Committee can form panels with investigative powers and the Discipline Committee can form discipline panels with decision making authority. (Act, Section 47; Regulation, Section 45)	It is recommended the legislation be amended to explicitly authorize all statutory entities to: <ul style="list-style-type: none"> <li>Determine whether their proceedings will proceed by way of written or oral submissions, or both. Each statutory entity will manage the use of this authority through policy guidelines</li> </ul>	It is in the public interest that the regulatory proceedings of APEGA’s five statutory entities follow the principles of natural justice and be transparent, objective, impartial, fair and consistent.  APEGA’s statutory entities must have the ability to balance these natural justice principles against the need to	<u>Written and Oral Proceedings</u>  <i>Chartered Professional Accountants Act (Alberta)</i>  113(4) <i>The appeal tribunal may, after considering submissions from the parties to an appeal, direct that the appeal or any part of an appeal</i>

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	<p>The question of whether statutory entities can proceed by way of written or oral submissions (or both) is silent.</p> <p>The Discipline Committee and Appeal Board can proceed with a matter in the absence of a party, if the party has been given sufficient notice of the proceeding. (Act, Sections 61(3), 17)</p>	<p>developed by the respective statutory entity.</p> <ul style="list-style-type: none"> <li>• Create panels with decision making authority, including investigative, discipline, appeal, registration and practice review panels.</li> <li>• Panels may be made of one or more members chosen from the rosters of the relevant statutory entity. Discipline and appeal panels of three or more members should include public members, selected from a roster of public members. Each statutory entity will manage the use of this authority through policy guidelines developed by the respective statutory entity.</li> <li>• Although it would not be the usual practice, panels may hold proceedings and make decisions in the absence of a complainant, appellant, applicant, member under review, or investigated person after appropriate notice has been given to the individual.</li> <li>• Any person having a right to appeal a statutory entity's decision to an Appeal panel may start the process by filing a written notice of appeal. The written notice of appeal must state the grounds for the appeal, including what is being</li> </ul>	<p>exercise their regulatory obligations effectively and efficiently in the public interest.</p>	<p><i>proceed by way of written or oral submissions, or both.</i></p> <p><i>Health Professions Act (Alberta)</i></p> <p><i>68(1) A complainant may apply, in writing with reasons, to the hearings director for a review of the dismissal of a complaint within 30 days after being notified of the dismissal under section 55 or 67.</i></p> <p><i>(4) A complaint review committee may determine whether the submissions to it with respect to a review under subsection (3) by the complainant and the investigated person must be written, oral or both.</i></p> <p><i>Professional Engineers Act (Ontario)</i></p> <p><i>14(5) A committee shall receive written representations from an applicant but is not required to hold or to afford to any person a hearing or an opportunity to make oral submissions before making a determination under subsection (3).</i></p> <p><i>Administrative Procedures and Jurisdiction Act (Alberta)</i></p> <p><i>6 Where by this Part a party is entitled to make representations to an authority with respect to the exercise</i></p>

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		<p>appealed, why the appeal is being made, and what results are being sought from the appeal.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>of a statutory power, the authority is not by this Part required to afford an opportunity to the party</i></p> <p><i>(a) to make oral representations, or</i></p> <p><i>(b) to be represented by counsel, if the authority affords the party an opportunity to make representations adequately in writing, but nothing in this Part deprives a party of a right conferred by any other Act to make oral representations or to be represented by counsel.</i></p> <p><u>Panels of One or More</u></p> <p><i>Statutory Powers Procedure Act (Ontario)</i></p> <p><i>4.2.1(1) The chair of a tribunal may decide that a proceeding be heard by a panel of one person and assign the person to hear the proceeding unless there is a statutory requirement in another Act that the proceeding be heard by a panel of more than one person.</i></p> <p><i>Reduction in number of panel members</i></p> <p><i>(2) Where there is a statutory requirement in another Act that a proceeding be heard by a panel of a specified number of persons, the chair of the tribunal may assign to the panel one person or any lesser number of persons than the number specified in</i></p>

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				<p><i>the other Act if all parties to the proceeding consent.</i></p> <p><u>Proceeding in Absence of a Party</u></p> <p><i>Architects Act (Alberta)</i></p> <p><i>47 The review panel or, on appeal, the Council, on proof of service on the investigated person of the notice of hearing or appeal, may</i></p> <p><i>(a) proceed with the hearing or appeal in the absence of the investigated person, and</i></p> <p><i>(b) act, decide or report on the matter being heard or appealed in the same way as though the investigated person were in attendance.</i></p> <p><i>Health Professions Act (Alberta)</i></p> <p><i>79(6) Despite section 72(1), if the investigated person does not appear at a hearing and there is proof that the investigated person has been given a notice to attend the hearing tribunal may</i></p> <p><i>(a) proceed with the hearing in the absence of the investigated person, and</i></p> <p><i>(b) act or decide on the matter being heard in the absence of the investigated person.</i></p>

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				<p><i>Chartered Professional Accountants Act (Alberta)</i></p> <p><i>92 A discipline tribunal, on evidence of service of notice of the hearing on an investigated party, may</i></p> <p><i>(a) proceed with the hearing in the absence of the investigated party, and</i></p> <p><i>(b) act and decide on the allegations of unprofessional conduct referred to it.</i></p> <p><u>Grounds for Appeal</u></p> <p><i>Chartered Professional Accountants Act (Alberta)</i></p> <p><i>111(1) When a person has a right to appeal to an appeal tribunal under this Act, that person may commence the appeal by sending to the CPAA a written notice of appeal, which must explain</i></p> <p><i>(a) what is being appealed,</i></p> <p><i>(b) why the appeal is being made, and</i></p> <p><i>(c) what results are sought from the appeal.</i></p> <p><i>Health Professions Act (Alberta)</i></p> <p><i>118(6) The regulated member may appeal a direction of the complaints director under subsection (1), (2) or (4) to the council.</i></p> <p><i>(7) An appeal under subsection (6) must be in writing, must set out the</i></p>

March 2019

All recommendations (where APEGA is noted) are to be mirrored (will apply the same changes) in the legislation for ASET and APEGA/ASET Joint Committees for professional technologists.

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				<i>grounds for the appeal and must be served on the registrar within 7 days after receipt of the direction by the regulated member.</i>
72	Currently the courts may grant an injunction on behalf of the Council, following an application to the Court by the Council. (Act, Sections 9, 97.2)	It is recommended the Act be amended to allow APEGA (the Association) as a statutory corporation to apply for an injunction in its own name, rather than Council.  Mirror for ASET (the association) (Act, Section 96)	This would allow the Association to apply to the Courts for an injunction if it is necessary as part of an investigation. The Association would be able to act in a timely manner, rather than needing to wait to apply following a council meeting on the matter.  This would move an administrative process away from Council’s decision-making role, and into the Association’s administrative function.	<i>Chartered Professional Accountants Act</i>  <i>Court injunction or direction</i> <i>8(1) The Court of Queen’s Bench, on application by the CPAA,</i> <i>(a) may grant an injunction prohibiting any person from doing any act that contravenes this Division, even if other proceedings may be taken and sanctions may be imposed for that contravention under this Act, or</i> <i>(b) may make an order requiring or directing a person to take some action in order to comply with this Division or to rectify any contravention of this Division.</i> <i>(2) With the permission of the Court, the CPAA’s application may be made without notice to the person concerned.</i> <i>(3) The CPAA may publish, in any manner it considers appropriate, that an injunction or order has been granted under subsection (1).</i>
<b>Timeframes for Notices and Discipline Matters</b>				

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73	<p>Under the current Act:</p> <ul style="list-style-type: none"> <li>the Registrar shall “forthwith” send a notice to an investigated person that a preliminary investigation is being conducted. (Act, Section 48)</li> <li>if a matter is referred to the Discipline Committee for a formal hearing, the Registrar shall serve a notice of the hearing date, time, and place to the investigated person and the complainant, but no time frame is specified for this notice. (Act, Section 53(3))</li> <li>if a matter is referred to the Discipline Committee for a formal hearing, the Discipline Committee shall hold the hearing “forthwith”. (Act, Section 53(1))</li> <li>the Discipline Committee shall, within “a reasonable time” after the conclusion of the hearing, make a written decision on the matter. (Act, Section 65(1))</li> <li>the Registrar shall, immediately upon receiving a decision, serve the decision. (Act, Section 65(3))</li> <li>if a matter is appealed to the Appeal Board, a notice of the hearing date, time, and place shall be served on the relevant parties, but no time frame is specified for this notice. (Act, Section 68(1))</li> </ul>	<p>It is recommended that the legislation be amended to specify certain time frames:</p> <p><u>Time Frame to Send Notice of Preliminary Investigation</u></p> <ul style="list-style-type: none"> <li>The Registrar must, within 30 days of receiving a complaint, send a notice to an investigated person (Member or Permit Holder) that a preliminary investigation will be conducted and provide details of the complaint.</li> </ul> <p><u>Time Frame to Respond</u></p> <ul style="list-style-type: none"> <li>An investigated person must, within 30 days of receiving notice of a preliminary investigation or longer if agreed to by the Registrar and the investigated person, provide a written response to the Registrar.</li> </ul> <p><u>Time Frame to Review Complaint</u></p> <ul style="list-style-type: none"> <li>An Investigative Panel must, within 90 days after the conclusion of a preliminary investigation, render a decision on whether to dismiss the complaint, refer the complaint to a discipline hearing, or begin discussions with the investigated person for a consent order.</li> </ul>	<ul style="list-style-type: none"> <li>It is in the public interest, as well as the interest of fairness to Members and Permit Holders, that complaint and discipline processes proceed expeditiously and that decisions are rendered in a timely manner.</li> <li>Establishing set time frames provide clear expectations for the parties and the public.</li> <li>The Registrar’s office will coordinate the scheduling of hearings and the issuance of notices on behalf of statutory entities, allowing for a more coordinated approach to regulatory processes.</li> <li>All information related to time frames will be in one part of the legislation, making it easier to find for the public, Members, Permit Holders, and the statutory entities.</li> </ul>	<p><u>Time Frame to Send Notice of Preliminary Investigation</u></p> <p><i>Chartered Professional Accountants Act</i></p> <p><i>69(1) The CIC secretary must, within 30 days after receiving a complaint, provide the complaint or particulars of the complaint to any registrant or former registrant whose conduct is the subject of a review under section 68.</i></p> <p><i>Health Professions Act</i></p> <p><i>55(1) Within 30 days after being given a complaint or treating information as a complaint, the complaints director must give notice to the complainant of the action taken with respect to it.</i></p> <p><i>Veterinary Professions Act</i></p> <p><i>28(1) Within 30 days of being given a complaint, the Complaints Director must give notice to the complainant of the action taken with respect to it.</i></p> <p><u>Time Frame to Respond</u></p> <p><i>Chartered Professional Accountants Act</i></p> <p><i>69 (2) A registrant or former registrant who receives a complaint or particulars</i></p>



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	<ul style="list-style-type: none"> <li>if a matter is appealed to the Appeal Board, the Appeal Board shall hear the appeal “forthwith”. (Act, Section 68(2))</li> <li>the Appeal Board shall “forthwith,” after the conclusion of the hearing, make a decision on the matter. (Act, Section 68(3))</li> <li>the time to reach a mediated settlement between a complainant and investigated Member or Permit Holder is 30 days from the date of receipt of the complaint or longer if agreed to by both parties. (Act, Section 43(4))</li> <li>the investigated person and Investigative Committee may propose a recommended discipline order (consent order) to a Discipline Committee case manager, but no time frame is specified in which to reach this agreement. (Act, Section 52)</li> </ul>	<p><u>Time Frame to Reach Consent Order</u></p> <ul style="list-style-type: none"> <li>The time frame to reach a consent order between an investigated person and an Investigative Panel is 90 days from the date negotiations began or longer if agreed to by both parties.</li> </ul> <p><u>Time Frame to Schedule a Discipline Hearing</u></p> <ul style="list-style-type: none"> <li>If a matter is referred to a Discipline Panel for a hearing, the Registrar must, within 90 days after receiving the referral, set a date for the hearing and give all parties notice of the date, time, and place of the hearing.</li> </ul> <p><u>Time Frame to Respond to Notice of Discipline Hearing</u></p> <ul style="list-style-type: none"> <li>If a date is set for a hearing by a Discipline Panel, the investigated person and Investigative Panel must, within 30 days of receiving notice of the hearing date, respond to the Registrar confirming their availability on that date or propose alternative dates.</li> <li>If the parties and Registrar are not able to agree to a hearing date within an additional 30 days, the Registrar may set a date for the</li> </ul>		<p><i>of a complaint under subsection (1) must respond in writing to the complaint or the particulars to the CIC secretary within 30 days after receiving the complaint or the particulars or within any other period agreed to by the CIC secretary.</i></p> <p><u>Time Frame to Review Complaint</u></p> <p><i>Architects Act</i></p> <p><i>32(1) The chair shall review the conduct of an authorized entity within 30 days from the date on which a complaint respecting that conduct (a) is brought to the chair’s attention by a complainant or any other person, or (b) when section 31(3) applies, is referred to the chair by a mediator. (2) The Council may at the request of the chair extend the 30-day period mentioned in subsection (1).</i></p> <p><i>Veterinary Professions Act</i></p> <p><i>28(4) The Complaint Review Committee must review a referral under subsection (2) or (3) within 30 days of receiving it and may (a) dismiss the complaint, if in the opinion of the Complaint Review Committee</i></p>

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		<p>hearing and the hearing shall commence on that date.</p> <p><u>Time Frame to Render a Decision Following a Discipline Hearing</u></p> <ul style="list-style-type: none"> <li>A Discipline Panel must, within 120 days after the conclusion of a hearing, render a written decision.</li> </ul> <p><u>Time Frame to Schedule an Appeal Hearing</u></p> <ul style="list-style-type: none"> <li>If a discipline decision is appealed, the Registrar must, within 90 days after receiving the notice of appeal, set a date for the appeal hearing and give all parties notice of the date, time, and place of the hearing.</li> </ul> <p><u>Time Frame to Respond to Notice of Appeal Hearing</u></p> <ul style="list-style-type: none"> <li>If a date is set for a hearing by an Appeal Panel, the investigated person and Investigative Panel must, within 30 days of receiving notice of the hearing date, respond to the Registrar confirming their availability on that date or propose alternative dates.</li> <li>If the parties and Registrar are not able to agree to a hearing date within an additional 30 days, the Registrar may set a date for the</li> </ul>		<p>(i) <i>the complaint is trivial or vexatious, or</i>  (ii) <i>there is insufficient or no evidence of unprofessional conduct,</i>  (b) <i>direct the Complaints Director to conduct or appoint an investigator to conduct an investigation and to prepare a report on the investigation and submit it to the Complaint Review Committee for its consideration before acting under clause (a) or referring the matter to the Hearings Director for a hearing, or</i>  (c) <i>make a referral in accordance with section 65.1.</i></p> <p><u>Time Frame to Reach Consent Order</u></p> <p><i>Chartered Professional Accountants Act</i></p> <p><i>71(1) At any time before an allegation of unprofessional conduct is referred to the discipline tribunal roster chair under section 80(1)(c), the CIC secretary may, with the agreement of the parties, appoint or facilitate the appointment of a mediator, conciliator or other individual who may be able to assist in resolution of the complaint.</i>  <i>(5) If no resolution under subsection (1) is reached within the time specified by the CIC secretary or as otherwise agreed, the CIC secretary must complete the review and refer the</i></p>

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		<p>hearing and the hearing shall commence on that date.</p> <p><u>Time Frame to Render a Decision Following an Appeal Hearing</u></p> <ul style="list-style-type: none"> <li>An Appeal Panel must, within 120 days after the conclusion of a hearing, render a written decision.</li> </ul> <p><u>Time Frame Extensions</u></p> <ul style="list-style-type: none"> <li>If an Investigative, Discipline, or Appeal Panel has not rendered a written decision within the required time frame, it must at the end of that period inform the parties, in writing, that the decision has not been completed and continue to report to them on the progress of the decision every 30 days.</li> </ul> <p><u>Time Frame for Registrar to Serve Decisions</u></p> <ul style="list-style-type: none"> <li>The Registrar shall, within a reasonable time of receiving a written decision from an investigative, discipline, or appeal panel, serve the decision. (As is currently the case under the existing Act, the time frame in which a person may appeal a decision will remain 30 days from receipt of notice.)</li> </ul>		<p><i>complaint to the CIC chair under section 68(7).</i></p> <p><i>Veterinary Profession Act</i></p> <p><i>29(1) The Complaints Director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process at any time before the commencement of a hearing by the Hearing Tribunal.</i></p> <p><i>Engineers and Geoscientists Act (British Columbia)</i></p> <p><i>32.2(1) At any time before the commencement of an inquiry under section 32 (2), the person who is the subject of the inquiry, the registrar and the discipline committee may agree that alternative complaint resolution, as provided in the bylaws, will commence between the person who is the subject of the inquiry and the discipline committee respecting one or more matters to be dealt with at the inquiry.</i></p> <p><i>(2) If the discipline committee and the person who is the subject of the inquiry reach an agreement respecting one or more of the matters to be dealt with at the inquiry, a consent order may be</i></p>

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		<p>It is also recommended that the legislation be amended to consolidate related information on time frames for discipline matters into one division.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>made under section 32.1 (2) (b) on the terms set out in the agreement.</i></p> <p><i>(3) No further action may be taken under this section and sections 21.2, 29 to 32.1 and 33 with respect to a matter referred to in subsection (1) of this section unless the discipline committee determines that an agreement respecting the matter cannot be reached within a reasonable period of time.</i></p> <p><i>(4) If the discipline committee determines that an agreement respecting a matter referred to in subsection (1) cannot be reached within a reasonable period of time,</i></p> <p><i>(a) an inquiry under section 32 (2) respecting the matter must proceed,</i></p> <p><u><i>Time Frame to Schedule a Discipline Hearing</i></u></p> <p><i>Health Professions Act</i></p> <p><i>69 The hearings director must, within 90 days after receiving a referral for a hearing, set a date for a hearing with respect to the complaint unless</i></p> <p><i>(a) the complaints director dismisses the complaint under section 66(4),</i></p> <p><i>(b) the president grants, on reasonable grounds, an extension on application by the hearings director, or</i></p>

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				<p><i>(c) the complaints director and the investigated person agree to an extension.</i></p> <p><i>Veterinary Profession Act</i></p> <p><i>35 Within 90 days of receiving a referral for a hearing, the Hearings Director must set a date for a hearing with respect to the complaint unless</i></p> <p><i>(a) the Complaint Review Committee dismisses the complaint under section 33.1(3)(b),</i></p> <p><i>(b) the President, on reasonable grounds, grants an extension on application by the Hearings Director, or</i></p> <p><i>(c) the Complaints Director and the investigated person agree to an extension.</i></p> <p><i>Architects Act</i></p> <p><i>42(2) Within 30 days after the date on which the chair refers a complaint or conduct to the Committee, the Committee shall hold a hearing on the complaint or conduct.</i></p> <p><i>(3) The Council may, on the written request of the chair of a review panel, extend the period mentioned in subsection (2) for one or more additional periods, each not exceeding 30 days.</i></p>

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				<p><u>Time Frame to Render a Decision Following a Discipline Hearing</u></p> <p><i>Professional Code (Quebec)</i></p> <p>154.1. The disciplinary council shall render its decision within 90 days from the time the matter is taken under advisement.</p> <p><u>Time Frame to Schedule an Appeal Hearing</u></p> <p><i>Health Professions Act</i></p> <p>31(5) A review must be commenced not later than 60 days after the registrar is given the request for a review.</p> <p>88(1) A council must,</p> <p>(a) if conditions have been imposed on the practice permit of the investigated person under section 82(1)(c)(i), (ii), (iii) or (iv) or if the registration or practice permit of the investigated person has been suspended or cancelled under section 82(1)(g) or (h), within 45 days after the date a notice of appeal has been given to the hearings director, set the date for the appeal, and</p> <p>(b) in all other cases, within 90 days after the date a notice of appeal has</p>

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				<p><i>been given to the hearings director, set the date for the appeal.</i></p> <p><i>(2) A council may, on the written request of the investigated person or the complaints director, extend the periods referred to in subsection (1) for one or more additional periods, but</i></p> <p><i>(a) in a case to which subsection (1)(a) applies, no extension may be granted without the consent of the investigated person, and</i></p> <p><i>(b) in a case to which subsection (1)(b) applies, no extension may be granted without the consent of the investigated person and the complaints director.</i></p> <p><i>Veterinary Profession Act</i></p> <p><i>44.1(1) The Council must,</i></p> <p><i>(a) if conditions have been imposed on the annual certificate of the investigated person under section 41.1(1)(c)(i), (ii), (iii) or (iv) or if the registration or annual certificate of the investigated person has been suspended or cancelled under section 41.1(1)(g) or (h), schedule the appeal within 60 days after the date of service of the notice of appeal, and</i></p> <p><i>(b) in all other cases, schedule the appeal within 90 days after the date of service of the notice of appeal.</i></p>

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				<p><i>The Engineering and Geoscientific Professions Act (Manitoba)</i></p> <p>21(3) On receipt of a notice of appeal under this section, accompanied by a cash deposit, the council shall schedule a hearing of the applicant's appeal to be held within 90 days after receipt of the notice of appeal by the council.</p> <p><u>Time Frame to Render a Decision Following an Appeal Hearing</u></p> <p><i>Professional Code (Quebec)</i></p> <p>154.1. The disciplinary council shall render its decision within 90 days from the time the matter is taken under advisement.</p> <p><i>Health Professions Act (Alberta)</i></p> <p>89(5) The council must, within 90 days from the date of the conclusion of the appeal hearing before it, make a decision and, by order, do one or more of the following:</p> <p>(a) make any finding that, in its opinion, should have been made by the hearing tribunal,</p> <p>(b) quash, confirm or vary any finding or order of the hearing tribunal or substitute or make a finding or order of its own,</p>



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				<p><i>(c) refer the matter back to the hearing tribunal to receive additional evidence for further consideration in accordance with any direction that the council may make, or</i></p> <p><i>(d) refer the matter to the hearings director to schedule it for rehearing before another hearing tribunal composed of persons who were not members of the hearing tribunal that heard the matter, to rehear the matter.</i></p> <p><i>The Engineering and Geoscientific Professions Act (Manitoba)</i></p> <p><i>53(4) The council shall, within 90 days from the date of the conclusion of all proceedings before it, do any of the following:</i></p> <p><i>(a) make any finding or order that in its opinion ought to have been made by the panel;</i></p> <p><i>(b) quash, vary or confirm the finding or order of the panel or any part of the finding or order;</i></p> <p><i>(c) refer the matter back to the discipline committee for further consideration in accordance with any direction of the council.</i></p> <p><i><u>Time Frame Extensions</u></i> <i>Professional Code (Quebec)</i> <i>16.14. If the Commissioner has not completed the examination of a complaint within 90 days after</i></p>

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				<p><i>receiving it, the Commissioner must, at the end of that period, inform the plaintiff, in writing, that the examination has not been completed and report to the plaintiff on the progress of the examination. Until the examination has been completed, the Commissioner must, every 30 days after the expiry of the 90-day period, inform the plaintiff, in writing, that the examination has not been completed and report to the plaintiff on the progress of the examination.</i></p> <p><i>123.1. Where a syndic has not completed his inquiry within 90 days of receipt of the request for the holding of an inquiry, he must, at the end of that period, inform the person who requested the holding of an inquiry, in writing, that the inquiry has not been completed and report to him on the progress of the inquiry. Until the inquiry has been completed, a syndic must, every 60 days after the expiry of the 90-day period, inform the person who requested the holding of the inquiry, in writing, that the inquiry has not been completed and report to him on the progress of the inquiry.</i></p> <p><i>Alberta Association of Architects</i></p> <p><i>Bylaw</i></p>

