

Authority to Delegate

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Appendix 1: Express Authority and Duties of APEGA's Council

Council is the governing body of APEGA, tasked with managing and conducting its business and affairs, and reporting annually to the Minister responsible for administration of *The Engineering and Geoscience Professions Act (The EGP Act)*. The express powers and duties of APEGA's Council, as they currently exist, are found throughout *The EGP Act, Regulations and By-laws*, and fall under the following main themes (which are captured in more detail in the below table):

- Establish and appoint Members to and designate chairs of various committees and boards; nominate members of the public for appointment by the Minister
- Appoint the Registrar and Deputy Registrar
- Assign functions and/or establish rules and terms of reference and procedures of some committees and boards
- Refer items, ask boards and committees to enquire into prescribed matters
- Make regulations and bylaws on prescribed matters
- Approve Permit Holders, joint firms and restricted practitioners
- Prescribe form of certificates, permits, stamps and seals issued to Members
- Prescribe and fix various fees
- Direct the Registrar regarding maintenance of registers and records
- Revoke permits
- Order cancellation of permit and registration obtained by fraud
- Direct Registrar to strike names from the record or register or cancel registration in prescribed circumstances
- Approve Member requests for cancellation
- Order and direct reinstatements
- Extend time period for remaining in the register
- Establish Continuing Professional Development Program
- Establish branches and districts and approve their constitution, structure and operation
- Take actions to validate nomination, counting of ballots or election
- Consider resolutions carried at annual, special and district meetings
- Confer life, honorary life and honorary memberships
- Establish education incentives and other types of benefit programs
- Direct issuance of APEGA publications
- Approve partnership and shareholder arrangements for joint firms
- Apply to the Court for injunction about anything that contravenes certain provisions of *The EGP Act*

Section	Description of Power or Duty of Council
Express Authority Regarding Delegation	
Regulation 29(2)	Executive Committee of Council has the delegated authority and power of the Council with respect to any decisions or actions necessary between Council meetings
Regulation 30(1)	In addition to the Discipline Committee, Investigative Committee, Board of Examiners, Practice Review Board, Appeal Board and Executive Committee, Council may appoint any other standing or special committees, task forces or boards that it considers necessary to serve the interests of APEGA, and shall at the time of the appointment, delegate any authority it considers necessary for the committees, task forces or boards to perform their functions
Regulation 62(6)	May delegate to the Enforcement Review Committee matters respecting the enforcement of compliance with Part 1 of the Act and this Regulation, subject to the directions of the Council
Powers and Duties	
Act 4	Decide whether arrangement of professional engineers and registered architects as partners or shareholders is satisfactory to allow a joint firm to hold itself out as “engineers and architects” or “architects and engineers” The partnership or shareholding arrangement must also be satisfactory to the Alberta Association of Architects
Act 9	Apply to the Court, which may grant an injunction enjoining any person from doing anything that contravenes Part 1 (regarding scope of practice)
Act 12(1)	Council is established as the governing body of APEGA
Act 12(2)	Shall manage and conduct the business and affairs of APEGA and exercise the powers of APEGA in the name of and on behalf of APEGA
Act 12(3)	Shall submit an annual report to Minister (in a form satisfactory to the Minister, on matters of the business and affairs of APEGA that the Minister requires; Minister then lays the report before the Legislative Committee)
Act 13	Shall appoint a Registrar
Act 14(5)	After consultation with Council, Minister may revoke the appointment of a member of the Council under section 14(2)(b)
Act 15(1)(a)	Shall appoint to the Practice Review Board not less than 4 professional members who have a combination of knowledge and experience suitable for determining the academic qualifications and experience necessary for a person to continue to engage in the practice of the profession of engineering or geoscience
Regulation 21(1)	Shall appoint not fewer than 2 professional engineers and one professional geoscientist as members of the Practice Review Board
Regulation 21(2)	Shall designate one of the professional members as chair
Regulation 21(6)	Where a vacancy occurs, other than with respect to the member of the public (per section 15(1)(b) of the Act), shall appoint a professional member to the position for the unexpired portion of the term

Regulation 21(7)	In appointing professional members, shall not appoint a professional members with less than 10 years of experience in the practice of the profession, and shall appoint professional members so that the membership will represent a combination of academic qualification and experience such that the Practice Review Board can effectively review and assess registration requirements and procedures and disciplinary procedures in order to ensure the continuing competency of members of APEGA and advise Council on those matters
Act 15(1)(b)	Nominate one member of the public (Minister shall appoint) to the Practice Review Board (If Council fails to do so within a reasonable period of time after being requested, Minister may appoint without Council's nomination)
Act 15(4)	After consultation with Council, Minister may revoke the appointment under section 15(1)(b) of a member of the public
Act 16(1)	Request Practice Review Board to inquire into [specified matters] including 'any other matter that the Council ... considers necessary or appropriate ...'
Regulation 22(1)(a)	Refer items to Practice Review Board
Act 16(2)	Receive reports and advice from the Practice Review Board about any matter dealt with under subsection (1)
Regulation 23(3)	Receive reports from Practice Review Board after initial review where the Practice Review Board decides that further investigation is not warranted
Regulation 24	Receive reports from the Practice Review Board through its chair, following each meeting. The Practice Review Board may make any recommendations as to changes in procedures regarding registration, discipline or maintenance of competency that it considers appropriate
Act 16(8)	After each inquiry under this section, receive a written report from the Practice Review Board on the inquiry which may include recommendations to Council, with reasons
Act 16(9)	If it considers it to be in the public interest to do so, direct that the whole or any portion of an inquiry by the Practice Review Board under this section shall be held in camera
Act 18(1)(a)	Appoint professional members to Appeal Board per the Regulations
Regulation 40(1)	Shall appoint professional members, including one Past President of the Association, as members of the Appeal Board
Regulation 40(2)	Shall designate one professional member as the chair of the Appeal Board
Regulation 41(2)	Where there is a vacancy in the membership of the Appeal Board appointed under section 40, may appoint a professional member to fill the vacancy for the unexpired portion of the term
Regulation 42	Quorum of the Appeal Board consists of the chair or the acting chair and the number of professional members determined by Council
Act 18(1)(b)	After consultation with the Association, Minister appoints one member of the public to the Appeal Board, for a 3-yr term

Act 18(3)	After consultation with the Appeal Board, Minister may revoke the appointment of a member of the Appeal Board made under subsection (1)(b) i.e., the member of the public
Act 19(1)	Council may make regulations [on prescribed matters]
Act 19(3)	Only Council can make the Regs listed in subsection (1)
Act 19(4)	Regulations must be approved in principle by a majority of the professional members
Act 19(5)	Council may change the text of a regulation that was approved in principle under 19(4) if the change is consistent with the approval in principle and is made before the regulation is submitted to the Lieutenant Governor in Council for approval
Act 19(6)	Does not come into force unless approved by Lieutenant Governor in Council
Act 20.1	Consult with and consider comments received from Ministers before, by regulation, establishing or amending the academic qualifications for applicants for registration of professional engineers and geoscientists
Act 20(1)	Council may make bylaws [on prescribed matters]
Act 20(2) and (3)	Bylaws do not come into force unless approved by a majority of the professional members. The Regulations Act does not apply to bylaws made under section 20
Regulation 3	A person who is entered in a record or register under Part 1 of the Regulations shall pay any annual fees that are prescribed by the Council
Bylaws 24(1)	Specify (from time to time) annual fee for a professional member ... subject to discount, if any, as Council may from time to time direct
Bylaws 24(4)	Fix (from time to time) annual fee for a licensee, which shall not be less than the annual fee for a professional member
Bylaws 24(5)(a)	Fix (from time to time) annual fee for a permit holder, which shall be not less than the annual fee for a professional member or licensee assuming direct personal supervision of and responsibility for the practice of the permit holder
Bylaws 24(5)(b)	Council may, in its discretion, waive or reduce the annual fee on application of a permit holder
Regulation 75	A person who is entered in a register of professional licensees shall pay any annual fees that are prescribed by the Council

Act 30(1)	Shall establish a Board of Examiners in accordance with the Regulations
Regulation 15(1)(b)	Appoint other members, who must be professional members, to the Board of Examiners
Act 30(2)	Nominate list of members of the public (Minister shall appoint 3) to the Board of Examiners (if Council fails to do so within a reasonable period of time after being requested, the Minister may appoint without Council's nomination)
Act 30(5)	After consultation with Council, the Minister may revoke the appointment under section 30(2) of a member of the public
Regulation 15(2)	Refer matters of policy, significant changes in procedure, examination results and other matters to the Board of Examiners
Regulation 15(4)	Shall designate a chair of the Board of Examiners who shall also serve as chair of the executive committee
Regulation 15(7)	Shall appoint to the executive committee of the Board of Examiners senior professors and other professional members (as described in section 15(5)(b) to (e))
Regulation 15(9)	Where a vacancy occurs in a category of membership referred to in section 15(5)(a) to (f), shall appoint a professional member to the position for the unexpired portion of the term
Act 21(2)	Registrar shall enter in the appropriate register the name of a person who paid the prescribed fee (per the bylaws) and whose registration has been approved by the Board of Examiners (for P.Eng., P.Geo. or licensee) or by Council (for permit holder or joint firm, or restricted practitioner on recommendation of the Joint Board)
Bylaws 24(2)	Registration fee shall consist of an administrative charge as established by Council from time to time plus any other fees payable with the application for registration
Bylaws 34(1)	Registrar shall issue to each professional member a certificate in a form prescribed by the Council
Act 24(1)	Council shall approve the registration as a permit holder of a partnership or other association of persons, or corporation ... that has applied to the Council and is eligible under this section and the regulations to become registered to engage in the practice of engineering or geoscience as a permit holder
Act 24(2)	Determine if satisfied that partnership or other association of persons or corporation that applies to Council complies with the Act and regulations
Regulation 48(1)	May issue to a partnership, corporation or other entity a permit to practice engineering or geoscience in its own name if a) application is made to the Registrar in the form and containing the information required by Council; b) the application is accompanied with the fees prescribed by Council; c)

	Council is satisfied ... and d) the professional member or licensee certifies to the satisfaction of Council ...
Regulation 48(3)	When Council issues a permit, provide the permit holder with a permit number
Regulation 48.1	A professional member or licensee who accepts responsibility under section 48(1)(c) shall every 5 years attend a permit to practice seminar acceptable to the Council
Regulation 53.1	Subject to any terms and conditions it considers appropriate, waive compliance with the requirements of section 48(1)(d) and 48.1
Regulation 51	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
Act 33(3)(a)	Receive applications for certificates of authorization if the primary activity of the applicant is the provision of engineering consulting services
Act 34(1)	Shall refer application (for certificate of authorization for joint firm) to the Joint Board, with or without comment
Act 34(3)(a)	Receive recommendations from the Joint Board regarding applications by a registered architect or an architect's firm for a certificate of authorization (of a joint firm) whether or not to grant a certificate of authorization, based on the criteria in section 33(2)
Act 34(3)(c)	Receive recommendations from the Joint Board regarding applications by a proposed engineers and architects firm or other applicant for a certificate of authorization (of a joint firm) based on the criteria in section 33(2)
Act 35(1)	On receipt of a recommendation from the Joint Board under section 34, may approve the registration of a proposed engineers and architects firm if that firm is eligible to become registered under the regulations
Act 35(2)	When recommendations are made by the Joint Board to the Council and the council of the Architects Association with respect to an application for a certificate of authorization (for a joint firm), both councils must agree that the certificate should be issued and both shall sign the certificate before it is issued
Act 35(3)	Subject to subsection (2), entitled to be registered as a joint firm when Council approves the registration
Act 36(1)	Approve name (pursuant to bylaws) in which joint firm may engage in the practice of both engineering and architecture (other than the names of the individuals who are its partners or its corporate name)
Act 37(1)	Receive recommendation from the Joint Board that a certificate of authorization be issued to an individual who is a registered architect who has historically competently provided a service in the practice of professional engineering in Alberta and applied for the certificate before October 1, 1982
Act 37(2)	On receipt of recommendation under subsection (1), may approve the registration of an individual who has applied to the Council and is eligible under the bylaws to become registered as a restricted practitioner

Act 37(3)	If Council approves the registration of an individual as a restricted practitioner, specify in the certificate and in the register the restricted scope of the practice of engineering in which the individual is permitted to engage
Act 38	On the recommendation of the Joint Board, may authorize an individual who is a registered architect under the Architects Association to apply for a permit authorized by the regulations under the <i>Safety Codes Act</i> without the final design drawings and specifications of the building having the stamp or seal of a professional engineer
Act 45(1)	Shall establish a Discipline Committee, the members of which shall be appointed in accordance with the regulations
Act 45(2)	Shall make regulations governing, subject to Part 5, 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
Regulation 36(1)	There is hereby established a Discipline Committee consisting of professional members appointed by the Council and the member of the public appointed under section 37(1) of the regulations
Regulation 36(2)	
Regulation 37(1)	Shall designate one professional member as the chair of the Discipline Committee
Regulation 37(2)	Nominate a list of persons from which the Minister shall appoint one member of the public to the Discipline Committee
Regulation 38(2)	After consultation with Council, the Minister may revoke the appointment of the member of the public
Regulation 39	Where there is a vacancy in the professional members on the Discipline Committee, may appoint a person to fill the vacancy for the unexpired portion of the term Quorum of the Discipline Committee consists of the chair or the acting chair and the number of professional members determined by Council
Act 45(3)	May make regulations respecting the hearing of a matter under Part 5 by a panel of the Discipline Committee
Act 45(4)	A regulation under subsection (2) or (3) does not come into force unless approved by Lieutenant Governor in Council
Act 46(1)	Shall establish an Investigative Committee, the members of which shall be appointed in accordance with the regulations
Act 46(2)	Shall make regulations governing, subject to Part 5, 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

Act 46(3)	A regulation under (2) does not come into force unless approved by Lieutenant Governor in Council
Regulation 32(1)	There is hereby established an Investigative Committee consisting of professional members and registered professional technologists (engineering) or engineering technologists appointed by the Council and the member of the public appointed under section 33(1) of the regulations
Regulation 32(2)	Shall designate one professional member as the chair of the Investigative Committee
Regulation 33(1)	Nominate a list of persons from which the Minister shall appoint one member of the public to the Investigative Committee
Regulation 33(2)	After consultation with Council, the Minister may revoke the appointment of the member of the public
Regulation 34(2)	Where there is a vacancy in the membership of the Investigative Committee appointed by the Council, may appoint a person to fill the vacancy for the unexpired portion of the term
Regulation 35	Quorum of the Investigative Committee consists of the chair or the acting chair and the number of professional members and registered professional technologists (engineering) or engineering technologists determined by Council
Act 74(1)	If satisfied, after a hearing on the matter, that registration was obtained by fraud, shall order that the person's registration be cancelled
Act 75(3)	If registration has been cancelled under Part 5, shall not be reinstated in the register except by order of the Council, the Court or the Court of Appeal
Act 75(4)	No order shall be made under subsection (3) within one year after the date of cancellation or, if an order was granted staying the imposition of a punishment by Council and the punishment is later confirmed, the date on which the Court or the Court of Appeal made its order confirming the punishment
Regulation 47(1)	Receive applications for reinstatement from a professional member or licensee whose registration has been cancelled or a permit holder whose permit has been revoked under Part 5 of the Act as a result of the disciplinary proceedings
Regulation 47(2)	An application under subsection (1) may not be made until at least one year after the date on which the registration was cancelled or the permit was revoked, or from the date on which the Court made its order confirming or varying the decision of the Council
Act 75(5)	A member of Council who is a member of a committee of inquiry appointed pursuant to the regulations to consider an application under this Part for reinstatement of registration may participate in or vote at any proceedings of Council under this section
Regulation 47(3)	May establish a Committee of Inquiry to consider the application for

	reinstatement and make recommendations to the Council
Regulation 47(4)	May require the former professional member, licensee or permit holder to demonstrate by means prescribed by the Council that that person is competent to re-engage in the practice of engineering or geoscience
Regulation 47(5)	Where an application for reinstatement is not approved by the Council, no further application may be made by the former professional member, licensee or permit holder until at least one year after the date the Council ruled on the previous application
Act 85	May make regulations or bylaws applicable to professional licensees in respect of any of the matters under sections 19 and 20
Act 86.3(1)	A person whose registration as a professional licensee is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of engineering or geoscience or directly or indirectly associate with any professional member, professional licensee, licensee, permit holder or certificate holder in the practice of engineering, geology or geophysics
Act 86.3(2)	No professional licensee shall, in the practice of engineering or geoscience, except with the permission of the Council, directly or indirectly associate with or employ in connection with the professional licensee's practice a person whose registration has been cancelled or suspended under this Act
Act 86.31	Apply to the Court, which may grant an injunction enjoining any person from doing anything that contravenes section 83.01 (with regard to professional licensee exclusive use of name) or section 83.1 (prohibition on holding out)
Act 97(1)	A person whose registration as a professional engineer, professional geoscientist, licensee, permit holder or certificate holder is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of engineering or geoscience, as the case may be, or directly or indirectly associate with a person or itself in the practice of engineering or geoscience with any other professional member, licensee, permit holder or certificate holder
Act 97(2)	No professional engineer, professional geoscientist, licensee, permit holder or certificate holder shall, except with the consent of the Council, associate in the practice of engineering or geoscience, as the case may be, directly or indirectly with or employ in connection with that practice a person whose registration has been cancelled or suspended under this Act
Act 97(3)	May permit a professional member, licensee, permit holder or certificate holder to employ in connection with the person's practice a person whose registration has been cancelled or suspended under this Act, but the employment shall be in the capacity and subject to the terms and conditions that are prescribed by the Council
Act 97.2	Apply to the Court, which may grant an injunction enjoining any person from doing anything that contravenes section 97.1(1), (2), (3) or (4) (with regard to use of names and abbreviations relating to geology and geophysics)
Regulation 11(2)	May in particular cases extend the period for remaining in the record of

	members-in-training to not more than 8 years (from 6 years)
Regulation 14.1(5)	May in particular cases extend the period for remaining in the register of provisional licensees to not more than 4 years (from 2 years) where the Council considers it appropriate to do so
Regulation 16	The Council establishes the Continuing Professional Development Program of the Association as the compulsory continuing education program for professional members and licensees
Regulation 27.1	Where there is a vacancy in the Council, remaining members of the Council shall appoint a professional member to fill the vacancy until the next regular election
Regulation 30(1)	In addition to the Discipline Committee, Investigative Committee, Board of Examiners, Practice Review Board, Appeals Board and Executive Committee, Council may appoint any other standing or special committees, task forces or boards that it considers necessary to serve the interests of APEGA, 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
Bylaws 28(1)	Designate terms of reference and procedures for standing committees, task force or boards at the time of appointment
Bylaws 28(2)	Shall appoint chair and members of standing committees, task forces and boards or direct the Chief Executive Officer to do so
Bylaws 28(3)	Members of standing committees, task forces and boards shall be appointed by the Council or by Chairmen in consultation with the Chief Executive Officer with ratification by the Council
Regulation 30(2)	Except for the Discipline Committee, Investigative Committee, Board of Examiners, Practice Review Board, Appeals Board and Executive Committee, Council shall determine the terms of reference for all committees, task forces or boards
Regulation 62(1)	Appoint at least 9 professional members to the Enforcement Review Committee
Regulation 62(2)	Shall designate one member of the Committee as the chair
Regulation 62(6)	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
Bylaws 1(2)	Council may establish such branches and districts as it deems necessary for the benefit of members of the professions concentrated in specific regions of the province. Constitution, structure and operation of the branches and districts shall be subject to the approval of the Council
Bylaws 2	Council shall fill any vacancies which may occur in the nominating committee
Bylaws 11	In the event of any failure to comply with procedures relating to the election of members of Council, shall have the power to take any action it deems necessary to validate the nomination, the counting of the ballots or the election
Bylaws 12(1)	Council shall meet at the call of the president or on request in writing to the

Bylaws 12(2)	Chief Executive Officer signed by not less than 4 Councillors. The time and place of Council meetings shall be fixed by the president or by the councillors, whichever called the meeting
Bylaws 12(4)	If any member of Council is unable to attend a meeting of Council he shall so inform the Chief Executive Officer or the executive secretary prior to the meeting
Bylaws 12(5)	If any member of Council absents himself from 3 consecutive meetings of Council without the approval of Council, Council may declare his seat to be vacant
Bylaws 14(1)	May appoint professional members to represent the Association on the Engineering Faculty Councils and Science Faculty Councils of universities in Alberta and shall appoint a director of the Canadian Council of Professional Engineers
Bylaws 14(2)	May appoint a professional member to represent the Association on the Council, governing body, or committees of any other organization or association
Bylaws 14(3)	Representatives appointed under subsections (1) and (2), if not members of Council, may be invited by Council to attend meetings of Council and to take part in the proceedings of Council but shall not be entitled to vote on any question.
Bylaws 15(1)	May invite any organization or association to appoint a member of its executive as a representative to sit with Council at such meetings of Council as Council may determine
Bylaws 15(2)	Any representative appointed pursuant to subsection (1), if not a member of Council, may be invited by Council to attend meetings of Council and to take part in the proceedings of Council but shall not be entitled to vote on any question
Bylaws 16(1)	At each annual meeting of the Association, shall submit a recommendation as to the date and place of the next annual meeting
Bylaws 17(2)	Shall consider any resolution carried at an annual meeting (of the Association) at the next regular meeting of Council
Bylaws 18(1)	Special meetings of the Association may be held when considered necessary by Council or upon written request to the Chief Executive Officer signed by not less than 30 professional members of the Association
Bylaws 18(4)	Shall consider any resolution carried at a special meeting (of the Association) at the next regular meeting of Council
Bylaws 19(1)	District meetings of the Association may be held as approved by Council or as directed by the executive of a properly constituted Branch of the Association.
Bylaws 19(3)	Council shall approve the holding of a district meeting of the Association on a request to the Chief Executive Officer signed by not less than 30 professional members of the Association
Bylaws 19(5)	Shall consider any resolution carried at a district meeting (of the Association) at its next regular meeting

Bylaws 21(1)	The Chief Executive Officer shall be a professional member of the Association and shall post a security bond at the expense of the Association in a sum to be fixed by Council
Bylaws 21(2)	The Chief Executive Officer shall be in responsible charge, under Council, of all property of the Association and shall be responsible for the work of all employees of the Association
Bylaws 21(3)	The Chief Executive Officer shall be responsible for (a) the presentation of business and recording of proceedings at all meetings of the Association and of Council ... (d) the drawing of cheques against the funds of the Association to be signed by the Chief Executive Officer and president or alternates approved by the Council, (e) providing from time to time such information and reports as may be requested by Council, or which he deems necessary in the interest of the Association
Bylaws 22	Appoint a Deputy Registrar who has powers and can perform duties when the Registrar is absent or unable to act or when there is a vacancy in the office of the Registrar
Bylaws 25(1)	May confer life membership in the Association upon any professional member who (a) has been a professional member for 25 or more years ... and (b) has retired from the practice of the profession
Bylaws 25(2)	Notwithstanding subsection(1), in its sole discretion, may confer life membership in the Association upon any professional member it deems worthy
Bylaws 25(3)	Subject to subsection(1), life members retain all of the obligations, duties and privileges of professional membership and pay annual fees as may be specified by Council
Bylaws 26(1)	In its discretion by unanimous vote, may confer Honorary Life Membership in the Association upon any professional member who has rendered significant service to the Association
Bylaws 26(2)	Honorary Life Members retain all of the obligations, duties and privileges of professional membership but are exempted from payment of annual fees.
Bylaws 27(1)	In its discretion, by unanimous vote, may confer honorary membership in the Association upon persons who have given eminent service to the profession. There shall at no time be more than 30 honorary members in the Association
Bylaws 27(2)	Honorary membership may be revoked by unanimous vote of the Council for conduct considered detrimental to the profession
Bylaws 30(1)	In its discretion, may establish scholarship or other education incentive programs that it considers will serve the interests of the professions of engineering, geology or geophysics, and shall decide from time to time the amount of financial support to be provided for such programs
Bylaws 30(2)	In its discretion, may establish other types of benefit programs that it considers will advance the welfare of the professions of engineering, geology or geophysics , and shall decide from time to time the amount of

	financial support to be provided for such programs
Bylaws 37(1)	Direct that a mail vote be conducted on any matter related to the Association
Bylaws 37(4)	The results of a mail vote shall be considered by the Council at its next regular meeting
Bylaws 37.1	A mail vote shall be deemed to include electronic communications within such terms and conditions as may be prescribed from time to time by the Council of the Association and such vote shall be received and treated by the Association as having the same force and effect as if sent by mail under section 37
Bylaws 39	When any act or thing under the provisions of these bylaws directed to be done within a limited time is not so done, or is not properly or effectually done, then anything actually done prior to such omission or improper or ineffectual act shall not be thereby vitiated, but shall remain in full effect and the Council, either prior or subsequent to such act not properly or effectually done or omitted, may extend the time for completing or perfecting such act or thing, which when completed or perfected, shall have the same effect as if done strictly in accordance with the provisions of these bylaws.
Directed or Prescribed by Council	
Regulation 4	May direct the Registrar to strike the name of a person from a record or register if the person fails to pay a prescribed fee
Regulation 76	May direct the Registrar to strike the name of a person from a register of professional licensees if the person fails to pay a prescribed fee
Regulation 19.1	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 served on them and direct them to comply with section 19 (written records related to Continuing Professional Development Program) within 30 days of service of notice
Regulation 7	May direct the Registrar to strike the name of a student from the record of students if the Council considers that the student has engaged in behaviour that constitutes unprofessional conduct
Regulation 9	May direct the Registrar to strike the name of an examination candidate from the record if... the Council considers that the student has engaged in behaviour that constitutes unprofessional conduct
Act 29(1)	The Registrar shall not cancel a registration at a registrant's request unless approved by Council
Act 29(2)	When a request for cancellation of a registration is approved by Council, the Registrar shall cancel that registration. Upon being notified of the approval, the registrant must immediately surrender to the Registrar the evidence of registration, or cease using the permit number in the case of a permit holder
Act 29(3)	May direct the Registrar to (if not more than 7 years after cancellation), reinstate in the applicable register a registration that was cancelled under section 29 subject to any conditions that Council may prescribe. May direct the Registrar to reissue the evidence of registration.

Act 29(4)	If more than 7 years after cancellation, application for reinstatement must be referred to the Board of Examiners
Act 39(1)	May direct the Registrar to cancel the registration of a professional member, licensee or permit holder in default of fees, dues, or levies, or permit holder if it no longer has employees in compliance, 30 days after written notice by Council is served unless they comply with the notice
Act 39(2)	Notice must state that the Registrar may cancel the registration unless the fees, dues, or levies are paid, or evidence satisfactory to Council has been received within the time prescribed indicating that the permit holder has employees in compliance
Act 39(3)	May direct the Registrar to cancel a registration entered in error in the register
Act 39(6)	If a registration has been cancelled pursuant to section 39(1), (if not more than 7 years after cancellation), may direct the Registrar, subject to any conditions that Council may prescribe, to reinstate that registration in the applicable register and to reissue the evidence of registration
Act 39(7)	If more than 7 years after cancellation, application for reinstatement must be referred to the Board of Examiners
Act 40(1)	May direct the Registrar to cancel registration of a joint firm that is in default of fees, dues, or levies, or ceases to have at least one professional engineer and at least one registered architect to take the responsibility referred to in section 34(2)(b), one month after written notice is served that Council intends to cancel the registration, unless they comply with the notice
Act 40(4)	May direct the Registrar, subject to any conditions prescribed by Council, to reinstate the joint firm in the applicable register and to reissue the certificate of authorization and the stamp
Act 41(1)	May direct the Registrar to cancel the registration of a restricted practitioner who is in default of fees, dues, or levies, or who is not a registered architect in good standing under the <i>Architects Act</i> , one month after written notice is served that Council intends to cancel the registration, unless they comply with the notice
Act 41(4)	May direct the Registrar, subject to any conditions prescribed by Council, to reinstate the restricted practitioner in the applicable register and reissue the certificate of authorization and the stamp
Act 21(1)	The Registrar shall maintain registers, in accordance with the bylaws and subject to direction of Council, for professional engineers and geoscientists, licensees, permit holders, joint firms and restricted practitioners
Act 21(3)	The Registrar shall maintain, in accordance with the bylaws and subject to direction of Council, a membership record for each class or category established under the regulations and bylaws
Act 83.5(1)	The Registrar shall maintain a register, in accordance with the bylaws and subject to direction of Council, for each category of professional licensee
Regulation 2(1)	The Registrar receives applications for registration in a form acceptable to the Board of Examiners, and fully completed and accompanied by all required supporting documentation and any fees prescribed by Council

Regulation 74(1)	The Registrar receives applications for registration as a professional licensee in a form acceptable to the Board of Examiners, and fully completed and accompanied by all required supporting documentation and any fees prescribed by Council
Bylaws 34(1)	The Registrar shall issue to each professional member a certificate in a form prescribed by Council signed by the president and the Registrar showing the date of registration and the professional category in which the member is registered
Bylaws 34(2)	The Registrar shall issue to each licensee a license certificate in a form prescribed by Council signed by the president and the Registrar showing the date of registration and the professional category of the licensee
Bylaws 34(3)	The Registrar shall issue to each permit holder a certificate in a form prescribed by Council signed by the president and the Registrar showing the permit number and the professional category in which the permit holder is entitled to practice
Bylaws 34(4)	The Registrar shall issue to each restricted practitioner a certificate in a form prescribed by the Council signed by the president and Registrar showing the date of registration and the restricted area of practice in which the certificate holder may engage
Bylaws 34(5)	The Registrar shall issue to each professional licensee a certificate in a form prescribed by Council signed by the president and the Registrar showing the date of registration and the area of practice in which the professional licensee may engage
Regulation 55	The Association shall issue on a regular basis as directed by Council the publications known as <i>The Annual Report</i> and <i>The PEGG</i> for the general information of members on the affairs of the Association and the professions generally
Regulation 56	The Association may publish, on an annual basis or as directed by Council, for the information of members and the public, conditions of engagement and surveys of professional fees for particular types of professional engineering and geoscientific services
Regulation 59	The Association may issue, on an annual basis or as directed by 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
Regulation 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
Bylaws 6.1	Notwithstanding section 6 of the bylaws, a member may vote electronically as prescribed by such terms and conditions established by Council from time to time and such vote shall be received and treated by the Association as having the same force and effect as if sent by letter ballot pursuant to Bylaw 6
Bylaws 13	Members of Council and, at the discretion of Council, appointed representatives of the Association, members of committees of the Association, members invited for special purposes and the representatives of other organizations shall be paid the reasonable out-of-pocket expense of attending meetings of the Council or of the Association or when travelling on business of the Association
Bylaws 13.1	An honorarium shall be paid to the President, or the President's nominee in

	an amount and under such conditions as may be determined by the Council from time to time
Bylaws 33(1)	Seals and stamps issued to professional members shall be in a form prescribed by the Council and shall show the professional category of the professional member as Professional Engineer or Professional Geoscientist
Bylaws 33(2)	Seals and stamps issued to licensees shall be in a form prescribed by the Council and shall show the professional category of the licensee as Professional Engineer or Professional Geoscientist and in addition shall carry the word "licensee"
Bylaws 33(3)	Stamps issued to permit holders shall be in a form prescribed by the Council and shall show the designation "Permit Holder"
Bylaws 33(4)	Stamps issued to joint firms shall be in a form prescribed by the Council and shall show the designation "Engineers and Architects" or "Architects and Engineers"
Bylaws 33(5)	Seals and stamps issued to professional licensees shall be in a form prescribed by the Council and shall show the designation "Professional Licensee (Engineering) or (Geoscience)" as the case may be
Bylaws 37.1	For the purposes of Bylaw 37, a mail vote shall be deemed to include electronic communications within such terms and conditions as may be prescribed from time to time by the Council of the Association and such vote shall be received and treated by the Association as having the same force and effect as if sent by mail under Bylaw 37
Related to The Association of Science and Engineering Technology Professionals of Alberta (ASET)	
Act 1.1(1)	Appoint members of the Executive Committee of Council to the Joint Councils Committee
Act 1.1(2)(c)	Assign functions to the Joint Councils Committee, by agreement with ASET Council
Act 1.1(3)	Establish rules for Joint Councils Committee, by agreement with ASET Council
Act 1.1(4)	Alter the composition of the Joint Councils Committee described in subsection (1), by agreement with ASET Council
Act 87.41	Before the ASET Council, by regulation, establishes or amends the academic qualifications for applicants for registration as regulated members, the Council must consult with the Minister and the Minister responsible for Parts 1 to 3 of the <i>Post-secondary Learning Act</i> and must consider the comments received from those Ministers
Act 87.5(2)	Each joint board and committee is, subject to this Act, to be composed of (a) an equal number of appointees of the Council and ASET Council
Act 88.2	The individuals appointed to the Joint Practice Review Board by the Council and ASET Council must each have a combination of knowledge and experience suitable for determining the academic qualifications and experience necessary for a person to continue to engage in practice as a professional technologist
Act 88(1)	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
Act 88.1(1)	Request Joint Practice Review Board to inquire into [specified matters]

Act 88.1(2)	including ‘any other matter that the Council ... considers necessary or appropriate ...’ Receive reports and advice from the Joint Practice Review Board with respect to any matter dealt with under subsection (1)
Act 88.1(8)	After each inquiry under this section, receive written report from the Joint Practice Review Board on the inquiry which may include recommendations to Council, with reasons
Act 88.5(2) Act 88.51	Approve regulations made by Joint Professional Technologist Regulations Committee Before the Joint Professional Technologist Regulations Committee, by regulation, establishes or amends the academic qualifications for applicants for registration as professional technologist, the Council must consult with the Minister and the Minister responsible for Parts 1 to 3 of the <i>Post-secondary Learning Act</i> and must consider the comments received from those Ministers
Act 88.6(1)	By agreement with ASET Council, establish rules for Joint Councils Committee
Act 88.6(6)	Appoint one person to an arbitration tribunal
Other Provisions Related to Council	
Act 1(e)	Council means the Council of the Association
Act 1(h)	“Investigative Committee” means the Investigative Committee established by the Council pursuant to section 46
Act 14(1) to (3)	Composition of Council
Regulation 25(2)	The President (elected annually by professional members) acts as the presiding officer at meetings of the Council and at meetings of the Association
Regulation 25(3)	The President can vote at meetings of Council or the Association only in the event of a tied vote
Regulation 26	
Regulation 28	The professional members of the Council, other than President and Vice-presidents, must be elected annually for a term of 3 years; elections to be conducted so that as close as possible to 1/3 of the positions come up for election each year Quorum for meetings of the Council is at least one of the Presidents, the 2 Vice-presidents or the immediate Past President, and 6 other professional members of the Council
Act 77	After a finding or order is made by the Discipline Committee, the Council, the Appeal Board, the Court or the Court of Appeal under Part 5, the name of the investigated person may be published in accordance with the regulations
Act 81(1)	A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during a specified period ... a member of the Council, shall be admitted in evidence of proof, in absence of evidence to the contrary, of the facts stated in it without proof

	of the Registrar's appointment or signature
Act 82(1)	No action lies against ... a member of Council ... or any member, officer of employee of the Association for anything done in good faith and in purporting to act under the Act regulations or bylaws
Act 82(2)	No action for defamation may be founded on a communication ... by ... a member of Council ... in good faith in the course of investigating the complaint or in the course of any proceedings under Part 5 relating to the complaint
Act 20(1)(t)	Make bylaws with respect to registers and records to be kept by the Registrar
Bylaws 31(2)	The Registrar advises the next regular meeting of Council of any memoranda entered or modified
Regulation 61(1)	Notice that is required is sufficiently given if ... it is sent by prepaid mail to the person at the latest address provided to the Registrar by the person, or it is sent by email to an email address provided to the Registrar for the purposes of receiving notices that meets the requirements of Council
Bylaws 2	A nominating committee shall be appointed at the annual meeting to serve for the ensuing year. The Committee shall consist of a minimum of 11 professional members of the Association, 1 of whom shall be the retiring president, who shall be the chairman. Council shall fill any vacancies which may occur in this nominating committee
Bylaws 3(1)	Not less than 150 days prior to the annual meeting the nominating committee shall submit to the Chief Executive Officer a list of nominees for Council, which shall include the president-elect as the sole nominee for president, 3 nominees for vice-president, and at least 3 more nominees for Councillors than there are vacancies to be filled on Council
Bylaws 3(2)	Nominees for president or vice-president shall have served at least 1 year on the Council
Bylaws 4(1)	The nominating committee, in selecting nominees, shall give due consideration to the composition of the Council as required by the Act, regulations and bylaws and to the geographical distribution and field of practice of the nominees
Bylaws 6(2)	The names of all persons nominated for office shall be placed on the ballot form in groups relating to each office. The number, professional classification and term of Councillors to be elected shall be made clear on the ballot form. Ballot forms shall be mailed to the professional members by the Chief Executive Officer not later than 50 days prior to the annual meeting
Bylaws 6(3)	Each professional member is entitled to one vote for one candidate for vice-president, and to vote for as many candidates as there are vacancies to be filled for Council, or for a lesser number
Bylaws 8(3)	The requisite number of persons who receive the highest number of votes for the office of Councillor shall be elected as Councillors for a term of 3 years. If there are any vacancies in Council to be filled the person or persons receiving the next highest number of votes for the office of Councillor shall be elected as Councillors for the balance of the unexpired term or terms to be filled, and as among them, the person or persons receiving the highest number of votes shall fill any vacancy or vacancies

	which have the longer unexpired term or terms
Bylaws 9(3)	In case of equality of votes for any officer or Councillor, the president or, in the absence of the president, the chairman of the nominating committee shall cast the deciding vote
Bylaws 20(1)	The proceedings at any meeting of the Association and of Council shall be governed by the rules laid down in the latest edition of Robert's Rules of Order, except as these bylaws may otherwise provide

APPENDIX 2 – Authority and Duties of APEGA’s Registrar

The following are paraphrased excerpts from *The Engineering and Geoscience Professions Act, Regulations and By-laws* regarding the powers and duties of the APEGA Registrar. Bolded text is for emphasis and not in the original legislation. Each item references its location within the legislation.

Maintain Registers and Records

Shall maintain registers, in accordance with the bylaws and subject to direction of Council, **for professional engineers and geoscientists, licensees, permit holders, joint firms and restricted practitioners** (*The EGP Act*, Section. 21(1))

Shall maintain register, in accordance with the bylaws and subject to direction of Council, **for each category of professional licensee** (*The EGP Act*, Section 83.5(1))

Shall maintain, in accordance with the bylaws and subject to direction of Council, **a membership record** for each class or category established under *Regulations* and bylaws (*The EGP Act*, Section 21(3))

Shall keep records and registers of students, examination candidates and members-in-training for purposes of Part 1 of the *Regulations* (*Regulations*, Section 5)

Shall be responsible for maintaining an up-to-date register providing a record of ... (all of the different categories) (*By-laws*, Section 31(1))

Receive from all categories of membership **current mailing addresses and** written advice (notice) **of any change in address** (*By-laws*, Section 32)

Maintain and permit any person to inspect during regular office hours a **list of all registrants** in good standing (*The EGP Act*, Section 28)

Make any necessary changes and take all necessary action to revise or create registers and records and issue certificates, licences, permits and other documentation **to implement the transitional provisions** (*The EGP Act*, Section 101(7))

Enter Memoranda of Suspension or Cancellation

Shall enter a memorandum of suspension of a registration **in the appropriate register** indicating duration of and reason for the suspension (*The EGP Act*, Section 27(2))

Shall enter a memorandum of cancellation of registration **in the appropriate register** (*The EGP Act*, Section 27(4))

Shall not remove Section 27 memoranda from registers except in accordance with the bylaws
(*The EGP Act*, Section 27(5))

Shall be responsible for entering any memoranda in the register related to cancellations and suspensions and any subsequent modifications to such memoranda (*By-laws*, Section 31(2))

Advise the next regular meeting of the Council of any memoranda entered or modified (*By-laws*, Section 31(2))

Receive Applications

Receive applications for registration in a form acceptable to the Board of Examiners, and fully completed and accompanied by all required supporting documentation and any fees prescribed by Council (*Regulations*, Section 2(1))

Shall refer application to the Board of Examiners if application meets the requirements in (1) and Registrar is satisfied that the applicant meets the eligibility requirements for one of the categories of membership (*Regulations*, Section 2(2))

Receive application from a partnership, corporation or other entity **for a permit to practice** in its own name (*Regulations*, Section 48(1))

Receive advice (notice) from a professional member or licensee related to partnership, corporation or other entity holding a permit to practice of change of circumstances (i.e., if the professional member or licensee ceases to be the person accepting responsibility under Section 48 or is no longer able to provide the certification referred to in Section 48(1)(d)) (*Regulations*, Section 50(2))

Receive applications to become registered as a professional licensee (*The EGP Act*, Section 83.6)

Receive applications for registration as a professional licensee in a form acceptable to the Board of Examiners, and fully completed and accompanied by all required supporting documentation and any fees prescribed by Council (*Regulations*, Section 74(1))

Shall refer application to the Board of Examiners if the application meets the requirements in (1) and the Registrar is satisfied that the applicant meets the eligibility requirements for registration in Section 77 (*Regulations*, Section 74(2))

Receive applications to become registered as a professional licensee (*Regulations*, Section 77(1))

Receive applications for enrolment as a student (*Regulations*, Section 6)

Receive applications for admission as an exam candidate (*Regulations*, Section 8)

Receive applications for enrolment as a member-in-training (*Regulations*, Section 10)

Receive applications for registration as a professional member (*Regulations*, Section 13)

If the decision made by the Board is to refuse or defer registration of the applicant, **written reasons for the decision must be sent to the applicant** (*The EGP Act*, Section 32(2))

Shall publish a notice of approval of registration per the bylaws, if the Board of Examiners decides to approve the registration (*The EGP Act*, Section 32(3))

Enter Names in Registers

Shall enter in the appropriate register the name of the person who paid the prescribed fee (per the bylaws) and whose registration has been **approved by the Board of Examiners** (for P.Eng., P.Geo. or licensee) **or Council** (for permit holder or joint firm, or restricted practitioner on recommendation of the Joint Board) (*The EGP Act*, Section 21(2))

Shall enter in the appropriate register the name of the person who paid the prescribed fee (per the bylaws) and whose registration to engage in practice of engineering or geoscience as a **professional licensee** has been **approved by the Board of Examiners** (*The EGP Act*, Section 83.5(2))

Issue Evidence of Registration

When **P.Eng. or P.Geo.** is entered in the register, **shall issue** to them a **certificate of registration and a stamp or seal** engraved per the bylaws (*The EGP Act*, Section 25(1))

Shall issue to each professional member a certificate in a form prescribed by the Council **signed by the president and Registrar showing the date of registration and the professional category** in which the member is registered (*By-laws*, Section 34(1))

When **licensee** is entered in the register, **shall issue** to them a **licence and a stamp or seal** engraved per the bylaws (*The EGP Act*, Section 25(2))

Shall issue to each licensee a license certificate in a form prescribed by the Council **signed by the president and Registrar showing the date of registration and the professional category** of the licensee (*By-laws*, Section 34(2))

The stamp or seal cannot be acquired from any source other than the Registrar (*Regulations*, Section 54(5)).

Give approval to professional member or licensee to apply a computer-generated facsimile of the stamp or seal if that person otherwise meets the requirements of the Act and Regulations (*Regulations*, Section 54(8))

When a **permit holder** is entered in the register, **shall issue** to them a **permit and a permit number** per the bylaws (*The EGP Act*, Section 25(3))

Shall issue to each permit holder a certificate in a form prescribed by the Council **signed by the president and Registrar showing the permit number and the professional category** in which the permit holder is entitled to practice (*By-laws*, Section 34(3))

When a **joint firm** is entered in the register, **shall issue** to it a **certificate of authorization and a permit number** per the bylaws (*The EGP Act*, Section 25(4))

Stamps issued to joint firms shall be in a form prescribed by the Council and shall show the designation "Engineers and Architects" or "Architects and Engineers" (*Bylaws*, Section 33(4))

When a **restricted practitioner** is entered in the register, **shall issue a certificate of authorization** (*The EGP Act*, Section 25(5))

Shall issue to each restricted practitioner a certificate in a form prescribed by the Council **signed by the president and Registrar showing the date of registration and the restricted area of practice** in which the certificate holder may engage (*By-laws*, Section 34(4))

When a **professional licensee** is entered in the register, **shall issue** to them a **certificate of registration** to engage in the practice of engineering or geoscience within the scope of practice

specified by the Board of Examiners, **and a stamp or seal** engraved per the bylaws (*The EGP Act*, Section 84)

Shall issue to each professional licensee a certificate in a form prescribed by Council **signed by the president and Registrar showing the date of registration and the area of practice in which the professional licensee may engage** (Bylaws, Section 34(5))

Make any necessary changes and take all necessary action to revise or create registers and records and issue certificates, licences, permits and other documentation **to implement the transitional provisions** (*The EGP Act*, Section 101(7))

Issue Annual Certificates

Shall issue an annual certificate per the bylaws to a professional member, licensee, permit holder or certificate holder whose registration is not under suspension and who has paid the annual fee (*The EGP Act*, Section 26(2))

Upon renewal (professional member), shall issue an annual certificate (*By-laws*, Section 34(1))

Upon renewal of the licence, shall issue an annual certificate in the form of a licence renewal card (*By-laws*, Section 34(2))

Upon renewal of the permit, shall issue an annual certificate in the form of a permit renewal card (*By-laws*, Section 34(3))

Upon renewal of registration as a restricted practitioner, shall issue an annual certificate in the form of a restricted practice renewal card (*By-laws*, Section 34(4))

Shall issue an annual licence per the bylaws **to a professional licensee** whose registration is not under suspension and who has paid the annual fee (*The EGP Act*, Section 86.1(2))

Upon renewal of registration as a professional licensee, shall issue an annual certificate in the form of a renewal card (*By-laws*, Section 34(5))

Strike Names from the Register or Record

At the direction of Council, strike the name of a person from a record or register if the person fails to pay a prescribed fee (*Regulations*, Section 4)

At the direction of Council, strike the name of a person from a register of professional licences if the person fails to pay a prescribed fee (*Regulations*, Section 76)

At the direction of Council, strike from the register of professional members or licensees the name of a person who fails to comply with a notice served on him or her and direct him or her to comply with Section 19 (written records related to CPDP) within 30 days of service of notice (*Regulations*, Section 19.1)

At the direction of Council, strike the name of a student from the record if ... (*Regulations*, Section 7)

Note: In practice, this is a staff function. Council is not involved.

At the direction of Council, strike the name of an examination candidate from the record if ... (*Regulations*, Section 9)

Note: In practice, this is a staff function. Council is not involved.

Cancel Registration and Receive Surrendered Evidence of Registration

Shall not cancel a registration at registrant's request unless approved by Council (*The EGP Act*, Section 29(1))

When a request for cancellation of registration is approved by Council, shall cancel that registration. Upon being notified of the approval, registrant must immediately surrender to the Registrar the evidence of registration or cease using the permit number in the case of a permit holder (*The EGP Act*, Section 29(2))

At direction of Council, cancel registration of a professional member, licensee or permit holder in default of fees, dues or levies, or permit holder if it no longer has employees in compliance, 30 days after written notice by Council is served unless they comply with the notice (*The EGP Act*, Section 39(1))

Notice must state that the Registrar may cancel the registration unless the fees, dues, or levies are paid, or Council receives satisfactory evidence within the time prescribed indicating that the permit holder has employees in compliance (*The EGP Act*, Section 39(2))

At direction of Council, cancel registration entered in error in the register (*The EGP Act*, Section 39(3))

If registration of a professional member or licensee has been cancelled under Section 39, evidence of registration must be surrendered forthwith to the Registrar (*The EGP Act*, Section 39(4))

If registration of a permit holder has been cancelled under Section 39, permit must be surrendered immediately to the Registrar, and the permit holder must cease to use the permit number (*The EGP Act*, Section 39(5))

At direction of Council, cancel the registration of a joint firm that is in default of fees, dues, or levies, or ceases to have at least one professional engineer and at least one registered architect to take the responsibility as referred to in Section 34(2)(b), one month after written notice is served that Council intends to cancel the registration, unless they comply with the notice (*The EGP Act*, Section 40(1))

Notice must state that the Registrar may cancel the registration unless the fees, dues, or levies are paid, or the joint firm has at least one professional engineer and at least one registered architect to take the responsibility referred to in Section 34(2)(b) (*The EGP Act*, Section 40(2))

If registration of a joint firm has been cancelled under this section, the evidence of registration must be surrendered forthwith to the Registrar (*The EGP Act*, Section 40(3))

At direction of Council, cancel registration of a restricted practitioner who is in default of fees, dues, or levies, or who is not a registered architect in good standing under the *Architects*

Act, one month after written notice is served that Council intends to cancel the registration, unless he or she complies with the notice (*The EGP Act*, Section 41(1))

Notice must state that the Registrar may cancel the registration unless the fees, dues, or levies are paid, or the registered architect is in good standing under the *Architects Act* (*The EGP Act*, Section 41(2))

If registration of a restricted practitioner has been cancelled under this section, the evidence of registration must be surrendered forthwith to the Registrar (*The EGP Act*, Section 41(3))

Note: In practice, the authority to carry out this administrative function (cancelling registrations under prescribed circumstances) has been delegated to the Registrar and/or other APEGA staff.

Receive surrendered certificate, stamp or seal from a professional member, licensee or restricted practitioner whose registration has been cancelled or suspended under Part 5 (*The EGP Act*, Section 75(1))

Receive surrendered permit or certificate of authorization from a permit holder or joint firm whose registration has been cancelled or suspended under Part 5 (*The EGP Act*, Section 75(2))

Receive surrendered seals, stamps and certificates that have been issued if temporary withdrawal from practice of the profession for a period estimated to exceed 1 year, resignation, suspension or cancellation (*By-laws*, Section 35)

Reinstate Registration

At direction of Council (if not more than 7 years after cancellation), **reinstate** in the applicable register **a registration** that was cancelled under Section 29 subject to any conditions that Council may prescribe. **At direction of Council, reissue the evidence of registration.** (*The EGP Act*, Section 29(3))

(If more than 7 years after cancellation, application for reinstatement must be referred to the Board of Examiners (*The EGP Act*, Section 29(4))

At direction of Council, subject to any conditions prescribed by Council (if not more than 7 years after cancellation), **reinstate** in the applicable register **a registration cancelled pursuant to Section 39(1) and to reissue the evidence of registration** (*The EGP Act*, Section 39(6))

At direction of Council, subject to any conditions prescribed by Council, **reinstate** the joint firm in the applicable register **and to reissue the certificate of authorization and the stamp** (*The EGP Act*, Section 40(4))

At direction of Council, subject to any conditions prescribed by Council, **reinstate** the restricted practitioner in the applicable register **and reissue the certificate of authorization and the stamp** (*The EGP Act*, Section 41(4)).

May participate in proceedings of Council under this section (*The EGP Act*, Section 75(5))

Note: Internal policy at APEGA is as follows:

- *If a reinstatement request is made less than 7 years after cancellation, the request goes through the Practice Review Board*
- *If it has been more than 7 years, the request goes to the Board of Examiners (*The EGP Act*, Section 39(7))*
- *If the request is made within 2 years of cancellation, the registration is automatically reinstated by staff*
(There is an implied authority for Council to delegate this administrative function, in this case to the Practice Review Board and to APEGA staff.)

Receive Complaints and Provide Notice Regarding Investigations

Receive complaints about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training. Complaint must be dealt with in accordance with this Part and the *Regulations* section (a person can also be authorized in writing by the Registrar to receive complaints (*The EGP Act*, Section 43(1)))

Complaints must be in writing (*The EGP Act*, Section 43(2))

A complaint about someone whose registration was cancelled can be dealt with within 2 years after the cancellation if the cancellation has not occurred (*The EGP Act*, Section 43(3))

The Practice Review Board may at any time during an inquiry or review recommend to the Investigative Committee that the inquiry or review be conducted by the Investigative Committee pursuant to Part 5 of *The EGP Act*. On receiving such a recommendation, the Investigative Committee may proceed with an investigation under Part 5 as if the recommendation were a written complaint (*The EGP Act*, Section 16(6) and (7))

When a professional member or licensee fails to satisfy the Practice Review Board that he or she is complying with the requirements of the continuing professional development program, the Practice Review Board may (a) conduct a review ... (b) at any time during a review recommend to the Investigative Committee that the review be conducted by the Investigative Committee under Part 5 of *The EGP Act* as if the recommendation were a written complaint (*Regulations*, Section 20)

If Practice Review Board decides that investigation of a specific practice is necessary, it shall (a) issue notice... or (b) lodge an appropriate complaint with the Investigative Committee if it is of the opinion that further investigation may lead to a finding of unskilled practice of the profession or unprofessional conduct (*Regulations*, Section 23(4))

Person designated by Registrar as a mediator may assist in settling a complaint if complainant and person who is subject of the complaint agree but if a settlement doesn't occur within 30 days or a longer period agreed to by those persons, or in the mediator's opinion is not

likely to occur, **Registrar must refer the complaint forthwith to the Investigative Committee** (*The EGP Act*, Section 43(4))

If a complaint is settled with the assistance of a mediator, any agreement must be reviewed by the Investigative Committee (*The EGP Act*, Section 43(5))

Shall forthwith send notice in writing to the investigated person that a preliminary investigation is being conducted (*The EGP Act*, Section 48)

On the Investigative Committee terminating an investigation, **at direction of the Investigative Committee, serve** on the investigated party, and the complainant (if any), a **notice** per the bylaws **that the investigation has been terminated** (*The EGP Act*, Section 51(2))

Duties Related to a Hearing by the Discipline Committee

Shall serve on the investigated person, and on the complainant (if any), a **notice of Discipline Committee hearing** (of matter referred to Discipline Committee for formal hearing) stating date, time and place and giving reasonable particulars of the conduct or complaint in respect of which the hearing will be held (*The EGP Act*, Section 53(3))

Receive from person whose registration is suspended under (1) **service of application to the Court for an order staying a suspension** pending preliminary investigation or decision of the Discipline Committee (*The EGP Act*, Section 55(3))

Issue notice requiring witness to attend before the Discipline Committee and stating which documents or records that witness is required to produce (*The EGP Act*, Section 60(1))

On written request of the investigated person (or counsel or agent), **issue and deliver** to that person (without charge) **any notices that that person may require** for the attendance of witnesses or the production of documents or records (*The EGP Act*, Section 60(2))

Immediately after the Discipline Committee makes written decision after conclusion of hearing, **receive from the Discipline Committee the decision and the record of the hearing** consisting of all evidence presented before the Discipline Committee (exhibits, documents, records, transcript of testimony) (*The EGP Act*, Section 65(2))

Immediately after receiving a decision and record from the Discipline Committee, **shall serve a copy of the decision on the investigated person and the Investigative Committee, and serve a notice of the nature of the decision on the complainant** (if any) (*The EGP Act*, Section 65(3))

Duties Related to Appeals

Receive service of applicant's notice of appeal to the Appeal Board of the Board of Examiners' decision to refuse application for registration (within 30 days of applicant receiving notice of and reasons for refusal) (*The EGP Act*, Section 32(4))

Shall set a date, time and place for the hearing of the appeal and notify the appellant in writing of same (*The EGP Act*, Section 32(5))

Receive from complainant notice in writing of appeal to the Appeal Board of the Investigative Committee's decision to terminate an investigation under (2), within 30 days of notice being served (*The EGP Act*, Section 51(3))

Receive from investigated person **service of application to the Court for an order staying the decision of the Discipline Committee pending the determination of the appeal** to the Appeal Board or Court of Appeal (*The EGP Act*, Section 66(2.1))

Receive service of written notice of appeal to the Appeal Board by the Investigative Committee or investigated person any finding or order of the Discipline Committee, within 30 days after decision of the Discipline Committee was served on the investigated person (*The EGP Act*, s 67(2))

On receiving notice of appeal from the Investigative Committee, shall provide a copy to the investigated person forthwith and make the record of the hearing available to the investigated person (*The EGP Act*, Section 67(3))

On receiving notice of appeal (from investigated person or Investigative Committee), **shall provide a copy to the Appeal Board and make the record of the hearing available to each member of the Appeal Board** (*The EGP Act*, Section 67(4))

Receive service of copy of notice of appeal by investigated person to the Court of Appeal regarding any finding or order made by the Appeal Board, within 30 days after decision of the Appeal Board was served on the investigated person (*The EGP Act*, Section 70(3))

Receive notice from appellant, after commencing an appeal, **to apply** to the Court of Appeal **for an order staying all or any part of the order or decision of the Appeal Board** that is being appealed (*The EGP Act*, Section 71)

Certify copies of the decision of the Appeal Board and the record of the appeal before the Appeal Board to support an appeal under Section 70 (to the Court of Appeal) (*The EGP Act*, Section 72(1))

At request of appellant (solicitor or agent), **furnish requested number of copies of documents** mentioned in (1) **to appellant** on being paid any disbursements and expenses in connection with the request (*The EGP Act*, Section 72(2))

Miscellaneous

Receive advice in writing from a joint firm of the names of shareholders, directors, officers, employees who are professional engineers or registered architects and any change to this information (*The EGP Act*, Section 36(2))

Sit on executive committee of the Board of Examiners (*Regulations*, Section 15(5)(f))

Serve as Secretary to the Practice Review Board (*Regulations*, Section 21(3))

Shall submit report at each regular meeting of the Practice Review Board re appeals and complaints about rulings of the Board of Examiners, complaints dealt with under Part 5 of *The EGP Act* and their disposition with special emphasis on cases reflecting on the competency of members (*Regulations*, Section 22(1) and (2))

Receive objections to a mail vote (in writing at least 3 days before the announced date of the vote from at least 30 professional members) (*Bylaws*, Section 37(2))

Designations and Authorizations by the Registrar

The EGP Act, Section 43(2) regarding receiving complaints

The EGP Act, Section 43(4) regarding using a mediator to assist in settling complaints

Regulations, Section 15(5)(f) regarding role on executive committee of the Board of Examiners

Regulations, Section 21(3) regarding acting as Secretary to the Practice Review Board

The Council may appoint a Deputy Registrar who has all of the powers and can perform all of the duties of the Registrar under the Act, the Regulations and the By-laws when the Registrar is absent or unable to act, or when there is a vacancy in the office of the Registrar (*By-laws*, Section 22)

Other

The EGP Act, Section 13 – Registrar is Appointed by Council

Council can make bylaws for the appointment of a Deputy Registrar who has powers and can perform duties when the Registrar is absent or unable to act or when there is a vacancy in the office of the Registrar (*The EGP Act*, Section 20(1)(i) - see *By-laws*, Section 22)

Council can make bylaws about registers and records to be kept by the Registrar (*The EGP Act*, Section 20(1)(t) - see *By-laws*, Section 31)

Council can make bylaws requiring members to inform the Registrar, in writing, of current mailing address and any change of address (*The EGP Act*, Section 20(1)(v) - see *By-laws*, Section 32)

Certificate purporting to be signed by Registrar (regarding facts specified in the section) shall be admitted in evidence of proof, in absence of evidence to the contrary, of the facts stated in it without proof of the Registrar's appointment or signature (*The EGP Act*, Section 81)

No action lies against ... Registrar ... or any member, officer or employee of the Association for anything done in good faith and in purporting to act under the *Act*, *Regulations* or *By-laws* (*The EGP Act*, Section 82(1))

No action for defamation may be founded on a communication ... an officer or employee of the Association (*The EGP Act*, Section 82(2))

The executive committee of the Board consists of ... the Registrar or the Registrar's delegate (*Regulations*, Section 15(5)(f))

Notice that is required is sufficiently given if ... it is sent by prepaid mail to the person at the latest address provided to the Registrar by the person, or it is sent by email to an email address provided to the Registrar for the purposes of receiving notices that meets the requirements of Council (*Regulations*, Section 61(1))

APPENDIX 3: Powers and Duties of Registrars in Other Self-Regulated Professions in Alberta

This table provides a summary of Alberta legislation regarding professional associations and, more specifically, whether that legislation includes provisions whereby Registrars have been given clear authority regarding their powers/duties). (Column 2)

Also summarized here is whether the power to delegate has been clearly stated in the legislation. (Column 3)

Instances where such powers are clearly stated in respect of other entities (e.g. Council, boards, committees, etc.) are also referenced. (Column 4)

*Council’s powers and duties, and authority to delegate, in respect of some of these self-regulated professions, are summarized in Appendix 5

In addition to APEGA legislation itself, the Alberta statutes that were reviewed, analyzed and compared included the following:

- *Architects Act (AA)*
- *Health Professions Act (HPA)*
- *Agrology Profession Act (APA)*
- *Regulated Forestry Profession Act (RFPA)*
- *Regulated Accounting Profession Act (RAPA)*¹
- *Veterinary Profession Act (VPA)*
- *Professional and Occupational Associations Registration Act (POARA)*
- *Legal Profession Act (LPA)*

The relevant regulations and bylaws under these Acts were included in the research (with the exception of the bylaws under POARA), along with the ASET provisions of the EGP Act, and the ASET bylaws.

Legislation	Are Registrar’s powers clearly stated? (specific powers/duties)	Are Registrar’s powers to delegate (or powers that can be delegated to the Registrar) clearly stated?	Are powers of other entities (Council*, Boards, Committees, etc) – and powers to delegate -- clearly stated?	Comments
Engineering and Geoscience Professions Act General	Act s 13 -- The Council shall appoint a Registrar for the purposes of this Act There is no clear summary statement regarding powers/duties, which are found throughout the Act, Reg and bylaws	Bylaws s 22: Council may appoint a Deputy Registrar who has all the powers and can perform all the duties of the Registrar when the Registrar is absent or unable to act, or when there is a vacancy in the office of the Registrar	<ul style="list-style-type: none"> • Act s 11 re the Association’s capacity and powers • Act s 12; Reg s 25, 29 and 30; Bylaws s 11 and 22 re the Council (incl officers and exec comm) • Act s 19, 20, 45 and 46 re legislative power of Council 	

¹ Also reviewed was Bill 7 – Chartered Professional Accountants Act, which received Royal Assent December 17, 2014 and will come into force on proclamation.