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				<p><i>13.2(2) If any thing to be done by the Council or individual within a number of days or at a time fixed by or under these by-laws, cannot be or is not so done, the Council, in its sole discretion, from time to time may appoint a further or other time for doing it, whether the time at or within which it ought to have been done has or has not arrived or expired, as the case may be.</i></p> <p><i>(3) Any thing done at or within the time specified by the Council is as valid as if it had been done at or within the time fixed by or under this by-law.</i></p> <p><i>(4) Where by this by-law a certain day is fixed on or by which certain things are to be done or proceedings taken, if it appears that the date was fixed having regard to an earlier fixed date on or by which certain other things are to be done or proceedings taken then, notwithstanding anything in this by-law, if default is made in respect of the earlier date a like delay may be permitted by the Council in respect of the later date.</i></p>
<b>Unauthorized Use of Title</b>				
74	The Act prohibits individuals, corporations, partnerships or other entities from using the titles “professional engineer”, “professional geoscientist”, or the abbreviations “P.	The Act should be amended to explicitly clarify that the use of the terms “engineer” or “geoscientist”; or the abbreviations “P.Eng” or “P.Geo” by anyone who is not a professional	It is a risk to the public when unlicensed individuals or companies mislead the public into thinking they are qualified to practice engineering or	<p><i>Engineers Act (Quebec)</i></p> <p><i>22. Any person not a member in good standing of the Order who:</i></p>

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	<p>Eng.” or “P.Geo.” in combination with other names, titles, descriptions or abbreviations that either expressly or by implication indicates they are a professional engineer or geoscientist, licensee, or permit holder. (Act, Sections 3(1), 6(1))</p> <p>The Act also prohibits individuals, corporations etc. from implying they are entitled to practice engineering or geoscience, or are a professional engineer or geoscientist, licensee, or permit holder. (Act, Sections 3(1), 6(1))</p>	<p>engineer, geoscientist or permit holder is a violation if the use of those terms “might lead to the belief” that they are a professional engineer, geoscientist, or permit holder.</p> <p>Similar provisions would be required regarding the terms “Professional Limited Licensee” or “Professional Technologist”, or the abbreviations “P.L.L.” or “P.Tech.”.</p> <p>Similar provisions would be required for Certified Technician, Certified Engineering Technologist and Registered Engineering Technologist or the abbreviations “C.Tech.” “C.E.T.”, and R.E.T.</p> <p>Similar provisions would also be required for the new Certified Geoscience Technologist, (C.G.T.) designation (See Row 118)</p> <p>These protected titles are restricted for engineering and geoscience technicians and technologists only.</p>	<p>geoscience and are duly licensed by APEGA when they are not.</p> <p>To protect the public against such unlicensed individuals and companies, the legislation should be amended to clarify that it is sufficient to prove that a violation has occurred and the public put at risk if the use of the terms “engineer” or “geoscientist”; or the abbreviations “P.Eng” or “P.Geo” by an unlicensed individual or company “might lead the public to believe” they are licensed, without needing to locate a specific individual that was actually deceived by the unauthorized use of those terms and submit evidence from that individual. The test would be whether a reasonable person might be led to the belief that the unlicensed individual was licensed.</p>	<p>(1) performs any of the acts contemplated in section 3 of this Act,</p> <p>(2) assumes the title of engineer alone or qualified, or makes use of any abbreviation of such title, or of any name, title or designation which might lead to the belief that he is an engineer or a member of the Order,</p> <p>(3) advertises himself as such,</p> <p>(4) acts in such a manner as to lead to the belief that he is authorized to fulfil the office of or to act as an engineer,</p> <p>(5) authenticates by means of a seal, signature or initials a document relating to the practice of the engineering profession,</p> <p>(6) (paragraph repealed), is guilty of an offence and is liable to the penalties provided in section 188 of the Professional Code.</p>
<b>Capacity to Practice</b>				
75	<p>Currently, the Discipline Committee may review a Member’s incapacity or fitness to practise but only after a complaint, full investigation, and hearing, which can be a lengthy process.</p>	<p>It is recommended the Act be amended to expressly authorize the Registrar require a Licensed Professional or applicant to undergo independent, third-party mental or physical examinations to assess the</p>	<p>Sometimes mental health issues, substance addictions, or physical illnesses and disorders can impair a Licensed Professional’s ability to provide professional services in a safe and competent manner. This is</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Assessing incapacity</i> 110(1) If the CIC secretary has reasonable and probable grounds to</p>

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	<p>(Act, Sections 63(g), 63(h))</p> <p>Currently, the Investigative Committee may suspend a Member pending a preliminary investigation or disciplinary hearing, but a complaint must be received first. (Act, Section 55)</p>	<p>person’s fitness to practise if there are reasonable grounds to believe a registrant or applicant are incapacitated.</p> <p>If the Registrar has grounds to believe that a Licensed Professional is incapacitated, whether or not a complaint has been made, the Registrar may direct the Licensed Professional to submit to specified physical or mental examinations, or both, by a person or at a facility specified by the Registrar and request the person or facility to report to the Registrar and the Licensed Professional within a time specified by the Registrar.</p> <p>On receipt of the results of any mental or physical examination, and if recommended by the person or facility the Registrar may direct the Licensed Professional to submit to treatment by a person or at a facility specified by the Registrar.</p> <p>The Registrar may request that the results of the treatment be provided by the person or facility to the Registrar and the Licensed Professional within the time specified by the Registrar.</p>	<p>referred to as a Licensed Professional’s incapacity or fitness to practise.</p> <p>The management of a Licensed Professional’s fitness to practise is a matter of public protection. It is not a matter of discipline or punishment.</p> <p>APEGA/ASET needs to be able to respond quickly in a respectful and confidential manner to protect the public and to help the individual.</p> <p>The question of a Licensed Professional’s or applicant’s fitness to practise might arise from sources other than a formal complaint. To adequately protect the public, APEGA/ASET needs to be able to respond quickly and appropriately.</p>	<p><i>believe that a registrant is incapacitated, whether or not a complaint has been made, the CIC secretary must notify the CIC chair, who may direct the registrant to submit to specified physical or mental examinations, or both, by an individual or at a facility specified by the CIC chair and request the individual or facility to report to the CIC chair and the registrant within a time specified by the CIC chair.</i></p> <p><i>(2) On receipt of the results of any mental or physical examination under subsection (1), and if recommended by the individual or facility, the CIC chair may direct the registrant to submit to treatment by an individual or at a facility specified by the CIC chair.</i></p> <p><i>(3) The CIC chair may request that the results of the treatment under subsection (2) be provided by the individual or facility to the CIC chair and the registrant within the time specified by the CIC chair.</i></p> <p><i>(4) The CIC chair may suspend the registrant’s registration or impose a restriction on the registrant’s practice until a report is received under subsection (1) or, if a direction is made under subsection (2), suspend the registrant’s registration or impose a restriction on the registrant’s practice until the CIC chair is satisfied that the registrant is no longer incapacitated,</i></p>

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		<p>The Registrar may direct that the Licensed Professional cease providing professional services until a report on their mental or physical condition is received, or if a direction is made with regards to treatment, cease providing professional services until the Registrar is satisfied that the Licensed Professional is no longer incapacitated and the Registrar must notify the Registrar of the direction to cease providing professional services.</p> <p>If the Licensed Professional does not comply with a direction of the Registrar to submit to physical or mental examinations; submit to treatment, or cease providing professional services while incapacitated,</p> <ul style="list-style-type: none"> <li>• the Registrar must continue with the investigation process if a complaint was previously made with respect to a matter that arose because of the alleged incapacity, and</li> <li>• the Registrar may treat the non-compliance as a complaint and act on it if no complaint has been previously made with respect to a matter that arose because of the alleged incapacity.</li> </ul>		<p><i>and the CIC chair must direct the CIC secretary to notify the registrar of the suspension or restriction.</i></p> <p><i>(5) If the registrant ceases to comply with section 40 or 45 because of a suspension under this section, the CIC chair may in writing order that the 90-day period provided for in section 46(2) be extended for a further period that the CIC chair considers reasonable.</i></p> <p><i>(6) If the CIC chair determines that there are reasonable grounds to believe that the incapacity of the registrant may cause the public to be at risk, the CIC chair may direct the publication of the suspension in accordance with the bylaws.</i></p> <p><i>(7) If the registrant does not comply with a direction of the CIC chair under subsection (1), (2) or (4),</i></p> <p><i>(a) if a complaint was previously made with respect to a matter that arose because of the alleged incapacity, the investigation process continues, and</i></p> <p><i>(b) the CIC chair may refer the non-compliance to the CIC secretary, who must treat the non-compliance as a complaint.</i></p> <p><i>(8) The registrant may appeal a direction of the CIC chair under subsection (1) or (2) or a suspension or the imposition of a restriction under subsection (4) to an appeal tribunal.</i></p> <p><i>(9) An appeal under subsection (8) must be in writing and must explain</i></p>

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		<p>If a complaint has been made against a Licensed Professional , and the Registrar</p> <ul style="list-style-type: none"> <li>• is satisfied that the matter complained of arose because of the incapacity of the -Licensed Professional ,</li> <li>• has made directions with regards to examinations or treatment, and</li> <li>• is satisfied that the Licensed Professional is complying with the directions to receive treatment,</li> </ul> <p>the Registrar may, at any time before the matter has been referred to the hearings director, suspend any proceedings with respect to the complaint for a period of time that the Registrar considers appropriate.</p> <p>If a matter has been suspended and the Registrar is satisfied that the Licensed Professional is no longer incapacitated, the Registrar may decide to suspend the proceedings indefinitely, with or without conditions.</p> <p>Despite a suspension of proceedings, the Registrar may, at any time direct that the proceedings with respect to the complaint be resumed.</p> <p>If the Registrar suspends proceedings, the Registrar must within 14 days</p>		<p><i>what is being appealed, why the appeal is being made and what results are sought, and must be served on the appeal tribunal secretary within 14 days after receipt of the direction by the registrant.</i></p> <p><i>(10) The parties to an appeal under subsection (8) are the registrant and the CIC chair.</i></p> <p><i>(11) An appeal under subsection (8) must be conducted</i></p> <p><i>(a) as soon as reasonably practicable,</i></p> <p><i>(b) in accordance with the appeal provisions under Part 7, and</i></p> <p><i>(c) in private, notwithstanding section 132(2).</i></p> <p><i>(12) If a complaint has been made against a registrant and the CIC chair</i></p> <p><i>(a) is satisfied that the matter complained of arose because of the incapacity of the registrant,</i></p> <p><i>(b) has made one or more directions under subsection (1) or (2),</i></p> <p><i>and</i></p> <p><i>(c) is satisfied that the registrant is complying with the directions made under subsection (1) or (2), the CIC chair may, at any time before the matter has been referred to the discipline tribunal roster chair, stay any proceedings with respect to the complaint for a period of time that the CIC chair considers appropriate.</i></p> <p><i>(13) If proceedings have been stayed under subsection (12) and the CIC chair</i></p>

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		<p>notify the complainant in writing of the suspension and the reasons for it.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>is satisfied that the registrant is no longer incapacitated, the CIC chair may decide to stay the proceedings indefinitely, with or without conditions.</i></p> <p><i>(14) If the CIC chair stays proceedings under subsection (12) or (13), the CIC chair must direct the CIC secretary to notify the complainant in writing of the stay.</i></p> <p><i>(15) Despite a stay of proceedings under subsection (12) or (13), the CIC chair may at any time direct that the proceedings with respect to the complaint be resumed.</i></p> <p><i>(16) If the CIC chair makes a direction under subsection (15), the CIC chair must notify the registrant accordingly.</i></p> <p><i>(17) The CIC chair may do anything the CIC chair considers necessary, or direct anything to be done, to keep any information, record, document or thing acquired under this section secure and confidential.</i></p> <p><i>(See also Section 118, Health Professions Act)</i></p>
76	NEW	<p>A Licensed Professional whose registration has been restricted or suspended as a result of incapacity should have the ability to appeal that decision to an appeal panel.</p> <ul style="list-style-type: none"> <li>The Licensed Professional and the Registrar will be parties to the appeal.</li> </ul>	<p>The Licensed Professional should be given an opportunity to respond on appeal with the right to make written submissions and submit substantive new evidence.</p> <p>An appeal usually takes place on the record, with new evidence admitted</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>110(8) The registrant may appeal a direction of the CIC chair under subsection (1) or (2) or a suspension or the imposition of a restriction under subsection (4) to an appeal tribunal.</i></p>



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		<ul style="list-style-type: none"> <li>• The Licensed Professional may start the process by filing a written notice of appeal with the Registrar. The written notice of appeal must state the grounds for the appeal, including what is being appealed, why the appeal is being made, and what results are being sought from the appeal.</li> <li>• The Registrar shall provide a copy of the notice of appeal to the Appeal Committee within 7 days of receiving it.</li> <li>• The Registrar shall share with the Licensed Professional and the appeal panel the record of information the Registrar considered in making the decision.</li> <li>• The appeal panel shall serve a notice of hearing on the Licensed Professional and the Registrar, and will hear the appeal within 14 days of receiving the notice of appeal.</li> <li>• Appeals will be conducted in private, due to the sensitive personal information involved in the proceedings.</li> <li>• The appeal should be based on the record of information provided by the Registrar, any additional information submitted by the Licensed Professional, and written submissions from either party.</li> </ul>	<p>only in exceptional circumstances. However, this is premised on the Licensed Professional having been accorded natural justice and procedural fairness rights, including a right to respond to the allegations. In the case of an incapacity order, this has not yet occurred.</p> <p>The appeal panel should be able to consider other forms of information.</p>	<p><i>(9) An appeal under subsection (8) must be in writing and must explain what is being appealed, why the appeal is being made and what results are sought, and must be served on the appeal tribunal secretary within 14 days after receipt of the direction by the registrant.</i></p> <p><i>(10) The parties to an appeal under subsection (8) are the registrant and the CIC chair.</i></p> <p><i>(11) An appeal under subsection (8) must be conducted</i></p> <p><i>(a) as soon as reasonably practicable,</i></p> <p><i>(b) in accordance with the appeal provisions under Part 7, and</i></p> <p><i>(c) in private, notwithstanding section 132(2).</i></p> <p><i>How to appeal</i></p> <p><i>111(1) When a person has a right to appeal to an appeal tribunal under this Act, that person may commence the appeal by sending to the CPAA a written notice of appeal, which must explain</i></p> <p><i>(a) what is being appealed,</i></p> <p><i>(b) why the appeal is being made, and</i></p> <p><i>(c) what results are sought from the appeal.</i></p> <p><i>(2) The notice of appeal must be received by the CPAA within 30 days from the date of service on the appellant of the final decision giving rise to the appeal.</i></p> <p><i>Appeal tribunal decisions</i></p>

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		<ul style="list-style-type: none"> <li>• The appeal panel may request additional information from the Registrar or oral evidence of witnesses upon written application by either party within the timelines established.</li> <li>• The Registrar and the Licensed Professional are entitled to attend the appeal hearing with or without legal counsel.</li> <li>• The appeal panel may quash, confirm, vary or reverse a decision of the Registrar to restrict or suspend a registration; make any finding or order the Registrar ought to have made; refer the matter back to the Registrar; grant an adjournment or defer the matter to a future meeting of the appeal panel or order publication of its decision in a manner that does not identify the member, unless the appeal panel deems publication necessary for public safety.</li> <li>• The appeal panel must provide a written decision on the appeal to the parties within 30 days of the conclusion of the appeal.</li> <li>• An appeal from the appeal panel's final decision lies to the Court of Appeal.</li> <li>• Appeals to the Court of Appeal would be made only by the</li> </ul>		<p><i>116(1) An appeal tribunal may quash, confirm, vary or reverse all or any part of a decision of the body from which the appeal was made, make any finding or order that in its opinion the body ought to have made or refer the matter back to the same or another body, with or without directions.</i></p> <p><i>(4) Within a reasonable time after the conclusion of proceedings before it, an appeal tribunal must make a written decision on the appeal, giving reasons for its decision.</i></p> <p><i>(8) The appeal tribunal secretary must, within a reasonable time after receiving an appeal tribunal's interim or final decision,</i></p> <p><i>(a) serve a copy of the decision on the appellant, the respondent and every other person represented at the appeal hearing and, in the case of a final decision, provide notice to the investigated party of the right to appeal, if any, under section 122,</i></p> <p><i>(b) serve a copy of the decision on the CIC chair, and</i></p> <p><i>(c) send a copy of the decision to the complainant.</i></p> <p><i>Health Professions Act</i></p> <p><i>118(6) The regulated member may appeal a direction of the complaints director under subsection (1), (2) or (4) to the council.</i></p>

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		<p>Licensed Professional or the Registrar, who are the parties to the appeal.</p> <ul style="list-style-type: none"> <li>• Appeals to the Court of Appeal must be commenced within 30 days of the service of the appeal panel decision.</li> <li>• It may be commenced by filing a notice of appeal with the Court of Appeal and the parties of the appeal.</li> <li>• The appeal to the Court of Appeal must be based on the record of proceedings before the appeal panel and the Registrar, and the decision of the appeal panel and the Registrar.</li> <li>• The Registrar must arrange for the preparation of the record of proceedings at the expense of the appellant.</li> <li>• The Registrar must ensure the portion of the record of proceedings that was held in private is sealed.</li> <li>• The Court of Appeal may direct that the record of proceedings be unsealed in whole or in part.</li> </ul> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated</p>		<p><i>(7) An appeal under subsection (6) must be in writing, must set out the grounds for the appeal and must be served on the registrar within 7 days after receipt of the direction by the regulated member.</i></p> <p><i>(8) An appeal under subsection (6) must be conducted</i></p> <p><i>(a) as soon as reasonably practicable, and</i></p> <p><i>(b) in accordance with section 89.</i></p>

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		Members, Professional Technologists, and Permit Holders, as applicable.		
77	New	<p>If a Licensed Professional’s practice has been suspended or cancelled or has restrictions or conditions placed on it, or if restrictions or have been placed on a Licensed Professional’s practice due to incapacity or other reasons, the Registrar must</p> <ul style="list-style-type: none"> <li>• Enter the restrictions imposed on the Register;</li> <li>• Provide the information to the Licensed Professional’s employer and the public;</li> <li>• Provide the information to other relevant professional associations or regulators.</li> </ul> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	In the public interest that the public, employers and other regulators are informed if a Licensed Professional’s practice has been cancelled, suspended or restrictions placed on it.	<p><i>Health Professions Act</i></p> <p><i>Access to regulated members’ information</i></p> <p><i>119(1) If under Part 2 or Part 4 a regulated member’s practice permit is suspended or cancelled, or if conditions are imposed on a regulated member’s practice permit or a direction is made under section 118(4), the registrar (a) must enter the conditions imposed, if any, on the regulated member’s practice permit, (b) must provide the information (i) to a person who employs the regulated member to provide professional services on a full-time or part-time basis as a paid or unpaid employee, consultant, contractor or volunteer, and (ii) to a hospital if the regulated member is a member of the hospital’s medical staff or professional staff, as defined in the Hospitals Act, (c) must provide the information to any Minister who, or an organization specified in the regulations that administers the payment of fees for the professional services that the regulated member provides, (d) must provide the information to another college if the registrar knows</i></p>

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				<p><i>that the regulated member is also a member of that college,</i>  <i>(e) must provide the information to the governing bodies of any similar profession in other provinces or territories, and</i>  <i>(f) subject to the bylaws, may publish or distribute the information referred to in this subsection and information respecting any order made by a hearing tribunal or council under Part 4.</i></p> <p><i>(2) In addition to the release of information under subsection (1), if a reprimand or other order under Part 4 relates to an improper billing practice by a regulated member, the registrar must provide the relevant information to any Minister who, or an organization specified in the regulations that, administers the payment of fees for the professional services that were subject to improper billing practices.</i></p> <p><i>(3) If a regulated member applies for a review of a decision under Part 2, appeals a decision under Part 4 or appeals a direction under section 118(4), and a cancellation or suspension is lifted or imposed conditions are varied or removed, a reprimand is removed or a direction is cancelled, the registrar must provide that information in the same manner that the information on the</i></p>

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				<p><i>cancellation, suspension, conditions or reprimand was provided under subsection (1) or (2).</i></p> <p><i>(4) If a member of the public, during regular business hours, requests from a college information referred to in this section or section 33(3) or 85(3), or information as to whether a hearing is scheduled to be held or has been held under Part 4 with respect to a named regulated member, the college must provide the information with respect to that regulated member subject to the payment of costs referred to in section 85(3) and the period of time provided for in the regulations.</i></p> <p><i>(5) If the governing body of a similar profession in another jurisdiction requests information as to whether a regulated member or a former member is an investigated person, the college may provide the information.</i></p>
78	<p>NEW</p> <p>There are no provisions in the Act allowing for the appointment of a custodian to manage a Member's practice.</p> <p>Other professions allow for a Custodian of a Practice to be appointed where it is necessary in the public interest.</p>	<p>The Associations should be able to apply to the Court of Queen's Bench for an order appointing a person as custodian of a Licensed Professional's practice in the event of a Licensed Professional's incapacity, illness, death, or suspension of registration, so that it may be temporarily managed or, if necessary, dissolved.</p> <p>The custodian of a practice will be a qualified Licensed Professional.</p>	<p>APEGA/ASET should be able to apply to the court for an order to facilitate a respectful temporary continuation or wind up a - Licensed Professional's engineering or geoscience services in the public interest, the interests of the Licensed Professional or the profession as the circumstances require.</p> <p>For example, if a Licensed Professional is incapacitated and unable to carry on</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Custodian of a practice</i>  <i>142(1) The CPAA may apply to the Court of Queen's Bench for an order appointing a person as custodian of the property or practice of a registrant or former registrant for the purpose of providing for the temporary management, winding-up or sale of</i></p>

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		<p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>their practice, the - Licensed Professional's clients may be negatively impacted if there is no one to take over the practice in the interim.</p> <p>A Custodian ensures that professional services can be continued for those relying on them, and allows for other arrangements to be made if necessary in a safe and responsible manner.</p> <p>A Custodian would apply to sole practitioners but would not be necessary for larger Permit Holders as it is expected the firm would make arrangements to ensure the incapacitated Responsible Member's clients would not be negatively impacted.</p> <p>The application to court could be made either proactively by APEGA, or in response to a request from a Licensed Professional or - Licensed Professional's family to assist them.</p> <p>This is new for the engineering and geoscience professions in Canada because none of the other associations have incapacity.</p>	<p><i>that practice under the circumstances referred to in subsection (2).</i></p> <p><i>(2) The Court may appoint a person as custodian of the property or practice of a registrant or former registrant for the purpose of providing for the temporary management, winding-up or sale of that practice if</i></p> <p><i>(a) the registrant's registration is suspended or has been cancelled,</i></p> <p><i>(b) a restriction has been imposed on the registrant that requires the appointment of a custodian,</i></p> <p><i>(c) the registrant dies,</i></p> <p><i>(d) the registrant becomes mentally or physically incapacitated or a direction has been made in accordance with section 110,</i></p> <p><i>(e) the registrant becomes ill or for some other reason is unable to engage in practice,</i></p> <p><i>(f) the registrant absconds or is otherwise improperly absent from the practice or has neglected the practice, or</i></p> <p><i>(g) sufficient other grounds exist.</i></p> <p><i>(3) An application for a custodial order may be made without notice to the registrant or former registrant or on the notice the Court directs.</i></p> <p><i>(4) The Court may appoint as a custodian</i></p> <p><i>(a) the CPAA,</i></p> <p><i>(b) a person nominated by the CPAA, or</i></p> <p><i>(c) any other suitable person.</i></p>

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				<p><i>Additional orders</i>            143 In addition to appointing a custodian, the Court of Queen’s Bench may            (a) direct a sheriff to seize, remove and place in the custody of the custodian any or all of the property of the registrant or former registrant who is the subject of the order, and            (b) authorize the sheriff to enter on land or premises or open any safety deposit box or other receptacle if there is reason to believe that property of the registrant or former registrant who is the subject of the order may be found on the land or premises or in the receptacle.</p> <p><i>Ancillary orders</i>            144 The Court of Queen’s Bench may, in a custodial order or on application at any later time, without notice or on the notice required by the Court,            (a) direct a financial institution or other holder of property of the registrant or former registrant who is the subject of the order to deal with, hold, pay over or give the property to the custodian or to some other person as the Court considers proper,            (b) remove a custodian appointed by the order and appoint another custodian,            (c) give directions and advice to the custodian about the disposition of any</p>



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				<p><i>or all of the property held by the custodian,</i>  <i>(d) give directions as to the payment of the custodian’s fees and the person by whom or property out of which they are to be paid, or</i>  <i>(e) give directions or make further orders as the situation requires.</i>  <i>Prompt service of order</i>  <i>145(1) Unless otherwise directed, a custodial or ancillary order must be promptly served on the registrant or former registrant who is the subject of the order.</i>  <i>(2) The recipient of a custodial or ancillary order, whether or not that person is the subject of the order, must not dispose of any property that is the subject of the order until directed by the custodian or by order of the Court of Queen’s Bench.</i>  <i>Examination and disposal of property</i>  <i>146(1) A custodian must make reasonable attempts to provide information to clients of the registrant or former registrant whose practice or property is under the control of the custodian, including</i>  <i>(a) information that the custodian has been appointed, the effect of the appointment and how the clients’ needs will be met, and</i>  <i>(b) if appropriate, information that they are entitled to claim property.</i></p>

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				<p><i>(2) If the custodian is satisfied that a person is entitled to any property that is subject to the custodial order, the custodian may deliver the property to the person entitled to it.</i></p> <p><i>Modification or revocation of orders</i>  <i>147 A registrant or former registrant who is the subject of a custodial or ancillary order may apply to the Court of Queen’s Bench at any time to have the order modified or terminated.</i>  <i>Custodian’s fees and expenses</i>  <i>148(1) Subject to any order of the Court of Queen’s Bench, the fees, costs and expenses of the custodian must be paid out of the property of the registrant or former registrant who is the subject of the custodial or ancillary order, unless the Court otherwise directs.</i></p> <p><i>(2) If the property is insufficient to pay the fees, costs and expenses of the custodian, the amount unpaid is a debt due to the CPAA if the CPAA has paid the fees, costs and expenses, or any of them, and may be recovered by the CPAA in a civil action for debt.</i></p> <p><i>(See Also Section 95, Legal Profession Act)</i></p>
<b>Authentication Practices</b>				
79	The Act and Regulation currently require a Professional Member to sign,	It is proposed that the following definitions be added to the Act:	Licensed Professionals and Permit Holders need to know what documents	<i>Health Professions Act (Alberta)</i>

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	<p>date, and stamp or seal all final plans, specifications, reports, or documents of a professional nature that are:</p> <ul style="list-style-type: none"> <li>prepared by the Member or under the Member’s supervision and control or</li> <li>reviewed by the Member and for which the Member has accepted professional responsibility</li> </ul> <p>(Act, Sections 3, 6; Regulation, Section 54)</p> <p>The Act and Regulation refer specifically to several kinds of documents that require authentication by Professional Members. These include a plan, drawing, detail drawing, map, geoscientific cross-section, specification, report, or other document or a reproduction of any of them.</p> <p>(Act, Sections 3(1), 3(3), 6(2), 6(3), 78(1), 83.2, 83.3, 86.2(1))</p> <p>The APEGA practice standard Authenticating Professional Documents defines authentication as the application of the Professional Member’s stamp, signature, and date. The standard’s definition of stamp includes rubber stamp, embossing seal, or an electronic file.</p> <p>The Act and Regulation also require that when the practice of engineering</p>	<p>Stamp: an instrument issued by APEGA/ASET to a Licensed Professional or Permit Holder in any form or medium, as set out by the Registrar.</p> <p>Authentication: the application of a Licensed Professional’s stamp, signature, and date together with a Permit Holder’s stamp and - Licensed Professional’s signature, stamp and date to a professional document.</p> <p>Professional Document: <i>an expression of work in any form, or medium within the practice of engineering or the practice of geoscience, that:</i></p> <ul style="list-style-type: none"> <li><i>is complete for an intended purpose,</i></li> <li><i>and that will be relied on by others for that intended purpose, in accordance with criteria approved by Council</i></li> </ul> <p>It is recommended that the legislation be amended to:</p> <ul style="list-style-type: none"> <li>remove references to embossing seals as part of the authentication process.</li> <li>explicitly clarify that all professional documents must be authenticated by Licensed Professionals and Permit Holders</li> </ul>	<p>they need to authenticate, when they need to be authenticated, and how to authenticate them.</p> <p>Engineering and geoscience documents are being increasingly prepared in electronic formats.</p> <p>At one time, the embossed seal was the standard for demonstrating authentication when documents were primarily of paper or film. However, as the embossing seal can only be used on paper or film media, it is becoming outdated as a means of authentication. In addition, there is confusion between corporate business seals and the embossed engineering or geoscience seal.</p> <p>Clear definitions of authentication and professional documents are needed so Licensed Professionals, Permit Holders, and the public know what documents need to be authenticated and so that there is consistency in how Licensed Professionals and Permit Holders authenticate documents and take professional responsibility for their work in a digital business environment.</p> <p>In today’s world, it is common for engineering or geoscience work to be outsourced. It is essential to the public interest that engineering and</p>	<p><i>47(1) No person shall knowingly employ a person who meets the requirements of section 46(1)(a) to provide services described in section 46(1)(b) unless that employed person is (a) a regulated member, or (b) authorized to provide the services pursuant to another enactment.</i></p> <p><i>(2) A person who meets the requirements of section 46(1)(a) and who is to be employed to provide services described in section 46(1)(b) must,</i></p> <p><i>(a) before being so employed, provide the employer with evidence of (i) a practice permit in good standing, or (ii) an authorization to provide the services pursuant to another enactment, and</i></p> <p><i>(b) while so employed, notify the employer (i) if the conditions imposed on the practice permit are varied or cancelled, if additional conditions are imposed on the practice permit or if the practice permit is suspended or cancelled, or (ii) if there are any changes to the authorization to provide the services pursuant to another enactment or if the authorization is suspended or cancelled or expires.</i></p>

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	<p>or geoscience is carried out by a Permit Holder, all final documents of a professional nature must show the permit number issued to the Permit Holder. (Act, Sections 78(2), 86.2(1); Regulation, Sections 49, 54)</p> <p>The Act explicitly prohibits individuals, corporations, partnerships, or other entities from practising engineering or geoscience unless they are licensed by APEGA or are working under the supervision and control of a licence holder. It does not explicitly prohibit individuals or other entities from hiring or retaining the services of non-licensed individuals or entities to independently practise engineering or geoscience. (Act, Sections 2(1), 5(1))</p>	<p>regardless of whether the engineering or geoscience services related to those documents were performed inside or outside Alberta.</p> <ul style="list-style-type: none"> <li>• make it an offence for any person to knowingly employ or retain an unlicensed individual or other entity to provide engineering or geoscience services unless the person hiring the unlicensed individual or other entity reviews, authenticates and takes responsibility for that work or hires a licensed professional or Permit Holder to do so               <ul style="list-style-type: none"> <li>○ indicate that the court may order fines payable for such violations up to \$100,000 maximum for individuals and \$500,000 maximum for other entities (these dollar amounts are consistent with other proposed fines).</li> </ul> </li> </ul> <p>Mirror for ASET (Act, Sections 89.5 and 91.5(1); Professional, ASET regulation section 49, Professional Technologists Regulation, Sections 33 and 34)</p> <p>Note: ASET Regulation, Section 49; APEGA has concerns in relation to stamps or seals for regulated members</p>	<p>geoscience documents be authenticated by Licensed Professionals and Permit Holders, regardless of whether the engineering or geoscience services related to those documents were performed inside or outside Alberta.</p>	<p><i>The Engineering and Geoscientific Professions Act (Manitoba)</i></p> <p><i>59. No person shall knowingly engage, employ or contract with any person, corporation, partnership or other legal entity that does not hold a certificate of authorization for any work that requires the services of a professional engineer or professional geoscientist.</i></p>

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		– that this was reserved for R.E.T.'s only and believes this was a drafting error in 2009 – See Part B row B(7)		
80	<p>The current Act requires a Permit Holder to affix its permit number on documents or records in accordance with the regulations. (Act, Section 78(2))</p> <p>The current Act requires a professional member to sign, stamp and date documents or records in accordance with the regulations. (Act, Section 78(1))</p>	<p>Amend the Act to require - Licensed Professionals and permit holders to authenticate a professional documents in accordance with the regulations.</p> <p>As a result, Section 78 may be condensed to the following: <i>78 A Licensed Professionals and permit holders shall authenticate professional documents in accordance with the regulations.</i></p> <p>Mirror for ASET (Act, Sections 89.5 and 91.5(1); ASET Regulation, Section 49; Professional Technologists Regulation, Sections 33 and 34)</p> <p>Note: ASET Regulation, Section 49; APEGA has concerns in relation to stamps or seals for regulated members – that this was reserved for R.E.T.'s only and believes this was a drafting error in 2009 – See Part B row B(7)</p>	<p>In order to protect the public, professional documents need to be authenticated as per Row 79 above. This requires both the - Licensed Professional's stamp, signature, and date attesting to the technical engineering or geoscience content of the work, together with a Permit Holder's stamp and Responsible Member's signature and date attesting that the work as a whole was created and completed under a quality management system.</p>	
<b>Structural/Housekeeping Changes</b>				
81	<p>The <i>Government Organization Act</i> requires there be a ten-member Joint Board appointed by the Councils of APEGA and AAA, including two chairs (one from each Council/Association) appointed by the Minister plus four</p>	<p>It is recommended that the Act be amended:</p> <p>(a) to remove all references to a Joint Board of Practice</p> <p>(b) to remove all references to joint firms except to say that joint firms must comply with the</p>	<p>The Joint Board has not met for several years, APEGA has no appointees to the Joint Board, and the need for this board to approve applications no longer exists.</p>	

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	<p>persons appointed by Council for each association. (<i>Government Organization Act</i>, Schedule 8)</p> <p>The purpose of the Joint Board was to assess applications for joint architectural and engineering firms; develop guidelines, schedules and performance standards in the field of building design and construction; and mediate inter-professional complaints and disputes.</p> <p>The current Act and Regulation refers to the Joint Board of Practice, joint firms and certificates of authorization in various places</p>	<p>requirements of both this Act and the <i>Architects Act</i>, and to remove the requirement for certificates of authorization</p> <p>(c) to remove all references to certificate holders</p> <p>It is further recommended that the <i>Government Organization Act</i> and the <i>Architects Act</i> be amended accordingly to remove the requirement for a Joint Board of Practice.</p>	<p>The advocacy role of the Joint Board has effectively been split off to Consulting Engineers of Alberta.</p> <p>The elimination of the Joint Board will remove an unnecessary step for both APEGA and AAA. Joint firms will only need to satisfy the licensure requirements of AAA and APEGA respectively.</p> <p>There will be no need to recruit and maintain volunteers for the Joint Board.</p> <p>If both associations confirm a joint firm meets their respective requirements for licensure, the approval of the joint firm application has become an administrative function of the APEGA Registrar.</p> <p>The Joint Board was disbanded by APEGA (no members appointed) in 1999 for two reasons: 1) The work of creating fee schedules and guidelines was handed over to the Consulting Engineers of Alberta (CEA) due to the <i>Competitions Act</i>. 2) The ownership structure requirements and naming conventions for architectural firms are different than for engineering firms, and joint firms must meet the ownership structure requirements under the</p>	

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			<p><i>Architects Act</i> of Alberta in order to be licensed by the AAA. There are no similar ownership structure requirements under the Act for a joint firm to be issued an APEGA Permit to Practice. This has resulted in all applications for joint firms going through AAA first for approval.</p> <p>Currently, each association independently ensures that any joint firm applicant meets their respective requirements for licensure, and protects against the improper use of protected titles and related words.</p>	
82	<p>Public members currently sit on Council the Practice Review Board, Appeal Board, Discipline Committee, Investigative Committee, and Board of Examiners. (Act, Sections 14(2)(b), 15(1)(b), 18(1)(b), 30(2); Regulation, Sections 33(1), 37(1)).</p>	<p>Include a new division titled “Public Accountability” that will combine all the sections relating to the appointment of public members.</p> <p>It is recommended the Act be amended to create a new “Public Accountability” division that defines the appointment by the Minister of public members to Council, the Registration, Discipline, Appeal and Practice Review Committees and their associated panels:</p> <ul style="list-style-type: none"> <li>• Council shall consist of at least 12 but not more than 20 members, made up of 2 or 3 public members appointed by the Minister, and elected professional members in accordance with the Bylaws.</li> </ul>	<p>Statutory entities requiring public members for a panel (Investigative, Discipline, Appeals, Registration, Practice Review) will have a single roster to chose public members from, as required. The professional members on the panel will be selected from a separate roster.</p> <p>Public members on Council will be appointed separately and will not be included in the roster for panels of statutory entities.</p> <p>Public accountability section adds to the transparency of the Act by making information around public participation easier to find and understand.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Public Accountability</i> 23(1) Subject to subsection (2), the Lieutenant Governor in Council may, following consultation with the board, appoint public members (a) to the board, and (b) to a roster of public members who can be selected (i) by the discipline tribunal roster chair to serve on discipline tribunals, (ii) by the appeal tribunal roster chair to serve on appeal tribunals, or (iii) by the CIC chair for the purposes of section 74. (2) The following are not eligible to be public members:</p>

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		<ul style="list-style-type: none"> <li>• Public members for the statutory entities should be appointed by the Minister following consultation with Council. Public members should be appointed to committee rosters that may be drawn on by Committee chairs to sit on panels.</li> <li>• Discipline Panels and Appeal Panels for discipline decisions should include one public member.</li> <li>• The term of office for a public member should be 3 years. A public member appointed would hold office after the expiry of their term until they are reappointed or a successor is appointed. (No Change)</li> <li>• The Minister may, after consultation with the Council, revoke the appointment of a public member. (No Change)</li> <li>• The Minister may pay a public member’s travelling and living expenses for attending Council meetings, in an amount prescribed by the Minister. (No Change)</li> <li>• The powers, duties and operations of the Council or committees under the Act, the Regulations and the Bylaws are not affected by changes, resignations, revocations</li> </ul>	<p>Participation by public members helps regulators like APEGA with a public interest mandate to ensure they are achieving that mandate. The changes help to clearly define how that participation should happen so that a broader perspective is reflected in regulatory processes.</p>	<p><i>(a) an individual who is a registrant or former registrant of the CPAA;</i>  <i>(b) an individual who was a registrant or former registrant under a former Act;</i>  <i>(c) an individual who is a member or former member of any organization that regulates accounting outside Alberta.</i>  <i>Length of appointment of public members</i>  <i>24 Public members appointed under this Act</i>  <i>(a) must be appointed for not more than 3 years, and may be reappointed</i>  <i>(i) once only to the board, and</i>  <i>(ii) any number of times to the public member rosters,</i>  <i>and</i>  <i>(b) are to be paid, at the rates prescribed by the Lieutenant Governor in Council, remuneration by, and are to receive reasonable living and travelling expenses from, the Government while away from their ordinary places of residence in the course of their duties as public members.</i>  <i>Decision-making in the absence of public members</i>  <i>25(1) The powers and duties of the board are not affected by</i>  <i>(a) the failure of a public member to attend a meeting, or</i>  <i>(b) a vacancy in the office of a public member.</i></p>



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		<p>or the fact the Minister had not appointed a public member.</p> <p>Mirror for ASET (Act, Sections 87.5(2)(b) and 87.6; ASET Regulation, Sections 32 and 38. Note: There are currently no public members specified for the ASET Board of Examiners, ASET Practice Review Board, or ASET Appeal Board. ASET has proposed public members be added to these boards to improve public representation. – See Part B Row B(5)</p>		<p><i>(2) The powers and duties of a discipline tribunal and an appeal tribunal are not affected by a vacancy in the office of a public member for up to 2 years from the date that this section comes into force.</i></p> <p><i>Appointments continue after terms expire</i></p> <p><i>26 Notwithstanding section 24, when the term of appointment of a public member expires, that member continues to hold office, with the same functions, until the public member is reappointed or a successor is appointed.</i></p> <p><i>Other appointees</i></p> <p><i>27(1) The board may appoint as a member of the registration committee, complaints inquiry committee, practice review committee or any other committee or task force an individual who is not a registrant or former registrant, whether or not such a committee or task force member is required to be appointed under this Act.</i></p> <p><i>(2) The powers and duties of any body under this Act to which a member is appointed under subsection (1) are not affected</i></p> <p><i>(a) by a failure of that member to attend a meeting, or</i></p> <p><i>(b) by a vacancy in the office of that member.</i></p>

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				<i>(3) When the term of appointment of a member appointed under subsection (1) expires, that member continues to hold office, with the same functions, until the appointment is terminated or a successor is appointed.</i>
83	Several sections in the Act allow the Council to make regulations establishing “classes or categories”. (Act, Sections 1(l), 19(x), 19(y), 20(j), 20(t), 21(3), 87.3(r), 87.3(s), 87.4(j), 87.4(s), 92.1(1)(b), 92.1(3)(b))	References to “class” or “classes” should be struck where they appear.  Mirror for ASET (Act, Section 87.3(1)(r) and (s), 87.4(1)(j) and (s), 92.1(1)(b) and (3)(b))	The inclusion of the term “classes” creates confusion and uncertainty. Striking the term clarifies that the Council may establish different categories of membership, including specialists.	
84	Section 43 of the Regulation allows for a preliminary investigation to be adjourned if the complaint is the subject of proceedings in the Provincial Court or Court of Queen’s Bench.	Move Section 43 from the Regulation into the Act.  Mirror for ASET (ASET Regulation, Section 35; Professional Technologists Regulation, Section 20)	Housekeeping.  The section seems to be an afterthought in the Regulation. It would make more sense for it to be found in the Act	
85	New	It is recommended the following clause be added to the Act:  <i>The objects of this Act are to:</i> a) <i>Protect the interests of the public;</i> b) <i>Protect the integrity of the professions governed by this Act;</i> c) <i>Regulate the practice of the professions,</i> d) <i>Regulate the competence and conduct of Members and Permit Holders.</i>	Including an “objects” or a “purpose” clause within legislation provides context and allows the courts or other decision makers to interpret the provisions contained in the legislation.	<i>Chartered Professional Accountants Act (Alberta)</i>  <i>2 The purpose of this Act is (a) to protect the interest of the public, (b) to protect the integrity of the profession governed by this Act, (c) to promote and increase the competence of registrants, and (d) to regulate the conduct of registrants.</i>  <i>Engineering and Geoscientist Act (British Columbia)</i>

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		Mirror for ASET Regulated Members, Professional Technologists, and Permit Holders		<p><i>4.1 (1) It is the duty of the association (a) to uphold and protect the public interest respecting the practice of professional engineering and the practice of professional geoscience, (b) to exercise its powers and functions, and perform its duties, under this Act, and (c) to enforce this Act.</i></p> <p><i>(2) The association has the following objects:</i></p> <p><i>(a) subject to subsection (1), to uphold and protect the interests of its members and licensees;</i></p> <p><i>(b) to establish, maintain and enforce standards for the qualifications and practice of its members and licensees;</i></p> <p><i>(c) to promote the professions of professional engineering and professional geoscience.</i></p> <p><i>Engineering and Geoscience Professions Act (Saskatchewan)</i></p> <p><i>5 The objects of the association are the following:</i></p> <p><i>(a) to ensure the proficiency and competency of members in the practice of professional engineering or the practice of professional geoscience in order to safeguard the public;</i></p> <p><i>(b) to regulate the practice of professional engineering and the practice of professional geoscience by</i></p>

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				<p><i>members in accordance with this Act and the bylaws;</i>  <i>(c) to promote and improve the proficiency and competency of members;</i>  <i>(d) to foster the practice of professional engineering and the practice of professional geoscience by members in a manner that is in the public interest.</i></p> <p>Other examples may be found in Section 3, <i>The Engineering and Geoscientific Professions Act</i> (Manitoba); Section 2(3), 2(4), <i>Professional Engineers Act</i> (Ontario); Section 28, <i>Professional Geoscientists Act</i> (Ontario); Section 6, <i>Engineering and Geoscience Professions Act</i> (New Brunswick); Section 5, <i>Engineering Professions Act</i> (Nova Scotia); Section 6, <i>Geoscience Professions Act</i> (Nova Scotia); Section 3, <i>Engineering Profession Act</i> (PEI); Section 3, <i>Engineering and Geoscience Professions Act</i> (NWT)</p>
86	<p>A Professional Technologist may obtain an ASET permit to practice as part of a firm or partnership and practice within the scope of practice for P. Techs. (Act, Section 90.4)</p> <p>However, if the firm hires a P.Eng. or P.Geo., that member would require an</p>	<p>Add a section to clarify that should a P.Eng., P.Geo., or P.L.L. be hired by a P.Tech. Permit Holder, they must become an APEGA Responsible Member and the P.Tech. Permit Holder will be required to get an APEGA permit to practice.</p>	<p>The change would make it clear when and where an APEGA permit to practice is needed. If a P.Tech company is only acting within their scope of practice, an ASET permit to practice is all that's needed.</p> <p>If a P.Eng., P.Geo., or P.L.L. is hired, they become an APEGA Responsible</p>	

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	APEGA permit to practice under the Act, Section 2(1) or 5(1).		Member and the P.Tech. company must obtain an APEGA permit to practice. Two Permits to Practice are required as a P.Tech cannot be a responsible member for an APEGA Permit to Practice, a P.Tech can be a Responsible member only for an ASET Permit to Practice.	
87	NEW	<p>Reorganize the Act to include a division on “Legal Issues”.</p> <p>Topics to fall under the Legal Issues division to include:</p> <ul style="list-style-type: none"> <li>• Protection from Subpoena</li> <li>• Legal Immunity/Liability Protection</li> <li>• Service of Documents</li> <li>• Independent legal counsel</li> <li>• Court Injunctions</li> <li>• Indemnity</li> </ul> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	This change would be similar to the consolidation of legal issues in the <i>Chartered Professional Accountants Act</i> , and would help to make the Act more functional.	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Part 8, Complaints Inquiry Committee, Discipline Tribunals, Appeal Tribunals and Legal Issues</i></p> <p><i>Division 2</i></p> <p><i>Legal Issues</i></p> <ul style="list-style-type: none"> <li>• <i>Death or inability of committee or tribunal members</i></li> <li>• <i>Confidentiality</i></li> <li>• <i>Record, document or thing obtained in the course of proceedings</i></li> <li>• <i>Commissioners for oaths</i></li> <li>• <i>Protection from liability</i></li> <li>• <i>Service of documents</i></li> <li>• <i>Certificate of status</i></li> <li>• <i>Municipal, settlement licence exemption</i></li> </ul>
88	Currently, the Act allows for the Council to authorize an architect	Remove Section 38 of the <i>Engineering and Geoscience Professions Act</i> .	This exemption allows for final design drawings and a specification to be	

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	registered under the <i>Architects Act</i> to apply for a permit per the <i>Safety Codes Act</i> Regulation without the authentication of the design drawings and specifications by a P.Eng.. (Act, Section 38)		issued without being authenticated by a professional engineer, and is contrary to the public interest.  Any document that contains technical information resulting from the practice of engineering or geoscience; is complete for an intended purpose; and will be relied on by others should be authenticated by a professional member.	
89	The Act prohibits any individual, corporation, partnership or other entity except a professional engineer or professional geoscientist, or a licensee as authorized in their licence, from practicing engineering or geoscience. (Act, Sections 2(1) and 5(1))	Add Professional Limited Licensee and Professional Technologist to the list of those able to practice engineering or geoscience per sections 2(1) and 5(1) of the Act.	This clarifies that a PLL or a P. Tech. practicing within their prescribed scopes of practice are not violating the exclusive scope of practice sections of the Act.	
90	The Act prohibits any individual, corporation, partnership or other entity from using the titles Professional Geologist, Professional Geophysicist, Professional Licensee (Geological), Professional Licensee (Geophysical), Professional Technologist (Geological) and Professional Technologist (Geophysical) unless those individuals were registered prior to the change to use the term “geoscience”. (Act, Sections 97.1, 101, 102)	Move use of grandfathered P.Geol. and P.Geoph. titles and scope to the same sections of the Act relating to use of P.Geo. title and scope.	As part of the name change from APEGGA to APEGA, the P.Geol. and P.Geoph. titles and scopes of practice were grandfathered. The grandfathering provisions are located at the back of the Act. These sections should be located closer to sections describing the use of name, title and scope of practice for P. Geo.	