<p>Regulation</p> <p>Bylaws</p> <p>(excluding ASET)</p>	<p>(A detailed document regarding the powers and duties of the APEGA Registrar can be found in Appendix 1)</p>	<p>No other provisions regarding delegation of the Registrar's powers are included in the legislation. (Functions performed by APEGA staff are authorized on the basis of implied delegation of administrative functions.)</p>	<ul style="list-style-type: none"> • Act s 16 re Practice Review Board • Act s 52; Reg s 32 re Investigative Committee • Act s 53 and 63; Reg s 36 and 45 re Discipline Committee • Act s 69 re Appeal Board • Reg s 62 re Enforcement Review Committee 	
<p>Engineering and Geoscience Professions Act</p> <p>ASET and PTech Regulations</p> <p>ASET Bylaws</p> <p><i>(ASET only, highlighting differences)</i></p>	<p>Act s 87.1 -- ASET Council shall appoint a Registrar for the purposes of this Part, ASET regulations and ASET bylaws</p> <p>Act s 88.5(1) The JPT Regulations Committee may make regulations ... (d) respecting the establishment and administration of a register of professional technologists and the functions, duties and responsibilities of the ASET Registrar, including the removal of entries from the register</p> <p>Act s 90.6(6) The ASET Registrar shall provide the Registrar with access to the registers established for professional technologists.</p> <p>ASET Reg s 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</p>	<p>ASET Bylaws 1.3 A reference in these Bylaws to Council, an officer, person or committee includes any delegate of the Council, officer, person or committee.</p> <p>ASET Bylaws 8.1 The Deputy Registrar has all of the powers and can perform all of the duties of the Registrar under the EGPA, the Regulations and the Bylaws when the same are delegated to them by the Chief Executive Officer.</p>	<p>Act s 89 The Joint Board of Examiners has all the powers, duties and functions with respect to professional technologists that the Board of Examiners has with respect to professional members.</p> <p>ASET Bylaws 3.1 The governing body of ASET is the Council. Council is empowered to:</p> <p>(a) Act on behalf of ASET to implement the applicable requirements of the EGPA;</p> <p>(b) Establish and revise policies which govern ASET's activities;</p> <p>(c) Delegate authority and responsibility for implementation of ASET's policies to the Chief Executive Officer.</p>	

	43 of the Act.			
Architects Act	Act s 7: Council may by resolution appoint or revoke the appointment of an individual as Registrar for the purposes of the Act	Bylaws s 4.17: ... (2) The Council may appoint an individual as acting Registrar who shall act as the Registrar in the absence or inability of the Registrar to act or when the office of Registrar is vacant. (3) An acting Registrar, so appointed, has all the powers and duties of the Registrar under the Act, General Regulation and this bylaw. ...	<ul style="list-style-type: none"> • Act s 5 re the Association • Act s 6; Reg s 4.8 and 4.14 re the Council (incl officers and exec dir) • Act s 9 and 10 re leg power of Council • Act s 12 (see below) and Reg s 5 re Registration Committee (established by bylaw by Council) • Act s 36 and 37 re Complaint Review Committee • Act s 38 and 39 re Practice Review Board 	There is also an Executive Director appointed in the Bylaws
General Regulation	Bylaws 4.17: (1) The Registrar shall: (a) perform such duties as are specified in the Act (b) keep the Registers and records up to date; and (c) perform such other duties as are assigned by the Council. ... (4) The Registrar reports to and is responsible to the Council.			
Bylaws	Registrar's powers/duties are otherwise found throughout the Act, Reg and bylaws			
Health Professions Act	Act s 8 -- Council must appoint or provide for the appointment of registrar	Act s 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. (2) A council may impose conditions on a delegation under subsection (1). (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. (4) Any reference in this Act or any	Act s 9(4) A registration committee may, (a) if provided for in the bylaws, review an application for registration, and (b) undertake any other power or duty given to it under this Act or the bylaws. Act s 10(6) A competence committee (a) may make recommendations to the council on continuing competence requirements and the assessment of those requirements,	Act s 1(2)(b): a reference to a power and duty includes the power and duty to make a decision All of the regulations for the various health professions under the HPA
	There are 26 relevant regulations under the HPA, the provisions of which were reviewed and are summarized	Act s 28(3) If there are reasonable and probable grounds to be of the opinion that an applicant by engaging in the regulated profession as a regulated member would create a danger to the public or be unsafe because of a disability or incapacity, the registrar, the registration committee or competence committee may require an applicant for registration to undergo		

<p>generally.</p> <p><i>The relevant provisions of the bylaws under the HPA are included in Appendix 4.</i></p>	<p>physical or mental examinations by a person agreed on by the applicant and the registrar, registration committee or competence committee or, failing an agreement, designated by the registrar, registration committee or competence committee for the purpose of assisting the registrar, registration committee or competence committee in determining whether the applicant by engaging in the regulated profession as a regulated member would create a danger to the public or be unsafe.</p> <p>Registrar's powers/duties are found throughout the Act, Reg and bylaws</p> <p>Under some of the various regulations under the HPA, the Registrar and/or Registration Committee has the following powers/duties:</p> <ul style="list-style-type: none"> -may register applicant if prescribed conditions are met -may require applicant to undergo exams, tests, assessments, training or education they consider to be advisable -determines which register (general or specialized) it is appropriate to register someone from another jurisdiction having substantially equivalent registration requirements -makes determination re substantial equivalence; may direct applicant to undergo education or training activities they consider necessary; may require applicant to pay costs incurred -may permit temporary member to 	<p>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> <p>Act s 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.</p> <p>(2) A person or committee making a delegation under subsection (1) may impose conditions on the delegation.</p> <p>(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.</p> <p>(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>In the Act, Part 3.1 Inspections: 53.5(1)A council may establish an inspection committee to carry out the powers and duties of the registrar under this Part except those described</p>	<p>(b) may, if authorized by the regulations, provide for practice visits as part of the continuing competence program and conduct a practice visit of regulated members, and</p> <p>(c) may undertake any other power or duty given to it under this Act or the bylaws.</p> <p>(7) Despite subsection (6) and section 20, if a competence committee is authorized to conduct practice visits it shall not carry out any powers or duties under sections 28 to 30.</p> <p>Act s 17(1) A hearing tribunal's powers and duties include holding hearings under this Act.</p> <p>(2) A complaint review committee's powers and duties include reviewing and ratifying settlements under section 60 and conducting reviews under section 68.</p> <p>Act s 18(3) The chair of the registration committee or of the competence committee may direct a panel of the registration committee or of the competence committee to carry out any power or duty that the registration committee or competence committee may carry out under this Act.</p>	<p>are structured similarly; some are more involved than others.</p> <p>Some regulations have only a Registrar while others (also) have a Registration Committee, Competence Committee, Hearings Director and/or Reinstatement Review Committee</p> <p>Some have provisions for Alternative Complaint Resolution; Complaints Director appoints someone to conduct a process acceptable to both the complainant and the investigated person.</p>
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	<p>practise under supervision of a regulated member of another regulated health profession and may direct the manner and type of supervision to be provided</p> <ul style="list-style-type: none"> -determines purpose and term for person on courtesy register; may specify time period and must identify any title that may be used by the registered person and the restricted activities that person may engage in while so registered -approves certain details of structured practical training program -Registrar, Reg Comm, Council and/or Competence Committee may impose conditions on permit e.g. limiting practice to areas/settings approved/specified; reporting on specified matters on specified dates; title(s) that member can use; that regulated member must practice under supervision for period of time considered necessary -may authorize performance of restricted activities -may grant approval as a supervising member -may approve other activities that count as continuing education credit hours; may recommend rules or amendments to rules to Council -must periodically select regulated members for a review and evaluation; in some cases, assessments must be done at prescribed intervals by Competence Committee – if 	<p>in section 53.3.</p> <p>(2) An inspection committee must consist of one or more members appointed by the council.</p> <p>(3) If a council establishes an inspection committee under subsection (1), the powers and duties of the registrar under this Part, except those described in section 53.3, are vested in and may be exercised by the inspection committee, and any reference to the registrar in this Part, except in section 53.3, is deemed to be a reference to the inspection committee.</p>		
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	<p>competence unsatisfactory, Competence Committee or Registrar may require a regulated member to undertake remedial action -review and make orders on applications for reinstatement (reviewable) -may correct or remove any info in the register if determines it is incorrect or inaccurate</p>			
<p>Agrology Profession Act</p> <p>Alberta Institute of Agrologists Bylaws</p>	<p>29(1) The council, a hearing tribunal, the registration committee, the complaint review committee or the competence committee may direct the registrar to correct or remove any entry made in error in a register and the registrar must correct or remove the entry.</p> <p>(2) The registrar, on becoming aware of an entry made in error in a register, may correct or remove that entry.</p> <p>(3) If the registrar corrects or removes an entry under subsection (1) or (2) that contains personal information about a regulated member or other member the registrar must notify the regulated member or other member as soon as reasonably possible.</p> <p>Bylaws 4.02 I 1) A Registration Committee shall be appointed by the Council...</p> <p>Bylaws 4.02 II 1) The Registration Committee will be established for the purposes of assisting the Registrar and</p>	<p><i>Proposed amended wording to Bylaws 4.02 I</i></p> <p>A Registration Committee shall be appointed by the Council as allowed in the Act Section 9(1)(a). The Council shall appoint a chair, which may be the Registrar or Registrar’s designate. The committee shall consist of at least four professional agrologists and four registered technologists in agrology, all in good standing. At least six committee members must be outside the employ of the Institute. The committee shall also include the Registrar. ...The Registration Committee may act as the Competence Committee as allowed in Section 10(2) of the Act.</p> <p>...</p>	<p>Act s 18(3) The chair of the registration committee and of the competence committee may direct a panel ... to carry out...</p> <p>Act s 19(1) A council may delegate any of its powers and duties to one or more persons, panels or committees, ...</p> <p>(4) Despite subsections (1) and (3), the council and a panel of the council may not delegate its powers or duties with respect to a review or appeal under Part 4.</p> <p>Bylaws 4.03 II 1) The Competence Committee will be established for the purposes of assisting the Registrar and the Council in carrying out the following activities:</p> <p>a) Oversee and update for Council approval, as required, the General Standard of Practice requirements for all regulated members in the Institute.</p> <p>b) Selection and appointment of Practice Area Expert Committees</p>	<p>The Agrology Profession Act is structured and worded very similar to the HPA. Only relevant wording from the Act that is different from the HPA is included here.</p> <p>There are no clear statements regarding registrar’s powers/duties or power to delegate in the regulations under this Act but there are in the bylaws.</p> <p>Per the bylaws, the Registration</p>

	<p>the Council in carrying out the following activities:</p> <p>a) Making recommendations to the Registrar regarding reviewing and approving programs of study for educational institutions in Alberta;</p> <p>b) Making recommendations to the Registrar about courses required for entrance into the Agrology profession;</p> <p>c) Reviewing and making recommendations to the Registrar concerning all applications for registration with AIA;</p> <p>d) Reviewing proposed scope of practice statements submitted to the Registrar by applicants for registration. The committee shall revise, delete from or add to the proposed scope of practice statement to ensure the scope of practice is consistent with the applicant’s knowledge, expertise and skills.</p> <p>e) Recommending to the Registrar any appropriate courses of action to applicants who apply to AIA;</p> <p>f) Reviewing and recommending to the Registrar any policy regarding registration procedure and function;</p> <p>g) Assisting the Registrar and Council with any appeals of the Registrar’s decision regarding an application to the AIA.</p> <p>3) The committee members shall be recommended to the Council by the Registrar and the Assistant Registrar.</p>		<p>responsible for oversight of a particular Practice Area;</p> <p>c) Oversee the function of the Practice Area Expert Committees (Practicing members) in the development of the following:</p> <p>i. Identifying and defining the knowledge, skill and performance requirements for competent practice within a particular Practice Area;</p> <p>ii. Definition of a Practice Standard for a particular Practice Area that describes the standard of practice by which competence within that Practice Area will be assessed;</p> <p>iii. Identifying and overseeing the development of Continuing Professional Development opportunities to meet regulated member needs within a particular Practice Area.</p> <p>d) Oversee the review of practice permits for regulated members and recommending to the Registrar the placing of conditions, or removal of conditions, on the practice permit as deemed necessary by the committee.</p>	<p>Committee shall include (among others) the Registrar and the Assistant Registrar.</p>
Regulated	CAPF Bylaws s 4.2	CAPF Bylaws s 4.14	CAPF Bylaws s 17.1	The Regulated

<p>Forestry Profession Act</p> <p>Registered Professional Foresters Regulation</p> <p>Registered Professional Forest Technologists Regulation</p> <p>College of Alberta Professional Foresters (CAPF) Bylaws</p> <p>College of Alberta Professional Forest Technologist (CAPFT) Bylaws</p>	<p>b. The Executive Committee of the Council shall consist of the President, Vice-President and the Past-President together with the Registrar as a non-voting ex-officio member. The Executive Committee shall direct the affairs of the College subject to the instructions of the Council.</p> <p>CAPF Bylaws s 4.13 The Council shall appoint: 1) a Registrar in accordance with Section 8 of the Act</p> <p>CAPF Bylaws s 4.14 Registrar a. The Registrar shall: 1) be a Registered Professional Forester on the Registered Professional Foresters Register; 2) keep the registers and records up-to-date; 3) perform such other duties as are assigned to him/her by the Council; and, 4) do such other things as are necessary or expedient for the proper administration of the Act, Regulations and Bylaws, and the affairs of the College generally. ...</p> <p>d. The Registrar is responsible to the Council and has responsibilities as defined by the Executive.</p> <p>e. The Registrar is a non-voting, ex-officio member of all committees of the Council and committees of the College.</p>	<p>Registrar</p> <p>b. The Council may appoint a Registered Professional Forester from the Registered Professional Foresters Register as Acting Registrar who shall act as the Registrar in the absence or inability of the Registrar to act, or when the office of Registrar is vacant.</p> <p>c. When an acting Registrar acts as Registrar, he/she has all the powers and duties of the Registrar under the Act, Regulation and Bylaws.</p> <p>CAPF Bylaws s 2.3 The Registrar, or, in his/her absence or inability to act, the President or an individual designated by the Council, shall have custody of the Common Seal of the College.</p> <p>CAPF Bylaws s 4.1 b. The Registrar and Legal Advisor are non-voting, ex-officio members of the Council, but if either is unable to attend a meeting, he/she shall not appoint an individual to represent him/her.</p> <p>CAPF Bylaws s 4.2 c. In the event that any member of the Executive Committee is unable to act, the Council shall appoint a replacement from amongst its members.</p>	<p>a. The Council shall manage the property and business of the College and may exercise all such powers of the College as are not specified by the Act, Regulation and Bylaws to be dealt with otherwise.</p> <p>b. Within the same limitations, the Council may delegate its power to the Executive Committee.</p>	<p>Forestry Profession Act is structured and worded very similar to the HPA.</p> <p>There are no clear statements regarding registrar's powers/duties or power to delegate in the regulations under the Act.</p> <p>Not clear whether CAPF Bylaws s 4.2 would apply to the Registrar, as a non-voting ex-officio member.</p>
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	<p>CAPFT Bylaws 5.06 It shall be the duty of the Registrar, who is a member of the College in good standing, to attend all meetings of the College and Council, and to keep accurate minutes of the same. The Registrar shall have charge of all the correspondence of the College and be under the direction of the President and Council.</p> <p>The Registrar and/or office staff shall also keep a record of all the members of the College and their addresses, send all notices of the various meetings as required, and shall collect and receive the annual dues or assessments levied by the College, such monies to be promptly deposited in a bank, trust company, credit union or treasury branch as hereinafter required. The Registrar also has signing authority as per an officer of the College.</p>			
<p>Regulated Accounting Profession Act</p> <p>CGA, CMA and CA Bylaws</p>	<p>Act s 29 Governing body must appoint an individual as a registrar of the accounting organization for the purposes of the Act</p> <p>Act s 31 Registrar or registration committee (bylaws indicate which of the two) must consider and decide on application for registration under Part 3, including the imposition of conditions on a registration, and must undertake any other functions and duties prescribed by the governing</p>	<p>Act s 12(1) When an accounting organization is given a power, duty or function, it is to be carried out by its governing body or the individual, committee or other body prescribed by the governing body, and the delegated power, duty or function may be subdelegated, unless the governing body otherwise prescribes.</p> <p>(2) If an individual, committee or other body is not designated by this Act or prescribed by a governing body to perform a power, duty or function of</p>	<p>CMA Bylaws Section 4.03 Duties, Responsibilities and Powers of the President and CEO</p> <p>CMA Bylaws Section 4.04 (2) For the complaints inquiry committee and the practice review committee, the chair may appoint a vice-chair who will assume the powers and duties of the chair when the chair is not able to act for any reason.</p>	<p>Clear summaries or statements regarding registrar's powers and delegation are found in the bylaws.</p>

	<p>body.</p> <p>CMA Bylaws, Section 4.02 Duties, Responsibilities and Powers of the Registrar (1) The Registrar’s primary responsibility is to accept, consider and decide upon applications for membership for individual applicants, for public accounting firms, or for professional service providers. The Registrar has the power to approve, defer, or refuse an application for membership. The Registrar may impose conditions on a registration that the Registrar considers in the best interest of the public. The Registrar must notify an applicant of an incomplete registration application within 30 days of receipt. A decision must be rendered within 120 days of the receipt of an application; a failure to provide a decision must be considered a refusal of an application. (2) The Registrar will receive, and may issue approvals of, the articles of a proposed professional corporation. The Registrar will receive notifications regarding changes in ownership or directors or in the name of professional corporations. The Registrar has the power to set time limits for notification requirements. If a professional corporation does not comply with the requirements of the Act, the Registrar may cancel that professional corporation’s registration. The</p>	<p>the accounting organization, the chief elected officer or a designate of the chief elected officer may perform it.</p> <p>Act s 13(1) A governing body may fulfil the purposes of this Act and exercise its powers, duties and functions by regulation, bylaw, resolution, rule of professional conduct or practice standard unless this Act provides that a power, duty or function is to be exercised in a particular way. (2) A governing body may not delegate its authority to make regulations, bylaws, resolutions, rules of professional conduct or practice standards, but may delegate authority to act under or in accordance with a regulation, bylaw, resolution, rule of professional conduct or practice standard.</p> <p>Act s 15(3) Any power, duty or function under the bylaws may be delegated and subdelegated.</p> <p>CGA Bylaw 4101 If the registrar or Executive Director is absent or for any reason cannot act, the Executive Director shall appoint a person as acting registrar or Executive Director and that person, while so acting, has the powers and shall perform the duties of the registrar or Executive Director</p> <p>CGA Bylaw 4102</p>		
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	<p>Registrar may make complaints, under section 67 of the Act, and must notify the registrant regarding any resulting suspension, cancellation, or practice restriction. The Registrar must notify the Registrar of Corporations of any suspension or cancellation of a professional corporation within 30 days.</p> <p>(3) The Registrar may be required to act as a party to an appeal. The Ombudsman may require the Registrar to rehear any matter, and reconsider a decision. The Registrar has the power to quash, confirm or vary any decisions, recommendations, or parts of them.</p>	<p>If for any reason the Executive Director is unable to appoint an acting registrar or Executive Director in accordance with by-law 4101, the Board shall appoint a person as acting registrar or Executive Director and that person, while so acting, has the powers and shall perform the duties of the registrar or Executive Director</p> <p>There is a similar provision in CA Bylaws 500</p> <p>CMA Bylaws Section 4.01 Acting Registrar and Acting President and CEO (1) If the Registrar or the President and CEO is absent, or for any reason cannot act, or when there is a vacancy in the office, the Board may appoint any person as Acting Registrar or Acting President and CEO and that person, while so acting, has the powers and shall perform the duties of the Registrar or President and CEO, as the case may be. The responsibilities identified under Section 4.02 and Section 4.03 are primary responsibilities as identified under the Act however these may not include other responsibilities inherent in these positions as defined by the Board. The Board may require the Acting Registrar or Acting President and CEO to assume additional responsibilities.</p>		
<p>Bill 7 – Chartered Professional</p>	<p>Registrar 32 The board must appoint an individual as registrar of the CPAA for</p>	<p>13(1) A power, duty or function of the CPAA is to be carried out by the board or the individual, committee or other</p>	<p>Registration committee 33(3) The registration committee may, in the manner prescribed by the</p>	

<p>Accountants Act</p> <p><i>Received Royal Assent December 17, and will come into force on Proclamation.</i></p>	<p>the purposes of this Act.</p> <p>Registration decisions</p> <p>34 The registrar or the registration committee must consider and decide on applications for registration under this Part, including the imposition of conditions or restrictions on a registration, and must undertake any other functions and duties prescribed by the board in accordance with the regulations, bylaws, directives and resolutions.</p>	<p>body prescribed by the board, and the delegated power, duty or function may be subdelegated unless the board otherwise prescribes.</p> <p>17(3) Any power, duty or function under the bylaws may be delegated and subdelegated.</p>	<p>board, delegate any of its functions, powers or duties.</p>	
<p>Veterinary Profession Act</p> <p>Veterinary Profession General Regulation</p> <p>Alberta Veterinary Medical Association Bylaws</p>	<p>Act s 9 The Council shall appoint a Registrar for the purposes of the Act.</p> <p>Bylaws s 9.1.1 Council shall appoint a Registrar, Secretary-Treasurer, Complaints Director, Hearings Director, and such other personnel as it from time to time deems appropriate for the efficient operation of the Association.</p> <p>Bylaws 9.2 The separate duties of Registrar and of Secretary-Treasurer may, at Council’s discretion, be carried out from time to time by one person assuming the duties of both positions.</p> <p>Bylaws 9.3 The Registrar/Secretary-Treasurer as Registrar shall:</p> <p>9.3.1 generally act as the Chief Executive Officer of the Association;</p> <p>9.3.2 maintain in accordance with the Act, Regulations and Bylaws, a Register of Registered Veterinarians, Permit</p>	<p>Bylaws 9.1.3 Council may appoint such persons as it deems appropriate to discharge the duties of such persons appointed pursuant to 9.1.1 during the absence, disability, or vacancy in the office of such person. Such persons shall be designated the “Acting” or “Deputy” of the said position.</p>	<p>Act s 6 The Association has the capacity and, subject to this Act, the rights powers and privileges of a natural person</p> <p>Act s 11; Reg s 50.1; Bylaws s 4.4 re Practice Review Board</p> <p>Bylaws 4.3 Registration Committee</p> <p>4.3.1 The Registration Committee shall carry out the duties and responsibilities assigned to it in the Act and Regulations.</p> <p>Bylaws s 3.7, 3.8 and 3.9 re roles of President, VP and Past President</p> <p>Bylaws 9.8 The Association’s authorized signing authorities shall be the President, Vice President, immediate past President, Secretary-Treasurer, Registrar, Deputy Registrar</p>	<p>Practice Review Board, Hearing Tribunal, and Complaint Review Committee are established in the Act (though it says in s 4.1 of the Bylaws that Council shall establish these, among others).</p> <p>No clear statement establishing the Registration Committee but Act and bylaws say it shall be established by Council. It is</p>

	<p>Holders, and Other Members; 9.3.3 maintain in accordance with the Regulations, a Register of Technologists; 9.3.4 carry out such other duties as Registrar as are set out in the Act, Regulations and Bylaws; 9.3.5 on behalf of the Association, employ or contract with such individuals as are necessary for its efficient and prudent management and administration; 9.3.6 perform such duties as may be from time to time assigned by Council; 9.3.7 be a non-voting, ex officio member of each Legislated and Non-Legislated committee, except the Complaint Review Committee and Hearing Tribunal and the recording and corresponding secretary for each Legislated Committee, except the Complaint Review Committee and Hearing Tribunal.</p> <p>Bylaws 9.4 The Registrar/Secretary-Treasurer as Secretary shall: 9.4.1 attend to providing all notices required to be given by the Association and shall keep minutes of all meetings of the Association and Council. 9.4.2 keep in safe custody and have charge of all of the records of the Association together with copies of all reports by the Association, Council or committees thereof and such other books and papers as Council may direct.</p>		<p>and any other person designated in writing by Council.</p>	<p>referenced in the regulation, and its powers are outlined in the bylaws.</p> <p>Practice Inspection and Practice Standards Committee continued by bylaws.</p>
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	<p>9.4.3 be the custodian of all personal property of the Association and shall hold all deeds, documents and other evidence of title to real and personal property of the Association.</p> <p>9.4.4 perform such other duties as pertaining to the office of Secretary-Treasurer as may be required by Council.</p> <p>Bylaws 9.5 The Registrar/Secretary-Treasurer as Treasurer shall:</p> <p>9.5.1 have general charge of the finances of the Association;</p> <p>9.5.2 deposit all money and other valuable effects of the Association in the name of and to the credit of the Association in such banks or other depositories as Council may from time to time designate by resolution.</p> <p>9.5.3 render to Council whenever directed by Council an account of the financial condition of the Association and all transactions as Treasurer as soon as possible after the end of each fiscal year.</p> <p>9.5.4 cause the books of the Association to be audited by the Association's auditors.</p> <p>9.5.5 make and submit to Council a report for each year together with the audited financial statements.</p> <p>9.5.6 have custody and be responsible for the keeping of books of account of the Association.</p> <p>9.5.7 perform such other duties as are incidental to the office of Treasurer as</p>			
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	<p>requested by Council.</p> <p>Act s 15 The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register of registered veterinarians and permits holders.</p>			
<p>Professional and Occupational Associations Registration Act</p> <p>Regulations</p> <p><i>(Bylaws were not reviewed)</i></p>	<p>Act s 2 In accordance with the <i>Public Service Act</i>, there may be appointed a Registrar of Registered Professional and Occupational Associations and any other persons who are necessary for the administration of this Act.</p> <p>Act s 3 The Registrar [of Registered Professional and Occupational Associations] shall, when directed to do so by the Minister, examine, inquire into, study and report to the Minister on any matter that the Minister considers necessary for the purpose of obtaining information for conducting an investigation under section 7.</p> <p>Act s 7 ... Registrar [of Registered Professional and Occupational Associations] shall conduct an investigation into whether an association should be recommended for registration under this Act</p> <p>Regs – Association/Institute/Society Registrar appointed under the bylaws</p>	<p>Act s 18(1) A Discipline Committee shall choose one of its members to act as chair and a member to act as vice-chair.</p> <p>(2) In the absence or inability to act of the chair, the vice-chair has the powers and duties of the chair.</p> <p>Regs – Annual fee paid to the Association Registrar or to any person authorized by the Association Registrar to accept payment of the fee</p>	<p>Act s 11(1) An association that is named in an order under section 9(1)(a)</p> <p>(a) is a corporation, or</p> <p>(b) if it was a corporation before the order is made, is continued as a corporation under this Act and has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.</p> <p>Act s 13(1) The governing body of a registered association shall manage and conduct the business and affairs of the registered association and exercise the rights, powers and privileges of the registered association in the name and on behalf of the registered association.</p> <p>Act s 16(1) A registered association may establish a Registration Committee and a Practice Review Committee in accordance with the regulations.</p> <p>(2) The Registration Committee and the Practice Review Committee shall have the procedures, powers and duties prescribed by regulation.</p>	<p>There are 15 regulations under POARA. They are all set up essentially the same way. Relevant provisions are summarized here.</p> <p>Registration Committee is established in the Regs; sometimes but not always includes the Association/Institute/Society Registrar, sometimes as non-voting member</p> <p>Regs – includes powers and duties of Registration Committee (and</p>

				Practice Review Committee)
Legal Profession Act	Act s 25(1) The Executive Director, the Deputy Executive Directors, the Deputy Secretaries and the Treasurer shall be appointed by the Benchers.	Act s 25(2) Unless otherwise expressly provided in the rules or by a resolution of the Benchers, a Deputy Executive Director or a Deputy Secretary may exercise and perform any powers, functions and duties of the Executive Director.	Act s 3 The Society, in addition to the powers vested in it by this or any other Act, has the power to borrow money for the purposes of the Society and to mortgage or charge property of the Society or its sources of funds as security for money borrowed.	There is no Registrar but an Executive Director (ED).
Rules of the Law Society of Alberta	Act s 40(1) The Executive Director shall approve the admission of a person as a student-at-law if the person proves to the Executive Director's satisfaction... Act s 41(1) and 42(2) The Executive Director shall approve the enrolment of a person as a member of the Society if ... (re transfer of Canadian lawyers to Alberta, and transfer of corporate counsel to Alberta) Act s 48 ED can grant authorization to outside counsel Act s 53(1) Any conduct of a member that comes to the attention of the Society, whether by way of a complaint or otherwise, shall first be reviewed by the Executive Director. Rule s 6 The Executive Director is (a) the chief executive officer of the Society, (b) the custodian of the seal of the Society, and (c) subject to the Deposit Agreement referred to in Rule 44, the custodian of the records of the Society.	(3) The President may appoint any person as Acting Executive Director if the Executive Director is absent or unable to act, and that person, while Acting Executive Director, has the powers and shall perform the duties of the Executive Director. (4) The Benchers may, by resolution or by the rules, delegate any powers or duties of the Executive Director under this Act to the Treasurer, the holder of an office established under section 24(1) or an employee of the Society and prescribe the circumstances in which or the conditions on which the delegation is to apply. (5) A delegation made under subsection (4) does not affect the ability of the Executive Director to exercise or perform the power or duty so delegated. Act s 37 re role of Society re enrolment or admission (5) The Benchers may delegate any of their authority under this section, other than the authority to make rules,	Act s 24(5) The Acting President has the powers and shall perform the duties of the President. Act s 58(2) On being directed to carry out a review and assessment under this section, the Practice Review Committee may delegate the carrying out of any aspect of the review and assessment to a subcommittee consisting of one or more persons, whether they are members of the Practice Review Committee or of the Society or not, and in that case, the subcommittee shall submit a written report containing its findings and recommendations to the Practice Review Committee. Rule 24(3) If for any reason the chair of a committee is absent or unable to perform the duties of the chair at a meeting of the committee, the vice-chair, if available, or any other committee member chosen by the committee, may preside at the	

	<p>Rule 31.1 and 31.2 – appointments made by ED</p> <p>Rule 54 ED determines articling commencement date</p> <p>Rule 55 ED determines the suitability of a member to act or continue to act as a principal</p> <p>Rule 57.2 ED can approve assignment of articles</p> <p>Rule 57.3 ED can terminate articles</p> <p>Rule 60 Can approve extension of time period re CPLED program requirements</p> <p>Rule 72.2 and 72.3 ED may allow visiting lawyer to provide legal services without a permit</p> <p>Rule 76 ED may issue licence re foreign legal consultant (or attached conditions or refer the application to the Credentials and Education Committee)</p> <p>Rule 85 Any matter regarding the conduct of a member is reviewed by the ED who makes a direction on the matter</p> <p>Rule 119.5 and 119.34 ED reviews and makes decision re responsible lawyer</p> <p>Rule 119.27 ED can make decisions re</p>	<p>to the ED or to the Credentials and Education Committee.</p> <p>Rule 1(3) If a power or duty of the Executive Director under any provision of these Rules is delegated by the Benchers to an officer or employee of the Society, a reference to the Executive Director in that provision shall be construed as including that officer or employee.</p> <p>In Part 2, Division I, Interpretation and Authority, per Rule 47(e) "Executive Director" includes the employees holding the positions of Credentials and Education Counsel, Counsel, Policy and Programs Counsel, and any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director in these Rules</p> <p>Rule 48.3 Wherever this Part of the Rules provides the ED with the authority to determine a matter, the ED may, in his/her sole discretion, refer the matter to the Committee for determination. (Re Part 2 Membership and Qualifications to Provide Legal Services)</p> <p>Rule 87.1(1) The powers and duties of the Executive Director under part 3 of the Act and part 3 of these Rules are delegated:</p>	<p>meeting and while so presiding has the powers and duties of the chair. (4) A power or duty conferred or imposed by these Rules or the Act on the chair of a committee may be exercised or performed by the vice-chair of the committee.</p> <p>Rule 26 re powers and duties of Executive Committee</p> <p>Rule 82 A power or duty conferred or imposed by this Part of the Rules or Part 3 of the Act [re conduct of members] on the chair of the Conduct Committee may be exercised or performed by a vice-chair of the Conduct Committee.</p> <p>Rule 89 Practice Review Committee may sit in panels of a minimum of 3 members each for certain purposes; nothing in this Rule affects the ability of the Practice Review Committee to exercise or perform the power or duty delegated to the panel, nor to exercise the power of delegation under s 58(2) of the Act</p> <p>Rule 119.33(2) The powers conferred by subrule (1) on the Benchers may also be exercised by ... (e) the Executive Director ...</p>	
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	<p>dealing with certain trust monies</p> <p>Rule 119.35 and 119.37 ED can grant exemptions re financial records</p> <p>Rule 137 ED approves pro bono provider</p> <p>Rule 141 ED reviews and makes a decision on each claim against the assurance fund</p>	<p>(a) to the President or the President-Elect where ...; and (b) to the President-Elect where ...</p> <p>In Part 4 (reinstatement), per Rule 107.2: In this Part, “Executive Director” includes the employee holding the positions of Credentials and Education Counsel and any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director in this Part.</p> <p>In Part 5 (duties of law firms), per Rule 119(1)(f): “Executive Director” includes the employees holding the position of Credentials and Education Staff Lawyer, Manager, Trust Safety, and any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director;</p> <p>In Part 6, Division 2 (claims against the assurance fund), per Rule 139(d): In this Division ... “Executive Director” includes the employee holding the position of Director of Insurance and any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director in this Division.</p> <p>In Part 8, Professional Corporations, per Rule 153.1: In this Part, “Executive Director”</p>		
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		<p>includes the employees holding the positions of Credentials and Education Counsel, Membership Manager, Membership Officer, Counsel and Policy and Programs Counsel. (Similarly, in Part 8.1, Limited liability partnerships, per Rule 159.01)</p> <p>In Part 9, Society fees and assessments, per Rule 160 In this Part, ... (b) “Executive Director” includes a delegate of the Executive Director.</p> <p>Rule 164.1(2) Each member must complete, sign and return the Member Information Update form to the Law Society no later than March 15 of that year, subject to any extension of time authorized by the Executive Director’s delegate.</p>		
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Appendix 3A: Authority and Duties of Council in Other Self-Regulated Professions in Alberta

This document provides a summary of Alberta legislation regarding professional associations (other than *The Engineering and Geoscience Professions Act*) and, more specifically, the provisions related to their Councils' authorities, duties and authority to delegate.

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(a) Architects Act, Revised Statutes of Alberta 2000, Chapter A-44

4 The Court of Queen's Bench, on application by the Council, may grant an injunction enjoining any person from doing any act that is in contravention of section 2, 2.1 or 3(1), notwithstanding any penalty that may be provided by this Act or the regulations in respect of that contravention.

6(1) There is hereby established a governing body of the Association called the Council.

(2) The Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name and on behalf of the Association.

(3) The Council shall annually submit to the Minister a report on those matters of the business and affairs of the Association that the Minister may require in a form satisfactory to the Minister.

7 The Council may by resolution appoint or revoke the appointment of an individual as Registrar for the purposes of this Act.

8(2) The members of the Council under subsection (1) shall elect from among themselves the officers of the Association specified in the bylaws in the manner and for the term prescribed in the bylaws.

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

(a) the fact that no member of the public is appointed as a member of the Council pursuant to subsection (1)(b),

(b) the revocation, under subsection (4), of the appointment of a member of the Council, or

(c) the resignation from the Council of a member of the public.

9(1) The Council may make regulations

(a) respecting the academic qualifications of and training requirements for applicants for registration as registered architects and licensed interior designers;

(b) establishing conditions respecting the registration of an applicant referred to in clause (a), including residence, age and character requirements;

(c) providing for the evaluation by the Registration Committee, the Practice Review Board, any other committee or board established or designated under the regulations, or for the evaluation by the Council, of the academic qualifications of and training requirements for applicants for registration as registered architects, visiting project architects, restricted practitioners, licensed interior designers or visiting project interior designers, and the examination of those applicants with respect to those qualifications or requirements;

(d) respecting the eligibility of applicants for registration to engage in the practice of architecture (i) as visiting project architects, including their relationship with registered architects who will collaborate on projects approved by the Council, or (ii) as restricted practitioners;

(d.1) respecting the eligibility of applicants for registration to engage in the practice of interior design as visiting project interior designers, including regulations respecting their relationship with licensed interior designers who will collaborate on projects approved by the Council;

(e) prescribing the requirements of eligibility of applicants to engage in the practice of architecture as architects corporations, including (i) the number of full-time permanent employees or shareholders who must be registered architects and who will assume personal supervision, direction and control over the practice of architecture, (ii) the required amount of beneficial ownership of voting shares of the applicant that must be vested in registered architects and the number of directors or officers of the applicant who must be registered architects, and (iii) the persons or qualifications of persons who may be beneficial owners of any of the issued shares of the applicant or who may be employees of the applicant but are not registered architects;

- (e.1) prescribing the requirements of eligibility of applicants to engage in the practice of interior design as interior design corporations, including (i) the number of full-time permanent employees or shareholders who must be licensed interior designers and who will assume personal supervision, direction and control over the practice of interior design, (ii) the required amount of beneficial ownership of voting shares of the applicant that must be vested in licensed interior designers and the number of directors or officers of the applicant who must be licensed interior designers, and (iii) the persons or qualifications of persons who may be beneficial owners of any of the issued shares of the applicant or who may be employees of the applicant but are not licensed interior designers;
- (f) prescribing technical standards for the practice of architecture;
- (g) establishing and providing for the publishing of a code of ethics respecting the practice of architecture, the maintenance of the dignity and honour of the profession of architecture and the protection of the public interest;
- (h) governing the names under which authorized entities may engage in the practice of architecture;
- (i) respecting the fixing of fees, dues and levies payable to the Association by visiting project architects; (j) prescribing how many members of the Council constitute a quorum of the Council;
- (k) 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 Complaint Review Committee and appeals from decisions of that Board;
- (l) governing, subject to this Act, the operation and proceedings of the Registration Committee, the Complaint Review Committee 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 either Committee or the Board, the appointment of members by virtue of their offices of either Committee or the Board and prescribing their powers, duties and functions;
- (m) respecting the procedures for hearings of the Complaint Review Committee, of the Practice Review Board and of the Council in matters relating to the conduct or practice of authorized entities, whether or not a complaint has been made;
- (n) applying all or some of the provisions of this Act, the regulations or the bylaws to members of classes or categories of membership in the Association established under the bylaws;
- (o) respecting reviews of the practice of an authorized entity by the Board or a person authorized by the Board;
- (p) respecting registration, licensing, permits and certificates of authorization, the review of complaints, the practice arrangements of authorized entities, the practice of architecture and the review of the practice of authorized entities, generally;
- (q) respecting the establishment by the Council of compulsory continuing competence programs for registered architects, licensed interior designers and restricted practitioners;
- (r) governing the publication of a notice of the suspension or cancellation of the registration of an authorized entity in a form and manner prescribed by the Council;
- (s) respecting committees of inquiry for reinstatements under Part 5;
- (t) defining the practice of interior design for the purposes of this Act;

10(1) The Council may make bylaws

- (a) for the government of the Association and the management and conduct of its affairs;
- (b) determining the location of the head office of the Association;
- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election, number and term of office of Council members and officers of the Association and the appointment of individuals as members by virtue of their offices of the Council and of any committee or board established by the Council, and prescribing their powers, duties and functions;

- (e) providing for the appointment of acting members of the Council and procedures for the election of registered architects and licensed interior designers and the nomination of members of the public for appointment by the Minister;
- (f) providing for the division of Alberta into electoral districts, and prescribing the number of Council members to be elected from each district;
- (g) establishing classes or categories of membership in the Association in addition to registered architects and licensed interior designers, and prescribing the rights, privileges and obligations of the classes or categories of membership so established;
- (h) providing for the appointment and the revocation of the appointment of employees of the Association and of an individual as an Acting Registrar who has all of the powers and performs 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) governing the establishment, operation and proceedings of chapters;
- (j) 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;**
- (k) prescribing the number of registered architects and licensed interior designers that constitutes a quorum at meetings of the Association;
- (l) except for the members of the public appointed by the Minister, prescribing fees and expenses payable to members of the Council, the Practice Review Board, the Registration Committee, the Complaint Review Committee or any other board or committee of the Council or Association or for a registered architect or licensed interior designer representing the Association on a board or committee;
- (m) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit programs that the Council considers appropriate;
- (n) governing the information to be engraved on and the use to be made of (i) seals and stamps by registered architects and seals by licensed interior designers, and (ii) stamps by visiting project architects, restricted practitioners, visiting project interior designers, architects corporations, interior design corporations and joint firms;
- (o) respecting the fixing of fees, dues and levies payable to the Association by registered architects, architects corporations, joint firms, restricted practitioners, licensed interior designers, interior design corporations and persons who are members of other classes or categories of membership in the Association;
- (p) governing the nature of the costs in respect of which an order may be made by the Discipline Committee or, on appeal, the Council;
- (q) respecting the establishment, content and maintenance of registers of authorized entities and of records of other classes or categories of membership to be recorded by the Registrar;
- (r) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the regulations to indicate (i) the suspension or cancellation of the registration of an authorized entity, or (ii) the death of a registered architect, visiting project architect, restricted practitioner, licensed interior designer or visiting project interior designer, including the removal of the name of the individual or corporation concerned;
- (s) governing the publication of the names of applicants for registration as registered architects or licensed interior designers approved by the Registration Committee;
- (t) requiring authorized entities to maintain a business address in Alberta and to inform the Registrar in writing of that address and of any change in that address forthwith after the change occurs;

- (u) authorizing the Council to prescribe the form of a certificate of registration, a licence, a permit, a certificate of authorization, an annual certificate and any other form or document that may be required for the purposes of this Act, the regulations and the bylaws;
 - (v) governing the holding of mail votes.
- (2) The Regulations Act does not apply to bylaws of the Association.

10.1 Before the Council, by regulation, establishes or amends the academic qualifications and training requirements for applicants for registration as registered architects and licensed interior designers, the Council must consult with the Minister and the Minister responsible for Parts 1 to 3 of the Post-secondary Learning Act and must consider the comments received from those Ministers.

11(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council.

12(1) The Council shall, by bylaw, establish a Registration Committee consisting of those registered architects and licensed interior designers appointed by the Council as members of the Registration Committee.

13(1) The Council shall, after receipt of a request for review under section 12(4) or (6), review the request so received.

(2) A person who requests a review pursuant to section 12(4) and the applicant for registration or, on a request under section 12(6), the applicant alone (a) shall be notified in writing by the Council of the date, place and time that it will consider the matter requested to be reviewed, and (b) is entitled to appear with counsel and make representations to the Council when it considers the matter under review.

(3) A member of the Registration Committee who is also a member of the Council may participate at a review by the Council under this section but shall not vote in a decision of the Council at a review under this section.

14(1) The Registration Committee or, on review, the Council shall approve for registration as a registered architect an individual who has applied under this Act and is eligible in accordance with this Act and the regulations to be registered as a registered architect.

(2) An individual becomes entitled to be registered as a registered architect when the Registration Committee or the Council, as the case may be, approves the individual's registration.

15(1) The Council may approve the registration of an individual who has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as a visiting project architect for the purpose of a project approved by the Council.

(2) The Council may, for the purposes of this section, approve (a) a project described in an application for registration under this section, and (b) subject to the regulations, the proposed relationship between the applicant for registration as a visiting project architect and a registered architect who will collaborate on the project approved under clause (a).

(3) An individual becomes entitled to be registered as a visiting project architect when the Council approves the individual's registration.

16(1) The Council may approve the registration of a corporation registered, incorporated or continued under the Business Corporations Act that has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as an architects corporation.

(2) A corporation becomes entitled to be registered as an architects corporation when the Council approves its registration.

16.1(1) The Registration Committee or, on review, the Council shall approve for registration as a licensed interior designer an individual who has applied under this Act and is eligible in accordance with this Act and the regulations to be registered as a licensed interior designer.

(2) An individual becomes entitled to be registered as a licensed interior designer when the Registration Committee or the Council, as the case may be, approves the individual's registration.

16.2(1) The Council may approve the registration of an individual who has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as a visiting project interior designer for the purpose of an interior design project approved by the Council.

(2) The Council may, for the purposes of this section, approve (a) an interior design project described in an application for registration under this section, and (b) subject to the regulations, the proposed relationship between the applicant for registration as a visiting project interior designer and a licensed interior designer who will collaborate on the interior design project approved under clause (a).

(3) An individual becomes entitled to be registered as a visiting project interior designer when the Council approves the individual's registration.

16.3(1) The Council may approve the registration of a corporation registered, incorporated or continued under the Business Corporations Act that has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as an interior design corporation.

(2) A corporation becomes entitled to be registered as an interior design corporation when the Council approves its registration.

19(1) On receipt of a recommendation of the Joint Board under section 18, the Council may approve the registration of a proposed architects and engineers firm if that firm is eligible to become registered under the regulations.

(2) When recommendations are made by the Joint Board to both the Council and the council of the Engineers Association with respect to an application for a certificate of authorization, both councils must agree that the certificate should be issued and shall sign the certificate before it is issued.

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

21 The term of a licence, a permit and a certificate of authorization is one year from the date of issue of the licence, permit or certificate, and the licence, permit or certificate may, with the approval of the Council, be renewed for additional periods, each not exceeding one year, on payment of the fees prescribed in the regulations or the bylaws, as the case may be.

24(1) The Registrar shall not, at the request of an authorized entity, cancel the registration of the authorized entity unless the request for the cancellation has been approved by the Council.

25(1) An architects corporation may engage in the practice of architecture only in its corporate name or another name that is approved by the Council pursuant to the regulations, and not otherwise.

26(1) A joint firm may engage in the practice of both architecture and engineering in

(c) any other name that is approved by the Council pursuant to the regulations.

(4) A joint firm

(a) may hold itself out as "architects and engineers" or "engineers and architects" only if it has

both architects and engineers as partners or shareholders in an arrangement that is satisfactory to the Council or the council of the Engineers Association, as the case may be;
(b) shall not hold itself out as “architects and engineers” or “engineers and architects” if the architects or engineers, as the case may be, are employees only and not partners or shareholders, or if the partnership or shareholding arrangement is not satisfactory to the Council or the council of the Engineers Association, as the case may be.

26.1(1) An interior design corporation may engage in the practice of interior design only in its corporate name or another name that is approved by the Council pursuant to the regulations, and not otherwise.

27.1 (5) On completing a review, the Council may confirm, reverse or vary the decision of the Registrar and make any decision that the Registrar could have made, and may make any further order the Council considers necessary for the purposes of carrying out the decision.
(6) The Council must give the applicant and the Registrar a written copy of its decision under subsection (5) with the reasons for the decision.

27.2(1) The Council may direct the Registrar

(a) to reinstate in the applicable register a registration that was cancelled under section 27 or 27.1, and

(b) to reissue [evidence of registration]to its former holder.

(2) A direction to the Registrar under subsection (1) is subject to:

(c) any conditions imposed by the Council in a decision or order under section 27.1(5), and

(d) any conditions imposed by the Council under the regulations.

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

31(3) A person designated by the Council as a mediator may assist in settling a complaint made to the Registrar.

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).

35(1) A complainant who is served with a notice under section 34 that the chair has directed that no further action be taken may, by notice in writing to the Registrar within 30 days after receipt of the notice, appeal that direction to the Council.

(2) The Council shall determine whether

(a) the complaint is frivolous or vexatious,

(b) there is insufficient evidence of unskilled practice of architecture or unprofessional conduct, or

(c) the complaint should be referred to the Committee,

and shall notify the complainant and the chair in writing of its decision.

36 There is hereby established a committee called the Complaint Review Committee consisting of not fewer than 3 registered architects and one licensed interior designer appointed by the

Council in accordance with the regulations to exercise the powers and perform the duties set out in this Part.

38(1) There is hereby established a board called the Practice Review Board consisting of not fewer than 6 members as follows:

- (a) registered architects who are appointed by the Council,
- (a.1) at least one licensed interior designer appointed by the Council,
- (b) persons who have a combination of knowledge and experience suitable for determining academic qualifications and training requirements necessary for a person to continue to engage in the practice of architecture, and who are appointed by the Council, and
- (c) one member of the public who is not a person mentioned in clause (b) and who is nominated by the Council and appointed by the Minister, in accordance with the regulations to exercise the powers and perform the duties set out in this Part.

39(1) The Board

- (a) shall, on its own initiative or at the request of the Council, inquire into and report to and advise the Council in respect of
 - (i) the assessment of existing and the development of new educational standards and experience requirements that are conditions precedent to obtaining and continuing registration under this Act,
 - (ii) the evaluation of desirable standards of competence of authorized entities generally,
 - (iii) any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of architecture under this Act and the regulations, and ...
- (4) If it is in the public interest to do so, the Council may direct that the whole or any portion of an inquiry by the Board under this section is to be held in private.

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.

(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.

(4) The review panel or, on appeal, the Council may also hear any other matter concerning the conduct of the investigated person that arises in the course of a hearing or on an appeal, but in that event the review panel or the Council shall declare its intention to hear the further matter and shall permit that person sufficient opportunity to prepare the person's answer to the further matter.

43(1) Evidence may be given before the review panel or, on appeal, the Council in any manner that the review panel or the Council, as the case may be, considers appropriate, and neither the review panel nor the Council is bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) For the purposes of an investigation, hearing or review under this Act, a member of the review panel or, on appeal, the Council, is conferred with the power of a commissioner for oaths under the Commissioners for Oaths Act.

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

- (a) proceed with the hearing or appeal in the absence of the investigated person, and
- (b) act, decide or report on the matter being heard or appealed in the same way as though the investigated person were in attendance.

48 If the review panel or, on appeal, the Council determines that the conduct of an investigated person constitutes neither unskilled practice of architecture nor unprofessional conduct, it shall so find.

49 If the review panel or, on appeal, the Council determines that the conduct of an investigated person constitutes unskilled practice of architecture or unprofessional conduct, or both, it shall so find and shall deal with that conduct in accordance with this Part.

50(1) If the review panel or, on appeal, the Council finds that the conduct of an investigated person constitutes unskilled practice of architecture or unprofessional conduct, or both, the review panel or the Council, as the case may be, may make any one or more of the following orders:

- (a) reprimand the investigated person;
- (b) suspend the registration of the investigated person either generally or from any field of the practice of architecture;
- (c) suspend the registration of the investigated person either generally or from any field of practice until (i) that person has completed a specified course of studies or obtained supervised practical experience, or (ii) the review panel or Council is satisfied as to the competence of the investigated person generally or in a specified field of practice;
- (d) accept in place of a suspension the investigated person's undertaking to limit that person's practice;
- (e) impose conditions on the investigated person's ability to engage in the practice of architecture generally or in any field of the practice, including the conditions that that person (i) practise under supervision, (ii) not engage in sole practice, (iii) permit periodic inspections by a person authorized by the review panel or Council, or (iv) report to the review panel or Council on specific matters;
- (f) direct the investigated person to pass a particular course of study or satisfy the review panel or Council as to that person's practical competence generally or in a field of practice;
- (g) direct the investigated person to satisfy the review panel or Council that a disability or addiction can be or has been overcome, and suspend the person until the review panel or Council is so satisfied;
- (h) require the investigated person to take counselling or to obtain any assistance that, in the opinion of the review panel or Council, is appropriate;
- (i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the review panel or Council, were not rendered or were improperly rendered;
- (j) cancel the registration of the investigated person.

(2) The review panel or, on appeal, the Council may make any ancillary order that is appropriate or required in connection with any order mentioned in subsection (1)(a) to (j) or may make any other order that it considers appropriate in the circumstances.

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

- (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).

(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.

(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.

52 The review panel and, on appeal, the Council shall, within a reasonable time after the conclusion of a hearing, review or appeal before it, make a written decision on the matter, in which it shall

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

53(1) When the review panel or Council has made a decision, the chair or vice-chair of the review panel or Council shall immediately forward the decision to the Registrar.

54(1) Notwithstanding an appeal under section 55 or 59, a review panel or the Council, as the case may be, may, on the conclusion of a hearing, suspend the registration of the investigated person until the time that the Council or the Court of Appeal, as the case may be, makes its decision on the appeal.

55(5) Each member of the Council is entitled on receiving a copy of a notice of appeal, to examine the record or any part of the record of the proceedings before the review panel and to hear any tape recording or examine any mechanical or handwritten form of record of any testimony given before the review panel.

56(1) The Council shall, on being served with a notice of appeal under section 55, direct the Registrar to serve, and the Registrar on being so directed shall serve on the investigated person and on the members of the Council a notice of hearing of an appeal stating the date, time and place at which the Council will hear the matters appealed.

(2) The Council shall hear an appeal within 30 days after the date of service of the notice of hearing of the appeal.

(3) The Council may, on the written request of the investigated person or the Registrar, extend the period mentioned in subsection (2) for one or more additional periods, each not exceeding 30 days.

57(1) The Association's solicitor may participate in the hearing of an appeal before the Council.

(2) A member of a review panel who is also a member of the Council may participate in an appeal before the Council but shall not vote in a decision of the Council on the appeal.

(3) The Council on an appeal may

- (a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Council;
- (b) on granting special leave for that purpose, receive further evidence;
- (c) draw inferences of fact and make a determination or finding that, in its opinion, ought to have been made by the review panel;
- (d) order that the matter be referred back to the review panel.

(4) The Council shall, within 30 days from the date of the conclusion of all proceedings before it,

- (a) make any finding that, in its opinion, ought to have been made by the review panel,
- (b) quash, confirm or vary the finding or order of the review panel under this Part or substitute or make a finding or order of its own, or

(c) refer the matter back to the review panel for further consideration in accordance with any direction that the Council may make.

(5) The Council may order the investigated person to pay all or part of the costs of the appeal determined in accordance with the bylaws.

63(1) If the Council is satisfied, after a hearing on the matter, that a person whose registration is entered in the register obtained registration by means of any false or fraudulent representation or declaration, either oral or written, the Council shall order that the person's registration be cancelled.

(2) The provisions of this Part respecting the procedures at a hearing before a review panel apply with all necessary modifications to a hearing held by the Council under subsection (1).

64(2) If the registration of an authorized entity has been cancelled under this Part, the registration shall not be reinstated in the register except by order of the Council or the Court of Appeal.

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

70(1) An authorized entity whose registration is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of architecture or directly or indirectly associate the entity with the practice of architecture with any authorized entity.

(2) No authorized entity shall, except under the authority of the Council, associate in the practice of architecture directly or indirectly with or employ in connection with the entity's practice a person whose registration has been cancelled or suspended under this Act.

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

73(2) The term of a certificate of authorization issued under this section is one year from the date of issue of the certificate, and the certificate may, subject to the approval of the Council, be renewed for additional periods, each not exceeding one year, on payment of the fees prescribed in the bylaws.

(3) A certificate of authorization issued under this section is subject to this Act, the regulations and the bylaws.

(4) The Council may direct the Registrar to cancel the registration of a restricted practitioner.

(b) who is not a professional engineer in good standing under the Engineering and Geoscience Professions Act, after the expiration of one month following the service on the restricted practitioner of a written notice that the Council intends to cancel the registration unless the restricted practitioner on whom the notice is served complies with the notice.

(b) Architects Act General Regulation, Alberta Regulations 200/2009

2 An application for registration under the Act must be made on a form approved by the Council.

3 The Council must designate a member of the Registration Committee as chair and may designate one or more members as vice-chairs.

5(2) The Registration Committee must perform any other functions assigned to it by the Council.

6(2) An applicant meets the academic and training requirements necessary for registration as a registered architect if

- (a) the applicant (i) has a university degree acceptable to the Council or has completed a substantially equivalent post-secondary program acceptable to the Council, (ii) has completed at least 2 years of practical training in the practice of architecture acceptable to the Registration Committee, and
- (iii) has completed the examinations approved by the Council, or
- (b) the applicant is registered as an architect in a jurisdiction recognized by the Council.

7(2) An applicant meets the academic and training requirements necessary for registration as a licensed interior designer if

- (a) the applicant (i) has a degree in interior design acceptable to the Council or has completed a substantially equivalent post-secondary program acceptable to the Council, (ii) has completed at least 2 years of practical training in the practice of interior design acceptable to the Registration Committee, and (iii) has completed the examinations approved by the Council, or
- (b) the applicant is registered as a licensed interior designer or the equivalent, as recognized by the Council, in a jurisdiction recognized by the Council.

10(1) The Council may grant a preliminary letter of approval for a corporation to be registered as an architects corporation if

- (a) the Council is satisfied that the proposed incorporation documents include provisions ... and
- (b) the Council is satisfied that the proposed name of the corporation meets the requirements set out in section 27.

(2) The Council may grant a preliminary letter of approval for a corporation to be registered as an interior design corporation if

- (a) the Council is satisfied that the proposed incorporation documents include provisions ... and
- (b) the Council is satisfied that the proposed name of the corporation meets the requirements set out in section 28.

11(1) Within 45 days or a longer period that the Council permits, a recipient of a preliminary letter of approval must apply for incorporation under the Business Corporations Act.

(2) When the proposed corporation is incorporated under the Business Corporations Act, the corporation must send to the Registrar.

(c) any other evidence required by the Council to satisfy the Council that the requirements of this Regulation have been and will continue to be complied with.

12 The Council must approve the registration of a corporation as an architects corporation if it is satisfied that the corporation meets all of the following requirements for architects corporations:

- (d) any shareholders of the corporation who are not registered architects, licensed interior designers or professional engineers are of good character and are satisfactory to the Council.

13 The Council must approve the registration of a corporation as an interior design corporation if it is satisfied that the corporation meets all of the following requirements for interior design corporations:

- (d) any shareholders of the corporation who are not licensed interior designers or registered architects are of good character and are satisfactory to the Council.

14(1) A permit issued to an architects corporation under section 20(3) of the Act shall not be renewed unless the Council is satisfied that the architects corporation meets the requirements of section 12.

(2) A permit issued to an interior design corporation under section 20(4.3) of the Act shall not be renewed unless the Council is satisfied that the interior design corporation meets the requirements of section 13.

16 The Council may approve the registration of an individual as a visiting project architect if it is satisfied as to the matters referred to in the application, the suitability of the project and the eligibility of the applicant.

18 The Council may approve the registration of an individual as a visiting project interior designer if it is satisfied as to the matters referred to in the application, the suitability of the project and the eligibility of the applicant.

19(1) A visiting project architect must pay the following fees in respect of each project for which the visiting project architect is registered:

- (a) the registration fee set by the Council and payable on registration
- (b) the annual fee set by the Council and payable on registration and thereafter on renewal in accordance with section 20.

(2) A visiting project interior designer must pay the following fees in respect of each project for which the visiting project interior designer is registered:

- (a) the registration fee set by the Council and payable on registration
- (b) the annual fee set by the Council in accordance with the bylaws and payable on registration and thereafter on renewal in accordance with section 21.

23 If a registered architect, licensed interior designer or restricted practitioner has been suspended, or if the registration of the registered architect, licensed interior designer or restricted practitioner has been cancelled, for one year or more, the registered architect, licensed interior designer or restricted practitioner may be required by the Council to take such examinations as may be prescribed by the Council before the reinstatement becomes effective.

24(1) An authorized entity whose registration has been cancelled as a result of a decision of the Complaint Review Committee or Council may apply to the Council to be reinstated.

(2) The Council may establish a committee of reinstatement to consider the application and make recommendations to Council.

27(1) An authorized entity that engages in the practice of architecture through a firm may only do so if the name of the firm ... (d) is approved by the Council.

(6) The Council shall not approve a name for the purposes of this section if, in the opinion of the Council, the name does not meet the requirements of this section or is contrary to the Act.

28(1) An authorized entity that engages in the practice of interior design through a firm may only do so if the name of the firm ... (d) is approved by the Council.

(6) The Council shall not approve a name for the purposes of this section if, in the opinion of the Council, the name does not meet the requirements of this section or is contrary to the Act.

29(1) No authorized entity shall use a letterhead or a business card unless it has first been approved by the Council.

(2) No change to a letterhead or business card shall be made by an authorized entity until the change has been approved by the Council.

33(1) A registered architect may practise architecture as a partner in a partnership only if the partnership meets all of the following requirements: ...

(b) the partners in the partnership who are not authorized entities ... (iii) are satisfactory to the Council.

34(1) A licensed interior designer may practise interior design as a partner in a partnership only if the partnership meets all of the following requirements:

(b) the partners in the partnership who are not authorized entities ... (iii) are satisfactory to the council.

37 An authorized entity may not take part in an architectural competition or a limited architectural competition unless the conditions of the competition or limited competition are in accordance with the standards approved by the Council.

41(1) Subject to subsection (2), an authorized entity may provide professional services to a client only if the authorized entity and client have executed a written agreement that ...

(2) Subsection (1) does not apply if an authorized entity is providing professional services ...
(b) in accordance with a direction by the Council.

46 Registered architects, licensed interior designers and restricted practitioners must

(a) comply with the continuing competence program rules approved by the Council,

(b) obtain the continuing competence hours required by the Council in each calendar year by completing continuing competence activities approved by the Council and the core competency courses required by the Council,

(c) maintain accurate and complete records of activities in the continuing competence program,

(d) report on the completion of continuing competence activities in a manner approved by the Council, and

(e) on the request of the Registrar, submit documentation in a form approved by the Council that demonstrates compliance with the continuing competence program rules.

47(1) An education committee established by the Council by bylaw may recommend to the Council rules governing the operation of the continuing competence program, which include the following:

(2) The Council may establish rules and amendments to the rules and must

(a) send notice to all registered architects, licensed interior designers and restricted practitioners that the rules have been established or amended, and

(b) provide copies of the rules and any amendments to the rules to the public, the Minister and to any other person on request.

49 The Council must designate a member of the Complaint Review Committee as chair and may designate one or more members as vice-chairs.

55(1) If the Complaint Review Committee suspends or cancels the registration of an authorized entity, the Council must publish a notice of the suspension or cancellation in any manner it considers appropriate.

56 The Council must designate the chair and vice-chair of the Practice Review Board.

58 The Practice Review Board must appoint a person to conduct a review of the practice of an authorized entity under section 39(1)(b) of the Act if

(a) the review is part of a program of regular or periodic reviews of the practice of all authorized entities established by the Council, or

(b) an authorized entity, the Complaint Review Committee or the Council requests in writing that the review be conducted and the Practice Review Board considers that the authorized entity should be the subject of a practice review.

(c) The Alberta Association of Architects Bylaws

2.1(2) The Council shall set the date of the annual general meeting.

(4) If a place for the annual general meeting is not specified pursuant to subsection (3) or if unforeseen circumstances arise, the place may be specified by the Council.

2.3(1) The Council may call a special general meeting of voting members at any time.

(2) The Council shall call a special general meeting of voting members if: (a) a request to do so is submitted to the Council by at least twenty five (25) voting members; and (b) the purpose of the meeting is specified in the request.

(3) Upon receipt of a request under subsection (2), the Council shall call a special general meeting within 45 days of receipt of the request.

(4) If the Council calls a special general meeting to consider enactment, amendments or repeal of bylaws, at least 15 days notice of the date, time, place and purpose of the meeting must be given to each voting member.

(5) If the Council calls a special general meeting to consider a subject other than enactment, amendment or repeal of by-laws, at least 7 days notice in writing must be given to each voting member of the date, time, place and purpose of the meeting.

3.2(1) Each year the Council shall establish a nominating committee composed of: (a) a chair who shall be appointed by the Council.

3.7(1) At least thirty (30) days before the annual general meeting the Executive Director shall send to each voting member a ballot in the form prescribed by resolution of the Council.

(3) When a ballot is sent out, it may be accompanied by a brief biography of each candidate for election containing such information about each candidate as the Council prescribes.

3.13(1) After the ballot box has been sealed a Past President, who is a voting member and two

(2) other scrutineers appointed by the Council shall meet for the purpose of counting the ballots.

4.2(1) The following representatives may be appointed by the Council as ex officio members.

4.3(2) Notwithstanding subsection (1), an individual who is an ex officio member of the Council or of any committee of the Council or the Association, except the President, shall at the direction of the Council or a committee, as the case may be, leave the meeting for the period required.

4.5 A newly-elected Council takes office immediately following the close of the annual general meeting at which the election results are announced and holds office until the close of the next annual general meeting.

4.6(1) The Council shall meet as soon as reasonably possible after the annual general meeting to attend to the business of election of officers and chair appointments. Subject to any provision of this by-law to the contrary:

(a) the individual who acts as Vice President in any Council year becomes President the following year, without the need to be re-elected to the Council

(b) the individual who acts as President in any Council year becomes Immediate Past President the following year without the need to be re-elected to the Council

(c) the Council shall elect a Vice-President from existing Council members

(d) the Council shall elect a Treasurer from existing Council members

(e) the Council shall appoint Council as chairs to committees as required.

4.7(2) The individual holding the office of President holds that office until the next annual general meeting regardless of the term for which the individual was elected to the Council and

then becomes Immediate Past President for a one year term. The Council may, at its discretion, extend the term of office of any President for a maximum of one additional year.

(3) The Immediate Past President holds office until the close of the annual general meeting. The Council may extend the term of office of the Immediate Past President for one additional year provided it has also extended the term of office of the President.

(4) The Treasurer holds office until a replacement Treasurer is elected by Council

4.8 In the event of a temporary absence or the President's inability to act, the Vice President has all the powers, duties and responsibilities of the President and in the absence or inability of the President and the Vice President to act, the Council shall appoint a member of the Council to serve as acting President for so long as is required. The person so appointed shall have all the powers, duties and responsibilities of the President.

4.9 (3) If an officer of the Council, other than the President or Vice President, dies or is otherwise unable to retain the office the Council may: (a) elect from among themselves a person to fill the office for the remainder of the term; or (b) leave the office vacant.

(4) If an elected member of the Council dies or ceases to be a Council member the Council may: (a) appoint another registered architect or licensed interior designer, as the case may be, to fill the vacancy for the remainder of the term; (b) leave the vacancy unfilled; or (c) fill the vacancy through the established election process at the next scheduled annual Council election.

4.11(1) The Council must meet at least six (6) times per year on such dates and at such times and places as it decides. The President may call a meeting of the Council at any time.

4.12(2) When called upon by the President to do so, the Council may make a resolution through the process of e-mail voting.

4.15(1) The Council shall appoint: (a) an auditor who shall be a member in good standing with the Institute of Chartered Accountants of Alberta. (b) an individual as Registrar in accordance with section 7 of the Act.

(2) Unless a contract of employment otherwise provides, every person appointed by the Council holds office at the pleasure of the Council.

4.17(1) The Registrar shall: (c) perform such other duties as are assigned by the Council.

(2) The Council may appoint an individual as acting Registrar who shall act as the Registrar in the absence or inability of the Registrar to act or when the office of Registrar is vacant.

5.3(1) An executive committee of the Council may be established to act as a committee tending to the affairs of the Association arising from and between meetings of the Council, in accordance with direction and terms of reference provided by the Council.

5.4(1) The Council shall: (a) determine the membership requirements and term of office of committees of the Council; (b) designate the chair and, if necessary, vice-chair of the committees; and (c) determine the functions, duties and responsibilities of the committees.

(2) The Council may appoint such other committees of the Council or establish committees of the Association as the Council considers necessary and shall designate the chair and if necessary, the vice-chair of each committee so appointed.

(3) A committee of the Council or a committee of the Association may be composed of such individuals as the Council considers necessary and may include persons who are not registered architects, licensed interior designers or members of the Association.

(5) Individuals appointed to a committee may have their appointments terminated at any time by the Council or have the designation of chair or vice-chair revoked, as the case may be.

(6) Notwithstanding anything in this section, the Council may delegate to the chair of any committee that is not a standing committee, the ability to appoint or dismiss members of that committee.

(7) The Council may establish rules of order and procedure for the conduct of business of a committee established by it.

5.5(1) If a vacancy occurs on a committee of the Council or a committee of the Association, **the Council or if so delegated by Council, the chair**, may: (a) appoint an individual as member of the committee for the remainder of the term, or (b) leave the vacancy unfilled.

5.8 When a request is made to the Association for the appointment or nomination of a registered architect or other person to a committee, panel or any other body, the Council shall make the appointment or nomination if it agrees that the appointment or nomination should be made.

6.2(1) The Register of Registered Architects shall contain: (x) such other information as the Council may direct.

(4) The information entered in the Register of Registered Architects under subsection 1(b)(viii) [any suspension or cancellation date of the registered architect] may only be removed if the Council so directs.

(There are similar provisions in respect of the other types of registers.)

7.1(1) The Registrar shall maintain a record of the members of the Association in the categories of membership established by this bylaw.

(2) The record shall contain, unless the Council otherwise directs, with respect to each individual.

(f) such other information as the Council may direct.

7.2(2) A registered architect shall pay such fees, dues and levies as are specified by the Council pursuant to this bylaw.

(There are similar provisions in respect of the other types of members.)

7.5(2) On payment of the appropriate fee, the Council may approve the entry in the records of the Association of an individual referred to in subsection (1) in the category of Associate Member.

7.8(1) An individual may apply for membership in the Association as a Student Member if the applicant is engaged in a course of study, recognized by the Council, in the practice of architecture or interior design.

(2) On payment of the appropriate fee, if any, the Council may approve the entry of an individual referred to in subsection (1) in the records of the Association in the category of Student Member and issue this individual a certificate of membership.

7.9(2) On payment of the appropriate fee, the Council may approve the entry in the records of the Association of an individual referred to in subsection (1) in the category of Retired Member.

7.10(1) The Council may elect an individual who has rendered valuable service to the profession of architecture or interior design or has notably contributed to the advancement of architecture or interior design as an Honorary Member of the Association.

7.11(1) The Council may elect as a Life Member of the Association a registered architect or licensed interior designer who has practiced the profession with distinction and notably contributed to the advancement of the profession of architecture or licensed interior design.

7.12(1) An individual who is a member of a profession or discipline that the Council by resolution has approved as being allied to the profession of architecture or interior design may apply for membership in the Association as an Affiliate Member.

(2) On payment of the appropriate fee, the Council may approve the entry in the records of the Association of an individual referred to in subsection (1) in the category of Affiliate Member and issue this individual a certificate of membership.

10.8 If the annual dues are not paid by December 15, a penalty may be assessed and added to the balance owing, as determined by the Council.

10.9 If special circumstances arise requiring additional funding for the Association, the Council may impose a special levy of not more than \$100 per year on each registered architect, restricted practitioner and licensed interior designer.

11.1(4) If the Council wishes to enact new bylaws, propose amendments to these bylaws or repeal bylaws, the President may do so on behalf of the Council in accordance with subsection (2).

(5) The Council may authorize a mail vote to obtain ratification by the voting members of amendments to the Bylaws as required under 11.1. Such a vote shall be conducted in accordance with Part 12 of these Bylaws.

(6) Consistent with Section 9(2) of the Architects Act, the Council may authorize a mail vote to obtain ratification by the Membership of changes to the General Regulation. Such a vote shall be conducted in accordance with Part 12 of these Bylaws.

12.1(2) Registered architects and licensed interior designers are entitled to vote in a mail vote. If the Council so directs, voting may be conducted by e-mail.

(4) The Council shall appoint at least two (2) scrutineers to count the mail votes.

(5) When the form of the question or matter has been settled it shall be sent to each voting member with (a) such directions as to voting as the Council considers necessary, (b) such information as background or explanation as the Council directs, and (c) a date and time, specified by the Council, before which the mail vote must be received by the Executive Director.

13.2(2) If anything 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.

13.3 If under this by-law a person is required to take some action or do something and this individual is absent, unable or unwilling to take the action or do the thing, the Council may appoint another person to take the action or do the thing in this individual's place.

14.1 The Council shall prescribe the forms for use under the Act, General Regulation and bylaws.

14.3(1) For the purpose of determining whether an applicant has completed all or any part of the practical training, the Council may authorize the preparation of log books containing such information as will enable the Registration Committee to determine at least the following matters:

(5) If an intern architect or intern interior designer: (a) fails to comply with the guidance provided by the Registration Committee or Practice Review Board, or (b) within five (5) years of the registration of the person as an intern architect or intern interior designer or such longer period as may be permitted by the Council, the intern architect or intern interior designer fails to qualify for registration as a registered architect or licensed interior designer the Practice Review Board or the Registration Committee may recommend to the Council that the individual's membership as a intern architect or intern interior designer be terminated and the Council may make its decision accordingly.

(d) Dentists and Physicians

Numerous health professionals are regulated under Alberta's Health Professions Act. Summarized here are Council's powers under the Act, as well as the regulations and bylaws, pertaining to dentists and doctors only.

(e) Health Professions Act, Revised Statutes of Alberta 2000

1.1(1) Despite this Act, the bylaws and any enactment that governs the practice of a regulated member or health practitioner, college or regulatory organization, if any of the following persons knows of or has reason to suspect the existence of a nuisance or a threat that is or may be injurious or dangerous to the public health, that person must immediately notify the medical officer of health of the appropriate regional health authority by the fastest means possible:

(c) a member of a council of, or an officer, employee or agent of, a college;

(d) a member of a board or council of, or an officer, employee or agent of, a regulatory organization that governs the practice of a health practitioner who provides health services described in a Schedule.

5(1) The governing body of a college is the council.

(5) Despite section 12, if a member described in subsection (2)(a), (b) or (c) is not capable of carrying out the powers and duties of a member, the council may continue to carry out its powers and duties until a successor is appointed or elected.

6 A council manages and conducts the activities of the college, exercises the rights, powers and privileges and carries out the duties of the college in the name of and on behalf of the college and carries out the powers and duties of the council under this Act and the bylaws.

7 A council must appoint, elect or provide for the appointment or election of an individual to be president for the purposes of this Act.

8 A council must appoint or provide for the appointment of an individual as registrar for the purposes of this Act.

9(1) A council:

(a) may establish a registration committee consisting of no fewer than 3 members, the majority of which must be regulated members, and

(b) if a registration committee is established, must designate a member of that committee to act as chair.

10(1) A council:

(a) may establish a competence committee, and

(b) must establish the competence committee if the college is authorized by regulation to undertake practice visits.

(2) A competence committee must consist of no fewer than 3 members appointed by the council and the majority of members must be regulated members and the council must designate a member of that committee to act as chair.

(3) A council may, by bylaw, direct the registration committee to carry out the powers and duties of a competence committee except those described in subsection (6)(b).

(6) A competence committee

(a) may make recommendations to the council on continuing competence requirements and the assessment of those requirements.

12(1) Twenty-five percent of the voting members of a council, a complaint review committee and a hearing tribunal and of a panel of any of them must be public members but with the consent of the council the percentage of the public members may be greater than 25%.

(2) Despite the bylaws governing quorum, the number of public members required by subsection (1) must be present at an appeal under Part 4 before a council, a ratification of a settlement and a review by a complaint review committee and a hearing by a hearing tribunal.

(3) Despite subsections (1) and (2), the powers and duties of a council, complaint review committee or hearing tribunal or a panel of any of them are not affected by a vacancy in the office of a public member for up to 6 months from the date that the schedule to this Act that governs the college comes into force.

14(1) A council must provide for the appointment of an individual as a hearings director for the purposes of this Act.

(2) A hearings director may not chair nor participate in a hearing, review or appeal under Part 4.

(3) A council must provide for the appointment of an individual as a complaints director for the purposes of this Act.

15(1) A council must appoint members to a membership list consisting of no fewer than 4 regulated members to be used for appointing members to both hearing tribunals and complaint review committees.

18(1) Subject to section 12,

(a) a person or committee designated by a council may designate 3 or more members of council to sit as a panel of council and designate a member of the panel to act as chair, or

(b) the chair of the registration committee and of the competence committee may designate 3 or more members of the registration committee or competence committee to sit as a panel of the registration committee or competence committee and designate a member of the panel to act as chair.

(2) A person or committee designated by a council may direct a panel of the council to carry out the powers and duties of the council with respect to a review under Part 2 and an appeal under Part 4 or section 118.

(5) A power or duty carried out by a panel of the council, of the registration committee or the competence committee is a power or duty carried out by the council, registration committee or competence committee.

(6) Two or more panels of the council, of the registration committee or of the competence committee may carry out their powers and duties simultaneously.

(7) Any reference in this Act or any other enactment to a council, registration committee or competence committee is deemed to be also a reference to a panel of the council, of the registration committee or of the competence committee.

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.

(2) A council may impose conditions on a delegation under subsection (1).

(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.

(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.

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.

21(1) The council must establish and keep up to date a directory that contains the names of and how to contact (a) the complaints director and any delegate; (b) the hearings director and any delegate; (c) the registrar and any delegate; (d) the president and any delegate; (e) the council and any delegate and any delegate of the delegate.

32(1) An applicant and the registrar, the registration committee or competence committee may appear with or without counsel and make representations to the council at a review.

(2) On reviewing a decision pursuant to a request for a review under section 31 [review of application], the council may

(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,

(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

(c) make any further order the council considers necessary for the purposes of carrying out its decision.

(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.

33(1) A council

(a) must establish, in accordance with the regulations, a regulated members register for one or more categories of members who provide professional services of the regulated profession, and

(b) may, in accordance with the bylaws, establish other members registers for one or more categories of non-regulated members.

35 The council, hearing tribunal, registration committee, complaint review committee or competence committee may direct the registrar to correct or remove, and the registrar may correct or remove, any entry made in error in a register.

41(1) An applicant whose practice permit is issued subject to conditions, suspended or 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 giving the registrar a written request for a review that sets out the reasons why the application should be approved with or without conditions.

(4) A regulated member whose practice permit is suspended under this section may apply to the registrar for a stay of the suspension until the council makes a decision under subsection (6), and the person or committee designated by the council must consider and make a decision on the application.

(6) On completing a review, the council may

(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, or

(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 for a practice permit and make a decision under section 40(2) on the application,

and may make any further order the council considers necessary for the purposes of carrying out its decision.

(7) The council must give the applicant and the registrar a written copy of its decision under subsection (6) with the reasons for the decision.

50(1) A council must establish, by regulation, a continuing competence program within 5 years from the date that the schedule to this Act with respect to the profession comes into force.

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.

53.5(1) A council may establish an inspection committee to carry out the powers and duties of the registrar under this Part except those described in section 53.3.

(2) An inspection committee must consist of one or more members appointed by the council.

(3) If a council establishes an inspection committee under subsection (1), the powers and duties of the registrar under this Part, except those described in section 53.3, are vested in and may be exercised by the inspection committee, and any reference to the registrar in this Part, except in section 53.3, is deemed to be a reference to the inspection committee.

65(1) On the recommendation of the complaints director or the hearing tribunal, a person or committee designated by the council may ...

71 Any person who has investigated, reviewed or made a decision on a complaint or matters related to a complaint may not subsequently sit as a member of a council, tribunal or committee while it is holding a hearing or a review with respect to that complaint.

84(2) The hearings director must, on receiving the decision and the record described in subsection (1), give a copy of the decision to ...

(d) the Minister of Justice and Solicitor General, if so directed or requested under section 80(2), and notify the investigated person of the right to appeal the decision to the council.

86(1) A decision of the hearing tribunal remains in effect pending an appeal to the council unless the person or committee designated by the council, on written application, stays the decision pending the appeal.

- (3) If the person or committee designated by the council
- (a) decides not to stay the decision of the hearing tribunal, or
 - (b) does not make a decision within 10 days, excluding holidays, of the application,
- the applicant may apply to the Court of Queen's Bench for a stay of the decision of the hearing tribunal pending an appeal to the council.
- (4) A decision of the council remains in effect pending an appeal to the Court of Appeal unless the Court of Appeal, on application, stays the decision pending the appeal.

88(1) A council must,

- (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
 - (b) in all other cases, within 90 days after the date a notice of appeal has been given to the hearings director, set the date for the appeal.
- (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
- (a) in a case to which subsection (1)(a) applies, no extension may be granted without the consent of the investigated person, and
 - (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.

89(4) The council on an appeal may

- (a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the council but no adjournment may be granted without the consent of the investigated person if that person's practice permit is suspended or cancelled,
 - (b) on hearing an application for leave to introduce new evidence, direct the hearing tribunal that held the hearing to hear that evidence and to reconsider its decision and quash, confirm or vary the decision, and
 - (c) draw inferences of fact and make a determination or finding that, in its opinion, should have been made by the hearing tribunal.
- (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:
- (a) make any finding that, in its opinion, should have been made by the hearing tribunal,
 - (b) quash, confirm or vary any finding or order of the hearing tribunal or substitute or make a finding or order of its own,
 - (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
 - (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.
- (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 in section 82(1)(j), all or part of the expenses of, costs of and fees related to the appeal

93 If the time for filing an appeal under this Part has passed or due to a change in circumstances an order under this Part is impossible to carry out, the person to whom the order is directed or the complaints director may apply to the council for a variation of the order.

95 A complaints director, a person appointed by the complaints director to conduct an investigation and any member of a hearing tribunal, council or complaint review committee is

conferred with the powers of a commissioner for oaths under the Commissioners for Oaths Act for the purposes of an investigation, hearing, review or appeal under this Part.

102.1(1) In this section, “council” means the council of (a) the Alberta Dental Association and College; (b) the Alberta College and Association of Chiropractors; (c) the Alberta College of Optometrists; (d) the College of Physicians and Surgeons of Alberta.