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91		Ensure gender neutrality in the wording of the Act, Regulation and Bylaws.  Mirror for ASET	Housekeeping.	
92		Changes to other legislation ( <i>Architects Act, Safety Codes Act, etc.</i> ) will be required as a result of the changes to the <i>Engineering and Geoscience Professions Act</i> .	Housekeeping.	
93	<p>Act</p> <p>The Discipline Committee may, in addition to or instead of dealing with the investigated person order that the investigated person pay all or part of the costs of the hearing in accordance with the bylaws. (Act, Section 64(1)(a))</p> <p>The Appeal Board may order an investigated person to pay all or part of the costs of the appeal determined in accordance with the bylaws. (Act, Section 69(4))</p> <p>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</p>	<p>It is recommended the legislation be amended to:</p> <p>Adjust Section 64(1)(a) of the Act to read: <i>(a) all or part of the costs of the hearing in accordance with the Regulation.</i></p> <p>Adjust Section 69(4) of the Act to read: <i>69(4) The Appeal Committee may order the investigated person to pay all or part of the costs of the appeal determined in accordance with the Regulation.</i></p> <p>Move Section 36 of the Bylaws into the Regulation and reword as follows:  <i>Where a statutory entity orders a person to pay the costs of a proceeding before the statutory entity, those costs</i></p>	<p>The changes are necessary to ensure the appropriate authority rests with the appropriate statutory entity to place orders and conditions on a Member or Permit Holder’s practice.</p> <p>It is more appropriate that the authority rests in the Regulations rather than in the Association’s bylaws.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>96(1) The discipline tribunal may order the investigated party to pay to the CPAA the costs or any part of the costs of the review of a complaint, the investigation, the determination of procedural matters and the discipline tribunal hearing in accordance with the bylaws.</i></p> <p><i>(2) If an adjournment is sought, the discipline tribunal may order the investigated party to pay costs of the adjournment in accordance with the bylaws.</i></p> <p><i>(3) Unless the discipline tribunal orders otherwise, the investigated party must pay to the CPAA, as part of the costs ordered under subsection (1), all of the reasonable costs for the indemnification of the CPAA for the</i></p>

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	<p>any of the following costs and expenses:</p> <p>(a) any honorarium, payment, or professional fees paid to a person retained to participate in the hearing or appeal;</p> <p>(b) costs of any transcripts of evidence taken in the proceedings;</p> <p>(c) costs of reproduction of all or any documents including drawings and plans relating to the proceedings;</p> <p>(d) witness fees;</p> <p>(e) cost of renting rooms, renting recording equipment, or hiring a reporter to take transcript of the evidence;</p> <p>(f) fees payable to the solicitor acting on behalf of the Association in the proceedings;</p> <p>(g) any other expenses incurred that are attributable to the hearing or an appeal resulting from it. (APEGA Bylaws, Section 36)</p>	<p><i>may include all or any of the following costs and expenses:</i></p> <p><i>(a) any honorarium, payment, or professional fees paid to a person retained to participate in the hearing or appeal;</i></p> <p><i>(b) costs of any transcripts of evidence taken in the proceedings;</i></p> <p><i>(c) costs of reproduction of all or any documents including drawings and plans relating to the proceedings;</i></p> <p><i>(d) witness fees;</i></p> <p><i>(e) cost of renting rooms, renting recording equipment, or hiring a reporter to take transcript of the evidence;</i></p> <p><i>(f) fees payable to the solicitor acting on behalf of the statutory entity in the proceedings;</i></p> <p><i>(g) any other expenses incurred that are attributable to the hearing or an appeal resulting from it.</i></p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>costs relating to the review of the complaint, the investigation, the determination of procedural matters and the discipline tribunal hearing, including legal expenses and lawyer’s fees.</i></p> <p><i>(4) The order may specify when and how the amount is to be paid.</i></p> <p><i>(5) If the investigated party does not pay costs in accordance with the order of a discipline tribunal or appeal tribunal, the registration of the registrant is immediately cancelled unless a discipline tribunal or an appeal tribunal otherwise directs</i></p> <p><i>116(6) Unless the investigated party is successful in all aspects of an appeal, the appeal tribunal may order the investigated party to pay all or any part of the reasonable costs for the indemnification of the CPAA for the costs relating to the appeal, including legal expenses and lawyer’s fees, in accordance with the bylaws.</i></p> <p><i>Health Professions Act</i></p> <p><i>82(1) If the hearing tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the hearing tribunal may make one or more of the following orders:</i></p>



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				<p><i>(j) direct, subject to any regulations under section 134(a), that the investigated person pay within the time set in the order all or part of the expenses of, costs of and fees related to the investigation or hearing or both, including but not restricted to</i></p> <ul style="list-style-type: none"> <li><i>(i) the expenses of an expert who assessed and provided a written report on the subject-matter of the complaint,</i></li> <li><i>(ii) legal expenses and legal fees for legal services provided to the college, complaints director and hearing tribunal,</i></li> <li><i>(iii) travelling expenses and a daily allowance, as determined by the council, for the complaints director, the investigator and the members of the hearing tribunal who are not public members,</i></li> <li><i>(iv) witness fees, expert witness fees and expenses of witnesses and expert witnesses,</i></li> <li><i>(v) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and</i></li> <li><i>(vi) any other expenses of the college directly attributable to the investigation or hearing or both;</i></li> </ul> <p><i>88(6) Subject to any regulations under section 134(a), the council may direct the investigated person to pay, within the time set by the council, in addition to expenses, costs and fees referred to</i></p>

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				<p><i>in section 82(1)(j), all or part of the expenses of, costs of and fees related to the appeal, including</i></p> <p><i>(a) legal expenses and legal fees for legal services provided to the college, complaints director and council,</i></p> <p><i>(b) travelling expenses and a daily allowance, as determined by the council, for the complaints director and the members of the council who are not public members,</i></p> <p><i>c) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and</i></p> <p><i>(d) any other expenses of the college directly attributable to the appeal.</i></p>
94	<p>The Act currently provides a mechanism within the Joint Professional Technologists Regulations Committee (JPT) to resolve disputes involving the Professional Technologists Regulations.</p> <p>The dispute may be referred to the Joint Councils Committee who may resolve the matter or refer it back to the JPT Regulations Committee with directions. If the matter is not resolved or referred back to the JPT Regulations Committee, the Joint Councils Committee may refer the matter to arbitration under the <i>Arbitration Act</i>.</p>	<p>Expand the existing dispute resolution mechanism to include other issues in addition to disputes involving the Professional Technologists Regulations.</p> <p><b>REMOVE THIS ROW</b></p>	<p>Disputes may arise between APEGA and ASET in matters other than the Professional Technologists Regulations that may lead to disagreements between the organizations.</p> <p>Currently, there is no mechanism in the legislation to deal with such conflicts. Such a mechanism should be included.</p>	

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	<p>The arbitration shall be heard and decided on by a panel composed of a person appointed by APEGA Council, a person appointed by ASET Council, and a person appointed as chair of the tribunal by the Minister.</p> <p>The tribunal may make a decision binding on the APEGA and ASET Councils and the JPT Regulations Committee, or make or amend a regulation regarding professional technologists. (Act, Section 88.6)</p>			
95	<p>Under the current Act:</p> <ul style="list-style-type: none"> <li>a Member or Permit Holder whose licence or permit is cancelled or suspended, for any reason, must not engage in the practice of engineering or geoscience, or directly or indirectly associate in the practice of engineering or geoscience with any other Member or Permit Holder, without the consent of Council.</li> <li>no Member or Permit Holder can employ or directly or indirectly associate in the practice of engineering or geoscience with a Member or Permit Holder whose licence or permit has been cancelled or suspended, except with the consent of Council.</li> </ul>	<p>Amend the Act by deleting sections 97(1), (2), (3); 86.3(1)&amp;(2); and 95.1(1) and replacing them with a new section that captures the guiding principles below:</p> <p>No licensed professional or permit holder who has been suspended or cancelled for disciplinary or practice review reasons shall practice engineering or geoscience from the date of the suspension or cancellation until the suspension ends or the registration is reinstated, unless a discipline or practice review order states otherwise.</p> <p>An individual who has been cancelled as a result of a disciplinary process or practice review process and who</p>	<p>Practice prohibitions under the Act apply to Licensed Professionals and Permit Holders whose licenses or permits have been cancelled for any reason, including administrative reasons such as a voluntary cancellation.</p> <p>The legislation should be amended to clarify that practice prohibitions should only apply to Licensed Professionals and Permit Holders whose licenses or permits have been suspended or cancelled because of disciplinary or practice review proceedings.</p> <p>For example, Licensed Professionals who voluntarily cancel their licenses because they will be out of the workforce for an extended period (e.g.,</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Restriction on practice associations</i> 4(1) Unless the complaints inquiry committee or a discipline tribunal otherwise permits, no registrant may associate or engage in a professional accounting practice or a public accounting practice with (a) a person whose registration under this Act is suspended, or (b) a former registrant whose registration was cancelled because of disciplinary proceedings conducted (i) under this Act or a former Act, or (ii) under legislation governing any organization outside Alberta that regulates accounting and that is</p>

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	<ul style="list-style-type: none"> <li>Council may permit a Member or Permit Holder to employ a Member or Permit Holder whose licence or permit has been cancelled or suspended, subject to terms and conditions prescribed by Council (Act, Sections 86.3, 95.1 and 97)</li> </ul>	<p>wishes to be reinstated shall, unless a discipline or practice review order states otherwise, follow the reinstatement process as laid out in Row 48 and R18. Under this process, the decision maker on reinstatement will be the APEGA Registration Committee for APEGA licensed professionals, and the Joint Registration Committee for ASET licensed professionals.</p> <p>A permit holder who has been cancelled as a result of a disciplinary process or practice review process and who wishes to be reinstated shall, unless a discipline or practice review order states otherwise, follow the reinstatement process as laid out in Row 102. Under this process, the decision maker on reinstatement will be the APEGA practice review panels for former APEGA permit holders and joint practice review panels for former ASET permit holders.</p> <p>These principles apply to cross-over situations as well. A cancelled or suspended APEGA licensed professional or permit holder should not be able to circumvent that suspension or cancellation by simply working under the supervision of an ASET licensed professional or ASET permit holder. And the reverse also holds true, a cancelled or suspended</p>	<p>caregivers, change of careers, extended travel) and then want to be reinstated should be allowed to work under the supervision of a licensed professional to refresh their skills and competency without needing to first apply to Council for permission and without the prospective employers needing to apply to Council for permission to employ the former Licensed Professionals .</p> <p>It is in the public interest that Licensed Professionals and Permit Holders whose licenses or permits have been suspended or cancelled for disciplinary or practice review reasons should not be able to circumvent that suspension or cancellation by simply working under the supervision and control of a licensed professional, unless a discipline or practice review order states otherwise.</p>	<p><i>recognized by the board in accordance with the directives.</i> <i>4(2) Permission under subsection (1) may be made subject to terms, conditions and restrictions set by the complaints inquiry committee or discipline tribunal.</i></p>

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		ASET licensed professional or permit holder should not be able to circumvent that suspension or cancellation by simply working under the supervision of an APEGA licensed professional or APEGA permit holder.		
<b>Professional Geoscientist (P.Geo.)</b>				
96	<p>The current Act defines the practice of geoscience as</p> <ul style="list-style-type: none"> <li>• reporting, advising, evaluating, interpreting, processing, geoscientific surveying, exploring, classifying reserves or examining related to any activity <ul style="list-style-type: none"> <li>○ that relates to the earth sciences or the environment,</li> <li>○ 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 surface or subsurface conditions of the earth, and</li> <li>○ that requires, in that reporting, advising, evaluating, interpreting, processing, geoscientific surveying, exploring, classifying reserves or examining, the professional application of the principles of mathematics, chemistry, physics or biology through the</li> </ul> </li> </ul>	<p>It is recommended that the Act be amended to update the definition of the practice of geoscience to read: <i>“practice of geoscience” means:</i></p> <p><i>(i) acquiring, investigating, analyzing, processing, interpreting, evaluating, consulting, applying, modelling, assessing, managing, or reporting related to any activity:</i></p> <p><i>(A) that relates to the Earth sciences or the environment,</i></p> <p><i>(B) that is aimed at the understanding of Earth materials, geobodies, natural resources, energy fields, geohazard risks, or processes, and</i></p> <p><i>(C) that requires in that acquiring investigating, analyzing, processing, interpreting, evaluating, consulting, applying, managing, or reporting the professional application of the principles of geology, geophysics, physics, chemistry, mathematics, or biology,</i></p> <p><i>or</i></p> <p><i>(ii) teaching geoscience at a university.</i></p>	<p>The practice of geoscience has changed in the past 30 years, and to protect the public interest, the definition should be updated to reflect these changes.</p> <p>Prior to 2011, the Act contained definitions for the practice of geology and practice of geoscience. When the Act was changed to consolidate geology and geophysics into geoscience, the definition of the practice of geoscience did not capture all of the required elements from the two previous definitions.</p> <p>The current definition does not encompass new areas that involve the practice of geoscience and that should be regulated in the public interest including geoscience modelling and geohazard risk assessment.</p>	

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	<p>application of the principles of geoscience,</p> <p>or</p> <ul style="list-style-type: none"> <li>(ii) teaching geoscience at a university;</li> </ul> <p>(Act, Section 1(r))</p>			
97	<p>Under the existing Act, authentication is required for a “map, geoscientific cross-section, specification, report, or other document or a reproduction of any of them.” (Act, Section 6(2))</p> <p>Under the existing Act similar authentication requirements are found in sections 3(2), 3(3), 6(3), 83.2(1), 83.1(2), 83.3(10), 83.3(2), 89.5(1), 89.5(2), 89.5(3), and 89.5(4).</p>	<p>It is recommended the Act be amended to update the description of the types of geoscience documents and work products that need to be authenticated to read authentication is required for “...<i>professional documents...</i>”</p> <p>It is also recommended this change to the Act be supplemented by updated Practice Standards that will provide greater detail and will clarify that geoscience “professional documents” include: <i>“...map, geoscientific cross-section, specification, report, or other geoscientific work product in any form or medium, or a reproduction of any of them...”</i></p> <p>It is recommended these additional sections of the Act be similarly amended to update the description of the types of engineering and geoscience documents and work products that need to be authenticated to read “authentication is required for professional documents”.</p>	<p>As a result of technological advances, the types of work products produced by engineering and geoscientists have changed since the current Act was introduced in the early 1980s.</p> <p>Current geoscience work products include much more than the paper-based products described in the existing Act and include processed data, 3D models, and other professional documents in electronic form.</p> <p>The Act should be updated to reflect these changes.</p> <p>The updated description will more accurately reflect the modern practice of engineering and geoscience and will allow APEGA to better regulate that practice in the public interest.</p>	

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		<ul style="list-style-type: none"> <li>It is recommended this change to the Act be supplemented by updated practice standards that will provide greater detail and will clarify what engineering and geoscience "professional documents" include.</li> </ul>		
98	<p>Currently, the Act includes exemptions to the practice of geoscience including:</p> <ul style="list-style-type: none"> <li>prospectors engaged in any activities that are normally associated with the business of prospecting.</li> <li>persons conducting routine geoscientific surveys or preparing routine geoscience reports where the specifications and standards for the survey or report have been prepared or approved by a professional geoscientist or licensee.</li> <li>persons engaged in the routine reduction or plotting of geoscientific data under the supervision and control of a professional geoscientist or licensee.</li> </ul> <p>(Act, Section 5(2))</p>	<p>It is recommended that the legislation be amended to:</p> <ul style="list-style-type: none"> <li>remove the exemption relating to prospecting.</li> <li>amend the existing exemption related to geoscientific surveys and reports to read: <i>"a person conducting routine geoscientific surveys or preparing routine geoscience reports where the specifications and standards and any subsequent changes to the field parameters for the survey or report have been prepared or approved by a geoscience Licensed Professional."</i></li> <li>amend the existing exemption related to data reduction and plotting to include routine data management to read: <i>"a person engaged in routine data management, reduction, or plotting of geoscientific data under the appropriate supervision of geoscience Licensed Professional."</i></li> </ul>	<p>Prospecting has evolved far beyond traditional early methods. There is no legislative definition for "prospecting". Some prospecting activities today fall within the definition of the practice of geoscience and some do not. Individuals and companies engaging in activities that fall within the definition of the practice of geoscience should be licensed by APEGA and subject to professional standards and discipline to protect the public interest.</p> <p>Eliminating the prospecting exemption will not inhibit people's rights or ability to earn a livelihood for activities that do not fall within the definition of the practice of geoscience. But if their activities do constitute the practice of geoscience they should be required to be licensed by APEGA to protect the public interest.</p> <p>The exemption relating to conducting routine geoscientific surveys or preparing routine geoscience reports</p>	

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			<p>applies if the specifications and standards for the survey or report have been prepared or approved by a geoscience Licensed Professional. However, the wording is vague enough to allow non-professionals to change field parameters while conducting surveys without the knowledge and approval of a -geoscience Licensed Professional.</p> <p>These unapproved changes may adversely affect the geoscientific survey data obtained as well as any subsequent analysis or reports prepared based on the data obtained, which may negatively affect the public that may rely on that analysis or report. The legislation should be amended to also require any changes to field parameters to be approved by a geoscience Licensed Professional. .</p> <p>The reduction and plotting of geoscientific data has evolved from the paper based process in use when the existing Act was enacted. Modern plotting and reduction is now performed electronically using large databases of electronic information, and the management of this electronic data should be under the appropriate supervision of a -geoscience Licensed Professional. The new legislation should reflect this.</p>	



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<b>Council</b>				
99	<p>The Council may change the text of a regulation that was approved in principle by a majority of members present and voting at a special meeting, voting by mail or other means, or at an annual general meeting, if the changes is consistent with the approval in principle, and is made before the regulation is submitted to the Lieutenant Governor in Council for approval. (Act, Sections 19(4) and 19(5))</p>	<p>Amend Section 19(5) of the Act by removing the words “the text of” to read: <i>19(5) The Council may change Regulation that was approved in principle under subsection (4) if the change</i></p> <p>a) <i>is consistent with the approval in principle</i> b) <i>is made before the Regulation is submitted to the Lieutenant Governor in Council for approval</i></p> <p>Mirror for ASET Council (Act, Section 87.3(4))</p>	<p>There is confusion and differing opinions around what is meant by “text” in section 19(5), and whether it means members must vote on the actual proposed regulation wording in section 19(4).</p> <p>One interpretation is that APEGA must present the actual text of the proposed new regulations to the members.</p> <p>A different interpretation is that proposed regulation changes only need to be “approved in principle” and that only the guiding principles must be presented to the members.</p> <p>There are practical difficulties associated with presenting the actual proposed regulation text wording for the members to vote on, because it is the government and not APEGA who drafts the proposed wording for the regulation, and does so based on the members’ approval in principle of the proposed changes. This poses a problem when voting on an entirely new Regulation because APEGA would not be able to present proposed text wording for members to vote on without the government drafting the text first, which the government can’t do until the members have voted on it.</p>	<p><i>Health Professions Act</i></p> <p><i>Council regulations</i> 131(1) <i>A council may make regulations</i> (2) <i>A regulation under this section does not come into force unless it has been approved by the Lieutenant Governor in Council</i></p>

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100	<p>The Council may make bylaws respecting the holding of mail votes or by other means (electronic, etc) on any matter relating to the Association. However, the bylaw 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. (Act, Section 20(2))</p> <p>A bylaw under section 20(1) does not come into force unless approved by a majority of the professional members present and voting at a general meeting, or voting by a mail vote or vote conducted by electronic, telecommunication or other appropriate means conducted in accordance with the bylaws. (Act, Section 20(3))</p>	<p>It is recommended that the Act be amended by removing Section 20(2).</p> <p>It is also recommended that Section 20(3) be amended to read: <i>(2) A bylaw under subsection (1) does not come into force unless it is approved by a majority of the professional members</i> <i>(a) present and voting at a general meeting, or</i> <i>(b) voting by a mail vote or vote conducted by electronic, telecommunication or other appropriate means conducted in accordance with the bylaws, or</i> <i>(c) present and voting at a special meeting called for that purpose</i></p> <p>Mirror for ASET Council (Act, Sections 87.4(2) and (3))</p>	<p>This amendment would allow members to vote on any proposed bylaws change in one of three ways:</p> <ul style="list-style-type: none"> <li>• At an AGM</li> <li>• At a special meeting, or</li> <li>• Electronically/by mail</li> </ul> <p>This will improve flexibility and increase the number of ways in which a member vote could be held on new bylaws or any subsequent amendments.</p> <p>It will also eliminate the current distinction between bylaw changes related to electronic/mail voting and bylaw changes not related to electronic/mail voting. The same process would apply for all bylaw changes, and the same three voting methods would be available irrespective of whether the vote is on regulations or bylaws.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>15(2) A regulation must be approved in principle by a majority of the members of the CPAA present and voting</i> <i>(a) at a special meeting called for that purpose,</i> <i>(b) by a vote authorized by bylaw that is conducted by electronic, telecommunication or any other means as determined by the board, or</i> <i>(c) at the annual general meeting</i></p> <p><i>Veterinary Profession Act</i></p> <p><i>13(2) A regulation must be approved in principle by a majority of the members of the registered members voting</i> <i>(a) at a special meeting called for that purpose,</i> <i>(b) by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or</i> <i>(c) at the annual general meeting following the Council’s making of the regulation.</i></p>
<b>Permits to Practice</b>				
101	Currently, the authority to approve the registration of a Permit Holder rests with Council.	It is recommended that the legislation be amended to explicitly authorize practice review panels, rather than	To protect the public, it is important that APEGA has a system to evaluate applications for registering Permit	

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	<p>(Act, Sections 24(1), 24(2))</p> <p>The criteria to obtain a Permit to Practice includes a requirement that a Responsible Member certify that the Permit Holder has in place and will follow a Professional Practice Management Plan (PPMP) that is appropriate to its professional practice.</p> <p>(Regulation, Section 48)</p>	<p>Council, to be the decision maker and consider applications for registration of Permit Holders in accordance with the legislation and criteria approved by Council.</p> <p>It is recommended that the legislation be amended to explicitly authorize practice reviewers to evaluate the appropriateness of an applicant’s PPMP and whether it can and will be properly implemented and to make recommendations to practice review panels.</p> <p>It is recommended that the legislation be amended to explicitly authorize practice review panels to perform the following actions (in accordance with criteria approved by Council):</p> <ul style="list-style-type: none"> <li>• approve the application with or without conditions and restrictions; or</li> <li>• refuse the application</li> </ul> <p>It is recommended that the Act be amended to explicitly grant an applicant the right to appeal a decision to the Appeal Committee.</p> <p>It is recommended that the Act be amended to explicitly authorize the Practice Review Committee to delegate to the Registrar’s office the ability to review applications for</p>	<p>Holders, and that the decision-making authority rests at the appropriate level.</p> <p>A key part of the requirements is to ensure that a Permit to Practice applicant has an appropriate PPMP and that it can and will be properly implemented. The length and complexity of the PPMP will vary depending on the areas of professional practice of the Permit Holder.</p> <p>To protect the public, an appropriate PPMP must be able to be properly implemented before a Permit to Practice is issued. The assessment of whether a PPMP can and will be implemented may necessitate that a risk-based, baseline audit be done before a Permit to Practice is issued. The criteria surrounding audits will be based on criteria approved by Council.</p> <p>The authority to approve registration of Permit Holders based on criteria set by Council should rest with practice review panels, rather than with Council. Council’s primary function is to provide governance and leadership and policy, not to evaluate the qualifications of permit holder applicants.</p> <p>To improve regulatory effectiveness and efficiency, the Registrar’s office</p>	

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		<p>registration as a Permit Holder and make recommendations to practice review panels, in accordance with criteria approved by Council.</p> <p>Mirror for ASET (Act, Sections 90.4(1) and (2); Professional Technologists Regulation, Section 27)</p>	<p>should be able to review applications for registration as a Permit Holder as appropriate and make recommendations to practice review panels, in accordance with criteria approved by Council. It should always be open to the Registrar’s office to refer an application to a practice reviewer if unsure.</p> <p>This is similar and consistent with what other regulatory authorities do in issuing permits, such as the Department of Alberta Environment and Parks and the Alberta Boilers Safety Association.</p>	
102	<p>There are different ways under the Act that a Permit Holder’s permit may be cancelled, and the process to be reinstated varies depending on the reason for cancellation:</p> <ul style="list-style-type: none"> <li>if registration was cancelled for non-discipline–related reasons, a Permit Holder can seek reinstatement, and Council may direct the Registrar to reinstate the permit, subject to any conditions Council may prescribe.</li> <li>a Permit Holder whose permit was cancelled under a discipline order or because of a fraudulent registration may apply to Council for reinstatement, and Council</li> </ul>	<p>It is recommended the Act be amended to remove all references to reinstatement and to require that a Permit Holder whose registration has been cancelled, for any reason to initiate re-registration in accordance with criteria approved by Council</p> <p>Remove Sections 75(3), 75(4), and 75(5) from the Act. Remove Section 47 from the Regulation.</p> <p>Mirror for ASET Permit Holders (Act, Sections 91.1(3) and 91.3(6))</p>	<p>It is in the public interest that the standard for reinstatement, following a cancellation of registration, be the same as the standard for applying for a Permit to Practice.</p> <p>The evaluation and decision as to whether to grant reinstatement to a Permit Holder should be done by the same body that assesses whether to initially register a Permit Holder—namely practice reviewers and practice review panels</p> <p>The authority to approve reinstatements of Permit Holders following a cancellation should rest with practice review panels rather than</p>	

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	<p>may establish a Committee of Inquiry to consider the reinstatement application and make recommendations to Council. (Act, Section 39(5), 39(6); Regulation, Section 47)</p>		<p>with Council. Council’s primary function is to provide governance and leadership to APEGA and its activities, not to make decisions on reinstatement of Permit Holders.</p>	
<b>Share Information with Other Regulators</b>				
103	NEW	<p>It is recommended that the Act be amended to reflect the guiding principle that subject to criteria set in policy by Council, the Registrar may disclose a complaint, the status of a complaint, and information about an investigation to engineering and geoscience associations outside Alberta and other professional organizations to which the subject of an investigation is registered or is seeking registration.</p> <p>The Act should also be amended to authorize APEGA to take immediate steps to notify other persons or entities of imminent serious danger to persons or property because of any thing, process or activity related to the practice of engineering or geoscience</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated</p>	<p>In order to protect the public, the legislation should explicitly allow APEGA to inform engineering and geoscience associations outside Alberta and other professional organizations of complaints against members and permit holders. This disclosure could be in response to a direct enquiry from another association in which the subject of an investigation is registered or is seeking registration, or could be proactive if there appears to be serious misconduct or serious potential harm to the public.</p> <p>APEGA’s statutory obligation to protect the public interest needs to be balanced against the privacy rights of members. Sufficient safeguards need to be in place to not unduly or unintentionally harm a member’s reputation through disclosing frivolous or vexatious claims; while at the same</p>	<p><i>Chartered Professional Accountants Act (Alberta)</i> 79(1) <i>The CIC secretary may disclose a complaint and the status of a complaint to any organization outside Alberta that regulates accounting in which a registrant or former registrant who is the subject of the complaint is registered, was registered or is seeking registration.</i></p> <p>(2) <i>The CIC secretary, or an investigator appointed under section 76(2) with the consent of the CIC secretary, may disclose information about an investigation, other than information that is subject to solicitor-client privilege, to any professional organization with which a registrant or former registrant who is the subject of the investigation is registered, was registered or is seeking registration.</i></p> <p><i>Health Professions Act (Alberta)</i></p>

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		Members, Professional Technologists, and Permit Holders, as applicable.	<p>time having the authority to disclose information to protect the public.</p> <p>The proposal, supplemented by Council policy, strikes an appropriate balance between the public interest and the privacy rights of members, and is modeled on newer Alberta professional legislation such as the <i>Chartered Professional Accountants Act</i>.</p> <p>Including this authority in the legislation may also serve as a model for other provincial engineering and geoscience regulators to seek similar legislative change in their jurisdictions. This could benefit Albertans via disclosure of complaint information from other provinces.</p>	<p><i>119 (5) If the governing body of a similar profession in another jurisdiction requests information as to whether a regulated member or a former member is an investigated person, the college may provide the information.</i></p> <p><i>Veterinary Profession Act (Alberta) 65.2 (5) If the governing body of a veterinary medical profession in another jurisdiction requests information as to whether a registered member or a former registered member is an investigated person, the Association may provide the information.</i></p>
<b>Investigations</b>				
104	Currently, there are two ways to trigger an investigation into the conduct of a Member or Permit Holder. One is for an individual to submit a written complaint to the Registrar. The individual initiating the complaint can be the Registrar, but the Act does not specifically give the Registrar the authority to initiate a complaint. (Act, Sections 43(1), 43(2))	<p>The Act should also explicitly allow for the Registrar to treat as a complaint information received about the questionable conduct of a Member, Permit Holder or former Member or Permit Holder from a professional organization or other regulatory body.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated</p>	To protect the public APEGA should be authorized to treat as complaints information about the conduct of members and permit holders received from other regulators in addition to formal written complaints.	<p><i>Chartered Professional Accountants Act</i></p> <p><i>66(3) The CIC secretary may treat as a complaint any questionable conduct of a registrant or former registrant that comes to the attention of the CPAA other than by way of a complaint, including any information given to the CPAA by</i> <i>(b) a professional organization in Alberta or another jurisdiction</i></p>

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	<p>The second way is through the Practice Review Board. During an inquiry or practice review, the Practice Review Board may recommend that the Investigative Committee conduct an investigation. On receiving such a recommendation, the Investigative Committee may proceed with an investigation as if the recommendation were a written complaint. (Act, Section 16(6))</p> <p>The ASET Registrar is expressly authorized to initiate a complaint. (ASET Regulation, Section 30)</p>	<p>Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>respecting the conduct of a registrant or former registrant, (c) a governmental or regulatory official or body concerning the conduct of a registrant or former registrant,</i></p>
105	New	<p>The Act should be amended to add sections similar to sections 78(4), 78(5), and 78(6) of the <i>Chartered Professional Accountants Act</i> to protect from disclosure information obtained during an investigation, except in accordance with the Act or a court order, and to protect individuals (investigator, panel member, committee member, Council member, Registrar or employee acting on their behalf) from being compelled to disclose information or give testimony with respect to information obtained during an investigation except in accordance with the Act or a court order.</p>	<p>It is important that information collected for the purposes of an investigation is managed responsibly and within the context of the reasons for its collection.</p> <p>The association and those acting on its behalf should not be a conduit for gathering information by other organizations or individuals without legal authority to do so.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>78(4) All records, information or things received by an investigator under subsection (1)(a)(iii) or (2)(a)(iii) are confidential and may not be used or disclosed except in accordance with this Part or Part 7 without</i> <i>(a) the written consent of all persons whose interests might reasonably be expected to be affected by the disclosure, or</i> <i>(b) a court order authorizing the disclosure.</i></p> <p><i>(5) No investigator, CIC member or member of a discipline or appeal tribunal and no officer, employee, board member, agent or</i></p>



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		<p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>representative of the CPAA shall be required in any proceeding, other than a proceeding under this Act, to give testimony or produce any document with respect to records, information or things provided under subsection (1)(a)(iii) or (2)(a)(iii).</i></p> <p><i>(6) Disclosure of records, information or things under subsection (1)(a)(iii) or (2)(a)(iii) does not negate or constitute a waiver of any privilege, and the privilege continues for all other purposes.</i></p> <p><i>Health Professions Act</i></p> <p><i>125(1) Despite any other Act or law except the Ombudsman Act,</i>  <i>(a) a college,</i>  <i>(b) a person who is or was an officer, employee or agent of a college,</i>  <i>(c) a person who conducts or has conducted an investigation or an alternative complaint resolution process under Part 4 or who is carrying out or has carried out powers and duties under Part 3, or</i>  <i>(d) a person who is or was a member of a council or a committee or hearing tribunal of a college</i>  <i>shall not be required in any proceedings to give evidence relating to any matter that arose in any proceedings under this Act or the bylaws, or to produce any record or</i></p>



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				<p><i>thing adduced in evidence in proceedings under this Act or the bylaws or forming part of the records of the college that relate to proceedings under Part 4 or section 118 or that relate to any matter under Part 3, except in a prosecution with respect to perjury or the giving of contradictory evidence or in proceedings under this Act</i></p> <p><i>(2) Subsection (1) does not apply to information described in section 119.</i></p> <p><i>(3) Despite any other Act or law except the Ombudsman Act, a regulated member who is participating or has participated in a continuing competence program shall not be required in any proceedings to give evidence relating to any matter under Part 3 or to produce any record or thing that relates to any matter under Part 3 except in</i></p> <p><i>(a) proceedings under this Act, or</i></p> <p><i>(b) a prosecution with respect to perjury or the giving of contradictory evidence.</i></p>
<b>Legal Issues</b>				
106	New	The Act should allow for a panel or committee to continue with a proceeding and decide on a matter if one or more of its members dies or is unable to Act.	This change would allow for a matter to continue through a proceeding and would not need to be started again from the beginning.	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Death or inability of committee or tribunal members</i></p>

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		<p>The committee or panel may also refer the matter back to the Chair so that a new panel may be named to continue the proceeding.                      (similar to Section 133 of the <i>Chartered Professional Accountants Act</i>)</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>		<p><i>133(1) If one or more members of a committee or tribunal established under this Act or the regulations, bylaws, directives or resolutions dies or becomes unable to act, the remaining members of the committee or tribunal may continue to act and to decide any matter.</i></p> <p><i>(2) If a tribunal determines in accordance with subsection (1) that it will not continue to act, the remaining members of the tribunal must refer the matter back to the discipline tribunal roster chair or the appeal tribunal roster chair, as the case may be, to convene a new tribunal.</i></p>
107	New	<p>The Act should be amended to add a section similar to section 134 of the <i>Chartered Professional Accountants Act</i> to protect the confidentiality of information obtained by APEGA in carrying out its regulatory responsibilities under the Act.</p> <p>Mirror for ASET</p>	<p>It is important that information collected by APEGA in fulfilling its regulatory mandate is treated as confidential and is managed responsibly and within the context of the reasons for its collection.</p> <p>The association and those acting on its behalf should not be a conduit for gathering information by other organizations or individuals without legal authority to do.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Confidentiality</i></p> <p><i>134(1) Subject to this Act and the regulations, bylaws, directives, resolutions and rules of professional conduct or an order of a court, any information acquired by the CPAA under Parts 3 to 7 respecting the following persons is confidential information:</i></p> <p><i>(a) a registrant or former registrant;</i></p> <p><i>(b) a client of a registrant or former registrant;</i></p> <p><i>(c) any other person.</i></p> <p><i>(2) A person performing a duty or fulfilling a function under this Act who</i></p>

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				<p><i>receives or has knowledge of confidential information shall not publish, release or disclose, and may not be required to publish, release or disclose, that information except</i></p> <p><i>(a) as authorized by this Act or the regulations, bylaws, directives, resolutions or rules of professional conduct or an order of a court, or</i></p> <p><i>(b) with the consent of the person to whom the information relates.</i></p> <p><i>(3) Notwithstanding subsection (2), a person performing a duty or fulfilling a function under this Act who receives or has knowledge of confidential information may disclose the confidential information within the CPAA for the proper administration of the person’s duties or functions.</i></p> <p><i>(4) Where information subject to a solicitor-client privilege is voluntarily disclosed under this Act, the disclosure of that privileged information does not waive or negate any privilege attached to that information, and the privilege continues for all other purposes.</i></p> <p><i>Veterinary Profession Act</i></p> <p><i>Records, evidence not admissible</i></p> <p><i>65.5(1) Despite any other Act or law except the Ombudsman Act,</i></p> <p><i>(a) the Association,</i></p> <p><i>(b) a person who is or was an officer, employee or agent of the Association,</i></p>

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				<p>(c) a person who conducts or has conducted an investigation or an alternative complaint resolution process under Part 5 or who is carrying out or has carried out powers and duties under Part 4, or</p> <p>(d) a person who is or was a member of the Council or a committee or the Hearing Tribunal of the Association may not be required in any proceedings to give evidence relating to any matter that arose in any proceedings under this Act, the regulations or the bylaws, or to produce any record or thing adduced in evidence in proceedings under this Act, the regulations or the bylaws or forming part of the records of the Association that relate to proceedings under Part 5 or section 65.1 or to any matter under Part 4, except in</p> <p>(e) proceedings under this Act, or</p> <p>(f) a prosecution with respect to perjury or the giving of contradictory evidence.</p>
108	New	The Act should be amended to add a section similar to Section 135 of the <i>Chartered Professional Accountants Act</i> to prevent a record, document or thing obtained by a complainant, member or permit holder, former member or former permit holder, or witness from using that record, document, or thing in other proceedings except in accordance with the Act, with the written consent of	<p>It is important that information collected by APEGA in fulfilling its regulatory mandate is treated as confidential and is managed responsibly and within the context of the reasons for its collection.</p> <p>The association and those acting on its behalf should not be a conduit for gathering information by other</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Record, document or thing obtained in the course of proceedings 135 Any record, document or thing provided in the course of proceedings under Parts 3 to 7 to a complainant, registrant, former registrant or witness is confidential and may not be used by the complainant, registrant, former</i></p>

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		<p>the person who prepared the record, document or thing, or in accordance with a court order.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>organizations or individuals without legal authority to do so.</p>	<p><i>registrant or witness in any action, matter or proceeding other than under this Act</i></p> <p><i>(a) without the written consent of the person who prepared the record, document or thing, the investigated party and the complainant, or</i></p> <p><i>(b) in accordance with a court order.</i></p>
109	New	<p>The Act should allow for the following individuals to be named as Commissioners for Oaths under the <i>Notaries and Commissioners Act</i> in order to administer or conduct proceedings under the Act or Regulation:</p> <ul style="list-style-type: none"> <li>• Investigators,</li> <li>• investigation committee members,</li> <li>• practice review committee members,</li> <li>• practice reviewers,</li> <li>• the Registrar or Registrar’s designate,</li> <li>• registration committee members</li> <li>• discipline committee members</li> <li>• appeal committee members</li> </ul> <p>Mirror for ASET boards/committees and joint boards/committees</p>	<p>This change would allow for committees, panels, investigators and reviewers to conduct investigations, proceedings and reviews more efficiently.</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Commissioners for oaths</i></p> <p><i>136 The following individuals have the power of a commissioner for oaths under the Notaries and Commissioners Act in the course of administering or conducting proceedings under this Act or the regulations:</i></p> <p><i>(a) investigators;</i></p> <p><i>(b) members of the complaints inquiry committee;</i></p> <p><i>(c) members of discipline tribunals and appeal tribunals;</i></p> <p><i>(d) members of the practice review committee;</i></p> <p><i>(e) practice reviewers;</i></p> <p><i>(f) the registrar;</i></p> <p><i>(g) members of the registration committee;</i></p> <p><i>(h) the CIC secretary, the discipline tribunal secretary and the appeal tribunal secretary.</i></p>

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<b>Registers</b>				
110	<p>Registers and membership records</p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) professional engineers;</li> <li>(b) professional geoscientists;</li> <li>(c) repealed 2011 c3 s11;</li> <li>(d) licensees to engage in the practice of <ul style="list-style-type: none"> <li>(i) professional engineering, or</li> <li>(ii) professional geoscience;</li> <li>(iii) repealed 2011 c3 s11;</li> </ul> </li> <li>(e) permit holders to engage in the practice of <ul style="list-style-type: none"> <li>(i) professional engineering, or</li> <li>(ii) professional geoscience;</li> <li>(iii) repealed 2011 c3 s11;</li> </ul> </li> <li>(f) joint firms;</li> <li>(g) restricted practitioners.</li> </ul> <p>(2) The Registrar shall enter in the appropriate register the name of a person who has paid the fee prescribed under the bylaws, and</p> <ul style="list-style-type: none"> <li>(a) whose registration to engage in the practice of <ul style="list-style-type: none"> <li>(i) engineering, as a professional engineer or licensee, or</li> <li>(ii) geoscience, as a professional geoscientist or licensee,</li> <li>(iii) repealed 2011 c3 s11,</li> </ul> </li> </ul>	<p>It is recommended that the Act be amended by removing Sections 21, 27 and 28 regarding registers, and replace them with the following provisions, consolidating sections on the registers in one place:</p> <p>Registers</p> <p>(1) The Registrar shall maintain, in accordance with Council policy, a register for each category of membership established under the Act and bylaws.</p> <p>(2) The Association may collect, use and disclose personal information and any other information as determined by Council in policy from a professional member, permit holder or other category of membership for the purposes of maintaining a register, in accordance with policy established by Council</p> <p>(3) The Registrar shall enter in the appropriate register the name of a person and any other information as determined by Council in policy, who has met the requirements for registration as a category of member established by the Act and bylaws.</p>	<p>Currently provisions regarding registers of members are scattered across the Act, Regulations and Bylaws, and could be streamlined by putting them all in one place.</p> <p>The recommended changes also include provisions to meet the requirements of the <i>Personal Information Protection Act</i>.</p> <p>To better protect the public, the register should contain sufficient information that will help the public know whether an individual or permit holder they think they are inquiring about is registered.</p>	<p><i>Professional Engineers Act (Ontario)</i></p> <p><i>21 (1) The Registrar shall maintain one or more registers containing the following information:</i></p> <ol style="list-style-type: none"> <li><i>1. Every holder of a licence, certificate of authorization, temporary licence, provisional licence or limited licence.</i></li> <li><i>2. The terms, conditions and limitations attached to every licence, certificate of authorization, temporary licence, provisional licence and limited licence.</i></li> <li><i>3. Every revocation, suspension and cancellation or termination of a licence, certificate of authorization, temporary licence, provisional licence or limited licence.</i></li> <li><i>4. Every person who is an engineering intern under section 20.1.</i></li> <li><i>5. Any other information that the Registration Committee or Discipline Committee directs. 2010, c. 16, Sched. 2, s. 5 (41).</i></li> </ol>

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	<p>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.</p> <p>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</p>	<p>(4) The Registrar shall publish a register,                      a) in any medium directed by the Council,                      b) of each category of membership approved by Council                      c) containing information according to Council policy.</p> <p>(5) Information published in the register may be disclosed according to this Act and policy established by Council</p> <p>Entries in Registers                      (1) The Registrar shall enter into the register                      a) whether a Member or Permit Holder is currently subject to a disciplinary order                      b) the details of any active disciplinary order, including whether the Member's or Permit Holder's license or permit has been cancelled, suspended, or restricted, or has had other conditions placed on it                      c) a record of the discipline history of each Member and Permit Holder                      d) any other information that the Registration, Investigative, Discipline, Practice Review, or Appeal committees or panels directs.</p>		

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	<p>(b) the reason for the suspension.</p> <p>(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.</p> <p>(4) The Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.</p> <p>(5) The Registrar shall not remove from the registers any memorandum made by the Registrar under this section, except in accordance with the bylaws.</p> <p>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.</p> <p>Review by the Appeal Board 32(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</p> <p>Restricted practitioner 37(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</p>	<p>e) any conditions placed on a member’s practice due to incapacity or other reasons</p> <p>f) if a registration has been cancelled for non-disciplinary reasons</p> <p>(2) Council may make policy on how long orders and disciplinary history information remain on the register.</p> <p>(3) The Registrar shall not remove information from the register except in accordance with Council Policy.</p> <p>Register open to the public (1) The register will be open to the public.</p> <p>It is also recommended that Sections 32(3), 37(3), 83.5 and 83.7(3) of the Act be removed, as they are being addressed elsewhere in the amended Act.</p> <p>Mirror for ASET (Act, Sections 90, 90.6, 91, 91.2(3), 92.1, 92.5, 92.6, and 93.3(3))</p>		



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	<p>restricted scope of the practice of engineering in which the individual is permitted to engage.</p> <p>Register for professional licensees            83.5(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register for each category of professional licensee.            (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 engineering or geoscience as a professional licensee has been approved by the Board of Examiners.</p> <p>Application for registration            83.7(3) If the Board of Examiners approves the registration of an individual as a professional licensee, it shall specify in the certificate and in the register the scope of practice of engineering or geoscience in which the individual is permitted to engage.</p>			
<b>Structural/Housekeeping Changes</b>				
111	ACT 29(2) When a request for cancellation of a registration is approved by the Council (b) the professional member, licensee, permit holder or restricted practitioner	Sections 29(2)(b)(ii), 39(5), 75(2)(b), of the Act should be amended to replace the phrase “permit number” with “permit stamp”.	The change is needed for consistency with other Act changes in which the permit number is being replaced with a permit stamp. (see Act PDD Row 80)	

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	<p>requesting the cancellation shall, on being notified of the approval, (ii) cease using the permit number, in the case of a permit holder.</p> <p>39(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</p> <p>75(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 (b) cease using the permit number issued by the Registrar.</p>	<p>Mirror for ASET Permit Holders (Act, Sections 91.1(2)(b)(ii) and 91.4(5)</p>	<p>The change clarifies the requirement in the Act that permit holders cease using their permit stamp upon cancellation.</p>	
112	New	<p>Add a section to the Act to clarify that if an individual engages in an activity that falls within the definition of the practice of engineering or geoscience and also falls within the definition of the scope of practice of another regulated profession, the individual is not in violation of either legislation as long as he or she is properly licensed pursuant to one of the relevant pieces of legislation.</p>	<p>There are practice areas where the practice of engineering or geoscience may overlap with the practice of other professions such as agrology, biology, environmental science, and so on. The boundaries where one profession stops and another starts are not always clear and an activity might fall within the legislated definition of these different professions.</p> <p>The legislation should contain a practice overlap clause to address the situation where if an activity falls</p>	<p><i>Engineering Geoscience Professions Act (New Brunswick)</i></p> <p><i>Exclusions</i>  <i>21 Nothing contained in this Act shall be taken or construed to prohibit or preclude:</i>  <i>(b) any person from practising any profession, carrying out any inspection, or working in any trade or calling with respect to which the person is registered, licensed or otherwise authorized under any other public or</i></p>

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			<p>within the definition of the practice of engineering or geoscience and also falls within the definition of the scope of practice of another regulated profession, an individual is not in violation of either legislation as long as he or she is properly licensed by one of the relevant professional regulators pursuant to their legislation.</p>	<p><i>private Act of the Province of New Brunswick;</i>  <i>(c) any person who is a chemist, forester, physicist or other natural scientist from practising as such; or require the person to become registered or licensed under this Act in order to do any such thing.</i></p> <p><i>The Engineering Geoscientific Professions Act (Manitoba)</i></p> <p><i>Exceptions</i>  <i>Activities that are not affected</i>  <i>66(1) Nothing in this Act applies to prevent</i>  <i>(f) a person registered as a land surveyor under The Land Surveyors Act from practising as a land surveyor or engaging in the practice of surveying;</i>  <i>(j) an electrician licensed under The Electricians' Licence Act from carrying on the trade of electrician, a power engineer to whom a certificate has been issued under The Power Engineers Act from carrying on the trade of a power engineer, or a locomotive engineer qualified as such under the Canada Transportation Act or The Provincial Railways Act from carrying on his or her occupation as a locomotive engineer, as long as the persons so qualified under those Acts confine themselves to those titles and</i></p>

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				<p><i>do not engage in the practice of professional engineering;</i>  <i>(1) an individual who</i>  <i>(i) holds a recognized honours or higher degree in one of the physical, chemical, life, computer or mathematical sciences, or possesses an equivalent combination of education, training and experience, or</i>  <i>(ii) is acting under the direct supervision and control of an individual with the qualifications described in subclause (i),</i>  <i>from engaging in the practice of natural science.</i></p> <p><i>Definition of "practice of natural science"</i>  <i>66(2) In clause (1)(1), "practice of natural science" means any act or activity, including management, requiring the application of scientific principles, competently performed, whether alone, in partnership, in an association of persons or in a body corporate, other than the practice of professional geoscience.</i></p>
113	New	It is recommended that the modernization of the <i>Engineering and Geoscience Professions Act</i> and <i>General Regulation</i> apply only to the APEGA sections, and that the sections that apply to ASET remain as is	There is a non-joint submission between APEGA and ASET, and therefore in order to protect the public, the APEGA will be submitting its recommended changes to the Act on its own.	