(2) Subject to subsection (3), a council (a) shall make regulations respecting the type and amount of liability insurance or other protection against professional liability that a partnership must have for the purposes of registration as a limited liability partnership under Part 3 of the Partnership Act, and (b) may make regulations governing eligibility requirements that a partnership must meet in order to be registered as a limited liability partnership under Part 3 of the Partnership Act.

(5) If the Minister considers that regulations made under subsection (2)(a) do not provide sufficient protection against professional liability, the Minister may, by notice in writing to the council, request the council to amend the regulations in the manner specified in the notice within the time set out in the notice.

(6) If the council fails to amend the regulations in accordance with the notice under subsection (5), the Lieutenant Governor in Council may amend the regulations, and in that case the amendments operate as if they had been made by the council.

(7) Subsections (2) and (4) to (6) do not apply if there is a bylaw under subsection (8) in effect.

(8) A council may make a by-law providing that, notwithstanding Part 3 of the Partnership Act, no regulated member may provide professional services of the regulated profession in a limited liability partnership under that Act.

116 A regulation and a bylaw made by a council, other than a bylaw under section 132(1)(i) to (m) and (p), are inoperative if they purport to regulate a matter that is regulated under sections 97 to 100 or 103 to 115.

126(1) No action lies against any of the following in respect of anything done or omitted to be done in good faith pursuant to this Act, an order of the Minister, the bylaws or any direction of the council:

(c) the council or a person who is or was a member of a council, committee or hearing tribunal of a college

(d) a person who acts on the instructions of or under the supervision of a person referred to in clauses (a) to (c)

(d.1) a person who, at the request of the council of a college of a regulated profession, performs an assessment of the competence of an individual who has applied for registration to provide professional services of the regulated profession.

(2) No action for defamation may be founded on a communication regarding the conduct of a regulated member if the communication is made or is published in accordance with this Act by a college, a person described in subsection (1) or a council, committee or hearing tribunal in good faith and in the course of any proceedings under this Act or the bylaws relating to that conduct.

127(2) A college, the council or a panel, committee, tribunal, registrar, president, complaints director and hearings director of a college and any officer, investigator or person engaged by a college may, on the recommendation of the Ombudsman,

(a) rehear any matter and reconsider any decision or recommendation made by that person or body, and

(b) quash, confirm or vary the decision or recommendation or any part of it.

131(1) A council may make regulations

- (a) respecting requirements for and applications for registration and practice permits, including but not restricted to
 - (i) education, experience, enrolment in programs of studies, successful completion of examinations, including limiting the number of times examinations may be taken, and holding of certificates and diplomas;
 - (ii) recognizing professions in other jurisdictions for the purposes of section 28(2)(b);
 - (iii) requirements for the purposes of section 28(2)(b);
 - (iv) carrying professional liability insurance and governing the minimum coverage and type of insurance required to be carried;
 - (v) providing evidence of being a Canadian citizen or lawfully permitted to work or study in Canada;
 - (vi) providing evidence of having good character and reputation;
 - (vii) providing evidence respecting standards of language proficiency;
 - (viii) for the purposes of section 28(2)(c), determining the combination of education, experience, practice and other qualifications that demonstrates the competence required for registration as a regulated member;
- (b) respecting the evaluation of education, training, experience, practice and competence required of applicants for registration as regulated members and of applicants for practice permits, including the establishment or designation of an entity that may conduct all or part of an evaluation;
- (c) respecting which restricted activities a regulated member or category of regulated members may provide and conditions respecting the provision of restricted activities;
- (d) respecting
 - (i) who may perform restricted activities under section 4(1)(b) of Schedule 7.1 to the Government Organization Act with the consent of and under the supervision of a regulated member, and
 - (ii) how regulated members must supervise persons referred to in subclause (i);
- (e) respecting conditions on practice permits;
- (f) establishing and respecting continuing competence programs including the requirements of those programs;
- (g) establishing and respecting practice visits as part of a continuing competence program and respecting directions to be imposed and complied with under section 51(5)(b)(ii);
- (h) respecting reinstatement of registration and practice permits cancelled under Part 4;
- (i) respecting the establishment of registers for and respecting categories of regulated members;
- (j) imposing the conditions on categories of regulated members, restricting the time periods of registration and practice permits of categories of members and restricting renewal of registration and practice permits of categories of members;
 - (j.1) respecting reissuing practice permits and reinstating registration;
- (k) respecting the use of abbreviations, initials and titles within the meaning of the schedules to this Act and the use of the words “specialist”, “registered” and “regulated” and the phrase “regulated health professional” by a regulated member or a category of regulated members;
- (l) respecting the use of and authorizing the use of the titles “doctor”, “surgeon”, “pathologist” and “oncologist” and the abbreviation “Dr.”;
- (m) respecting the establishment of a register of regulated members and the entry of information in the register and removal of that information from the register;
- (n) respecting information to be provided to the registrar by regulated members under section 33;
 - (n.1) respecting disclosure of information about its members;
- (o) respecting alternative complaint resolution processes;
- (p) respecting the period of time during which a college is obliged to provide information under section 119(4);

(q) respecting other matters related to this Act.

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

132(1) A council may make bylaws

(a) respecting the governance of the college and the management and conduct of its affairs including the management and carrying out of powers and duties by council, committees, tribunals, panels and other entities;

(b) respecting the appointment, election, establishment and removal of officers, employees, committees, tribunals, panels and other entities and their members, and their powers and duties;

(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;

(d) respecting quorum, procedures at meetings and the holding of council, committees, tribunals and other entities meetings by mail, telephone conference, audiovisual or other electronic means;

(e) establishing how or by whom expenses and remuneration payable to members of council, committees, tribunals and other entities are determined;

(f) respecting the establishment of registers of other members and the entry of information in the registers and the removal of that information;

(g) respecting other members, including transitional provisions respecting such members under a former Act;

(h) establishing the date by which regulated members are to apply for renewal of practice permits and providing for reinstatement of registration and reissuance of practice permits cancelled under this Act except those cancelled under Part 4;

(i) respecting the naming of a professional corporation or a physical therapy corporation and the name under which a professional corporation or a physical therapy corporation may provide professional services;

(j) establishing a record of professional corporations and physical therapy corporations and respecting the entry of information in the records and the removal of that information from the records;

(k) respecting the providing of information on expired and cancelled annual permits of professional corporations and permits of physical therapy corporations;

(l) respecting registration and annual permits of professional corporations and permits of physical therapy corporations and the information to be submitted by professional corporations and physical therapy corporations;

(m) establishing the date on which an annual permit of a professional corporation or a permit of a physical therapy corporation expires;

(m.1) respecting the use of the term "specialist" by a regulated member or a category of regulated members;

(n) respecting benefits programs and educational incentives;

(o) respecting forms and notices;

(o.1) subject to section 120(3) and (4), respecting the giving of documents and notices;

(p) respecting costs, fees, levies and assessments to be paid by regulated members and applicants with respect to registration, practice permits, professional corporations, physical therapy corporations, annual permits, permits of physical therapy corporations and late payment fees under this Act or the bylaws and costs, fees, levies and assessments for any accreditation, review, appeal, thing or service provided by the college under this Act or the bylaws;

(q) respecting the publication and distribution of information described in sections 60(6) and 119(1); (r) respecting the approval of bylaws;

- (s) subject to an approval under section 27, respecting setting and negotiating professional fees and guidelines on professional fees;
 - (t) respecting the development of or adoption of a code of ethics and standards of practice.
- (2) The Regulations Act does not apply to bylaws under this section.

132.1 Before the council approves or removes the approval from a program of study or an educational course under section 3, the council must consult with the Minister of Health and the Minister of Enterprise and Advanced Education and must consider the comments received from those Ministers.

133(1) A council may, in accordance with procedures set out in the bylaws, develop and propose the adoption of a code of ethics and standards of practice for a regulated profession and may develop and propose amendments to an adopted code of ethics or standards of practice.

(2) The college must provide, for review and comment, a copy of a proposed code of ethics and proposed standards of practice and proposed amendments to

- (a) its regulated members,
- (b) the Minister, and
- (c) any other persons the council considers necessary.

(3) A council may adopt a code of ethics and standards of practice and may adopt amendments to a code of ethics or standards of practice after it has reviewed and considered the comments received from a review described in subsection (2).

(4) The Regulations Act does not apply to a code of ethics or to standards of practice adopted or amended under this section.

(5) The college must ensure that copies of the code of ethics and standards of practice adopted under subsection (3) are readily available to the public and regulated members, and the copies may be distributed in the manner directed by the council.

135.1(1) If in the opinion of the Minister it is in the public interest or if in the opinion of the Minister a direction would provide for matters related to health, safety or quality assurance, the Lieutenant Governor in Council, on the recommendation of the Minister after the Minister has consulted with the college in accordance with the regulations made under section 134(f), may, by order, direct a council to do any one or more of the following:

- (a) to adopt standards of practice or adopt amendments to its standards of practice under section 133, as set out in the order;
- (b) to make bylaws under section 132, as set out in the order;
- (c) to make regulations under section 131, or under a Schedule, as set out in the order;
- (d) to carry out any power or duty of a council under this Act or a bylaw, in the manner set out in the order.

(3) A council must, within 45 days of being given a copy of an order under this section or any other time period set out in the order, comply with an order made under this section.

(f) Dentists Profession Regulation, Alberta Regulation 254/2001

2 The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories: (a) main register; (b) education and research register; (c) courtesy register.

3(1) An applicant for registration as a regulated member on the main register must

- (a) have a degree of doctor of dental surgery or doctor of dental medicine from a dentistry program approved by the Council, and

(b) have successfully completed the registration examination approved by the Council and the ethics and jurisprudence examination approved by the Council.

10(1) All regulated members may use the following titles: registered, dentist, doctor and Dr.

(2) A regulated member who has successfully completed the following educational requirements [approved by Council] may use the following titles: ...

13 Only regulated members who successfully complete an educational program in the administration of general and neurolept anaesthesia approved by the Council and have been authorized by the Council may perform the following restricted activities related to the administration of anaesthesia, other than nitrous oxide, in the practice of dentistry

16(1) On and after the January 1 immediately following the coming into force of this Regulation, regulated members must obtain 60 continuing competence program credits in a 2-year period.

(2) To obtain program credits, a regulated member may undertake the following professional development activities in accordance with the rules approved under section 17:

(m) other activities approved by Council, the Registrar or the Competence Committee.

17(1) The Registrar or the Competence Committee may recommend to the Council

(2) The rules recommended under subsection (1) and any recommended amendments to those rules must be distributed by the Registrar to all regulated members for their review.

(3) The Council may approve rules and amendments to the rules reviewed under subsection (2).

19(1) The Competence Committee is authorized to carry out practice visits and may, for the purpose of assessing continuing competence, select individual regulated members or groups of regulated members for a practice visit.

(2) The criteria for selecting members for review must be developed by the Competence Committee and approved by the Council.

34 The Council must provide, under section 119 of the Act, the information referred to in section 119(4) of the Act for 5 years.

35 The Council must provide

(a) information on a practice permit for 2 years after a regulated member was last granted a practice permit,

(b) information from the record of a disciplinary hearing for 5 years after completion of a hearing by the Hearing Tribunal, and

(c) information as to whether a hearing is scheduled to be held or has been held under Part 4 of the Act with respect to a named regulated member until the hearing is completed.

(g) Bylaws of the Alberta Dental Association and College

1(3) A reference in these By-laws to Council, an officer, person or a committee includes any delegate of the council, officer, person or committee.

4(1) The Council shall apply and cause to be applied the funds of the Alberta Dental Association and College in any manner Council may decide in carrying out or promoting the objects of the Alberta Dental Association and College.

5(1) The governing body of the Alberta Dental Association and College is the Council. **Council is empowered to:**

(a) establish and revise policies which govern the activities of the Alberta Dental Association and College;

(b) delegate authority and responsibility for implementation of Alberta Dental Association and College policy to the Executive Director and Registrar;

(c) ensure that Alberta Dental Association and College policies are implemented through the monitoring of compliance with policies;

(d) appoint any committees, in addition to the committees referenced in the by-law, as Council may consider necessary or advisable and may, by resolution and without requirement of further By-laws, designate such further committees and the powers and duties of any committee.

7(2) Council may meet for the dispatch of business, adjourn and otherwise regulate their meeting and proceedings as required, subject always to the provisions of the Health Professions Act. In most circumstances Council will meet three times a year.

(5) Decisions of Council shall be made as follows:

(a) at a Council meeting, by a vote of a majority of those present and voting at a meeting.

(b) during a telephone conference, by a vote of a majority to those members participating in the conference and who vote;

(c) at a vote held by mail, facsimile, or electronic means, by a vote of a majority of those participating in the vote.

(6) An ex-officio member of Council shall not vote unless Council agrees otherwise.

(11) Except when Council otherwise directs, Council meetings are open to Regulated Members of the Alberta Dental Association and College but closed to the public. Council may direct that a meeting, or portion of a meeting, be ordered to be closed.

8(3) The powers and duties of the Executive Council are:

(a) to manage the affairs of the Alberta Dental Association and College to the extent the same are delegated to it by Council;

(b) to review the audited financial statements for Council;

(c) to prepare the annual Alberta Dental Association and College budget for Council;

(d) to monitor the governance of the Alberta Dental Association and College;

(e) to identify issues of importance to the Alberta Dental Association and College and to bring forward issues for the consideration of Council;

(f) to appoint ad hoc committees where required to assist in carrying out Council policies.

9(1) The election of Directors shall be held at such time and place as decided by Council in each year.

(20) Council may in its discretion and at any time hold additional elections for Directors, cancel elections that would otherwise be held under section 11, 12 and 13, and increase or reduce the number of Directors to be elected in any particular election.

10(4) The Executive Director and Registrar shall be appointed by Council.

(5) The President-Elect succeeds to the office of the President but only if their succession is confirmed through election by the Council. If the President-Elect is not elected by Council to succeed to the position of President, then the Council shall elect another member of Council to be President.

(7) [The President] shall have general supervision of the affairs of the Alberta Dental Association and College, and shall perform such other duties as Council may from time to time direct.

(10) The Executive Director and Registrar:

(a) acts as the chief executive officer of the Alberta Dental Association and College and is responsible for the implementation of policy established by Council, ...

(c) reports to and takes direction from the Council, ...

11(1) Council may call a meeting of the Alberta Dental Association and College at any time Council considers advisable. Council may fix the time and place thereof, and designate the notice to be given to the Regulated Members.

(2) Only Directors of Council and Regulated members may participate in and vote at meetings of the Alberta Dental Association and College.

12(2) (a) Council shall appoint no fewer than three Regulated Members to the Registration Committee for a term to be determined by Council.

(b) Council shall designate a member of the Registration Committee to act as the Chair.

(c) The Registration Committee shall determine any issue with respect to registration or practice permits referred to the committee by the Executive Director and Registrar. ...

14(2) (a) The Executive Director and Registrar shall keep and maintain a record of professional corporations containing the following information with respect to each professional corporation.

(iv) such further particulars as may be directed by Council.

(b) The Executive Director and Registrar shall prepare such other records with respect to professional corporations as may be directed by Council.

15(2) The following members shall be entered on the Non-Regulated Members Register:

(a) Honourary members appointed by Council

(c) Any other individuals appointed by Council.

16(1) Council shall appoint no fewer than three Regulated Members to the Competence Committee for a term to be determined by Council.

(2) Council shall designate a member of the Competence Committee to act as the Chair.

17(1) Council shall establish a Dental Facilities Accreditation Committee and shall appoint no fewer than three Regulated members to the Committee for a term to be determined by Council.

(2) Council shall designate a member of the Dental Facilities Accreditation Committee to act as the Chair.

18(1) The Complaints Director should be appointed by Council.

19(1) Council shall appoint no fewer than four Regulated Members to a Hearing Tribunal membership list to be used for appointing members to Hearing Tribunals. The terms of the appointment shall be as determined by Council.

20(1) Council shall appoint no fewer than four Regulated Members to a Complaint Review Committee membership list to be used for appointing members to a Complaint Review Committee. The terms of the appointment shall be as determined by Council.

21 Council may by resolution adopt or amend a Code of Ethics and standards of practice after completing any consultation required by the Health Professions Act and any other consultation deemed by Council to be advisable.

22(1) Council may establish fees, costs, levies or assessment.

(2) Council may establish such other fees, costs, levies and assessments as it deems advisable for anything it considers necessary for services provided by the Alberta Dental Association and

College or by another organization to a Regulated Member or to any other person, professional corporation or dental facility.

24 Council may by resolution of Council adopt new By-laws or amend the By-laws of the Alberta Dental Association and College.

26(1) Subject to section 19 and 20 of the Health Professions Act:

(a) Council may, by resolution, delegate any of its powers and duties under the Health Professions Act and these By-laws to one or more persons or committees.

(b) A person or committee to whom a power or duty is given under the Health Professions Act or these By-laws may in writing delegate the power or duty to one or more persons or committees.

(h) Physicians, Surgeons and Osteopaths Profession Regulation, Alberta Regulation 350/2009

2 The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories: ...

3(1) An applicant for registration as a regulated member on the general register must

(a) have received a medical or an osteopathic medical degree from a program approved by the Council,

(b) have successfully completed post-graduate medical training approved by the Council, and

(c) have successfully completed the registration examination approved by the Council.

6(1) Subject to subsection (2), an applicant for registration as a regulated member may be registered on the provisional register if the applicant has successfully completed all the requirements for the granting of a medical or an osteopathic medical degree from a medical program approved by the Council and the applicant

(a) has not passed the registration examination approved by the Council,

(b) is enrolled in a program of post-graduate medical training in Alberta approved by the Council.

7(1) Subject to subsection (2), an applicant for registration as a regulated member who is not eligible for registration on the general register may be registered on the limited practice register if the applicant

(a) has successfully completed all the requirements for the granting of a medical or an osteopathic medical degree from a medical program approved by the Council.

(c) provides limited professional services within a service or program approved by the Council as a clinical assistant or surgical assistant or as an assistant in medical research, medical administration or medical education.

11 An applicant for registration as a regulated member on the students register must

(a) be currently enrolled in an undergraduate medical program in Alberta approved by the Council.

15(2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

18(2) Supervision under this section must be carried out in accordance with the requirements for the supervision of students approved by the Council.

23(1) Every regulated member registered on the general register must undertake continuing professional development by (a) participating in a professional development program approved by the Council in accordance with the rules established under section 25.

25(1) The Council may establish rules governing

- (a) how assessments under sections 22 and 24 are to be conducted,
- (b) the professional development programs that may be approved for the purpose of section 23,
- (c) the assessment and approval of programs as substantially equivalent to the professional development programs approved by the Council,
- (d) the type of professional development activities that a regulated member may undertake for the purpose of section 23,
- (e) the records referred to in section 23(1)(b) and the provision of those records in accordance with the directions of the Registrar,
- (f) audits of a regulated member's records under section 23(1)(b), or
- (g) the requirements or circumstances when regulated members registered on the provisional register, limited practice register or telemedicine register may be required to participate in a professional development program under section 23(1)(a).

(2) The Registrar and the Competence Committee may recommend rules or amendments to the rules to the Council.

(3) Before the Council establishes any rules or amendments to the rules, the rules or the amendments to the rules must be made available to all regulated members for their review.

(4) The Council may establish the rules or amendments to the rules 30 or more days after they are made available under subsection (3) and after having considered any comments received on the proposed rules or proposed amendments to the rules.

39(1) The Registrar, under section 37, and the Council, under section 38, may order that its decision be published in a manner it considers appropriate.

42 The periods of time during which the Council is required to provide information under section 119(4) of the Act to a member of the public.

(i) Bylaws of the College of Physicians & Surgeons of Alberta

3(2) Council may establish rules for the conduct of an election, including campaigning and the resolution of disputes arising from the election.

(12) Prior to the election, the Council shall appoint three (3) members of the College to act as Election Officers for the election.

(29) If, at any time, there is a vacancy of a position on Council to be held by a regulated member, the Council may, in its discretion: ...

4(1) Council shall elect a President and Vice President from among the members of Council.

6(1) Subject to the Act, Council may appoint standing committees to assist Council in carrying out its duties and responsibilities.

(2) Council shall approve terms of reference for all standing committees.

(4) Council shall appoint a chair for each standing committee.

(5) Council shall appoint members for each standing committee, and the membership list for complaint review committees and hearing tribunals>

(9) Standing committees shall include, but are not limited to:

- (a) Executive Committee,
- (b) Nominating Committee,

(c) Finance and Audit Committee, and

(d) Appeals Committee

(10) Subject to sections 19 and 20 of the Act, Council or a standing committee may at its discretion appoint a sub-committee.

(11) Subject to the Act, the Council may appoint an ad hoc committee as necessary to perform specific functions.

(12) Where Council has delegated a power or duty to a person or committee, that person or committee may not delegate that power or duty to any other person or committee unless expressly authorized to do so.

7(1) Certificates of Merit may be awarded by Council to individuals who have provided outstanding service to the profession, the community or both.

9(1) At least sixty (60) days before Council considers a motion to adopt or amend a code of ethics or a standard of practice, the Registrar shall provide, for review and comment, a copy of the proposed code of ethics or standard of practice in accordance with section 133(2) of the Act.

(2) A person receiving notice under subsection (1) may make submissions in writing to the Registrar within the time period stipulated by the Registrar.

(3) Council shall review and consider any submissions made under subsection (2).

(4) Despite section 8(3), Council may, on a two-thirds (2/3) majority vote of members of Council present at a meeting, adopt or amend the code of ethics and, on a majority vote of members of Council present at a meeting, adopt or amend standards of practice.

(5) Whenever amendments are made to the code of ethics or standards of practice, any consequential editorial changes as required are implied.

12(2) Council may amend the design of the seal.

14(1) Council shall appoint one or more chartered accountants registered in the Province of Alberta as auditor for the College.

(2) The Auditor shall, at least once each year, examine the accounts, books, and securities of the College, and provide a written report to the Council.

(3) The Registrar shall publish annually a copy of the audited financial statements.

16(2) Council shall establish an investment policy and amend it from time to time.

21(1) Council shall appoint a Registrar.

(2) The Registrar shall perform all duties required of, and exercise the powers provided to, the Registrar in the Act, the Regulations and these bylaws.

(3) Subject to section 19 of the Act, Council may delegate any of its duties or powers to the Registrar.

(4) Council may impose conditions upon any delegation made under subsection (3).

22(1) If the office of the Registrar becomes vacant or the Registrar otherwise becomes incapable of acting for any reason, Council may appoint an Acting Registrar, who shall have all the powers and duties of the Registrar under the Act, the Regulations and these bylaws.

(2) The Acting Registrar holds office until:

(a) The Registrar again becomes capable of acting;

(b) Council appoints a new Registrar; or

(c) Council terminates the appointment of the Acting Registrar.

23(1) The fees, charges and levies of the College shall be determined by resolution of Council.

36(1) The Council does hereby constitute a standing committee to be known as the Medical Facility Accreditation Committee.

(2) For the purposes of this section, the definitions set out in section 8 of Schedule 21 of the Act shall apply.

(3) For the purpose of the Health Care Protection Act, major surgical services are those that, in the opinion of the Council, may be performed only in a public hospital because there is a significant risk inherent in the procedure or by reason of the pre-operative condition of the patient.

(14) The accreditation committee shall be composed of not more than nine (9) members all of whom shall be appointed by the Council.

(15) The accreditation committee shall report to the Council on its activities and programs of assessment at such times and in such manner as the Council may from time to time direct.

38(1) Despite sections 8 and 9 of these bylaws, the accreditation standards for accreditation of all medical facilities required under this section and section 8.1(1) of Schedule 21 of the Act are determined, and amended from time to time, by simple majority resolution of Council.

(j) Veterinarians

(k) Veterinary Profession Act, Revised Statutes of Alberta 2000, Chapter V-2

2(5) A registered veterinarian or permit holder shall not hold out that the registered veterinarian or permit holder is a specialist or is specially qualified in any particular field or specialty of veterinary medicine unless the registered veterinarian or permit holder has complied with the regulations and has been approved as a specialist or as being specially qualified by the Council.

4 The Court of Queen's Bench, on application by the Council, may grant an injunction enjoining any person from doing any act that contravenes section 2, notwithstanding any penalty that may be provided by this Act in respect of that contravention.

7(1) There is hereby established a governing body of the Association called the Council.

(2) The Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name of and on behalf of the Association.

8(1.2) Despite subsection (1)(b), the number of members of the public may be increased with the consent of the Council.

(1.3) Despite subsection (6) and the bylaws governing quorum, the number of members of the public required to be appointed under subsection (1)(b) must be present at a review before a committee of the Council under Part 5 and an appeal before the Council under Part 5.

(1.4) Despite subsection (1.3), if a member of the public is not appointed under subsection (1)(b) or if a member of the committee of the Council appointed under subsection (1)(b) is not capable of carrying out the powers and duties of a member, the committee of the Council may hold or continue to hold a review or appeal in which the member would have been or was participating, and the committee of the Council may carry out its powers and duties with respect to the review or appeal.

(2) The members of the Council elected under subsection (1) shall elect from among themselves the officers of the Association specified in the bylaws in the manner and for the term prescribed in the bylaws.

- (6) The powers, duties and operations of the Council under this Act, the regulations and the bylaws are not affected by
- (a) the fact that no member of the public is appointed as a member of the Council pursuant to subsection (1)(b),
 - (b) the revocation under subsection (4) of the appointment of a member of the Council, or
 - (c) the resignation from the Council of a member of the public.

9 The Council shall appoint a Registrar for the purposes of this Act.

9.1 The Council must appoint an individual as a Complaints Director for the purposes of this Act.

9.2(1) The Council must appoint an individual as a Hearings Director for the purposes of this Act.

9.3(1) The Council must appoint members to a membership list consisting of no fewer than 6 regulated members to be used for appointing members to both hearing tribunals and complaint review committees.

10(1) There is hereby established a board called the Practice Review Board consisting of no fewer than 5 members as follows:

- (a) the Council shall appoint no fewer than 4 registered veterinarians who have a combination of knowledge and experience suitable for determining the academic qualifications and experience necessary for a person to continue to engage in the practice of veterinary medicine;
- (b) the Minister shall appoint one person from a list of no fewer than 3 members of the public nominated by the Council.

11(1) The Practice Review Board

- (a) shall, on its own initiative or at the request of the Council, inquire into
 - (i) the assessment of existing and the development of new educational standards and experience requirements that are conditions precedent to obtaining and continuing registration under this Act,
 - (ii) the evaluation of desirable standards of competence of registered veterinarians and permit holders generally,
 - (iii) the practice of veterinary medicine by registered veterinarians generally, and
 - (iv) any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of veterinary medicine under this Act and the regulations, and
- (b) may, with the approval of the Council, conduct a review of the practice of a registered veterinarian or permit holder in accordance with this Act and the regulations.

12 A registered veterinarian or permit holder who is the subject of a review by the Practice Review Board may appeal any decision or order of the Board to the Council as if it were a decision or order of the Hearing Tribunal under Part 5.

13(1) The Council may make regulations

- (a) respecting the registration of students, the duties and responsibilities of registered veterinarians working with students and the privileges, rights, duties and responsibilities of students;
- (b) respecting the academic qualifications of applicants for registration as registered veterinarians;
- (c) respecting experience requirements of applicants for registration as registered veterinarians;

- (d) respecting the evaluation of the academic qualifications of and experience requirements for applicants for registration to engage in the practice of veterinary medicine as registered veterinarians and the examination of those applicants with respect to those qualifications or requirements;
 - (e) respecting the eligibility of applicants generally for registration to engage in the practice of veterinary medicine;
 - (f) prescribing those areas of veterinary medicine from which members of the Registration Committee shall be appointed by the Council;
 - (g) 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 Hearing Tribunal and appeals from decisions of that Board;
 - (h) repealed 2002 c26 s10;
 - (i) respecting technical standards and procedures for the practice of veterinary medicine;
 - (j) establishing and providing for the publication of a code of ethics respecting the practice of veterinary medicine, the maintenance of the dignity and honour of the profession of veterinary medicine and the protection of the public interest;
 - (k) establishing classes or categories of specialties in veterinary medicine;
 - (l) respecting the academic qualifications and experience a registered veterinarian requires to be recognized as a specialist and the registration of specialists;
 - (m) prescribing the rights, privileges, duties and obligations of specialists;
 - (n) governing, subject to this Act, the operation and proceedings of the Registration Committee, the Complaint Review Committee, the Hearing Tribunal and the Practice Review Board;
 - (o) respecting the costs payable by any person on the conclusion of an investigation, hearing or review by the Practice Review Board or under Part 5;
 - (p) respecting the procedures of the Complaint Review Committee, of the Hearing Tribunal, of the Practice Review Board and of the Council in matters relating to the conduct or practice of registered veterinarians or permit holders, whether or not a complaint has been made;
 - (q) respecting the establishment by the Council of a compulsory continuing education program for registered veterinarians and specialists;
 - (r) repealed 2002 c26 s10;
 - (s) respecting reinstatement of registration and annual certificates under Part 5;
 - (t) for the purposes of section 2(2), (i) designating a class of persons as technologists, and (ii) defining technologist;
 - (u) respecting the aspects of the practice of veterinary medicine that a technologist may practise and the registration of technologists;
 - (v) establishing classes or categories of registered veterinarians and permit holders and prescribing the restrictions on practice and the rights, privileges, duties and obligations of the classes or categories so established;
 - (w) governing the eligibility for registration of corporations as permit holders and the terms and conditions of and restrictions on the practice of veterinary medicine by a permit holder;
 - (x) governing the operations of permit holders;
 - (y) respecting advertising by registered veterinarians and permit holders;
 - (z) respecting the inspection of and the acceptable standards of the physical facilities operated by a registered veterinarian or permit holder;
 - (aa) respecting registration, the issuing of permits and certificates, unprofessional conduct matters and the practice of veterinary medicine generally.
- (3) The Council may change the text of a regulation that was approved in principle under subsection (2) if the change
- (a) is consistent with the approval in principle, and
 - (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.

14(1) The Council may make bylaws

- (a) for the government of the Association and the management and conduct of its affairs, including the management and carrying out of powers and duties by the Council and committees, boards, tribunals and other entities;
- (b) determining the location of the head office of the Association;
- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election, number, term of office and removal from office of Council members and officers, including the President, of the Association and the appointment of individuals as members of the Council by virtue of their offices and any board or committee established by the Council and prescribing their powers, duties and functions;
- (e) governing, subject to this Act, the appointment of members of the Complaint Review Committee, the Hearing Tribunal, the Registration Committee and the Practice Review Board, the designation of chair and vice-chair, the appointment of acting or alternate members and the procedures for filling vacancies on a Committee or the Board and the appointment to a Committee or the Board of members by virtue of their offices and prescribing their powers, duties and functions;
- (e.1) subject to Part 2, prescribing the number of members that constitutes a quorum of the Council, the Practice Review Board, the Hearing Tribunal, the Complaint Review Committee, the Registration Committee and committees established by the Council;
- (f) respecting the appointment, functions, duties and powers of an Executive Director and Secretary Treasurer of the Association;
- (f.1) respecting procedures at meetings and the holding of meetings by the Council, the Practice Review Board, the Hearing Tribunal, the Complaint Review Committee, the Registration Committee, committees established by the Council and other entities by mail, telephone conference, audiovisual or other electronic means;
- (f.2) subject to Part 2, providing for the amount of expenses and remuneration payable to members of the Council, the Practice Review Board, the Hearing Tribunal, the Complaint Review Committee, the Registration Committee, committees designated by the Council and other entities and by whom the expenses and remuneration are payable;
- (g) respecting the establishment of divisions and sections of the Association and their operation;
- (h) providing for the division of Alberta into electoral districts and prescribing the number of Council members to be elected from each district;
- (i) providing for the appointment of an Acting Registrar who has all of the powers and may perform all of the duties of the Registrar under this Act, the regulations and the bylaws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;
- (j) establishing classes or categories of membership in the Association in addition to registered veterinarians and specialists and prescribing the rights, privileges and obligations of the classes or categories of membership so established;
- (k) providing for the appointment of acting members of the Council and procedures for the election or appointment of registered veterinarians to fill vacancies on the Council;
- (l) prescribing the number of registered veterinarians that constitutes a quorum at meetings of the Association;
- (m) governing the establishment, operation and proceedings of committees, the appointment of members of committees, the appointment of acting members and procedures for filling vacancies on committees and the delegation of any powers or duties of the Council under this Act, the regulations or the bylaws to a committee established by the Council or under this Act;
- (n) governing the establishment of boards or committees of registered veterinarians and respecting the delegation of powers of the Council to those boards or committees or the Practice Review Board;
- (o) prescribing fees and expenses payable to members of the Association for attending to the business of the Association;

- (p) 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;
 - (q) respecting the fixing of fees, dues and levies payable to the Association;
 - (r) respecting the establishment, content and maintenance of registers of registered veterinarians, specialists and permit holders and of records of other classes or categories of membership to be kept by the Registrar; (s) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws; (t) governing the names under which registered veterinarians and permit holders may engage in the practice of veterinary medicine;
 - (u) requiring registered veterinarians 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;
 - (v) governing the publication of information with respect to the profession including but not limited to the publication of surveys of fees and information described in section 65.2;
 - (w) prescribing the form of a certificate of registration, a permit and an annual certificate.
- (2) The Council may make bylaws respecting the holding of mail votes on any matter relating to the Association, but a bylaw under this subsection does not come into force unless it is approved by a majority of the registered veterinarians present and voting at a general meeting.
- (3) A bylaw under subsection (1) does not come into force unless it is approved by a majority of the registered veterinarians
- (a) present and voting at a general meeting, or
 - (b) voting in a mail vote conducted in accordance with the bylaws.
- (4) The Regulations Act does not apply to bylaws of the Association made under this section.

14.1 Before the Council, by regulation, establishes or amends the academic qualifications of applicants for registration as registered veterinarians, the Council must consult with the Minister and the Minister responsible for Parts 1 to 3 of the Post-secondary Learning Act and must consider the comments received from those Ministers.

15 The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register of registered veterinarians and permit holders.

16(1) The Council shall establish a Registration Committee in accordance with the regulations and the bylaws.

(2) The Registration Committee shall consider applications for the registration of applicants as registered veterinarians or specialists in accordance with this Part, the regulations and the bylaws

18(3) An applicant whose application for registration has been refused by the Registration Committee may, within 30 days after receiving a notice of refusal and the reasons for the refusal, request the Council to review the application by serving on the Registrar a written request for review by the Council setting out the reasons why, in the applicant's opinion, the applicant's registration as a registered veterinarian should be approved.

(4) The Council shall, after receipt of a request for review under this section, review the application.

(6) A member of the Registration Committee who is also a member of the Council may participate at a review by the Council under this section but shall not vote in a decision of the Council at a review under this section.

(7) On reviewing an application under this section, the Council may make any decision the Registration Committee may make under this Part.

19(1) The Council may approve the registration as a permit holder of a corporation that has applied to the Council and is eligible under this section and the regulations to be registered to

engage in the practice of veterinary medicine as a permit holder in accordance with the restrictions or conditions set out in the permit.

24(1) The Registrar shall not cancel the registration of a registered veterinarian or permit holder at the registered veterinarian's or permit holder's request unless the request for the cancellation has been approved by the Council.

25(1) The Council may direct the Registrar to cancel the registration of

(a) a registered veterinarian 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 complies with the regulations after the expiration of 30 days following the service on the registered veterinarian or permit holder of a written notice by the Council pursuant to subsection (2), unless the registered veterinarian or permit holder on whom the notice is served complies with the notice.

(2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless

(a) the fees, dues or levies are paid as indicated in that notice, or

(b) evidence satisfactory to the Council has been received by it within the time prescribed in the notice indicating that the permit holder has complied with the regulations.

(3) The Council may direct the Registrar to cancel the registration of a registered veterinarian or permit holder that was entered in error in the register.

(5) If a registration has been cancelled pursuant to subsection (1), the Council may direct the Registrar, subject to any conditions that the Council may prescribe, to reinstate that registration in the applicable register and reissue the certificate of registration or permit.

(6) Notwithstanding subsection (5), if an individual applies to the Council to be reinstated more than 5 years after the date on which the individual's registration was cancelled, the Council shall not direct the Registrar to reinstate the individual.

34.1(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 of being notified of the dismissal under section 28(5) or 34.

(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 committee of the Council designated under subsection (3) and direct the Complaints Director to give a copy of the report made under section 33.1 to the committee of the Council.

(3) Within 60 days of receipt of an application under subsection (1), the Hearings Director must designate a committee of the Council and it must commence a review of the report and the decision to dismiss the complaint.

(4) A committee of the Council may determine whether the submissions to it by the complainant and the investigated person with respect to a review under subsection (3) must be written, oral or both.

(5) The committee of the Council, on complying with subsection (3), must

(a) refer the matter to the Hearings Director for a hearing,

(b) direct the Complaint Review Committee to conduct or appoint an investigator to conduct a further investigation and to prepare a report on the further investigation to be submitted to the committee of the Council for its consideration before it acts under clause (a) or (c), or

(c) confirm that the complaint is dismissed if in the opinion of the committee of the Council

(i) the complaint is trivial or vexatious, or

(ii) there is insufficient or no evidence of unprofessional conduct.

(6) The committee of the Council must give the complainant and the investigated person written notification, with reasons, of any action taken under subsection (5).

36 Any person who has investigated, reviewed, taken part in an alternative complaint resolution process or made a decision on a complaint or matters related to a complaint may not subsequently sit as a member of a committee of the Council, the Council, the Hearing Tribunal or the Complaint Review Committee while it is holding a hearing or a review with respect to the complaint.

43.1(1) A decision of the Hearing Tribunal remains in effect pending an appeal to the Council unless the person or committee designated by the Council, on written application, stays the decision pending the appeal.

(2) The investigated person may make a written submission with respect to an application under subsection (1).

(3) If the person or committee designated by the Council

(a) decides not to stay the decision of the Hearing Tribunal, or

(b) does not make a decision within 10 days, excluding holidays, of the application,

the applicant may apply to the Court of Queen's Bench for a stay of the decision of the Hearing Tribunal pending an appeal to the Council.

(4) A decision of the Council remains in effect pending an appeal to the Court of Appeal unless the Court, on application, stays the decision pending the appeal.

44.1(1) The Council must,

(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

(b) in all other cases, schedule the appeal within 90 days after the date of service of the notice of appeal.

(2) The 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

(a) in a case to which subsection (1)(a) applies, no extension may be granted without the consent of the investigated person, and

(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.

45(1) The Complaints Director and the investigated person may appear and be represented by counsel at an appeal before the Council.

(2) An appeal to the Council must be based on the record of the hearing and the decision of the Hearing Tribunal.

(3) Sections 36, 36.1, 39(a) and (b), 39.1, 40(1) and (5) and 40.1 to 43 apply to proceedings before the Council.

(4) The Council on an appeal may

(a) on hearing an application for leave to introduce new evidence, direct the Hearing Tribunal that held the hearing to hear that evidence and to reconsider its decision and quash, confirm or vary the decision,

(b) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Council, but no adjournment may be granted without the consent of the investigated person if that person's annual permit is suspended or cancelled, and

(c) draw inferences of fact and make a determination or finding that, in its opinion, should have been made by the Hearing Tribunal.

(5) The Council must, within 90 days from the date of the conclusion of the appeal hearing before it, make a decision and may, by order, do any or all of the following:

(a) make any finding that in its opinion should have been made by the Hearing Tribunal,

- (b) quash, vary or confirm any finding or order of the Hearing Tribunal or substitute or make a finding or order of its own,
- (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
- (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.
- (6) Subject to the regulations, the Council may direct the investigated person to pay, within the time set by the Council, all or part of the costs of the appeal in addition to costs referred to in section 41.1(1)(j).

48 The Complaints Director, a person appointed by the Complaints Director to conduct an investigation and any member of the Hearing Tribunal, the Council, a committee of the Council or the Complaint Review Committee is conferred with the powers of a commissioner for oaths under the Commissioners for Oaths Act for the purposes of an investigation, hearing, review or appeal under this Part.

65(1) No action lies against

(a) any person conducting a preliminary investigation or a complaint resolution process, a member of the Complaint Review Committee, the Hearing Tribunal, a committee of the Council, the Practice Review Board, the Council or the Registration Committee, the Registrar, the Hearings Director, the Complaints Director, the Association or any person acting on the instructions of any of them, or

(b) any member, officer or employee of the Association for anything done by the person in good faith and in purporting to act under this Act, the regulations or a bylaw that relates to or is incidental to a professional matter or a matter of public interest that is or may be the subject of a regulation under section 13.

(2) No action for defamation may be founded on a communication that consists of or pertains to a complaint regarding the conduct of a registered veterinarian, permit holder or student, if the communication is published to or by

(a) the Association,

(b) a member of the Council, a committee of the Council, the Complaint Review Committee, the Hearing Tribunal, the Practice Review Board or the Registration Committee,

(c) a person conducting a preliminary investigation or a complaint resolution process,

(d) an officer or employee of the Association, or

(e) a person acting on the instructions of any of them

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

65.1(1) If the Complaints Director or the Complaint Review Committee has grounds to believe that a registered veterinarian is incapacitated, whether or not a complaint has been made or deemed to have been made under section 27, the Complaints Director or Complaint Review Committee may refer the matter to a committee designated or established by the Council.

65.6(2) The Association, the Council or a board, committee, tribunal, the President, the Registrar, the Complaints Director or the Hearings Director of the Association or any officer, investigator or person engaged by the Association may, on the recommendation of the Ombudsman,

(a) rehear any matter and reconsider any decision or recommendation made by that person or body, and

(b) quash, confirm or vary the decision or recommendation or any part of it.

66(1) A person whose registration as a registered veterinarian or permit holder is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of veterinary medicine or directly or indirectly associate himself, herself or itself in the practice of veterinary medicine with any other registered veterinarian or permit holder.

(2) No registered veterinarian or permit holder shall, except with the consent of the Council, associate in the practice of veterinary medicine directly or indirectly with or employ in connection with the registered veterinarian's or permit holder's practice a person whose registration has been cancelled or suspended under this Act.

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

(I) Veterinary Profession General Regulation, Alberta Regulation 44/1986

3(1) The Registration Committee may approve an applicant for registration as a registered veterinarian if the applicant has been issued a Certificate of Qualification by the National Examining Board.

(2) If an applicant has not been issued a Certificate of Qualification referred to in subsection (1) and section 3.1 does not apply, the Registration Committee may, after reviewing the applicant's academic qualifications, approve the applicant for registration and may impose any limitations or restrictions that it considers appropriate on the registration.

(3) In determining whether to approve an applicant for registration under subsection (2) whether to impose limitations or restrictions on the registration, the Registration Committee shall follow any guidelines established by the Council.

3.1(1) If the Certificate of Qualification program of the National Examining Board ceases to exist or the Council ceases to recognize a Certificate of Qualification as satisfactory evidence of a person's competence to practise veterinary medicine, the Council shall establish, in writing, a procedure for the evaluation of applicants for registration as a registered veterinarian.

5.1 A veterinarian shall not be approved for registration as a specialist in a category of veterinary medicine unless the veterinarian is an unrestricted veterinarian and the veterinarian provides the Registration Committee with

(a) a certificate of specialization in that category of veterinary medicine and the certificate is recognized by the Council, or

(b) evidence satisfactory to the Registration Committee of

(i) post-graduate training in that category of veterinary medicine at an institution satisfactory to the Committee,

(ii) 5 years of experience in that category of veterinary medicine, and

(iii) successful completion of an examination that the Council considers to be equivalent to an examination set by a college or other body recognized by the Council on Education of the American Veterinary Medical Association for that category of veterinary medicine.

6(7) The Registrar shall cancel the registration of any person registered as a temporary registered veterinarian when directed to do so by the Council.

6.1(1) The Registration Committee may approve the registration of an applicant for a short-term period if the applicant

- (a) is a veterinarian in good standing with a professional regulatory organization that is established under the legislation of another jurisdiction and that is recognized by the Council, and
- (b) is applying for the short-term registration at the request of an unrestricted veterinarian.

8(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register of technologists.

10(1) A technologist shall not practise veterinary medicine unless the technologist has in-person communication with the registered veterinarian who directs or controls the technologist at least once during each day that the technologist practises.

(2) The Council may establish, for the purposes of subsection (1), an interval between each in-person communication that is less frequent than once during each day that the technologist practises if

- (a) the Council has received a request to establish a less frequent interval in respect of a technologist operating in a practice area and the Council is satisfied that there is substantial public support for the request in the practice area,
- (b) the Council is satisfied that local authorities or others have made reasonable attempts to have a registered veterinarian move to the practice area for the purpose of practising veterinary medicine and that these attempts have failed,
- (c) the Council is satisfied that the location of the nearest practising registered veterinarian to the practice area precludes adequate emergency care in the practice area by the veterinarian, and
- (d) other criteria established by the Council are met.

(3) An interval established under subsection (2) ceases to have effect on the date specified by Council.

(4) An interval established under subsection (2) is subject to the condition that reasonable attempts to have a registered veterinarian move to the practice area for the purpose of practising veterinary medicine will continue and the Council may cancel the interval established under subsection (2) if satisfied that no reasonable attempts by local authorities or others are being made.

11(1) No corporation shall be approved for registration as a permit holder by the Council unless it provides evidence satisfactory to the Council that

- (a) the corporation is registered under or established by an Act of Alberta, and
- (b) subject to subsection (1.1), the majority of the issued shares of the corporation having voting rights are beneficially owned by an unrestricted veterinarian.

(1.1) A corporation that does not meet the requirements of subsection (1)(b) may be approved for registration as a permit holder by the Council if the corporation does not offer veterinary services to the public or engage in the practice of veterinary medicine for the benefit of individual members of the public except in accordance with an authorization given under subsection (1.2).

(1.2) The Council may authorize a corporation that is registered under subsection (1.1) to provide a veterinary service to an individual member of the public or to engage in the practice of veterinary medicine for the benefit of an individual member of the public if, in the opinion of the Council, the service or practice is likely to benefit the public generally.

13(1) If the Council, the Hearing Tribunal, the Complaint Review Committee or the Practice Review Board makes an order under the Act for the payment of all or part of the costs of an investigation, inquiry, hearing or appeal, those costs may include all or any of the following: ...

(2) Notwithstanding subsection (1), the Council, the Hearing Tribunal, the Complaint Review Committee or the Practice Review Board, when ordering costs, may order a specific sum to be paid as costs.

14 The Council may, on the recommendation of the Hearing Tribunal or the Complaint Review Committee or on its own accord, cause to be published the details of any finding or order made under Part 5 of the Act.

15 The Council may constitute itself as a Committee of Inquiry to consider any application for reinstatement of a person whose registration under the Act has been cancelled, and may

- (a) reinstate the applicant as a registered veterinarian or permit holder,
- (b) refuse to reinstate the applicant as a registered veterinarian or permit holder,
- (c) require the applicant to take further specified training prior to reinstatement,
- (d) require the applicant to take such examinations as may be prescribed by the Council prior to reinstatement,
- (e) impose any limits or conditions on the practice of the registered veterinarian or permit holder as the Council may decide, or
- (f) do any one or more of the above.

28(1) The Council may establish rules governing advertising by registered veterinarians and permit holders.

48 Without the written permission of the Council, no member or employee of the Association shall use the name of the Association in connection with the promotion or advertising of any commercial product or service, or in any way that would imply the endorsement by the Association of a product or service.

50.1(1) The Practice Review Board is responsible for making recommendations to the Council about standards of continuing education for registered veterinarians and specialists and any other matter related to continuing education that is referred to it by Council.

(2) The Council may, after considering the recommendations of the Practice Review Board or on its own initiative, establish a continuing education program for registered veterinarians and specialists.

56(1) The Council, on the advice of the Practice Inspection and Practice Standards Committee, shall from time to time determine the standards of facility and service that are required of each category of veterinary practice.

(m) Alberta Veterinary Medical Association Bylaws

3.1 The Council is established by s.7(1) of the Act as the governing body of the Association. Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name of and on behalf of the Association.

3.2 Council shall consist of eight Registered Veterinarians who shall be elected in accordance with the provisions of the Bylaws, and two members of the public appointed pursuant to s.8(1) of the Act. In addition, Council may appoint to Council such non-voting ex officio members as it deems appropriate.

3.3.2 No later than four months prior to the next scheduled Annual General Meeting, Council shall in writing call for nominations from the membership of the Association to fill the terms of

Council members whose terms are scheduled to end at the conclusion of the next Annual General Meeting. Such call for nominations shall be made to the Voting Members of the Association by mail, facsimile, electronic means, publication in the Association's newsletter or such other means as Council may deem appropriate.

3.3.11 A member's vote is valid and will be counted if and only if it is properly marked in accordance with the instructions provided by Council and is received by the Association office no later than the deadline set for receipt of ballots.

3.3.13 Council shall retain the ballots cast for no less than 60 days following counting of the ballots.

3.3.14 Council may establish such further additional procedures with respect to the conduct of an election, as it in its discretion deems appropriate.

3.5 Council shall elect annually from the members of Council, a President, a Vice President, and such other Officers as Council deems advisable for the efficient administration of the Association.

3.9.1 Council shall hold at least four Council meetings in each calendar year. Council meetings shall be held by order of the President or at the request of a majority of Council members.

3.9.2 Council meetings shall be held at such time and place as may be directed by Council and, in the absence of such direction, at such time and place as the President shall designate. In addition to in-person meetings, Council meetings may be held by telephone or other electronic means, by order of the President or at the request of a majority of Council members.

3.9.3 The rules of order and procedure at Council meetings shall be the most current edition of Robert's Rules of Order governing meetings of a like nature, except where inconsistent with these Bylaws or any special rules of order that Council may adopt.

4.1 The Council shall establish such Legislated Committees as are required from time to time by the Act or Regulations. Without limiting the generality of the foregoing, Council shall establish the following Legislated Committees:

4.1.1 the Registration Committee;

4.1.2 the Practice Review Board;

4.1.3 the Complaint Review Committee;

4.1.4 the Hearing Tribunal; and

4.1.5 the Practice Inspection and Practice Standards Committee.

4.2 The following provisions apply to each Legislated Committee established by the Act or Council:

4.2.1 Registered Veterinarian members shall be appointed by Council; ...

4.2.7 Council may remove any member of such Committee for sufficient cause, including, but not limited to, repeated absences from meetings;

4.2.9 each Committee shall report to Council upon its request.

4.7.7 The Practice Inspection and Practice Standards Committee may from time to time nominate persons to conduct inspections of veterinary practices. The practice inspectors shall be appointed by Council following nomination by the Practice Inspection and Practice Standards Committee. Where possible, practice inspectors shall be familiar with the type of practice to be inspected.

4.8.3 Council may from time to time develop and publish such guidelines with respect to the naming of the veterinary practices as it deems appropriate.

5.1.1 Council may establish such Non-Legislated Committees as it deems appropriate.
5.1.2 The terms of reference for each Non-Legislated Committee shall be set by Council. A Non-Legislated Committee is responsible and accountable to Council.
5.1.3 Council may request a Non-Legislated Committee to provide reports to it from time to time and to provide a report to the membership at the Annual General Meeting.

5.2.1 Council may appoint such members of the Association as it deems appropriate to a Committee. Council shall appoint a chair and vice-chair for each Committee.
5.2.2 Council may in its discretion appoint one or more members of the public to a Committee as it deems appropriate.
5.2.3 Members of Non-Legislated Committees shall be appointed for a term of three years and may serve a maximum of two consecutive terms. Council may in its discretion establish such other term for members of a Non-Legislated Committee as it deems appropriate in the circumstances.
5.2.4 Council may appoint one or more members of Council to be a member of a Committee. Such Council member may, in the discretion of Council, be appointed as Chair or Vice-Chair of a Committee.
5.2.5 A person appointed to a Committee established by Council shall serve in accordance with the Committee's Terms of Reference and related Association policies.
5.2.6 A Committee member may be removed from a Committee by Council.

6.1.1 An Annual General Meeting of the Voting Members of the Association shall be held at least once every calendar year not later than the last day of June.
6.1.2 Subject to 6.1.1, the time and place of the Annual General Meeting shall be determined by Council.
6.1.3 Voting Members of the Association in good standing are entitled to receive notice of, attend and vote at an Annual General Meeting. In addition, Council may in its discretion invite such guests as it deems appropriate to the Annual General Meeting, but such guests shall not be entitled to vote at the Annual General Meeting.

6.2.1 Upon receipt of a request in writing signed by 5% of the total Registered Veterinarian members, Council shall conduct a mail vote of the Voting Members to determine whether or not a Special General Meeting of the Association shall be convened.
6.2.2 If a majority of the Voting Members responding to the mail vote, vote in favour of a Special General Meeting, then such Special General Meeting shall be convened within such reasonable time as Council deems appropriate.
6.2.3 In addition to the process set out in paragraphs 6.2.1 and 6.2.2 hereof, Council may in its discretion call a Special General Meeting.

6.4.1 Council, upon being satisfied that such a vote can be held without adversely affecting the integrity of any voting results, may conduct a vote of the Voting Members by electronic means or through its website.
6.4.2 Council shall, at least two months prior to the conduct of such vote, publish to the Voting Members of the Association the process to be followed in the conduct of such vote.

7.2.3 Limited Practice Licencee – a Limited Practice Licencee is a Registered Veterinarian who does not qualify as a General Practice Licencee because he or she does not possess a Certificate of Qualification, yet demonstrates appropriate credentials to qualify to practise in a limited scope of veterinary medicine. This person is licensed to practice veterinary medicine pursuant to s. 3 of the General Regulation with such limitations and on such terms as Council deems appropriate notwithstanding that the applicant has not been issued a Certificate of

Qualification. A Limited Practice Licence shall only practise veterinary medicine in accordance with the limitations and terms imposed by Council.

7.5.2 Council may from time to time establish such additional categories of membership for Other Members as it deems appropriate.

7.6.4 A Non-Practicing Member may be reinstated as Registered Veterinarian upon such terms and conditions as stipulated by Council.

7.7.2 Upon acceptance of his or her registration, a final year student member may practice veterinary medicine under the direct daily supervision of an unrestricted veterinarian in accordance with the General Regulation and the Council Guidelines.

7.8.3 A student whose registration has been approved by the Registrar in this category may participate in veterinary practice for the purpose of receiving instruction as outlined in the Council Guidelines, but may not practice veterinary medicine.

7.9 Council may grant Honorary Life Memberships to members of the Association or other persons who have made outstanding contributions to Association affairs, or outstanding achievements in the field of veterinary science. Petitions for Honorary Life Recognition shall be signed by five members of the Association and submitted to Council. Recognition is granted upon unanimous approval of such a petition by Council.

7.11 Council shall determine the annual fees for all categories of membership. Annual fees shall be due on the first day of January each year.

7.12 Council may direct the cancellation of the registration of any member or permit holder who fails to pay any fee, due or levy within the time set out in s. 25 of the Act.

7.13 Council may determine such fees for reinstatement of membership as it deems appropriate.

8.1 Council may establish, manage, arrange for or approve courses of instruction and training in the science and practice of veterinary medicine.

8.2 Council may assess charges and tuition fees to persons who are participants at any course of training or instruction of veterinary medicine in order to recover all or a part of the costs of any such course.

9.1.1 Council shall appoint a Registrar, Secretary-Treasurer, Complaints Director, Hearings Director, and such other personnel as it from time to time deems appropriate for the efficient operation of the Association.

9.1.2 Council may appoint such persons as it deems appropriate to discharge the duties of such persons appointed pursuant to 9.1.1 during the absence, disability, or vacancy in the office of such person. Such persons shall be designated the "Acting" or "Deputy" of the said position.

9.1.3 The salary, benefits and terms of office of the Registrar and Secretary-Treasurer shall be established by Council and shall be reviewed annually in conjunction with a formal performance appraisal.

9.2 The separate duties of Registrar and of Secretary-Treasurer may, at Council's discretion, be carried out from time to time by one person assuming the duties of both positions.

9.3 The Registrar/Secretary-Treasurer as Registrar shall:

9.3.6 perform such duties as may be from time to time assigned by Council.

9.4 The Registrar/Secretary-Treasurer as Secretary shall:

9.4.2 keep in safe custody and have charge of all of the records of the Association together with copies of all reports by the Association, Council or committees thereof and such other books and papers as Council may direct.

9.4.4 perform such other duties as pertaining to the office of Secretary-Treasurer as may be required by Council.

9.5 The Registrar/Secretary-Treasurer as Treasurer shall:

9.5.2 deposit all money and other valuable effects of the Association in the name of and to the credit of the Association in such banks or other depositories as Council may from time to time designate by resolution.

9.5.3 render to Council whenever directed by Council an account of the financial condition of the Association and all transactions as Treasurer as soon as possible after the end of each fiscal year.

9.5.7 perform such other duties as are incidental to the office of Treasurer as requested by Council.

9.7.1 A seal for the Association shall be approved by the Council.

9.8 The Association's authorized signing authorities shall be the President, Vice President, immediate past President, Secretary-Treasurer, Registrar, Deputy Registrar and any other person designated in writing by Council.

9.9 Council shall establish and maintain such accounts with one or more Canadian banks, trust companies, or Province of Alberta Treasury Branches, as Council determines appropriate from time to time.

9.11 Council shall on an annual basis adopt or approve Financial Guidelines for the keeping of the Association's books and records, depositing of funds, recording purchases and expenditures, registering its capital assets, budgeting, investment policy, and such other matters as Council deems appropriate to include in its Financial Guidelines.

9.12 The Council may raise money or guarantee or secure the payment of money in the name of the Association, in any manner determined by the Council, in order to carry out the purposes of the Association.

9.13 Council may invest or reinvest funds of the Association not immediately required in:

9.14 The Council shall appoint an accountant to provide audited financial statements of the Association.

(n) Accountants

Under the legislation currently in force in Alberta, there are three types of accountants governed by the *Regulated Accounting Profession Act*: Certified General Accountants, Certified Management Accountants, and Chartered Accountants. Summarized here are Council's powers under the Act, as well as the regulations and bylaws pertaining to chartered accountants only. Also included are the relevant provisions of the Bill 7, the *Chartered Professional Accountants Act*.

(o) Regulated Accounting Profession Act, Revised Statutes of Alberta 2000, Chapter R-12

1(cc) “governing body” means the Council of the Institute of Chartered Accountants of Alberta, the Board of Directors of the Society of Management Accountants of Alberta and the Board of Governors of the Certified General Accountants’ Association of Alberta, or any of them, as the case may be;

11(2) A governing body’s functions are

- (a) to govern the business and affairs of the accounting organization,
- (b) to fulfil the purposes of this Act, and
- (c) to exercise the accounting organization’s powers in the name of and on behalf of the accounting organization.

12(1) When an accounting organization is given a power, duty or function, it is to be carried out by its governing body or the individual, committee or other body prescribed by the governing body, and the delegated power, duty or function may be subdelegated, unless the governing body otherwise prescribes.

(2) If an individual, committee or other body is not designated by this Act or prescribed by a governing body to perform a power, duty or function of the accounting organization, the chief elected officer or a designate of the chief elected officer may perform it.

(3) Any person, on request, is entitled to receive from an accounting organization relevant information about the individual, committee or body that may perform any power, duty or function under this Act, the regulations or the bylaws.

13(1) A governing body may fulfil the purposes of this Act and exercise its powers, duties and functions by regulation, bylaw, resolution, rule of professional conduct or practice standard unless this Act provides that a power, duty or function is to be exercised in a particular way.

(2) A governing body may not delegate its authority to make regulations, bylaws, resolutions, rules of professional conduct or practice standards, but may delegate authority to act under or in accordance with a regulation, bylaw, resolution, rule of professional conduct or practice standard.

14(1) A governing body may make regulations

- (a) specifying the period of time during which an accounting organization must maintain information about applicants for registration and its registrants and former registrants;
- (b) respecting the provision of information under section 28(5);
- (c) respecting requirements for and applications for registration as a chartered accountant, certified general accountant, certified management accountant or student, including but not restricted to
 - (i) education, experience, enrolment in programs of studies, successful completion of examinations and holding of certificates, diplomas or degrees,
 - (ii) recognizing professions in other jurisdictions for the purpose of section 35(2)(b),
 - (iii) additional requirements for the purpose of section 35(2)(b),
 - (iv) providing evidence of being a Canadian citizen or a person lawfully permitted to work or study in Canada, (v) providing evidence of having good character and reputation,
 - (vi) providing evidence respecting standards of language proficiency, and
 - (vii) for the purposes of section 35(2)(c), the procedures for determining the combination of education, experience, practice and other qualifications that demonstrates the competence required for registration;
- (d) respecting the registration of a public accounting firm or a professional corporation;

- (e) respecting requirements for and applications for registration as a registrant within the meaning of section 1(ss)(viii);
 - (f) respecting the registration of professional service providers;
 - (g) respecting and establishing continuing competence programs;
 - (h) respecting applications for reinstatement of registration following cancellation of registration under Part 5 or Part 6;
 - (i) respecting the requirements for continuing registration under this Act and the conditions to be met and maintained;
 - (j) respecting and establishing categories of registrants;
 - (k) respecting conditions or restrictions on categories of registrants;
 - (l) respecting the use of titles, abbreviations and initials, within the meaning of the schedules to this Act, by a registrant or category of registrant;
 - (m) respecting the use of the title “certified public accountant” and the abbreviation or initials “CPA” or either of them;
 - (n) respecting gross revenue threshold amounts for members of accounting organizations, professional corporations or partnerships under section 46(3);
 - (o) respecting an application for an exemption from registration as a public accounting firm under section 46(3)(b) and the procedures governing that application;
 - (p) respecting 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.
- (2) A regulation under subsection (1)(m) may be made only by the governing body of the Institute of Chartered Accountants of Alberta.
- (3) A regulation must be approved in principle by a majority of the members of the accounting organization present and voting
- (a) at a special meeting called for that purpose,
 - (b) by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or
 - (c) at the annual general meeting following the governing body’s adoption of the regulation.
- (4) A governing body may change the text of a regulation that was approved in principle under subsection (3) if the change
- (a) is consistent with the approval in principle, and
 - (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.
- (5) A regulation under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.

15(1) A governing body may make bylaws

- (a) respecting the election, term of office, geographical representation and number of governing body members;
- (b) respecting the votes of members or other persons about any matter specified by an accounting organization;
- (c) respecting the holding of meetings of an accounting organization simultaneously at more than one location;
- (d) providing for the appointment of an individual as an acting registrar or acting executive head who has all of the powers and performs all of the duties of the registrar or executive head, as the case may be, under this Act, the regulations and the bylaws when the registrar or executive head is absent or unable to act or when there is a vacancy in the office;
- (e) respecting the appointment of individuals to bodies established or continued under this Act or the regulations;
- (f) respecting suspension, cancellation and resignation of registration except under Part 5;
- (g) respecting categories of non-regulated members, including honorary members;

- (h) respecting the suspension or cancellation of registration, practice restrictions on registration and the imposition of penalties for failing to meet the requirements of section 51, including the nature and amount of those penalties;
 - (i) respecting and establishing practice standards for public accounting practice, including incorporation by reference of international or national practice standards;
 - (j) respecting forms and notices;
 - (k) respecting which matters, if any, may be appealed to an appeal tribunal from a decision of the registration committee, practice review committee or other body or person, in addition to the appeal rights specified in this Act, and any conditions related to an appeal;
 - (l) respecting requirements for registrants to carry professional liability insurance and the minimum amount of that insurance;
 - (m) establishing practice standards for the areas of practice referred to in sections 48 and 49 and the regulations;
 - (n) respecting the evaluation of, and establishing or designating the entity that may evaluate, the education, training, experience, practice and competence required of applicants for registration as a registrant;
 - (o) respecting requirements for registrants to train students and training standards generally;
 - (p) respecting whether a registrant or category of registrants may provide an audit engagement or review engagement, or both;
 - (q) respecting the conditions governing the provision of an audit engagement or review engagement;
 - (r) respecting how registrants referred to in clause (p) may supervise others who provide an audit engagement or review engagement;
 - (s) respecting practice reviews, including specifying which practice areas of public accounting firms and professional service providers are subject to practice review;
 - (t) respecting the information to be maintained about a registrant or former registrant when there has been a finding of unprofessional conduct, an agreement under section 74 or a resignation under section 75;
 - (u) respecting the publication, posting or notification of resignations under section 75 and decisions of discipline tribunals and appeal tribunals;
 - (v) respecting information to be kept and maintained about a registrant or former registrant;
 - (w) respecting costs to be included and the manner of determining costs for the purposes of an order for costs by a discipline tribunal or appeal tribunal;
 - (x) respecting the disposal of decisions and records of proceedings received by the discipline tribunal secretary and the appeal tribunal secretary;
 - (y) establishing specialties for registrants or categories of registrants and the requirements to be met by registrants or categories of registrants in order to hold themselves out as a specialist;
 - (z) designating the specialty names, initials or abbreviations that may be used by registrants who have met the requirements for a specialty pursuant to clause (y);
 - (aa) prohibiting a registrant from holding out that the registrant is entitled to engage in a specialty unless the registrant has met the requirements for the specialty pursuant to clause (y).
- (2) A bylaw may be made specifying that all or any of the matters referred to in subsection (1) are no longer to be subject to the bylaws, in which case the matter may then be dealt with in the manner specified in the bylaw made under this subsection.
- (3) Any power, duty or function under the bylaws may be delegated and subdelegated.
- (4) A bylaw is effective from the date it is passed by the governing body or any later date specified in the bylaw.
- (5) A bylaw must be ratified by a majority of the members of the accounting organization present and voting
- (a) at a special meeting called for that purpose,
 - (b) by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or

- (c) at the annual general meeting following the governing body's adoption of the bylaw.
- (6) If a bylaw is not ratified pursuant to subsection (5), the bylaw ceases to have any effect.

15.1 Before a governing body, by regulation, establishes or amends the academic requirements for registration as a chartered accountant, certified general accountant, certified management accountant or student, the governing body must consult with the Minister and the Minister responsible for Parts 1 to 3 of the Post-secondary Learning Act and must consider the comments received from those Ministers.

16(1) A governing body

- (a) shall make regulations respecting the type and amount of liability insurance or other protection against professional liability that a partnership must have for the purposes of registration as a limited liability partnership under Part 3 of the Partnership Act, and
 - (b) may make bylaws governing eligibility requirements that a partnership must meet in order to be registered as a limited liability partnership under Part 3 of the Partnership Act.
- (7) A governing body may make a bylaw providing that, notwithstanding Part 3 of the Partnership Act, no person may engage in a public accounting practice in a limited liability partnership under that Act.

17 A governing body may make resolutions

- (a) recognizing, for the purposes of sections 4 and 102, organizations outside Alberta that regulate accounting;
- (b) respecting reasonable fees, levies and assessments to be paid and the time for payment of those fees, levies and assessments by registrants for continuance of registration and by applicants for registration;
- (c) respecting the establishment of committees and task forces;
- (d) respecting the governance of the accounting organization and the management and conduct of its affairs;
- (e) respecting processes concerning dispute resolution, practice review, registration or any administrative matter not dealt with in section 15;
- (f) respecting any other matter not required by this Act to be dealt with in regulations, bylaws, practice standards or rules of professional conduct.

18(1) Subject to subsection (3), a governing body may make or adopt rules of professional conduct for registrants, including

- (a) ethical and professional standards of conduct;
 - (b) rules regulating the maintenance and administration of trust funds;
 - (c) rules respecting the professional names or titles that registrants may use;
 - (d) rules respecting the organization and conduct of a professional practice, including restrictions on practice arrangements and practice associations.
- (2) The governing body must provide, for review and comment, a copy of the proposed rules of professional conduct to
- (a) the Minister, and
 - (b) any other person the governing body considers advisable.
- (3) A governing body may adopt rules of professional conduct after it has reviewed and considered the comments from a review described in subsection (2).
- (4) A governing body must make copies of its rules of professional conduct readily available to the public and registrants, and the copies may be published in the manner directed by the governing body.

22(1) The powers and duties of a governing body are not affected by

- (a) the failure of a public member to attend a meeting, or

(b) a vacancy in the office of a public member.

29 A governing body must appoint an individual as registrar of the accounting organization for the purposes of this Act.

24(1) The governing body of an accounting organization may appoint as a member of its registration committee, complaints inquiry committee and any other committee or task force an individual who is not a registrant or former registrant of the accounting organization, whether or not such a committee or task force member is required to be appointed under this Act.

30(1) The governing body of an accounting organization

(a) may establish a registration committee composed of at least 3 members of the accounting organization, and

(b) if a registration committee is established, may include at least one person who is not a member of an accounting organization appointed by the governing body in accordance with section 24.

(2) The registration committee may, in the manner prescribed by the governing body, delegate any of its functions, powers or duties.

31 The registrar or registration committee must consider and decide on applications for registration under this Part, including the imposition of conditions on a registration, and must undertake any other functions and duties prescribed by the governing body.

53(1) A practice review committee is established for each accounting organization.

(2) Members of a practice review committee must be appointed in the manner prescribed by the governing body.

54(1) The purpose of practice review is to promote high standards of practice in public accounting firms and professional service providers and, generally, to maintain and improve the competence of the profession.

(2) A practice review committee may do anything, subject to the bylaws, to meet the purpose of practice review or perform any other function prescribed by a governing body.

59(1) The Practice Review Policy Board is established.

(2) The board is composed of

(a) the chair of the practice review committee of each accounting organization,

(b) one member of each accounting organization, appointed by the governing body, and

(c) the executive head of each accounting organization or that person's designate.

121(1) A complaints inquiry committee is established for each accounting organization.

(2) A complaints inquiry committee is composed of

(a) not fewer than 5 members of the accounting organization appointed by the governing body, one of whom is designated as CIC chair, and

(b) any person appointed by the governing body under section 24.

122(1) A governing body must establish

(a) a roster of members of the accounting organization who are eligible to be appointed to a discipline tribunal, and

(b) a roster of members of the accounting organization who are eligible to be appointed to an appeal tribunal

(2) A governing body

(a) must appoint a member of the accounting organization as discipline tribunal roster chair and may appoint a member of the accounting organization as discipline tribunal roster vice-chair, and

(b) must appoint a member of the accounting organization as appeal tribunal roster chair and may appoint a member of the accounting organization as appeal tribunal roster vice-chair.

(3) A member of an accounting organization may be appointed to one or both rosters.

125 A governing body must appoint one or more individuals as

(a) CIC secretary,

(b) discipline tribunal secretary, and

(c) appeal tribunal secretary.

131(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, resolutions, rules of professional conduct or practice standards: ... (f) a member of a governing body, committee, tribunal or task force established or continued under this Act or the regulations, bylaws or resolutions.

(2) No action for defamation may be founded on a communication regarding the conduct of a registrant 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 respect of anything done or omitted to be done in good faith under this Act or the regulations, bylaws, resolutions, rules of professional conduct or practice standards.

135(1) Any person may make a complaint in accordance with the Ombudsman Act.

(2) An accounting organization, its governing body, any committee, tribunal, registrar, CIC chair, CIC secretary, discipline tribunal secretary, discipline tribunal chair, appeal tribunal secretary and appeal tribunal chair and any practice reviewer, investigator or person engaged by an accounting organization may, on the recommendation of the Ombudsman,

(a) rehear any matter and reconsider any decision or recommendation made by that person or body, and

(b) quash, confirm or vary the decision or recommendation or any part of it.

(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.

(p) Chartered Accountants Regulation, Alberta Regulation 178/2001

9 A student's registration will be cancelled if the student fails to meet the grade or performance requirements on courses and examinations prescribed by the Chartered Accountants School of Business (CASB) or the Council within the number of attempts determined by CASB or the Council.