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			Delete this row as joint submission has been achieved	
114	<p>45(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.</p> <p>46(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</p>	<p>Remove Act Sections 45(2), 45(3), 45(4), 46(2), 46(3) and 85</p> <p>Mirror for ASET Council</p>	<p>The regulation making authority allowed under these sections is no longer needed with the consolidation of sections relating to statutory entities under Row 25.</p> <p>Section 85 is now addressed in the new definition of “professional member” in PDD Row 40.</p>	

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	<p>force unless it has been approved by the Lieutenant Governor in Council.</p> <p>85 The Council may make regulations or bylaws applicable to professional licensees in respect of any of the matters under sections 19 and 20</p>			
<b>115</b>	Repeal section 87.2(1)	The structure of ASET Council to be set in bylaws and not in EGP Act.	Align with Chartered Professional Accountants.	
<b>116</b>	EGP Act Section 88.51	Amend s 88.51 to read "Joint Councils Committee" rather than "Council".	The section uses the word "Council" which is defined as APEGA Council. It should be the Joint Councils Committee that takes any recommended changes in relation to the P.Tech. criteria to the Minister charged with Advanced Education.	
<b>117</b>	New	Add s 1(d.1) definition of C.E.T. "A Certified Engineering Technologist or C.E.T. means an individual who holds a certificate of registration from ASET under s92.2(1)(a)"	Brings the definition to the front of the Act	
<b>118</b>	New	<p>Add a new definition s. 1(d.2) for C.G.T. "A Certified Geoscience Technologist" means an individual who holds a certificate of registration from ASET under s92.2(1)(c)"</p> <p>Add a new category for "certified geoscience technologist" (C.G.T.) in s92.2(1)(c).</p>	<p>Add a new designation of certified geoscience technologist.</p> <p>This designation will differentiate certified geoscience technologists from certified engineering technologists.</p> <p>These protected titles are restricted to engineering and geoscience technicians and technologists only. They are not available to applied</p>	

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		Additional changes will be required to include CGTs as falling within the definition of ASET regulated members.	science or information technology individuals.	
119	New	<p>Add a new section to the EGP Act for Registrar’s authority to enforce orders issued by regulatory panels.</p> <p>Note: ASET carries out investigation and discipline in accordance with Part 5 of the Act so ASET will mirror these changes in relation to its Regulated Members, Professional Technologists, and Permit Holders, as applicable.</p>	<p>It is recommended that the Act explicitly authorize the Registrar to enforce orders issued by regulatory panels (discipline, investigation, practice review, registration, and appeal).</p> <p>Enforcing an order issued by a regulatory panel and seeing that its terms are carried out is an administrative function.</p> <p>For example, a discipline order may require an investigated member to do certain things by a certain date failing which their license will be suspended until those conditions are fulfilled.</p> <p>Granting the Registrar the authority to monitor compliance with terms of the order and administratively suspend the member if the terms aren't met will enhance public safety and improve regulatory effectiveness and efficiency.</p> <p>Similarly, payment of costs and fines can be received by the Registrar on behalf of the association as an administrative function.</p>	

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			The statutory panels will remain the decision makers for their areas of regulatory responsibility and will remain as the entities that issue the orders; the Registrar will monitor compliance with the orders and take the administrative steps necessary to implement the orders.	



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		<b>Authority of the Registrar</b>		
R1	The Discipline Committee or the Appeal Board may direct that reports of disciplinary investigations be published. (Regulation, Section 46)	Remove Section 46 from the Regulation.  Mirror for the ASET Regulation (Section 47) and Professional Technologists Regulation (Section 25)	Sections regarding what information are to be made public will be consolidated in the Act.	
R2	<p>The Registrar shall not cancel the registration of a Member or Permit Holder following a request for voluntary cancellation unless the request has been approved by Council. (Act, Section 29(1))</p> <p>Council may direct the Registrar to cancel the registration of a Member or Permit Holder who is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or a Permit Holder if it no longer has employees in compliance with this Act. (Act, Section 39(1))</p> <p>Council may direct the Registrar to cancel the registration of a Member or permit holder that was entered in error in the register. (Act, Section 39(3))</p> <p>Council may direct the Registrar to cancel the registration of a Member who is not in compliance with</p>	<p>The types of administrative cancellations the Registrar may make should be consolidated in the Regulation.</p> <p>The Registrar may cancel the registration of a professional member or permit holder:</p> <p>a) At the request of the member or permit holder;</p> <p>b) Where a professional member or permit holder who is in default of payment of annual dues or any other fees, dues or levies payable under this act;</p> <p>c) Where a permit holder no longer has employees in compliance with the Act;</p> <p>d) Where a registration was entered in error;</p> <p>e) Where a professional member is not in compliance with mandatory continuing professional development program requirements;</p> <p>f) Where a professional member or permit holder fails to comply</p>	<p>These types of cancellations are administrative in nature and do not need Council’s direct involvement. The authority to cancel these types of registration should rest with the Registrar, rather than with Council. Council’s primary function is to provide governance and leadership and policy.</p> <p>To improve regulatory effectiveness and efficiency the Registrar should be expressly authorized to cancel an individual’s or Permit Holder’s registration according to the Regulation, without involving Council in each individual decision.</p> <p>Granting the Registrar the authority to cancel these types of registration according to the Regulation will put the authority to act at the most responsive and appropriate level of the organization and allow the Registrar to act quickly and efficiently to protect the public.</p>	<p><i>Architects Act</i></p> <p><i>27(1) The Registrar may cancel the registration of</i></p> <p><i>(a) an authorized entity in default of payment of any fees, dues, costs or levies payable by it under this Act, the regulations or the bylaws,</i></p> <p><i>(b) an architects corporation or interior design corporation that no longer has shareholders, directors or officers in compliance with the regulations, or</i></p> <p><i>(c) a joint firm that ceases to have at least one registered architect and at least one professional engineer to take the responsibility referred to in section 18(2)(b),</i></p> <p><i>after the expiration of one month following the service on the authorized entity of a written notice that the Registrar intends to cancel the registration, unless the authorized entity on whom the notice is served complies with the notice.</i></p> <p><i>27(3) If the Registrar decides that the registration of a registered architect,</i></p>

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	<p>mandatory continuing professional development program requirements. (Regulation, Section 19.1)</p> <p>Council may direct the Registrar to strike the name of a person from a register if the person fails to pay a prescribed fee. (Regulation, Sections 4 and 76)</p>	<p>with the conditions of a finding or an order;</p> <p>The Regulation should also be amended to remove Section 19.1, and Sections 4 and 76 as they will be consolidated with other reasons for cancellation.</p> <p>Mirror for the ASET Regulation and Professional Technologists Regulation. The relevant sections from the Act to be consolidated are as follows:</p> <ul style="list-style-type: none"> <li>• Cancellation on request – Professional Technologists (Act, Section 91.1)</li> <li>• Cancellation – Professional Technologists (Act, Section 91.3)</li> <li>• Cancellation on request – Regulated Member (Act, Section 93)</li> </ul> <p>The relevant sections of the regulation that currently address cancellation are as follows:</p> <ul style="list-style-type: none"> <li>• Cancellation for Non-Payment (ASET Regulation, Section 4)</li> <li>• Cancellation for Non-Compliance with CPD</li> </ul>		<p><i>restricted practitioner or licensed interior designer should be cancelled because that authorized entity has failed or refused to comply with the requirements of the continuing competence program, the Registrar may serve that authorized entity with a written notice that the Registrar intends to cancel the registration.</i></p> <p><i>(5) The Registrar may cancel the registration of a registered architect, restricted practitioner or licensed interior designer who has been served with a written notice under subsection (3) if that authorized entity does not comply with the notice by the time specified in the notice.</i></p> <p><i>(6) The Registrar may cancel the registration of an authorized entity that was entered in the register in error.</i></p> <p><i>Health Professions Act</i></p> <p><i>39 If a regulated member’s application for renewal of a practice permit is not received by the registrar by the date provided for in the bylaws, the member’s practice permit is suspended and the registrar may cancel the member’s practice permit in accordance with section 43.</i></p>

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		<p>Requirements (ASET Regulation, Section 20 and Professional Technologists Regulation, Section 13)</p> <p>Note: A possible error in the 2009 drafting process omitted a Cancellation section in the Act for Regulated Members. The proposed consolidation in the regulations should address this omission to ensure cancellation related to errors in the register are addressed for both Professional Technologists and Regulated Members.</p>		<p><i>43(1) If a regulated member does not apply for a practice permit under section 38(1), is in default of payment of the practice permit fee or fails to pay a penalty, costs or any other fees, levies or assessments due under this Act or the bylaws, the registrar, after 30 days or a greater number of days, as set out in the notice, after giving notice to the regulated member, may cancel the regulated member's practice permit and registration.</i></p> <p><i>43(4) If the registrar is satisfied that a regulated member does not comply with conditions imposed under section 40(2) within the time specified, the registrar may cancel the regulated member's practice permit and registration or may refer the matter to the registration committee or competence committee as provided for in the bylaws and the registration committee or competence committee, on being satisfied that the conditions are not complied with, may direct the registrar to cancel the member's practice permit and registration.</i></p> <p><i>(5) The registrar may cancel the registration or practice permit of a regulated member and cancel the registration of another member on the member's request.</i></p>

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				<p><i>(6) The registrar may cancel the registration and practice permit of a regulated member on receipt of proof satisfactory to the registrar that the member is deceased.</i></p> <p><i>Professional Engineers Act (Ontario)</i></p> <p><i>Past conduct</i>  <i>15(8) The Registrar may refuse to issue or may suspend or revoke a certificate of authorization where the Registrar is of the opinion, upon reasonable and probable grounds,</i>  <i>(a) that the past conduct of a person who is in a position of authority or responsibility in the operation of the business of the applicant for or the holder of the certificate of authorization affords grounds for the belief that the applicant or holder will not engage in the business of providing services that are within the practice of professional engineering in accordance with the law and with honesty and integrity;</i>  <i>(b) that the holder of the certificate of authorization does not meet the requirements or the qualifications for the issuance of the certificate of authorization set out in the regulations; or</i>  <i>(c) that there has been a breach of a condition of the certificate of authorization.</i></p>

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R3	<p>Application</p> <p>2(1) An application for registration must be submitted to the Registrar and must</p> <p>(a) be in a form acceptable to the Board of Examiners, and</p> <p>(b) be fully completed and accompanied by</p> <p>(i) all required supporting documentation, and</p> <p>(ii) any fees that are prescribed by the Council.</p> <p>(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.</p> <p>74(2) The Registrar shall refer an application for registration as a professional licensee to the Board of Examiners if the application meets the requirements of subsection (1) and the Registrar is satisfied that the applicant meets the eligibility requirements for registration set out in section 77.</p>	<p>Amend Sections 2(2) and 74(2) to explicitly add that the Registrar may reject an application for registration if the Registrar is not satisfied the applicant meets the eligibility criteria for registration.</p> <p>It should be noted that this decision should not be appealable to the Appeal Committee.</p> <p>Mirror for the ASET Regulation (Section 2(2)) and Professional Technologists Regulation (Section 2(2))</p>	<p>The change helps to ensure ineligible applicants are prevented from gaining membership.</p> <p>Under Section 2(2) of the Regulation, the Registrar must be “satisfied the applicant meets the eligibility requirements for one of the categories of membership in the Association” before he or she is obligated to refer the application to the Board of Examiners (Registration Committee).</p> <p>It is implied the Registrar can refuse to forward an application to the Board of Examiners if he or she is not satisfied the applicant meets the eligibility requirements for one of the member categories.</p> <p>The proposed change is to make this explicit, so it is clearer to the public and to minimize differing interpretations.</p>	
		<b>Council</b>		

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R4	<p>President and Vice-presidents - election and powers</p> <p>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.</p> <p>(2) The President shall act as the presiding officer at meetings of the Council and at meetings of the Association.</p> <p>(3) The President may vote at meetings of the Council or the Association only in the event of a tied vote.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>AR 150/99 s25;37/2003</p> <p>Election of Council</p>	<p>EGP General Regulation Sections 25(1), 25(3), 25(4), 25(4.1), 25(5), 26(2), 28, and 29 and similar sections in the ASET Regulation -Part 3 Sections 26-28, regarding the election of the president, vice presidents, council, council vacancies, quorum for council meetings, and composition of the executive committee of council are to be removed from the Regulation and moved to Bylaws.</p> <p>Sections 25(2), 26(1), 27(1) and 27(2) remain in the Regulation and should be amended to read:</p> <p><u>Council</u></p> <p>The President shall act as the presiding officer at meetings of the Council and at meetings of the Association in accordance with the Bylaws.</p> <p>There must be an annual election for Council. The members of the Council must be elected by the members of the Association in accordance with the Bylaws.</p> <p>Where there is a vacancy in the Council, the remaining members of the Council shall appoint a member to fill the vacancy until the next</p>	<p>The change cleans up the Regulation and moves governance items to Bylaws, which already detail processes for election of council members, and meetings of Council.</p>	

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	<p>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.</p> <p>(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</p> <p>Vacancy</p> <p>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.</p> <p>(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.</p> <p>Quorum</p> <p>28 A quorum for meetings of the Council is</p> <p>(a) at least one of the President, the 2 Vice-presidents or the immediate Past President, and</p> <p>(b) 6 other professional members of the Council.</p> <p>Executive Committee</p>	<p>regular election in accordance with the Bylaws.</p> <p>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.</p>		

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	<p>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.</p> <p>(2) The Executive Committee has the delegated authority and power of the Council with respect to any decisions or actions necessary between Council meetings.</p>			
		<b>Statutory Entities Structure and Accountability</b>		
R5	<p>Statutory entities are created in sections found throughout the Act and Regulation.</p> <p>(Act, Sections 15, 18, 30, 45, 46 47; Regulation Section 15, 21,32, 36, 40, 45)</p>	<p>Changes proposed for the Act recommended that Information on statutory entities be consolidated into one part of the Act. As a result, related sections in the Regulation may be removed.</p> <p>Specifically:</p> <ul style="list-style-type: none"> <li>• Section 15 on the constitution, terms and quorum of the Board of Examiners should be removed from the Regulation.</li> <li>• Section 21 on the constitution, terms and quorum of the Practice Review Board should be removed from the Regulation.</li> <li>• Sections 32, 34 and 35 detailing the constitution, terms and quorum of the Investigative</li> </ul>	<p>The constitution, terms and quorum of these regulatory statutory entities should be removed from the regulation and contained in Terms of reference approved by Council.</p> <p>Statutory entities should all have the same accountability arrangements, so it is clear to whom they are accountable. (Referred to in Row 25 of the Act PDD)</p>	



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		<p>Committee should be removed from the Regulation.</p> <ul style="list-style-type: none"> <li>• Sections 36, 38 and 39 detailing the constitution, terms and quorum of the Discipline Committee should be removed from the Regulation.</li> <li>• Sections 40 to 42 detailing the constitution, terms and quorum of the Appeal Board should be removed from the Regulation.</li> </ul> <p>Mirror for the ASET Regulation:</p> <ul style="list-style-type: none"> <li>• Section 15 on the composition of the ASET Board of Examiners should be removed from the ASET Regulation and consolidated with sections 93.1 and 93.2 of the Act</li> <li>• Sections 22 through 24 on the composition, meeting, and duties of the ASET Practice Review Board should be removed from the ASET Regulation and consolidated with sections 93.4 through 94 of the Act</li> <li>• Sections 31 through 36 on the composition and meetings of the ASET Investigative Committee should be removed from the</li> </ul>		

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		<p>ASET Regulation and consolidated with section 94.3 of the Act.</p> <ul style="list-style-type: none"> <li>Sections 37 through 42 on the composition and hearings of the ASET Discipline Committee should be removed from the ASET Regulation and consolidated with section 94.2 of the Act</li> <li>Sections 43 through 46 on the composition and hearings of the ASET Appeal Board should be removed from the ASET Regulation and consolidated with section 94.1 of the Act</li> </ul> <p>Mirror for the Professional Technologists Regulation:</p> <ul style="list-style-type: none"> <li>Sections 7 and 8 on the meeting and authority of the Joint Board of Examiners should be removed from the Professional Technologists Regulation and consolidated with section 89 of the Act</li> <li>Sections 15 and 16 on the meetings and duties of the Joint Practice Review Board should be removed from the Professional Technologists Regulation and consolidated</li> </ul>		

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		with sections 88.1 and 88.2 of the Act <ul style="list-style-type: none"> <li>Sections 20 through 24 on the hearings of the Joint Discipline Committee should be removed from the Professional Technologists Regulation and consolidated with section 89.1 of the Act</li> </ul>		
R6	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.	Section 30 should be removed from the Regulation as Council’s ability to create other committees and approve terms of reference has been moved to the Act under Statutory Entities Structure and Accountability.  Mirror for ASET Regulation (Section 28)	The creation of statutory entities by Council will be described in the Act. (Referred to in Row 25 of the Act PDD)  The creation of other Council committees, task forces will be established by Council as needed to serve the interests of the Association.	
R7	An investigation panel may employ any technical consultants and legal	Section 44 should be removed from the Regulation.	The Investigative Panel are members of the Investigative Committee and	

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	<p>counsel it considers necessary to conduct a preliminary investigation. (Regulation, Section 44)</p>	<p>It will be included in the Act as part of the authority of Investigation Panels and investigators.</p> <p>Mirror for the ASET Regulation and Professional Technologists Regulation:</p> <ul style="list-style-type: none"> <li>• Remove section 36 of the ASET Regulation and address in the Act</li> <li>• Remove section 21 of the Professional Technologists Regulation and address in the Act</li> </ul>	<p>are volunteers. They are not trained investigators. The investigative staff has investigative skills and conducts investigations and prepares reports for the Investigative Committee’s use as part of their processes.</p> <p>Investigators will use technical subject matter experts as part of the investigation as required. (Referred to in Row 50 of the Act PDD)</p>	
R8	<p>Public members currently sit on Council, the Practice Review Board, Appeal Board, Discipline Committee, Investigative Committee, and Board of Examiners. (Act Section 15(1)(b), 18(1)(b), and Regulation Sections 15(5)(g), 33(1), 37(1))</p>	<p>References to the participation by public members on statutory entities should be removed from the Regulation.</p> <p>Mirror for ASET Regulation (Sections 32 and 38)</p> <p>Note: Public members on the joint boards/committee are already included in Division 2 of the Act)</p>	<p>There will be a new division on “Public Accountability” in the Act which will combine all the sections relating to the appointment and participation of members of the public on Statutory Entities. (Referred to in Row 82 of the Act PDD)</p>	
		<b>Conditions of Practice</b>		
R9	<p>A Responsible Member must attend a Permit to Practice seminar at least once every five years. (Regulation, Section 48.1)</p>	<p>Remove Section 48.1 from the Regulation.</p> <p>The requirement for a Responsible Member to attend a seminar every five years should be removed from the Regulation and become part of</p>	<p>This should be included as part of Continuing Professional Development standards rather than be a requirement in Regulations.</p>	

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		<p>the mandatory Continuing Professional Development (CPD) program requirements for Responsible Members. The details will be described in the mandatory CPD Program</p> <p>Mirror for the Professional Technologists Regulation (Section 27(6))</p>		
R10	<p>The criteria to obtain a Permit to Practice identifies who can act as a Responsible Member, describes the responsibilities of a Responsible Member including a requirement that a Responsible Member certify that the Permit Holder has in place and will follow a Professional Practice Management Plan (PPMP) that is appropriate to its professional practice. (Regulation, Section 48)</p>	<p>It is recommended that section 48 of the Regulation be amended, to explicitly indicate that in addition to the other existing requirements, an applicant must satisfy the practice review panel that it has a PPMP that is appropriate to its professional practice and that it can and will be properly implemented, in accordance with criteria approved by Council.</p> <p>Section 48 should be amended to replace “Council” with “Practice Review Panel”.</p> <p>Mirror for the Professional Technologists Regulation (Section 27)</p>	<p>To protect the public, before a Permit to Practice is issued an applicant must show that it has a PPMP appropriate to its professional practice and that the PPMP can and will be properly implemented. The assessment of whether a PPMP is appropriate and can and will be implemented may necessitate that a risk-based, baseline audit be done before a Permit to Practice is issued. The criteria surrounding audits will be based on criteria approved by Council. (See Act PDD Row 101)</p>	
		<b>Permits to Practice</b>		
R11	<p>The Council may waive compliance with the requirement that a partnership or corporation has in place and is following a PPMP, and that the professional member</p>	<p>Remove Section 53.1 from the Regulation.</p> <p>Mirror for Professional Technologists Regulation (Section 32(2))</p>	<p>It is not in the Public Interest to exempt businesses from the requirement to have and follow a PPMP.</p>	

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	responsible for ensuring the partnership’s compliance with the PPMP attends a seminar every 5 years. (Regulation, Sections 53.1)		The requirement to attend a seminar every 5 years is addressed in Row 9 above.	
		<b>Membership Categories</b>		
R12	<p>No one can remain in the record as a Member in Training for more than six years. Council may extend that period to not more than eight years in particular situations. (General Regulation, Sections 11(1) and (2)).</p> <p>No one can remain in the record as a Member in Training for more than four years. The Registrar may extend that period (ASET Regulation section 12(2) and (3))</p>	<p>Remove Sections 11(1) and 11(2) of the Regulation to remove the 8-year restraint.</p> <p>Registration Committee will develop policy on M.I.T. terms and applications for extensions.</p> <p>The Registrar will administer the policy.</p> <p>Registration Committee policy may extend the length of time an individual can remain a M.I.T. in appropriate circumstances to provide flexibility and recognize an individual’s unique circumstances.</p> <p>Similar changes would be needed in ASET Regulation section 12(2) and (3).</p>	<p>Under the existing legislation, an individual can remain in the record as a M.I.T. for a maximum of eight years. After this, APEGA must cancel the enrolment of such individuals. This can be limiting for many M.I.T.s who have temporarily stepped out of the workforce but who still want to maintain their ties with their professions and be a part of APEGA.</p> <p>Extending the length of term for M.I.T.s adapts to today’s changing workforce and enables them to remain engaged with APEGA should they choose to take an extended parental and/or compassion care leave. By adjusting the length of term of M.I.T.s, the Association can better accommodate these societal changes.</p>	
R13	Professional Licensees are given the right to independently practice engineering or geoscience within a limited scope of practice as specified by the Board of Examiners (BOE).	It is recommended the eligibility requirements in the Regulation for registration a Professional Limited Licensee (P.L.L.) be amended as follows:	<p>It provides two paths to the new P.L.L. designation:</p> <ol style="list-style-type: none"> <li>for individuals with degrees in engineering or geoscience who do not immediately qualify for P.Eng. or P.Geo.</li> </ol>	

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	<p>The eligibility requirements for Professional Licensees are:</p> <ul style="list-style-type: none"> <li>• have two years of post-secondary education acceptable to the BOE in areas related to engineering or geoscience;</li> <li>• have at least six years of work experience of an engineering or geoscientific nature that is acceptable to the BOE; at least two years of which are in the applicants’ specific area of professional practice and were completed under the supervision and control of a Professional Member;</li> <li>• be of good character and reputation;</li> <li>• be proficient in English; and</li> <li>• pass an examination confirming their knowledge of the Act, Regulations, Bylaws and professional practice.</li> </ul> <p>(Act, Sections 83, 83.8; Regulation, Section 77)</p>	<ul style="list-style-type: none"> <li>• individuals with engineering or geoscience degrees acceptable to the Registration Committee will be eligible to apply directly to APEGA for registration as a Professional Limited Licensee <ul style="list-style-type: none"> <li>○ have at least eight years of work experience of an engineering or geoscientific nature that is acceptable to the APEGA Registration Committee; at least two years of which are within in the P.L.L. limited scope of professional practice and which were completed under the supervision and control of a Professional Member</li> </ul> </li> <li>• individuals without engineering or geoscience degrees will need to apply to ASET and become registered as a Professional Technologist before being eligible to apply to APEGA for registration as a Professional Limited Licensee. <ul style="list-style-type: none"> <li>○ P.Tech.</li> <li>○ have at least eight years of work experience of an engineering or geoscientific nature that is acceptable to the APEGA Registration Committee; at least two years of which are within the</li> </ul> </li> </ul>	<p>2. for individuals without engineering or geoscience degrees who will need to apply to ASET and become registered as P.Tech. first.</p> <p>The new P.L.L. designation would be particularly relevant to many internationally educated individuals with degrees in engineering or geoscience of narrower breadth as compared to Canadian Engineering Accreditation Board degrees, and it would give them the opportunity to contribute in their field to the Alberta workforce and economy at a level that most appropriately reflects their qualifications.</p> <p>Path 2 provides a means for highly qualified and experienced professional technologists to obtain the new APEGA Professional Limited Licensee designation and obtain a license to independently practice engineering or geoscience involving complex problem solving using complex methodologies.</p>	

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		<p>P.L.L. limited scope of professional practice and which were completed under the supervision and control of a Professional Member.</p> <p>In addition to the above, the eligibility requirements relating to good character and reputation, proficiency in English, and an examination confirming knowledge of the Act, Regulation, Bylaws and professional practice will remain unchanged from the current Regulation.</p> <p>Existing Professional Licensees will be grandfathered.</p>		
R14	<p>The Licensee designation is given to individuals who, under the Regulations, meet all of the requirements for registration as a P.Eng. or P.Geo. but do not meet the Canadian citizen or permanent resident criteria and are, therefore, not considered eligible under the definition of Professional Member. (Regulation, Sections 13(1)(a), 14)</p>	<p>Remove from the Regulation sections 13(1)(a), 14, and 14.01 so that Canadian citizenship /permanent residence is not a criterion for qualification as a professional engineer or professional geoscientist.</p> <p>Mirror for ASET Regulation (Section 13(1)(a))</p>	<p>If individuals have the competency to independently practice engineering or geoscience, they should be registered as Professional Engineers or Professional Geoscientists rather than as Licensees. Canadian Citizenship or permanent residency status should have no bearing on their eligibility to be licensed to independently practice engineering or geoscience.</p> <p>(Referred to in Row 44 of the Act PDD)</p>	



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R15	<p>Provisional Licensee is a designation available to individuals who have completed all requirements for becoming a P.Eng. or P.Geo. except the requirement of having at least 12 months of experience in the application of relevant Canadian codes, standards, and business processes. Because these individuals meet the academic requirements, they also qualify for the Member-In-Training (M.I.T.) designation. (Regulation, Section 14.1)</p> <p>Provisional Licensees are not licensed (authorized) to independently practice engineering or geoscience and, as such, are not authorized to stamp or authenticate documents. Similar to M.I.T.s, Provisional Licensees may only practice engineering or geoscience under the supervision and control of a P.Eng., P.Geo., Professional Licensee, or Professional Technologist within their defined scope of practice (collectively referred to as a licensed professional).</p> <p>Once Provisional Licensees obtain the required 12 months of experience under the appropriate supervision and control, they can apply to become registered as</p>	<p>Remove Sections 14.1 and 14.2 and all other references to Provisional Licensee where it appears in the Regulation.</p> <p>Also remove Sections 15.1, 20.1, 47.1, 54(9) from the Regulation.</p>	<p>Eliminating the Provisional Licensee designation will reduce confusion and increase clarity with the public, Members, and Permit Holders.</p> <p>The Provisional Licensee designation is misleading. The word license in the title is misleading as it suggests a license to practice independently yet it has no corresponding practice rights. It does not authorize individuals to practice without the supervision of a licensed professional.</p> <p>The designation is also not necessary for employment as these individuals are employable and can work under the supervision of a licensed professional irrespective of whether they have the Provisional Licensee designation or not.</p> <p>The number of Provisional Licensees is, and historically has been, extremely small. This adds to the confusion because there are so few of them.</p> <p>The majority of other provinces do not have a Provisional Licensee designation or equivalent.</p>	

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	<p>Professional Engineers or Professional Geoscientists. (Regulation, Section 14.1)</p> <p>Regulation 14.2 makes reference to domestic trade agreements regarding Provisional Licensees.</p>			
R16	<p>Eligibility</p> <p>8 A person who meets the following requirements and applies to the Registrar for registration is entitled to be admitted as an examination candidate:</p> <p>(a) the applicant is of good character and reputation;</p> <p>(b) the applicant is a graduate of</p> <p>(i) a university program in engineering or geoscience, or</p> <p>(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.</p> <p>Striking from record</p> <p>9(1) The Council may direct the Registrar to strike the name of an examination candidate from the record of examination candidates</p>	<p>It is recommended that Sections 8 and 9 concerning the Examination Candidate category be removed from the regulation.</p> <p>Also remove Section 5(b), Section 10(1)(b)(ii), and Section 13(1)(e)(iii) from the Regulation.</p> <p>Mirror for ASET Regulation (Sections 8 and 9). Additional amendments related to the examination category in the ASET Regulation are outlined in R38 of this document.</p>	<p>The legislation will be simplified by removing a category that is not necessary. It will not affect the individual’s ability to work under the supervision and control of a licensed professional.</p> <p>Individuals who have been assigned examinations by APEGA will be classified as applicants and managed through the Board of Examiners’ policy.</p> <p>These individuals will be able to register as Professional Members or M.I.T.s once they complete their examinations and meet other requirements.</p> <p>Having fewer categories makes it less confusing for the public to understand who is a licensed professional with APEGA.</p> <p>The change will bring APEGA’s legislation in line with the vast majority of constituent associations</p>	

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	<p>(a) if the Council considers that the examination candidate has engaged in behaviour that constitutes unprofessional conduct, or</p> <p>(b) if, in the opinion of the Board of Examiners, the examination candidate fails to make satisfactory progress toward registration as a professional member.</p> <p>(2) A person whose name is struck from the record is no longer eligible to proceed with the writing of examinations.</p> <p>5 The Registrar shall keep the following records and registers for the purposes of this Part:</p> <p>(b) a record of examination candidates;</p> <p>10(1) A person who meets the following requirements and applies to the Registrar for registration is entitled to be enrolled as an engineer-in-training or geoscientist-in-training:</p> <p>(b) the applicant</p> <p>(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.</p>		<p>that do not have a separate examination candidate category.</p>	

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	<p>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:                      (e) the applicant meets one of the following requirements:                      (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 or geoscientific nature that is acceptable to the Board of Examiners;</p>			
R17	<p>63 In this Part, “registered engineering technologist” means a person who was registered as a registered engineering technologist under this Part immediately before the coming into force of the <i>Engineering, Geological and Geophysical Amendment Act, 2007</i>.</p> <p>Transitional                      63.1 Subject to the Act and the ASET Regulation, a person who was registered as a registered engineering technologist under this Part immediately before the coming into force of the <i>Engineering, Geological and Geophysical</i></p>	<p>Remove sections dealing with Registered Engineering Technologists from the Regulation and move them to the ASET Regulation.</p>	Housekeeping	

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	<p><i>Amendment Act, 2007</i> continues to be so registered under section 63.2.</p> <p>Register to be maintained 63.2 For the purposes of section 92.1(2) of the Act, the ASET Registrar shall maintain a register for registered engineering technologists.</p> <p>ACT 95.1(2) No person, except a regulated member entitled to do so, shall; (c) use the title “registered engineering technologist” or the abbreviation “R.E.T.” or other abbreviations of that title</p>			
		<b>Registrations</b>		
R18	<p>Currently under the Regulations, applications by members or licensees for resumption of practice are reviewed by the Practice Review Board. (Regulation, Sections 18(4), 18(5))</p> <p>Applications for reinstatements of discipline individuals are reviewed by a committee of inquiry and approved by Council. (Regulation, Section 47)</p>	<p>Remove Regulation Sections 18(4), 18(5), and 47.</p> <p>Remove Sections 75(3), 75(4), and 75(5) from the Act.</p> <p>Mirror for the ASET Regulation: Section 48, which refers to the ASET Council, and Section 18(5), which refers to the ASET Practice Review Board</p> <p>Mirror for the Professional Technologists Regulation: Section 26, which refers to the ASET Council,</p>	<p>The Registration Committee will become the decision-making body for both reinstatement applications and resumption applications irrespective of the length of time since the cancellation or the member moving to non-practicing status.</p> <p>(Referred to in Row 48 of the Act PDD)</p>	<p><i>Engineering and Geoscience Professions Act (NWT)</i> 22. (1) Council may require a member or licensee who, for a period exceeding five years, has been inactive in the field of practice in which the member or licensee obtained his or her qualifications for registration within his or her designated profession, to have his or her present qualifications reviewed by the Board of Examiners. (2) The Board of Examiners may require the member or licensee to</p>

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		and Section 11(5), which refers to the Joint Practice Review Board  Mirror in the Act for Regulated Members and Professional Technologists (Sections 91.1(3) and (4), 91.3, 93(3) and (4), which currently refer to the ASET Council.		(a) pass examinations set by the Board; and (b) pass a course of study or obtain satisfactory to the Board and relating to his or her designated profession, either generally or in a field of practice specified by the Board.
R19	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:  (2) Notwithstanding subsection (1), an applicant is entitled to be registered as a professional member if:	Replace “is entitled to” with “may” in Regulation Sections 13(1) and 13(2) so that registration is conditional upon applicants meeting criteria.  Mirror for ASET Regulation (Section 13(1))  Mirror for Professional Technologists Regulation (Section 5(1))	The term “entitled” leads applicant s to believe they are eligible for registration, regardless of the assessment of their application.  The amendment will clarify the intent of the section and reduce misinterpretation.	
		<b>Investigations</b>		
R20	NEW	It is recommended that the Regulation be amended to add a section describing the circumstances under which investigative panels can impose interim suspensions and conditions on Members and Permit Holders pending the outcome of preliminary investigations or discipline proceedings. These circumstances would include: <ul style="list-style-type: none"> <li>when there are reasonable grounds to believe that a serious</li> </ul>	To protect the public, it is important that APEGA be able to respond quickly to suspend or restrict a Member’s license or Permit Holder’s permit where there is a question of serious risk to the public. The main concern in these cases is timeliness.  The Regulations describe the criteria under which the authority to impose	<i>The Engineering and Geoscientific Professions Act, (Manitoba) 37(1) Notwithstanding anything in this Act the investigation committee may, when there is a question of serious risk to the public, suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineering intern or geoscience intern of the investigated person pending the</i>

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		<p>and imminent risk exists to life, personal safety, or health of the public or environment, in accordance with criteria approved by Council</p> <ul style="list-style-type: none"> <li>• when a delay in holding proceedings under this part would be prejudicial to the public interest, in accordance with criteria approved by Council</li> <li>• when a Member is convicted of an offence that would render a Member unsuitable to practice engineering or geoscience or adversely affect the reputation of the professions, in accordance with criteria approved by Council</li> </ul> <p>Mirror for ASET Regulation and Professional Technologists Regulation</p>	<p>interim suspensions or restrictions can be exercised.</p>	<p><i>outcome of proceedings under this part.</i></p> <p><i>Engineering Profession Act, (Nova Scotia)</i>  <i>17R(1) Notwithstanding any other provision of this Act, in urgent and compelling circumstances the Chair of the Discipline Committee, upon the advice of the Complaints Committee, may, without a hearing, in the interest of the public, immediately suspend the licence of a registrant or immediately impose restrictions on a temporary basis on the registration of a registrant.</i></p> <p><i>Engineers and Geoscientists Act, (British Columbia)</i>  <i>31(7) If the discipline committee considers that a delay in holding an inquiry under section 32 concerning a member, licensee or certificate holder would be prejudicial to the public interest, the discipline committee, without giving the member, licensee or certificate holder an opportunity to be heard, may suspend the membership, licence or certificate of authorization, or restrict the scope of practice, of the member, licensee or certificate holder, until an inquiry and decision under section 32.</i></p>

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				<p><i>Chartered Professional Accountants Act</i>            108(1) If a registrant is convicted of an indictable offence in any court in Canada or convicted of an offence outside Canada that would be regarded as an indictable offence in Canada, the registrant must give notice of the conviction, within 21 days after its occurrence, to the CPAA.</p> <p>(3) The discipline tribunal roster chair must consider the nature and seriousness of the offence and may convene a discipline tribunal, which may, after providing the registrant with an opportunity to provide information and make representations,            (i) suspend the registrant’s registration or restrict the registrant’s practice for a stated period or pending compliance with specified conditions</p>
		<b>Fees, Orders, Fines and Costs</b>		
R21	The Discipline Committee may, in addition to or instead of dealing with the investigated person order that the investigated person pay all or part of the costs of the hearing in accordance with the bylaws. (Act, Section 64(1)(a))	It is recommended that Section 36 of the Bylaws be moved into the Regulation and reworded as follows:  <i>Where a statutory entity orders a person to pay the costs of a proceeding before the statutory entity, those costs may include all or</i>	The changes are necessary to ensure the appropriate authority rests with the appropriate statutory entity to place orders and conditions on a Member or Permit Holder’s practice.  It is more appropriate that the authority rests in the Regulations	<i>Chartered Professional Accountants Act</i> Costs 96(1) The discipline tribunal may order the investigated party to pay to the CPAA the costs or any part of the costs of the review of a complaint, the investigation, the determination



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	<p>The Appeal Board may order an investigated person to pay all or part of the costs of the appeal determined in accordance with the bylaws. (Act, Section 69(4))</p> <p>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:</p> <p>(a) any honorarium, payment, or professional fees paid to a person retained to participate in the hearing or appeal;</p> <p>(b) costs of any transcripts of evidence taken in the proceedings;</p> <p>(c) costs of reproduction of all or any documents including drawings and plans relating to the proceedings;</p> <p>(d) witness fees;</p> <p>(e) cost of renting rooms, renting recording equipment, or hiring a reporter to take transcript of the evidence;</p> <p>(f) fees payable to the solicitor acting on behalf of the Association in the proceedings;</p>	<p><i>any of the following costs and expenses:</i></p> <p><i>(a) any honorarium, payment, or professional fees paid to a person retained to participate in the proceeding;</i></p> <p><i>(b) costs of any transcripts of evidence taken in the proceedings;</i></p> <p><i>(c) costs of reproduction of all or any documents including drawings and plans relating to the proceedings;</i></p> <p><i>(d) witness fees;</i></p> <p><i>(e) cost of renting rooms, renting recording equipment, or hiring a reporter to take transcript of the evidence;</i></p> <p><i>(f) fees payable to the solicitors acting on behalf of any statutory entities in the proceedings;</i></p> <p><i>(g) any other expenses incurred that are attributable to the proceeding resulting from it.</i></p> <p>Mirror for ASET Regulation and Professional Technologists Regulation</p>	<p>rather than in the Association’s bylaws.</p>	<p><i>of procedural matters and the discipline tribunal hearing in accordance with the bylaws.</i></p> <p><i>(2) If an adjournment is sought, the discipline tribunal may order the investigated party to pay costs of the adjournment in accordance with the bylaws.</i></p> <p><i>(3) Unless the discipline tribunal orders otherwise, the investigated party must pay to the CPAA, as part of the costs ordered under subsection (1), all of the reasonable costs for the indemnification of the CPAA for the costs relating to the review of the complaint, the investigation, the determination of procedural matters and the discipline tribunal hearing, including legal expenses and lawyer’s fees.</i></p> <p><i>(4) The order may specify when and how the amount is to be paid.</i></p> <p><i>(5) If the investigated party does not pay costs in accordance with the order of a discipline tribunal or appeal tribunal, the registration of the registrant is immediately cancelled unless a discipline tribunal or an appeal tribunal otherwise directs.</i></p> <p><i>Health Professions Act</i>  <i>Orders of tribunal</i>  <i>82(1) If the hearing tribunal decides that the conduct of an investigated</i></p>

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	<p>(g) any other expenses incurred that are attributable to the hearing or an appeal resulting from it.                      (APEGA Bylaws, Section 36)</p>			<p><i>person constitutes unprofessional conduct, the hearing tribunal may make one or more of the following orders:</i></p> <p><i>(j) direct, subject to any regulations under section 134(a), that the investigated person pay within the time set in the order all or part of the expenses of, costs of and fees related to the investigation or hearing or both, including but not restricted to</i></p> <p><i>(i) the expenses of an expert who assessed and provided a written report on the subject-matter of the complaint,</i></p> <p><i>(ii) legal expenses and legal fees for legal services provided to the college, complaints director and hearing tribunal,</i></p> <p><i>(iii) travelling expenses and a daily allowance, as determined by the council, for the complaints director, the investigator and the members of the hearing tribunal who are not public members,</i></p> <p><i>(iv) witness fees, expert witness fees and expenses of witnesses and expert witnesses,</i></p> <p><i>(v) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and</i></p> <p><i>(vi) any other expenses of the college directly attributable to the investigation or hearing or both;</i></p>

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				<p><i>Architects Act</i>  <i>Payment of costs and fines</i>                      51(1) The review panel or, on appeal, the Council may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 50, order that the investigated person pay</p> <p>(a) all or part of the costs of the hearing or appeal in accordance with the bylaws,                      (b) a penalty not exceeding \$10 000 for each finding of unskilled practice of architecture or unprofessional conduct, or                      (c) both the costs under clause (a) and the penalty under clause (b).</p> <p>(2) If the person ordered to pay a penalty, costs or both under subsection (1) fails to pay the penalty, costs or both within the time ordered, the review panel or Council may suspend the registration of that person until the person has paid the penalty, costs or both.</p> <p>(3) If the Council finds that a complaint is frivolous or vexatious, it may order the complainant to pay the costs of the preliminary investigation and the hearing before the Council determined in accordance with the bylaws.</p> <p>(4) A penalty or costs ordered to be paid to the Association under this</p>

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				<i>section is a debt due to the Association and may be recovered by the Association by civil action for debt</i>
		<b>Practice Review</b>		
R22	<p>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.</p> <p>(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.</p> <p>(3) A professional member or licensee shall not engage in the practice of a profession while an exemption under this section is in effect.</p> <p>(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.</p>	<p>Remove Section 18 of the <i>General Regulation</i>, Section 16(3) &amp; (4) of the <i>ASET Regulation</i>, and Section 9 (3)&amp;(4) of the <i>Professional Technologists Regulation</i>.</p>	<p>This will become part of the standards for mandatory Continuous Professional Development.</p>	

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	(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.			
R23	Part 3 of the Regulation deals with the composition of the Practice Review Board, and its investigations.	<p>Regulation Sections 20.1 through and including Section 24 on the Practice Review Board (Part 3) are dealt with in the Act and may be removed.</p> <p>Mirror for ASET Regulation (Sections 22 and 23)</p> <p>Mirror for Professional Technologists Regulation (Sections 15 and 16)</p>	Housekeeping	
R24	A professional member or licensee must maintain a written record of activities undertaken in accordance with the Continuing Professional Development Program and produce the record under at the request of the Practice Review Board. (Regulation, Section 19)	<p>Remove Section 19 from the Regulation.</p> <p>The obligation for keeping CPD records and how Members meet the requirements of the program will be described in CPD policies and should be removed from the Regulation.</p> <p>Mirror for ASET Regulation (Section 19)</p> <p>Mirror for Professional Technologists Regulation (Section 12)</p>	<p>Proposed changes to the Act will authorize APEGA, through its practice reviewers and panels, to ensure Members and Permit Holders comply with established practice standards to protect the public.</p> <p>It will explicitly clarify that the role and authority of the PRC is to focus on:</p> <ul style="list-style-type: none"> <li>professional competency through developing and enforcing practice standards, guidelines, and bulletins across the professions.</li> </ul>	

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			<ul style="list-style-type: none"> <li>developing the standards of the mandatory CPD program and setting related policies.</li> </ul> <p>Consolidating the standards of the CPD program will make expectations clearer for everyone involved.</p>	
		<b>Timeframes for Notices and Discipline Matters</b>		
R25	<p>Service of notices</p> <p>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</p> <p>(a) it is served personally on the person,</p> <p>(b) it is sent by prepaid mail to the person at the latest address provided to the Registrar by the person, or</p> <p>(c) where the person has provided to the Registrar an electronic address for the purpose of receiving notices that meets the requirements of the Council, it is sent to the person by electronic transmission to that address.</p> <p>(1.1) If a notice is served by electronic transmission in accordance with subsection (1), unless the contrary is proved, the service is presumed to be effected on the date on which the notice was transmitted.</p> <p>(2) If notice is served by mail in accordance with subsection (1),</p>	<p>Amend section 61(1) on Service of Notices to add a new subsection (d) as follows:</p> <p>(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</p> <p>(a) it is served personally on the person,</p> <p>(b) it is sent by prepaid mail to the person at the latest address provided to the Registrar by the person, or</p> <p>(c) where the person has provided to the Registrar an electronic address for the purpose of receiving notices that meets the requirements of the Council, it is sent to the person by electronic transmission to that address.</p> <p>(d) or by any other means of service as authorized by Council in policy.</p> <p>Amend section 61 to renumber subsection (1.1) as subsection (3):</p> <p>(2) If notice is served by mail in accordance with subsection (1)(b),</p>	<p>A notice should be able to be served in any medium (mail, electronic, or other).</p>	<p><i>Chartered Professional Accountants Act</i></p> <p><i>Service of documents</i></p> <p><i>138(1) When this Act or the regulations, bylaws, directives or resolutions require that a document or notice be served on any person, the document or notice is properly served</i></p> <p><i>(a) if it is served personally on that person or sent by registered mail or courier to the address last shown for that person on the information or records maintained by the CPAA,</i></p> <p><i>(b) when personal service or service by registered mail or courier is not reasonably possible, by</i></p> <p><i>(i) publishing the document at least twice, not more than a week apart, in a local newspaper circulating at or near the address last shown for that person on the information or records maintained by the CPAA,</i></p> <p><i>(ii) serving the person by fax, e-mail or other electronic means if the sender has proof of having</i></p>

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	<p>unless the contrary is proved, the service is presumed to be effected</p> <p>(a) 7 days from the date of mailing if the document is mailed to an address in Alberta, or</p> <p>(b) 14 days from the date of mailing if the document is mailed to an address outside Alberta.</p>	<p>unless the contrary is proved, the service is presumed to be effected</p> <p>(a) 7 days from the date of mailing if the document is mailed to an address in Alberta, or</p> <p>(b) 14 days from the date of mailing if the document is mailed to an address outside Alberta.</p> <p>(3) If a notice is served by electronic transmission in accordance with subsection (1)(c), unless the contrary is proved, the service is presumed to be effected on the date on which the notice was transmitted.</p> <p>Mirror for ASET Regulation (Section 52)</p> <p>Mirror for Professional Technologists Regulation (Section 35)</p>		<p><i>electronically sent the document or notice to the person, or</i></p> <p><i>(iii) serving the person’s legal representative, or</i></p> <p><i>(c) if it is served in accordance with any written agreement made with that person, which may include such methods as service by fax, e-mail or other electronic means, or serving the person’s legal representative.</i></p> <p><i>(2) The Court of Queen’s Bench, on application by the CPAA, may dispense with any notice or the service of any document or specify an alternative method of service if it considers it appropriate to do so.</i></p> <p><i>Legal Profession Act</i></p> <p><i>7(2) Without restricting the generality of subsection (1), the Benchers may make rules</i></p> <p><i>(z) prescribing the methods by which a notice or other document may be served, given or furnished under this Act or the rules on or to a member, student-at-law or professional corporation otherwise than by personal service;</i></p> <p><i>Service of documents</i></p> <p><i>114 If any provision of this Act or the rules requires or authorizes the serving, giving or furnishing of a notice or other document on or to any person, the notice or other</i></p>

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				<p><i>document is sufficiently served, given or furnished</i></p> <p><i>(a) if it is served personally on that person,</i></p> <p><i>(b) if it is delivered in accordance with the rules at</i></p> <p><i>(i) the official address for service of that person according to the records of the Society, in the case of a member or student-at-law, or</i></p> <p><i>(ii) the last known address of that person according to the records of the Society, in any other case, or</i></p> <p><i>(c) if it is served, given or furnished by any method provided for in the rules, where the service, giving or furnishing of it cannot be effected by a method described in clause (a) or (b).</i></p> <p><i>Health Professions Act</i></p> <p><i>Notices</i></p> <p><i>120(3) If a document or notice is required to be given under Part 4 [Professional Conduct] by a complaints director, complaint review committee, hearings director, hearing tribunal or college to any person other than a complaints director, complaint review committee, hearings director, hearing tribunal or college, the document or notice is sufficiently given if it is given by personal service to the person or sent to the person by</i></p>



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				<p><i>certified or registered mail at that person’s address as shown on the register or record of the registrar.</i>  <i>(4) A notice to attend and a notice to produce under section 73 [investigated person’s witnesses] is sufficiently given if the investigated person gives it by personal service to, or sends it to, the person to be called as a witness by certified or registered mail.</i></p> <p><i>Bylaws</i>  <i>132(1) A council may make bylaws (o.1) subject to section 120(3) and (4), respecting the giving of documents and notices;</i></p>
R26	<p><u>Act</u>            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,</p>	<p>Add a section to the Regulation:            Where the Registrar has decided to cancel the registration of a professional member or Permit Holder for administrative non-compliance items under the Act or Regulation, that registration may be cancelled, after 30 days following the service of notice on the professional member or Permit Holder, unless the professional member or Permit Holder on whom the notice is served complies with the notice.</p> <p>The notice shall state</p> <ul style="list-style-type: none"> <li>• The reasons for the Registrar’s notice of cancellation,</li> </ul>	<p>The change would expressly expand the Registrar’s ability to enforce administrative notices regarding compliance would clarify the process for administrative cancellations.</p> <p>Unlike the Architects Act the proposed notice would be on notice that would include compliance, payment of any assessments, fees, etc. and would also serve as the notice of cancellation.</p>	<p><i>Architects Act</i>  <i>27(1) The Registrar may cancel the registration of (a) an authorized entity in default of payment of any fees, dues, costs or levies payable by it under this Act, the regulations or the bylaws, (b) an architect corporation or interior design corporation that no longer has shareholders, directors or officers in compliance with the regulations, or (c) a joint firm that ceases to have at least one registered architect and at least one professional engineer to take the responsibility referred to in section 18(2)(b)</i></p>