10 An application for registration as a member of the Institute by a student who is not registered as a member by another provincial institute or foreign accounting organization must be accompanied by evidence satisfactory to the registrar that the following requirements have been met:

(a) the academic requirements under section 11;

(b) the grade or performance requirements prescribed by CASB or the Council on a national qualifying examination;

(c) the experience requirements under section 12.

12(2) The Council must establish the nature of student experience required with a training office in order to provide practical application of the competencies necessary to be a chartered accountant.

19(2) Each member of the Institute who

(a) resides

(i) in Alberta, or

(ii) outside Alberta and is not a member of a provincial institute or foreign accounting organization recognized by the Council, and

(b) has not been granted an exemption by the registration committee from the continuing professional development requirements imposed by this section

must complete the minimum number of hours of relevant continuing professional development described in this section.

(3) A member of the Institute who has not been granted an exemption must complete the number of hours of continuing professional development prescribed by the Council in the period of time prescribed by the Council or such additional time as is granted by the registration committee.

(4) The hours referred to in subsection (3) must include the minimum number of hours of verifiable learning activities as is prescribed by the Council.

22(2) Only a chartered accountant registered under Part 3 of the Act who has been elected as a Fellow of the Chartered Accountants by the Council in the manner prescribed in the bylaws may use the name "Fellow of the Chartered Accountants" or "Fellow comptable agréé" or the initials "FCA".

(3) Only a chartered accountant registered under Part 3 of the Act may, with the approval of the Council, use the name "Associate of the Chartered Accountants" or "Associé d'un comptable agréé" or the initials "ACA".

26 For the purposes of section 47(e) of the Act, an applicant for registration as a public accounting firm must provide to the registrar (h) for each area of public accounting practice that the firm plans to engage in, satisfactory current evidence that a chartered accountant with the firm meets any education and experience requirements prescribed by the Council.

36(1) Only a training office may provide training experience to students.

(2) The Council may establish education and experience requirements to be met by an applicant for approval as a training office.

(3) The registration committee must approve an applicant as a training office if the applicant meets the requirements established by the Council.

(4) If the applicant fails to meet the requirements established by the Council, the registration committee may approve the application subject to conditions or restrictions.

(q) Institute of Chartered Accountants of Alberta, Bylaws under RAPA

200 The annual meeting of the Institute shall be held within 8 months of the Institute's fiscal year end and at such time and place as the Council shall determine.

201 Special meetings of the Institute may be held whenever the Council considers it expedient for the purpose of dealing with any matter relating to the affairs of the Institute.

202 Any meeting of the Institute may be held at such times and places and in such manner as the Council shall determine, including by means of telephone, electronic or other communication facilities that will permit all persons participating in the meeting to communicate with each other.

203 Council may submit a matter to a membership vote.

220 The Council shall annually appoint a chartered accountant as Chief Scrutineer to oversee votes by the membership. The Chief Scrutineer shall establish such procedures as are necessary for governing any member vote.

235 The Council may establish such procedures as are necessary for governing the holding of a vote on any matter not specified in the Act, regulations or these bylaws.

350 If the required number of members of the Council is not nominated or elected or a vacancy occurs in the number of elected Council members, the remaining or continuing members of the Council may appoint any chartered accountant resident in Alberta to fill the vacancy for the duration of its term.

410 In addition to the information kept and maintained under Section 27 of the Act, the Institute or its designate shall keep and maintain the following information with respect to registrants and former registrants: t) Any other information directed by the Council.

500 If the registrar or the Executive Director is absent or for any reason cannot act, or when there is a vacancy in the office, the Council may appoint any person as acting registrar or Executive Director and that person, while so acting, has the powers and shall perform the duties of the registrar or Executive Director.

510 The Council shall appoint the chairs of, the chartered accountants and other persons, if any, to serve on the Registration Committee, Complaints Inquiry Committee and Practice Review Committee.

600 The Council may elect to life membership in the Institute any chartered accountant who has been: a) a chartered accountant or a member of a provincial institute or a foreign accounting organization recognized by Council for an aggregate period of 40 years and a member of the Institute for the five (5) most recent years; or b) a President of the Institute.

601 Every life member shall be entitled to: a) receive recognition of life membership, in a manner determined by the Council; and b) a remission of such member's annual membership dues.

610 Any chartered accountant who, in the opinion of the Council, has rendered meritorious service to the profession or whose career achievements or achievements in the community have brought honour to the profession, may by resolution of two-thirds of the Council members be elected a Fellow of the Chartered Accountants.

611 Every Fellow of the Chartered Accountants shall be entitled to receive a certificate which shall be in such form as the Council determines and shall, so long as such Fellow remains a chartered accountant, be entitled to hold the said certificate.

612 When a Fellow of the Chartered Accountants has been found guilty of unprofessional conduct or has entered into a sanction agreement with the Complaints Inquiry Committee under section 74 of the Act, Council will review the decision or sanction agreement and determine whether to revoke the designation of Fellow of the Chartered Accountants and, if applicable, a Lifetime Achievement Award. If the designation and/or award is revoked, the individual will be so advised with the reasons.

620 The Council may, by a unanimous resolution, elect to honorary membership in the Institute any person who has rendered distinguished service to the Institute.

1001 The standards of practice for tax engagements are no longer to be subject to the Bylaws but are hereafter to be subject to any resolutions with respect to such standards passed by the Council.

1100 The Council may establish policies and procedures respecting practice reviews.

1300 An employer may apply for approval as a training office by: a) completing an application form containing such information as the Council shall prescribe; and b) providing any other information required by the Registration Committee.

1308 The registration committee may (a) designate any person to make whatever investigation is deemed necessary to determine whether an entity other than a public accounting firm meets the standards prescribed by the Council and is qualified to be a training office; and (b) upon review of a report made by the person pursuant to clause (a) above approve as a training office an entity other than a public accounting firm.

(r) Bill 7 Chartered Professional Accountants Act

This Bill, which received Royal Assent in December 2014 but has not yet been proclaimed in force, will replace the *Registered Accounting Profession Act* and its regulations. A board rather than a council, is the governing body under this new legislation.

11(1) Subject to section 152, the board of the Chartered Professional Accountants of Alberta (CPAA) consists of (a) at least 3 but not more than 15 elected members of the CPAA, and (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.

(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.

(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.

12 The board must (a) appoint a chief executive officer of the CPAA, and (b) establish the role and duties of the chief executive officer in accordance with the directives.

13(1) A power, duty or function of the CPAA is to be carried out by the board or the individual, committee or other body prescribed by the board, and the delegated power, duty or function may be subdelegated unless the board otherwise prescribes.

(2) If no individual, committee or other body is designated by this Act or prescribed by the board to perform a power, duty or function of the CPAA, the chair of the board or a designate of the chair of the board may perform it.

14(1) The board may fulfil the purposes of this Act and exercise its powers, duties and functions by regulation, bylaw, directive, resolution, rule of professional conduct or practice standard unless this Act provides that a power, duty or function is to be exercised in a particular way.

(2) The board may not delegate its authority to make regulations, bylaws, directives, resolutions, rules of professional conduct or practice standards, but may delegate authority to act under or in accordance with a regulation, bylaw, directive, resolution, rule of professional conduct or practice standard.

15(1) The board may make regulations

(a) respecting requirements for and applications for registration as a chartered professional accountant or candidate, including but not restricted to (i) education, experience, enrolment in programs of studies, successful completion of examinations and holding of certificates, diplomas or degrees, (ii) the process for recognizing organizations that regulate accounting outside Canada and the process for specifying competence, experience and practice requirements for the purpose of section 38(2)(c), (iii) additional requirements for the purpose of section 38(2)(c) and (d), (iv) providing evidence of being a Canadian citizen or an individual lawfully permitted to work or study in Canada, (v) providing evidence of having good character and reputation, (vi) providing evidence respecting standards of language proficiency, and (vii) for the purposes of section 38(2)(d), the process for determining the combination of education, experience, practice and other qualifications that demonstrates the competence required for registration;

(b) respecting education and experience requirements to be met to register as a professional accounting firm or professional service provider;

(c) respecting requirements for and applications for registration as a registrant within the meaning of section 1(zz)(vi);

(d) respecting and establishing continuing competence programs;

(e) respecting the requirements for continuing registration under this Act and the conditions to be met and maintained;

(f) respecting the use of titles, abbreviations and initials, within the meaning of section 7, by a registrant or category of registrant;

(g) prescribing a title, abbreviation or initial for purposes of section 7(3)(hh);

(h) respecting 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.

(2) A regulation must be approved in principle by a majority of the members of the CPAA present and voting (a) at a special meeting called for that purpose, (b) by a vote authorized by bylaw that is conducted by electronic, telecommunication or any other means as determined by the board, or (c) at the annual general meeting following the board's adoption of the regulation.

(3) The board may change the text of a regulation that was approved in principle under subsection (2) if the change (a) is consistent with the approval in principle, and (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.

(4) A regulation under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.

16 Before the board, by regulation, establishes or amends the academic requirements for registration as a chartered professional accountant or candidate, the board must consult with the Minister and the Minister responsible for Parts 1 to 3 of the Post-secondary Learning Act and must consider the comments received from those Ministers.

17(1) The board may make bylaws:

(a) respecting the election, term of office, geographical representation and number of board members;

(b) respecting the votes of members of the CPAA or other individuals about any matter specified by the CPAA;

(c) respecting the holding of meetings simultaneously at more than one location;

(d) respecting the appointment of individuals to bodies established under this Act or the regulations;

(e) respecting the provision of information under section 31(6);

(f) respecting and establishing categories of registrants and conditions or restrictions on categories of registrants;

- (g) respecting suspension, cancellation, resignation and reinstatement of registration and respecting practice restrictions, conditions or undertakings related to registration or practice except under Part 5;
 - (h) respecting the publication of notices respecting the matters listed in clause (g);
 - (i) respecting categories of non-members of the CPAA, including honorary members;
 - (j) respecting the suspension or cancellation of registration, practice restrictions on registration, conditions and the imposition of penalties for failing to meet the requirements of section 54, including the nature and amount of those penalties;
 - (k) respecting the publication of notices respecting the matters listed in clause (j);
 - (l) respecting and establishing practice standards for a professional accounting practice or a public accounting practice, including incorporation by reference of international or national practice standards;
 - (m) respecting which matters, if any, may be appealed to an appeal tribunal from a decision of the registration committee, registrar, practice review committee or other body or individual, in addition to the appeal rights specified in this Act, and any conditions related to an appeal;
 - (n) respecting requirements for registrants to carry professional liability insurance and the minimum amount of that insurance;
 - (o) specifying areas of professional services the providing of which to the public requires registration as a professional service provider, and establishing practice standards for those areas, for the purposes of section 51 and the regulations;
 - (p) respecting the evaluation of the education, training, experience, practice and competence required of applicants for registration as a registrant;
 - (q) respecting requirements to be met by registrants to train candidates and training standards generally;
 - (r) respecting whether a registrant or category of registrants may provide an audit engagement or review engagement, or both;
 - (s) respecting the conditions governing the provision of an audit engagement or review engagement;
 - (t) respecting practice reviews, including specifying which practice areas are subject to practice review;
 - (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;
 - (v) respecting costs to be included and the manner of determining costs for the purposes of an order for costs by a discipline tribunal or appeal tribunal;
 - (w) establishing specialties for registrants or categories of registrants and the requirements to be met by registrants or categories of registrants in order to hold themselves out as specialists;
 - (x) designating the specialty titles, abbreviations or initials that may be used by registrants who have met the requirements for a specialty pursuant to clause (w);
 - (y) prohibiting a registrant from holding out that the registrant is a specialist unless the registrant has met the requirements for the specialty referred to in clause (w);
 - (z) respecting the supervision of registrants by other registrants.
- (2) A bylaw may be made specifying that all or any of the matters referred to in subsection (1) are no longer to be subject to the bylaws, in which case the matter may then be dealt with in the manner specified in the bylaw made under this subsection.
- (3) Any power, duty or function under the bylaws may be delegated and subdelegated.
- (4) A bylaw is effective from the date it is passed by the board or any later date specified in the bylaw.
- (5) A bylaw must be ratified by a majority of the members of the CPAA present and voting: (a) at a special meeting called for that purpose, (b) by a vote authorized by bylaw that is conducted

by electronic, telecommunication or any other means as determined by the board, or (c) at the annual general meeting following the board's adoption of the bylaw.

(6) If a bylaw is not ratified pursuant to subsection (5), the bylaw ceases to have any effect.

(7) The board must make copies of its bylaws readily available to the public and registrants, and the copies may be published in the manner directed by the board.

18(1) The board

(a) must make regulations respecting the type and amount of liability insurance or other protection against professional liability that a partnership to which this Act applies must have for the purposes of registration as a limited liability partnership under Part 3 of the Partnership Act, and

(b) may make bylaws governing eligibility requirements that a partnership to which this Act applies must meet in order to be registered as a limited liability partnership under Part 3 of the Partnership Act.

(2) Section 15(2), (3) and (4) apply in respect of a regulation made under subsection (1)(a).

(3) Section 21(5) and (6) apply in respect of a bylaw made under subsection (1)(b) or (7).

(4) Where the Minister considers that regulations made under subsection (1)(a) do not provide sufficient protection against professional liability, the Minister may, by notice in writing to the board, request the board to amend the regulations in the manner specified in the notice within the time set out in the notice.

(5) Where the board fails to amend the regulations in accordance with the notice, the Lieutenant Governor in Council may amend the regulations, and in that case the amendments operate as if they had been made in accordance with section 15.

(6) Subsections (1) to (5) do not apply if a bylaw under subsection (7) is in effect.

(7) The board may make a bylaw providing that, notwithstanding Part 3 of the Partnership Act, no person may engage in a professional accounting practice or a public accounting practice in a limited liability partnership under that Act.

19(1) The board may make directives:

(a) specifying the period of time during which the CPAA must maintain information about applicants for registration and its registrants and former registrants;

(b) respecting matters dealing with registration that are not otherwise dealt with by this Act, the regulations, the bylaws or the resolutions;

(c) recognizing organizations for the purposes of section 40(2);

(d) respecting, for the purposes of section 47(2), the providing of information concerning a suspended or cancelled registration to the Registrar of Corporations and shareholders;

(e) respecting the election, role and duties of the chair of the board and the role and duties of the chief executive officer;

(f) providing for the appointment of an individual as an acting registrar or acting chief executive officer who has all of the powers and performs all of the duties of the registrar or chief executive officer, as the case may be, under this Act, the regulations, the bylaws, the directives and the resolutions when the registrar or chief executive officer is absent or unable to act or when there is a vacancy in the office;

(g) respecting the information to be maintained about a registrant or former registrant when there has been a finding of unprofessional conduct, an agreement under section 74 or a resignation under section 75;

(h) respecting information to be kept and maintained about a registrant or former registrant;

(i) respecting the disposal of decisions and records of proceedings received by the discipline tribunal secretary and the appeal tribunal secretary;

(j) respecting, for the purposes of sections 4 and 104, the recognition of organizations outside Alberta that regulate accounting;

(k) respecting the establishment of committees and task forces, including their composition;

(l) respecting processes concerning dispute resolution, practice review, registration, complaints, discipline, appeals or reinstatement.

(2) The board must make copies of its directives readily available to the public and registrants, and the copies may be published in the manner directed by the board.

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;

(b) respecting the governance of the CPAA and the management and conduct of its affairs;

(c) respecting any administrative matter not dealt with under section 17;

(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;

(e) respecting forms and notices;

(f) prescribing the manner of maintaining certificates, permits, confirmation of registration or other documents as required under section 56.

(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.

21(1) Subject to subsection (3), the board may make, adopt or incorporate rules of professional conduct for registrants, including

(a) ethical and professional standards of conduct,

(b) rules regulating the maintenance and administration of trust funds,

(c) rules respecting the professional names or titles that registrants may use, and

(d) rules respecting the organization and conduct of a registrant's practice, including restrictions on practice arrangements and practice associations.

(2) The board must provide, for review and comment, a copy of the proposed rules of professional conduct to (a) the Minister, and (b) any other person the board considers advisable.

(3) The board may make, adopt or incorporate rules of professional conduct only after it has reviewed and considered the comments from a review described in subsection (2).

(4) The board must make copies of its rules of professional conduct readily available to the public and registrants, and the copies may be published in the manner directed by the board.

(5) A rule of professional conduct must be ratified by a majority of the members of the CPAA present and voting (a) at a special meeting called for that purpose, (b) by a vote authorized by bylaw that is conducted by electronic, telecommunication or any other means as determined by the board, or (c) at the annual general meeting following the board's adoption of the rule.

(6) A rule of professional conduct that is ratified under subsection (5) is effective from the date it is ratified or any later date specified in the rule of professional conduct, and it remains in effect until it is amended or repealed in accordance with this section.

25(1) The powers and duties of the board are not affected by (a) the failure of a public member to attend a meeting, or (b) a vacancy in the office of a public member.

(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.

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.

32 The board must appoint an individual as registrar of the CPAA for the purposes of this Act.

33(1) The board must (a) establish a registration committee, and (b) set the terms of reference for the registration committee.

(2) The registration committee must consist of at least 3 members of the CPAA, and may also include one or more individuals who are not members of the CPAA appointed by the board under section 27.

(3) The registration committee may, in the manner prescribed by the board, delegate any of its functions, powers or duties.

34 The registrar or the registration committee must consider and decide on applications for registration under this Part, including the imposition of conditions or restrictions on a registration, and must undertake any other functions and duties prescribed by the board in accordance with the regulations, bylaws, directives and resolutions.

60(2) The practice review committee may do anything, subject to the bylaws and the directives, to meet the purpose of practice review or perform any other function prescribed by the board.

126 A complaints inquiry committee is established for the CPAA consisting of

(a) not fewer than 5 members of the CPAA appointed by the board, one of whom is designated as CIC chair, and

(b) any individual appointed by the board under section 27.

127(1) The board must establish (a) a roster of members of the CPAA who are eligible to be appointed to a discipline tribunal, and (b) a roster of members of the CPAA who are eligible to be appointed to an appeal tribunal.

(2) The board (a) must appoint a member of the CPAA as discipline tribunal roster chair and may appoint a member of the CPAA as discipline tribunal roster vice-chair, and (b) must appoint a member of the CPAA as appeal tribunal roster chair and may appoint a member of the CPAA as appeal tribunal roster vice-chair.

(3) A member of the CPAA may be appointed to one or both rosters.

130(1) The board must appoint one or more individuals as (a) CIC secretary, (b) discipline tribunal secretary, and (c) appeal tribunal secretary.

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

(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.

(s) Lawyers

Under the *Legal Profession Act*, the governing body is called the Benchers (rather than

Council). The Benchers have extensive power and duties under the Act and Rules, not all of which are included in the summary below, which is focused primarily on authority to delegate.

(t) Legal Profession Act, Revised Statutes of Alberta 2000, Chapter L-8

5(1) There shall be a governing body of the Society called the Benchers.

(2) The Benchers shall manage and conduct the business and affairs of the Society and exercise the powers of the Society in the name of or on behalf of the Society.

(3) The Benchers shall submit an annual report to the Minister on those matters of the business and affairs of the Society that the Minister may require in a form satisfactory to the Minister.

(4) The Minister shall, on receipt of the annual report of the Society, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

6 The Benchers may by resolution

(a) authorize the Society to enter into any contract that the Society may enter into;

(b) appoint any person as an honorary member of the Society or an honorary Bencher;

(c) establish committees and their powers and duties and provide for appointments to them;

(d) confer any powers or impose any duties on a committee established by this Act or the rules in addition to the powers conferred and the duties imposed on that committee by this Act or the rules;

(e) designate a chair and one or more vice-chairs for a committee established by or pursuant to this Act; **(f) appoint delegates and representatives to appear on behalf of and represent the Society;**

(g) provide for the reporting of legal decisions;

(h) establish and maintain libraries for the use of the members of the Society;

(i) make arrangements with the Minister respecting the contribution of the Society to the cost of the acquisition of books and periodicals for libraries maintained by the Government;

(j) maintain a special fund for the relief of aged, infirm or disabled members or former members of the Society or their dependants and the dependants of deceased members, either by setting aside a portion of the money of the Society or by paying into that fund a portion of the revenues of the Society, and may discontinue the fund in whole or in part;

(k) authorize the Society to enter into group insurance contracts insuring the lives or incomes of members or any class of members or insuring against any risks incurred by members or any class of members that are related to practising as a barrister or solicitor;

(l) authorize or establish a code of ethical standards for members and students-at-law and provide for its publication;

(m) establish and prescribe a course called the "bar admission course" for persons required to pass a bar admission examination;

(n) take any action and incur any expenses the Benchers consider necessary for the promotion, protection, interest or welfare of the Society.

7(1) The Benchers may make rules for the government of the Society, for the management and conduct of its business and affairs and for the exercise or carrying out of the powers and duties conferred or imposed on the Society or the Benchers under this or any other Act.

(2) Without restricting the generality of subsection (1), the Benchers may make rules

(a) prescribing the manner of proof as to matters required to be proven by applicants for admission as students-at-law or for enrolment as members;

(b) respecting the requirements to be met by applicants for enrolment as members of the Society or for admission to the Society as students-at-law;

(c) respecting the waiving of or exceptions to the requirements referred to in clause (b);

(d) respecting the waiving of or exceptions to the requirements set out in section 42(2)(d);

- (e) respecting the evaluation and monitoring of active members for the purpose of determining suitability to act as principal to a student-at-law;
- (f) fixing the fees payable to the Society for the admission of students-at-law or the enrolment of members, the fees payable annually by members and any other fees incidental to the conduct of the business and affairs of the Society;
- (f.1) respecting the publicizing of information entered in the roll or in the register of students-at-law;
- (g) respecting the imposition of a pecuniary penalty on a member or student-at-law or the suspension of the membership of a member or the registration of a student-at-law, without notice or hearing, if the member or student-at-law does not pay a fee or assessment, file a document or do any other act by the time specified by or determined in accordance with the rules;
- (h) providing for the striking off the roll of the name of a member whose membership has been suspended for a period of at least 2 years pursuant to the rules made under clause (g);
- (i) respecting the reinstatement of
 - (i) a former member as a member,
 - (ii) an inactive member as an active member, or
 - (iii) a former student-at-law as a student-at-law, and respecting the terms and conditions on which reinstatement may be granted;
- (j) respecting the termination of a suspension of the membership of a member or of the registration of a student-at-law, and respecting the conditions on which a termination may be granted;
- (k) governing matters related to the operation of bar admission courses and prescribing fees for enrolment in those courses;
- (l) respecting the powers and duties of the Executive Director under section 38(3);
- (m) repealed
- (n) respecting the duties of members, professional corporations or law firms in relation to property, other than money, entrusted to or received by them in their capacity as barristers and solicitors;
- (o) respecting the exemption of any class of active members from the operation of section 126(1);
- (p) respecting the maintenance and regulation of records of members, professional corporations or law firms in respect of money entrusted to them or received, held or paid by them for or on account of their clients or others, in their capacity as barristers and solicitors;
- (q) respecting the examination, review or audit of records referred to in clause (p) by officers, employees, auditors or agents of the Society and the recovery by the Society of the costs of those examinations, reviews or audits from those who are required to keep and maintain the records if the rules under clause (p) have not been complied with;
- (r) respecting the rights and duties of law firms;
- (s) defining “law firm” for any purpose under the rules or for the purpose of section 126;
- (t) providing for the administration of the special relief fund referred to in section 6(j);
- (u) governing the use of libraries maintained wholly or partly by funds of the Society and providing for the levying of assessments against the membership of the Society or the members in any area for the purpose of recovering the cost of lost books;
- (v) respecting the information required to be furnished to the Society by members or students-at-law or by persons acting for them;
- (w) respecting the keeping and maintaining of the records referred to in section 30 and the confidentiality of any classes of information forming part of those records, and regulating the disclosure pursuant to section 30(3) of information forming part of those records;
- (x) respecting the certification of active members as specialists in particular fields of law and the rights and duties of members holding certificates as specialists;

- (y) respecting the registration of persons admitted to the Society as students-at-law and the maintenance of the register of students-at-law referred to in section 30(1);
- (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;
- (aa) respecting the establishment, composition and manner of appointment of committees for any purpose under the rules and the powers and duties of a committee so established, and respecting additional powers and duties of a committee established by this Act;
- (bb) subject to section 78, respecting the persons authorized or permitted to attend or participate in a hearing or meeting of the Benchers or of a committee established by or under this Act, other than Benchers or the members of the committee, as the case may be;
- (cc) respecting the quorum required for a committee established by this Act and the circumstances under which and the conditions on which such a committee may sit in panels;
- (dd) respecting the conduct of general and special meetings of the Society and the notice to be given of those meetings;
- (ee) respecting the rights and duties of students-at-law and the circumstances in which they may act as counsel in proceedings before the courts and judges referred to in section 105;
- (ff) respecting the licensing or regulation of persons holding professional legal qualifications obtained in a country other than Canada in relation to services provided in Alberta by those persons in giving legal advice respecting the laws of that country;
- (gg) respecting the establishment of standards governing the collection and dissemination by the Society of information relating to any person or group of persons, including members, students-at-law, professional corporations and law firms.

8(1) The Benchers

- (a) shall make rules respecting the type and amount of liability insurance or other protection against professional liability that a partnership must have for the purposes of registration as a limited liability partnership under Part 3 of the Partnership Act, and
- (b) may make rules governing eligibility requirements that a partnership must meet in order to be registered as a limited liability partnership under Part 3 of the Partnership Act.

19 If the required number of Benchers is not elected or a vacancy occurs in the number of Benchers on account of the death or resignation of a Bencher or otherwise, the remaining or continuing Benchers may, in accordance with the rules, appoint any active member to fill the vacancy until the first meeting of the Benchers in the year following the year in which the next regular election of Benchers is held.

25(1) The Executive Director, the Deputy Executive Directors, the Deputy Secretaries and the Treasurer shall be appointed by the Benchers.

- (2) Unless otherwise expressly provided in the rules or by a resolution of the Benchers, a Deputy Executive Director or a Deputy Secretary may exercise and perform any powers, functions and duties of the Executive Director.
- (3) The President may appoint any person as Acting Executive Director if the Executive Director is absent or unable to act, and that person, while Acting Executive Director, has the powers and shall perform the duties of the Executive Director.
- (4) The Benchers may, by resolution or by the rules, delegate any powers or duties of the Executive Director under this Act to the Treasurer, the holder of an office established under section 24(1) or an employee of the Society and prescribe the circumstances in which or the conditions on which the delegation is to apply.
- (5) A delegation made under subsection (4) does not affect the ability of the Executive Director to exercise or perform the power or duty so delegated.

26(1) The Benchers at their first meeting in each year shall appoint an auditor for the Society.

32(1) No member may resign from the Society unless the member's resignation is submitted to and approved by the Benchers or a committee of the Benchers.

(2) If the resignation is approved, the member's name shall be struck off the roll.

37(1) The following matters are under the control of the Society:

(a) evaluation of the academic qualifications of applicants for enrolment as members of the Society or for admission to the Society as students-at-law;

(b) bar admission courses and bar admission examinations;

(c) special examinations to be taken by an applicant for enrolment as a member of the Society or for admission to the Society as a student-at-law;

(d) the period and conditions of articles to be served before an applicant's enrolment as a member;

(e) other examinations to be taken or requirements to be fulfilled by applicants for enrolment as members of the Society or for admission to the Society as students-at-law.

(2) The Benchers may make rules dealing with any of the matters referred to in subsection (1).

(3) The Benchers may retain one or more third parties to carry out any of the responsibilities referred to in subsection (1) and may make rules in that regard.

(4) The Benchers may in the case of a particular applicant, if they consider that special circumstances so warrant, waive or modify a requirement imposed in relation to the matters referred to in subsection (1). (5) The Benchers may delegate any of their authority under this section, other than the authority to make rules, to the ED or to the Credentials and Education Committee.

39(1) The Credentials and Education Committee is established.

(2) The Benchers may appoint the members of the Credentials and Education Committee, and the Committee may consist of

(a) Benchers only, or

(b) a majority of Benchers, with a minority consisting of

(i) members of the Society who are not Benchers, or

(ii) deans of the faculties of law of The University of Alberta and The University of Calgary.

43(1) Before making a decision under section 38(3), 40 or 41, the Executive Director may refer the matter to the Credentials and Education Committee, which, with or without consultation with the Benchers, shall direct the Executive Director as to the decision to be made.

(2) A person affected by a decision of the Executive Director under section 38(3), 40, 41 or 42 may appeal to the Benchers, who may confirm the decision or direct the Executive Director to vary or reverse it.

(3) The Benchers may delegate, in whole or in part, to the Credentials and Education Committee their authority to hear and decide an appeal under subsection (2).

45(1) Subject to the rules, the Benchers may by resolution approve the enrolment of a person who proves to their satisfaction that the person

(a) repealed 2009 c7 s7,

(b) is of good character and reputation,

(c) is employed

(i) as a full-time member of the faculty of law of a university in Alberta, having been a full-time member of the faculty of law of a university in Alberta for a continuous period of at least 2 years immediately preceding the date of that person's application for enrolment,

- (ii) as an employee of the Society, having been an employee of the Society for a continuous period of at least 2 years immediately preceding the date of that person's application for enrolment, or
 - (iii) as legal counsel to a court in Alberta other than as a student-at-law,
 - (d) has received a degree in law from a university in Alberta or has otherwise satisfied the academic requirements specified by the rules, and
 - (e) has passed any examinations and satisfied any other requirements specified by the rules.
- (2) The Benchers may, if they consider that special circumstances so warrant, waive or modify the 2-year requirement referred to in subsection (1)(c)(i) and (ii).
- (2.1) The Benchers may delegate any of their authority under subsections (1) and (2) to the Credentials and Education Committee.

- 51(1) The following committees are established:
the Conduct Committee, the members of which are appointed by the Benchers, and which shall consist of
- (i) Benchers only, or
 - (ii) a majority of Benchers and a minority of members of the Society who are not Benchers;
- (b) the Practice Review Committee, the members of which are appointed by the Benchers, and which shall consist of
- (i) Benchers only, or
 - (ii) a majority of Benchers and a minority of members of the Society who are not Benchers;
- (c) the Appeal Committee, consisting of (i) the lay Benchers, and (ii) at least 3 other Benchers appointed by the Benchers.

- 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.
- (2) The Benchers may hold a hearing of an application under this section if they consider that a hearing is warranted in the circumstances.
- (3) The Benchers may reject the application or, if they accept it,
- (a) may make their acceptance of the application subject to any conditions the Benchers consider appropriate in the circumstances, and
 - (b) shall give directions as to the information to be entered in the roll in relation to the member's resignation.
- (4) If a person resigns as a member pursuant to this section, then, subject to any conditions prescribed by the Benchers pursuant to subsection (3)(a), proceedings under this Division shall be discontinued in respect of the conduct that was the subject of the proceedings and to which the resignation relates.
- (5) The Benchers may delegate any of their authority under this section to a committee of the Benchers.

- 86(1) If a person is disbarred,
that person shall not be reinstated as a member pursuant to the rules except by an order of the Benchers, and
- (b) no order for that person's reinstatement as a member shall be made within one year after (i) the date on which the person was disbarred,
 - (ii) if the operation of an order of a Hearing Committee to disbar the person was stayed under section 75(7) and the order was confirmed by the Benchers on appeal, the date of the Benchers' confirmation order, or
 - (iii) if the operation of the Benchers' confirmation order referred to in subclause (ii) was stayed under section 80(8) and the Hearing Committee's order was confirmed by the Court of Appeal, the date on which the Court of Appeal made its confirmation order.

(2) A Benchers who is a member of a committee of inquiry appointed pursuant to the rules to consider an application for reinstatement to which subsection (1) applies may participate in or vote at any proceedings of the Benchers pertaining to the application.

Finance Committee

87(1) There is hereby established a committee called the "Finance Committee".

(2) The members of the Finance Committee shall be appointed by the Benchers and shall consist of

(a) Benchers only, or

(b) a majority of Benchers and a minority of members of the Society who are not Benchers.

(3) Notwithstanding subsection (2), at least one member of the Finance Committee shall be a lay Benchers.

101 The Benchers may make rules

(a) respecting the levying on members of assessments, whether at a uniform rate for all members or at differing rates for different classes of members;

(b) respecting the exemption of any class of members from the payment of assessments levied pursuant to clause (a) and the conditions on which any exemptions apply or on which they may be granted;

(c) respecting the establishment, maintenance or administration of the indemnity program, including

(i) the provision of coverage or exclusion from coverage under the indemnity program for members or former members or any class of member or former member,

(ii) limits on the payment of indemnification in respect of claims or any class of claim, and

(iii) amounts to be deducted from payments of indemnification in respect of claims or any class of claim;

(d) respecting the filing, settling, administration or payment of claims under the indemnity program;

(e) respecting the administration of the funds referred to in section 100(1) and of expenditures of those funds;

(f) respecting the payment on behalf of a member or former member of the whole or part of deductible amounts under the indemnity program and recovery of the amounts paid from the member or former member, as the case may be;

(g) respecting the imposition of penalties or other sanctions against members who fail to pay in accordance with the rules

(i) any assessment levied under this Part, or

(ii) any deductible amounts under the indemnity program;

(h) respecting the rights and duties of members or former members in connection with claims or potential claims under the indemnity program;

(i) respecting the powers, rights and duties of a subsidiary corporation under the indemnity program;

(j) respecting the delegation to a subsidiary corporation of any powers, rights or duties of the Society or the Benchers under this Part or under the rules under this Part, other than the power to make rules;

(k) directing that all or any part of the amount of any assessment levied pursuant to clause (a) be paid directly to a subsidiary corporation instead of to the Society and respecting the subsidiary corporation's rights in respect of the amount transferred;

(l) respecting transfers of assets from the funds held by the Society under section 100 to a subsidiary corporation or from a subsidiary corporation to the funds held by the Society under section 100.

(u) Rules of the Law Society of Alberta

17 (1) If the Benchers appoint a member as a Bencher under section 19 of the Act to fill a vacancy in the number of elected Benchers, the Benchers

(a) where the former Bencher was elected as a candidate for a district, shall appoint as a Bencher the candidate for the same district in the preceding election and who received a greater number of votes than any of the other unsuccessful candidates for that district, or

(b) in any other case, shall appoint as a Bencher the candidate in the preceding election who received a greater number of votes than any of the other unsuccessful candidates in that election.

(2) Notwithstanding subrule (1),

(a) the Benchers may waive the application of subrule (1) in any case where they consider that special circumstances exist, and

(b) if a Bencher ceases to hold office as a Bencher on or after May 31 preceding the date for an election of Benchers, the Benchers need not make an appointment pursuant to section 19 of the Act to fill the vacancy unless the former Bencher was elected as a candidate for a district or had been appointed to fill the office of a Bencher elected as a candidate for a district.

29 (1) The Professional Responsibility Committee is established.

(2) The Professional Responsibility Committee

(a) may render an opinion on any question concerning the professional responsibility of members of the Society submitted to the Committee by the Executive Director or a member, and

(b) where it considers it advisable to do so, may submit to the Benchers any matter concerning the professional responsibility of members.

(3) (a) The Professional Responsibility Committee may sit in panels of not less than three (3) members including the chair or the vice chair for the purpose of exercising any of its functions under these Rules. Any opinion to be rendered by the committee through a panel so constituted is to be circulated to the members of the committee forty-eight (48) hours before it is released by the chair or vice chair.

(b) Depending upon the comments received, if any, the chair or vice chair may convene a full meeting or a further panel if they deem it appropriate.

30 (1) The Unauthorized Practice of Law Committee is established.

(2) The Unauthorized Practice of Law Committee shall;

(a) consider any complaints of unauthorized practice under Part 6 of the Act and take such action with respect to any complaint as it considers necessary, and

(b) consider and make recommendations to the Benchers relating to the activities of paralegals and legal assistants.

31 (1) The Communications Committee is established.

(2) The Communications Committee:

(a) shall, by any means it considers expedient, endeavour to advance the good public relations of the legal profession;

(b) is responsible for advancing communication between the Benchers and Society staff and

(i) members of the Society,

(ii) members of the public, and

(iii) governments, including the planning and supervision of publications and programs for the benefit of members and the public.

47.1 The authority of the Benchers is delegated to the Credentials and Education Committee in relation to the following matters:

- (a) an application pursuant to section 37(4) of the Act;
- (b) appeals under section 43(2) of the Act in relation to the following matters:
 - (i) the CPLED program and the old bar admission course;
 - (ii) transfer examinations;
 - (iii) reinstatement examinations;
 - (iv) applications for admission or enrolment; and
 - (v) decisions made by the Executive Director under this Part;
- (c) an application pursuant to section 45 of the Act; and
- (b) application pursuant to Rule 50.2 (5).

50.2(5) At the discretion of the Benchers, an applicant holding a Canadian civil-law degree, rather than having that degree evaluated by the NCA, may be permitted to demonstrate competence in Canadian law by successfully completing a special examination prescribed by the Benchers.

(6) The Benchers may delegate their authority under sub rule (5) to the Committee.

119.33 (1) The Benchers may direct that a person designated by the Benchers examine, review, audit, investigate or complete the financial records and other records of any lawyer or law firm that in any way relate to a lawyer's or the firm's practice of law for the purpose of ascertaining and advising as to whether the provisions of the Act and the Rules have been and are being complied with by a lawyer or law firm.

(2) The powers conferred by sub rule (1) on the Benchers may also be exercised by (a) the President of the Society, (b) the President-Elect of the Society, (c) the chair of the Conduct Committee, (d) the chair of the Trust Safety Committee, (e) the Executive Director, or (f) the Manager, Trust Safety.

APPENDIX 3B Analysis of Council Authority in Other Self-Regulated Professions in Alberta

Category		Council		Association of Professional Engineers and Geoscientists of Alberta	Association of Professional Engineers and Geoscientists British Columbia	Association of Professional Engineers and Geoscientists Saskatchewan	Association of Professional Engineers and Geoscientists of Manitoba	Professional Engineers of Ontario	Association of Professional Geoscientists of Ontario	Order of Engineers of Quebec	Order of Geoscientists of Quebec	Professional Engineers of Newfoundland Labrador	Engineers and Geoscientists of New Brunswick	Engineers of Nova Scotia	Geoscientists of Nova Scotia	Engineers of Prince Edward Island	Association of Professional Engineers of the Yukon	Nunavut Association of Professional Engineers and Geologists
Membership Administration			May confer honorary lifetime memberships or licensure	Bylaw 26	Bylaw 10(c.2)		Bylaws 7.1.4							Bylaws 15(1)	Bylaws 15(1)	Bylaws 2.1.2		
			May confer honorary membership or licensure	Bylaw 27	Bylaw 10(d)				Bylaw No 5 - s 2			Bylaws 11.1	Bylaws 2.1.4					Bylaws 24(a)
			May confer life memberships or licensure	Bylaw 25	Bylaw 10(c.1)	Regulatory Bylaws 6.1	Bylaws 7.1.3 (but not by council?)	Bylaws 39(6) (but not by council?)				Bylaws 11.2	Bylaws 2.1.2	Bylaws 15(2)	Bylaws 15(2)			Bylaws 23
			May dictate categories and amount of professional liability insurance members must hold		Act 10(1)(e), (1.1)(c)	Act 16(2)o	Act 16(2)(e) Bylaws 14.1.1	Act 7(1)24 Regulations 47, 74		Prof Code 93(d) and (g)	Prof Code 93(d) and (g)	Act 12(3) Reg 9(1)(d), 9(2)(c) Bylaw No 2	Bylaws 11.8					
			May direct Registrar to cancel memberships, permits, licenses, etc.	Act 39, 40, 41, 74									Regulation 33(4)					Act 24(1)

Sets standards of, prescribes and/or approves examinations of association may prescribe refresher training/courses	Act 16(3) Bylaws 11(c),(e)		Act 14(2)(b)	Act 7(1)9i, 14(1)(c) 56(1)(d)	Regulation 1	Prof Code 55 Reg c 1-9, r 12, s 4	Prof Code 55		Act 10(2), 14	Act 7(1)(d), 9(1) Bylaws 13A(1)	Act 10(1)(d), 12(1), 19(2) Bylaws 13A(1)	Act 5(2)(d), 5(8)(c), 5(9)(d) Bylaws 2.2.6			
Approve the cancelation of memberships, license, permits, etc. at request of member/entity	Act 29												Act 19(1)		
Set annual dues/fees/assessment	Act 20(1)(r), 86 Reg 2(1)(b)(ii), 3, 48(1)(b), 74(1), 75 Bylaws 24	Act 21 (1)	Act 16(1)m	Bylaws 9.1		Act 33 Bylaw No 2	Prof Code 85.1	Prof Code 85.1	Act 8(1) Bylaws 8.1	Bylaws 5.1, 5.3.3	Bylaw 21A(2)		Bylaw 5.1	Act 13(1)(n) Bylaw 15(a)	Bylaws 18(a)
Must establish/appoint members to an Academic Requirements Committee					Act 10(1)(b) Regulation 40(1)										
Approves/issues or refuses to issue certificates of authorization or permits	Act 24(1), 35, 37 Reg 48(1)	Act 14	Act 22(4)	Act 28(2)	Act 16, 47(3)		Prof Code 40, 41, 42.1, 42.2, 42.4, 45, 45.3 Reg c 1-9, r 4, s 1 and 5	Prof Code 40, 41, 42.1, 42.2, 42.4, 45, 45.3 Reg c G-1.01, r 3.001.01, s 1 and 3	Act 10(9),(11)		Act 14(3), 22	Act 6(5) Regulation 4.2	Act 14(2)(c) Regulations 7	Act 16, 19	

May and/or may refuse to issue licences/admit members to association		Act 13(1)	Act 18				Prof Code 45, 45.1, 45.3 Eng Act 16, 18-20	Prof Code 45, 45.1, 45.3		Act 10(1)				Act 23(3)
May order medical examination							Prof Code 48, 52	Prof Code 48, 52						
May establish different classes of members, licensees, or certificate holders	Act 20(1)t	Act 10(1.1)	Act 16(2)(g)	Act 12(1)(m)	Act 7(1)9.iii and vi	Act 43(1)(c)	Prof Code 94(m)	Prof Code 94(m)	Act 38(1)(i)		Bylaws 13(2A)(a)		Act 12(1)(n) and (s)	
Must/may hear appeals/review decisions				Act 21(3)		Act 14		Reg c G-1.01, r 3.001.01, s 14; Reg c G-1.01, r 3.1, s 9 and 10		Act 17(13)		Act 16(9)	Act 22, 33	Act 15
May establish scholarships or other educational incentive programs	Act 20(1)(o) Bylaw 30		Act 16(1)r	Act 12(1)(z.1)	Act 8(1)21		Eng Act 12(d)			Act 5(1) Bylaws 11.2		Act 4(d)	Act 13(1)(m) Bylaws 14	
May extend time for provisional licensees, MITs, etc.	Reg 11(2) and 14.1(5)		Regulatory Bylaws 4.2			Bylaw No 5 - s 10				Bylaws 2.3.3				Bylaws 20(f)
May reinstate/direct Registrar to reinstate members/joint firms in some circumstances	Act 29(3), 39(6), 40(1), 41(4) Regulation 47		Act 42	Act 15(3), 24(4)			Reg c I-9, r 9, s 20 (where struck for failure to meet CPD	Reg c G-1.01, r 3.01, s 14 (where struck for failure to meet CPD req)		Bylaws 2.2.3		Bylaws 2.2.5	Act 24(6) Regulations 34(1)	Act 42(4)

							recmts								
May revoke permits	Regulation 51					Act 13	Prof Code 56	Prof Code 56	Regulation 33(4)				Act 5(7)(c)	Regulations 28	
May strike or direct Registrar to strike names	Regulation 7, 9, 19.1						Prof Code 51, 52.1, 55, 55.1, 55.3, 85.3	Prof Code 51, 52.1, 55, 55.1, 55.3, 85.3	Reg c G-1.01, r 3.01, s 14						Bylaws 20(e), 22(e)
May waive certain terms or conditions on member registration	Regulation 53.1								Act 42(3)		Act 19A(1)		Bylaws 2.2.4		
Must/may create a code of ethics and/or standards of conduct	Act 19(1)(j)	Act 10(1)(b), (i.1), (1.2)	Act 16(2)(d)	Act 11(1) Bylaws 13.0	Act 7(1)20		Prof Code 87	Prof Code 87	Act 9(1)(g)		Act 6(1)(la) Bylaws 24(2)			Act 12(1)(k)	
May create and/or work with joint boards/councils/committees	Act 1.1(1)	Act 18	Act 16(1)p	Act 67	Act 47(1)					Act 14, 29	Act 16		Act 4(r) (Assoc) Act 12(6)		
May delegate powers in prescribed circumstances	Reg. 62(6)	Act 13(8), 18(1)(b) Bylaws 6(e), 7(c)(3)	Act 14(3), 24	Act 9(2)	Act 11 Bylaws 48		Prof Code 96.1	Prof Code 96.1							
May enter agreements to facilitate labour mobility	Reg. 1(b.1)	Act 14.1				Bylaw No 11	Prof Code 86.0.1(7), 93(c.2)	Prof Code 86.0.1(7), 93(c.2)		Bylaws 2.2.2					

		May establish other boards, committees, branches etc and delegate to them powers and authority as the council sees fit	Reg. 30	Act 10(1)(r) Bylaws 4(b), 6(a), 11(h)(1)(i ii)	Act 14, 16(1)(q) Admin Bylaws 24	Act 9(1)(b), 12(1)(p) Bylaws 4.5	Act 8(1)14, 10 Bylaws 30	Act 31	Prof Code 62.1, 65, 86.0.1(2) Eng Act 12(c)	Prof Code 62.1, 65, 86.0.1(2)	Act 9(1)(b)	Act 14 Bylaws 9.8	Bylaws 19(2)	Bylaws 19(2)	Bylaws 9.7.1	Act 12(1)(b), 13(1)(j) Regulations 2	Bylaws 26
		May fill council vacancy	Reg. 27	Act 9(8)(a) Bylaws 3(c)	Act 12	Bylaws 3.1.8	Act 3(11)	Bylaw No 8 - s 34	Prof Code 79, 81	Prof Code 79, 81	Act 4(8)	Bylaws 8.2.7, 8.3.4	Bylaws 18(2)	Bylaws 18(2)	Act 11(11) Bylaws 8.2.3, 8.2.4	Bylaws 2(g)	Act 8(1)
		May make bylaws	Act 20, 85	Act 10	Act 15, 16	Act 12 (Assoc's power)	Act 8(1)	Act 33			Act 9(1)	Act 7(1) (Assoc's power)	Act 6(1)(l), 32(1) (Assoc's power)	Act 7(n) (Assoc's power)	Act 28 (Assoc's power)	Act 13(1)	Act 5(1)
		May make regulations	Act 19, 85				Act 7 (1)	Act 43(1)	Prof Code 65, 88-91, 93 and 94	Prof Code 65, 88-91, 93 and 94	Act 38					Act 12(1)	
		May seek injunctions to stop professional practice, or decide on any court action	Act 9, 86.31, 97.2	Act 23 (Assoc's power)	Act 44 (Assoc's powers)	Act 64 (Assoc's power)			Eng Act 12(a)							Act 4(1)	Act 11(4) (Assoc's power)
Statutory Appointments	Appointed Positions	May appoint a Deputy Registrar, or designate to temporarily fulfill Registrar's duties	Act 20(1)i Bylaw 22				Act 3(8)				Regulation 35					Act 13(1)(g) Bylaws 10(d)	
		May appoint professional member to represent the association in other matters or on interprofessional council	Bylaw 14						Prof Code 20	Prof Code 20							

	Must appoint a Registrar	Act 13	Act 7	Act 13(2)	Bylaw 3.3.1	Act 3(8)	Act 32(1)	Prof Code 62(1) (secretary of the order)	Prof Code 62(1) (secretary of the order)	Act 15(4)	Act 13(4)	Act 15(7)	Act 11(6)	Act 10	Act 10(1)
	May appoint investigators							Eng Act 24(3)							
	Must appoint director to/may authorize participation in Canadian Council of Professional Engineers	Bylaw 14 (1)				Bylaws 38									Bylaws 8(a)
	Must appoint Evaluator of Engineering Experience							Reg c 1-9, r 4, s 17							
	Must appoint Examination Director							Reg c 1-9, r 4, s 40							
	Must appoint Executive Director or CEO				Bylaw 3.3.3				Act 4(11)	Act 15(7)			Bylaws 6.1.5	Bylaws 10(c)	Act 10(1)
	Must appoint a Secretary/General Secretary				Bylaw 3.3.2	Regulation 1				Act 15(4) Bylaws 6.1.4	Act 13(4) Bylaws 9	Act 15(7) Bylaws 9	Act 11(6) Bylaws 6.1.4	Bylaws 10(b)	
Appointed Committees	May establish Committee of Inquiry or Board of Inquiry	Reg 47													Act 49(3)
	Must appoint members to Appeal Board	Act 18, 19(1)(f) Reg 40, 41													
	Must establish/appoint members to Board/Committee of Examiners	Act 30 Reg 15	Act 15					Reg c 1-9, r 10, s 3	Reg c G-1.01, r 3.001.0		Act 11 Bylaws 9.6.1	Act 14 Bylaws 14		Act 20(1) Regulations 29(1)	Act 12(1)

								1, s 1 and 3							
Must appoint syndic(s) to office of syndic							Prof Code 121	Prof Code 121							
Must appoint members to a review committee							Prof Code 123.3	Prof Code 123.3							
Must establish/appoint members to a Complaints Committee/complaint authorization committee					Act 10(1)(e), 23	Act 31(1)2 Bylaw No 9			Act 21(1)		Act 17C(1)	Act 20(1) Bylaws 24A(1)			
Must establish/appoint members to a membership list/to a Discipline Committee/disciplinary panel/disciplinary council	Act 45 Regulation 36	Act 31	Act 33	Act 38 Bylaws 55	Act 10(1)(f), 27	Act 31(1)3 Bylaw No 10	Prof Code 117, 120	Prof Code 117, 120	Act 21(4)	Act 18(1) Bylaws 9.4.1	Act 17G	Act 20(2) Bylaws 24C	Act 17(1) Bylaws 7.4.1	Act 28(1) Regulations 30(1)	Act 31
Must establish/appoint members to an Enforcement Review Committee/Act Enforcement Committee	Regulation 62												Act 14 Bylaws 9.3.1		
Must establish/appoint a Experience Requirements Committee/Engineering Qualifications Committee					Act 10(1)(c), Regulation 41								Act 12(1)		
Must establish/appoint a Fees Mediation Committee					Act 10(1)(g) Regulation 30										
Must appoint a Investigative or	Act 46 Reg	Act 30	Act 31	Act 30 Bylaws											

Investigation Committee	32(1)-(2)			15.2											
Must establish/appoint members to a Nominating Committee	Bylaw 2	Bylaws 3 (a.1)	Administrative Bylaws 13			Bylaw No 7 - s 15			Bylaw No 1 - s 6.2(b)	Bylaw 9.1	Bylaws 6(1)	Bylaws 6(1)	Bylaws 9.1	Bylaws 7(a)	Bylaws 3(a)
Must appoint a non-member Appointment Committee						Bylaw No 7 - s 19									
Must establish/appoint members to a Practice Review Board/Committee or Professional Conduct/Practice/Inspection Committee	Act 15; Reg 21(1)-(2), (6)					Bylaw No 7 - s 30	Prof Code 90 Reg c I-9, r 7, s 2 and 4	Prof Code 90 c G-1.01, r 3, s 2 and 4		Act 17(1)					
Must appoint a Registration Committee	established by bylaw 7(c)(1)			Act 14(1)	Act 10(1)(d), 19.1	Act 31(1)1 Bylaw No 6			Reg.s 24(1)						
Must appoint Admissions Committee/Admissions Board										Bylaws 9.7		Act 17 Bylaws 14(1)			
Must appoint Arbitration Council								Reg c G-1.01, r 4, s 16							
Must appoint auditor or Audit Committee	appointed at general meeting		Administrative Bylaws 8			Bylaw No 7 - s 26					Bylaw 12	Bylaw 12	appointed at general meeting		
Must appoint Finance Committee						Bylaw No 7 - s 11									
Must appoint Governance Committee						Bylaw No 7 - s 28									
Must appoint Legislation Committee										Bylaws 9.5					

			Must appoint Linkages Committee								Bylaw No 1 - s 6.2(a)					
			Must appoint Professional Development Committee											Bylaws 9.6.1		

Appendix 4 – Authorities and Duties of Registrars in Other Self-Regulated Professions in Alberta

This table summarizes Alberta legislation for other professional associations and whether their legislation provides have been given clear authority regarding the authority and duties of their Registrars. (Column 2)

Also summarized here is whether the power to delegate has been clearly stated in the legislation. (Column 3)

Instances where such powers are clearly stated in respect of other entities (e.g., Council, boards, committees, etc.) are also referenced. (Column 4)

*Council's authority and duties, and authority to delegate, in respect of some of these self-regulated professions, are summarized in Appendix 5

In addition to APEGA legislation itself, the Alberta statutes that were reviewed, analyzed and compared included the following:

- *Architects Act (AA)*
- *Health Professions Act (HPA)*
- *Agrology Profession Act (APA)*
- *Regulated Forestry Profession Act (RFPA)*
- *Regulated Accounting Profession Act (RAPA)*¹
- *Veterinary Profession Act (VPA)*
- *Professional and Occupational Associations Registration Act (POARA)*
- *Legal Profession Act (LPA)*

The relevant regulations and bylaws under these Acts were included in the research (with the exception of the bylaws under POARA), along with The Association of Science and Engineering Technology (ASET) provisions of *The Engineering and Geoscientist Professions Act (The EGP Act)* and Bylaws.

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
<i>The EGP Act</i> Regulations Bylaws	Act section 13: The Council shall appoint a Registrar for the purposes of this Act.	Bylaw section 22: Council may appoint a Deputy Registrar who has all the powers and can perform all the duties of the	<ul style="list-style-type: none"> • Act section 11 regarding the Association's capacity and powers • Act section 12; 	

¹ Also reviewed was Bill 7 – *Chartered Professional Accountants Act*, which received Royal Assent December 17, 2014 and will come into force on proclamation.

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
(excluding ASET)	<p>There is no clear summary statement regarding powers and duties, which are found throughout the Act, Regulations and Bylaws.</p> <p>(A detailed document regarding the authority and duties of the APEGA Registrar can be found in Appendix 1.)</p>	<p>Registrar when the Registrar is absent or unable to act, or when there is a vacancy in the office of the Registrar.</p> <p>No other provisions regarding delegation of the Registrar's powers are included in the legislation.</p> <p>Functions performed by APEGA staff are authorized on the basis of implied delegation of administrative functions.</p>	<p>Regulations section 25, 29 and 30; Bylaws section 11 and 22 regarding the Council (include officers and executive committee)</p> <ul style="list-style-type: none"> • Act section 19, 20, 45 and 46 regarding legislative power of Council • Act section 16 regarding Practice Review Board • Act section 52, Regulations section 32 regarding Investigative Committee • Act section 53 and 63; Regulations section 36 and 45 regarding Discipline Committee • Act section 69 regarding Appeal Board • Regulations section 62 regarding Enforcement Review Committee 	
The EGP Act ASET and Professional Technologist Regulations	Act section 87.1: ASET Council shall appoint a Registrar for the purposes of this Part, ASET regulations and ASET Bylaws.	ASET Bylaw 1.3: A reference in these Bylaws to Council, an officer, person or committee includes any delegate of the Council, officer, person	Act section 89: The Joint Board of Examiners has all the powers, duties and functions with respect to professional technologists that the Board of	

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
<p>ASET Bylaws</p> <p>(ASET only, highlighting differences)</p>	<p>Act section 88.5: (1) The Joint Professional Technologist Regulations Committee may make regulations (d) respecting the establishment and administration of a register of professional technologists and the functions, duties and responsibilities of the ASET Registrar, including the removal of entries from the register</p> <p>Act section 90.6: (6) The ASET Registrar shall provide the Registrar with access to the registers established for Professional Technologists.</p> <p>ASET Regulations section 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</p>	<p>or committee.</p> <p>ASET Bylaw 8.1: The Deputy Registrar has all of the powers and can perform all of the duties of the Registrar under the Act, the Regulations and the Bylaws when the same are delegated to them by the Chief Executive Officer.</p>	<p>Examiners has with respect to professional members.</p> <p>ASET Bylaw 3.1: The governing body of ASET is the Council. Council is empowered to: (a) act on behalf of ASET to implement the applicable requirements of the Act (b) establish and revise policies which govern ASET's activities (c) delegate authority and responsibility for implementation of ASET's policies to the Chief Executive Officer</p>	

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
	<p>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.</p>			
<p>Architects Act (AA)</p> <p>General Regulations</p> <p>Bylaws</p>	<p>Act section 7: Council may by resolution appoint or revoke the appointment of an individual as Registrar for the purposes of the Act.</p> <p>Bylaw 4.17:</p> <p>(1) The Registrar shall:</p> <p>(a) perform such duties as are specified in the Act</p> <p>(b) keep the Registers and records up to date</p> <p>(c) perform such other duties as are assigned by the Council.</p> <p>(4) The Registrar reports to and is responsible to the Council.</p> <p>Registrar's powers and duties are otherwise found throughout the Act, Regulations and Bylaws.</p>	<p>Bylaw section 4.17:</p> <p>(2) The Council may appoint an individual as acting Registrar who shall act as the Registrar in the absence or inability of the Registrar to act or when the office of Registrar is vacant.</p> <p>(3) An acting Registrar, so appointed, has all the powers and duties of the Registrar under the Act, General Regulation and this Bylaw.</p>	<ul style="list-style-type: none"> • Act section 5 regarding the Association • Act section 6, Regulations section 4.8 and 4.14 regarding the Council (include officers and the executive director) • Act section 9 and 10 regarding legislative power of Council • Act section 12 (see below) and Regulations section 5 regarding Registration Committee (established through the Bylaws by the Council) • Act section 36 and 37 regarding the Complaint Review Committee • Act section 38 and 39 	<p>There is also an Executive Director appointed in the bylaws</p>

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
			regarding the Practice Review Board	
<p>Health Professions Act (HPA)</p> <p>(There are 26 relevant regulations under the HPA, the provisions of which were reviewed and are summarized generally.)</p> <p>(The relevant provisions of the bylaws under the HPA are included in Appendix 4.)</p>	<p>Act section 8: Council must appoint or provide for the appointment of Registrar.</p> <p>Act section 28:</p> <p>(3) If there are reasonable and probable grounds to be of the opinion that an applicant by engaging in the regulated profession as a regulated member would create a danger to the public or be unsafe because of a disability or incapacity, the Registrar, the Registration Committee or Competence Committee may require an applicant for registration to undergo physical or mental examinations by a person agreed on by the applicant and the Registrar, Registration Committee or Competence Committee or, failing an agreement, designated by the registrar, registration committee or competence committee for the purpose of assisting the registrar,</p>	<p>Act section 19:</p> <p>(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> <p>Act section 20:</p> <p>(1) Subject to the bylaws, a person or committee to whom a power or duty is</p>	<p>Act section 9:</p> <p>(4) A registration committee may,</p> <p>(a) if provided for in the bylaws, review an application for registration</p> <p>(b) undertake any other power or duty given to it under this Act or the bylaws.</p> <p>Act section 10:</p> <p>(6) A competence committee</p> <p>(a) may make recommendations to the council on continuing competence requirements and the assessment of those requirements</p> <p>(b) may, if authorized by the regulations, provide for practice visits as part of the continuing competence program and conduct a practice visit of regulated members</p> <p>(c) may undertake any other power or duty given to it under this Act or the bylaws.</p> <p>(7) Despite subsection (6)</p>	<p>Act section 1:</p> <p>(2)(b) a reference to a power and duty includes the power and duty to make a decision</p> <p>All of the regulations for the various health professions under the HPA are structured similarly; however, some are more involved than others.</p> <p>Some regulations have only a Registrar while others also have a Registration Committee, Competence Committee, Hearings Director and/or Reinstatement Review Committee.</p> <p>Some have provisions for Alternative Complaint Resolution. The Complaints Director appoints someone to conduct a process acceptable to both the complainant and the investigated person.</p>

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
	<p>registration committee or competence committee in determining whether the applicant by engaging in the regulated profession as a regulated member would create a danger to the public or be unsafe.</p> <p>Registrar's powers/duties are found throughout the Act, Regulations and Bylaws</p> <p>Under some of the various regulations under the HPA, the Registrar and/or Registration Committee has the following powers/duties:</p> <ul style="list-style-type: none"> • may register applicant if prescribed conditions are met • may require applicant to undergo exams, tests, assessments, training or education they consider to be advisable • determines which register (general or specialized) it is appropriate to register 	<p>given under this Act or the bylaws may delegate the power or duty to one or more other persons or committees.</p> <p>(2) A person or committee making a delegation under subsection (1) may impose conditions on the delegation.</p> <p>(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 (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.</p> <p>(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>and section 20, if a competence committee is authorized to conduct practice visits it shall not carry out any powers or duties under sections 28 to 30.</p> <p>Act section 17: (1) A hearing tribunal's powers and duties include holding hearings under this Act. (2) A complaint review committee's powers and duties include reviewing and ratifying settlements under section 60 and conducting reviews under section 68.</p> <p>Act section 18: (3) The chair of the registration committee or of the competence committee may direct a panel of the registration committee or of the competence committee to carry out any power or duty that the registration committee or competence committee may carry out under this Act.</p>	

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
	<p>someone from another jurisdiction having substantially equivalent registration requirements</p> <ul style="list-style-type: none"> • makes determination regarding substantial equivalence; may direct applicant to undergo education or training activities they consider necessary; may require applicant to pay costs incurred • may permit temporary member to practise under supervision of a regulated member of another regulated health profession and may direct the manner and type of supervision to be provided • determines purpose and term for person on courtesy register; may specify time period and must identify any title that may be used by the registered person and the restricted activities that person may engage in while 	<p>From the Act, Part 3.1, Inspections, 53.5:</p> <p>(1) A council may establish an inspection committee to carry out the powers and duties of the registrar under this Part except those described in section 53.3.</p> <p>(2) An inspection committee must consist of one or more members appointed by the council.</p> <p>(3) If a council establishes an inspection committee under subsection (1), the powers and duties of the registrar under this Part, except those described in section 53.3, are vested in and may be exercised by the inspection committee, and any reference to the registrar in this Part, except in section 53.3, is deemed to be a reference to the inspection committee.</p>		

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
	<p>so registered</p> <ul style="list-style-type: none"> • approves certain details of structured practical training program • Registrar, Regulation Committee, Council and/or Competence Committee may impose conditions on permit e.g., limiting practice to areas or settings that have been approved or specified; reporting on specified matters on specified dates; title(s) that members can use; that regulated member must practice under supervision for the period of time considered necessary • may authorize performance of restricted activities • may grant approval as a supervising member • may approve other activities that count as continuing education credit hours; may recommend rules or 			

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
	<p>amendments to rules to the Council</p> <ul style="list-style-type: none"> • must periodically select regulated members for a review and evaluation; in some cases, assessments must be done at prescribed intervals by Competence Committee – if competence unsatisfactory, Competence Committee or Registrar may require a regulated member to undertake remedial action • review and make orders on applications for reinstatement (reviewable) • may correct or remove any info in the register if determines it is incorrect or inaccurate 			
<p>Agrology Profession Act (APA)</p> <p>Alberta Institute of Agrologists Bylaws</p>	<p>Act section 29: (1) The council, a hearing tribunal, the registration committee, the complaint review committee or the competence committee</p>	<p>Proposed amended wording to Bylaw 4.02 I: A Registration Committee shall be appointed by the Council as allowed in the Act Section 9(1)(a). The</p>	<p>Act section 18: (3) The chair of the registration committee and of the competence committee may direct a panel ...</p>	<p>The APA is structured and worded very similar to the HPA. Only relevant wording from the Act that is different from the HPA is included here.</p>

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
	<p>may direct the registrar to correct or remove any entry made in error in a register and the registrar must correct or remove the entry.</p> <p>(2) The registrar, on becoming aware of an entry made in error in a register, may correct or remove that entry.</p> <p>(3) If the registrar corrects or removes an entry under subsection (1) or (2) that contains personal information about a regulated member or other member the registrar must notify the regulated member or other member as soon as reasonably possible.</p> <p>Bylaw 4.02 I: (1) A Registration Committee shall be appointed by the Council</p> <p>Bylaw 4.02 II: (1) The Registration Committee will be established for the purposes of assisting the Registrar and the Council</p>	<p>Council shall appoint a chair, which may be the Registrar or Registrar's designate. The committee shall consist of at least four Professional Agrologists and four registered technologists in agrology, all in good standing. At least six committee members must be outside the employ of the Institute. The committee shall also include the Registrar ...</p> <p>the Registration Committee may act as the Competence Committee as allowed in Section 10(2) of the Act</p>	<p>Act section 19: (1) A council may delegate any of its powers and duties to one or more persons, panels or committees (4) Despite subsections (1) and (3), the council and a panel of the council may not delegate its powers or duties with respect to a review or appeal under Part 4.</p> <p>Bylaw 4.03: (1) The Competence Committee will be established for the purposes of assisting the Registrar and the Council in carrying out the following activities: (a) Oversee and update for Council approval, as required, the General Standard of Practice requirements for all regulated members in the Institute (b) Selection and appointment of Practice Area Expert Committees responsible for oversight of</p>	<p>There are no clear statements regarding the Registrar's powers/duties or power to delegate in the regulations under this Act but there are in the bylaws.</p> <p>Per the bylaws, the Registration Committee shall include, among other, the Registrar and the Assistant Registrar.</p>

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
	<p>in carrying out the following activities:</p> <ul style="list-style-type: none"> a) Making recommendations to the Registrar regarding reviewing and approving programs of study for educational institutions in Alberta b) Making recommendations to the Registrar about courses required for entrance into the Agrology profession c) Reviewing and making recommendations to the Registrar concerning all applications for registration with Alberta Institute of Agrologists (AIA) d) Reviewing proposed scope of practice statements submitted to the Registrar by applicants for registration. The committee shall revise, delete from or add to the proposed scope of practice statement to ensure the scope of practice is consistent with the applicant's knowledge, expertise and skills e) Recommending to the 		<p>a particular Practice Area</p> <p>(c) Oversee the function of the Practice Area Expert Committees (Practicing members) in the development of the following:</p> <ul style="list-style-type: none"> i. Identifying and defining the knowledge, skill and performance requirements for competent practice within a particular Practice Area ii. Definition of a Practice Standard for a particular Practice Area that describes the standard of practice by which competence within that Practice Area will be assessed iii. Identifying and overseeing the development of Continuing Professional Development opportunities to meet regulated member needs within a particular Practice Area. <p>d) Oversee the review of practice permits for regulated members and recommending to the Registrar the placing of</p>	

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
	<p>Registrar any appropriate courses of action to applicants who apply to AIA</p> <p>f) Reviewing and recommending to the Registrar any policy regarding registration procedure and function</p> <p>g) Assisting the Registrar and Council with any appeals of the Registrar's decision regarding an application to the AIA</p> <p>(3) The committee members shall be recommended to the Council by the Registrar</p>		<p>conditions, or removal of conditions, on the practice permit as deemed necessary by the committee</p>	
<p>Regulated Forestry Profession Act (RFPA)</p> <p>Registered Professional Foresters Regulation</p> <p>Registered Professional Forest Technologists Regulation</p> <p>College of Alberta Professional Foresters (CAPF) Bylaws</p> <p>College of Alberta</p>	<p>CAPF Bylaws section 4.2:</p> <p>(b) The Executive Committee of the Council shall consist of the President, Vice-President and the Past-President together with the Registrar as a non-voting ex-officio member. The Executive Committee shall direct the affairs of the College subject to the instructions of the Council.</p> <p>CAPF Bylaws section</p>	<p>CAPF Bylaws section 4.14:</p> <p>Registrar</p> <p>(b) The Council may appoint a Registered Professional Forester from the Registered Professional Foresters Register as Acting Registrar who shall act as the Registrar in the absence or inability of the Registrar to act, or when the office of Registrar is vacant.</p> <p>(c) When an acting</p>	<p>CAPF Bylaws section 17.1:</p> <p>(a) The Council shall manage the property and business of the College and may exercise all such powers of the College as are not specified by the Act, Regulation and Bylaws to be dealt with otherwise.</p> <p>(b) Within the same limitations, the Council may delegate its power to the Executive Committee.</p>	<p>The Regulated Forestry Profession Act (RFPA) is structured and worded very similar to the HPA. There are no clear statements regarding registrar's powers/duties or power to delegate in the regulations under the Act.</p> <p>It's unclear whether CAPF bylaws section 4.2 would apply to the Registrar as a non-voting ex-officio member.</p>

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Professional Forest Technologists (CAPFT) Bylaws	<p>4.13: The Council shall appoint: (1) a Registrar in accordance with Section 8 of the Act</p> <p>CAPF Bylaws section 4.14: Registrar (a) The Registrar shall: (1) be a Registered Professional Forester on the Registered Professional Foresters Register (2) keep the registers and records up-to-date (3) perform such other duties as are assigned to him/her by the Council (4) do such other things as are necessary or expedient for the proper administration of the Act, Regulations and Bylaws, and the affairs of the College generally (d) The Registrar is responsible to the Council and has responsibilities as defined by the Executive. (e) The Registrar is a non-voting, ex-officio member of all committees of the</p>	<p>Registrar acts as Registrar, he/she has all the powers and duties of the Registrar under the Act, Regulation and Bylaws.</p> <p>CAPF Bylaws section 2.3: The Registrar, or, in his/her absence or inability to act, the President or an individual designated by the Council, shall have custody of the Common Seal of the College.</p> <p>CAPF Bylaws section 4.1: (b) The Registrar and Legal Advisor are non-voting, ex-officio members of the Council, but if either is unable to attend a meeting, he/she shall not appoint an individual to represent him/her.</p> <p>CAPF Bylaws section 4.2: (c) In the event that any member of the Executive Committee is unable to act, the Council shall</p>		

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	<p>Council and committees of the College.</p> <p>CAPFT Bylaw 5.06: It shall be the duty of the Registrar, who is a member of the College in good standing, to attend all meetings of the College and Council, and to keep accurate minutes of the same. The Registrar shall have charge of all the correspondence of the College and be under the direction of the President and Council.</p> <p>The Registrar and/or office staff shall also keep a record of all the members of the College and their addresses, send all notices of the various meetings as required, and shall collect and receive the annual dues or assessments levied by the College, such monies to be promptly deposited in a bank, trust company, credit union or treasury branch as hereinafter required.</p> <p>The Registrar also has signing authority as per an</p>	<p>appoint a replacement from amongst its members.</p>		

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	officer of the College.			
<p>Regulated Accounting Profession Act</p> <p>CGA, CMA and CA Bylaws</p>	<p>Act section 29: Governing body must appoint an individual as a Registrar of the accounting organization for the purposes of the Act</p> <p>Act section 31: Registrar or registration committee (bylaws indicate which of the two) must consider and decide on application for registration under Part 3, including the imposition of conditions on a registration, and must undertake any other functions and duties prescribed by the governing body.</p> <p>CMA Bylaws, Section 4.02: Duties, Responsibilities and Powers of the Registrar (1) The Registrar's primary responsibility is to accept, consider and decide upon applications for membership for individual applicants, for public accounting firms, or for</p>	<p>Act section 12: (1) When an accounting organization is given a power, duty or function, it is to be carried out by its governing body or the individual, committee or other body prescribed by the governing body, and the delegated power, duty or function may be sub-delegated, unless the governing body otherwise prescribes. (2) If an individual, committee or other body is not designated by this Act or prescribed by a governing body to perform a power, duty or function of the accounting organization, the chief elected officer or a designate of the chief elected officer may perform it.</p> <p>Act section 13: (1) A governing body may fulfil the purposes of this Act and exercise its powers, duties and functions by regulation,</p>	<p>CMA Bylaws Section 4.03: Duties, Responsibilities and Powers of the President and CEO</p> <p>CMA Bylaws Section 4.04: (2) For the complaints inquiry committee and the practice review committee, the chair may appoint a vice-chair who will assume the powers and duties of the chair when the chair is not able to act for any reason.</p>	<p>Clear summaries or statements regarding the Registrar's powers and delegation are found in the bylaws.</p>

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	<p>professional service providers. The Registrar has the power to approve, defer, or refuse an application for membership. The Registrar may impose conditions on a registration that the Registrar considers in the best interest of the public. The Registrar must notify an applicant of an incomplete registration application within 30 days of receipt. A decision must be rendered within 120 days of the receipt of an application; a failure to provide a decision must be considered a refusal of an application.</p> <p>(2) The Registrar will receive, and may issue approvals of, the articles of a proposed professional corporation. The Registrar will receive notifications regarding changes in ownership or directors or in the name of professional corporations. The Registrar has the power to set time limits for</p>	<p>bylaw, resolution, rule of professional conduct or practice standard unless this Act provides that a power, duty or function is to be exercised in a particular way.</p> <p>(2) A governing body may not delegate its authority to make regulations, Bylaws, resolutions, rules of professional conduct or practice standards, but may delegate authority to act under or in accordance with a regulation, bylaw, resolution, and rule of professional conduct or practice standard.</p> <p>Act section 15: (3) Any power, duty or function under the bylaws may be delegated and sub-delegated.</p> <p>CGA Bylaw 4101: If the registrar or Executive Director is absent or for any reason cannot act, the Executive Director shall appoint a person as acting registrar or Executive Director and that person,</p>		

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	<p>notification requirements. If a professional corporation does not comply with the requirements of the Act, the Registrar may cancel that professional corporation's registration. The Registrar may make complaints, under section 67 of the Act, and must notify the registrant regarding any resulting suspension, cancellation, or practice restriction. The Registrar must notify the Registrar of Corporations of any suspension or cancellation of a professional corporation within 30 days.</p> <p>(3) The Registrar may be required to act as a party to an appeal. The Ombudsman may require the Registrar to rehear any matter, and reconsider a decision. The Registrar has the power to quash, confirm or vary any decisions, recommendations, or parts of them.</p>	<p>while so acting, has the powers and shall perform the duties of the registrar or Executive Director.</p> <p>CGA Bylaw 4102: If for any reason the Executive Director is unable to appoint an acting registrar or Executive Director in accordance with bylaw 4101, the Board shall appoint a person as acting registrar or Executive Director and that person, while so acting, has the powers and shall perform the duties of the registrar or Executive Director.</p> <p>There is a similar provision in CA Bylaw 500.</p> <p>CMA Bylaws Section 4.01: Acting Registrar and Acting President and CEO (1) If the Registrar or the President and CEO is absent, or for any reason cannot act, or when there is a vacancy in the office, the Board may appoint any</p>		

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		<p>person as Acting Registrar or Acting President and CEO and that person, while so acting, has the powers and shall perform the duties of the Registrar or President and CEO, as the case may be. The responsibilities identified under Section 4.02 and Section 4.03 are primary responsibilities as identified under the Act however these may not include other responsibilities inherent in these positions as defined by the Board. The Board may require the Acting Registrar or Acting President and CEO to assume additional responsibilities.</p>		
<p>Bill 7: Chartered Professional Accountants Act</p> <p>Received Royal Assent December 17 and will come into force on proclamation</p>	<p>Registrar: Act section (32) The board must appoint an individual as registrar of the CPAA for the purposes of this Act.</p> <p>Registration decisions: Act section (34) The registrar or the registration committee must consider</p>	<p>Act section 13: (1) A power, duty or function of the CPAA is to be carried out by the board or the individual, committee or other body prescribed by the board, and the delegated power, duty or function may be sub-delegated unless the board otherwise</p>	<p>Registration committee: Act section 33(3) The registration committee may, in the manner prescribed by the board, delegate any of its functions, powers or duties.</p>	

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	and decide on applications for registration under this Part, including the imposition of conditions or restrictions on a registration, and must undertake any other functions and duties prescribed by the board in accordance with the regulations, bylaws, directives and resolutions	prescribes. Act section 17: (3) Any power, duty or function under the bylaws may be delegated and sub-delegated.		
Veterinary Profession Act Veterinary Profession General Regulation Alberta Veterinary Medical Association Bylaws	Act section 9: The Council shall appoint a Registrar for the purposes of the Act. Bylaws section 9.1.1: Council shall appoint a Registrar, Secretary-Treasurer, Complaints Director, Hearings Director, and such other personnel as it from time to time deems appropriate for the efficient operation of the Association. Bylaws 9.2: The separate duties of Registrar and of Secretary-Treasurer may, at Council's discretion, be carried out from time to	Bylaw 9.1.3: Council may appoint such persons as it deems appropriate to discharge the duties of such persons appointed pursuant to 9.1.1 during the absence, disability, or vacancy in the office of such person. Such persons shall be designated the "Acting" or "Deputy" of the said position.	Act section 6: The Association has the capacity and, subject to this Act, the rights powers and privileges of a natural person Act section 11; Regulations section 50.1; Bylaws section 4.4 regarding Practice Review Board Bylaw 4.3: Registration Committee 4.3.1 The Registration Committee shall carry out the duties and responsibilities assigned to it in the Act and Regulations.	Practice Review Board, Hearing Tribunal, and Complaint Review Committee are established in the Act (although it says in section 4.1 of the bylaws that Council shall establish these, among others). There is no clear statement establishing the Registration Committee but the Act and the Bylaws say it shall be established by Council. It is referenced in the Regulations, and its powers are outlined in the Bylaws. Practice Inspection and Practice Standards Committee continued by bylaws.