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	<p>licensee or permit holder on whom the notice is served complies with the notice.</p> <p>(2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless</p> <p>(a) the fees, dues or levies are paid as indicated in that notice, or</p> <p>(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.</p> <p><u>Regulation</u></p> <p>19 A professional member or licensee must</p> <p>(a) maintain a written record of activities undertaken in accordance with the Continuing Professional Development Program, and</p> <p>(b) produce the record under clause (a) on the request of the Practice Review Board.</p> <p>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</p>	<ul style="list-style-type: none"> <li>That the professional member or Permit Holder must comply with the requirements of the notice within the 30 days following the service of the notice</li> <li>That the Registrar may cancel the registration unless, as the case may be, unless the professional member or Permit Holder has demonstrated to the Registrar’s satisfaction that they have complied with all the requirements specified in the notice, within the time specified in the notice.</li> </ul> <p>Mirror for ASET Regulation and Professional Technologists Regulation</p>		<p><i>after the expiration of one month following the service on the authorized entity of a written notice that the Registrar intends to cancel the registration, unless the authorized entity on whom the notice is served complies with the notice.</i></p> <p><i>(2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless, as the case may be,</i></p> <p><i>(a) the fees, dues, costs or levies are paid as indicated in that notice, or</i></p> <p><i>(b) evidence satisfactory to the Registrar has been received by the Registrar within the time prescribed in the notice that</i></p> <p><i>(i) the architect corporation or interior design corporation has shareholders, directors or officers in compliance with the regulations, or</i></p> <p><i>(ii) the joint firm has at least one registered architect and at least one professional engineer to take the responsibility referred to in section 18(2)(b).</i></p> <p><i>(3) If the Registrar decides that the registration of a registered architect, restricted practitioner or licensed interior designer should be cancelled because that authorized entity has failed or refused to comply with the requirements of the continuing competence program, the Registrar may serve that authorized entity with</i></p>

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	date of service of the notice. AR 37/2003 s3			<p><i>a written notice that the Registrar intends to cancel the registration.</i></p> <p><i>(4) The notice under subsection (3) shall state</i></p> <p><i>(a) the reasons for the Registrar’s decision,</i></p> <p><i>(b) that the authorized entity must complete the requirements of the continuing competence program within a specified time, which may not be less than 30 days from the date the notice is served on the authorized entity,</i></p> <p><i>(c) that the Registrar may cancel the authorized entity’s registration unless the authorized entity completes the requirements of the continuing competence program within the time specified in the notice, and</i></p> <p><i>(d) that the authorized entity is entitled to request a review of the Registrar’s decision under section 27.1.</i></p> <p><i>(5) The Registrar may cancel the registration of a registered architect, restricted practitioner or licensed interior designer who has been served with a written notice under subsection (3) if that authorized entity does not comply with the notice by the time specified in the notice</i></p> <p><i>Chartered Professional Accountants Act</i></p>

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				<p>95(1) If a discipline tribunal determines that the conduct of an investigated party constitutes unprofessional conduct, the discipline tribunal may make one or more of the following orders:            (l) cancel registration under this Act;            (m) specify a time limit within which an order or any part of it must be complied with and specify the consequences of failing to comply, including suspension or cancellation of registration;</p>
		<b>Authentication Practices</b>		
R27	<p>Signing and sealing of documents            49 When the practice of engineering or geoscience 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</p>	<p>Remove Regulation Sections 49, 53, 54(3) and 54(9)             Amend sections 54(1), 54(2) and 54(4), 54(5), 54(6), 54(7), and 54(8) to read as follows:  <i>54(1) A stamp issued to a licensed professional or permit holder must at all times remain under that person's direct control and must be applied by the licensed professional or permit holder or by a person acting under the licensed professional's or permit holder's immediate and direct control to all professional documents</i></p>	<p>Definitions for stamp, authentication, and professional documents are being added to the Act.            (see Act PDD Rows 79 and 80)             The definition of authentication means the application of a professional member stamp, signature and date together with the permit holders stamp and responsible member's signature and member number to a professional document.             Because the definition of authentication is now contained in</p>	

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	<p>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.</p> <p>Control and use of stamps and seals                      53 The permit number issued to a permit holder may only be used by the professional members or licensees referred to in section 48(1)(c).</p> <p>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</p>	<p><i>(a) that were prepared by the licensed professional or under the licensed professional’s immediate and direct supervision or</i>  <i>(b) that were prepared by another person in circumstances where the licensed professional has thoroughly reviewed them and accepted professional responsibility for them.</i>  <i>(2) No person shall permit a stamp to be physically located in a manner that would allow its use by a person other than the licensed professional or permit holder to whom it was issued.</i>  <i>(3) A stamp 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.</i>  <i>(4) A licensed professional or permit holder shall not acquire a stamp from any source other than the Registrar.</i>  <i>(5) A licensed professional or permit holder shall only use a stamp while that person is registered pursuant to this Regulation.</i>  <i>(6) Stamps are the property of the Association and a person in possession of a stamp shall surrender it to the Association on demand.</i>  <i>(7) A <del>professional member</del> licensed professional or permit holder may,</i></p>	<p>the Act, the regulations can be simplified.</p> <p>In addition, further details on authentication requirements will be described in a Practice Standard approved by Council.,</p>	

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	<p>professional member or licensee has thoroughly reviewed them and accepted professional responsibility for them.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(5) A professional member or licensee shall not acquire a stamp or seal from any source other than the Registrar.</p> <p>(6) A professional member or licensee shall only use a stamp or seal while that person is registered pursuant to this Regulation.</p> <p>(7) Stamps and seals are the property of the Association and a person in possession of a stamp or seal shall</p>	<p><i>with the approval of the Registrar, apply a computer-generated facsimile of the stamp if that person otherwise meets the requirements of the Act and this Regulation.</i></p> <p>Standards for Authentication will be prescribed in a Practice Standard.</p>		

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	<p>surrender it to the Association on demand.</p> <p>(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.</p> <p>(9) In this section, “licensee” does not include a provisional licensee.</p>			
		<b>Structural/Housekeeping Changes</b>		
R28	<p>Revocation of permit</p> <p>51 The Council may revoke a permit issued under section 50 if the permit holder contravenes the Act, this Regulation or a term or condition of the permit.</p> <p>(Note: The reference to regulation 50 in existing regulation 51 is a typographical error and incorrect. Permits are issued under regulation 48, not 50)</p> <p>Requirements for issue of permit</p> <p>48(1) The Council may issue to a partnership, corporation or other entity a permit to practice engineering or geoscience in its own name if</p> <p>(a) an application is made to the Registrar in the form and containing</p>	<p>Section 51 should be removed from the Regulation.</p> <p>Mirror for Professional Technologists Regulation (Section 30)</p>	<p>Section 51 is no longer required in the Regulation, as the authority to cancel a permit to practice for various reasons has been moved to the Act.</p> <p>Recommended changes to Act will require Members and Permit Holders to</p> <ul style="list-style-type: none"> <li>• comply with the Act, Regulation, Bylaws, Code of Ethics, Practice Standards, Practice Bulletins and policies established by Council.</li> <li>• cooperate with requests to provide documents or other information made by APEGA as part of exercising its regulatory mandate under the legislation.</li> <li>• comply with the conditions of a finding or order</li> </ul>	

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	<p>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 or geoscience 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.</p>		<p>Consequences for failing to comply or cooperate could include suspending, cancelling, imposing restrictions or not issuing or renewing a licence or permit to practice. These decisions may be appealed to the Appeal Committee (See Act PDD Row 27).</p>	
R29	<p>Notification to Association                      50(1) A partnership, corporation or other entity practicing 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</p>	<p>Remove Section 50 from the Regulation.                       Mirror for Professional Technologists Regulation (Section 29)</p>	<p>The Act is being amended to impose an obligation on both the permit holder and the individual to advise APEGA if the individual can no longer be the RM for the company.                       (See ACT PDD Row 29)</p>	



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	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).			
R30	<p>The special student category requires APEGA to administer examinations for individuals who do not have the academic requirements a degree holder would have and are assigned a large number of examinations to fill these deficiencies.                      (Act, Section 30(9); Regulation, Sections 6(b)(ii), 7(c) and 13(1)(e)(ii)).</p> <p>Provisions related to University Students are currently found in Sections 6 and 7 of the Regulation, which deals with eligibility and striking from the record.</p>	<p>It is recommended that the special student category be removed as a pathway to licensure as a professional engineer or professional geoscientist.</p> <p>It is recommended that the legislation be amended to remove provisions regarding University Students from the Regulation.</p> <p>Remove Division 2 of the Regulation.</p>	<p>The Professional Licensee and P.Tech. designations currently allow individuals without undergraduate degrees in engineering or geoscience to obtain a licence to practice a specific scope of engineering or geoscience. Given this alternate pathway to licensure, the special student category is no longer necessary. Few individuals who are in this special student category of membership complete the examinations.</p> <p>The special student category is unique to Alberta -no other province or territory in Canada has this category.</p> <p>(See also proposal on Special Student Category submitted to Minister in May 2016)</p> <p>University Students are a category of membership that is allowed to be associated with APEGA. A University Student is not a regulated Member.</p>	

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<b>Regulation Row #</b>	<b>Current</b>	<b>Proposed</b>	<b>Rationale</b>	<b>Legislative Precedents/Examples</b>
R31	<p>Definitions</p> <p>1 In this Regulation,                      (b) “confirmatory examination” means an examination required by the Board of Examiners for the purpose of assessing an engineering or geoscience or related degree held by the applicant and not for a purpose related to the correction of perceived academic deficiencies;</p>	<p>Remove definition of “confirmatory exam” from the regulation.</p>	<p>Confirmatory examinations are assigned to examination candidates. The category of “examination candidate” is being removed from the Regulation, therefore there is no longer a need for confirmatory examinations.</p>	
R32	<p>Domestic trade agreements</p> <p>10.1 Where section 10(2) applies in respect of an applicant and the professional regulatory organization is in a province or territory that is a signatory to one or more domestic trade agreements that is in force in Alberta, the applicant’s application must be dealt with in a manner consistent with the applicable domestic trade agreements.</p> <p>(also in Sections 13.1, 14.01, 14.2 and 77.1)</p>	<p>Consolidate references to application of domestic trade agreements in one section.</p> <p>Mirror for ASET Regulation (Sections 11.1 and 13.1). Note: The Professional Technologists Regulation currently contains a single section on domestic trade agreements)</p>	<p>Housekeeping/cleanup</p>	
R33	<p>Association publications</p> <p>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.</p>	<p>Remove the Publications Sections 55, 56, 57, 58 and 59 from the Regulation.</p>	<p>Surveys, member newsletters, and marketing catalogues are internal administrative matters and are not legislative requirements.</p> <p>The Association may determine what publications are necessary and in which form they will be distributed.</p>	

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	<p>Publications on professional services                      57 The Association may publish a guide to the selection of professional engineers and geoscientists for consulting services to assist clients in the selection of professionally and legally qualified consultants and consulting firms.</p> <p>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 or geoscientist.</p> <p>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.</p>			
R34	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.	Remove Section 62 of the Regulations on the Enforcement Review Committee.	Although it is important that APEGA has appropriate authority to effectively and efficiently address unauthorized practice and title violations, it is not necessary that an Enforcement Review Committee be established by regulation for this purpose.	

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	<p>(2) The Council shall designate one member of the Committee as the chair</p> <p>(3) A member of the Committee may be appointed for a term of not more than 3 years and may be reappointed.</p> <p>(4) A quorum of the Committee is the chair and 3 of its members.</p> <p>(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.</p> <p>(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.</p>		<p>The Enforcement Review Committee is not a Statutory Entity.</p> <p>As part of streamlining, simplifying and modernizing the Regulation, the Enforcement Review Committee can be removed from the General Regulation and instead be established through a Terms of Reference approved by Council.</p> <p>This will align with other constituent associations in Canada that have enforcement review type committees (with the exception of Engineers PEI, whose Act Enforcement Committee is created in the legislation).</p>	
R35	New	<p>Amend the Regulation to require the Association to keep for at least 10 years records of</p> <ul style="list-style-type: none"> <li>• Records of investigations and hearings</li> <li>• Records of registration applications and reviews</li> <li>• Records of negotiated settlements and consent orders</li> </ul> <p>Mirror for ASET Regulation and Professional Technologists Regulation</p>	<p>Under the <i>Limitations Act</i>, a person has 10 years to initiate a civil claim. However, after the claim is initiated, they have an additional one year to serve the civil claim. Retaining information for at least 10 years ensures that APEGA will retain the information long enough to respond to potential civil claims, having regard to both the limitation period, and the additional year for service.</p>	<p><i>Health Profession Act</i>  <i>Record retention</i>  <i>121 A college must keep, for at least 10 years,</i>  <i>(a) a copy of ratified settlements and admissions of unprofessional conduct,</i>  <i>(b) records of investigations and hearings, and</i>  <i>(c) records of complete registration applications and reviews.</i>  <i>1999 cH-5.5 s121;2000 c15 s4(14)</i></p>

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R36	Section 43 of the Regulation allows for a preliminary investigation to be adjourned if the complaint is the subject of proceedings in the Provincial Court or Court of Queen’s Bench.	Move Section 43 from the Regulation into the Act  Mirror for ASET Regulation (Section 35)  Mirror for Professional Technologists Regulation (Section 20)	Housekeeping.  The section seems to be an afterthought in the Regulation. It would make more sense for it to be found in the Act.	
R37	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.  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.	Remove Sections 5 and 60 of the Regulation, as those provisions will be covered by the section on Registers in the amended Act.  Mirror for ASET Regulation (Section 5)  Mirror for Professional Technologists Regulation (Section 4)	Current provisions regarding the registers of members are scattered across the Act and Regulations. They could be streamlined by putting them all in one place in the Act.	
R38 ASET Regulations	Division 5 Regulated Members Eligibility <b>13(1)</b> A person who meets the following requirements and applies to the ASET Registrar for registration is entitled to be registered as a regulated member:	<b>13(1)</b> A person who meets the following requirements and applies to the ASET Registrar for registration is entitled to be registered as a regulated member:  <del>(a) the applicant is a Canadian citizen or is lawfully entitled to work in Canada;</del>	To mirror recommendations to remove exam candidates from regulation (Part A Row 43 and R16, R14)  Create a new protected title “C.G.T.” – “certified geoscience technologist”	

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	<p>(a) the applicant is a Canadian citizen or is lawfully entitled to work in Canada;</p> <p>(b) the applicant is of good character and reputation;</p> <p>(c) the applicant has a knowledge of the Act and the regulations under the Act, and general knowledge related to the practice of applied science, information or engineering technology, which has been demonstrated by passing an examination that is prescribed by the ASET Board of Examiners;</p> <p>(d) the applicant demonstrates to the ASET 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 applied science, information or engineering technology;</p> <p>(e) the applicant meets one of the following requirements:</p> <p>(i) the applicant has obtained at least 2 years of experience in work of an applied science, information or engineering technology nature that is acceptable to</p>	<p>(b) the applicant is of good character and reputation;</p> <p>(c) the applicant has a knowledge of the Act and the regulations under the Act, and general knowledge related to the practice of applied science, information or engineering technology, which has been demonstrated by passing an examination that is prescribed by the ASET <del>Board of Examiners</del> <b>Registration Committee</b>;</p> <p>(d) the applicant demonstrates to the ASET <del>Board of Examiners</del> <b>Registration Committee</b> that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practice the profession of applied science, information or engineering technology.</p> <p>(e) the applicant meets <del>one of</del> the following requirements:</p> <p>(i) the applicant <del>has obtained at least 2 years of experience in work of an applied science, information or engineering technology nature that</del> <b>is a graduate of a recognized post-secondary</b></p>		

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	<p>the ASET Board of Examiners;                      (ii) the applicant is admitted as an examination candidate and</p> <p>(A) has completed the educational upgrading, examinations or other assessment activities referred to in section 8(b), and                      (B) has obtained at least 2 years of experience in work of an applied science, information or engineering technology nature that is acceptable to the ASET Board of Examiners;</p> <p>(iii) the applicant has, in the opinion of the ASET Board of Examiners, through a combination of academic qualification and experience demonstrated the competence required for registration as a regulated member.</p>	<p><del>program or has demonstrated academic equivalency</del> acceptable to the ASET Board of Examiners-<b>Registration Committee;</b>                      (ii) the applicant is admitted as an examination candidate and</p> <p><del>(A) has completed the educational upgrading, examinations or other assessment activities referred to in section 8(b), and</del>                      (B) has obtained at least 2 years of experience in work of an applied science, information or engineering technology nature that is acceptable to the ASET Board of Examiners;<b> has obtained at least 2 years of experience in work of an applied science, information or engineering or geoscience</b></p>		

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		<p>technology nature that is acceptable to the ASET Board of Examiners Registration Committee; and</p> <p>(iii) the applicant has, in the opinion of the ASET Board of Examiners Registration Committee, through a combination of academic qualification and experience demonstrated the competence demonstrated the competency required for registration as a regulated member.</p> <p>Note: APEGA has some concerns with leaving in applied science and computer technology as referenced in Part B Row B (8) Both ASET and APEGA are asking for the Government to clarify</p>		
R39 ASET Regulation	<p><b>14(1)</b> A person who meets the requirements for registration under section 13 and is entitled to be registered as a regulated member shall be granted one of the following designations as determined by the ASET Board of Examiners:</p> <p>(a) certified technician;                      (b) certified engineering technologist;</p>	<p>14(1) need to add:                      certified geoscience technologist</p> <p>14(2) need to add:                      C.G.T.</p> <p>Note; APEGA has some concerns regarding other protected title and designations (applied science and</p>	<p>ASET’s protected titles under <i>EGPA</i> should be for certified engineering and geoscience technologists (C.E.T. and C.G.T.). The addition of a CGT is to appropriately recognize a Certified Geoscience technologist.</p>	



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	<p>(c) applied science technologist;                      (d) certified computer information technologist;</p> <p><b>(2)</b> Only those regulated members who are granted one of the designations as set out in subsection (1), and whose registration has not been cancelled or suspended, may use such designation or the following abbreviations:</p> <p>(a) C. Tech;                      (b) C.E.T.;                      (c) A.Sc.T.;                      (d) C.C.I.T.;</p>	<p>computer information) as referenced in Part B Row B (6)</p>		
R 40	<p>P.Tech. Regulation Section 5(1) (a)to(g) Eligibility criteria for P.Techs.</p>	<p>Division 2 Professional Technologists Amend P.Tech. Regulation s.5(1) and 5(2) as follows:</p> <p>Eligibility                      5(1) A person who meets the following requirements and applies to the ASET Registrar for registration is entitled to be registered as a professional technologist:</p> <p>(a) the applicant is of good character and reputation;                      (b) the applicant holds a certificate of registration as a certified engineering technologist <b>or certified geoscience technologist</b> with ASET;</p>	<p>The proposed change to s. 5(1)(b) is to reflect the creation of the new certified geoscience technologist (C.G.T.) designation. (Reference Row 118 of Part A - February 2019 – Joint Submission)</p> <p>There are proposed consequential changes to reflect the change of name from the Joint Board of Examiners to the Joint Registration Committee (Reference Row 26 of Part A - February 2019 – Joint Submission)</p> <p>The proposed change to s.5(1)(e) is clarify that the P.Tech. designation is only available to individuals who</p>	

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		<p>(c) the applicant has a knowledge of the Act and the regulations under the Act, and general knowledge related to the proposed scope of practice of engineering or geoscience, which has been demonstrated by passing an examination for those purposes that is prescribed by the Joint <del>Board of Examiners</del> <b>Registration Committee</b>;</p> <p>(d) the applicant demonstrates to the Joint <del>Board of Examiners</del> <b>Registration Committee</b> that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practice the profession of engineering or geoscience within the prescribed scope of practice;</p> <p>(e) the applicant has at least 2 years of post-secondary <del>education</del> <b>engineering or geoscience technology level education</b> acceptable to the Joint <del>Board of Examiners</del> <b>Registration Committee</b> <del>in areas that relate to engineering or geoscience</del>;</p> <p>(f) the applicant has obtained at least <del>6-10</del> <b>2-4</b> years of experience in areas that relate to engineering or geoscience that is acceptable to the Joint Board of Examiners, at least <del>2-4</del> <b>2-4</b></p>	<p>have an engineering or geoscience technology level education . It is not available to individuals with engineering or geoscience technician level education and who become a CET or CGT through a PLAR assessment, and is not available for individuals whose education is in a field outside engineering or geoscience (such as biology, information technology, architecture and so on)</p> <p>Proposed change to s.5(1)(f) to reflect that licensed professionals can provide acceptable supervision for P.Tech. applicants (Reference Row 41 of Part A - February 2019 – Joint Submission)</p> <p>Proposed change to s.5(1)(f) to change the experience requirement for P.Tech.s to 10 years total experience at least 4 years of which are in the applicant’s proposed area and scope of practice and were completed under the supervision of a licensed professional. This is based on a recommendation from the Joint Board of Examiners (September 24, 2014 motions in JBOE minutes).</p> <p>Note: ASET is also seeking clarification as to whether licensed professionals from other jurisdictions</p>	

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		<p>years of which are in the applicant’s proposed area and scope of practice and were completed under the supervision <del>and control</del> of a licensed professional <del>member</del></p> <p>(g) the applicant meets any other requirements established by the Joint <del>Board of Examiners</del> Registration Committee.</p> <p>(2) Notwithstanding subsection (1), an applicant is entitled to be registered as a professional technologist if the applicant</p> <p>(a) is of good character and reputation, and</p> <p>(b) is a professional technologist who, in respect of another province,</p> <p>(i) is eligible to engage in the practice of engineering or geoscience within the scope of practice specified by the Joint <del>Board of Examiners</del> Registration Committee, and</p> <p>(ii) is a member in good standing with a regulated entity in that other province that, in the opinion of the Joint <del>Board of Examiners</del> Registration Committee is equivalent to ASET.</p>	<p>may serve as a supervisory reference (the Joint Board of Examiners previously requested this clarification and supports accepting references from other provinces).</p> <p>APEGA believes that other licensed professionals from other jurisdictions can serve as a supervisory reference.</p>	
R 41 P.Tech. Regulation	<i>P.Tech. Regulation</i> Section 8: <i>8 The Joint Board of Examiners has the power to consult with any</i>	Change this section to read: <i>The Joint Registration Committee has the power to consult with any</i>	The Joint registration committee should have the authority to also review experience qualifications	

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	<i>persons or organizations in order to properly assess academic qualifications of applications.</i>	<i>persons or organizations in order to properly assess academic and experience qualifications of applications.</i>		
R42 General Regulation	Part 9 of the EGP General Regulation Section 63, 63.1, 63.2 references Registered Engineering Technologists and the transitional transfer of membership from APEGA to ASET	These sections should be removed from the <i>EGP General Regulation</i> and placed in the <i>ASET Regulation</i> .	Housekeeping	
R43 ASET Regulation	Sections 16(3) and (4) of the ASET Regulation outline the composition of the mandatory continuing professional development program for regulated members.	Remove sections 16(3) and (4) to align with the wording in Part 2, Section 16 of the EGP General regulation.	The requirements for the continuing professional development program do not reflect members' professional development activities in practice, which involve logging of activities rather than development of a professional development plan. It is recommended that the wording in section 16(3) and (4) be updated to align with the EGP General Regulation. (See Row R 22)	
R44 P.Tech. Regulation	Sections 9(3) and (4) of the Professional Technologists Regulation outlines the composition of the mandatory continuing professional development program for Professional Technologists.	Remove sections 9(3) and (4) to align with the wording in Part 2, Section 16 of the EGP General regulation.	The requirements for the continuing professional development program do not reflect members' professional development activities in practice, which involve logging of activities rather than development of a professional development plan. It is recommended that the wording in section 9(3) and (4) be updated to align with the EGP General Regulation. (See Row R22)	