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	<p>time by one person assuming the duties of both positions.</p> <p>Bylaw 9.3: The Registrar/Secretary-Treasurer as Registrar shall:</p> <p>9.3.1 generally act as the Chief Executive Officer of the Association</p> <p>9.3.2 maintain in accordance with the Act, Regulations and Bylaws, a Register of Registered Veterinarians, Permit Holders, and Other Members</p> <p>9.3.3 maintain in accordance with the Regulations, a Register of Technologists</p> <p>9.3.4 carry out such other duties as Registrar as are set out in the Act, Regulations and Bylaws</p> <p>9.3.5 on behalf of the Association, employ or contract with such individuals as are necessary for its efficient and prudent management and administration</p> <p>9.3.6 perform such duties</p>		<p>Bylaws section 3.7, 3.8 and 3.9 regarding the roles of President, Vice-President and Past President</p> <p>Bylaw 9.8: The Association's authorized signing authorities shall be the President, Vice-President, immediate Past-President, Secretary-Treasurer, Registrar, Deputy Registrar and any other person designated in writing by Council.</p>	

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	<p>as may be from time to time assigned by Council</p> <p>9.3.7 be a non-voting, ex officio member of each Legislated and Non-Legislated committee, except the Complaint Review Committee and Hearing Tribunal and the recording and corresponding secretary for each Legislated Committee, except the Complaint Review Committee and Hearing Tribunal</p> <p>Bylaw 9.4: The Registrar/Secretary-Treasurer as Secretary shall:</p> <p>9.4.1 attend to providing all notices required to be given by the Association and shall keep minutes of all meetings of the Association and Council</p> <p>9.4.2 keep in safe custody and have charge of all of the records of the Association together with copies of all reports by the Association, Council or committees thereof and</p>			

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	<p>such other books and papers as Council may direct</p> <p>9.4.3 be the custodian of all personal property of the Association and shall hold all deeds, documents and other evidence of title to real and personal property of the Association</p> <p>9.4.4 perform such other duties as pertaining to the office of Secretary-Treasurer as may be required by Council</p> <p>Bylaw 9.5: The Registrar/Secretary-Treasurer as Treasurer shall:</p> <p>9.5.1 have general charge of the finances of the Association</p> <p>9.5.2 deposit all money and other valuable effects of the Association in the name of and to the credit of the Association in such banks or other depositories as Council may from time to time designate by resolution</p> <p>9.5.3 render to Council whenever directed by</p>			

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	<p>Council an account of the financial condition of the Association and all transactions as Treasurer as soon as possible after the end of each fiscal year</p> <p>9.5.4 cause the books of the Association to be audited by the Association's auditors</p> <p>9.5.5 make and submit to Council a report for each year together with the audited financial statements</p> <p>9.5.6 have custody and be responsible for the keeping of books of account of the Association</p> <p>9.5.7 perform such other duties as are incidental to the office of Treasurer as requested by Council</p> <p>Act section 15: The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register of registered veterinarians and permits holders.</p>			
Professional and Occupational	Act section 2: In accordance with the	Act section 18: (1) A Discipline Committee	Act section 11: (1) An association that is	There are 15 regulations under POARA. They are

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<p>Associations Registration Act (POARA)</p> <p>Regulations</p> <p>(The bylaws were not reviewed)</p>	<p><i>Public Service Act (PSA)</i>, there may be appointed a Registrar of Registered Professional and Occupational Associations and any other persons who are necessary for the administration of this Act.</p> <p>Act section 3: The Registrar [of Registered Professional and Occupational Associations] shall, when directed to do so by the Minister, examine, inquire into, study and report to the Minister on any matter that the Minister considers necessary for the purpose of obtaining information for conducting an investigation under section 7.</p> <p>Act section 7: Registrar [of Registered Professional and Occupational Associations] shall conduct an investigation into whether an association should be recommended for registration under this Act.</p>	<p>shall choose one of its members to act as chair and a member to act as vice chair.</p> <p>(2) In the absence or inability to act of the chair, the vice-chair has the powers and duties of the chair.</p> <p>Regulations: Annual fee paid to the Association Registrar or to any person authorized by the Association Registrar to accept payment of the fee</p>	<p>named in an order under section 9(1)(a)</p> <p>(a) is a corporation, or</p> <p>(b) if it was a corporation before the order is made, is continued as a corporation under this Act and has the capacity and, subject to this Act, the rights, powers and privileges of a natural person</p> <p>Act section 13: (1) The governing body of a registered association shall manage and conduct the business and affairs of the registered association and exercise the rights, powers and privileges of the registered association in the name and on behalf of the registered association.</p> <p>Act section 16: (1) A registered association may establish a Registration Committee and a Practice Review Committee in accordance with the Regulations. (2) The Registration</p>	<p>all set up essentially the same way. Relevant provisions are summarized here.</p> <p>Registration Committee is established in the Regulations. This sometimes but not always includes the association, institute, society or registrar, sometimes as non-voting member.</p> <p>Regulations: Includes powers and duties of Registration Committee (and Practice Review Committee)</p>

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	<p>Regulations: Association/Institute/Society Registrar appointed under the bylaws</p>		<p>Committee and the Practice Review Committee shall have the procedures, powers and duties prescribed by regulation.</p>	
<p>Legal Profession Act</p> <p>Rules of the Law Society of Alberta</p>	<p>Act section 25: (1) The Executive Director, the Deputy Executive Directors, the Deputy Secretaries and the Treasurer shall be appointed by the Benchers.</p> <p>Act section 40: (1) The Executive Director shall approve the admission of a person as a student-at-law if the person proves to the Executive Director's satisfaction.</p> <p>Act section 41(1) and 42(2): The Executive Director shall approve the enrolment of a person as a member of the Society ... (regarding transfer of Canadian lawyers to Alberta, and transfer of corporate counsel to</p>	<p>Act section 25: (2) Unless otherwise expressly provided in the rules or by a resolution of the Benchers, a Deputy Executive Director or a Deputy Secretary may exercise and perform any powers, functions and duties of the Executive Director. (3) The President may appoint any person as Acting Executive Director if the Executive Director is absent or unable to act, and that person, while Acting Executive Director, has the powers and shall perform the duties of the Executive Director. (4) The Benchers may, by resolution or by the rules, delegate any powers or duties of the Executive Director under this Act to the Treasurer, the holder of an office established</p>	<p>Act section 3: The Society, in addition to the powers vested in it by this or any other Act, has the power to borrow money for the purposes of the Society and to mortgage or charge property of the Society or its sources of funds as security for money borrowed.</p> <p>Act section 24: (5) The Acting President has the powers and shall perform the duties of the President.</p> <p>Act section 58: (2) On being directed to carry out a review and assessment under this section, the Practice Review Committee may delegate the carrying out of any aspect of the review and assessment to a</p>	<p>There is no Registrar but an Executive Director.</p>

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	<p>Alberta)</p> <p>Act section 48: Executive Director can grant authorization to outside counsel</p> <p>Act section 53: (1) Any conduct of a member that comes to the attention of the Society, whether by way of a complaint or otherwise, shall first be reviewed by the Executive Director.</p> <p>Rule section 6: The Executive Director is (a) the chief executive officer of the Society (b) the custodian of the seal of the Society (c) subject to the Deposit Agreement referred to in Rule 44, the custodian of the records of the Society</p> <p>Rule 31.1 and 31.2: appointments made by Executive Director</p> <p>Rule 54: Executive Director determines articling</p>	<p>under section 24(1) or an employee of the Society and prescribe the circumstances in which or the conditions on which the delegation is to apply. (5) A delegation made under subsection (4) does not affect the ability of the Executive Director to exercise or perform the power or duty so delegated.</p> <p>Act section 37: Regarding role of Society regarding enrolment or admission: (5) The Benchers may delegate any of their authority under this section, other than the authority to make rules, to the Executive Director or to the Credentials and Education Committee.</p> <p>Rule 1: (3) If a power or duty of the Executive Director under any provision of these Rules is delegated by the Benchers to an officer or employee of the Society, a</p>	<p>subcommittee consisting of one or more persons, whether they are members of the Practice Review Committee or of the Society or not, and in that case, the subcommittee shall submit a written report containing its findings and recommendations to the Practice Review Committee.</p> <p>Rule 24: (3) If for any reason the chair of a committee is absent or unable to perform the duties of the chair at a meeting of the committee, the vice-chair, if available, or any other committee member chosen by the committee, may preside at the meeting and while so presiding has the powers and duties of the chair. (4) A power or duty conferred or imposed by these Rules or the Act on the chair of a committee may be exercised or performed by the vice-</p>	

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	<p>commencement date</p> <p>Rule 55: Executive Director determines the suitability of a member to act or continue to act as a principal</p> <p>Rule 57.2: Executive Director can approve assignment of articles</p> <p>Rule 57.3: Executive Director can terminate articles</p> <p>Rule 60: Can approve extension of time period regarding Canadian Centre for Professional Legal Education Program requirements</p> <p>Rule 72.2 and 72.3: Executive Director may allow visiting lawyer to provide legal services without a permit</p> <p>Rule 76: Executive Director may</p>	<p>reference to the Executive Director in that provision shall be construed as including that officer or employee.</p> <p>In Part 2, Division I, Interpretation and Authority, pertaining to Rule 47(e): "Executive Director" includes the employees holding the positions of Credentials and Education Counsel, Counsel, Policy and Programs Counsel, and any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director in these Rules</p> <p>Rule 48.3: Wherever this Part of the Rules provides the Executive Director with the authority to determine a matter, the Executive Director may, in his/her sole discretion, refer the matter to the Committee for determination. (Regarding Part 2</p>	<p>chair of the committee.</p> <p>Rule 26 regarding powers and duties of Executive Committee.</p> <p>Rule 82: A power or duty conferred or imposed by this Part of the Rules or Part 3 of the Act [regarding conduct of members] on the chair of the Conduct Committee may be exercised or performed by a vice-chair of the Conduct Committee.</p> <p>Rule 89: Practice Review Committee may sit in panels of a minimum of 3 members each for certain purposes; nothing in this Rule affects the ability of the Practice Review Committee to exercise or perform the power or duty delegated to the panel, nor to exercise the power of delegation under section 58(2) of the Act</p> <p>Rule 119.33(2): The powers conferred by</p>	

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	<p>issue licence regarding foreign legal consultant (or attached conditions or refer the application to the Credentials and Education Committee)</p> <p>Rule 85: Any matter regarding the conduct of a member is reviewed by the Executive Director who makes a direction on the matter</p> <p>Rule 119.5 and 119.34: Executive Director reviews and makes decision regarding responsible lawyer</p> <p>Rule 119.27: Executive Director can make decisions re dealing with certain trust monies</p> <p>Rule 119.35 and 119.37: Executive Director can grant exemptions re financial records</p> <p>Rule 137: Executive Director approves pro bono provider</p>	<p>Membership and Qualifications to Provide Legal Services)</p> <p>Rule 87.1: (1) The powers and duties of the Executive Director under part 3 of the Act and part 3 of these Rules are delegated: (a) to the President or the President-Elect (b) to the President-Elect</p> <p>In Part 4 (reinstatement), pertaining to Rule 107.2: In this Part, "Executive Director" includes the employee holding the positions of Credentials and Education Counsel and any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director in this Part.</p> <p>In Part 5 (duties of law firms), pertaining to Rule 119(1)(f): "Executive Director" includes the employees holding the position of</p>	<p>sub-rule (1) on the Benchers may also be exercised by ... (e) the Executive Director ...</p>	

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	<p>Rule 141: Executive Director reviews and makes a decision on each claim against the assurance fund</p>	<p>Credentials and Education Staff Lawyer, Manager, Trust Safety, and any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director.</p> <p>In Part 6, Division 2 (claims against the assurance fund), pertaining to Rule 139(d): In this Division ... “Executive Director” includes the employee holding the position of Director of Insurance and any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director in this Division.</p> <p>In Part 8, Professional Corporations, pertaining to Rule 153.1: In this Part, “Executive Director” includes the employees holding the positions of Credentials and Education Counsel,</p>		

Legislation	Are Registrar's Authority Clearly Stated? (specific authority and duties)	Are Registrar's Authority to Delegate (or Authority that Can Be Delegated to the Registrar) Clearly Stated?	Are Powers of Other Entities (Council*, Boards, Committees) and Authority to Delegate Clearly Stated?	Comments
		<p>Membership Manager, Membership Officer, Counsel and Policy and Programs Counsel. (Similarly, in Part 8.1, Limited liability partnerships, per Rule 159.01)</p> <p>In Part 9, Society fees and assessments, pertaining to Rule 160: In this Part ... (b) "Executive Director" includes a delegate of the Executive Director.</p> <p>Rule 164.1: (2) Each member must complete, sign and return the Member Information Update form to the Law Society no later than March 15 of that year, subject to any extension of time authorized by the Executive Director's delegate.</p>		

Appendix 5: Bylaws under the *Health Professions Act* and Regulations – Registrar’s powers and delegation of powers

Key provisions from Alberta’s *Health Professions Act* pertaining to delegation are as follows:

Council delegation

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.

(2) A Council may impose conditions on a delegation under subsection (1).

(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.

(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.

Person, committee delegation

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.

Alberta College and Association of Chiropractors (ACAC) Bylaws

1.1 Interpretation

b) A reference in these Bylaws to Council, an officer, a person or a committee includes any delegate of the Council, officer, person or committee.

2.3 College Administration

The Council may appoint and/or hire personnel to assist in the activities, administration, affairs, conduct, management, and governance of the College and for the implementation of policies, procedures and directives of the College. Such personnel may include:

- a) a Registrar to perform those duties as may be required by the Act, Regulation, Bylaws and from time to time by any officers of the College or Council;
- b) an Assistant Registrar to perform duties as may be required.

3.0 Authority of Council

The governing body of the ACAC is the Council. The Council shall manage and conduct the business and affairs of the College and exercise the rights, powers and privileges of the College in the name and on behalf of the College. In addition, Council is empowered to:

- d) delegate authority and responsibility for implementation of ACAC policies, procedures and directives to the Registrar and/or Chief Executive Officer and/or officers of the College.

5.1 Duties of the Registrar

The Registrar shall:

- a) carry out any of the powers and duties of the Registrar as specified in the *HPA*, Regulation and these Bylaws;
- b) receive applications for registration or practice permit renewals;
- c) approve, defer or refuse applications for registration or applications for practice permit renewals;
- d) keep and maintain all regulated member registers and records of the College;
- e) keep and maintain a record of professional corporations;
- f) execute permits and documents on behalf of the College in accordance with these Bylaws;
- g) provide representation on behalf of the College on specific committees, agencies, organizations or bodies as delegated and assigned by Council;
- h) perform such other duties as assigned or delegated by Council;
- i) carry out duties as directed by these Bylaws.

5.2 Assistant Registrar

The Council may appoint or hire on behalf of the College an Assistant Registrar.

5.3 Duties of the Assistant Registrar Adopted

- a) The Assistant Registrar shall perform duties as assigned or delegated by Council.
- b) The Assistant Registrar shall have all of the powers and perform all of the duties of the Registrar under the *HPA*, the Regulation and Bylaws when the Registrar is absent or unable to act or when there is a vacancy in the office of the Registrar.

5.7 Complaints Director

- a) Council shall appoint a Complaints Director for the purposes of the *HPA*.
- b) This appointment shall be conducted in accordance with the policies of the College that are approved by Council, or
- c) Council may delegate the duties and responsibilities of the Complaints Director to the Registrar.

Alberta College of Combined Laboratory and X-Ray Technologists Bylaws

3.3.2 For the purposes of Sections 29(3), 30(1), 38(2) and 40(2) of the Act, the Registrar or, at the Registrar's discretion, the Registration Committee, shall consider applications for initial registration and applications for Practice Permits or Practice Permit renewals.

4.4.1 As soon as reasonably possible, the Registrar, or, at the Registrar's discretion the Registration Committee shall consider a reinstatement application .

College of Alberta Dental Assistants Bylaws

6.03.1 For the purposes of sections 9(4)(a), 29(3) and 30(1) of the Act, the Registration Committee must consider and decide on applications for Registration, Registration Renewal and Practice Permits that are referred by the Registrar.

6.03.2 For the purposes of sections 38(2) and 40(2) of the Act, the Registration Committee must consider and decide on applications for Registration, Registration Renewal and Practice Permits that are referred by the Registrar.

Bylaws of The College of Registered Dental Hygienists of Alberta

3.2 Powers of Council

Council is empowered to:

3.2.2 delegate such powers as may be delegated under the Act, the Regulation and these bylaws to the Registrar, employees of the College, or to any Committee of the College, and may at any time revoke such delegation.

3.2.3 delegate authority and responsibility for implementation of College policies to the Registrar, employees of the College, or to any Committee of the College.

3.2.5 employ or authorize the Registrar to employ for or on behalf of the College any agents or employees as it thinks fit in connection with the control, management and administration of the College or for any other purposes of carrying out the objects of the College, and to authorize those persons to exercise powers or duties of the College.

7.1 The Registrar shall consider applications for registration as a Regulated Member which are complete and include such fees as are determined by Council from time to time.

7.2 The Registrar may, in her sole discretion, decide to refer any application for registration to the Registration Committee for their determination.

7.4 The Registrar shall consider applications for Practice Permits or for renewal of Practice Permits which are complete and include such fees as are determined by Council from time to time.

7.5 The Registrar may, in her sole discretion, decide to refer any application for a practice

permit or for renewal of a practice permit to either of the Registration Committee [see section 9.1, below] or the Competence Committee for their determination.

8.3 The Registrar shall consider applications for registration as a Non-Regulated Member which are complete and include such fees as may be determined by Council from time to time.

8.4 The Registrar may, in her sole discretion, decide to refer any application for registration to the Registration Committee for their determination.

9.1.2 The Registrar or designate shall be an ex-officio member of the Registration Committee.

9.1.3 The Registration Committee shall determine any issue referred to it by the Registrar.

College of Dental Technologists of Alberta bylaws

4.6 Application for Practice Permit

4.6.1 The Registrar shall consider all completed applications for a Practice Permit. Individuals applying for a Practice Permit must complete an application.

Article 6 – Delegation

6.1 Subject to section 19 and 20 of the Act:

(a) Council may, by resolution, delegate any powers and duties under the Act, the Regulation and these By-Laws to one or more persons or committees.

(b) A person or committee to whom a power or duty is given under the Act or these By-Laws may by letter delivered to the College and stating the delegates name and contact information delegate the power or duty to one or more persons or committees subject to the written approval by Council.

6.2.1 The Council shall employ an Executive Director, who shall have charge and care of the day to day affairs of the College. He may act as Registrar and Complaints Director if appointed, or, in the appropriate circumstances and with the concurrence of the Council, delegate such authority.

Alberta Dental Association and College bylaws

5. Council of the Alberta Dental Association and College

Powers of Council

(1) The governing body of the Alberta Dental Association and College is the Council. Council is empowered to:

(b) delegate authority and responsibility for implementation of Alberta Dental Association and College policy to the Executive Director and Registrar; ...

Duties of the Executive Director and Registrar

10 (10) The Executive Director and Registrar:

(a) acts as the chief executive officer of the Alberta Dental Association and College and is responsible for the implementation of policy established by Council,

(b) oversees the administration of the Alberta Dental Association and College,

(c) reports to and takes direction from the Council,

(d) carries out the duties and responsibilities and functions of the Registrar and of the Hearings Director under the Health Professions Act, unless otherwise delegated in accordance with these By-laws.

12(1)(a) The Executive Director and Registrar shall consider a complete application for registration as a Regulated Member.

(b) The Executive Director and Registrar may, in his sole discretion, decide to refer any application for registration to the Registration Committee for their determination.

13. PRACTICE PERMITS

(1) The Executive Director and Registrar shall consider complete applications for a practice permit.

(2) The Executive Director and Registrar may, in his sole discretion, refer any application for a practice permit to the Registration Committee for their determination.

(5) If the Executive Director and Registrar determines that a Regulated Member does not comply with conditions imposed on the practice permit, then the Executive Director and Registrar may refer the matter to the Registration Committee in accordance with the Health Professions Act.

College of Alberta Denturists bylaws

3.9 Application for Regulated Member, Provisional Regulated Member & Courtesy Regulated Member Registration

Subject to the requirements set out in the Act and the Regulation, an individual may apply for Registration as a Regulated Member, Provisional Regulated Member, or Courtesy Regulated Member, by submitting the form(s) prescribed by Council, and by paying the Registration fee(s) determined by Council, pursuant to Article 9.1, to the Registrar of the College.

3.10 Application for Student Member Registration

3.10.1 An individual may apply for Registration as a Student Member by submitting the form(s) prescribed by Council and paying the Registration fee(s) pursuant to Article 9.1(d) determined by Council, to the Registrar of the College.

3.10.2 As soon as reasonably possible, the Registrar must approve or refuse the Registration application.

3.12 Application for Associate Member Registration

College of Hearing Aid Practitioners of Alberta Bylaws

4.5 Initial Application

4.5.1 The Council must appoint a Registrar pursuant to section 8 the Act. The Registrar will consider applications for initial registration.

4.5.2 The Registrar may, at his sole discretion, decide to refer any application for registration to

the Registration Committee for their determination if a Registration Committee has been established pursuant to s. 9(1) of the Act.

4.5.3 The Registrar shall consider applications for Practice Permits.

4.7.2 Reinstatement Decision

The Registrar shall consider any application for reinstatement.

6.1.3 Authority of Council

Council is the governing body of the College, and is empowered to:

(c) create standing, ad hoc and other special committees as may be necessary to assist the Council in carrying out its duties;

(i) delegate authority and responsibility for implementation of College policy to the Executive Director and/or Registrar; and

(k) such other and further powers as are necessary for the proper working of the College.

Alberta College of Medical Diagnostic and Therapeutic Technologists bylaws

8. Registrar

8.1 Council shall appoint a Registrar under section 8 of the *HPA*.

8.1.2 The Registrar shall consider complete applications for registration as a Regulated Member or for a Practice Permit.

8.1.3 The Registrar shall make decisions with respect to registration or Practice Permits, or in the Registrar's sole discretion, may decide to refer any application for registration or for a Practice Permit to the Registration Committee for determination.

13. Council

13.1 Power and Duties

Council is the governing body of the College and has the powers and duties as defined by the Act including to: ...

(b) govern the affairs of the College including, but not limited to, the power to hire, remunerate, direct, evaluate the performance of, and discharge any Chief Executive Officer and Registrar;

(c) delegate any responsibilities it is entitled to delegate pursuant to the *HPA* except its obligation as a body to create and maintain linkage with the membership, to create and maintain written governing policies, and continually assure organizational performance; ...

College of Medical Laboratory Technologists of Alberta bylaws

4.4 Registration and Practice Permit Processing

For the purposes of Sections 28(3), 29(3), 38(2), and 40(2) of the Act, the Registrar, or, at the Registrar's discretion the Registration Committee, shall consider applications for initial registration and applications for Practice Permit renewal.

4.5.2 Reinstatement Decision

As soon as reasonably possible, the Registrar, or, at her discretion the Registration Committee, shall consider an application for reinstatement

6.8.4 Council shall appoint an Executive Director, a Registrar, a Complaints Director, and a Privacy Officer (individually or as combined positions), and a Hearings Director as provided for in the Act.

Bylaws of the Alberta College of Occupational Therapists

2.8 Registration of Regulated Members

The Registrar shall approve, defer, refuse or approve with conditions, applications for registration or practice permits; however, the Registrar may also refer those applications that the Registrar deems appropriate to the registration committee for a decision. The Registrar shall be responsible for giving notice of all decisions required by the Act.

6.3 Committees

Council shall ensure that committees required by the Act are established. In addition, Council may form any committee it deems necessary to assist it in performing its governance responsibilities.

7.5 Registration Committee

The registration committee, at the Registrar's request, may review an application for registration or renewal of a practice permit, may cancel a practice permit if satisfied that the applicant has not met conditions, and may undertake any other powers or duties given to it by Council.

College of Opticians of Alberta Bylaws

3.05 Registration and Practice Permit Processing

The Registrar, or, at the Registrar's discretion the Registration Committee, shall consider applications for initial registration and applications for Practice Permit renewal.

3.06.2 Reinstatement Decision

As soon as reasonably possible, the Registrar, or, at the Registrars discretion the Registration Committee, shall consider an application for reinstatement and must ...

4.01.3 Registrar:

4.01.3.1 Subject to Sections 19 and 20 of the Act, the Registrar performs any powers and duties delegated by the Council.

4.01.3.2 The Registrar may decide, in their sole discretion, to refer any application for registration to the Registration Committee for their determination.

4.01.3.3 The Registrar may decide, in their sole discretion, to refer the competence program of a regulated member to the Competence Committee for their determination.

4.01.3.4 The Act, the Regulations, the Bylaws and the Governance Policies approved by the Council specify the powers, duties and limitations of such powers and duties granted to the

Registrar.

4.01.3.5 The Registrar is a non-voting member of Council and of all Committees, except a Complaint Review Committee and a Hearing Tribunal on which the Registrar may not sit.

4.12.1 The Council will appoint a Registrar to perform the powers and duties of the Registrar subject to the Act, the Regulations and the Bylaws.

Alberta College of Optometrists bylaws

1.1.5 "Chief Executive Officer" means the individual who assumes responsibilities delegated by Council as its Chief Executive Officer, and who may be the Registrar of the College, appointed pursuant to Section 8 of the Act.

1.1.22 "Registrar" means the Registrar of the College appointed pursuant to Section 8 of the Act, and who may be the individual delegated by Council to assume responsibility as its Chief Executive Officer.

1.3.1 A Regulated Member proposing to incorporate a Professional Corporation must submit to the Registrar an executed copy of the proposed Articles of Incorporation in duplicate. If the Registrar is satisfied that the Articles of Incorporation meet the requirements of the Act and these Bylaws, the Registrar shall endorse the original and duplicate copy of the Articles of Incorporation with the following: ...

8.1.1 For the purposes of sections 9 (4)(a), 29(3), 30(1), 38 (2) and 40 (2) of the Act, the Registrar shall consider and decide on applications for initial registration and applications for a practice permit or a practice permit renewal.

8.1.2 At his or her discretion, the Registrar shall refer an initial registration application or a practice permit application or renewal to the Registration Committee for a decision, where the Registrar determines that the registration application or practice permit application or renewal is unique, complex or sensitive.

7.4.1 The Council shall employ a Registrar. At Council's discretion, the separate responsibilities of the Registrar and the responsibilities of the Chief Executive Officer may be carried out from time to time by:

7.4.1.1 The same person assuming the Registrar's and the Chief Executive Officer's responsibilities, or

7.4.1.2 One person assuming the Registrar's responsibilities, and another person assuming the Chief Executive Officer's responsibilities.

7.4.2 The Council shall approve the Registrar and the Chief Executive Officer's position description, and shall amend it from time to time, with input from the Registrar and the Chief Executive Officer.

7.4.3 The salary, benefits and terms of office of the Registrar and the Chief Executive Officer shall be established by the Council, and shall be reviewed annually, in conjunction with a formal performance appraisal.

7.4.4 The Registrar shall:

- 7.4.4.1 perform duties as may be assigned by the Council; and
- 7.4.4.2 record the minutes of all meetings of the Council; and
- 7.4.4.3 prudently manage the College's financial affairs, in accordance with generally accepted financial practices; and
- 7.4.4.4 maintain an inventory of all College property; and
- 7.4.4.5 employ and/or contract with one or more individuals to assist in the College's management and administration. This includes one or more individuals who may exercise the powers and perform the duties of and who has or have the same authority as the Registrar, in their absence.

Bylaws of The Alberta College of Pharmacists

37. Registrar

- (1) Council must appoint a registrar and must establish the Registrar's: (a) salary or other remuneration, and (b) term of office which must not exceed five years.
- (2) Council may re-appoint the Registrar to more than one term of office.
- (3) The Registrar must be a voting member in good standing of the College but must not be a member of Council.
- (4) The Registrar must perform all duties required of, and exercise the powers provided to, the Registrar in the *HPA*, *PDA* and these bylaws.
- (5) Council may delegate any of its duties, authorities or powers to the Registrar, except to the extent that such delegation is limited by either the *HPA* or the *PDA*.
- (6) Council may impose conditions upon any delegation made under Subsection (5).
- (7) The Registrar may delegate any of the duties for which the Registrar is responsible to any other appropriate member of the College staff or to a committee or working group appointed under Subsection (8).
- (8) The Registrar may appoint such committees and working groups as the Registrar considers necessary to assist in performing the duties of the Registrar.

38. Acting Registrar

- (1) If the office of Registrar becomes vacant or the Registrar otherwise becomes incapable of acting, Council may appoint an acting registrar, who has all the powers and must perform all the duties of the Registrar under the *HPA*, *PDA* and these bylaws.
- (2) The Acting Registrar holds office until:
 - (a) the Registrar again becomes capable of acting,
 - (b) Council appoints a new Registrar, or
 - (c) Council terminates the appointment of the Acting Registrar.

41. Pharmacy Licence

- (1) The Registrar may issue pharmacy licences in the following categories: ...

44 (2) The Registrar must consider each complete application for registration as a regulated member in any category of register under the *HPA*, and make the decision required by section 30(1) of the *HPA*.

45. Practice Permit under the *HPA*

- (1) The Registrar must consider each complete application for a practice permit under the *HPA* and make the decision required by Section 40(2) of that Act and must, if the application for a practice permit is declined, provide the regulated member with a copy of the decision with reasons for the decision.

49.(4) The Registrar must, as soon as reasonably possible, consider a complete application [for a practice permit to be issued or a registration to be reinstated, other than suspensions or cancellations under Part 4 of the Act],...

51. Registration on the Associate Register ...

(3) The Registrar must, as soon as reasonably possible, consider a complete application and:

...

54. Registration on the Retired Register ...

(3) The Registrar must, as soon as reasonably possible, consider a complete application and:

...

66. Limitation on Sub-Delegation

(1) Where Council has delegated a power or duty to a person or Committee, that person or Committee may not delegate that power or duty to any other person or Committee unless expressly authorized to do so by Council.

(2) Subsection (1) does not apply to delegation to the Registrar.

Physiotherapy Alberta - College + Association Bylaws

Duties and powers

5. The Council shall exercise all the powers and duties granted to a governing Council under the *HPA*.

(2) Council may perform any other duties not specified in the *HPA* that allows the College to fulfill its mission and purpose including policy development and the appointment of committees not specified in the *HPA*.

15(2) The Registrar shall be a non-voting member of the Executive Committee.

38. The Registrar shall consider complete applications for registration as a regulated member.

(2) The Registrar may, at their sole discretion, decide to refer a registration application to the Registration Committee.

40. The Registrar shall consider complete practice permit applications.

(2) The Registrar may, at their sole discretion, decide to refer a practice permit application to the Registration Committee.

...

(4) A regulated member whose practice permit is cancelled under the *HPA*, except under Part 4, of the *HPA*, may apply to the Registrar for the practice permit to be re-issued and registration reinstated.

Delegation of duties under the *HPA*

47. (2) The Council hereby designates the Registrar as the individual to carry out the duties under section 86 of the *HPA*. In the event that the Registrar is also the Complaints Director, the Registration Committee shall carry out the duties under section 86 of the *HPA*.

Registrar

48. Council shall appoint a regulated member as College Registrar.

(2) In addition to the duties prescribed by the *HPA*, the Registrar is responsible for the College operations and administration as directed by Council and in accordance with these bylaws. The Registrar reports to the Council.

(3) The Registrar may delegate in writing any of the Registrar's duties and responsibilities to another person with or without conditions.

Bylaws of the College of Physicians & Surgeons of Alberta

6(12) Where Council has delegated a power or duty to a person or committee, that person or committee may not delegate that power or duty to any other person or committee unless expressly authorized to do so.

(13) Subsection (12) does not apply to delegation to the Registrar.

21 Registrar

(1) Council shall appoint a Registrar.

(2) The Registrar shall perform all duties required of, and exercise the powers provided to, the Registrar in the Act, the Regulations and these bylaws.

(3) Subject to section 19 of the Act, Council may delegate any of its duties or powers to the Registrar.

(4) Council may impose conditions upon any delegation made under subsection (3).

(5) Subject to section 20 of the Act, the Registrar may delegate any of the powers or duties of the Registrar to any other member of the College staff or to a committee or working group appointed under subsection (6).

(6) The Registrar may appoint such committees and working groups as the Registrar considers necessary to assist in performing the duties or exercising the powers of the Registrar.

22 Acting Registrar

(1) If the office of the Registrar becomes vacant or the Registrar otherwise becomes incapable of acting for any reason, Council may appoint an Acting Registrar, who shall have all the powers and duties of the Registrar under the Act, the Regulations and these bylaws.

(2) The Acting Registrar holds office until:

(a) The Registrar again becomes capable of acting;

(b) Council appoints a new Registrar; or

(c) Council terminates the appointment of the Acting Registrar.

25 Practice Permits

(1) The Registrar shall determine any decision on issuance or renewal of a practice permit. ...

(4) A regulated member whose registration or practice permit has been suspended or cancelled for a reason other than under Part 4 of the Act, may apply in writing for the practice permit to be issued or the registration to be reinstated in accordance with these bylaws.

(6) The Registrar shall, within a reasonable period of time, consider a completed application under subsection (4) in accordance with section 30 or section 40 of the Act, as the case may be.

32 Reissue after Revocation

(1) An annual permit of a professional corporation that has been cancelled by the Registrar may

be reissued if the Registrar is satisfied that the applicant has complied with sections 108 and 109 of the Act.

Bylaws Pursuant to the Health Professions Act College Of Alberta Psychologists

1.2 A reference in these Bylaws to Council, an Officer, person or Committee includes any delegate of the Council, officer, person or Committee.

2.1 The governing body of the College is the Council. Council is empowered to: ...

(c) Delegate authority and responsibility for implementation of the College's policies to the Registrar or any other staff member; and

(d) Appoint any committees, in addition to the committees referenced in this Bylaw, as Council may consider necessary and advisable.

6.1 The Registration Advisory Committee is established to advise Council on matters pertaining to registration.

6.2 The Registration Advisory Committee will comprise a minimum of four psychologists. The Registrar will be an ex-officio member of the Committee.

12.1 Subject to sections 19 and 20 of the *HPA*, the Registrar shall perform any powers and duties delegated by the Council.

12.2 The Registrar may consider and approve complete applications for a practice permit, or may, in his or her sole discretion, refer such applications to the Registration Approvals Sub-Committee.

12.3 Where a practice permit and registration have been cancelled under the *HPA*, except under Part 4, a former Regulated Member may apply to the Registrar for the practice permit to be re-issued, and the Registrar may re-issue the practice permit in his or her discretion.

12.5 An applicant may request a review of the decision made by the Registrar pursuant to Articles 10.2 or 10.3, which shall be conducted in accordance with the *HPA*.

12.6 The Registrar may delegate in writing all or any of his or her duties and responsibilities to another staff member of the College, with or without conditions.

14.12 The Credentials Evaluation Sub-Committee may in writing delegate its authority under these Bylaws to the Registrar.

15.10 The Registration Approvals Sub-Committee may in writing delegate its authority under these Bylaws to the Registrar.

16.10 The Substantial Equivalency Committee may in writing delegate its authority under these Bylaws to the Registrar.

29.1 Subject to section 19 and 20 of the *HPA*:

(a) Council may, by resolution, delegate any of its powers and duties under the *HPA* and these Bylaws to one or more persons or committees.

(b) A person or committee to whom a power or duty is given under the *HPA* or these Bylaws may in writing delegate the power or duty to one or more persons or Committees.

College of Dieticians of Alberta

The college's website indicates:

Registrar/Complaints Director

The Registrar performs duties designated in legislation, as well as those delegated by the Council of the College. The Registrar also serves as Complaints Director. The Complaint Director receives and investigates complaints of unprofessional conduct and determines whether the complaint should be dismissed due to lack of evidence, referred to the Alternate Complaint Resolution process or referred to a hearing.

Registration Committee

The Registration Committee is appointed by Council and reviews applications that are referred by the Registrar. The Committee determines whether applicants are eligible for registration and whether any upgrading of academic or practical qualifications is required. The Committee also reviews applications for reinstatement of registration that result from disciplinary action.

College & Association of Registered Nurses of Alberta bylaws

16. Registrar

16.1 Duties and Powers

(1) The Registrar appointed under Section 8 of the Act may:

(a) consider applications for registration and applications for a practice permit,

(b) undertake any other power or duty given to the Registrar under the Act, the regulations or these bylaws, and

(c) subject to sections 19 and 20 of the Act, execute any powers and duties delegated by Provincial Council.

(2) If the practice permit or registration, or both, of a regulated member has been cancelled, the registration and practice permit are not to be reinstated except by order of the Registrar, who may refer the matter to the Registration Committee.

(3) The Registrar may in their sole discretion decide to refer any application for registration or practice permit to the Registration Committee or the Competence Committee for their determination.

(4) The Registrar may delegate in writing all or any of their duties and responsibilities to another staff member, with or without conditions.

17.2 Delegation

The Registration Committee is authorized to delegate any of its powers or duties to the Registrar, with or without conditions.

17.3 Composition

(3) The Registrar, or designate, shall attend meetings of the Registration Committee.

College of Registered Psychiatric Nurses of Alberta

4. Council

4.1 Duties and Powers

The Council of the College will exercise all the powers and duties granted to a governing council under the Act. (Section 6 and 19 of the Act) Including the empowerment to:

(3) delegate authority and responsibility for the implementation of CRPNA policy to the Executive Director

(5) appoint any committees, in addition to the committees referenced in this bylaw, as Council may consider necessary or advisable and may by resolution and without requirement of further bylaws, designate such further committees and the powers and duties of any committee

(8) hear appeals from decisions and hearing tribunals and decisions concerning applications for registration and practice permits

(10) appoint a registrar of the College

4.6(4) The Executive Director/Registrar acts as chief administrative officer of the CRPNA and is responsible for the implementation of policy and direction established by Council. The Executive Director reports to and takes direction from Council and oversees the administration of the CRPNA, and carries out the duties and responsibilities and functions of the registrar under the *HPA*, unless otherwise delegated in accordance with these Bylaws.

9. Registrar

9.1 Duties and Powers

(1) Subject to sections 19 and 20 of the Act, the Registrar performs any powers and duties delegated by the Council.

(2) The Registrar may in their sole discretion decide to refer any application for registration to the Registration Committee for their determination.

(3) The Registrar may delegate all or any of their duties and responsibilities to an Assistant Registrar or other staff member, with or without conditions.

10.2 Composition

(3) The Registrar may attend meetings of the Registration Committee

College and Association of Respiratory Therapists of Alberta Bylaws

1.1.23 "Registrar" means the Registrar of the College appointed pursuant to Section 8 of the Act, and who may be the individual delegated by Council to assume responsibility as its Executive Director.

3.2.1 Subject to the Act, the Council may, at its discretion, delegate any of its powers, duties or functions to committees consisting of Regulated Members of the College. Such committees

shall, in execution of the power delegated to them, comply with any condition that may be imposed by Council and shall, in due course, report to Council.

3.2.2 Subject to the Act, the Council may delegate authority and responsibility for implementation of any College policies, procedures, activities, initiatives and affairs to any employed, appointed or volunteer personnel.

3.6.2 Subject to the Act, any Officer of the College, with the approval of Council, may delegate any power, duty or function to any appointed or hired personnel of the College to assist him or her in carrying out the powers, duties and functions of his or her office.

7.3.1 The Council shall employ a full-time Registrar. At Council's discretion, the separate responsibilities of the Registrar and the responsibilities of the Executive Director may be carried out from time to time by:

7.3.1.1 the same person assuming the Registrar's and the Executive Director's responsibilities, or

7.3.1.2 one person assuming the Registrar's responsibilities, and another person assuming the Executive Director's responsibilities.

7.3.2 Council shall approve the Registrar and the Executive Director's position description, and shall amend it from time to time, with input from the Registrar and the Executive Director.

7.3.4 The Registrar shall:

7.3.4.1 Perform duties as may be assigned by Council; and

7.3.4.2 Prudently manage the College's financial affairs, in accordance with generally accepted financial practices; and

7.3.4.3 Maintain an inventory of all College property; and

7.3.4.5 Employ and/or contract with one or more individuals to assist in the College's management and administration. This includes one or more individuals who may exercise the powers and perform the duties of and who has or have the same authority as the Registrar, in their absence.

Section 8: Registration

Article 1: Initial Registration of Regulated Members

8.1.1 For the purposes of sections 9 (4) (a), 29(3), 30(1), 38 (2) and 40 (2) of the Act, the Registrar shall consider and decide on applications for initial registration and applications for a practice permit or a practice permit renewal.

8.1.2 At his or her discretion, the Registrar shall refer an initial registration application or a practice permit application or renewal to the Registration Committee for a decision, where the Registrar determines that the registration application or practice permit application or renewal is unique, complex or sensitive.

Alberta College of Social Workers bylaws

3.1 The College shall be governed by Council. Council shall manage and conduct the business and affairs of the College and exercise the rights, powers and privileges of the College in the name of and on behalf of the College. Council shall establish and revise policies and policy directions. Except as otherwise provided in these bylaws, and as directed in the Act, Council shall have full power to govern the operations and management of the College.

3.2 Council shall employ a Registrar of the College and such other staff or agents as Council may deem necessary to manage the affairs of the College.

3.3 The Registrar shall be a Registered Social Worker in good standing.

3.6 Council may delegate any of its powers and duties to an individual, panel or committee, except those powers and duties specified in Section 19 of the Act, and at any time may revoke such delegation.

6.3 The Registrar shall supervise, manage, carry out and perform any and all duties of the College as outlined in the Act, regulations and bylaws and as Council may determine from time to time:

6.3.1 The Registrar shall consider applications for registration under Sections 28(2) (a) and 28(2) (b) and make a decision;

6.3.2 Council or designate shall specify in a contract or job description any additional powers and duties granted to the Registrar;

6.4 Council shall establish a Registration Committee consisting of regulated members representing the diversity of relevant stakeholders outlined in the Terms of Reference approved by Council and the Registrar as an ex-officio member. Chairing duties shall be designated from this membership.

6.4.1 The Registration Committee shall make recommendations to the Registrar regarding applications for registration under Section 28(2) (c) of the Act;

6.4.2 The Registration Committee may impose conditions on registration or a practice permit and shall monitor compliance with any such conditions ;

6.4.3 The Registration Committee shall review applications for re-instatement from individuals cancelled under part 4 of the Act;

6.4.4 The Registration Committee may carry out other duties as assigned by Council or Registrar;

6.4.5 The Registration Committee reports to Council.

6.17 With the approval of Council, the Registrar, Complaints Director, Hearings Director, Registration Committee, Competence Committee, Professional Social Work Education Committee and Clinical Committee may delegate any of its powers and duties to an individual, panel or committee, and at any time may revoke such delegation.

Alberta College of Speech-Language Pathologists and Audiologists

2.13.2 Upon receipt of a renewal application for a practice permit, the Registrar/CEO or Registration Committee must, as soon as possible, consider the application, make a decision, and notify the applicant of the decision.

3.2.1 As soon as reasonably possible, the Registrar/CEO or, at her discretion, the Registration Committee, shall consider an application for reinstatement and must: ...

11.2 Council shall appoint a Registrar/CEO for the purposes of the Act. The Registrar/CEO shall perform duties of the College, subject always to the control and direction of Council of the College in accordance with the Act, Regulation and Bylaws.

11.3 Council may appoint an Interim Registrar/CEO to perform the duties, powers and functions of the Registrar/CEO when the Registrar/CEO is absent or unable to act, or when there is a vacancy in the office of the Registrar/CEO.

11.5 Council may delegate to persons, committees or employees such of its powers as it thinks fit, except the power to make Regulations or Bylaws and to adopt a Code of Ethics or Standards of Practice, and at any time revoke such delegation.

14.1 The Registration Committee may be established pursuant to Section 9 of the Act. The Registration Committee may, at the Registrar/CEO's request, review an application for registration or renewal of a practice permit, may cancel a practice permit if satisfied that the applicant has not met conditions, and may undertake any other powers or duties given to it by Council. All provisions herein are subject to the provisions of the Act and Regulation whether or not any provision of the Bylaws is expressly stated to be so subject.

14.9 The Registrar/CEO or designate shall serve as an ex officio member on all Regulatory Committees.

16.1 The Registrar/CEO receives and reviews applications for registration in consultation with the Registration Committee, enters information in the Register, issues and cancels practice permits, considers applications for renewal of practice permits and disseminates information on orders of a Hearing Tribunal. The Registrar/CEO shall be the senior administrative officers, overseeing the operation of the College.

Appendix 6A – Authority and Duties of Council in Constituent Associations Across Canada

This document contains the authority and duties of Council in the legislation of engineering and geoscience associations across Canada.

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1 British Columbia: The Association of Professional Engineers and Geoscientists of British Columbia (APEGBC)

1.1 Engineers and Geoscientists Act, Revised Statutes of British Columbia 1996, Chapter 116

Membership

5 The membership of the association consists of all members of the association who were in good standing under the former Act at the time of its repeal and all persons admitted to membership by the council under this Act as long as they remain on the register.

6(2) The president, if present, presides at all meetings of the association and the council unless the president requests the meeting to appoint some other person to preside.

(3) The president, or the person appointed in the president's place, votes only when the votes of the members are equally divided.

(4) One or more vice presidents, one of whom must be designated by the council to have all the powers and rights of the president during the president's absence, must be elected annually by the members of the association and holders of limited licences.

Registrar and executive director

7(1) The council must appoint a registrar, who must be a member of the association.

(2) The council must appoint an executive director.

(3) The offices of registrar and executive director are held at the pleasure of the council and may be held by the same person.

Functions of Council

8(1) The powers conferred on the association are to be exercised by the council.

(2) Subject to this Act and the bylaws of the association, the council

(a) must govern, control and administer the affairs of the association,

(b) must exercise all rights and powers vested in it under this Act, and

(c) may pass resolutions necessary for the purposes of paragraphs (a) and (b).

Membership on and appointment to council

9(6) The association must conduct a ballot of members and holders of limited licences each year, in the manner determined by the council, to elect the councillors who are to be elected by the members and holders of limited licences and ...

(7) If no member of a Faculty of Applied Science, Engineering or Geoscience in British Columbia or no professional geoscientist is elected under subsection (6) or section 6 (1) or (4), the council must appoint a member of a Faculty of Applied Science, Engineering or Geoscience in British Columbia or a professional geoscientist to the council for a one year term.

- (8) If a member of the council dies, resigns or is incapable of acting,
- (a) the other members of the council must appoint a member of the association or holder of a limited licence to fill the vacancy if the councillor is an elected member, and
 - (b) the vacancy must be filled by appointment made by the Lieutenant Governor in Council if the councillor is a government appointee.

Bylaws

10(1) The council may pass, alter and amend bylaws, consistent with this Act, for the following:

- (a) the election of the council;
- (b) the government, discipline and honour of the members, licensees and certificate holders of the association, including the establishment of a code of ethics;
 - (b.1) without limiting paragraph (b), the practice and procedure for proceedings before the discipline, practice review or conduct review committee;
 - (b.2) the direct supervision of former members and licensees by members;
- (c) the establishment of quality management programs for members, licensees and certificate holders;
- (d) the establishment by the council of a professional practice review program for members, licensees and certificate holders, including the creation of a practice review committee to conduct practice reviews as directed by the council, as recommended by the investigation committee or subcommittee or as referred by the registrar;
 - (d.1) the establishment by the council of a conduct review program for members, licensees and certificate holders, including the creation of a conduct review committee to perform conduct reviews as directed by the council, as recommended by the investigation committee or subcommittee or as referred by the registrar;
- (e) the circumstances in which members, licensees or certificate holders, or a class of members, licensees or certificate holders, must hold professional liability insurance and the amount and category of professional liability insurance that must be held;
 - (e.1) the establishment and administration of a professional liability insurance program in any category including, without limitation, for providing the council with the power to establish terms, conditions, policies and procedures for categories of professional liability insurance;
 - (e.2) the circumstances and manner in which members, licensees or certificate holders, or a class of members, licensees or certificate holders, must disclose
 - (i) whether professional liability insurance is held, and

- (ii) whether the insurance is applicable to the services in question;
- (f) the management and maintenance of the association and its property, both real and personal, the investment of its funds, banking, the borrowing of money, the appointment of staff and their remuneration and generally for the carrying on of the general business of the association;
- (g) the establishment, levying, payment and remission of
- (i) [Repealed 2010-3-2.]
- (ii) admission fees,
- (iii) application fees,
- (iv) licence fees,
- (v) professional liability insurance fees, and
- (vi) any other fees except, with respect to members, licensees and certificate holders, late fees, annual fees and reinstatement fees, including, without limitation, for providing the council with the power to establish, levy, require payment of, and authorize remission of, those fees;
- (h) [Repealed 2002-35-4.]
- (i) the establishment and regulation of standards of admission to membership and the enrolment and qualifications of candidates for admission to membership;
- (i.1) the establishment of standards of practice or a code of conduct for members and licensees;
- (j) the establishment and enforcement of standards for certificate holders;
- (k) the classification of the different disciplines of professional engineering and professional geoscience and the designation of the different grades of membership in the association and limitation of the rights of members within the different disciplines and grades;
- (k.1) the designation of specialized areas of professional engineering or professional geoscience;
- (k.2) the qualification and certification of members, licensees or certificate holders as specialists in areas of professional engineering or professional geoscience designated under paragraph
- (k.3) the prohibition of members, licensees or certificate holders from holding themselves out as specialists in a designated area of professional engineering or professional geoscience unless the member, licensee or certificate holder is certified under a bylaw made under paragraph (k.2);

(l) the subjects of study, the examinations to be passed and the experience required as a preliminary to or on application for membership in the association, or for a licence issued under this Act;

(m) the establishment and monitoring of compliance with standards of training and experience required for licensees, and the enrolment and qualifications for a limited licensee, including limited licences for applied science technologists;

(m.1) the establishment and enforcement of professional development requirements to assist in promoting and maintaining the competency and proficiency of members and licensees;

(m.2) the establishment of an alternative complaint resolution process to assist, in appropriate circumstances, in the resolution of complaints;

(n) the resignation of members;

(n.1) the establishment of requirements and procedures for the reinstatement of former members, licensees and certificate holders, including, without limitation, the imposition of conditions on reinstatement and direct supervision of former members, licensees and certificate holders;

(o) the calling and conduct of meetings of the association and of the council, the necessary quorums, voting, the appointment of committees and their powers and other matters in that connection;

(p) the assistance, pecuniary or otherwise, to be given to individuals and organizations if, in the opinion of the council, the assistance will be of benefit to the public, the association or its members;

(q) the promotion of better public relations in the manner and by the means the council sees fit, including, without limitation, the publication of books, papers and periodicals;

(r) the creation of divisions, committees and regional groups, and the delegation to them of those powers and authority the council sees fit;

(s) the establishment, development and administration of ancillary bodies and the qualifications for admission to these bodies;

(t) all other purposes reasonably necessary for the management, regulation and well-being of the association.

(1.1) For the purposes of bylaws under subsection (1) (e), (e.1) or (e.2), the council, by bylaw, may

(a) establish classes of members, licensees or certificate holders,

(b) specify different categories of professional liability insurance, and

(c) require that different classes of members, licensees or certificate holders hold different categories of professional liability insurance.

(1.2) The council may make bylaws under subsection (1) establishing standards of practice, a code of conduct or a quality management program that have been developed in concert with the governing body of another profession.

(2) A bylaw does not come into force until

(a) the requirements of section 11 have been met, and

(b) the 45 day period set by section 11 (3) ends.

Meetings of association

12(1) An annual meeting of the association must be held, at the time and place appointed by the council, at least once in every calendar year and not more than 15 months after the preceding annual meeting.

(3) The council, at any time of its own motion, may call a general meeting of the association.

(4) The council, on the written request of 25 members of the association or holders of limited licences or of 5 council members, must call a general meeting of the association.

(5) A meeting called under subsection (4) must be held within 6 weeks after receipt of the request by the executive director.

(7) The council may, and on written request of 25 members of the association or holders of limited licences must, take a vote of the members of the association and the holders of limited licences by ballot in the manner determined by the council on any matter that, under this Act, can be voted on at a general meeting of the association.

Admission to membership

13(1) The council must admit a person to membership in the association if

(a) both of the following apply:

(i) the person is a Canadian citizen or a permanent resident of Canada;

(ii) the person has submitted to the council the evidence referred to in subsection (1.1), or

(b) the person is a person whom the council is obliged under the *Labour Mobility Act* to admit to membership in the association.

(2) Despite subsection (1) or (5), the council may refuse registration or a licence to a person if

(a) the council has reasonable and probable grounds to believe that the person 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 that the nature or circumstances of the offence render the person unsuitable for registration or licensing, or

(b) the person has contravened this Act or the bylaws.

(4) A person who is neither a citizen or permanent resident of Canada nor a person referred to in subsection (1) (b), whose qualifications are those required by subsection (1.1) (a) to (d), and who desires to engage temporarily in the practice of professional engineering or professional geoscience in the Province, must first obtain a licence from the council which will entitle him or her to engage in the practice of professional engineering or professional geoscience in respect of a particular work or for a temporary period, or both, as the council decides.

(5) A person to whom subsection (4) applies must be granted the licence referred to in that subsection on

(a) producing evidence satisfactory to the council of his or her qualifications under subsection (4), and

(b) paying the established fees.

(8) The council may, in writing, delegate some or all of its powers and duties under this section to the registrar, on the terms or conditions the council considers advisable.

Issue of certificates of authorization

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

(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, and

(b) has satisfied the requirements of this section and the bylaws of the association.

(2) An application for a certificate of authorization, on a form provided by the council, must be filed with the registrar, together with the application fee specified by the council, and, to remain valid, the certificate holder must pay all fees specified by the council for certificate holders.

(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,

(b) has contravened this Act, the bylaws or the code of ethics of the association, or

(c) has demonstrated incompetence, negligence or unprofessional conduct.

Interprovincial agreements to practice

14.1(1) In this section, "governing body" means the governing body of professional engineering or professional geoscience in another province of Canada.

(2) Despite section 13, the council may enter into an agreement with a governing body to permit an engineer or a geoscientist who is qualified in the province of the governing body to practise professional engineering or professional geoscience, as the case may be, in British Columbia.

(3) In permitting a professional engineer or professional geoscientist to practise in British Columbia in accordance with an agreement under subsection (2), the council may

(a) attach conditions or limitations to the permission,

(b) impose a fee, and

(c) require the payment of a fine imposed by a governing body.

Interjurisdictional agreements to practice

14.2(1) In this section, "governing body" means the governing body of professional engineering or professional geoscience, or a profession considered by the council to be equivalent to one or both of those, in a jurisdiction that is outside of Canada.

(2) Despite section 13, the council may enter into an agreement with a governing body to permit an engineer or a geoscientist who is qualified in that jurisdiction to practise professional engineering or professional geoscience, as the case may be, in British Columbia.

(3) An agreement referred to in subsection (2) may specify qualifications that are considered by the council to be equivalent to those required under this Act for admission to membership or the granting of a licence under section 13 and that, if met by the engineer or geoscientist, as the case may be, from the other jurisdiction, satisfy the requirements under section 13 for admission to membership or the granting of a licence

Board of examiners

15(1) The council must

(a) appoint a board of examiners annually, and

(b) fill vacancies in the board as they occur.

(2) The board must examine all candidates for admission to membership when an examination is required under this Act

Examinations

16(1) Regular examinations of candidates for admission must be held in British Columbia at least once in each year at places and times decided by the council.

(2) Special examinations, at the discretion of council, may be held if the candidate or candidates for them deposit in advance with the registrar both a sum sufficient to defray the expenses of the special examinations and the appropriate examination fees established under the bylaws.

(3) The council must establish the scope of and procedure at examinations.

(6) As soon as possible, and not later than 21 days after the close of each examination, the members of the board who have conducted the examination must make and file with the registrar a certificate showing the results of the examination.

(7) On the filing of a certificate under subsection (6), the council must notify the candidate of the result of the examination and of its decision on the candidate's application.

(11) If a candidate has failed an examination 3 times, he or she may only take the examination again with the permission of the council.

Investigation of certificates

17(1) The council must cause the examination of all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining registration.

(2) The council may require the holder of credentials referred to in subsection (1) to attest, by oath or affidavit, any matter involved in his or her application.

Central examining board

18(1) The council may

(a) establish jointly with the council of any other association similarly constituted, in one or more of the other provinces, a central examining board, and

(b) delegate to the central examining board all or any of the powers possessed by the board respecting the examinations of candidates.

(2) Any examination conducted by the central examining board must be held in at least one place in British Columbia if so requested by the council

20(1) The registrar, on direction of the council, must issue

(a) a certificate of registration to each member of the association on registration of that member,
and

(b) a certificate of licence or a certificate of limited licence to each licensee.

Annual fee

21(1) The council, by resolution passed by at least 2/3 of the council members, may

(a) set an annual fee to be paid by members, licensees and certificate holders, and

(b) set the date on or before which the annual fee must be paid.

(2) On or before the date set by the council under subsection (1), every member, licensee and certificate holder must pay to the executive director **or other person authorized by the council** the applicable annual fee set by the council under subsection (1).

(3) If the council does not set a date under subsection (1), the annual fee must be paid on or before January 1 in the year for which it is imposed.

(4) The council, in its sole discretion, may remit the annual fee owing by a person under subsection (2).

Late fees and reinstatement fees

21.1(1) The council may establish late fees and reinstatement fees for members, licensees or certificate holders by a resolution supported by 2/3 of the councillors, and may levy and require payment of those fees.

(2) The council, in its sole discretion, may remit a late fee or reinstatement fee owing by a person under subsection (1).

Failure to pay fees

21.2(1) If a person fails to pay the annual fee or any other fee imposed under this Act, other than a late fee or a reinstatement fee, by the time the fee is required to be paid, the council must provide to the person at his or her last recorded address notice demanding payment of the fee.

(2) Subject to sections 32.1 (5) and 32.2 (3), if a person is still in default 30 days after notice under subsection (1) of this section is sent, the council may do one or both of the following:

(a) require the person to pay a late fee in addition to the unpaid fee;

(b) cancel the person's registration, licence or certificate of authorization without further notice.

Reinstatement or eligibility to renew

21.3(1) If any unpaid fee, late fee and reinstatement fee related to a registration, licence or certificate of authorization cancelled under section 21.2 is remitted or paid,

- (a) the council may reinstate the registration, licence or certificate of authorization, or
- (b) the licensee or certificate holder is eligible to reapply for a licence or certificate of authorization.

Complaints and investigations

29(3) If an inquiry under section 32 is not held in response to a complaint, the council must have the complainant, and the member, licensee or certificate holder against whom the complaint was made, informed of the reasons.

Investigation committee

30(1) The council must appoint an investigation committee of at least 5 persons, of whom one may be a non-member of the association, to hold office for a term determined by the council.

(2) The council may terminate an appointment to the investigation committee and may fill a vacancy on the committee.

(3) The investigation committee or a subcommittee composed of one or more of its members appointed by the investigation committee may, on receipt of a report under section 29 or subsection (7.1) of this section or whenever it considers it appropriate, investigate a member, licensee or certificate holder.

Discipline committee

31(1) The council must appoint a discipline committee of at least 5 members of the association to hold office for a term determined by the council.

(2) The council may terminate an appointment to the discipline committee and may fill a vacancy on the committee

Disciplinary action in other jurisdiction

33.1(1) A member or licensee must inform the council of disciplinary action taken against the member or licensee by a body that governs the practice of professional engineering or professional geoscience in another province of Canada or another jurisdiction outside Canada.

(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.

Cancellation of certificate of authorization

34.1 The council must inform the Registrar of Companies if a certificate of authorization is cancelled under section 21.2 (2) (b), 33 (2) (c) or 34 (3).

Legal assistance for council

36 For the purpose of carrying out its duties under this Act, the council may employ, at the expense of the association, legal counsel or assistance the council thinks necessary or proper.

Personal liability protection

41(1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against the members of the council, an employee or officer of the association, a member of the association or an individual acting on behalf of the association or under the direction of the council because of anything done or omitted

(a) in the performance or intended performance of any duty under this Act, or

(b) in the exercise or intended exercise of any power under this Act.

Court ordered production

45 On application by the council to the Supreme Court, the Supreme Court may order that a person produce any record or thing to an officer, committee or subcommittee of the association, or to a person designated by the council, if the court is satisfied that it is relevant to and reasonably required by the officer, committee or subcommittee for

- (a) an investigation of the conduct of a current member, licensee or certificate holder, or
- (b) a review of the professional practice of a current member, licensee or certificate holder.

Note: There are no regulations under British Columbia's *Engineers and Geoscientists Act*.

1.2 APEGBC Bylaws

Nominating committee - composition

3(a.1) The immediate past president shall be the chair of the nominating committee. In the event that the immediate past president is unable to act then a chair shall be appointed by council or failing that the chair shall be elected by the members present at the meeting.

No member of council may serve on the nominating committee, except in the capacity of chair.

Members of the committee shall be selected as follows:

- (i) Each year the council shall direct that the duly constituted geographical branches appoint 8 members or limited licensees to the nominating committee.
- (ii) The council shall appoint additional members or limited licensees to the committee to bring the total number of members to 12.
- (iii) The committee will include at least one P.Geol. and one P.Eng.

3(c) In the case of a vacancy in the council due to the incapacity, resignation or death of an elected member of council, the other members of council shall appoint a member or limited licensee of the association to fill the vacancy until the next regular election when the vacancy shall be filled through election by members and limited licensees of the association.

3(j) Ballots shall be counted at least 10 days prior to the annual meeting under the supervision of 3 members or limited licensees appointed by council.

Assistance to individuals and organizations

4 The council may by resolution:

- (a) Provide assistance, pecuniary or otherwise, to individuals and organizations where in the opinion of the council such assistance will be of benefit to the public, the association or its members.
- (b) Create divisions, committees, and regional groups (such groups to be known as "branches"), and delegate to them such powers and authority as the council may see fit.
- (c) Provide for the promotion of better public relations in such manner and by such means as the council may see fit, including, without limiting the generality of the foregoing, the publication of books, papers and periodicals.
- (d) Provide for all other acts reasonably necessary for the management, regulation and well being of the association.

Association funds

- 5(a) The council may retain such portion of the funds of the association as it may from time to time deem to be required for current purposes on deposit in a chartered bank in Canada.
- (b) The council may acquire and hold real property and sell, lease or otherwise dispose of it.
- (c) The council may borrow money for the purposes of the association and mortgage or charge real or personal property of the association or its sources of funds as security.
- (d) The council shall manage and conduct the business and affairs of the association, shall appoint staff and decide their remuneration, and exercise the powers of the association in the name of and on behalf of the association.
- (e) The council shall from time to time invest such of the funds of the association not deemed by council to be required for current purposes in investments and securities approved by council.

Proceedings of Council

6(a) The council of the association may meet together for the dispatch of business, adjourn, and otherwise regulate their meetings, as it sees fit. Questions arising at any meeting shall be decided by a majority of votes. Three councillors may at any time summon a meeting of the council, giving 7 days' notice to all members of the date, hour and place and purpose of such meeting.

(e) The council may delegate any of its powers to committees. Any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the council.

(f) The council may appoint the chair of any committee. If council does not appoint a chair then the committee shall elect one of their number as chair. If at any meeting the chair is not present within 10 minutes after the time appointed for holding the meeting, the members present may choose one of their number to be chair of the meeting.

(h) The council shall cause minutes to be made in books provided for the purpose of recording:

Board of examiners

7(a) As provided in section 15(1) of the Act, the council shall appoint annually from outside their own number a board of examiners with sub-groups of engineering and geoscience in which the sub-groups may operate separately at the discretion of the council. The sub-group for engineering shall include representation for each of the following disciplines: chemical, civil, forest, electrical, mechanical, mining and geological, metallurgical, structural and such other disciplines as council may deem advisable. The sub-group for geoscience shall include representation for each of the following disciplines: geology, geophysics, geochemistry and such other disciplines as council may deem advisable. All such examiners shall be remunerated as the council sees fit, whether basing such remuneration on the number of persons examined or on a daily rate.

Registration Committee

7(c)(1) The registration committee is hereby created.

(3) The registration committee is hereby delegated council's power and authority to:

(i) grant the registration of applicants as registered members in accordance with the Act and bylaws;

(ii) grant enrolment to applicants for other grades of membership in accordance with the Act and bylaws;

(iii) grant a licence or limited licence to an applicant, in accordance with the Act and bylaws;

(iv) assign examinations or coursework to applicants for registered membership, other grades of membership, licence or limited licence; and

(v) publish guidelines for the administration of the registration and licensing processes.

(4) The registration committee will implement the policies of council for the registration and licensing process.

(5) The registration committee may refer an applicant to council for a decision on the applicant's suitability for registration or licensing when, in the opinion of the registration committee, there is a serious concern that the applicant:

(i) may not be of good character and good repute; or

(ii) may have 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 that the nature or circumstances of the offence render the person unsuitable for registration or licensing.

Seal of the association

8 The seal of the association shall only be affixed to any instrument by authority of a resolution of the council.

Accounts, financial statements and audit

9(a) The council shall cause true accounts to be kept of the sums of money received and expended by the association and the manner in respect of which such receipt and expenditure takes place, and of the assets and liabilities of the association.

The books of account shall be kept at the office of the association or at such other place or places as the council sees fit and shall always be open to the inspection of the council.

The council shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the association or any of them shall be open to the inspection of members of the association other than councillors, and no member other than a councillor shall have any right to inspect any account or book or document of the association, except as authorized by the council or by the association in General meeting.

(b) The financial year shall be July 1 to June 30. Financial statements shall be drawn up annually for the year ending June 30 and such financial statements, together with the books of the association, shall be audited annually by an accountant appointed by the members and limited licensees. A report duly signed by such auditor shall be presented to the members and limited licensees, and council shall cause such report, together with the financial statements of the association, to be made available to all registered members and limited licensees at least 15 days prior to the annual meeting. These reports shall be accompanied by a report of the executive director as to the state of the affairs of the association.

Fees, application, registration and licence fees

10(a) Every application for a grade of membership or licence set out in section 11 of these bylaws shall be accompanied by an examination of credentials fee as set by council.

When an application referred to in this section is approved by council, an administrative fee as set by council shall be paid.

Non-Practising member

10(c) Council may grant non-practising membership to a member who is in good standing and who commits in writing to Council not to engage in the practice of professional engineering or professional geoscience until released from the commitment by Council in writing.

Members granted non-practising status shall retain voting privileges. Non-practising members who apply for practising status shall be required to pay the applicable fees set by Council and to demonstrate compliance with the current requirements in the Act and bylaws for registration as a member.

Life membership or licensure

10(c.1) Council, in its discretion, may upon application, confer life membership or licensure in the association upon any member or limited licensee.

Honorary life membership or licensure

10(c.2) Council, in its discretion, may confer honorary life membership or licensure in the association upon any member or limited licensee

(i) who has served as president of the association, or

(ii) who council deems worthy by virtue of outstanding contributions to the professions of engineering or geoscience who shall be entitled to enjoy the rights and privileges of membership or licensure in the association without further payment of fees.

Honorary membership

10(d) Council, in its discretion, by unanimous vote, may confer honorary membership in the association, without payment of fees, on non-members who have made outstanding contributions to the professions of engineering or geoscience.

Remission of fees

10(e) On written application, and for due and sufficient cause, the council may remit, reduce or defer the payment of the annual fee in accordance with council policy.

Resignation

10(f) If a member desires to resign, notification must be made to the registrar in a manner determined by the council. Upon resignation being accepted by the registrar, membership in the association shall cease.

Engineers-in-training, Geoscientists-in-training

11(c) Status as engineer-in-training or geoscientist-in-training may be granted to any person who has either:

- (1) graduated in any curriculum approved by the council; or
- (2) completed all the examinations required by the council.

Registered members

11(e) Registration as a member of the association shall be granted to an applicant who has satisfied all the requirements in the Act and submitted evidence, in the approved format, satisfactory to the council.

Provisional membership

11(e.1) Any person may be granted provisional membership when the council is satisfied that the applicant is of good character and repute and: ...

Limited licence

11(g) Any person may be granted a limited licence to practice professional engineering or professional geoscience when the council is satisfied that the applicant is of good character and repute and: ...

Designated structural engineer (Struct.Eng.)

11(h) (1) (i) The grade of membership of designated structural engineer (Struct.Eng.) is established. The qualifications that must be demonstrated in order for a member to be designated as a designated structural engineer (Struct.Eng.) shall be as established by council. The council may establish the time period for the holding of such a grade of membership and the annual fees payable by members who hold that grade of membership. Only members who are designated as a designated structural engineer (Struct.Eng.) may hold themselves out to be so designated.

(ii) A member may apply to the council to be designated as a designated structural engineer (Struct.Eng.). The council, on being satisfied that the member has demonstrated the requisite qualifications for that grade of membership, shall designate the member as having that grade of membership. Upon being designated, the member may be held out as having that grade of membership for the period of time determined by council.

(iii) The powers and authority under this section are delegated to such committee, committees, board or boards, as may be created by council for the purpose of performing such duties as council may decide.

11(h) (2) A licence holder may apply to council to be designated a designated structural engineer (Struct.Eng.) in the same manner and on the same terms and conditions as set out in section (1).

Change of bylaws

13(a) The introduction of new bylaws and the amendment or repeal of existing bylaws shall be effected in the manner prescribed in sections 10 and 11 of the Act.

(b) Any request by a member or members or limited licensee or limited licensees of the association for the introduction of a new bylaw, or the amendment or repeal of an existing bylaw, shall be given in writing to the registrar and shall be considered by the council within 60 days of the receipt of such request. If necessary a ballot shall be taken as provided in section 12 of the Act, and if the proposed new bylaw, amendment or repeal of existing bylaw is approved by a two-thirds majority of the votes cast, such action shall be considered as a mandate to the council.

Practice review

14(c) By means of a practice review process, the details and implementation of which shall be authorized by council, council may cause the professional practice of members and licensees to be reviewed.

Interpretation

15 In the event of any dispute as to the meaning or intent of these bylaws, the interpretation of the council shall be final, subject to the right of appeal as contained in section 39 of the Act.

Liability insurance

17(c) The council may:

(i) establish the terms, conditions, policies and procedures applicable to the secondary professional liability insurance program;

(ii) require that the secondary professional liability insurance program, subject to the terms and conditions of the policy, provide coverage to members, licensees, engineers-in-training, geoscientists-in-training, and provisional members who would otherwise have no professional liability insurance coverage for claims against them;

(iii) establish, from time to time, the fees to be paid by members, licensees, engineers-in-training, geoscientists-in-training and provisional members for the secondary professional liability insurance program.

2 Alberta: The Association of Professional Engineers and Geoscientists of Alberta

Appendix 1 summarizes Council's authority in *The Engineering and Geoscience Professions Act* in Alberta.

3 Saskatchewan: The Association of Professional Engineers and Geoscientists of Saskatchewan (APEGS)

3.1 The Engineering and Geoscience Professions Act, Statutes of Saskatchewan 1996, Chapter E-9.3

Insurance

7(1) If authorized by the bylaws to do so, the association may enter into a contract or contracts, in accordance with the bylaws, to provide all or any of its members with insurance with respect to professional liability claims.

(2) If authorized by the bylaws to do so, the council may establish, administer, maintain and operate a professional liability insurance scheme in accordance with the bylaws.

Meetings

8(1) An annual meeting of the association is to be held at the time and place that is determined by the council in accordance with the bylaws.

(2) A special meeting of the association for the transaction of the business that is specified in the resolution or demand is to be held:

(a) on a resolution of the council; or

(b) on the demand, in writing, of the number of members specified in the bylaws.

Council

9(1) The council shall govern the affairs and business of the association.

Public appointees

10(1) The Lieutenant Governor in Council may, after consultation with the association, appoint two Saskatchewan residents as councillors.

(5) An appointed councillor may exercise rights and serve as a member of committees to the same extent as other councillors, but is not eligible to be an officer of the association.

(6) One councillor appointed pursuant to subsection (1) shall be a member of any investigation committee and one councillor appointed pursuant to subsection (1) shall be a member of any discipline committee.

(7) The absence or inability to act as a member of an investigation committee or discipline committee by an appointed councillor or the failure to appoint a councillor pursuant to this section does not impair the ability of the other members of a committee to act.

Vacancy

12(1) When a vacancy occurs in the elected membership of the council, the remaining councillors may appoint another member to fill the vacancy until the earlier of:

(a) the expiry of the term of office of the elected councillor who ceased to be a member of the council; or

(b) the date on which a member is elected to fill the vacancy in accordance with this Act and the bylaws.

(2) A vacancy in the membership of the council does not impair the power of the remaining councillors to act.

(3) If a member serving as a councillor is suspended from the association, the member's powers and duties as a councillor are suspended for the same period.

(4) If a member serving as a councillor is expelled from the association, the member ceases to be a councillor on the day the member is expelled.

Officers and employees

13(2) The council shall appoint a registrar.

(3) The council may engage any employees that it considers necessary to carry out the duties and functions of the association.

(4) Subject to this Act and the bylaws, the council shall determine the duties, responsibilities and remuneration of employees of the association.

Committees

14(1) The council may establish any committees that are provided for by the bylaws or that it considers necessary.

(2) The council shall appoint persons to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).

(3) Subject to this Act and the bylaws, the council, on any terms or conditions that it may determine, may delegate any of its powers or duties to a committee provided for by this Act, the bylaws or established pursuant to subsection (1).

(4) The exercise of a delegated power by a committee is deemed to be an exercise of that power by the council.

(5) The council shall not delegate the power to make bylaws.

Procedures

15(1) The council, with the approval of not less than three-quarters of the councillors, may make bylaws for any purpose set out in section 16.

(2) A bylaw made by the council pursuant to subsection (1) has effect only until the next annual or special meeting of the association and, unless confirmed or varied by the members in accordance with subsection (3), ceases to have any effect after that time.

(3) With the approval of a two-thirds majority of those members who vote at an annual or special meeting, the association may:

(a) make bylaws for any purpose set out in section 16; and

(b) confirm, vary or revoke any bylaw made by the council pursuant to subsection (1).

(8) No regulatory bylaw made by the council or the association comes into force until it is:

(a) approved by the minister pursuant to section 17; and

(b) published in the Gazette.

(9) An administrative bylaw comes into force on the date specified in the bylaw, which may not be prior to the date it is made.

Bylaws

16(1) Subject to this Act, administrative bylaws may be made pursuant to section 15 for the following purposes:

(a) prescribing the location in Saskatchewan for the head office of the association;

(b) prescribing the seal of the association;

(c) providing for the execution of documents by the association;

(d) respecting the banking and financial dealings of the association;

(e) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;

(f) respecting the management of the property of the association;

(g) prescribing the number and terms of office of elected councillors;

(h) prescribing the officers of the association and governing the procedure for the appointment or election of those officers;

(i) prescribing the duties of councillors, officers and employees of the association;

- (j) governing the procedures for the election of elected councillors;
- (k) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (l) respecting the holding and procedures of meetings of the council and annual and special meetings of the association;
- (m) prescribing the amount of registration, licensing and other fees payable to the association, the times of payment and penalties for late payment;
- (n) prescribing the remuneration and reimbursement for expenses for elected councillors and for committee members;
- (o) providing for the receipt, management and investment of contributions, donations or bequests;
- (p) regulating joint participation by the association with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the association;
- (q) establishing any committees, prescribing the manner of election or appointment of committee members and prescribing the duties of committee members;
- (r) establishing and governing awards, scholarships, bursaries and prizes;
- (s) establishing regional sections or chapters of the association and determining the scope of their activities and basis for funding.

(2) Subject to this Act, regulatory bylaws may be made pursuant to section 15 for the following purposes:

(a) prescribing the qualifications, standards, tests of competency and experience requirements for:

(i) the registration of individuals or any category of individuals as members;

(ii) the issuing of licences;

(b) prescribing:

(i) the procedures governing registration of individuals or any category of individuals as members;

(ii) the procedures governing the issuing of licences;

(iii) the terms and conditions of licences;

- (c) setting standards of professional conduct, competency and proficiency of licensees;
- (d) providing for a code of ethics for licensees;
- (e) setting standards regarding the manner and method of practice of licensees;
- (f) prescribing procedures for:
 - (i) the review, investigation and disposition by an investigation committee of complaints alleging that a member or licensee is guilty of professional misconduct or professional incompetence;
 - (ii) hearings by a discipline committee of complaints alleging that a member or licensee is guilty of professional misconduct or professional incompetence;
 - (iii) reviews pursuant to subsections 24(4) and 32(7);
- (g) establishing categories of membership in the association and prescribing the rights and privileges of each category;
- (h) prescribing the circumstances under which members or licensees are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
- (i) governing the approval of academic programs for purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
- (j) setting standards for continuing education and the participation of members in continuing education;
- (k) governing the reinstatement of a member who has been expelled;
- (l) setting requirements for maintenance of membership;
- (m) regulating advertising by licensees;
- (n) prescribing the number of members required to demand a special meeting of the association;
- (o) prescribing the minimum amount of liability protection that licensees are required to obtain and maintain;
- (p) prescribing the form, content and maintenance of the register and the information to be provided by members, licensees and holders of certificates of authorization for the purpose of the register;
- (q) respecting the reporting and publication of decisions and reports of the council and committees;
- (r) respecting the types and service of notices that may be served electronically;

(s) prescribing requirements governing the signing and sealing, by licensees and holders of certificates of authorization, of documents and designs and specifying the forms of seals and the conditions for their issuance and ownership;

(t) authorizing the council:

(i) to enter into contracts of insurance on behalf of licensees, on any terms and conditions that are considered appropriate; or

(ii) to establish, administer, maintain and operate a professional liability insurance scheme on any terms and conditions that are considered appropriate;

(u) prescribing any other matters considered necessary for the better carrying out of this Act.

Registration and licensing

18(1) The council, in accordance with this Act and the bylaws, may register individuals as members.

(2) The council, in accordance with this Act and the bylaws, may issue:

(a) an annual licence to a member to practise professional engineering or professional geoscience, as the case may be;

(b) a restricted licence to a member to practise professional engineering or professional geoscience, as the case may be, on any terms and conditions specified in the licence; or

(c) a temporary licence to a person to practise professional engineering or professional geoscience, as the case may be, on any terms and conditions specified in the licence.

Register

19(1) In accordance with the bylaws, the council shall keep a register in which the name and address of every member, licensee and holder of a certificate of authorization is to be recorded.

Requirements for registration

20(1) The council may register a person as a member where the person produces evidence establishing to the satisfaction of the council that he or she:

(a) has paid the prescribed fees;

(b) has complied with the bylaws with respect to registration as a member;

(c) is eligible according to the bylaws to be a member; and

(d) has successfully completed:

(i) in the case of a person who applies for registration as a professional engineer, a bachelor level university program of study in engineering recognized by the council; or

(ii) in the case of a person who applies for registration as a professional geoscientist, a four-year bachelor level university program of study in geoscience recognized by the council.

(1.1) Notwithstanding clause (1)(d), the council may register as a member a person who is a member in good standing, as a professional engineer or geoscientist, of any association of engineers or geoscientists in another jurisdiction within Canada.

(2) Notwithstanding that a person does not comply with the requirements in subsection (1), the council may register the person as a member and issue a restricted licence to the person to practise professional engineering or professional geoscience, as the case may be, where the person produces evidence establishing to the satisfaction of the council that he or she:

(a) is eligible, according to the bylaws, to be a member;

(b) has paid the prescribed fees; and

(c) has complied with the bylaws with respect to registration.

(3) The council may issue a temporary licence to a person to practise professional engineering or professional geoscience, as the case may be, where the person produces evidence establishing to the satisfaction of the council that he or she:

(a) is eligible, according to the bylaws, for a temporary licence;

(b) has paid the prescribed fees; and

(c) has complied with the bylaws with respect to receiving a temporary licence.

22(4) The council shall issue a certificate of authorization to a partnership, association of persons or corporation that submits an application to the registrar in the form prescribed in the bylaws containing:

(a) the names of all licensees, who have annual or temporary licences, who will be in charge of the practice of professional engineering or the practice of professional geoscience, as the case may be, on its behalf; and

(b) the names of the licensees listed in accordance with clause (a) who are its official representatives and whose duty it is to ensure that it complies with this Act and the bylaws.

Information to be provided

23(1) Every partnership, association of persons or corporation that engages in the practice of professional engineering or the practice of professional geoscience shall provide the association with any records or property that the council or a person designated by the council requests and that the council or the person designated by the council reasonably believes are required to investigate alleged professional misconduct or professional incompetence or an alleged contravention of this Act.

(2) The requirement to provide records and property applies whether or not the partnership, association of persons or corporation holds a certificate of authorization.

Delegation and appeal

24(1) The council may delegate to the registrar the power to do all or any of the following:

- (a) register persons as members;
- (b) issue licences;
- (c) issue certificates of authorization.

(2) Where a power is delegated pursuant to this section, the exercise of that power by the registrar is deemed to be an exercise of the power by the council.

(3) The council may impose any terms and conditions that it considers appropriate on a delegation of its powers.

(4) A person who is aggrieved by a decision of the registrar made pursuant to a delegated power may apply to the council to review that decision.

(5) On a review pursuant to subsection (4), the council shall hear the review and may:

- (a) direct the registrar to exercise the power in a manner that the council considers appropriate;
- or (b) confirm the registrar's decision.

(6) On a review pursuant to subsection (4), the person aggrieved by the decision of the registrar has the right to appear in person before the council in support of the application.

(7) The council shall cause the applicant to be informed in writing of its decision regarding the review.

Investigation committee

31(1) Subject to subsection (2), the council shall appoint an investigation committee.

(2) The council shall appoint as a member of an investigation committee one of the councillors appointed pursuant to section 10.

(3) No member of the discipline committee and no elected councillor is eligible to be a member of the investigation committee.

Investigation

32(7) A person who made the complaint with respect to which the investigation was conducted may apply to the council to review a recommendation of the investigation committee that no further action be taken.

(8) On completion of the review pursuant to subsection (7), the council may:

(a) confirm the decision of the investigation committee; or

(b) refer the matter back to the investigation committee:

(i) to investigate the matter further; or

(ii) to prepare a written report recommending that the discipline committee hear and determine a formal complaint.

Discipline committee

33(1) The council shall appoint a discipline committee.

(2) The council shall appoint as a member of a discipline committee one of the councillors appointed pursuant to section 10.

(3) No member of the investigation committee and no elected councillor is eligible to be a member of the discipline committee.

(4) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and proceedings.

Suspension

38 A judge of the court, on the application of the council, may direct that a member be suspended pending the disposition of a criminal charge where:

(a) a criminal charge is laid against the member; and

(b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

Reinstatement

42(1) A person who has been expelled as a member may apply to the council for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the council shall:

(a) review the application; and

(b) investigate the application by taking any steps it considers necessary.

(3) On completion of its investigation, the council may:

(a) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the council considers appropriate; or

(b) by order, refuse to reinstate the person.

Immunity

46 No action lies or shall be instituted against:

- (a) the council;
- (b) appointed or elected councillors;
- (c) an investigation committee;
- (d) a discipline committee;
- (e) any member of any committee; or
- (f) any officer, employee or agent;

of the association for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

Limitation of prosecution

48 No prosecution for a contravention of any of the provisions of section 26 or 27 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the council.

Review by Legislative Assembly

50(1) One copy of every bylaw and amendment filed with the Director of Corporations pursuant to section 17 is to be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act* in accordance with section 13 of *The Executive Government Administration Act*.

(2) Where any bylaw or amendment laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, that bylaw or amendment ceases to have any effect and is deemed to have been revoked.

Note: There are no regulations under Saskatchewan's *Engineering and Geoscience Professions Act*.

3.2 APEGS Administrative Bylaws

Audit

8(1) The Council shall appoint a chartered accountant to be the auditor of the Association.

(2) The auditor shall annually, or more frequently as required by the Council, audit the books and accounts of the Association and shall, annually after the completion of the fiscal year, furnish a statement of the Association's financial affairs, which shall be presented at the annual meeting of the Association.

Nominations

13(1) The Council shall appoint a nominating committee consisting of the immediate past-president, who shall chair the committee, and at least two other members of the Association.

Conduct of election

15(1) Council shall prescribe the form of the ballot....

15.1(1) Notwithstanding section 15, a member may vote electronically as prescribed by such terms and conditions established by Council from time to time and such vote shall be received and treated by the Association as having the same force and effect as if sent by letter ballot pursuant to section 15.

Executive Director

19(1) The Council shall appoint an Executive Director.

(2) The Executive Director shall perform the duties imposed on the Executive Director by the Act and the bylaws and shall:

(e) under the direction of the Council, collect and receive, pay out or invest all monies due and payable to and by the Association; ...

(h) furnish any other financial reports that may be requested by Council; and

(i) perform all duties incidental to the office of Executive Director and any others that may be assigned to the office by the Council.

(3) The Executive Director shall, at the expense of the Association, be bonded for the faithful performance of his or her duties with a surety company in an amount satisfactory to the Council.

Council

20(1) The Council shall meet at the call of the president.

Association

21(1) The annual meeting of the Association shall be held in the first six months of each year at a place in Saskatchewan determined by the Council.

Establishment

24 Where the Council establishes committees pursuant to subsection 14(1) of the Act:

- (a) the committees shall perform their duties under the direction of the Council;
- (b) a majority of committee members constitutes a quorum;
- (c) committee members may, in the discretion of the Council, be paid reasonable travelling expenses incurred in the course of their duties.

General

30(5) The Council may, for cause, remit the whole or any portion of any fee or late payment penalty.

3.3 APEGS Regulatory Bylaws

4(2) Registration as a member-in-training expires after seven years, unless, where exceptional circumstances exist in the opinion of the Council, the Council extends that period.

(4) An engineer-in-training or a geoscientist-in-training is required to complete

the engineering or geoscience work required by virtue of clause 10(1)(a) or 11(1)(a) under the direct supervision of a professional engineer or professional geoscientist, or to have a mentor who is a professional engineer or professional geoscientist acceptable to the Council, unless, where exceptional circumstances exist in the opinion of the Council, the Council waives the direct supervision or mentor requirement.

Life Member

6.1(1) A member in good standing who is 65 years of age or more, or who was designated a life member pursuant to *The Engineering Profession Act*, as it existed on March 5, 1997, and who is retired is eligible to be granted life member status by Council.

Registration procedures generally

7(2) The certificate of registration issued to members shall be in the form determined by Council.

Engineering and Geoscience Licensees

9 To qualify for registration as an engineering or geoscience licensee, a person must, in addition to the requirements set out in subsection 20(2) of the Act, in the opinion of the Council, be qualified to practise in a particular field or type of engineering or geoscience, under any terms and conditions that the Council may determine.

Professional engineer

10(1) To qualify for registration as a professional engineer, a person must, in addition to the requirements set out in subsection 20(1) of the Act:

(a) in the case of a person:

(i) who is registered as an engineer-in-training:

(A) on or before December 31, 1997, have two years of experience in engineering work satisfactory to the council; or

(B) after December 31, 1997, have four years of experience in engineering work satisfactory to the Council as set out in Appendix 3;

(ii) who is a former member of the Association or of an association in another jurisdiction recognized by the Council as being comparable to the Association, have four years of experience in engineering work satisfactory to the Council as set out in Appendix 3; and

(b) complete an examination, called "Principles of Professional Practice", which conforms to the required admission standards, secure a grade acceptable to the Council, and pay the required examination fee, or submit evidence satisfactory to the Council that he or she has already passed a similar examination recognized by the Council or was admitted to membership in a Canadian professional association recognized by Council prior to January 1, 1987.

(2) Subsection (1) does not apply to a person who is a member in good standing, as a professional engineer, of an association of engineers in another jurisdiction recognized by the Council as being comparable to the Association.

Professional geoscientist

11(1) To qualify for registration as a professional geoscientist, a person must, in addition to the requirements set out in subsection 20(1) of the Act:

(a) in the case of a person:

(i) who is registered as a geoscientist-in-training:

(A) on or before December 31, 1997, have two years of experience in geoscience work satisfactory to the council; or

(B) after December 31, 1997, have four years of experience in geoscience work satisfactory to the Council as set out in Appendix 4;

(ii) who is a professional engineer or engineer-in-training or a former member of the Association or of an association in another jurisdiction recognized by the Council as being comparable to the Association, have four years of experience in geoscience work satisfactory to the Council as set out in Appendix 4;

(b) complete an examination, called "Principles of Professional Practice", which conforms to the required admission standards, secure a grade acceptable to the Council, and pay the required examination fee or submit evidence satisfactory to the Council that he or she has already passed a similar examination recognized by the Council.

(2) Subsection (1) does not apply to a person who is a member in good standing, as a professional geoscientist, of an association of engineers or geoscientist in another jurisdiction recognized by the Council as being comparable to the Association.

(3) Notwithstanding subsection (1), for the purposes of section 67 of the Act, a person qualifies for registration as a professional geoscientist if the person:

(a) applies for registration as a professional geoscientist within two years after the day on which the Act comes into force;

(b) holds a university degree recognized by the Council in geoscience or a related discipline and has five years of work experience in geoscience satisfactory to the Council, or has 10 years of work experience in geoscience satisfactory to the Council, and, in either case, at least one year of which is work experience in Canada; and

(c) names four geoscientists who are members of a recognized professional institution or learned society acceptable to the Council and who are familiar with the person's work experience who attest to the peer acceptance of the work and ability of the person as a geoscientist.

Licences required

13(2) A member who is retired or is not working in Saskatchewan may apply to the Council to waive the requirement to obtain a licence while the member is retired or not working in Saskatchewan.

Restricted licence

15(1) A restricted licence is available to a limited member whose area of practice is restricted, for any reason, to certain types of work, times or geographical locations.

(2) For the purposes of subsection 20(2) of the Act, the Council may impose appropriate restrictions on the practice of a limited member.

Applications to review decisions of the registrar

19(1) For the purposes of subsection 24(4) of the Act, an application to review a decision of the registrar respecting an application for registration or licensure must be made to the Council, within 30 days after a written copy of the decision is served, by sending or delivering a written request in the form of a letter to the Council, which must be received in the Association's head office within that time, setting out the grounds on which the applicant alleges that the registrar's decision is in error, together with any documentation necessary to support the allegation.

(2) The Council shall provide an applicant for review with an opportunity to make a verbal presentation to the Council, if desired by the applicant, as soon as possible after the application is received.

Applications to review decisions of the investigation committee

23(1) For the purposes of subsection 32(7) of the Act, an application to review a recommendation of the investigation committee that no further action be taken in respect of a complaint concerning the conduct of a member must be made to the Council, within 30 days after a copy of the recommendation is served, by sending or delivering a written request in the form of a letter to the Council, which must be received in the Association's head office within that time, setting out the grounds on which the applicant alleges that the investigation

committee's decision is in error, together with any documentation necessary to support the allegation.

(2) The Council shall provide an applicant for review with an opportunity to make a verbal presentation to the Council, if desired by the applicant, as soon as possible.

Professional Liability Insurance Program

29(1) The Council may enter into a contract or contracts to provide all or any of its members with insurance with respect to professional liability claims.

4 Manitoba: The Association of Professional Engineers and Geoscientists of Manitoba (APEGM)

4.1 The Engineering and Geoscientific Professions Act, Continuing Consolidation of the Statutes of Manitoba, Chapter E120

Effect of absence from meetings

8(4) Where a councillor fails to attend three successive regular meetings of the council, he or she thereupon ceases to be a councillor, unless the absence has been excused by resolution of the council.

Powers of council

9(1) The council shall exercise, in the name and on behalf of the association, any and all of the powers, authority and privileges conferred on the association by this Act or any other Act and, without restricting the generality of the foregoing, the council

(a) shall govern the association and administer its affairs; and

(b) may provide for the appointment of committees and appoint councillors, members of the association or other persons to the committees, and confer upon the committees so appointed power and authority to act for the council in, and in relation to, such matters as it may deem expedient and, fix the quorum of the committees for the transaction of their business.

Delegation of authority

9(2) The council may delegate to a committee any power, authority or duty granted to or imposed upon the council under this Act, including, without limiting the generality of the foregoing, the powers, authority and duties granted to or imposed upon the council under Part 10, and where a committee exercises any power or authority or performs any duty delegated to it under this subsection, the provisions of this Act apply mutatis mutandis to any act or decision of the committee as though it was the act or decision of the council.

Validity of council's acts

10 Notwithstanding that there may be some cause for disqualification or some defect in the election or appointment of any councillor or councillors, all acts of council or any committee shall be as valid as if all had been regularly elected or appointed and were at all times qualified to act.

Establishment of code of ethics

11(1) The council shall prepare and publish from time to time a code of ethics containing standards of conduct pertaining to the practice of professional engineering and of professional geoscience designed for the protection of the public

By-laws

12(1) The association may make, vary or revoke by-laws not inconsistent with this Act

(a) respecting the management of the business and affairs of the association and its property, including the location of the head office of the association, and the appointment of the secretary,

registrar and other staff, the delegation of powers and authority to the secretary, registrar and staff and the setting of their duties and remuneration;

(b) respecting the election of members of the association to council and the filling of vacancies;

(c) regulating the meetings and proceedings of the association and the council and all matters pertaining thereto;

(d) providing for the establishment, dissolution and administration of chapters, regional groups and ancillary bodies and the delegation to them of those powers and authority as the council sees fit;

(e) providing for the establishment of standards and qualifications for enrolment as an engineer-in-training or a geoscientist-in-training;

(f) respecting the establishment of programs of training for an engineer-in-training or a geoscientist-in-training;

(g) respecting the qualification and examination of candidates for registration as professional engineers or as professional geoscientists;

(h) respecting the amounts and terms relating to the posting of cash deposits by persons appealing any decision of the registration committee;

(i) providing for the establishment of standards and qualifications to be met and maintained by temporary licensees and specified scope of practice licensees;

(j) respecting the establishment and maintenance of standards of professional practice and of compulsory continuing development programs for members, temporary licensees, engineers-in-training, geoscientists-in-training and specified scope of practice licensees;

(k) respecting the establishment of procedures for monitoring participation in compulsory continuing development programs by members, temporary licensees, engineers-in-training, geoscientists-in-training and specified scope of practice licensees;

(l) prescribing fines and penalties for failure to participate in compulsory continuing development programs;

(m) establishing classifications of membership and providing for the enrollment and registration of students by the association;

(n) establishing fees and dues to be paid by members, holders of certificates of authorization, temporary licensees, specified scope of practice licensees, engineers-in-training, geoscientists-in-training and applicants to the association;

(o) respecting the election of officers of the association;

(p) respecting the appointment and remuneration of and defining the duties of the officers, councillors, committees, and employees of the association;

- (q) prescribing fines and penalties for default in payment of fees and dues and terms of re-admission to the privileges of the association;
- (r) respecting the government and discipline of members, holders of certificates of authorization, temporary licensees, specified scope of practice licensees, engineers-in-training and geoscientists-in-training including, but not limited to, the reprimand, temporary suspension, indefinite suspension, acceptance of undertakings, imposing of conditions on practice, directing additional study, directing that a disability or addiction be overcome, directing counselling, directing waiver, reduction or repayment of monies, imposition of fines and cancellation of membership, licensing or enrolment of members, holders of certificates of authorization, temporary licensees, specified scope of practice licensees, engineers-in-training and geoscientists-in-training found to be guilty of professional misconduct or unskilled practice of professional engineering or professional geoscience, but subject to any right of appeal given by this Act;
- (s) respecting the establishment and maintenance of the standards of professional conduct and ethics by members, holders of certificates of authorization, temporary licensees, specified scope of practice licensees, engineers-in-training and geoscientists-in-training;
- (t) respecting the procedures for dealing with complaints against members, holders of certificates of authorization, temporary licensees, specified scope of practice licensees, engineers-in-training and geoscientists-in-training;
- (u) respecting the appointment of persons to the investigation committee and the regulation of meetings and proceedings of the investigation committee;
- (v) respecting the appointment of persons to the discipline committee and the regulation of meetings and proceedings of the discipline committee;
- (w) prescribing the circumstances and manner in which members, temporary licensees, engineers-in-training, geoscientists-in-training, specified scope of practice licensees and certificate holders must disclose that errors and omissions insurance is not held or is not applicable;
- (x) prescribing a schedule of suggested professional charges and salaries;
- (y) regulating the group practice of professional engineering and of professional geoscience;
- (z) providing for the electronic validation or sealing and manual impression of the seal on engineering documents;
- (z.1) establishing and governing bursaries, loans, awards and other educational incentives or programs related to engineering and geoscience;
- (z.2) respecting providing financial or other assistance to persons for the purpose of furthering the public interest;
- (z.3) respecting public risk advocacy by the association;

(z.4) regulating the association's participation with others having purposes consistent with those of the association;

(aa) respecting any other matters necessary in the administration of this Act, or in the management and operation of the association.

By-laws may delegate

12(2) All by-laws may delegate to the council the authority to define specific details through policies and procedures.

Policies and procedures

12(3) The council may establish operating policies and procedures not inconsistent with this Act or with any by-law of the Association

(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;

(b) providing details of the processes to be followed in implementing the requirements of this Act, the by-laws of the association or any policy established by council; and

(c) providing any other specific information required for the orderly and efficient conduct of the work of the association.

Registration committee

14(1) The council shall, in accordance with the by-laws, appoint a registration committee to consider and decide upon applications for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrollment as engineers-in-training or geoscientists-in-training.

Criteria and standards

14(2) The council shall establish criteria and standards to be used by the registration committee in

(a) assessing the academic qualifications and engineering work experience;

(b) prescribing confirmatory, exploratory, proficiency and qualifying examinations; and

(c) setting such other requirements as are not inconsistent with this Act and by-laws; for applicants for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrolment as engineers-in-training or geoscientists-in-training.

Reinstatement

15(3) The council upon such grounds as it may deem sufficient and upon such terms as it may deem proper, may reinstate a former member whose registration has been cancelled under subsection 47(1).

Qualifications for certificate of authorization

16(2) No person is entitled to hold a certificate of authorization, unless such person ...

(e) complies with such requirements as the council, taking into account the public interest, may establish from time to time respecting

(i) the amounts, terms and conditions of professional liability insurance coverage to be maintained by a partnership, corporation or other legal entity,

(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

(iii) disclosure of the nature and extent of professional liability insurance coverage or any alternative to such 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; and

Waiver of insurance requirement

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.

Appeal to council

21(1) A person whose application for a certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training is not approved by the registration committee may, by notice in writing within 30 days of receipt of a notice of refusal, appeal the decision of the registration committee to the council, specifying the reasons for the appeal.

Hearing

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.

Decision by council

21(6) On considering an appeal under this section, the council may make any decision the registration committee could have made and shall give notice of its decision to the applicant in writing.

Application not approved by council

21(7) A person whose appeal is refused by the council shall be given, together with the notice referred to in subsection (6) hereof, reasons for council's decision and shall be advised of the applicant's right to appeal the decision of the council to the court.

Deposit to be returned

23 The deposit shall be returned to the applicant at the conclusion of any appeal process unless the council or the court orders that the deposit be forfeited in whole or in part, as it sees fit.

Annual dues

Appeal

24(3) Notwithstanding the provisions of subsection (2), any member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training whose name has been removed from the register, may by notice in writing to the registrar, appeal such action to the council.

Power on appeal

24(4) On an appeal under this section, the council may confirm or reverse the removal from the register, or reinstate the registration of the member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training, or geoscientist-in-training upon such terms as in the opinion of the council are appropriate.

Certificate of authorization

28(2) The registrar shall issue or cause to be issued to each partnership, corporation or other legal entity to whom the council has granted authorization, a certificate of authorization.

Certificate of temporary licence

28(3) The registrar shall issue or cause to be issued, to each natural person to whom the council shall direct, a temporary licence.

Certificate of specified scope of practice licence

28(4) The registrar shall issue or cause to be issued, to each natural person to whom the council shall direct, a specified scope of practice licence.

Signing of certificates

28(5) Each certificate issued under this section shall be signed by the president, or any other person appointed by the council, and the registrar under the seal of the association, and shall remain the property of the association and shall be returned to the association upon the suspension or cancellation or removal from the register of the registration, licence, or certificate of authorization.

Investigation committee

30 The council shall, in accordance with the by-laws, appoint an investigation committee of not fewer than five natural persons consisting of

- (a) a chair appointed by the council;
- (b) a lay person who shall report to the council on the practices and procedures followed by the investigation committee; and

(c) not fewer than three members of the association, who are not members of the council or the discipline committee.

Powers of committee of council

36(3) Where a committee is selected to consider any appeal by a complainant, the committee has all the authority and powers of the council in respect of such appeals.

Discipline committee

38(1) The council shall, in accordance with the by-laws, appoint a discipline committee of not fewer than 10 natural persons consisting of

(a) a chair appointed by the council; (b) three lay persons; and (c) six members of the association representing various disciplines of engineering and geoscience who are not members of the council.

Witness fees

43(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for production under subsection (1) is entitled to be paid such witness fees as may be decided by the council from time to time.

Stay pending appeal to council

51(1) The decision of the panel remains in effect pending an appeal to the council unless the council, on application, stays the decision pending the appeal.

Stay pending appeal to court

51(2) The decision of the council remains in effect pending an appeal to the court unless the court, on application, stays the decision pending the appeal.

Rules of practice and procedure

52 Subject to the approval of the council, each of the investigation committee, the discipline committee and any panel of the discipline committee shall determine its own rules of practice and procedure.

Appeal to council

53(1) An investigated person or the complainant may appeal to the council a finding or an order, or both, of the panel or the discipline committee.

Powers of council on appeal

53(4) The council shall, within 90 days from the date of the conclusion of all proceedings before it, do any of the following:

- (a) make any finding or order that in its opinion ought to have been made by the panel;
- (b) quash, vary or confirm the finding or order of the panel or any part of the finding or order;
- (c) refer the matter back to the discipline committee for further consideration in accordance with any direction of the council.

Costs

53(5) The council may make an award as to costs payable on the conclusion of an appeal before the council.

Deposit may be returned

54 The deposit shall be returned to the applicant at the conclusion of any appeal process unless the council or the court orders that the deposit be forfeited, in whole or in part, as it sees fit.

No action to lie

56 No action lies against the council, any person participating in any committee of the council, any member, any holder of a certificate of authorization, any temporary licensee, any specified scope of practice licensee or any engineer-in-training or any geoscientist-in-training or any officer or employee of the association, for any action taken under this Act, the by-laws or any policy or procedure of council if the action was taken in good faith.

Information

63 An information for an offence under this Act may be laid by any member of the association or any person appointed by the council.

Determination to be implemented

68(5) A joint determination under subsection (4) [regarding disputes] must be implemented by the council of one or both associations, whichever is necessary to give full effect to the determination.

Note: There are no regulations under Manitoba's *Engineering and Geoscientific Professions Act*.

4.2 APEGM Bylaws under The Engineering and Geoscientific Professions Act

1.1.2 Interpretation

If there is a dispute as to the meaning or intent of any by-law, the interpretation of council shall prevail.

3.1.5 Withdrawal of Nomination

Upon any withdrawal of a nomination: c) after the commencement of the vote, the counting of the votes shall be in accordance with the method approved by council and on file in the association office, taking into account the withdrawal of the nominee or nominees.

3.1.5.1 Letter Ballots

Upon any withdrawal of a nomination: c) after mailing the ballots, the ballots shall be counted in accordance with the method approved by council and on file in the association office, taking into account the withdrawal of the nominee or nominees.

3.1.7 Counting of the Votes

At least 10 days prior to the date of the annual general meeting, the president shall appoint three scrutineers who shall be professional members of the association but not members of council or nominees for election to council. The election shall be decided according to the rules of proportional representation. The method for counting votes shall be that approved by council and on file in the association office.

3.1.8 Vacancies

If a vacancy shall occur among the elected councillors for any reason whatsoever, the council may fill the vacancy by appointing a registered professional member of the association, professional engineer or professional geoscientist as the case may be, to fill the vacancy for the balance of the term.

3.3.1 Registrar

The registrar shall be appointed by the council. The term of office and remuneration of the registrar shall be determined by the council from time to time.

3.3.2 Secretary

The secretary shall be appointed by the council. The term of office and remuneration of the secretary shall be determined by the council from time to time. The offices of registrar and secretary may be combined.

3.3.3 Executive Director

The council may appoint an executive director. The term of office and remuneration of the executive director shall be determined by the council from time to time. The office(s) of registrar and/or secretary may be combined with that of the executive director.

4.1.2 Resignation

An elected councillor may at any time give notice in writing to council of his or her wish to resign, and such resignation shall become effective upon the acceptance of the resignation by the council.

4.1.4 Policies and Procedures

The council shall establish operating policies and procedures for the association in accordance with sub-sections 12 (2) and 12 (3) of the Act. The policies and procedures shall be published and be made available for examination at the association office.

4.2.2.1 Election

The vice-president shall be elected by the council from the elected councillors.

4.2.2.3 Filling a Vacancy

If the office of the vice-president becomes vacant for any reason the council shall elect a replacement whose term of office shall be determined by 4.2.2.2.

4.2.3 Executive Committee Member

Should the council authorize the establishment of an executive committee, a member of the council shall be elected to serve on the committee.

4.2.3.1 Election

The executive committee member shall be an elected member of the council and shall be elected by the council preferably within three months and in no case later than six months after each annual general meeting.

4.2.3.3 Filling a Vacancy

If the office of the executive committee member becomes vacant for any reason the council may elect a replacement whose term of office is determined by 4.2.3.2.

4.2.4.2 Filling a Vacancy

If the office of the past-president becomes vacant for any reason the council may appoint a replacement from among the other past-presidents of the association. His or her term of office shall be determined by 4.2.4.1.

4.3.1.1 Governance

Councillors shall be responsible for ensuring that the council prepares, revises when appropriate, publishes and adheres to a Governance Manual developed for guidance in carrying out its responsibility for the association's overall performance.

4.3.2 President

The president, if present, shall preside at all meetings of the association, of the council, and of the executive committee. He or she shall be responsible for the performance of such duties and exercising of such powers as are set out in these by-laws and as may from time to time be assigned by the council.

4.3.3 Vice-President

The vice-president shall be responsible for the performance of such duties and exercising of such powers as are set out in these by-laws and as may from time to time be assigned by council. In the absence of the president, the vice-president shall assume all the duties and powers of the president.

4.3.4 Executive Committee Member

The executive committee member shall be responsible for the performance of such duties and exercising of such powers as are set out by these by-laws and as may from time to time be assigned by council. In the absence of both the president and the vice-president he or she shall assume their duties and powers.

4.3.5 Registrar

The duties and authority of the registrar, other than as prescribed by the Act and these by-laws, shall be assigned from time to time by the council.

4.3.6 Secretary

The secretary shall perform such other duties as council may from time to time prescribe.

4.3.7 Executive Director

If the council appoints an executive director, his or her duties and authority shall be as assigned from time to time by the council.

4.3.8 Auditor

The Auditor, after receiving the financial records of the association, shall prepare an Auditor's Report and Statement of Financial Position of the association in accordance with generally accepted accounting principles and auditing standards and deliver it to the secretary within the period set out in procedures established by the council.

4.3.9 Member-in-training Representative to Council

The member-in-training representative to council serves to provide a voice to council on behalf of the members-in-training of the Association. He or she shall have all the rights of a member of council except the right to make or second motions, or to vote.

4.4.1 Banking

The council shall ensure that all money received on behalf of the association is deposited in the name of the association in a bank or other deposit-gathering institution that is a member of the Canadian Deposit Insurance Corporation or in a credit union established in such a way as to guarantee the deposits.

4.4.2 Payments

All cheques shall be signed by either:

- a) the secretary and such other staff person as council may by resolution appoint; or
- b) such other staff person as council may by resolution appoint and countersigned by such other member of council as council may by resolution appoint.

4.4.3 Investments

The council shall ensure that when funds of the association are invested they are held secure through means set out in policies and procedures approved by the council.

4.4.4 Insurance

The council shall ensure that the association maintains security arrangements and insurance coverage against loss of funds that the association may sustain resulting from employee dishonesty, destruction, disappearance, wrongful abstraction or forgery.

4.5 Boards and Committees

In addition to the committees established by the Act, the council may, from time to time, appoint boards or committees for the purpose of facilitating the business of the association. Subject to the provisions of the Act appointees to boards and committees may, in addition to professional members, include members-in-training, temporary licensees, specified scope of practice licensees, students and members of the public. When establishing any board or committee, the council shall provide terms of reference for the board or committee which terms shall include:

- a) the purpose for the committee;
- b) the method by which, and by whom, the members are appointed;
- c) the method by which, and by whom, its chair shall be appointed; and
- d) the committee's or board's right to establish its own order of agenda.

4.5.2 Executive Committee

The council may appoint an executive committee consisting of the president, who shall be the chair, the vice-president, the immediate past-president, one member of the council and the association's chief executive officer, if appointed, who shall be an ex-officio member. The

executive committee may, on the authority of the council, attend to matters for which the chief executive officer, or other officer, does not have authority and that require attention between meetings of the council and serve as a finance committee.

4.5.3 Continuing Competency Committee

Council shall maintain a committee, known as the Continuing Competency Committee, whose functions and responsibilities are as defined in the Continuing Professional Development Program.

4.5.4.2 Purpose and Structure

(a) The council shall establish a Committee known as the Public Interest Review Committee (the Committee).

(b) The purpose of the Committee is to identify and assess public interest issues and, when appropriate, provide a recommendation to the Council for facilitating timely implementation of advocacy actions by the association as might be required by section 3 (c) of the Act, and in accordance with the terms of reference and policies established by the Council.

(d) The council shall appoint members, or cause members to be appointed, to the Committee as provided in this By-Law and shall maintain the Committee.

4.5.4.4 Council Policy on Recommendations from the Public Interest Review Committee

Council shall review and consider any recommendation for advocacy action received from the Public Interest Review Committee

(a) In so doing it:

i. shall make provision for a Councillor to declare a conflict of interest and shall proceed in accordance with a conflict of interest policy adopted from time-to-time by the Council; and

ii. shall issue, or cause to be issued, a communiqué to the membership and any proponent prior to taking a public interest advocacy action.

(b) Upon consideration, Council may:

i. accept the recommendation and arrange for the advocacy action to be undertaken by the Committee or otherwise;

ii. decide that no such advocacy action should be undertaken; or

iii. take some advocacy action that varies from the action recommended by the Committee.

(c) In considering any advocacy action recommended by the Public Interest Review Committee, the Council may elect to obtain legal advice or consult the membership.

(d) The Council's decision on the recommendation shall be made available to the Public Interest Review Committee through the applicable meeting minute of the Council's deliberation, which shall include the reason(s) for its decision.

(e) Council's decision with respect to any advocacy action recommended by the Committee shall be final.

4.7 Powers

The council shall carry out the powers of the association granted under section 6 of the Act.

5.0 Distance Conferencing

The council shall prepare and publish policies and procedures for determining when, and between which locations, distance conferencing may be provided by the association at an annual general meeting or a special meeting.

5.1 Annual General Meeting

The annual general meeting of the professional members of the association shall be held in the Province of Manitoba on any date after September 10th, but prior to October 31st, in each year as council may decide.

5.1.4 Resolutions

Resolutions put forward at an annual general meeting must be in writing, signed by the mover and seconder and received by the secretary no less than 48 hours prior to the commencement of the meeting. Either the mover or the seconder must be present in person or by distance conferencing at the meeting for the resolution to be considered. Resolutions adopted at the meeting shall be considered by the council, but are not binding on the council. The council shall report on the disposition of any such resolution at the next annual general meeting.

5.2.1 Purpose

Special meetings of the association shall be held at the call of the president, or the council, or on receipt by the secretary of a requisition signed by not fewer than 20 professional members.

5.8 Meetings of the Council

The president and the council shall establish the frequency, agenda and procedure of meetings of the council. Special meetings of the council shall be held at the call of the president, or by requisition signed by two councillors. At least 24 hours' notice shall be given of all meetings of the council. Meetings of the council or parts thereof not otherwise declared by the council to be in camera shall be open for professional members, licensees, members-in-training and students to be present as observers, provided that they give 24 hours notice of intention.

6.1 Manual of Admissions

The requirements, policies and procedures applicable to the approval of an application for admission to, enrollment with, or licensure by, the association shall be set out in the association's "Manual of Admissions". It shall be authorized by the council and published and available from the office of the association.

6.5.3 Deposits

The amount of the deposit to be made on an appeal under sub-section 21 (2) of the Act shall be determined by the council.

7.1.4 Honorary Life Member

Honorary life membership, may be granted by unanimous decision of council to a professional member who has, in the opinion of council, rendered meritorious service to the association, or the profession, and who has preferably been a registered professional member for not less than 35 years.

7.2 Members on Deferred Dues

Professional members or members-in-training who are: a) unemployed; or b) not working due to illness or disability; or c) attending a full time post-graduate university program relevant to the practice of professional engineering or professional geoscience; or d) experiencing circumstances having equal merit, may be allowed to enter the deferred dues category on terms and conditions established by the council.

7.4 Other

The council shall establish policies and procedures that define the responsibilities, rights and privileges of temporary licensees, specified scope of practice licensees, members-in-training and students.

9.1 Annual Dues

9.1.1 Practising Category

The annual dues to be paid by a professional member for any given year shall be dictated by the financial needs of the association, and shall be established by the council during the preceding year.

Note: There are similar provisions with respect to other categories of membership. Council also sets various fees.

9.1.8 Dues Relief

The council may, at its discretion, defer, reduce or waive the annual dues of professional members, members-in-training, or members in the retired category. The annual dues to be paid

by a professional member or member-in-training in the deferred dues category for any given year shall be a percentage, determined annually by the council, of the annual dues payable by practising professional members. Waiver of the annual dues of a professional member, member-in-training, or member in the retired category shall be made only on the basis of circumstances deemed by the registrar to be more onerous than those for eligibility for entry to the deferred dues category.

9.2.10 Insurance

The Association may, in discretion of the Council, participate in any program providing professional liability insurance to any or all members, members-in training or licensees and the Council may establish fees payable by such members, members-in training or licensees in respect of any such program.

11.3 Compliance to Practise

The Continuing Professional Development Program, approved by the council on June 15, 2011, is hereby adopted as the Continuing Professional Development Program of the Association.

13.0 Code of Ethics

The Code of Ethics approved by the council on May 9, 2000, is hereby adopted as the Code of Ethics of the association.

14.1.1 Terms and Conditions

In establishing the amounts, terms and conditions of the professional liability insurance, or alternatives thereto, required of the holder of a Certificate of Authorization under section 16 (2) of the Act, the Council shall provide for terms, exclusions and conditions consistent with normal insurance industry practice.

15.2 Investigation Committee

15.2.1 The council shall appoint the members of the investigation committee in accordance with the Act to hold office for a term established from time to time by council and the council may at any time revoke the appointment of any person or persons or fill any vacancy or vacancies or appoint an additional person or persons to the investigation committee.

15.3.1.1 The investigation committee may undertake to resolve the matter or matters at issue through an alternative dispute resolution process prior to assessing whether an investigation is warranted or in conjunction with an investigation. The alternative dispute resolution process is:

a) subject to obtaining the written concurrence of both the complainant and the investigated person, b) prescribed by the council, and c) not to exceed 30 days in duration.

15.3.2 If the investigation committee dismisses a complaint, either before or after an investigation or alternative dispute resolution process, the chair of the investigation committee shall direct the registrar to so notify the investigated person and the complainant and to notify the complainant of the complainant's right to appeal such dismissal to the council.

15.4 Appeal of Dismissal of Complaint to Council

15.4.1 The registrar shall not accept any appeal made under sub section 36(1) of the Act unless such appeal is accompanied by the complainant's reasons in writing specifying the errors alleged to have been made by the investigation committee.

15.4.2 Decisions of the committee of the council appointed pursuant to sub-section 36(2) of the Act shall be by majority vote of those members of the committee present in person at a duly constituted meeting.

15.4.4 Any appeal to the committee of the council pursuant to sub-section 36(2) of the Act shall be an appeal on the record of the proceedings before the investigation committee and any action taken by the investigation committee under sub-section 35(1) of the Act.

15.5 Discipline Committee

15.5.1 The council shall appoint the members of the discipline committee in accordance with the Act to hold office for a term established from time to time by the council and the council may at any time revoke the appointment of any person or persons or fill any vacancy or vacancies or appoint an additional person or persons to the discipline committee.

15.5.2 Upon the expiry of the term of any member of the discipline committee, such member shall be eligible for appointment to a subsequent term or terms in the discretion of the council.

15.7 Appeal of Hearing Decisions and Orders

15.7.6.4 The council on hearing the appeal may: a) grant adjournments and reconvene the proceedings from time to time or reserve the determination of the matters before it for a future meeting of the council; and b) on granting special leave for that purpose, receive further evidence; and c) draw inferences of fact and make any determination or finding that, in its opinion, ought to have been made by the discipline committee.

5 Ontario: Professional Engineers of Ontario (PEO)

5.1 Professional Engineers Act, Revised Statutes of Ontario 1990, Chapter P.28

[Council of Association](#)

[3\(1\)](#) The Council of the Association is continued and shall be the governing body and board of directors of the Association and shall manage and administer its affairs.

Registrar and staff

(8) The Council shall appoint during pleasure a Registrar, who shall be a member of the Association, and may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association.

Vacancies

(10) Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than a quorum.

Filling of vacancy

(11) A vacancy on the Council caused by the death, resignation, removal or incapacity to act of an elected member of the Council shall be filled as soon as practicable by a member of the Association,

(a) where a quorum of the Council remains in office, appointed by the majority of the Council, and the member so appointed shall be deemed to be an elected member of the Council.

Meetings of Council

[\(12\)](#) The Council shall meet at least four times a year.

Regulations (Bylaws)

[7\(1\)](#) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

1. fixing the number of members to be elected to the Council under clause 3 (2) (a) and defining constituencies, and prescribing the number of representatives;
2. respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and controverted elections;
3. prescribing the conditions disqualifying members of the Council from sitting and governing the filling of vacancies on the Council;
4. prescribing positions of officers of the Association and providing for their election or appointment;
5. respecting the composition of the committees required by this Act, other than the Complaints Committee, the Discipline Committee and the Registration Committee, the mechanism of the appointment of members of the committees and procedures ancillary to those specified in this Act in respect of any committee;
6. respecting matters of practice and procedure before committees required under this Act that do not conflict with the *Statutory Powers Procedure Act*;
7. prescribing the quorums of the committees required by this Act other than the Complaints Committee, the Discipline Committee and the Registration Committee;
8. prescribing classes of persons whose interests are related to those of the Association and the privileges of members of the classes in relation to the Association;

9. respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences, certificates of authorization, temporary licences, provisional licences and limited licences, including but not limited to regulations respecting,
- i. the scope, standards and conduct of any examination set or approved by the Council as a licensing requirement,
 - ii. the curricula and standards of professional training programs offered by the Council,
 - iii. the academic, experience and other requirements for admission into professional training programs,
 - iv. classes of licences,
 - v. the academic, experience and other requirements for the issuance of a licence or any class of licence,
 - v.1 the circumstances in which the Registrar shall refer an application for a licence to a committee for the purposes of clause 14 (4) (b),
 - v.2 the establishment of an engineering technologist class of limited licence, including prescribing requirements and qualifications for the issuance of an engineering technologist class of limited licence and terms and conditions that shall apply to the engineering technologist class of limited licence, and
 - vi. other classes of certificates of authorization, temporary licences, provisional licences and limited licences, including prescribing requirements and qualifications for the issuance of specified classes of certificates of authorization, temporary licences, provisional licences and limited licences, and terms and conditions that shall apply to specified classes of certificates of authorization, temporary licences, provisional licences and limited licences;
10. prescribing forms of applications for licences, certificates of authorization, temporary licences, provisional licences and limited licences and requiring their use;
11. requiring the making of returns of information in respect of the holdings of shares and the officers and directors of corporations that apply for or hold certificates of authorization and in respect of the interests of partners that apply for or hold certificates of authorization and prescribing and requiring the use of forms of such returns;
12. requiring and governing the signing and sealing of documents and designs by members of the Association, holders of temporary licences and holders of limited licences, specifying the forms of seals and respecting the issuance and ownership of seals;
13. requiring the making of returns of information by members of the Association and holders of certificates of authorization, temporary licences, provisional licences and limited licences in respect of names, addresses, telephone numbers, professional associates, partners, employees and professional liability insurance, and prescribing and requiring the use of forms of such returns;

14. requiring and governing the disclosure of the identity of holders of certificates of authorization on documents and designs involving the practice of professional engineering issued by such holders and specifying the form and manner of such disclosure;
15. governing the use of names and designations in the practice of professional engineering by members of the Association and holders of certificates of authorization, temporary licences, provisional licences and limited licences;
16. providing for the maintenance and inspection of registers of members of the Association, holders of temporary licences, holders of limited licences, holders of provisional licences and holders of certificates of authorization;
17. respecting and governing standards of practice and performance standards for the profession;
18. providing for the setting of schedules of suggested fees for professional engineering services and for the publication of the schedules;
19. respecting the advertising of the practice of professional engineering;
20. prescribing a code of ethics;
21. defining professional misconduct for the purposes of this Act;
22. providing for the designation of members of the Association and holders of temporary licences as specialists, prescribing the qualifications and requirements for designation as a specialist, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;
23. providing for the designation of members of the Association as consulting engineers, prescribing the qualifications and requirements for designation as a consulting engineer, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;
24. prescribing the minimum requirements for professional liability insurance, requiring the delivery to the Registrar of proof of such insurance and prescribing the form of such proof and the manner and time of the delivery;
25. prescribing the amount of and requiring the payment of annual fees by holders of certificates of authorization, temporary, provisional and limited licences and by students and members of related classes recognized by the Association, and fees for temporary licences, provisional licences, limited licences, certification, registration, designations, examinations and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;

26. providing for the entering into of arrangements by the Association for its members and holders of certificates of authorization, temporary licences, provisional and limited licences respecting indemnity for professional liability and requiring the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members and holders of certificates of authorization, temporary licences, provisional and limited licences in respect of such indemnity for professional liability;
27. providing for continuing education of members;
28. respecting the duties and authority of the Registrar;
29. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, certificate of authorization, temporary licence or limited licence that was cancelled by the Registrar;
30. classifying and exempting any class of holders of licences, certificates of authorization, temporary licences or limited licences from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable;
31. exempting any act within the practice of professional engineering from the application of this Act;
32. specifying acts within the practice of professional engineering that are exempt from the application of this Act when performed or provided by a member of a prescribed class of persons, and prescribing classes of persons for the purpose of the exemption;
33. Repealed

By-laws

8. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the Association not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

1. prescribing the seal and other insignia of the Association and providing for their use;
2. providing for the execution of documents by the Association;
3. respecting banking and finance;
4. fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;
5. respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
6. providing for meetings of the Council and committees, except in a proceeding in respect of a membership, certificate of authorization, temporary licence, provisional licence or limited licence, by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a member of the Council or committee participating in a meeting in accordance with such by-law shall be deemed to be present in person at the meeting;
7. providing that the Council or a committee may act upon a resolution consented to by the signatures of all members of the Council or the committee except in a proceeding in respect of a licence, certificate of authorization, temporary licence, provisional licence or limited licence, and a resolution so consented to in accordance with such a by-law is as valid and effective as if passed at a meeting of the Council or the committee duly called, constituted and held for that purpose;
8. respecting the calling, holding and conducting of meetings of the membership of the Association;
9. authorizing voting by mail by the general membership of the Association on any of the business of the Association and prescribing procedures for such voting;
10. prescribing the duties of officers of the Association;
11. prescribing forms and providing for their use;
12. providing procedures for the making, amending and revoking of the by-laws;
13. respecting management of the property of the Association;
14. providing for the appointment, composition, powers, duties and quorums of additional or special committees;

15. respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
16. prescribing the amount and requiring the payment of annual fees by members of the Association;
17. respecting the borrowing of money by the Association and the giving of security therefor;
18. respecting membership of the Association in other organizations the objects of which are not inconsistent with and are complementary to those of the Association, the payment of annual assessments and provision for representatives at meetings;
19. providing for the establishment and dissolution and governing the operation of groups of members of the Association and respecting grants by the Association to any such groups;
20. authorizing the making of grants for any purpose that may tend to advance knowledge of professional engineering education, or maintain or improve the standards of practice in professional engineering or support and encourage public information and interest in the past and present role of professional engineering in society;
21. respecting scholarships, bursaries and prizes related to the study of professional engineering;
22. respecting the establishment and operation and use of publications of the Association;
23. providing for an employment advisory service and for the continuance of the retirement savings plans in which members of the Association may participate on a voluntary basis;
24. regarding such other matters as are entailed in carrying on the business of the Association and are not included in section 7.

By-laws effective

(2) Subject to subsection (3), a by-law made by the Council is effective when it is passed.

Confirmation

(3) A by-law passed by the Council is not effective until it is confirmed, in the manner specified by the Council, by a majority of the members of the Association, if the by-law so specifies.

Official publication

9. The Council shall establish and designate an official publication of the Association.

Establishment of committees

10(1) The Council shall establish and appoint the following committees:

- (a) Executive Committee;
- (b) Academic Requirements Committee;
- (c) Experience Requirements Committee;
- (d) Registration Committee;
- (e) Complaints Committee;
- (f) Discipline Committee;
- (g) Fees Mediation Committee,

and may establish such other committees as the Council from time to time considers necessary.

Executive Committee

11 The Council may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Council other than to make, amend or revoke a regulation or a by-law.

Issuance of licence

14(1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and

(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.

Issuance of licence or certificate of authorization on direction of Council

16 The Registrar shall issue a licence or a certificate of authorization upon a direction of the Council made in accordance with a recommendation by the Joint Practice Board.

Registration Committee

19.1(1) The Registration Committee is continued and shall be composed of the following persons appointed by the Council:

1. At least two persons, each of whom is either,
 - i. a member of the Council appointed by the Lieutenant Governor in Council, or
 - ii. a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General.
2. At least three members of the Association.

Complaints Committee

23(1) The Complaints Committee is continued and shall be composed of the following persons appointed by the Council:

1. At least one person who is either,
 - i. a member of the Council appointed by the Lieutenant Governor in Council, or
 - ii. a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General.
2. At least two members of the Association.

Chair

(3) The Council shall name one member of the Complaints Committee to be chair.

Complaints Review Councillor

25(1) There shall be a Complaints Review Councillor who shall be appointed by Council and shall be,

- (a) a member of the Council appointed by the Lieutenant Governor in Council under clause 3 (2) (c); or
- (b) a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General.

Office accommodation

(7) The Council shall provide to the Complaints Review Councillor such accommodation and support staff in the offices of the Association as are necessary to the performance of the powers and duties of the Complaints Review Councillor.

Consideration of report by Council

(17) The Council shall consider every report, and any recommendations included in the report, that it receives from the Complaints Review Councillor, and shall notify the Complaints Review Councillor of any action it takes as a result.

Discipline Committee

27(1) The Discipline Committee is continued and shall be composed of the following persons appointed by the Council:

1. At least one elected member of the Council.
2. At least one member of the Association who is,
 - i. a member of the Council appointed by the Lieutenant Governor in Council, or
 - ii. not a member of the Council, and approved by the Attorney General.
3. At least one person who is,
 - i. a member of the Council appointed by the Lieutenant Governor in Council under clause 3 (2) (c), or
 - ii. neither a member of the Council nor a member of the Association, and approved by the Attorney General.
4. At least three members of the Association each of whom has at least 10 years experience in the practice of professional engineering.

Reference by Council or Executive Committee

27.1 The Council or the Executive Committee may, by resolution, refer to the Discipline Committee for hearing and determination any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence specified in the resolution.

28(1) The Discipline Committee shall,

(a) when so directed by the Council, the Executive Committee or the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence;

(b) hear and determine matters referred to it under section 24, 27.1 or 37; and

(c) perform such other duties as are assigned to it by the Council.

Duties of Fees Mediation Committee

32(2)(b) The Fees Mediation Committee shall perform such other duties as are assigned to it by the Council.

Immunity of Association

45(1) No action or other proceeding for damages shall be instituted against the Association, a committee of the Association or a member of the Association or committee of the Association, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Joint Practice Board

47(1) The Council shall appoint to the Joint Practice Board (composed of the chair, three members representing the Ontario Association of Architects and three members representing the Association of Professional Engineers of Ontario) the three members of the Joint Practice Board representing the Association and shall prescribe the term of each appointment.

Recommendation

(2) The Joint Practice Board may recommend to the Council that the Council direct the Registrar to issue a licence or a certificate of authorization to a holder of a certificate of practice issued under the *Architects Act*.

Direction by Council

(3) The Council, upon the recommendation of the Joint Practice Board, may direct the Registrar to issue a licence or a certificate of authorization to a holder of a certificate of practice under the *Architects Act* and, if the Council does not direct the issuance of the licence or the certificate of authorization, the Council shall give its reasons therefor in writing to the Joint Practice Board and to the applicant for the licence or the certificate of authorization.

Annual report

48. (1) The Council shall make a report annually to the Minister containing such information as the Minister requires.

5.2 General, Revised Regulations of Ontario 1990, Regulation 941

Note: There is also a *Performance Standards* regulation under Ontario's *Professional Engineers Act* that is not relevant here.

3(1) There shall be the following additional officers of the Association:

2 A vice-president, who shall be appointed annually by Council from among its members elected or appointed under clause 3 (2) (a) or 3 (2) (b) of the Act at a meeting of Council to be held after the close of business and on the day of the annual meeting of Members or within thirty days thereafter.

(2) If the president is incapacitated or resigns, the office of president shall be filled by the president elect, failing that by the vice-president elected by the members, failing that by the vice-president appointed by the Council, or failing that by a member of the Council who the Council shall appoint.

9(1) A regional councillor ceases to be qualified for his or her office when the regional councillor ceases to reside within the Region in which he or she was elected, in which event Council may appoint a Member who resides in the Region to serve the balance of the term of the regional councillor.

11 The Council shall determine in each year whether the voting for the election of members to the Council for that year shall be by ballot cast by mail, by electronic means or by either mail or electronic means.

11.1 The Council shall appoint in each year a Chief Elections Officer, who shall for that year,

(a) oversee the nomination of Members for election to the Council and the election of and voting for members to the Council; and

(b) ensure that nomination, election and voting are conducted in accordance with the procedures established under the Act.

12(1) The Council shall appoint a Central Election and Search Committee each year composed of,

- (a) the penultimate past-president;
- (b) the immediate past-president;
- (c) the president; and
- (d) two other Members.

(2) The penultimate past-president shall act as chair, unless he or she is unable or unwilling to act, in which event another member of the Central Election and Search Committee designated by the Council shall act as chair.

(4) Meetings of the Central Election and Search Committee shall be convened by the chair from time to time or as directed by Council.

(7) The Council may remove a member of the Central Election and Search Committee from his or her position if,

(a) the member is unable or unwilling to fulfil his or her duties or functions as a member of the Committee; or

(b) the member consents to being nominated for election to the Council in contravention of subsection (6).

(8) If a vacancy occurs on the Central Election and Search Committee by reason of the death, resignation or removal under subsection (7) of a member of the Committee, the Council may designate a member of the Council to fill the vacancy for the remainder of the unexpired term.

(9) To be valid, a motion under subsection (7) or (8) must be approved by the votes of at least two-thirds of the members of the Council present and voting on the motion.

13(1) The Council shall in each year appoint a Regional Election and Search Committee for each Region composed of the chair of each Chapter in the Region.

(4.1) Meetings of a Regional Election and Search Committee shall be convened by the chair from time to time or as directed by Council.

15.1(1) Where no Member is nominated for election as president-elect, vice-president or councillor-at-large or for election as a regional councillor in any Region, the office of president-elect, vice-president, councillor-at-large or regional councillor, as the case may be, shall be filled by a Member appointed by a majority of the Council.

18 The Registrar, or in his or her absence the general secretary, shall send to each Member entitled to vote in respect of an election a ballot and a list of Members, if any, appointed to office by a majority of the Council or elected to office by acclamation.

24 (1) The Council may close the register of Members for a period of time not exceeding twenty-one days, exclusive of Sundays and holidays, immediately preceding,

(a) a meeting of Members; or

(b) the date upon which ballots for an election are sent to Members.

28(1) The Executive Committee shall consist of,

(a) the president;

(b) the president-elect;

(c) the immediate past-president;

(d) the two vice-presidents; and

(e) one or more other members of the Council from time to time appointed by the Council.

(1.1) The Council shall ensure that at least one member appointed to the Council by the Lieutenant Governor in Council is appointed under clause (1) (e) at any given time.

29 The Executive Committee,

(a) may act on behalf of the Council with respect to urgent matters arising between regular meetings of the Council but shall report to the Council with respect to such actions;

(b) may consult with other committees of the Council;

(c) shall act upon or report upon matters that are referred to it by the Council;

(d) may advise the Registrar or any other officer or official of the Association on matters of policy;

(e) may make periodic reviews, forecasts, plans and recommendations to the Council concerning the future organization and operation of the Association;

(f) may advise the Council on matters pertaining to the Canadian Council of Professional Engineers; and

(g) may advise the Council on all financial matters, including, without limitation, investments, budgets, capital requirements, income, expenditures, salaries, reserves and contingencies or extraordinary expenses, both for current and future operations.

30(1) The Fees Mediation Committee is continued.

(2) The Council shall, from time to time, designate Members as eligible to act as members of the Fees Mediation Committee.

32.1(3) Members of the engineering intern class have the following privileges: ...

3. A member of the class may be appointed to a committee established by the Council, except as otherwise provided in the Act, this Regulation or the by-laws.

32.2(2) The Registrar shall accept as a member of the engineer student class any person who registers for membership on-line through the Association's website in the form provided by the Association for the purpose and is enrolled in,

(a) the Association's student's program; and

(b) an engineering program offered by a Canadian university and accredited to the Council's satisfaction or for which accreditation from the Canadian Engineering Accreditation Board is being sought.

33(1) Each applicant for a licence shall comply with the following rules:

1. The applicant shall demonstrate that he or she has obtained,

i. a bachelor's degree in an engineering program from a Canadian university that is accredited to the Council's satisfaction, or

ii. equivalent engineering educational qualifications recognized by the Council.

2. The applicant shall demonstrate that he or she has had 48 months of experience in the practice of professional engineering that, in the Council's opinion, provides sufficient experience to enable him or her to meet the generally accepted standards of practical skill required to engage in the practice of professional engineering.

(2) Experience acquired outside Canada satisfies the requirements of paragraph 4 of subsection (1) (b) if in the Council's opinion, the experience provides the applicant with,

- (i) the necessary practical skill for the practice of professional engineering, and
- (ii) sufficient familiarity with the applicable Canadian codes, regulations and standards for the practice of professional engineering.

34 Examinations required by the Academic Requirements Committee shall be held prior to the 1st day of June in each year and at such other times, if any, and at such place or places, as the Council may from time to time determine.

38(1) All examinations, other than the Professional Practice Examination, shall be marked on a percentage basis by examiners appointed by the Registrar in accordance with policies established from time to time by the Council.

(3) The Professional Practice Examination may be marked on a pass or fail basis and shall be marked by examiners appointed by the Registrar in accordance with policies established from time to time by the Council.

40(1) The Academic Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council and three members of the Committee constitute a quorum.

41(1) The Experience Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council, and three members of the Committee constitute a quorum.

46 The requirements and qualifications for the issuance of a limited licence are:

1 One or more of the following:

- i. A three-year diploma in engineering technology or a Bachelor of Technology degree in engineering technology from an institution approved by the Council.
- ii. A four-year honours science degree in a discipline and from a university approved by the Council.
- iii. Academic qualifications accepted by the Council as equivalent to a diploma or degree mentioned in subparagraph i or ii.

2 Thirteen years of experience in engineering work acceptable to the Council, including...

52(1) Every Member shall have a seal of a design approved by the Council

Note: There are similar provisions for other types of membership.

56(1) The Council shall designate as a consulting engineer every applicant for the designation who,

(a) is a Member;

(b) is currently engaged, and has been continuously engaged, for not less than two years or such lesser period as may be approved by the Council, in the independent practice of professional engineering in Canada;

(c) has, since becoming a Member, had five or more years of professional engineering experience that is satisfactory to the Council;

(d) has passed the examinations prescribed by the Council or has been exempted therefrom, pursuant to subsection (2).

(2) The Council may exempt an applicant from any of the examinations mentioned in clause (1) (d) where the Council is of the opinion that the applicant has appropriate qualifications.

57(1) Designation as a consulting engineer expires five years from the date of issuance of notice of the designation.

(2) The Council shall redesignate as a consulting engineer every applicant who,

(a) is a Member;

(b) is currently engaged in the independent practice of professional engineering in Canada; and

(c) has during the five years since the date of issue of the applicant's most recent designation as a consulting engineer had professional engineering experience satisfactory to the Council.

59 A Member who has been designated or redesignated as a consulting engineer may use the title "consulting engineer" or a variation thereof approved by Council from time to time so long as the Member is in the independent practice of professional engineering and the designation or redesignation is valid.

62(1) The Consulting Engineer Designation Committee shall consist of a chair, vice-chair and such other Members as are appointed by the Council.

64(1) Where the Council has refused an application for designation as a consulting engineer, the applicant may, within thirty days of the date of receipt of notice of the refusal, request that the Council reconsider the application together with such additional information as is submitted by the applicant.

(2) Upon receipt of a request from an applicant pursuant to subsection (1), the Council shall reconsider the application, taking into account the additional information, if any, submitted by the applicant with the request.

(3) Upon the reconsideration, the Council may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent persons in the conduct of their own affairs and may refer the matter to and accept recommendations from such holders of licences or committee of holders of licences as it considers appropriate in the circumstances.

67 Only a Member designated by the Council may use the title “consulting engineer” or a variation thereof approved by the Council from time to time.

68 A holder of a certificate of authorization who is primarily engaged in offering to the public services within the practice of professional engineering and who satisfies the Council that the practice of professional engineering by the holder is and will be carried on under the responsibility and supervision of a designated consulting engineer named in the application for the certificate of authorization or in a related notice of change filed with the Registrar may use the title “consulting engineers” or a variation approved by Council from time to time.

69 A holder of a certificate of authorization ceases to be entitled to use the title “consulting engineer” or a variation thereof approved by the Council when there ceases to be a designated consulting engineer who assumes responsibility for and supervises the practice of professional engineering provided by the holder of the certificate of authorization or when the holder ceases to be primarily engaged in offering to the public services within the practice of professional engineering.

71 The Council may cause to be published from time to time a listing of Members designated as consulting engineers and of holders of certificates of authorization entitled to use the title “consulting engineers” or a variation thereof.

76(1) Where the Council establishes a committee to prepare or assigns to a committee the preparation of a schedule of suggested fees, the committee must be composed of approximately equal numbers of Members involved in providing engineering services to the public and Members involved in purchasing such services.

(2) The committee shall prepare and recommend to the Council a schedule of suggested fees for professional engineering services.

(3) A schedule of suggested fees that is approved by the Council shall be published by the Association.

(4) A schedule of suggested fees that is approved by the Council shall be reviewed annually by the committee and amendments to the schedule that are recommended by the committee and approved by the Council shall be published by the Association.

(5) The committee shall receive and consider recommendations submitted to it by Members and by the public and may consider salary surveys conducted from time to time by the Association or others.

79 In the event of an interruption in postal service or electronic communication, the Council may take such steps as it considers appropriate including, without limitation, circumstances, of any time periods set forth in this Regulation; and

(b) the use of such alternate means of communication as it considers appropriate in the circumstances.

87 The Council may from time to time determine and establish the dates on which fees payable to the Association are due.

5.3 PEO ByLaw No. 1 relating to its Administrative and Domestic Affairs

4 The council may from time to time:

- (a) establish chapters in addition to those referred to in Section 3 and define the boundaries of the areas of such chapters;
- (b) alter the boundaries of the areas of chapters heretofore or hereafter established;
- (c) direct that two or more chapters shall be combined and continued as one chapter and define the boundaries of such continuing chapter;
- (d) declare any chapter inactive and suspend its operation or dissolve any chapter and provide for the transfer of the members and assets of any such chapter to another chapter or chapters.

6 The Council may establish from time to time standard rules and procedures governing the operating of chapters and the conduct of their affairs.

9 If a chapter shall be dissolved or shall cease to exist for any other reason or shall be declared inactive by the Council, all assets of that chapter, unless otherwise directed by the Council, shall revert to the association and shall be delivered over by the governing body of the chapter to the treasurer of the association forthwith on demand.

10 The Council may establish, in each region, a committee of chapters to be known as the "Regional Congress", and, in connection with the establishment of a Regional Congress, may provide standard rules and procedures governing the operations of the Regional Congress and the conduct of its affairs.

11 There shall be not less than four meetings of the Council in each year.

12 Meetings of the Council may be called by the president, the Executive Committee or, subject to section 13.1, by members of Council.

13.1 Upon the written request to the Registrar by no fewer than two-thirds of the members of Council, the Registrar shall call a meeting of Council by giving notice to all members of Council no less than 28 days before the meeting is to take place.

17 An annual general meeting of the members of the association shall be called by Council and shall be held at such place and at such time as shall be determined by Council for the purpose of laying before the members the reports of the Council and committees of the association and of informing members of matters relating to the affairs of the association and for the purpose of ascertaining the views of the members present at the meeting on such matters, and other general meetings of the members of the association may be held for the same purposes.

18 Election of those officers and councillors to be elected by the members shall be conducted by letter ballot or electronic means as provided in the regulations and the Council may submit other matters to the members to be voted upon by letter ballot or electronic means in order to secure the approval of or an expression of opinion on such matters.

19 Other general meetings of the association may be called by the Council and shall be held at such place and at such time as shall be determined by the Council.

26 Council or any properly constituted committee of Council (with the exception of the Registration Committee, the Complaints Committee, the Discipline Committee, the Academic Requirements Committee or the Experience Requirements Committee or any other committee in a proceeding in respect of a licence, certificate of authorization, temporary licence, limited licence, or provisional licence) may hold meetings with the prior consent of a majority of the Council members or Committee members, by means of telephone conference, electronic or other communications facilities provided all persons participating in the meeting can communicate adequately with each other.

27 Council or any properly constituted committee thereof (with the exception of the Registration Committee, the Complaints Committee, the Discipline Committee, the Academic Requirements Committee or the Experience Requirements Committee or any other committee in a proceeding in respect of a licence, certificate of authorization, temporary licence, provisional licence or limited licence) may take action by a signed resolution of all the members of the Council or Committee, as the case may be.

28 All elected members of the Council and all appointed members of the Council shall comply with the provisions of the Act, the regulations and the by-laws and shall exercise the powers and discharge the duties of their offices honestly in good faith and in furtherance of the objects of the association in order that the public interest may be served and protected. All elected members of the Council and all appointed members of the Council shall:

- (a) endeavour to take part in the committee work of the association and serve actively during their terms of office on any committees to which they have been appointed;
- (b) endeavour to take part in chapter affairs including appearance before chapters during their terms of office as a panelist, speaker or representative of the Council;
- (c) endeavour to be present at and participate in the annual meeting of the members of the association;
- (d) perform such duties on behalf of the officers of the association as may be requested, including attendance at local functions as representatives of the association;
- (e) serve on the committees which the Council may appoint under the provisions of the Act with respect to hearings on membership and disciplinary matters;
- (f) ensure that confidential matters coming to their attention as members of the Council are not disclosed by them except as required for the performance of their duties or as may be directed by the Council or by the president; and
- (g) disclose any interest they may have, other than as members of Council, in any matter coming before Council and shall not be counted in the quorum in respect of such matter.

29 All elected members of the Council and all appointed members of the Council shall familiarize themselves with the Act, the regulations, the by-laws and code of ethics and with such other records and documents as may be necessary as background knowledge for the purpose of performance of the duties of their office.

30(1) In addition to the committees prescribed by the Act, the Council may also from time to time appoint such other committees as it considers desirable to assist it in the management of the affairs of the association including, but not limited to: (a) Legislation Committee; (b) Professional Standards Committee; (c) Finance Committee.

(2) The membership of all committees appointed under this Section 30 may include one or more members of the Council and such members of the association as the Council shall consider desirable (having regard to the need for continuity in the affairs of the association) and each committee shall perform such duties as Council may from time to time prescribe.

31 No member of the Council, whether elected or appointed, shall receive any remuneration from the association for acting as such, but members of the Council may receive reimbursement for expenses as provided in Section 32.

34 The registrar, any deputy registrars, the treasurer and such other officials as may be appointed by the Council under Section 3(8) of the Act shall have such duties as the Council may determine from time to time and shall hold office in accordance with the terms of any contract of service between the association and such official approved by the Council or in the absence of such contract shall hold office at the pleasure of the Council.

35 The Council may employ, or may authorize the registrar or other officials of the association to employ, such other persons as may be considered necessary or desirable for the carrying out of the operations of the association and the conduct of its affairs.

36 The association may enter into contracts of employment with any official appointed by the Council providing for such remuneration, such term of employment and such other matters as may be approved by the Council and may enter into such contracts of employment with other employees of the association as shall be approved by the Council or, if authorized for such purpose by the Council, as shall be approved by the registrar or by such other official as shall be designated by the Council.

38 The Council may authorize participation by the association in the activities of the Canadian Council of Professional Engineers as a constituent association thereof, the Ontario Society of Professional Engineers, or other organizations with functions that are not inconsistent with and are complementary to those of the association.

39(3) The Council may determine from time to time the dates on which the fees provided for under subsection (1) shall be due and for the purpose of establishing such dates may prorate any fees over a part of a year.

(4) The Council may approve, authorize or provide for the remission of all or any part of the annual fee of any member who may be retired, incapacitated by reason of health or for such other reason as the Council may from time to time determine.

40 The Council may approve, or may authorize or provide for the application of the funds of the association in payment of all expenses properly incurred in the conduct of the affairs of the association including, without limiting the generality of the foregoing: ...

44 Without in any way derogating from the powers otherwise conferred upon the Council, the Council is expressly empowered from time to time to purchase, lease or otherwise acquire, sell,

exchange or otherwise dispose of shares, stocks, rights, warrants, options and other securities, lands, buildings and other property, moveable or immoveable, real or personal, or any interest therein owned by the association for such consideration and upon such terms and conditions as the Council may deem advisable.

47 The Council may from time to time:

(a) borrow money upon the credit of the association by obtaining loans or advances or by way of overdraft or otherwise;

(b) sell or pledge any securities owned by the association, including bonds, debentures or debenture stock, for such sums on such terms and at such prices as they may deem expedient;

(c) assign, transfer, convey, hypothecate, mortgage, pledge, charge or give security in any manner, upon all or any of the real or personal, moveable or immoveable property, rights, powers, choses in action, or other assets, present or future, of the association to secure any such securities or other securities of the association, or any money borrowed or to be borrowed or any obligations or liabilities as aforesaid or otherwise of the association heretofore, now or hereafter made or incurred directly or indirectly, or otherwise.

48 Any or all of the powers set forth in Section 47 may from time to time be delegated by the Council to any two or more of the councillors, officers or officials of the association.

51 The Council shall lay before each Annual Meeting of the members a financial statement prepared in accordance with generally accepted accounting principles for the previous fiscal year of the association (made up of a balance sheet as at the end of such fiscal year and statements of revenue and expenditure and Members' Equity for such fiscal year) together with the report of the association's auditors on the financial statement. The financial statement with (a summary of) the auditor's report shall be published in the official publication of the association after its approval by the Council.

54 The seal of the association shall be of such design as approved by Council and, when used on official documents, shall be authenticated by the signature of the president, the president-elect or the past president and the registrar or the treasurer. A printed facsimile of the seal may be used to designate official pronouncements or decisions of Council when such is authorized by the registrar.

55 Council may adopt other insignia from time to time and provide for their use.

56 The regulations may be altered or revoked and new regulations may be passed by the Council from time to time in accordance with and subject to the provisions of section 7 of the Act.

57 The by-laws may be altered or revoked and new by-laws may be passed by the Council from time to time in accordance with and subject to the provisions of section 8 of the Act.

58 In accordance with section 8(3) of the Act, Council shall determine the manner in which a by-law is to be confirmed by a majority of the members of the association.

59 Council shall seek confirmation by the members of the association of a by-law passed by the Council pursuant to the Act pertaining only to annual fees for licence holders.

60 Proposals for alteration of the regulations or by-laws may,

(a) originate in the Council,

(b) be submitted to the Council in writing by a majority in number of the chapters, or

(c) be submitted to the Council in writing by a petition signed by not fewer than 50 members.

The Council shall consider all petitions received as provided in clauses (b) and (c) and, if the Council does not pass regulations and by-laws or amendments thereto giving effect to such proposals, the Council shall return the proposals to the petitioners with a statement of the Council's reasons for rejection.

6 The Association of Professional Geoscientists of Ontario (APGO)

6.1 Professional Geoscientists Act, 2000, Statutes of Ontario 2000, Chapter 13

Note: The three regulations under this Act contain no provisions particularly relevant to Council's powers.

Revocation of registration

13 The council may revoke the registration of a member,

- (a) if he or she is convicted of an offence that, if committed in Ontario, would be an offence under the laws of Canada or of Ontario and that relates to his or her professional integrity and renders the individual unsuitable to be a member;
- (b) if he or she fails to comply with this Act or a regulation made under it;
- (c) if he or she has demonstrated professional misconduct, negligence or incompetence; or
- (d) in such other circumstances as may be prescribed.

Appeal of decisions

14(1) The applicant or member, as the case may be, and the Association may appeal a decision of the registration committee with respect to the applicant or member to the council.

Revocation of certificate

19 The council may revoke a certificate of authorization of a corporation, partnership or other entity,

- (a) if it is convicted of an offence that, if committed in Ontario, would be an offence under the laws of Canada or of Ontario and that relates to its professional integrity and renders the certificate holder unsuitable to hold a certificate;
- (b) if it fails to comply with this Act or a regulation made under it;
- (c) if it has demonstrated professional misconduct, negligence or incompetence; or
- (d) in such other circumstances as may be prescribed.

Appeal of decisions

20(1) The applicant or certificate holder, as the case may be, and the Association may appeal a decision of the registration committee with respect to the applicant or certificate holder to the council.

Objects

28(1) The following are the objects of the Association:

9. To undertake such other activities relating to the practice of professional geoscience as the council considers appropriate.

Council

30(1) The affairs of the Association shall be managed by its council.

Committees

31(1) The council shall establish and maintain the following committees and may establish such other committees as it considers appropriate:

1. A registration committee.
2. A complaints committee.
3. A discipline committee.

Panels

(2) The council may authorize the registration committee, the complaints committee and the discipline committee to sit in panels for the purpose of exercising the committee's powers and performing the committee's duties under this Act, if any, and for any other purpose.

Same

(3) A decision of a panel of a committee constitutes the decision of the committee.

Powers of first council

(4) Until the first council establishes each of the committees required by subsection (1), the first council may exercise the powers and shall perform the duties of the applicable committee under this Act.

Registrar

32(1) The council shall appoint a Registrar from among the employees of the Association.

By-laws and fees

33 The Council may make by-laws relating to the administrative and internal affairs of the Association and, without limiting the generality of the foregoing, may make by-laws establishing fees, specifying the amount of such fees, requiring members and persons applying to become members to pay such fees and exempting persons from paying fees.

Annual report

34(1) Each year, the council shall give a report to the Minister containing such information as he or she requires.

Powers of the Minister

35(1) The Minister may review the activities of the council and ask the council to undertake activities that, in his or her opinion, are necessary and advisable to carry out the intent of this Act.

Same

(2) The Minister may advise the council with respect to the implementation of this Act and the regulations and with respect to the methods that the council uses or proposes to use to enforce the regulations and to implement its policies.

Confidentiality of information

36(1) Every councillor, member of a committee established by the Association or employee of the Association shall keep confidential any information obtained in the course of his or her duties performed under this Act.

Exception

(2) An individual described in subsection (1) may disclose confidential information for the purposes of the administration and enforcement of this Act.

Testimony in civil proceedings

37(1) A councillor, member of a committee established by the Association or employee of the Association cannot be compelled to testify in a civil proceeding with respect to information obtained in the course of his or her duties performed under this Act.

Exception

(2) Subsection (1) does not apply with respect to a proceeding to enforce this Act.

Immunity

38(1) No action or other proceeding for damages shall be instituted against the Association, a councillor, member of a committee of the Association or employee or agent of the Association, including an investigator appointed under subsection 22 (1), for any act done in good faith in the performance or intended performance of a duty or in the exercise or intended exercise of a

power under this or any other Act or for any alleged neglect or default in the performance or exercise in good faith of such a duty or power.

Regulations

43(1) Subject to the approval of the Minister, the council may make regulations,

(a) respecting eligibility for membership, standards relating to the practice of the profession, including education requirements for members, and the discipline of members and certificate holders, including what constitutes professional misconduct;

(b) prescribing such things as this Act requires or permits to be prescribed or to be done by regulation;

(c) prescribing classes of individuals who are exempt from subsections 3 (1) and (2) (prohibitions re practice of professional geoscience), prescribing classes of membership and certificates of authorization and imposing terms, conditions and limitations on any class;

(d) setting out criteria for determining what constitutes qualifying work experience for the purposes of subsection 9 (2) (eligibility for membership);

(e) prescribing circumstances in which an individual is not eligible to be a member or a corporation, partnership or other entity is not eligible to hold a certificate of authorization;

(f) prescribing information to be included in the public register maintained by the Registrar;

(g) making any provision of the *Corporations Act* and *Corporations Information Act* applicable to the Association, with such modifications as the Council considers necessary or advisable;

(h) prescribing any matter that is necessary for furthering the Association's objects and is in the public interest.

Same, Minister

(2) The Minister, acting alone, may make any regulation that the council (subject to the Minister's approval) has the authority to make under subsection (1).

Same

(3) A regulation made by the Minister under subsection (2) prevails over a regulation made under subsection (1), and may amend or revoke a regulation made under subsection (1).

6.2 APGO Bylaws

There are 11 bylaws approved by APGO Council:

Bylaw No. 1 - Business

Bylaw No. 2 - Fees and Dues

Bylaw No. 3 - Certificate of Registration New

Bylaw No. 4 - Certificate of Authorization

Bylaw No. 5 - Additional Designations

Bylaw No. 6 - Registration Committee

Bylaw No. 7 - Standing Committees of Council

Bylaw No. 8 - Elections

Bylaw No. 9 - Complaints Committee

Bylaw No. 10 - Discipline Committee

Bylaw No. 11 - Mobility Agreement with Ordre des Géologues du Québec

Some examples of the powers and duties of Council found in the APGO by-laws are provided below.

Bylaw No. 5 – Additional Designations

HONORARY MEMBER

2. Council may grant the designation of Honorary member to a non-member of the Association who has provided exceptional service to the profession of geoscience.

5. The Honorary Member Committee shall submit nominations to Council for consideration.

6. Council may revoke the designation of Honorary member to an individual who has brought discredit on himself or herself or on the geoscience profession.

9. No person may remain in the record as a geoscientist-in-training for more than six (6) years.

10. Notwithstanding Section 9, in particular cases, Council may extend the period to not more than eight (8) years.

12. The Council may direct the Registrar to remove the name of a geoscientist-in-training from the register if the Council determines that the geoscientist-in-training has engaged in behaviour that constitutes unprofessional conduct.

15. The Council may direct the Registrar to remove the name of a student from the register if the Council determines that the student has engaged in behaviour that constitutes unprofessional conduct.

Bylaw No. 6 – Registration Committee

APPOINTMENT OF COMMITTEE

1. Council shall appoint the Registration Committee (the “Committee”), as set out in the Act and Regulations. All members of the Committee shall serve at the discretion of Council for a term of not less than three (3) years and may be reappointed.

7 Quebec: Ordre des Ingénieurs du Québec (OIQ)

7.1 Professional Code, Civil Code of Québec, Chapter C-26

20. The Interprofessional Council shall consist of the professional orders; each order shall be represented thereon by its president or by another member designated by the board of directors.

40. The board of directors of an order shall issue a permit or a specialist's certificate to any person who meets the conditions prescribed by this Code, the Act constituting such order and the regulations made under this Code or the said Act.

41. The board of directors of an order may issue, on the conditions it determines, to any person legally authorized to practise outside Québec the same profession as the members of such order a temporary permit valid for a period of one year and renewable.

42.1. The board of directors of an order may issue a temporary restrictive permit to a person seeking admission to a profession who is in either of the following situations:

(1) after examining an application for equivalence submitted under a regulation made under paragraph c of section 93 or paragraph i of section 94, the order informed the person of the training needed to obtain the equivalence;

(1.1) in addition to having the professional competence required, the person must meet one of the conditions set out in a regulation made under paragraph c.2 of section 93 to obtain a permit issued under paragraph 2.1 of section 42; or

(2) the person must meet one of the conditions set out in a regulation under paragraph q or r of section 94 to obtain a permit issued under paragraph 3 of section 42 or section 42.2.

The board of directors must determine, from among the professional activities the members of the order may engage in, those that may be engaged in by the holder of the permit, and the conditions the holder must meet to engage in those activities.

The permit is valid for one year and may be renewed.

42.2. The board of directors of an order may issue a special permit for certain professional activities to a person who holds a legal authorization to practise the profession outside Québec, in accordance with a regulation under paragraph r of section 94.

42.4. Despite sections 32, 36 and 37.2, the board of directors may issue a special authorization granting a person legally authorized to practise the profession outside Québec the right to use a title reserved for members of the order in Québec or to engage in Québec in professional activities reserved to them in Québec.

A special authorization is valid only for the activities or the title it specifies. Moreover, it must specify the person or group of persons for whom the activities may be engaged in, as well as any other applicable condition or restriction. It is valid for a period not exceeding one year and is renewable.

The board of directors may delegate to the president of the order the power to issue or renew a special authorization, in accordance with the conditions it determines.

45. The board of directors may refuse to issue a permit or to enter an applicant on the roll, or refuse any other application preceding admission to the profession, if the applicant

(1) has been the subject of a decision of a Canadian court finding him guilty of a criminal offence which, in the reasoned opinion of the board of directors, is related to the practice of the profession, unless he has obtained a pardon;

(2) has been the subject of a decision of a foreign court finding him guilty of an offence which, if committed in Canada, could have led to criminal proceedings and which, in the reasoned opinion of the board of directors, is related to the practice of the profession, unless he has obtained a pardon;

(3) has been the subject of a disciplinary decision made in Québec by the disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the revocation of a permit or a striking off the roll, including a provisional striking off the roll;

(4) has been the subject of a disciplinary decision made outside Québec which, if made in Québec, would have had the effect of a revocation of permit or a striking off the roll, including a provisional striking off the roll imposed by an order's disciplinary council;

(5) has been the subject of a decision made in Québec finding the applicant guilty of an offence under section 188 or an offence under a provision of an Act of Québec or a federal Act identified for the purposes of this subparagraph in the order's code of ethics; or

(6) has been the subject of a decision made outside Québec finding the applicant guilty of an offence which, if committed in Québec, could have resulted in penal proceedings under section 188 or penal proceedings under a provision of a Québec or a federal Act identified for the purposes of this subparagraph in the order's code of ethics.

Before making a decision under this section, the board of directors must give the person concerned an opportunity to submit observations.

A decision refusing to issue a permit or to enter an applicant on the roll, or refusing any other application preceding admission to the profession shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.

Within three years after a decision is made under this section, no new application for a permit or for entry on the roll or new application preceding admission to the profession may be presented to the board of directors that made the decision unless there are new facts that may warrant a different decision.

45.1. The board of directors may, after giving an applicant an opportunity to submit observations, enter the applicant on the roll, but restrict or suspend his right to engage in professional activities if the applicant

(1) is the subject of a disciplinary decision made in Québec by the disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the restriction or suspension of his right to engage in professional activities;

(2) is the subject of a disciplinary decision made outside Québec which, if made in Québec, would have had the effect of a restriction or suspension of the right to engage in professional activities imposed by the disciplinary council of an order;

(3) is or has been, as the case may be, the subject of a decision described in section 45.

A decision to restrict or suspend the right to engage in professional activities shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

45.2. A person must, in an application for a permit or for entry on the roll or in any other document that is filled out for the purpose of admission to a profession, inform the board of directors that the person is or has been the subject of a judicial or disciplinary decision described in section 45 or 45.1.

A certified copy of a judicial or disciplinary decision described in section 45 or 45.1 that was rendered in Canada constitutes proof that the offence was committed and that any facts reported in the decision are true.

The board of directors may require the person to provide any information or document it considers necessary for the purposes of section 45 or 45.1. The board of directors may refuse to examine the application until the information or document is provided to it.

45.3. The board of directors may assess the competence of an applicant for a permit described in section 42 when the applicant has satisfied the conditions set out in that section for a number of years greater than that prescribed by a regulation under paragraph j of section 94.

The board of directors may also assess the competence of an applicant for entry on the roll when the applicant has held a permit without being entered on the roll for a number of years greater than that prescribed by a regulation under paragraph j of section 94.

Based on the results of an assessment under the first or the second paragraph, the board of directors may, after giving the applicant an opportunity to submit observations,

(1) refuse to issue a permit to or enter on the roll the applicant whose knowledge or skills are not equivalent to those of the members of the order;

(2) enter the applicant on the roll but limit or restrict his right to engage in professional activities until successful completion of a period of refresher training or a refresher course, or both; in the case of repeated failure to successfully complete a required period of refresher training or a required course, the third paragraph of section 55 applies.

A decision under the third paragraph shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.

No new application may be presented to the board of directors after it has made a decision under this section unless there are new facts that may warrant a different decision.

46. Every person who applies therefor to the secretary of an order shall be entered on the roll of the order if he satisfies the following conditions:

(1) he holds a permit issued by the board of directors of the order.

46.0.1. A professional who has been struck off the roll of an order must, even on the expiry of a provisional striking off the roll, comply with the conditions and formalities set out in section 46 in order to be again entered on the roll.

Unless the board of directors decides otherwise, entry on the roll entails the resumption of any supervision measure to which the professional was subject on ceasing to be a member of the order and which therefore ceased to be applied at that time.

48. The board of directors of an order may order the medical examination of a person who is a member of such order, who applies for entry on the roll or who makes another application preceding admission to the profession where it has reason to believe his physical or mental condition is incompatible with the practice of his profession.

49. The physical examination required by the board of directors shall be carried out by three physicians; one of these shall be designated by the board of directors, another, by the person concerned and the third, by the first two.

49.1. Despite section 49, the medical examination may be carried out by a single physician if the board of directors and the person concerned give their consent.

51. Where the person concerned refuses to submit to the medical examination or where, according to the report of the three physicians, his physical or mental condition is incompatible with the practice of his profession, the board of directors may, after giving him an opportunity to submit observations,

(a) if such person is a member of the order, strike him off the roll or restrict or suspend his right to engage in professional activities;

(b) if such person is not a member of the order, refuse to enter him on the roll, allow him to be entered on the roll but restrict or suspend his right to engage in professional activities, or refuse any other application he makes preceding admission to the profession.

Every decision under the first paragraph must be served forthwith, in accordance with the Code of Civil Procedure (chapter C-25), on the person concerned.

52. The situation of a person who is the subject of a decision under section 51 may be reassessed on an application in writing by the person.

The board of directors shall decide the application on the basis of the medical report furnished to it by the person concerned on the compatibility of his physical or mental condition, as the case may be, with the practice of the profession.

Where the report does not establish, to the satisfaction of the board of directors, the compatibility of the physical and mental condition of the person concerned with the practice of the profession, the board of directors may order another medical examination, and sections 49 to 51 apply.

52.1. The board of directors may, when it considers that the physical or mental condition of a professional requires immediate action to protect the public, provisionally strike the professional off the roll or restrict or suspend his right to engage in professional activities until a decision is rendered following the medical examination ordered under section 48.

However, the board of directors may not render a provisional decision under the first paragraph before informing the professional of the facts brought to its attention and giving the professional an opportunity to submit observations in the manner and within the time limit it indicates.

52.2. When the board of directors delegates its powers under section 52.1 to a committee created under paragraph 1 of section 62.1, its powers under sections 48 to 50 are also delegated to the committee.

55. The board of directors of an order may, on the recommendation of the professional inspection committee or the disciplinary council or in the cases determined by a regulation under paragraph j of section 94, require any member of the order to successfully complete a period of refresher training or a refresher course, or both such training and course. It may also impose on the member any other requirement provided for in a regulation under section 90 that is recommended by the professional inspection committee.

Where the board of directors of an order imposes a requirement described in the first paragraph on a member of the order, the board of directors may, on the recommendation of the professional inspection committee or the disciplinary council or in the cases determined by a regulation under paragraph j of section 94, restrict or suspend the member's right to engage in professional activities until that requirement is met.

In case of repeated failure to meet a requirement imposed under the first paragraph accompanied by a restriction or suspension, the board of directors may, after giving the professional concerned the opportunity to make representations, strike the professional off the roll, or permanently restrict the professional's right to engage in professional activities reserved for members of the order. The decision of the board of directors shall be served on the professional in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

55.0.1. In addition to the other cases provided for in this Code or the Act constituting the order, the board of directors may restrict a member's right to engage in professional activities if the member consents to it.

The board of directors may reassess the situation of the member concerned on an application in writing by the member, after obtaining the recommendations of the professional inspection committee.

55.1. The board of directors may, after giving the professional concerned an opportunity to submit observations, provisionally strike the professional off the roll or provisionally restrict or suspend his right to engage in professional activities if the professional has been the subject of a judicial decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45.

The board of directors shall inform a syndic of any decision, which serves as a request under section 128.

55.2. The board of directors may, after giving the professional an opportunity to submit observations, apply the disciplinary penalty handed down

(1) in Québec by a disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the revocation of the professional's permit or specialist certificate, a striking off the roll, including a provisional striking off the roll, a restriction, including a provisional restriction, or a suspension of the right to engage in professional activities; or

(2) outside Québec which, if handed down in Québec, would have had the effect of a penalty described in subparagraph 1, with the necessary modifications.

The penalty imposed by the council ends on the expiry date of the disciplinary penalty described in subparagraph 1 or 2 of the first paragraph.

55.3. A certified copy of a judicial or disciplinary decision described in section 55.1 or 55.2 that was rendered in Canada constitutes proof that the offence was committed and that any facts reported in the decision are true.

The board of directors may require the professional to provide any information or document it considers necessary for the purposes of section 55.1 or 55.2. The board of directors may strike the professional off the roll until the information or document is provided to it.

55.5. For the purposes of section 55.1, the board of directors may send to the Director of Criminal and Penal Prosecutions a list of criminal and penal offences that may be related to the

practice of the profession and for which the order wishes to be informed of any charge brought against a member. The order and the Director may enter into an agreement to determine the manner in which this information is to be sent.

56. When the board of directors of an order is informed or has reason to believe that the holder of a permit or specialist's certificate has been guilty of fraud in obtaining such permit or certificate, it may request that an inquiry be made into the matter in accordance with Division VII.

If the fraud charged is maintained against the respondent, the disciplinary council shall revoke his permit or certificate, whether or not he is entered on the roll at that time.

61. An order shall be administered by a board of directors consisting of a president and a number of directors to be determined in a regulation under paragraph e of section 93.

62. The board of directors shall have the general administration of the affairs of the order and shall see to the application of this Code, the Act or the letters patent constituting the order, the amalgamation or integration order and the regulations made under this Code or such Act. It shall exercise all the rights, powers and prerogatives of the order, except those within the competence of the members of the order in general meeting. Unless otherwise provided by this Code or such Act, it shall exercise them by resolution.

The board of directors shall, in particular,

(1) appoint the secretary of the order;

(2) require its members and the employees of the order to take an oath of discretion, and determine the form of the oath; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;

(3) make sure that activities, refresher courses or training periods are offered to the members of the order;

(4) give any advice it considers expedient to the Minister, the Office, the Interprofessional Council, educational institutions or any other person or body it sees fit;

(5) cooperate with the authorities of the educational institutions concerned in Québec, in accordance with the terms and conditions set under the second paragraph of section 184, in the development and review of programs of study leading to diplomas giving access to a permit or a specialist's certificate, of the standards that the board of directors must prescribe by a regulation under paragraph c of section 93 and, where applicable, of the other terms and conditions that the board of directors may determine by a regulation under paragraph i of section 94, together with standards of equivalence for those terms and conditions that the board of directors may prescribe in that regulation.

62.1. The board of directors may

- (1) delegate to a committee it creates for that purpose the power to decide any application preceding admission to the profession as well as its powers under sections 45 to 45.3, 46.0.1, 48 to 52.1 and 55 to 55.3; the members of such a committee shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;
- (2) establish rules for the carrying on of its business, including the number of meetings and the intervals at which they are to be held, and rules concerning the administration of the order's property;
- (3) determine the means of communication through which members of the board of directors or the executive committee who are not present or physically in attendance at the place where a meeting of the board or the committee is being held may express their opinion with a view to the making of a decision, determine conditions for the use of such means of communication and, for the purposes of the fourth paragraph of section 79, the second paragraph of section 84 and the second paragraph of section 99, determine what constitutes a failure to express one's opinion or an impediment, as the case may be;
- (4) choose to hold an election to elect the president and other directors by a technological means, which must ensure the security, secrecy and integrity of the ballot.

63.1. The board of directors must, to hold an election to elect the president and other directors by a technological means, determine the particulars of the election process in a regulation made under paragraph b of section 93. The regulation may adapt the provisions of this Code to allow the implementation of the election.

65. To ensure adequate regional representation on the board of directors of the order, the board of directors shall, by regulation, determine the number of regions, delimit them and establish how each such region is to be represented in terms of the number of elected directors on the board of directors of the order. Such regions shall be delimited with reference to the description and map of the boundaries in Schedule I to the Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1).

If the number of members of the order is not sufficient to justify dividing the territory of Québec into regions, the board of directors may prescribe by regulation that all of such territory shall constitute a single region.

74. Within ten days following the date of the closing of the poll, the secretary of the order shall proceed to the counting of the votes in the presence of the scrutineers designated by the board

of directors; the number of such scrutineers must be three or such greater number as the board of directors may fix in a regulation under paragraph b of section 93.

79. Any vacancy in the office of an elected director shall be filled by an election by secret ballot held among the elected members of the board of directors or according to another mode of election determined by a regulation under paragraph b of section 93. The term of office of the person so elected shall end upon the expiry of that of the person whom he replaces.

81. If the office of president becomes vacant, the president shall be replaced for the unexpired portion of his term by one of the elected directors designated by the board of directors or in another way determined by regulation under paragraph b of section 93.

If the president is unable to act, the board of directors may designate an elected director to exercise the president's functions for the duration of the inability to act.

82. The members of the board of directors shall hold the number of meetings required to carry out the functions and exercise all the rights, powers and prerogatives that section 62 confers on the board of directors. However, they must meet at least three times a year.

83. Special meetings of the board of directors shall be held at the request of the president or one-quarter of the members of the board of directors.

85. Despite any inconsistent provision, a two-thirds majority vote of the members of the board of directors is required to dismiss the secretary of the order, a syndic or a person to whom a regulation under paragraph a of section 94 applies.

The board of directors may dismiss a syndic only if a written notice to attend is sent to him at least 30 days before the date of the meeting of the board of directors at which the resolution proposing the dismissal is to be presented. The notice shall set out the reasons for the proposed dismissal and inform the syndic of his right to be heard by the board of directors.

The board of directors shall notify the Office of the reasons for the dismissal of a syndic within 30 days of its decision.

The order's power to dismiss a person under this section may not be limited by a contract of employment or a collective agreement.

85.1. The board of directors shall determine the annual assessment and any supplementary or special assessment to be paid by the members of the order or certain classes of members on the basis of the professional activities in which they engage, and the date by which the assessment must be paid.

To come into force, a resolution passed by the board of directors under the first paragraph must be approved by a majority of the members of the order who vote on the matter, except in the case of a resolution proposing a supplementary assessment that has become necessary for the order to satisfy its obligations under a regulation of the Office under subparagraph 6 of the third paragraph of section 12 or a regulation of the Government under section 184, to pay expenses resulting from the payment of compensation or expenses related to the procedure for recognizing the equivalence of diplomas issued outside Québec or the equivalence of training, or related to the carrying out of the provisions of this Code that pertain to professional discipline or inspection.

A resolution determining an annual assessment is applicable for the year for which the assessment has been determined and it remains applicable, so long as it is not amended, for each subsequent year. A resolution determining a supplementary or special assessment is applicable for the specific purposes and the duration it specifies.

85.2. The board of directors shall compute, in accordance with the regulations made under paragraphs d and g of section 93, the amount required to defray the operating cost of the group plan or the professional liability insurance fund, apportion that amount among all the members of the order or certain classes of them or, if so provided by the regulation under paragraph g of section 93, solely among the members who carry on their professional activities within a partnership or a company in accordance with section 187.11, and determine when and where that amount must be paid, the whole in accordance with the conditions and procedures it determines.

85.3. The board of directors shall strike off the roll a member who

(1) fails to pay the assessments and the contribution referred to in paragraph 2 of section 46 within the period specified;

(2) fails to furnish the security or pay the amount referred to in paragraph 3 of section 46 within the period specified;

(3) fails to comply with the terms of the agreement referred to in paragraphs 4 and 4.1 of section 46; or

(4) fails to pay the fees referred to in paragraph 5 of section 46.

86.0.1. The board of directors may, in particular,

- (1) publish any periodical, leaflet or information concerning the activities of the order or its members;
- (2) form committees, determine their powers and fix the salary, fees or indemnities of their members;
- (3) establish a benevolent fund or a pension plan, in accordance with the Supplemental Pension Plans Act (chapter R-15.1), for the benefit of the members or employees of the order;
- (4) establish and administer a retirement fund for the members of the order and organize group insurance plans on their behalf;
- (5) establish and administer a contingency fund, the assets of which are invested in accordance with articles 1339 to 1344 of the Civil Code, for the benefit of members of the order in need;
- (6) establish and administer a fund to promote training, information, the quality of professional services and research;
- (7) enter into an agreement with any body to facilitate mutual recognition of the qualifications required for the issue of permits, specialist certificates or special authorizations;
- (8) prescribe the formalities and administration costs payable for requests addressed to the order by the members or by applicants for admission to the profession;
- (9) (paragraph replaced);
- (10) require any person applying for a permit or for entry on the roll to take the oath in the form established by the board of directors;
- (11) prescribe that fees in the amount fixed by the Office pursuant to paragraph 2 of section 12.3, shall be charged to a person who requests an opinion from the review committee in accordance with section 123.4;
- (12) suggest a tariff of professional fees that the members of the order may apply in respect of the professional services they render.

86.1. The board of directors may set up a professional liability insurance fund and administer it in accordance with the Act respecting insurance (chapter A-32).

87. The board of directors must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity. Such code must contain, inter alia:

- (1) provisions to prevent conflict of interest situations;

- (2) provisions defining, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the dignity or practice of the profession;
- (3) provisions to preserve the secrecy of confidential information that becomes known to the members of the order in the practice of their profession, and provisions setting out the conditions on which a professional may, in accordance with the third paragraph of section 60.4, communicate the information described in that paragraph and the procedure applicable;
- (4) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6, and provisions concerning a professional's obligation to release documents to his client;
- (5) provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the order;
- (6) provisions identifying offences, if any, for the purposes of subparagraphs 5 and 6 of the first paragraph of section 45 or of the first paragraph of section 55.1.

88. The board of directors of an order whose members charge fees must establish, by regulation, an accounts conciliation and arbitration procedure that may be used by persons to whom fees are charged.

89. The members of an order may not, in the practice of their profession, hold funds or property, including advances on fees, on behalf of a client or another person, unless it is expressly authorized by the board of directors by regulation.

If it authorizes the members of the order to hold such funds or property, the board of directors must, subject to the Unclaimed Property Act (chapter B-5.1), determine by regulation

- (1) procedures and standards for holding and disposing of such funds or property; and
- (2) procedures and standards for keeping and auditing members' books and registers and, if applicable, for holding and auditing a trust account.

89.1. A board of directors that makes a regulation under section 89 authorizing the members of the order to hold funds or property must compensate a claimant if a member uses such funds or property for purposes other than those for which they were entrusted to the member in the practice of his profession. The board of directors may not, however, compensate a claimant who entrusted funds or property to a member for illicit purposes or who knew or ought to have known that the funds or property would be used inappropriately.

The board of directors must determine by regulation

- (1) the compensation procedure; and

(2) if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund.

The regulation may prescribe the maximum compensation payable, in particular, the maximum amount that may be paid to a claimant in respect of a member and the maximum amount that may be paid to all claimants who have filed a claim in respect of a member.

If two or more claims are filed in respect of a member and the total amount claimed, after application of the limit prescribed for each claimant, exceeds the limit prescribed for all claimants, the amount of compensation is set by the board of directors and paid in proportion to the amount of each claim.

A person, a committee or a committee member designated by the board of directors for the purposes of this section may conduct an inquiry and report to the board of directors on any claim. Section 114 applies to the inquiry, with the necessary modifications. The board of directors may also delegate the power to decide a claim to such a committee.

The person or the committee members referred to in the fourth paragraph shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public.

If it compensates a claimant, the board of directors is subrogated to the claimant's rights, and prescription only runs from the day the compensation is paid.

90. The board of directors must determine, by regulation, the composition, the number of members and the procedure of the professional inspection committee of the order.

The board of directors may, in the regulation, determine a procedure for appointing inspectors or experts to assist the committee, and determine the requirements the committee may recommend in addition to the recommendations regarding refresher courses or periods of refresher training it may make under section 113.

The board of directors may also, in the regulation, provide for the appointment by the board of directors of a person to be responsible for professional inspection, delegate the powers of the committee or the committee members under sections 55, 112 and 113 to that person, and then delegate the powers of the board of directors under those sections to the committee.

91. The board of directors must, by regulation, determine standards concerning the keeping, holding and maintenance by a professional in the practice of his profession of records, books, registers, medications, poisons, products, substances, apparatus and equipment as well as property entrusted to him by a client or another person.

It must also, in the regulation, determine the rules, terms, conditions and formalities for the preservation, use, management, administration, transfer, assignment, provisional custody and destruction of the records, books, registers, medications, poisons, products, substances, apparatus and equipment of a professional, and the rules, terms, conditions and formalities for the preservation, use, management, administration and provisional custody of property entrusted to him by a client or another person, applicable in the event of his death or his being struck off the roll or ceasing to practise, or in the event of his right to practise being restricted or suspended, his permit being revoked or his accepting an office which prevents him from completing the mandates that have been entrusted to him.

The board of directors may, in the regulation, determine standards for the operation of a consulting room and other offices by a professional.

In cases described in the second paragraph, the board of directors may take possession of the records and the property held by the professional or require their delivery to an assignee or provisional custodian. In such a case, the board of directors shall determine by resolution the remuneration and the responsibilities and powers of the assignee or the custodian and the procedure for the recovery, from the professional or his successors, of expenses incurred or fees paid by the board of directors, the assignee or the custodian.

93. The board of directors must, by regulation,

(a) fix the quorum for general meetings of the members of the order and the manner of calling such meetings;

(b) fix the date of and procedure for the election of the president and the elected directors, the date and the time they take office and their term of office; the regulation may set a limit on the number of consecutive terms for which they may be appointed;

(c) prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

(c.1) determine a procedure for recognizing an equivalence, standards for which are established in a regulation under paragraph c of this section or paragraph i of section 94, stipulating that a decision must be reviewed by persons other than those who made it;

(c.2) determine the terms and conditions for issuing a permit or a specialist's certificate that are required to give effect to an agreement entered into by the order under an agreement for mutual recognition of professional competence entered into between the Government and another government; the board of directors must also, in the regulation, stipulate that a decision refusing to recognize that one of those conditions, other than professional competence, has been fulfilled must be reviewed by persons other than those who made it;

(d) impose on the members of the order the obligation to furnish and maintain security, by means of an insurance contract or a surety bond or by any other means determined by the regulation, to cover liability for any fault committed in the practice of their profession, or the obligation to join a group plan contract entered into by the order or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1. The coverage must extend to any claim filed against a member during the five years following the year he no longer is required to maintain security to cover his liability or following the year he ceases to be a member of the order or during a longer period determined by the order in the regulation. The regulation must prescribe the minimum amount of coverage and may prescribe special rules or exemptions based, in particular, on the professional activities engaged in by the members and the risk they represent;

(e) fix, in accordance with section 61, the number of directors of the board of directors;

(f) determine the location of the head office of the order;

(g) pursuant to paragraph 2 of section 187.11, impose on the members referred to therein, on the basis of the risk they represent, the obligation to furnish and maintain coverage, on behalf of the partnership or company, by means of an insurance or suretyship contract or by any other means determined by the regulation, against liabilities of the partnership or company arising from fault in the practice of their profession, or the obligation to join a group plan contract entered into by the order or to contribute to a professional liability insurance fund established for

such purposes in accordance with section 86.1; the regulation shall also determine the minimum amount of coverage and prescribe specific rules according to such factors as the nature of the professional activities carried on and the number of members of the order in the partnership or company; the coverage must extend to any claim filed against the partnership or company during the five years following the year the members cease to maintain the coverage, or during a longer period determined by the board of directors in the regulation;

(h) fix the conditions and procedure applicable to a declaration pursuant to paragraph 3 of section 187.11.

94. The board of directors may, by regulation:

(a) establish rules for the remuneration of elected directors, determine the positions within the order whose incumbents may not be dismissed except in accordance with section 85, and the procedure applicable to such a dismissal, and to the dismissal of a syndic or of the secretary of the order, in addition to what is provided in section 85;

(e) define the different classes of specialization within the profession and, where applicable, the conditions of practice;

(h) determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph i, and the terms and conditions on which such persons may engage in such activities; the regulation may determine, from among the regulatory standards applicable to members, those that are applicable to persons who are not members of an order; unless it is for the purpose of authorizing persons registered in a program giving access to a permit issued by the order or serving a period of professional training to engage in a professional activity, the board of directors must, before adopting a regulation under this paragraph, consult any order whose members engage in a professional activity described in the regulation;

(i) determine the other terms and conditions for issuing permits or specialist's certificates, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein; if it requires periods of professional training, the board of directors may in addition determine, from among the regulatory standards applicable to members, those that are applicable to persons who serve those periods of training, provide for special supervisory procedures for those persons, including inquiry and complaint procedures, and determine the penalties that may be imposed by the board of directors in the case of non-compliance;

(j) determine cases in which section 55 may apply; the regulation may also determine a number of years for the purposes of section 45.3;

- (m) determine categories of permits on the basis of the professional activities that the members may engage in or the titles they may use, and the conditions and restrictions to which members must submit when engaging in such activities or using such titles;
- (n) determine what is acceptable in lieu of a document required for the purposes of section 42 or paragraph i of section 94 of this Code, and the conditions applicable;
- (o) determine the continuing education requirements, or the framework for those requirements, with which the members or a class of members of the order must comply, in accordance with the conditions set by resolution of the board of directors; the regulation must include the methods for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply with them and, if applicable, possible exemptions from the requirements;
- (p) authorize the members of the order to carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions. If the board of directors authorizes the members to carry on their professional activities within a joint-stock company, the regulation may, in particular,
- (1) determine standards with regard to the name of the company;
 - (2) fix, according to whether or not the shares of the company are listed on a stock exchange, the proportion of voting shares that must be held by members of the order;
 - (3) fix, according to whether or not the shares of the company are listed on a stock exchange, the proportion or number of directors of the company who must be members of the order;
 - (4) determine, according to whether or not the shares of the company are listed on a stock exchange, conditions governing the transfer of shares, or shares of certain classes, and the exercise of the voting rights of a shareholder whose right to engage in professional activities has been restricted or suspended or who is no longer a member of the order, and, as appropriate, the applicable procedures and restrictions; and
 - (5) define, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the status of employee, shareholder or director of the company;
- (q) determine which legal authorizations to practise a profession outside Québec give access to a permit or a specialist's certificate, and the conditions for the issue of the permit or the specialist's certificate that are applicable to the holders of the legal authorizations;
- (r) establish special permits; the regulation must contain the reasons justifying the issue of a special permit, the conditions for the issue of the permit, the title, abbreviation and initials its holder may use, the activities the holder may engage in and the conditions the holder must meet to engage in those activities.

94.1. The board of directors may, in a regulation that it is authorized to make under this Code or under an Act constituting the professional order, make compulsory a standard established by a government or body. It may provide that reference to such a standard includes any subsequent amendment made to it.

95.3. No regulation may be adopted by the board of directors under section 87, 88, 89, 90 or 91, paragraph d or g of section 93 or paragraph j, o or p of section 94 unless the secretary of the order has sent a draft of it to every member of the order at least 30 days before its adoption by the board of directors.

95.4. All regulations made by the board of directors or made by the Government under section 183 and that are in force shall be distributed to the members of the order and the appointed directors by the secretary of the order.

96.1. The executive committee shall see to the day-to-day administration of the order's affairs and may exercise all the powers delegated to it by the board of directors.

However, the power to make regulations, to establish operating rules for the board of directors or the executive committee, to appoint a syndic or to designate the members of the disciplinary council, or the powers conferred by section 85.2 and the first and third paragraphs of section 86.1 may not be delegated to the executive committee by the board of directors.

97. The board of directors shall determine the number of members of the executive committee. That number must be at least five when the forming of a committee is compulsory, and at least three when the forming of a committee is optional, but in all cases, less than half the number of directors on the board.

100. The board of directors shall establish operating rules for the executive committee, including rules for the holding of meetings and quorum rules, and the procedure for keeping the board of directors informed of the activities of the executive committee.

103. The annual general meeting of the members of an order shall be held within eight months after the end of the fiscal year of such order.

The board of directors shall set the date, time and place of the meeting.

106. A special general meeting of the members of an order shall be held at the request of the president of the order, at the request of the board of directors or at the written request of the number of members required to constitute a quorum at such meeting. Such request shall be addressed to the secretary, who must then call the meeting in accordance with section 102 at least five days before the date fixed for the meeting.

109. A professional inspection committee is established within each order.

Such committee shall consist of not less than three members appointed by the board of directors which shall designate a chair from among them.

Three members, or such greater number as the board of directors may fix by regulation, including the chair, shall be a quorum of the committee. If there is a sufficient number of members on the committee, it may sit in divisions of three members, including the chair or another member of the committee designated by the chair to act as chair of a division.

112. The committee shall supervise the professional practice of the members of the order. Its functions include inspecting their records, books, registers, medications, poisons, products, substances, apparatus and equipment relating to their professional practice, and inspecting the property entrusted to them by their clients or other persons.

At the request of the board of directors, the committee or a committee member shall inspect the professional competence of a member of the order; the committee or a committee member may also act on its or his own initiative in this regard.

117. The disciplinary council shall consist of at least three members, including a chair who shall be appointed by the Government, after consultation with the Barreau du Québec, from among the advocates who have at least 10 years' practice; the Government shall fix the duration of the chair's term, which must be at least three years. At least two other members shall be designated by the board of directors of the order from among the members of the order; the board of directors shall fix the duration of their terms, which must be at least three years.

120. The board of directors of every order shall appoint the secretary of the disciplinary council of the order.

121. The board of directors of each order shall appoint, from among the members of the order, the syndic and, if need be, assistant syndics and corresponding syndics. These persons form the office of the syndic of the order.

121.1. The board of directors must take steps to preserve the independence of the office of the syndic at all times so that the persons who form the office of the syndic may exercise their functions.

121.3. The board of directors may appoint a syndic ad hoc on the suggestion of the review committee, at the request of the syndic or, in exceptional circumstances that it must set out in the resolution of appointment, on its own initiative.

A syndic ad hoc has the rights, powers and obligations of a syndic except that he does not have authority over an assistant syndic and may not be assisted by a corresponding syndic.

The board must take steps to preserve the independence of a syndic ad hoc at all times.

123.3. A review committee shall be established within every order.

The function of the committee is to give, on request, to a person who requested the holding of an inquiry, its opinion regarding any decision of a syndic not to lodge a complaint.

The board of directors shall appoint three or more persons to the committee and designate the committee chair from among their number.

128. A syndic must, at the request of the board of directors, lodge any complaint against a professional which appears to be justified; he may also, on his own initiative, act in this regard.

159. The board of directors of the order may, upon motion, suspend a striking off made under this section, provided that the professional struck off undertakes in writing to reimburse fully the amount that he owes, within a fixed time.

193. The following persons or bodies cannot be prosecuted by reason of acts engaged in in good faith in the performance of their duties or functions:

(6) the board of directors, a member of the board of directors or the secretary of the order.

7.2 Engineers Act, Civil Code of Québec, Chapter I-9 (OIQ)

9. The Order shall be administered by a board of directors called the “board of directors of the Ordre des ingénieurs du Québec.”

The board of directors shall consist of a president elected, 20 directors elected and four directors appointed by the Office des professions du Québec, in the manner provided in the Professional Code (chapter C-26).

12. The board of directors may, in the course of its duties,

(a) decide as to any court action or defence proceedings to be taken by and in the name of the Order, or with its authorization;

(b) generally represent the Order for all legitimate purposes;

(c) conduct, either directly or through committees or members specially designated for such purpose, any investigation or study deemed useful on any matter of concern to the profession;

(d) establish scholarships, prizes and medals.

16. The board of directors, in all cases and notwithstanding the method of admission provided, may refuse admission to any candidate who cannot provide evidence of good character to the board of directors' satisfaction.

A decision by the board of directors to refuse admission on the ground provided for in the first paragraph shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV of the Professional Code (chapter C-26).

18. The board of directors, on payment of a fee not exceeding the amount of the annual assessment of the members, may grant a temporary licence for a specific project to any person domiciled in Canada who is a member of a Canadian association of engineers authorized to govern the practice of the engineering profession, upon presentation by such person of his credentials.

19. (1) The board of directors, on payment of the fees fixed by it, may grant to any person who does not qualify under section 18 but who holds a diploma in engineering, a degree of bachelor of applied sciences, or an equivalent diploma from a school or university recognized by the board of directors, or who is a member of an engineering association recognized by the board of

directors, a temporary licence for a specific project as the collaborator of a member of the Order who shall sign and seal the plans and specifications with him.

(2) Exceptionally, and subject to the conditions described in the preceding subsection, the board of directors, if it feels that such action is warranted by special circumstances, may grant to such person a temporary licence to practise, not as a collaborator but directly as the engineer in charge of the project, provided that such person be assisted by a member of the Order.

(3) In both cases, the member of the Order must participate in the supervision of the work.

20. The board of directors may accept as a member a person who has not been legally admitted to Canada as a permanent resident but who is qualified and whose services as a specialist are required in Québec. Such member must be admitted for specific employment and shall not practise except for the purposes of that employment.

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.

Note: Excerpts of relevant provisions from regulations available in English are included here. *Where regulations are available in French only, actual excerpts are not provided but the relevant provisions are summarized and shown italics. These are not official translations.*

7.3 Règlement sur les Assemblées Générales, la Rémunération des Administrateurs et Déterminant l'endroit du Siège de L'Ordre des Ingénieurs du Québec, Recueil des Lois et des Règlements du Québec, Chapter I-9, r 1.1

(Translation: Regulation on General Meetings, the Remuneration of Directors and Determining the Location of the OIQ Headquarters)

Section 4. Remuneration and reimbursement for expenses for persons who are required to attend meetings are determined by the board of directors.

Section 5. Remuneration and reimbursement for expenses for the president, for the execution of his/her functions, are determined by the board of directors.

7.4 Regulation Respecting Other Terms and Conditions for the Issuance of Permits by the Ordre des Ingénieurs du Québec, Civil Code of Quebec, Chapter I-9, r. 4

1. The board of directors of the Order shall issue a junior engineer's permit to persons who meet all of the following conditions:

(1) they have sent an application to the secretary of the Order and have enclosed:

(a) a certified copy of their act of birth;

(b) a recent passport-size photograph (5 cm x 7 cm) certified under the person's signature as being of himself;

(2) they have demonstrated that they hold a degree recognized by the Government under the first paragraph of section 184 of the Professional Code (chapter C-26) as giving access to an engineer's permit or a degree considered equivalent by the board of directors, or they have training considered equivalent by the board of directors under paragraph c of section 93 of the Professional Code;

(3) they have paid all fees and costs relating to the issuance of the junior engineer's permit that are required under paragraph 8 of section 86.0.1 of the Professional Code.

5. The board of directors of the Order shall issue an engineer's permit to persons who also meet the following conditions, in addition to the conditions stated in section 1:

(1) they have acquired engineering experience in accordance with Division II;

(2) they have successfully completed the sponsorship activities in accordance with Division III, as applicable;

(3) they have passed the professional examination in accordance with Division IV;

(4) they have demonstrated that they have appropriate knowledge of the official language of Québec for practising the profession of engineer in accordance with the provisions of the Charter of the French language (chapter C-11);

(5) they have paid all fees and costs relating to the issuance of the engineer's permit required under paragraph 8 of section 86.0.1 of the Professional Code (chapter C-26).

9. In order to be recognized, the engineering experience must have been acquired:

(1) after the end of a program of studies leading to a degree recognized by the Government as giving access to an engineer's permit;

(2) after the end of a program of studies leading to a degree considered equivalent by the board of directors;

(3) after the end of a program of studies leading to an engineering degree, if the candidate passes the confirmatory examinations prescribed by the committee of examiners; or

(4) after the candidate passes the qualifying examinations prescribed by the committee of examiners, as applicable.

10. Notwithstanding section 9, a person shall receive an engineering experience credit equal to the period of relevant engineering experience acquired during the second half of a program of study:

(1) leading to a degree recognized by the Government as giving access to an engineer's permit; or

(2) leading to a degree considered equivalent by the board of directors.

Such engineering experience credit may not exceed 4 months.

17. The board of directors shall appoint from among the members of the Order an evaluator of engineering experience, and determine his duties and functions.

29. The board of directors shall appoint a sponsorship evaluator and determine his duties and functions.

40. The board of directors shall appoint an examination director to be in charge of organizing and administering the professional examination, and determine his duties and functions.

41. Examination sessions shall be held at the times and places determined by resolution of the board of directors.

7.5 Regulation Respecting the Professional Inspection Committee of the Ordre des Ingénieurs du Québec, Civil Code of Quebec, Chapter I-9, r. 7

Section 2. The professional inspection committee is made up of 15 members appointed by the board of directors from among members who have practiced for at least 5 years.

Section 4. The board of directors appoints the secretary of the committee.

Section 11. The committee supervises the practice of the profession following the program that it establishes and the board of directors approves.

Section 12. Every year, the board of directors distributes to the membership the general supervision program of the committee.

7.6 Regulation Respecting Elections to the Board of Directors of the Ordre des Ingénieurs du Québec, Recueil des Lois et des Règlements du Québec, Chapter I-9, r. 8

Section 7. The board of directors appoints scrutineers who are members not employed by l'Ordre and not members of the board of directors.

7.7 Règlement sur la Formation Continue Obligatoire des Ingénieurs, Recueil des Lois et des Règlements du Québec, Chapter I-9, r. 9

(Translation: Regulation on Mandatory Continuing Education for Engineers)

Section 4. The board of directors can require members to take certain courses/training regarding professional development

Section 20. The striking from the roll of l'Ordre is effective until the member provides l'Ordre proof that he/she has satisfied the requirements of section 16 [regarding continuous development] and until it has been lifted by the board of directors.

7.8 Regulation Respecting the Standards for Equivalence of Diplomas and Training for the Issue of a Permit by the Ordre des Ingénieurs du Québec, Civil Code of Quebec, Chapter I-9, r. 10

1. The secretary of the Ordre des ingénieurs du Québec shall forward a copy of this Regulation to a candidate wishing to obtain recognition of equivalence of a diploma or training.

In this Regulation:

(1) "diploma equivalence" means the recognition by the board of directors of the Ordre des ingénieurs du Québec that a diploma issued by an educational institution outside Québec certifies that a candidate's level of knowledge is equivalent to the level attained by the holder of a diploma recognized as meeting permit requirements, in conformity with the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2), under section 184 of the Professional Code (chapter C-26);

(2) "training equivalence" means the recognition by the board of directors of the Ordre des ingénieurs du Québec that the candidate's training indicates that he has acquired a level of knowledge equivalent to the level attained by the holder of a diploma recognized as meeting permit requirements;

3. The secretary of the Order shall forward the documents described in section 2 to the committee of examiners formed by the board of directors.

6. Candidates who disagree with the notice of the committee of examiners or have new elements to present are entitled to request a file review. The committee of examiners shall review its notice at the next meeting after the candidate's request.

Candidates who disagree with the revised notice are entitled to be heard by a committee formed for this purpose by the board of directors.

7. The committee formed by the board of directors to hear the candidate shall do so within 90 days of the date of receipt of the application. To this end, the secretary shall convene the candidate by means of a notice in writing sent by registered mail at least 10 days before the date of the hearing. Within 10 days of the date of the hearing, that committee shall make its recommendation to the committee of examiners, which shall send it to the board of directors with its notice.

8. At the first meeting following receipt of the notice of the committee of examiners, the board of directors shall decide, in accordance with this Regulation, whether or not to grant the equivalence and, in the latter case, indicate, where applicable, which examinations or courses the candidate must pass in order to obtain equivalence; the board of directors shall notify the candidate in writing within 15 days following its decision.

14. To sign up for the examinations, candidates must:

(1) apply in writing to the secretary of the committee of examiners at least 60 days before the scheduled examination date;

(2) pay the dues required by the board of directors.

15. Within 30 days following receipt of a notice of failure of an examination, candidates may ask the secretary of the committee of examiners in writing to have the correction of the examination reviewed, upon payment of the dues required by the board of directors.

7.9 Regulation Respecting Refresher Training Periods of Engineers, Civil Code of Quebec,
Chapter I-9, r. 12

2.01. The board of directors may, if it considers that an engineer's level of competence does not meet the standards required for the protection of the public, oblige that engineer to serve a refresher training period when:

(a) his name is entered on the roll more than 5 years after he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of a permit;

(b) his name is re-entered on the roll after failing to have it entered thereon for more than 5 years;

(c) his name is re-entered on the roll after having been struck off for more than 5 years;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the disciplinary council pursuant to section 113 or 160 of the Professional Code (chapter C-26);

(e) he has served a training period considered, pursuant to section 2.10, not in conformity with the objectives and the terms and conditions determined by the board of directors.

2.03. The decision of the board of directors to oblige an engineer to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

2.06. The board of directors shall determine where and when the training period must be held and, where necessary, shall designate one or several tutors.

2.07. A tutor shall submit a report to the Order within 10 working days after completion of his mandate stating, with reasons in support thereof, whether the engineer serving a training period acted, while under his supervision, in conformity with the objectives and the terms and conditions determined by the board of directors.

2.08. The engineer serving a training period or his tutor may be required to submit additional reports to the board of directors on the dates determined by the latter.

2.10. After studying each of the reports required under sections 2.07 and 2.08, the board of directors shall decide, at its first meeting following receipt of the reports, whether the training period is in conformity with the objectives and the terms and conditions it has determined.

3.01. The board of directors may, if it so considers necessary for the protection of the public, limit the right of the engineer in question to practise during all or part of the training period, in particular in one or several of the following ways:

(a) by determining when and where he is authorized or he is not authorized to practise;

(b) by determining the professional acts which he is authorized or he is not authorized to perform;

(c) by requiring that the professional acts that he is authorized to perform, or that certain of them, be performed under the supervision of another engineer or group of engineers.

3.02. The board of director's decision to limit the right to practise of an engineer serving a training period must be sent to his employer as soon as possible, after the engineer has been notified.

4.01. Before imposing a training period or limiting an engineer's right to practise, the board of directors must give the member concerned the opportunity to be heard. For such purpose, the board of directors must give him written notice of at least 10 days from the date of the hearing.

4.04. During the training period, the board of directors may, upon a duly motivated request by the engineer serving a training period communicated to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the engineer's right to practise.

8 Ordre des Géologues du Québec

8.1 Professional Code, Civil Code of Quebec, Chapter C-26

See above under Ordre des ingénieurs du Québec.

8.2 Geologists Act, Civil Code of Quebec, Chapter G-1.01

3. The Order shall be governed by a board of directors constituted as prescribed in the Professional Code (chapter C-26).

4. The board of directors shall, in addition to the regulations it is required to make under the Professional Code (chapter C-26), fix the terms and conditions relating to the seal of the Order, in particular its form and content, and the conditions and obligations attached to the use of the seal.

Section 95.2 of the Professional Code applies to the regulation.

Note: Excerpts of relevant provisions from regulations available in English are included here. *Where regulations are available in French only, actual excerpts are not provided but the relevant provisions are summarized and shown italics. These are not official translations.*

8.3 Regulation Respecting the Internal Business of the Ordre des Géologues du Québec,
Recueil des Lois et des Règlements du Québec, Chapter G-1.01, r. 1

Section 2. The president fixes the date, time, location and agenda for regular meetings of the board of directors. The adopted agenda of a regular meeting can only be modified with the consent of all of the members of the board of directors present at the meeting.

Section 3. Special meetings of the board of directors are held at the request of the president or of 2 members of the board of directors. The secretary fixed the date, time and location.

Section 8. The president chairs meetings of the board of directors. The board of directors appoints one of its members to chair the meeting if the president is absent or if the president is chairing the meeting and wants to take part in a debate or ...

Section 21. The board of directors appoints 3 scrutineers from among the membership who are not members of the board of directors or member of l'Ordre.

Section 46. General meetings are held on the date and time, and at the location that the board of directors determines.

Section 50. The draft agenda for the general meeting is approved by the board of directors.

8.4 Regulation Respecting the Professional Inspection Committee of the Ordre des Géologues
du Québec, Recueil des Lois et des Règlements du Québec, Chapter G-1.01, r. 3

Section 2. The professional inspection committee of l'Ordre is composed of 5 members appointed for a term of 3 years by the board of directors from among geologists who have practice for at least 5 years.

Section 4. The board of directors appoints a secretary of the committee, who is not a member.

Section 10. The committee supervises the practice of the profession following the program that it establishes and the board of directors approves.

Section 12. Every year, the board of directors distributes to all geologists the general supervision program of the committee.

8.5 Regulation Respecting the Conditions and Procedures for the Issuance of Permits by the Ordre des Géologues du Québec, Recueil des Lois et des Règlements du Québec, Chapter G-1.01, r. 3.001.01

Section 1. The board of directors of l'Ordre des géologues du Québec issues a permit

Section 2. The committee of examiners, established by the board of directors in accordance with paragraph 2 of section 86.0.1 of the Professional Code (Chapter c-26) and composed of people who are not members of the board of directors, studies permit applications and makes recommendations to the board of directors within 90 days of receiving them.

*Section 3. The board of director decides on all permit applications within 60 days of receiving recommendations from the committee of examiners.
The decision of the board of directors is final and must give reasons and be provided in writing to the applicant within 30 days of the date the decision was made.*

Section 14. A person who is informed of a decision of the committee of examiners that is unfavourable may request a review by submitting in writing to the secretary of l'Ordre an application to this effect within 45 days of receiving the decision.

The board of directors decides on the application for review within 60 days of receiving it. Before making its decision, it gives the applicant the opportunity to make submissions.

The decision of the board of directors is final and must be provided in writing to the applicant within 30 days of the date the decision was rendered.

Section 17. Examination sittings are held at locations and at times fixed by the board of directors. At least two sitting are held each year.

Section 20. A person who fails the examination may, within 30 days of receiving notice of the failure, request review of the marking to the secretary of l'Ordre. The committee formed for this purpose by the board of directors review the examination within 30 days of the request.

8.6 Regulation Respecting the Compensation Fund of the Ordre des Géologues du Québec,
Civil Code of Quebec, Chapter G-1.01, r 3.002

1. The board of directors of the Ordre des géologues du Québec is to set up a compensation fund to compensate a claimant if a geologist uses funds or property for purposes other than those for which they were entrusted by the claimant to the geologist in the practice of the profession.

2. The fund is a minimum amount of \$100,000, less administrative costs, and consists of

(1) sums already allocated for compensation on 31 May 2012;

(2) sums allocated to the fund by the board of directors.

3. The board of directors of the Order manages the compensation fund. It is authorized to enter into any insurance or reinsurance contract for the purposes of the fund and to pay the premiums out of the fund.

5. The board of directors of the Order invest the sums making up the fund as follows:

(1) the portion of the sums that it anticipates using in the short term is deposited in a financial institution governed by the Act respecting trust companies and savings companies (chapter S-29.01), the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (chapter C-67.3) or the Trust and Loan Companies Act (S.C. 1991, c. 45); and

(2) the other portion is invested in accordance with article 1339 of the Civil Code.

9. The board of directors may relieve a claimant from the consequences of the claimant's failure to comply with the time limit provided for in section 8 if the claimant shows that, for reasons beyond the claimant's control, the claimant was unable to file the claim within that time.

11. The board of directors decides on a timely basis whether it is expedient to grant the claim in whole or in part and, where applicable, fixes the compensation. Its decision is final. Where the decision grants the claim, the compensation is paid to the claimant within 60 days of the decision.

13. The maximum compensation payable from the fund for the period covering the fiscal year of the Order is \$100,000 for all claims in respect of a geologist.

Where the board of directors has reasonable grounds to believe that claims in excess of that amount may be filed in respect of the same geologist, it may have an inventory drawn up of the funds and property kept in trust by the geologist and notify in writing the persons likely to file a claim. It may also suspend the payment of compensation until it has reviewed all claims concerning the geologist.

The maximum compensation is reviewed every 5 years from 31 May 2012.

8.7 Regulation Respecting the Mandatory Continuing Education of Geologists, Recueil des Lois et des Règlements du Québec, Chapter G-1.01, r. 3.01

Section 4. The board of directors of l'Ordre may, if it considers that a change or a shortcoming in the practice of the profession of geology warrants it, require its members or a class of them to take particular training. ...

Section 10. The board of directors of l'Ordre decides on all requests related to sections 8 and 9 [regarding reduced or equivalent professional development hours/activities] and provides its decisions to the geologist within 60 days of the request.

This decision indicates, if appropriate, the conditions that apply.

Section 14. If the geologist does not remedy his/her default in the period prescribed, the board of directors strikes him/her from the roll of l'Ordre. L'Ordre gives written notice to the geologist of the sanction that has been imposed. In order for the sanction to be lifted, the person must provide to the board of directors proof that he/she has remedied the default indicated in the notice provided under section 12.

8.8 Regulation Respecting the Equivalence of Diplomas and Training for the Issuance of Permits by the Ordre des Géologues du Québec, Recueil des Lois et des Règlements du Québec, Chapter G-1.01, r 3.1

Section 9. A person informed of a refusal by the committee, in whole or in part, of the equivalence requested may request that the decision be reviewed by the board of directors. This request must be in writing to the secretary within 30 days or receipt of the decision.

Section 10. The board of directors considers the request for review within 60 days of receiving it. Before making a decision, it gives the requestor the opportunity to make submissions.

The decision of the board of directors is final and must be provided in writing to the person concerned within 30 days after the meeting at which the decision was made.

8.9 Regulation Respecting the Conciliation and Arbitration Procedure for the Accounts of Geologists, Civil Code of Quebec, Chapter G-1.01, r. 4

16. The board of directors shall appoint the member or members of the council of arbitration from among the members of the Order. If the council consists of 3 arbitrators, the board of directors shall appoint the chair and secretary.

18. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure (chapter C-25), except paragraph 7 of that article. It must be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receiving the notice provided for in section 17 or of the day on which the reason for the request becomes known.

The board of directors shall rule on such request and, where required, shall see that the recused arbitrator is replaced.

26. In the event of an arbitrator's death or inability to act, the other arbitrators shall see the matter to its completion. If that arbitrator is the chair of the council of arbitration, the board of directors shall designate one of the other 2 members to act as chair.

If the council of arbitration consists of a single arbitrator, that arbitrator shall be replaced by a new arbitrator appointed by the board of directors and the dispute shall be reheard.

9 Newfoundland: Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL)

9.1 Engineers and Geoscientists Act, 2008, Statutes of Newfoundland and Labrador 2008, Chapter E-12.1

3 (3) The powers of the association shall be exercised in the name of and on behalf of the association by the board of directors referred to in section 4.

Board

4. (1) The association shall be governed by a board of directors which shall consist of
- (a) 9 professional members elected from and by members of the association in accordance with the by-laws; and
 - (b) 3 members appointed under section 5 who are not members of the association.
- (2) The association shall elect one of the elected members as the chairperson of the board.
- (4) The chairperson, or an elected member designated by him or her, shall chair the meetings of the board.
- (8) Where an elected member resigns, dies or becomes incapable of performing his or her duties, the remaining members shall appoint a replacement to serve until the expiry of the term of that elected member.
- (10) Elected members shall serve without payment for their services, but their travel and other expenses associated with their duties as members may be paid by the board, in accordance with the by-laws.
- (11) The board shall appoint a chief executive officer of the association.
- 7 (2) At the annual general meeting the association shall appoint an auditor to audit the accounts of the association and report on the financial statement prepared by the board.
- (3) The board may in its by-laws provide for voting at a meeting of the board and the association or in an election of members by mail or electronic means.

Fees

8. (1) In prescribing the fees payable under this Act, the board shall, so far as it is practicable, ensure that the amount of fees is sufficient to enable the association to exercise its powers under this Act.

By-laws

9. (1) The board may make by-laws not inconsistent with this Act respecting
- (a) the holding and procedure of its and the association's meetings;
 - (b) the appointment of committees of the members of the board comprising representatives of elected and appointed members and the duties and responsibilities of those committees and the delegation of some or all of the board's powers to them;**
 - (c) the election of members of the board under subsection 4(1) and setting the terms of office;

- (d) the election of the chairperson of the board under subsection 4(2);
 - (e) the payment of travel and other expenses of elected members of the board;
 - (f) the employment and remuneration of staff and consultants of the association;
 - (g) a code of ethics which shall include
 - (i) a definition of "professional misconduct" and "conduct unbecoming" for the purposes of sections 20 to 37,
 - (ii) provisions respecting conflict of interest, and
 - (iii) rules respecting methods of advertising;
 - (h) the remuneration and payment of travel expenses of members of adjudication tribunals;
 - (i) the participation of members at a meeting of the association or board by telephone or other telecommunications device under section 6; and
 - (j) voting by members of the association and the board by mail or electronic means.
- (2) A by-law may be made, amended or repealed at a meeting of the board provided that 30 days notice, in writing, of the making, amendment or repeal of the by-law and of the meeting are given to members of the board.

Annual report

10. (1) The board shall prepare and submit to the minister not later than 6 months after the end of its financial year
- (a) a report on the activities of the association in the previous year; and
 - (b) the association's audited financial statements for the previous financial year.
- (2) The minister shall table a copy of the annual report and the audited financial statement in the House of Assembly within 15 days of receiving it if the house is sitting and if the house is not sitting within 15 days after it next begins to sit.
- (3) Where the board fails to comply with subsection (1), the board is guilty of an offence and on summary conviction may be fined \$1,000.

Registration

11. A person who
- (a) has met the requirements for registration that may be prescribed by the board; and

(b) pays the fees set by the association,

is entitled to be registered as a professional engineer or geoscientist.

Permit holders

12. (1) A professional member, partnership, corporation or other association of persons that proposes to provide the services of a professional member directly to the public shall apply to the board for a permit to provide those services.

(2) An applicant for a permit under subsection (1) shall pay the fee set by the association for the permit.

(3) As a condition of receiving a permit, a professional member, partnership, corporation or association of persons shall provide proof that he or she has obtained professional liability insurance coverage in a form and amount satisfactory to the board.

Requirement for permit

18. (1) A professional member shall not offer or provide professional services directly to the public unless the member has a permit issued under section 12.

(2) A permit issued under section 12 may contain those restrictions on the practice of engineering or geoscience that the board considers appropriate.

21. (1) The board shall appoint at least 3 of its members, at least one of whom is a member appointed under section 5, to constitute a complaints authorization committee.

(3) The board shall appoint the chairperson and vice-chairperson of the complaints authorization committee from the persons appointed under subsection (1).

(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.

(8) Members of the disciplinary panel shall serve on the panel without payment for their services, but may be remunerated for service as a member of an adjudication tribunal and paid their travel and other expenses associated with the work of that tribunal by the board, in accordance with and at the rates set by the by-laws.

Hearing

26. (1) Where a complaint has been referred under paragraph 24 (3)(b), an adjudication tribunal shall hear the complaint.

(2) The parties to a hearing are the board and the respondent and a party may be represented by his or her counsel at a hearing.

Failure to comply

32. (1) On application by the board to the disciplinary panel, an adjudication tribunal may make an order suspending the rights and privileges of a respondent where it determines that the respondent has failed to comply with a decision or an order under subsection 28 (2) or 29 (3).

(2) The parties to the application are the board and the respondent.

Costs of association

34. (1) Where a person who was ordered to pay the costs of the board under paragraph 28 (2)(e) or 29 (3)(e) fails to pay in the time required, the board may suspend the registration or permit of that person until the costs are paid.

Collection of fine

35. (1) Where an order is made under section 28 or 29 imposing a fine on a respondent, the board may issue a certificate stating the amount of the fine due and remaining unpaid and the name of the person by whom it is payable, and file the certificate with the Trial Division.

Appeal to Trial Division

36. (1) The board or the respondent may, within 30 days after receiving notice of the decision or order of an adjudication tribunal under this Act, appeal the decision or order to the Trial Division by filing a notice of appeal with the Registrar of the Supreme Court.

37. An action for damages shall not lie against the association, the board, disciplinary panel, an adjudication tribunal or the individual members of those bodies, a person appointed to conduct an investigation under subsection 24(1)(b), the registrar, or an officer or employee of the board for

- (a) an act or failure to act, or a proceeding initiated or carried out in good faith under this Act, or carrying out their duties or obligations as an officer, employee or member under this Act; or
- (b) for a decision or order made or enforced in good faith under this Act.

Regulations

38. (1) The board may, with the approval of the minister, make regulations

- (a) respecting the establishment of categories of and conditions respecting the registration of engineers-in-training, geoscientists-in-training, candidates for examination and students;
- (b) respecting the academic qualifications and experience required of applicants for registration as professional engineers or geoscientists;
- (c) governing the evaluation by the board or a committee of the board, of the academic qualifications and experience requirements of applicants for registration to engage in the practice of engineering or geoscience and the examination of the applicants with respect to those qualifications or requirements;
- (d) respecting providing notice to the public under subsection 24(4);
- (e) respecting the eligibility of applicants generally for registration to engage in the practice of engineering or geoscience;
- (f) prescribing performance standards for the practice of the professions;
- (g) governing the names which members and permit holders may use in the practice of the professions;
- (h) respecting the establishment by the board of both compulsory and optional continuing education programs for members;
- (i) establishing categories of professional engineers or geoscientists or permit holders and prescribing the restrictions of practice and the privileges and obligations of the categories;
- (j) respecting the use of stamps and seals;
- (k) governing the eligibility for registration of persons, firms, partnerships and other associations of persons as permit holders;
- (l) respecting eligibility to form limited liability partnerships;
- (m) respecting alternative dispute resolution for the purposes of sections 20 to 36 and the procedure for that resolution; and
- (n) prescribing time limits for events in the disciplinary process in sections 20 to 37, including time limits for:

- (i) the filing of an allegation,
- (ii) the resolution of an allegation by the registrar,
- (iii) the conduct of an investigation under section 24,
- (iv) consideration of an allegation by the complaints authorization committee following completion of an investigation,
- (v) responding to a complainant and respondent at each stage of the process,
- (vi) the conduct of a practice review under paragraph 24(1)(c),
- (vii) the appointment of an adjudication panel under section 25, and
- (viii) the conduct of a hearing and the filing of a decision or order by an adjudication panel following completion of the hearing.

(2) Notwithstanding subsection (1), the minister may make regulations to prescribe time limits for events in the disciplinary process under sections 20 to 37 where the board does not do so in a time period the minister considers reasonable.

Practice prohibitions

42. (1) A person whose registration as an engineer, geoscientist or permit holder is cancelled or suspended under this Act shall not, without the consent of the board, engage in the practice of engineering or of geoscience or directly or indirectly associate in the practice of engineering or of geoscience with another member or permit holder.

(2) A professional engineer, geoscientist or permit holder shall not, except with the consent of the board, associate in the practice of engineering or of geoscience directly or indirectly with or employ a person whose registration has been cancelled or suspended under this Act.

(3) The board may permit a member or permit holder to employ in connection with the practice of engineering or of geoscience a person whose registration has been cancelled or suspended under this Act, in the capacity and subject to the terms and conditions that are prescribed by the board.

9.2 Engineers and Geoscientists Regulations, 2011, Newfoundland and Labrador Regulation 43/11

Conditions for continuing registration of professional members

7. (1) The registration of a professional member shall expire annually on December 31.

- (2) The registrar shall annually renew the registration of a professional member who ...
- (c) meets the requirements of the professional development program established by the board.

Requirements for registration of permit holders

9. (1) To be eligible for registration as a permit holder, a sole proprietor shall, in addition to other applicable requirements of the Act, the regulations and the by-laws.

(d) provide proof to the registrar of professional liability insurance coverage in the form and amount prescribed and published by the board.

Conditions for continuing registration of members-in-training

16. (2)(c) The registrar shall annually renew the registration of a member-in-training who meets the requirements of the professional development program established by the board.

24. (1) The board shall establish a registration committee and appoint members to the committee.

(2) The registration committee shall consist of

(a) not fewer than 5 professional members; and

(b) those other persons that the board considers necessary.

(3) The executive committee of the registration committee shall consist of

(a) a chairperson, who shall also serve as chairperson of the registration committee, appointed by the board from among the members of the registration committee;

(b) 2 vice-chairpersons appointed by the board from among the members of the registration committee; and

(c) those other members of the registration committee that the executive committee considers necessary to consider specific applications.

25. (3) The registration committee may, with the approval of the board, delegate to the registrar the approval of applicants for registration in circumstances where the evaluation of academic qualifications and experience requirements of applicants is not required.

26. The registration committee shall meet when necessary to consider applications for registration and at least twice annually to consider matters of policy, significant changes in procedure, examination results and other matters referred to it by its executive committee or the board.

27. (6) The board or a committee of the board, other than the registration committee or a member of that committee, shall, after receipt of a request for review under this section, review the application.

(9) On hearing a review under this section, the board or committee of board may make a decision which the registration committee is authorized to make under this Part.

33. (4) The board or the registration committee may direct the registrar to cancel a registration or revoke a permit which was entered or issued in error.

(5) The registration of a professional member, permit holder, member-in-training or examination candidate under the Act and the regulations may, on notice, be suspended, cancelled or its renewal withheld by the board or the registration committee for failure of the professional member, the permit holder, the professional member in responsible charge of a permit holder, member-in-training or examination candidate to meet the requirements set out in the Act or the regulations for continuing registration.

(6) The registrar, upon direction from the board, may give notice to the profession and to the public of an action taken under this section.

34. (1) A professional member or member in training shall comply with the requirements of the association's professional development program policies established by the board.

(4) Notwithstanding subsections (1) and (2), the board may, in the association's professional development program policies, establish circumstances other than those set out in subsection (3) under which a professional member or member in training would be exempt from the requirements of subsection (1).

(5) An exemption under this section is only effective for the calendar year in which a declaration is filed under subsection (3) or an exemption granted under subsection (4) but may be renewed annually by the registrar for additional yearly periods where renewal is in accordance with the professional development program policies established by the board.

35. Where reference is made to the registrar in these regulations, and where the registrar is temporarily unable to fulfil the functions contemplated by these regulations due to

illness or other reason, those functions may be carried out by another person designated by the board.

9.3 APEGNL Bylaws

Note: There are four APEGNL bylaws:

Bylaw No. 1 Administrative

Bylaw No. 2 Professional Liability Insurance

Bylaw No. 3 Code of Ethics

Bylaw No. 4 Board of Directors Election

The relevant provisions from Bylaw No. 1 are included here.

Bylaw No. 1 made under The Engineers and Geoscientists Act, 2008 -- PEGNL Administrative By-Law

4.1.1 The board shall meet on at least six occasions during each year at such times and at such places as the chairperson shall decide.

4.1.2 Seven (7) members of the board, one of whom shall be the chairperson or the chair-elect and one of whom is a director appointed by the Minister, shall constitute a quorum. At any meeting of the board where the chairperson is not present, the chair-elect shall fulfill the functions and responsibilities of the chairperson for the purposes of that meeting.

4.1.3 There is nothing in this by-law to prohibit the board from meeting by teleconference or other telecommunications systems where the majority of the board consent as contemplated by subsection 6(2) of the Act.

4.2.1 The annual general meeting of PEGNL shall be held at the time and place set by the board, provided that the board shall not allow more than fifteen (15) months to elapse between annual general meetings.² The meetings will be conducted in accordance with parliamentary procedure and in case of procedural dispute Robert's Rules of Order will be the authority.

4.2.2 Special meetings of PEGNL shall be held in accordance with the following:

(a) The board may call a special meeting at any time.

(b) The board shall call a special meeting within 60 days of receipt of a written request from 30 or more members, specifying the reason the meeting is requested. Time and place shall be set by board.

4.2.4 Motions made and passed by a majority of members at an annual general meeting or a special meeting of PEGNL are advisory to the board only, and are only binding if adopted by the board.

5.2 Responsibilities of Chapters

5.2.1 With specific approval from the board, District organizations may form Chapters in areas of the District where this seems desirable.

5.2.2 The Chapters of each District shall be responsible for the organization of technical and social activities in their own area.

5.3 Limitations of Chapter Responsibilities

The District Chapters may not, in any way, take action which infringes on the responsibilities of the board. This includes, but is not limited to: registration, discipline, professional conduct.

6.1 Terms of Reference

The Standing Committees may be established by the board from time to time, and shall proceed in accordance with the terms of reference and procedures designated by the board at the time of appointment.

6.2 Appointments

The board shall appoint the chairpersons and members of the following Standing Committees, and others as required: (a) the Linkages Committee (b) the Nominating Committee

8.1 Setting of Fees

Consistent with Section 8(1) of the Act, all required fees payable to PEGNL shall be as prescribed and published by the board from time to time. Publication of prescribed fees shall be made by mailed notice to all members and by posting on the PEGNL website.

10.1 Professional Members

On initial registration, the registrar shall issue to each professional member a certificate in a form prescribed by the board, signed by the chairperson and registrar, showing the date of registration and the professional category of the professional member, and annually a certificate in the form of a membership card.

11.1 Honorary Members

(a) Honorary Membership in PEGNL may be granted by the board to a uniquely distinguished person who is not a member of PEGNL.

(b) Honorary Members shall not be required to pay fees and shall have no voting rights in PEGNL.

11.2 Life Members

(a) Life Membership in PEGNL will be granted to any member who has been a member of PEGNL for at least twenty (20) years, who is at least 60 years of age and retired (has no professional income).

(b) Life Members shall be entitled to the rights and privileges of members of PEGNL, but shall have no right to engage in professional practice.

(c) Payment of membership fees by Life Members shall be voluntary.

Administration

12.1 The affairs and business of PEGNL shall be governed by the board and administered by the chief executive officer/registrars in accordance with the Act, the Regulations, By-Laws and policies adopted by the board.

12.2 The chief executive officer (CEO)

12.2.1 The CEO of PEGNL shall be appointed by the board and shall hold office at the board's discretion.

12.2.2 The employment of the CEO of PEGNL shall be terminated if a majority of the members of the board (not including the chairperson of the meeting who has no vote) each vote in favor of such termination.

12.2.3 The CEO is authorized to employ the management and staff required, in the CEO's judgment to conduct the affairs of PEGNL.

12.2.4 The CEO shall be responsible for the preparation of the annual report to be presented at the annual general meeting.

12.3 Borrowing

The board shall have authority to borrow funds on behalf of PEGNL up to a maximum of one-half the revenue from current membership fees.

12.5.2 The board may prescribe remuneration for members of adjudication tribunals for time spent in preparation for and attendance at hearings.

10 Prince Edward Island: Engineers PEI

10.1 Engineering Profession Act, Revised Statutes of Prince Edward Island 1988, Chapter E-8.1

4. The Association is empowered

(d) to establish out of its funds, scholarships and prizes for students of engineering in attendance at such schools of engineering as the Council may select, and to determine the value of such scholarships or prizes, the conditions governing their award and the duration of their tenure; ...

5. (2) Any applicant for a certificate of registration who satisfies Council that he

(a) is a resident or is coming to reside in Prince Edward Island;

(b) is a graduate in engineering or applied science of an academic or technical institution recognized by the Council;

(c) has fulfilled the requirements of approved engineering experience as prescribed in the bylaws;

(d) has successfully completed any examinations that may be prescribed by Council;

(e) has provided evidence of good character; and

(f) has paid the fees as prescribed in the bylaws,

shall be entitled to become registered as a member of the Association.

(3) Any applicant for certificate of eng'ineer-in-training who satisfies the Council that he meets all the requirements of subsection (2), except clause (c), shall be entitled to be enrolled with the Association as an engineer-in-training.

(4) An engineer-in-training shall be subject to the control of the Council in the manner provided by this Act and bylaws.

(7) A member ceases to be a member of the Association when ...

(c) the Council revokes or suspends the member's certificate of registration; ...

(8) Any applicant for license to practise who satisfies the Council that he

(a) is not a resident;

(b) has provided evidence of being a registered member in good standing in another association of engineers in any other province which has similar membership requirements to that of the Association;

(c) has successfully completed any examinations that may be prescribed by the Council;

(d) has paid the fees as prescribed in the bylaws,

shall be entitled to a license to practise.

(9) Any applicant for a license to practise who satisfies the Council that he

(a) is not a resident of Canada;

(b) is a member in good standing in any engineering or technical organization or society of standing recognized by the Council;

(c) has filed with the Registrar satisfactory proof that such person is qualified to practise professional engineering;

(d) has successfully completed any examinations that may be prescribed by the Council; and

(e) has paid the fees as prescribed in the bylaws,

shall be entitled to a license to practise.

(11) The Council may refuse to issue a license to practise to an applicant where the Council is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of professional engineering in accordance with the law and in a manner consistent with the provision of good service to the public.

6. (5) If the provisions of subsection (3) are met, and upon payment of fees as prescribed in the bylaws, the applicant shall upon approval of the Council, be entitled to a certificate of authorization and if the applicant does not have a functioning office in Prince Edward Island under the direct supervision of an engineer, non-resident status shall be indicated on the certificate of authorization.

(7) If the Council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section, or has been guilty of conduct that would, in the case of a member or licensee be professional misconduct or incompetence, the Council may reprimand the holder, or suspend or revoke its certificate of authorization.

7. (1) The Registrar shall keep a register provided by the Council and enroll therein in the manner provided by the bylaws the names and addresses of all persons who are members, licensed to practise, engineers-in-training and holders of certificates of authorization.

(2) The register shall be open for public inspection at all reasonable times without charge.

(3) The Registrar upon resolution of the Council and receipt of the fee prescribed in the bylaws shall issue a certificate of registration, license to practise or certificate of engineer-in-training to the person accepted for membership, licensed to practise, or accepted as an engineer-in-training.

(4) The Registrar upon resolution of the Council and receipt of the fee prescribed by the bylaws shall issue a certificate of authorization to the partnership, association of persons, or corporation which has been approved to receive such certificate.

(5) The form of the certificate or license shall be as prescribed in the bylaws.

11. (1) There shall be a Council of the Association consisting of the President, immediate Past-President, Vice-President and a minimum of four additional councillors.

(2) The President, Vice-President and councillors shall be elected in the manner and for the term of office as prescribed in the bylaws.

(3) The Council shall be responsible for the administration of this Act and general management of the affairs and business of the Association and shall carry on and transact the same in accordance with the Act and bylaws.

(4) The President shall act as presiding officer at the meetings of the Council and of the Association, and shall vote only when the votes are evenly divided.

(5) The Vice-President shall have all the powers of the President in the absence of the President.

(6) The Council shall appoint a Registrar, a secretary and a treasurer, whose qualifications, duties and respective terms of office shall be as prescribed by the bylaws and the Council may appoint one person to one or more of these offices.

(7) The Council shall appoint such other officers as may be necessary for carrying out the provisions of this Act and bylaws.

(8) The members of the Council, officers and examiners appointed under the provisions of this Act and bylaws shall be paid such fees and expenses as are prescribed in the bylaws.

(9) A majority of the members of the Council shall constitute a quorum for the transaction of business.

(10) The elected members of the Council and other elected or appointed officers shall hold office until their successors are elected or appointed in accordance with this Act and the bylaws.

(11) Where a vacancy in the Council occurs, the remaining members of the Council may appoint a member of the Association to fill the vacancy until the next regular election.

(12) A member elected to fill a vacancy in the Council shall be elected only for the unexpired term of the Councillor whose place he is to fill.

(13) All officers and officials of the Association whether elected or appointed shall exercise such powers and perform such duties as may be prescribed in the Act and the bylaws.

(14) The Association may obtain such professional advice as it considers necessary in order to carry out the affairs and business of the Association.

12. (1) The Council shall, in the manner provided by the bylaws, appoint an Engineering Qualifications Committee.

(2) The Committee shall in the manner provided in the bylaws

(a) examine and report to the Council on all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining a certificate of registration, license to practise, enrollment as an engineer-in-training or certificate of authorization;

(b) prescribe and conduct any examinations required of candidates for certificate of registration, license to practise, or engineer-in-training and as soon as possible after the completion of such examinations file with the secretary the results thereof, whereupon the Council shall notify each candidate of the result of his examination and of its decision upon his application.

(3) The scope of the examinations, the method and procedure shall be as prescribed in the bylaws.

(4) A candidate failing an examination may be examined again after an interval established at the discretion of the Council.

(5) The fees payable by candidates for examination shall be as prescribed in the bylaws.

(6) The Council shall have power to establish jointly with any council of any association similarly constituted in one or more of the provinces of Canada, a central examining board, and to delegate to the central examining board all or any of the powers possessed by the Association in respect of the examination of candidates for membership, license to practise or engineer-in-training.

12.1 The Council may, in conjunction with the Council of the Architects Association of Prince Edward Island, establish a Joint Practice Committee

(a) to examine matters of mutual interest to professional engineers and architects;

(b) to promote a harmonious professional relationship between professional engineers and architects;

(c) to develop joint rules of practice governing the responsibilities of professional engineers and architects; and

(d) to resolve complaints regarding professional activities pursuant to the respective Acts.

14. (1) The Council shall appoint an Act Enforcement Committee composed of three members of the Association and such additional members as prescribed in the bylaws.

(2) No member of the Association shall be eligible to be a member of the Committee while holding office as a member of the Council.

(3) Members of the Committee shall be appointed for a term of three years unless the Council otherwise determines and where there is a vacancy in the Committee, the President may appoint another member of the Association to fill the vacancy and to complete the term of the vacating member.

(4) The Council shall appoint one member of the Committee to be chairman.

15. (1) The Council shall appoint annually an Act Enforcement Officer whose qualifications, procedures, powers of investigation and remuneration shall be as prescribed in the bylaws.

16. (4) If, in the absence of a written complaint, circumstances come to the notice of the Council which, in its opinion, may constitute grounds for discipline pursuant to the Act, the Council may request in writing an investigation by the Act Enforcement Committee and the written request shall indicate the circumstances which have come to the notice of the Council.

(9) A complainant or person complained of who is not satisfied with the disposition of the complaint by the Act Enforcement Committee may request the Council for a review of the treatment of the complaint.

(10) Upon receipt of the recommendation referred to in clause (7)(d), the Council shall decide on its disposition and may

(a) refer the matter back to the Act Enforcement Committee with instructions for further investigation and reporting back to the Council;

(b) decide not to take any further action;

(c) instruct the Act Enforcement Officer to lay an information with respect to breach of the provisions of this Act or any bylaws made hereunder so as to have the matter heard by a court of competent jurisdiction in Prince Edward Island.

(11) In addition to the duties imposed under this section, the Act Enforcement Committee shall perform such other duties as are assigned to it by the Council or as prescribed in the bylaws.

Procedure Following Hearing

17. (1) The Council shall appoint a Discipline Committee composed of

(a) five members of the Council, namely, the President, immediate Past-President, Vice-President and two other members of the Council with seniority as set out in the bylaws; and

(b) one lay person who is not an engineer.

(2) Any member of the Discipline Committee shall remove himself from a hearing if he knows of or if it is shown that a conflict of interest exists.

(3) Any member of the Committee removed under subsection (2) may be replaced by any other member of the Council and if there is an insufficient number of councillors available to meet the number required to form a Discipline Committee, then the necessary members shall be selected at random from a list of Past-Presidents who are members of the Association.

(4) The Council shall name the chairman of the Committee as well as any additional members of the Committee.

(6) Where no appeal has been taken pursuant to section 21 within the time prescribed for the filing of notices of appeal, the Council

(a) may cause notice of any resolution reprimanding and censuring a person complained of to be given to members of the Association by publication in such form and in such manner as Council shall determine;

(b) shall cause notice of any resolution suspending or cancelling a certificate of registration, license to practise, enrollment as an engineer-in-training or certificate of authorization of a person complained of, to be given to the members of the Association by publication in such form and in such manner as Council shall determine, and Council may give such further notice as it shall decide.

(9) The Council or its designate may in the execution of its duties regarding Act enforcement employ at the expense of the Association such legal or other assistance as it thinks necessary.

(10) The Council may direct that the person, partnership, association of persons or corporation, whose conduct is the subject of inquiry shall reimburse the Association for expenses incurred by it under subsection (9) if during the course of inquiry that person, partnership, association of persons or corporation is proven guilty of the offence alleged in the complaint, and if the finding of the inquiry is confirmed as the result of any subsequent appeal.

Appeals

21. (3) An appeal under this section may be on questions of law or fact or both, and the court may

(a) affirm, vary or rescind the decision of the Discipline Committee;

(b) direct the Council to take any action which it has the power to take; or

(c) refer the matter back to the Council for rehearing in whole or in part, in accordance with such directions as the court considers proper.

Penalties

23. (7) Any information for the prosecution of any person, partnership, association of persons or corporation under this Act may be laid by any member, licensee, engineer-in-training or holder or any person appointed by the Council.

24. (2) No action or other proceedings shall be brought against the Council or any committee, officer, member, employee, agent or appointee of the Association for anything done in good faith under the provisions of this Act and the bylaws, or for any neglect or default in the performance or exercise in good faith of duty or power under this Act.

25. (1) The Association shall have a corporate seal.

(2) Every member shall have a seal of a design approved by the Council, the impression of which shall contain the name of the member and the words "Professional Engineer, Province of Prince Edward Island".

(3) Every person granted a license to practise by the Association shall have a seal of a design approved by the Council, the impression of which shall contain the name of the licensee, and the words "Licensed Professional Engineer, Province of Prince Edward Island".

28. (1) The Association may make bylaws relating to the administrative and domestic affairs of the Association consistent with the provisions of this Act for...

(e) calling, holding and conducting of meetings of the Council and the duties of members of the Council;

Note: There are no regulations under Prince Edward Island's *Engineering Profession Act*.

10.2 Engineers PEI Bylaws and Code of Ethics

2.1.1 Members shall be persons registered as members of the Association. To be eligible for registration applicants shall fulfil the academic and experience requirements of the *Engineering Profession Act* and these By-laws and shall demonstrate, in a manner satisfactory to Council, a knowledge of professional practice, the *Engineering Profession Act* and these By-laws.

2.1.2 Honorary Life Members shall be persons who are eminent in the engineering profession and who have provided outstanding service to the profession and have been elected to honorary life membership by unanimous vote of Council.

2.1.3 (a) Non-Practising Membership in the Association may be granted by the Council to an engineer who has satisfied the qualifications for registration under the Act, and who satisfies Council that he or she does not engage in the practice of engineering and further undertakes to refrain from engaging in the practice of engineering at any time while registered as a Non-Practising Member.

2.1.4 (a) Retired Membership in the Association may be granted by the Council to any Member who has retired from and has undertaken not to engage in the practice of engineering and has no employment income from any source. Members must make written application for Retired Member status.

2.2.1 Application for registration as a Member or enrolment as an Engineer-in-Training shall be made to the Registrar on a form prescribed by the Council and shall be accompanied by the credentials, fees and dues as prescribed by this Act and By-laws.

2.2.2 The application shall be presented by the Registrar to the Engineering Qualifications Committee. The Committee shall deal with the application in the manner provided by Section 9.5 hereof, and shall submit its findings to the Council which shall dispose of the applications by resolution.

2.2.6 Applicants may, at the discretion of Council, be required to write any examination deemed necessary to confirm the candidates' abilities in engineering theory and professional practice.

2.3.2 Registration applicants who are graduates of an accredited engineering program shall have completed at least four years of engineering experience acceptable to Council, of which at

least one year shall have been gained in a Canadian environment, and shall have passed the National Professional Practice Examination. Any other applicants shall have completed at least five years of engineering experience acceptable to Council, of which at least one year shall have been gained in a Canadian environment, and shall have passed the National Professional Practice Examination.

2.3.4 An Engineer-in-Training who has completed the required period of engineering work experience may apply for registration. Council shall have the authority to limit the period of time for which a person may remain enrolled as an Engineer-in-Training.

2.3.6 Qualifications Committee to have satisfied the requirements for registration other than the one year of experience in a Canadian environment and the passing of the National Professional Practice Examination may, at the discretion of Council, be granted Provisional Membership of the Association.

3.1 Application for a licence to practise shall be in the form prescribed by Council and shall include fees and dues as prescribed by the By-laws.

3.6 An applicant for a licence to practise engineering who has been adjudged by the Engineering Qualifications Committee to have satisfied the requirements for licensing other than the one year of experience in a Canadian environment and the passing of the National Professional Practice Examination may, at the discretion of Council, be granted a Provisional Licence and shall be known as a Provisional Licensee.

4.1 Application for a Certificate of Authorization shall be in the form prescribed by Council and shall include fees and dues as prescribed by the By-laws.

4.2 Prior to issuing a certificate of authorization, Council shall be satisfied that the applicant has a Member or Licensee who is in charge of the practice of engineering on its behalf.

4.3 Prior to undertaking the practice of engineering in any calendar year any holder of a certificate of authorization shall submit to the Registrar, in the form prescribed by Council, current information updating that contained in its original application. Annual dues shall accompany the submission. Upon approval of the submission by Council, the Association shall issue evidence of validation which shall be attached to the certificate of authorization.

5.1 Fees and annual dues shall be established by the Council annually on or before October 31 of each year, and shall take effect when approved by a two-thirds majority of the Members present at the Annual Meeting of that year or at a special meeting of Members called for the purpose of such approval. In the absence of approval at the Annual Meeting or special meeting of the fees and dues established by Council, the fees and annual dues payable for the preceding year shall continue to apply until an amendment is approved.

5.9 Council may abate the dues for Members or Engineers-in- Training

(a) who are not practising and are registered as full-time students in a program leading to an advanced degree; or

(b) who are incapacitated and thus do not intend to practise; or

(c) who are unemployed; or

(d) who are on parental leave and are not practising.

5.10 Council may waive the dues, for the year of transfer, of an applicant for registration by transfer, provided the fee for transfer of membership is paid.

5.11 Those whose names have been removed from the Register or enrolment list because of arrears in dues or failure to comply with the requirements of the Professional Development Program and who are permitted by Council in accordance with Section 2.2.5 to reapply for registration or enrollment will be required to comply with any applicable conditions imposed by the Professional Development Program and may be required to pass the National Professional Practice examination and shall be assessed fees and dues consisting of:

(a) dues in arrears for the year of removal; (b) dues for the current year; and (c) fee for registration as a new member.

5.12 A licence to practise or a certificate of authorization which is not renewed for the year by the last day of January shall be deemed to have lapsed and application for a new licence or certificate as the case may be, together with fees and dues in accordance with Sections 5.2 and 5.3, shall be required for reinstatement.

5.13 Assessments of Members for payments, other than annual dues, required to cover ordinary, special or extraordinary expenditures necessary to further any of the objects of the Association, may be made after approval by two-thirds majority of the Members voting by letter ballot following the passing of a resolution for such assessment by the Association or Council.

6.1.1 The affairs of the Association shall be administered by Council in accordance with the *Engineering Profession Act* and these By-laws.

6.1.4 The Secretary, Treasurer, and Registrar shall be appointed by Council. The services of the Secretary, Treasurer, or Registrar may be terminated by a majority vote of the Members of Council present at a meeting of Council called for the purpose of considering such termination. Notice of the meeting shall be sent to members of Council at least fourteen days prior to the date of the meeting.

6.1.5 The Executive Director shall be appointed by Council for such term and conditions as may be agreed upon between the parties. The Agreement shall be in writing and signed by both parties. The services of the Executive Director may be terminated by a majority vote of the members of Council present at a meeting of Council called for the purpose of considering such termination. Notice of the meeting shall be sent to members of Council at least fourteen days prior to the date of such meeting.

6.1.6 Council shall establish the remuneration for each office at the beginning of each year, or from time to time as deemed in the best interests of the Association.

6.1.7 Council may authorize the payment of expenses for appointed officers or members of Council or any committee for travel, accommodations and such other items as may be deemed in the best interests of the Association.

6.1.8 Council shall obtain, equip and furnish offices as necessary to carry on the business of the Association.

6.2.3 The Secretary, Treasurer, Registrar and Executive Director shall be responsible to Council for the duties assigned by the *Engineering Profession Act* and these By-laws and such other duties as may be assigned to them by Council. The Secretary, Treasurer, Registrar and

Executive Director shall not be eligible to vote at meetings of Council unless they are elected members of Council.

6.2.8 The Treasurer, if deemed necessary by the Council, shall be bonded by an approved surety company to the satisfaction of the Council and at the expense of the Association.

6.3.1 All money received on behalf of the Association shall be deposited to the credit of the Association in a chartered bank or trust company approved by Council. All payments shall be made by cheque duly signed by the authorized signing officers as designated by Council.

6.3.2 The purchase or sale of investments of the Association shall be approved by Council. Investment in securities shall be registered in the name of the Association or trustee appointed by Council, and shall be kept in a safety deposit box in a chartered bank or trust company.

6.3.3 The purchase of real estate or capital equipment to the value of \$10,000 may be undertaken in any year on the authority of Council, provided that such expenditure has not previously been rejected at an annual or special meeting of the Association. Expenditures on real estate or capital equipment in excess of \$10,000 in any year must have prior approval at an annual or special meeting of the Association.

6.3.4 Council shall have the authority to borrow money on behalf of the Association up to the amount of \$10,000. Any motion to borrow money in excess of \$10,000 shall be approved by a two-thirds affirmative vote of the Members at an annual or special meeting, or shall be sent out for letter ballot to all Members of the Association. Authority to borrow in excess of \$10,000 shall become effective only if at least two-thirds of those voting cast their ballots in the affirmative.

7.1.1 At least four regular meetings of the Council shall be held in each fiscal year at such time and place in Prince Edward Island as the President shall determine.

7.1.2 Special meetings of the Council shall be called by the Secretary on the written requisition of any four members of the Council at such time and place within Prince Edward Island as is designated in the requisition.

7.1.7 A resolution assented to and adopted in writing by a majority of members of the Council, although not passed at a Council Meeting, shall be of the same force and effect as if it had been duly passed at a Council Meeting.

7.2.1 The annual meeting of the Association shall be held at such time and place as may be fixed by the Council. The length of time between meetings shall not be longer than (15) fifteen months.

7.2.2 Council may call a special meeting of the Association at any time, and shall call a special meeting within sixty days of receipt of a written request to do so from ten or more members. The notice of special meeting shall state the specific objects thereof.

8.1.7 At the first Council meeting after the receipt thereof the Secretary shall submit to Council for its approval the list of nominees submitted by the Nominating Committee. If for any reason the nominating committee fails to fulfill properly all or any of the requirements of its office, the Council may complete all or any of these requirements.

8.1.8 Council shall then instruct the Secretary to prepare an election ballot. The names on the ballot shall include those nominees as approved by Council in accordance with Section 8.1.7 as well as any nominees submitted by the membership in accordance with Section 8.1.6. The ballot shall be prepared so that Members will be instructed to vote for not more than one Member for President, one Member for Vice-President and two Members for Councillors.

8.1.10 All valid ballots received from Members shall be handed by the Secretary to the three scrutineers appointed by Council. The scrutineers shall analyze the vote and notify the candidates in camera, not less than one day before the annual meeting. The ballots shall be filed with the Secretary who shall retain them until their disposal is authorized by motion of the annual meeting.

8.1.14 Notwithstanding subsections (8.1.9-12), the voting referred to in subsection (8.1.9-12), may be conducted by electronic or other alternative means or combination of means authorized by resolution of the Council, in which event all other requirements of this Section shall apply with necessary adaptations.

8.2.3 A vacancy in the office of Vice-President may be filled by appointment by Council. The appointment shall be for the remainder of that term of office for which the Vice-President had been elected. The appointment of a Council Member to the office of Vice-President shall constitute a vacancy in the Council.

8.2.4 Vacancies in the office of Councillors shall be filled by appointment by Council. The appointed Council Member(s) shall hold office until the next regular election of Council Members. Where the term of office so filled would have extended beyond the date of the next regular election of Council Members, the office shall be filled by election at the next regular election of Council Members for the remainder of that term of office.

9.1.2 Vacancies in the Nominating Committee may be filled by appointment by Council.

9.2.2 The Executive Committee shall (a) deal with matters of Association business arising between regular meetings of Council; (b) select, direct and coordinate other committees of Council; (c) act or report on any matters referred to it by Council; and (d) inform and/or make recommendations to Council concerning matters not included in the scope of activity of other committees.

9.3.1 The Council shall appoint an Act Enforcement Committee consisting of at least three Members and such additional members as deemed necessary by Council. Council Members are not eligible to be members of this Committee.

9.3.4 Council shall appoint a person to be known as Act Enforcement Officer which person shall: (a) act as Secretary to the Committee, including keeping minutes thereof and conducting the correspondence in accordance with the directives of the Committee;

(b) make such site visits or other inspections as the Committee may direct subject to guidelines established by Council; and

(c) perform such other duties as the Committee, acting within its mandate, may direct.

9.3.6 For the purpose of conducting an investigation pursuant to Sub- Section 15.(2) of the Act, the Act Enforcement Officer may, by an order approved by the Council and issued under the seal of the Association, require the attendance of witnesses and the production of plans, books, papers, documents or things.

9.3.8 The services of the Act Enforcement Officer may be terminated by a majority vote of the Members of Council.

9.4.1 Council shall appoint a Discipline Committee consisting of the President, Past-President, Vice-President and two Members of Council with seniority and one lay person who is not a professional engineer.

9.5.1 Council shall appoint an Engineering Qualifications Committee consisting of at least three Members and shall designate which of the Members is to chair the Committee. The Council may at any time fill any vacancies on the Committee and replace any Member thereof, or add to its number.

9.6.1 Council shall appoint a Professional Development Committee consisting of at least three members, and shall designate which of the members is to be chair of the Committee. The Council may, at any time, fill any vacancies on the Committee, and replace any member thereof or add to its number.

9.7.1 The Council may from time to time appoint from the membership of the Association such other Committees as it deems necessary and may assign to such Committees any of its powers; provided that such Committees shall conform to any regulations imposed upon them by Council.

9.7.3 Each Committee shall elect a chairperson, unless an appointment has been made by Council. In the absence of the chair, the Committee shall appoint an Acting Chair, with all the functions and powers of the chairperson.

11 Council shall be empowered to cooperate and enter into agreements with other Associations or institutes of engineering whose aims and objectives for the promotion of the engineering profession are similar to those of the Association.

11 New Brunswick: The Association of Professional Engineers and Geoscientists of New Brunswick (APEGNB)

11.1 Engineering and Geoscience Professions Act

5(1) The Association is authorized to establish out of its funds, scholarships and prizes for students of engineering or geoscience in attendance at such schools of engineering or geoscience as the Council may, from time to time select, and to determine the value of such scholarships or prizes, the conditions governing their award and the duration of their tenure.

7(1) The Association may make by-laws not inconsistent with the provisions of this Act for the

(a) discipline and honour of the professions of engineering and geoscience, and the discipline and control of their members, licencees, and holders of certificates of authorization;

(b) management of the Association and its property and affairs;

(c) levying and collecting of annual and other fees;

(d) examination and admission of candidates;

(e) filling of vacancies on the Council and the acceptance of resignations therefrom;

(f) regulation of professional advertising;

(g) borrowing of money as provided for in subsection 5(2); and

(h) all other purposes necessary for the exercise of any of the powers conferred by this

Act.

7(2) All by-laws and amendments thereto shall become effective only after ratification by two-thirds of the votes received from members of the Association in good standing.

8(1) Only persons who are members of the Association or who have received a licence from the Council as provided in this Act or the by-laws, shall be entitled.

9(1) Every person registered under this Act shall have a seal of a design approved by the Council, the impression of which shall include the name of the engineer or geoscientist and the words "Registered Professional Engineer" or "Registered Professional Geoscientist" and "Province of New Brunswick".

9(2) Every person licenced under this Act shall have a seal of a design approved by the Council, the impression of which shall include the name of the licencee and the words "Licenced Professional Engineer" or "Licenced Professional Geoscientist" and "Province of New Brunswick".

10(1) Any applicant for registration who

(a) is resident in Canada, or is enrolled as an engineer-in-training or a geoscientist-in-training in the Association;

(b) is the age of legal majority;

(c) is a graduate in engineering or geoscience of an accredited university or other academic or technical institution recognized by the Council;

(d) has fulfilled the requirements of approved engineering or geoscience experience prescribed by the by-laws and satisfactory to the Council;

(e) provides satisfactory evidence of good character; and

(f) pays the fees prescribed by the bylaws;

upon approval of the Council, shall be entitled to become registered.

10(2) Any person residing in Canada not qualified under paragraph (1)(c) who desires to become registered as a member of the Association, may make application to the Council and shall submit to such examination as the Council may require, or shall submit such other proof of qualification in lieu of an examination as the Council may decide, and such person shall be registered as a member of the Association on payment of the prescribed fees, after the Board has certified in writing that such examination has been satisfactorily passed, or such other proof has been found satisfactory.

10(3) Upon approval of the Council, any person coming to reside in New Brunswick who is, at the time, a duly registered member of an association of engineers or geoscientists of some other province or territory of Canada, with an act of incorporation or a constitution similar to that of the Association may, upon application, and upon payment of such fee as may be prescribed by the by-laws, be registered as a member of the Association; provided the person is qualified under paragraph (1)(c) and provided that such person files with the Council a certificate of membership in good standing in such other association and an application for transfer of registry endorsed by the registrar or other proper officer of such other association.

10(5) Upon submitting to the Council the required evidence, and upon payment of the prescribed fee, any non-resident applicant for registration who is a registered member in good standing of an association of engineers or geoscientists in any other province or territory of Canada with a constitution or an act of incorporation similar to that of the Association, may be entitled to practise as a professional engineer or geoscientist in New Brunswick for a period of three months thereafter, pending the disposition of the application.

10(6) Any person who is not a resident of Canada, but who is a member in good standing of any engineering, geoscientific, or technical organization or society of standing recognized by the Council, may obtain a licence to practise, subject to the qualifications for registration under the provisions of this Act.

10(7) Any non-resident of New Brunswick who is an employee of a federal public service corporation, or federal government department, the work of which is normally carried on both in New Brunswick and in some other province or territory of Canada, and who by reason of such employment is required to practise as a professional engineer or professional geoscientist in New Brunswick, may do so without holding a licence and without payment of any fee provided such person produce, on demand, proof satisfactory to the Council that the person is a registered member of an association of professional engineers or professional geoscientists of such other province or territory of Canada having an act of incorporation or a constitution consistent with that of the Association.

10(9) To obtain a certificate of authorization a partnership, association of persons, or corporation shall submit to the Registrar an application in the form prescribed by the Council containing:

(a) the names and addresses of all partners, members, officers, and directors;

(b) the names and addresses of all partners, members, officers, directors or full-time employees, who are members or licencees, and who will be in charge of the practice of

engineering or geoscience on its behalf, and whose duty it will be to ensure that this Act and the by-laws are complied with by the applicant;

(c) the address of its head office and any office in which the practice of engineering or geoscience for application in New Brunswick will be carried out; and

(d) such other information as the Council may require to evaluate the qualifications of the applicant.

10(11) If the provisions of subsections (8) and (9) are met, and the application is approved by the Council, the Registrar shall, upon payment of the fees prescribed by the by-laws issue to the applicant a certificate of authorization. In case the applicant does not have a functioning office in New Brunswick under the direct supervision of an engineer or geoscientist, non-resident status shall be indicated on the certificate of authorization.

11 The Council shall appoint annually a Board of Examiners and may from time to time appoint such other special examiners as it deems necessary.

12 The Board shall, if referred to it by the Council, examine all degrees, diplomas, certificates and other credentials submitted for the purpose of obtaining registration or a licence, and the Board may require the holder of such degree, diploma, certificate or other credential to submit evidence, either verbally or by affidavit, in support of the application.

13(1) Examinations of candidates for registration or licence shall be held at such times and places as the Council may direct.

13(4) The Board, as soon as possible after the completion of such examinations, shall file with the Secretary a certificate stating the results thereof, whereupon the Council shall notify each candidate of the result of the examination and of its decision upon the application.

13(5) A candidate failing an examination may be examined again after an interval established at the discretion of the Council.

14 The Council shall have power, conjointly with the council or appropriate governing body of any like association in any other province or territory of Canada, having objects similar to those

of the Association, to establish a central examining board and to delegate to such central examining board all or any of the powers possessed by the Council respecting the examination of candidates for admission to practise, but any examinations conducted by such central examining board shall be held in at least one place in New Brunswick.

15(4) The Council shall appoint a Secretary and a Registrar, whose qualifications and respective terms of office shall be as prescribed by the by-laws.

15(7) The Council may appoint an Executive Director, a Treasurer and such other administrative officers or officials as may be prescribed by the by-laws.

17(1) There shall be a Professional Conduct Committee, appointed by the Council, composed of not fewer than three members of the Association, or such additional members as provided by by-law.

17(3) The Council shall name one member of the Professional Conduct Committee to be chairperson.

17(6)(e) Upon receipt by the Association of a complaint alleging that any member, licensee, or holder of a certificate of authorization has engaged in other conduct of such a nature as the Council considers should be investigated; it shall be referred to the Professional Conduct Committee.

17(13) A complainant who is not satisfied with the disposition of the complaint by the Professional Conduct Committee may apply to the Council for a review of the treatment of the complaint, which the Council may refer to the Discipline Committee under subsection 18(6).

17(14) In addition to the duties imposed under this section, the Professional Conduct Committee shall perform such other duties as are assigned to it by the Council or as prescribed by by-law.

18(1) There shall be a Discipline Committee appointed by the Council, composed of not fewer than five members of the Association, or such additional members as provided by by-law, one member of which shall be named chairperson.

18(6) In addition to a complaint under subsection 17(13) the Council, by resolution, may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member, licensee, or the holder of a certificate of authorization.

18(7) The Discipline Committee shall,

(a) when so directed by the Council or the Professional Conduct Committee, hear and determine allegations of professional misconduct or incompetence against a member, licensee, or the holder of a certificate of authorization; and

(b) perform such other duties as are assigned to it by the Council.

18(16) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing, other than as a member of the Council considering the referral of the matter to the Committee, or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject matter of the hearing with any person or with any party or the representative of the party except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice.

22(2) Any information for the recovery of any such fine or penalty may be laid by a member appointed by the Council.

24(1) Each person who is registered under this Act shall, on or before the first day of January in each year, pay to the Secretary, or to such other person as shall be authorized by the Council to receive the same, such annual fee for the ensuing year as may be prescribed by the by-laws.

25(2) Any person whose name is struck from the Register under subsection (1) shall be entitled, upon payment of such annual fees and compliance with such other directions as established by Council, to reinstatement of that person's rights and privileges as an engineer or geoscientist.

Architect-Engineer Joint Committee

29(1) There shall be a committee called the "Architect- Engineer Joint Practice Committee" for the purpose of assisting the Association of Professional Engineers and Geoscientists of New

Brunswick and the Architects Association of New Brunswick in the maintenance and development of the professional relationship between the two Associations, including the consideration of questions or complaints relating thereto.

(2) The Committee shall be composed of two members from each Association plus a chairperson appointed by the members.

(3) The Council shall appoint to the Committee two members representing the Association and shall prescribe the term of each appointment.

Note: There are no regulations under New Brunswick's *Engineering and Geoscience Professions Act*.

11.2 APEGNB Bylaws under the Engineering and Geoscience Professions Act

2.1.1 Members shall be persons registered as members of the Association. To be eligible for registration applicants shall fulfill the academic and experience requirements of the *Engineering and Geoscience Professions Act* and these by-laws and shall demonstrate, in a manner satisfactory to Council, knowledge of the *Engineering and Geoscience Professions Act* and these by-laws.

2.1.2 Life members shall be persons who have been members of the Association in good standing, have paid annual dues as practising members of the Association for at least thirty-five years, and have been elected to life membership by a majority vote of Council. Candidates may apply or be proposed for life membership by written submission.

2.1.3 Retired members shall be persons who are members and have declared that they are retired and have applied for dues reduction. Such status shall be recognized upon acceptance of the application by Council.

2.1.4 Honorary members shall be persons who have made some outstanding contribution to the professions and have been elected to honorary membership by unanimous vote of Council. Candidates may be proposed by any member through written submission. Honorary members shall not be entitled to practice unless they are registered or licenced.

2.2.1 Application for registration or enrollment shall be in the form prescribed by Council and shall include fees and dues as prescribed by Council.

2.2.2 Council may cooperate with other provincial and territorial associations in establishing transfer procedures for applicants who are registered with such associations.

2.2.3 Applicants who have been previously registered but have resigned in good standing may reapply in the manner prescribed for new applicants. For such applicants the registration fee required under section 5.3 may be waived at the discretion of Council.

2.2.5 Applicants may, at the discretion of Council, be required to write a Professional Practice examination.

2.3.2 For registration applicants shall have completed, after their "academic requirement completion date", at least four years of engineering or geoscience experience acceptable to Council. All engineering or geoscience experience shall be verified by references from engineers or geoscientists. Relevant work experience prior to the "academic requirement completion date" may be accepted subject to the discretion of Council.

2.3.3 A member-in-training who has obtained the required experience shall apply for registration. A member-in-training shall not remain enrolled as such for more than five years except by special permission of Council.

3.2 Application for a licence to practise shall be in the form prescribed by Council and shall include fees and dues as prescribed by Council.

4 Prior to undertaking the practice of engineering or geoscience in any calendar year any holder of a certificate of authorization shall submit to the Registrar, in the form prescribed by Council, current information updating that contained in the original application. Annual dues shall accompany the submission. Upon approval of the submission by Council the Association shall issue evidence of validation which shall be attached to the certificate of authorization.

5.1 An annual fee, hereinafter referred to as dues, shall be established each year by Council.

5.3.3 Fees for other services or products shall be established by Council at an annual or special meeting of the members and members-in-training.

5.5.1 Council may abate for

- (a) dues in arrears for the year of removal;
- (b) dues for the current year;
- (c) fee for registration as a new member.

5.5.2 Council shall abate the dues for

- (a) life members who are not practicing; and
- (b) honorary members.

5.6 Council may waive the dues, for the year of transfer, of an applicant for registration by transfer, provided the fee for transfer of membership is paid.

5.8 Members discontinuing residence in Canada may, at Council's discretion, retain membership in the Association.

5.9 Persons whose names have been removed from the Register or enrollment list because of arrears in dues and who are permitted by Council in accordance with Section 2.2.4 to reapply for registration shall be assessed fees and dues consisting of:

- (a) dues in arrears for the year of removal;
- (b) dues for the current year;
- (c) fee for registration as a new member.

6.1.1 The affairs of the Association shall be administered by Council in accordance with the *Engineering and Geoscience Professions Act* and these by-laws.

6.1.4 The Secretary, Treasurer, Registrar and Chief Executive Officer shall be appointed by Council. The services of the Secretary, Treasurer, Registrar or Chief Executive Officer may be terminated by a majority vote of Council. For the purpose of such a vote a majority shall equal not less than the majority of the total number of members of Council.

6.1.5 Council shall establish the remuneration for each office at the beginning of each year, or from time to time as deemed in the best interests of the Association.

6.1.6 Council may authorize the payment of expenses for appointed officers or members of Council or any committee for travel, board and lodging and such other purposes as may be deemed in the best interests of the Association.

6.1.7 Council shall obtain, equip and furnish offices as necessary to carry on the business of the Association.

6.1.8 The seal of the Association shall be applied to all certificates of registration or licences, and to all deeds, agreements, or other instruments. Such documents shall be countersigned by the appropriate officers as designated by Council.

6.2.3 The Secretary, Treasurer, Registrar and Chief Executive Officer shall be responsible to Council for the duties assigned by the Engineering and Geoscience Professions Act and these by-laws and such other duties as may be assigned to them by Council.

6.2.7 (b) The duties of the Chief Executive Officer shall include such tasks as may be assigned by Council, including filling the offices of Secretary and Treasurer when Council so directs.

6.3.3 The purchase of real estate or capital equipment to the value of \$25,000 may be undertaken in any year on the authority of Council, provided that such expenditure has not previously been rejected at an annual or special meeting of the Association. Expenditures on real estate or capital equipment in excess of \$25,000 in any year must have prior approval at an annual or special meeting of the Association.

6.3.4 Council shall have the authority to borrow money on behalf of the Association up to the amount of \$25,000. Any motion to borrow money in excess of \$25,000 shall be approved by a

two-thirds affirmative vote of the members and members-in-training at an annual or special meeting.

6.3.5 Signing officers for the Association shall be Treasurer, President, Vice-President and, at Council's discretion, one additional person from the executive committee. The signatures of two signing officers shall be required for negotiable instruments and banking requirements, except for individual cheques to a maximum of \$2500 which may be signed by the Treasurer only. The Treasurer shall be one of the signing officers for all items of expense.

7.1 Council meetings shall be called by the President or at the request of any three members of Council. At least four meetings shall be held each year.

7.2.3 Council may call a special meeting of the Association at any time, and shall call a special meeting within sixty days of receipt of a written request to do so from ten or more members or members-in-training.

8.2.7 In the event the nominating committee and Council are unable to obtain at least two candidates for any office other than the office of President or Vice-President, there will be no election for the office in that year and Council shall appoint a person with the necessary qualifications to the office for a term of up to two years.

8.2.8 Election of Council shall be by secret ballot in accordance with procedures established by Council. Instructions for voting shall be sent to members and members-in-training at least twenty-one calendar days prior to the annual meeting. Voting shall continue in the period established by Council and end at 16:30 local time 7 calendar days prior to the annual meeting.

8.2.9 Counting of ballots shall be done by scrutineers appointed by Council, following which all paper ballots and the scrutineers report shall be delivered to and retained by the Secretary until their disposal is authorized by a motion approved at the annual meeting.

8.2.12 Two persons who reside within the province and who are not eligible to be members of the Association, shall be appointed to Council for a term of two years with one person appointed each year.

8.3.3 A vacancy in the office of Vice-President may be filled by appointment by Council. Such appointment shall be for the remainder of the term of office for which the Vice-President had been elected. The appointment of a Council member to the office of Vice-President shall constitute a vacancy in the Council.

8.3.4 Vacancies in the office of a Council member shall be filled by appointment by Council. Appointments shall be made from members or members-in-training residing in the district for which the vacancy exists. In the case of a vacancy of a geoscience representative, the appointee shall be a geoscientist or geoscientist-in-training. The appointed Council members shall hold office until the next regular election of Council members, but at the discretion of Council, the appointee may hold the office for up to two years.

8.4 Council Appointments

Council shall appoint the CCPE Director and the CCPG Director for terms of not less than 1 year but appointees may be reappointed by Council. At the time of first appointment such appointees shall have been members of Council within the preceding two years or have recent Council experience acceptable to Council.

9.1.1 A nominating committee shall be struck each year to nominate members and members-in-training for election to Council. The Chairman shall be the immediate Past President of the Association. The balance of the committee, to be approved by Council, shall consist of one representative from each district plus two geoscientists at large.

9.1.2 Nominations for nominating committee representatives from each district shall be made by branches and shall be submitted to Council at least ninety days before the next annual meeting of the Association. The nominations shall be accompanied by the written acceptance of the nominees. In the event no nominations are received for any district, Council shall nominate members from such district. Additional nominations shall be accepted from the floor of the annual meeting, provided the nominee accepts.

9.3.1 The professional conduct committee shall consist of at least six members, including a chairman, appointed by Council. The committee shall elect a vice-chairman from among its members. The vice-chairman shall act in the absence of the chairman.

9.3.4 Council shall approve a person to be known as Director of Professional Affairs, who shall act as secretary to the committee and perform such other duties as the committee, or Council, may direct.

9.4.1 Council shall appoint a discipline committee consisting of at least eight members, including two members who are elected members of Council.

9.5 Legislation Committee

Council shall appoint a legislation committee consisting of at least six members.

9.6.1 The board of examiners shall be appointed by Council. Special examiners may be appointed by Council on the recommendation of the board for the conduct of special examinations or for special subjects in the uniform syllabus of examinations, or for examination of geoscience applicants.

9.6.2 For purpose of examinations administered by the board the scope, methods, and procedures shall be as set forth in the document "Policies and Procedures Board of Examiners" as approved by Council.

9.7 Admissions Committee

Council shall appoint an admissions committee of which at least two members shall be members of Council. The admissions committee shall investigate and report to Council on all

matters relating to applications for registration and licencing except for the academic credentials of applicants. The admissions committee shall include at least one geoscientist.

9.8 Other Committees

Council may appoint other committees and assign to them such duties or functions as may be appropriate for the management of the Association.

10.1 Any ten members residing within one district as defined in these by-laws may apply in writing to the Council for the formation of a branch within their district. After approval by Council has been received, proposed by-laws shall be drawn up and submitted to Council for approval. After approval by Council they shall be voted upon by letter ballot or other secure method of voting of members in good standing in that district. A two-thirds affirmative vote of the ballots cast is necessary for approval.

11.1.2 Proposals for amendments to the by-laws may be made by the Council or by any ten members who shall sign such proposals and send them to the Secretary in writing. Members' proposals shall be considered by Council, and the members submitting the proposed amendments shall be notified by Council of acceptance or of suggested changes to their proposed amendments within sixty days of receipt of the proposed amendments. ...

11.2.1 Scholarships or bursaries may be awarded by the Association on approval of Council for undergraduate or graduate studies, annually or from time to time, to students in attendance at New Brunswick institutions that are offering an accredited program in engineering or geoscience.

11.2.2 Council may appoint a committee composed of faculty members of New Brunswick institutions that are offering accredited engineering or geoscience programs to make recommendations to Council of suitable candidates for graduate or undergraduate scholarships or bursaries. All recommendations of the committee shall be subject to Council approval.

11.2.3 Council in its discretion may award prizes to students graduating from high school or to students undertaking studies in an accredited engineering or geoscience program.

11.3 Cooperation with Other Organizations

Council shall be empowered to cooperate and enter into agreement with other associations or institutes whose aims and objectives for the promotion of the engineering and geoscience professions are similar to those of the Association.

11.4 The Association shall save harmless the members of Council, members of committees, officers, employees or appointees of Council from any and all actions, claims demands or suits arising out of the performance of their duties under the Engineering and Geoscience Professions Act and these by-laws.

11.6.1 Members, licencees, and members-in-training shall comply with the requirements of any program established by Council with respect to continuing professional development and manner of practice for the purposes of paragraph 6(b) of the Act.

12.2 Board of Directors

The affairs of the Foundation shall be managed by a board of no less than six directors, each of whom at the time of appointment and throughout the term of office shall be a member of the Association. Each director shall be appointed to hold office until the first annual meeting after appointment or until a successor shall have been duly appointed and qualified. The whole board shall be retired at each annual general meeting, but shall be eligible for re-appointment if otherwise qualified. The directors of the Foundation shall be appointed by Council at the first Council meeting following the annual meeting of the Association. Council may, by resolution passed by at least two-thirds of the votes cast at a meeting of which notice specifying the intention to pass such resolution has been given, remove any director before the expiration of his or her term of office, and may, by majority of the votes cast at that meeting, elect any person for the remainder of the term.

12.3 Vacancies on the board of directors, however caused, may so long as a quorum of directors remains in office, be filled by Council from among the qualified members of the Association, if they see fit to do so. Otherwise such vacancies shall be filled at the first Council meeting following the annual meeting of the Association. If there is not a quorum of directors, Council shall forthwith call a meeting and make an appointment to fill the vacancy.

12 Nova Scotia: Engineers Nova Scotia (ENS)

12.1 Engineering Profession Act, Revised Statutes of Nova Scotia 1989, Chapter 148

6 (1) The Association, in addition to all other powers vested in corporations, is authorized and empowered to

e) fix and collect the fees payable by any person, upon being admitted as a member, licensed to practise or enrolled as an engineer-in-training, and fix and collect the fees payable by any person desiring to write any examination prescribed by the Association with a view to becoming a member, or being enrolled as an engineer-in-training, and fix and collect the annual dues payable by members, persons licensed to practise and engineers-in-training, and exempt any person from the payment of any such fees or dues for such reason and upon such terms and conditions as the Council may from time to time determine and, by by-law, authorize the Council to fix from time to time by resolution the fees and annual dues of the Association in such manner and subject to such limits as are prescribed by by-law;

(k)(a) establish with any other professional association a joint practice board with power to review and make recommendations to the Council on professional practice issues of mutual concern;

(l) make, amend and repeal by-laws relating to the objects and powers of the Association, provided that such by-laws, amendments and repeals thereof shall have no force or effect unless and until approved by the Governor in Council;

(l)(a) by by-law empower the Council to, by resolution, adopt, amend or rescind, in whole or in part, a Code of Ethics.

7 (1) Any person shall be entitled to be registered as a member of the Association upon filing with the Registrar satisfactory proof that such person is a citizen of Canada or is lawfully admitted to Canada for permanent residence, has tendered the fees and dues prescribed by or under the by-laws, has completed the minimal number of professional development hours prescribed by or under the by-laws in the twelve month period before application for registration as a member, and

(a) has obtained a degree in engineering from a school, college or university, which degree is approved by the Council, and has had four years experience in engineering;

(b) has obtained a degree in science, other than engineering, from a school, college or university, which degree is approved by the Council, and has had four years experience in engineering;

(c) is a registered member of an association of engineers, which association in the opinion of the Council is similarly constituted and has similar membership requirements to this Association, and furnishes the Registrar with a certificate of membership in good standing in such other association;

(d) has passed the examinations prescribed by the Council and has had sufficient number of years of experience in engineering to qualify such person in the opinion of the Council to practise professional engineering; or

(e) has had in the opinion of the Council outstanding experience in engineering.

(2) Subject to subsection 7(3), every person, who in the opinion of the Council, expressed by a resolution thereof, has complied with subsection (1), shall be registered as a member.

(3) The Association may by by-law authorize the Council to make resolutions

(c) respecting the right of persons in those classes to be exempted from the requirement that the application for membership of persons in those classes come before either the Board or the Council, or both, for consideration and resolution before being granted membership

7A A registrant may resign his or her registration by filing with the Registrar a resignation in writing and the registration is thereupon cancelled, subject to the continuing jurisdiction of the

Council in respect of any disciplinary action arising out of the person's professional conduct while a registrant.

8 (1) Any person, not resident of the Province, shall be entitled to a licence to practise upon tendering the fees, and dues prescribed by or under the by-laws and filing with the Registrar satisfactory proof that

(a) such person is a registered member in good standing of an association of engineers, which association in the opinion of the Council is similarly constituted and has similar membership requirements to the Association; or

(b) such person is qualified to practise professional engineering, but is a resident of a province, state or country in which there is no association similarly constituted.

(2) Every person, who in the opinion of the Council, expressed by a resolution thereof, has complied with subsection (1) shall be granted a licence to practise.

9 (1) Any person who is a graduate or undergraduate in engineering or science of a school, college, or university approved by the Council or has passed examinations prescribed by the Council, may with the approval of the Council, be enrolled with the Association as an engineer-in-training.

(2) An engineer-in-training shall be subject to the control of the Council in the manner provided by this Act and the by-laws.

10 This Act shall not apply to any person

(b) while waiting decision of the Council on his application for membership or for a licence to practise after having filed the credentials provided for by Sections 7 or 8;

(c) while applying engineering to a project on his own property for the sole use of his domestic establishment, or elsewhere to a project of a value not exceeding five thousand dollars, where in either case that engineering in the opinion of the Council does not involve safety of other persons.

13 (1) There shall be a Council of the Association consisting of the President, immediate Past-president, Vice-president and eight other members, who must be residents of the Province and who shall be elected in the manner provided by the by-laws.

(2) The President shall hold office until his successor is elected and shall act as presiding officer at the meetings of the Council and of the Association voting only when the votes are evenly divided.

(3) The Vice-president shall have all the powers of the President in the absence of the latter.

(4) The Council shall appoint annually a Registrar, a Secretary and a Treasurer, who shall perform the duties assigned to them by this Act and by the by-laws and the Council may appoint one person to any one or more of the offices of Registrar, Secretary and Treasurer.

(5) The Council shall appoint annually such other officers as may be necessary for carrying out the provisions of this Act and the by-laws.

(6) The members of the Council, officers and examiners appointed under this Act and the by-laws shall be paid such fees and expenses as are prescribed by the by-laws.

(7) The Council shall provide for the general management of the affairs and business of the Association and shall carry on and transact the same in accordance with this Act and the by-laws.

14 The Council shall, in the manner provided by the by-laws, appoint annually a Board of Examiners consisting of members who are residing within the Province and may at any time fill any vacancies on the Board, replace any member thereof and add to its number.

16 The Council shall have power to establish jointly with any council of any association similarly constituted in one or more of the provinces of Canada, a Central Examining Board, and to delegate to such Central Examining Board all or any of the powers possessed by the Association in respect of the examination of candidates for membership or enrolment as an engineer-in-training, provided that the examination shall be held within the Province.

17C (1) The Council shall appoint, from among the members of the Association, a Complaints Committee composed of not fewer than five members.

(2) Members of the Complaints Committee shall be appointed for terms up to and including three years, as the Council determines.

(3) In the case of a vacancy in the Complaints Committee, the Council may appoint another member of the Association to fill the vacancy for such term as the Council determines.

(5) The Council shall appoint the Chair and Vice-chair of the Complaints Committee.

17G (1) The Council shall appoint not fewer than ten members of the Association to serve on the Discipline Committee.

(2) The Council may appoint not more than two persons who are not registrants to serve on the Discipline Committee.

(3) The Council shall appoint the Chair and Vice-chair of the Discipline Committee.

(4) Members of the Discipline Committee shall be appointed for terms up to three years, as the Council determines.

(5) In the case of a vacancy in the Discipline Committee, the Council may appoint another member of the Association or a person who is not a registrant, as the case may be, to fill the vacancy for such term as the Council determines.

(6) The Vice-chair of the Discipline Committee may do any act assigned herein for the Chair of the Committee if the Chair is unable or unwilling to act.

(7) The Discipline Committee shall receive and process all complaints referred by the Complaints Committee and all appeals from decisions of the Complaints Committee and such other or additional duties as may be assigned it by the Council.

17U Where no appeal has been taken pursuant to subsection 17V(1) within the time prescribed for the filing of notices of appeal,

(a) the disciplinary panel's decision must be reported either on a named or unnamed basis, to members of the Association by publication in such form and in such manner as the Council considers appropriate;

17W No action for damages lies against the Council, the Secretary, any committee member, officer or employee of the Council

(a) for any act or failure to act, or any proceeding initiated or taken, in good faith under this Act, or in carrying out their duties or obligation as an officer, employee, or committee member under this Act and the regulations; or

(b) for any decision, order or resolution made or enforced in good faith under this Act and the regulations.

18 (1) The Registrar shall keep a register provided by the Council and enrol [enroll] therein in the manner provided by the by-laws the names of all persons who are members, licensed to practise or engineers-in-training and the register shall be open for public inspection at all times without charge.

(2) The Registrar upon resolution of the Council and receipt of the fee prescribed by or under the by-laws shall issue a certificate of registration or licence to practise to a person accepted for membership or licensed to practise and the form of the certificate or licence shall be prescribed in the by-laws.

(4) If the Council refuses to pass a resolution authorizing any person to be registered as a member or licensed to practise, or if the Registrar refuses to register or issue a certificate of registration or licence to practise to such a person, the person aggrieved, upon serving ten days notice thereof upon the Secretary, shall have the right to apply to a judge of the Trial Division of the Supreme Court, who, upon due cause shown, may grant an order directing the Council and the Registrar to register the name of the person as a member of the Association or to issue to the person a licence to practise, or make such other order as may be warranted by the facts, and the Council shall forthwith comply with the order.

19 (1) Every person, who is a member, licensed to practise or engineer-in-training, shall pay on the first day of January in each year to the Treasurer or any person deputed by the Council to receive it, the annual dues prescribed by or under the by-laws, which dues shall be deemed to be a debt due by such person and recoverable with costs in the name of the Association in any court of competent jurisdiction.

19A (1) Every member shall, unless exempted by a resolution of the Council, provide to the Registrar by the first day of January in each year, certification in a form prescribed by the Council, that the member is in compliance with the Association's Continuing Professional Development Guidelines as prescribed or under the by-laws.

25 Any information for the prosecution of any person under this Act may be laid by any member or any person appointed by the Council.

30 No action shall be brought against the Council or any committee, officer, member or complainant for anything bona fide done under this Act and by-laws.

32 (1) A proposed new by-law or the amendment or repeal of an existing by-law shall be presented in writing to the Council signed by at least ten members or approved by resolution of the Association or Council.

(2) The proposed by-law, amendment or repeal shall then be sent by the Secretary without delay in the form of a letter ballot to every member of the Association, and the ballot shall be returnable at a date to be fixed by the Council.

(3) Immediately after such date, scrutineers appointed by the Council shall count the ballots and report the result to the Council.

(3A) Notwithstanding subsections (2) and (3), voting under this Section may be conducted by electronic or other alternative means or combination of means as may be authorized by resolution of the Council, in which case all other requirements of this Section apply with necessary adaptations.

(4) If at least two thirds of the valid ballots affirmatively approve of the proposed by-law, amendment or repeal, the Secretary shall submit the proposed by-law, amendment or repeal to the Governor in Council for approval.

12.2 Bylaws of Engineers Nova Scotia Regulation 8/46

2 (1) The annual meeting of the Association shall be held at such time and place as may be fixed by the Council.

(2) General meetings of the Association for the transaction of general business and the reading of papers or discussion of questions of interest to the professional engineer may be held whenever called by the President or the Council.

(3) Special meetings of the Association shall be held at the call of the President, or of the Secretary upon the receipt by the Secretary of a requisition signed by not less than five members of the Council or by not less than twelve members of the Association.

6 (1) The Council shall, not later than the 30th day of April in each year, appoint a Nominating Committee consisting of five members, to include a Past President, preferably the immediate Past President, one member from Cape Breton, two members from City of Halifax and one member from mainland Nova Scotia, outside the City of Halifax.

(6) Notwithstanding subsection (3), the voting referred to in subsection (3) may be conducted by electronic or other alternative means or combination of means authorized by resolution of the Council, in which event all other requirements of this Section shall apply with necessary adaptations.

9 (1) The Council at its first regular meeting shall appoint the Secretary of the Association.

(3) The Secretary shall hold office until a successor is appointed and shall be subject to removal at pleasure at any time during his term of office by a majority vote of the Council.

10 (1) The Council at its first regular meeting shall appoint the Registrar of the Association.

(2) The Registrar shall perform the duties imposed upon him by the Act and by-laws. He shall receive and present to the Board all applications for membership, licence to practice or enrolment as an engineer-in-training, and keep a full and correct record of such applications and the Council's resolution on each application. He shall maintain the Register and issue all certificates of registration, licences to practise and perform all other duties incidental to his office or which may be assigned to him by the Association or the Council.

11 (1) The Council at its first regular meeting shall appoint the Treasurer of the Association.

(2) The Treasurer shall perform the duties imposed upon him by the Act and by-laws. He shall, under the instructions of the Council, collect and receive, pay out or invest all moneys due to and payable by the Association. He shall keep proper books of account entering therein all moneys received and paid out by the Association, prepare and submit to the annual meeting of the Association the financial statement, duly certified by the Auditor of the Association, of the annual revenues and expenditures of the Association and furnish such other financial reports as may be requested by the Council. He shall perform all other duties incidental to his office or which may be assigned to him by the Association or Council.

12 The Council shall appoint annually a chartered accountant to audit the books of the Association. The Auditor shall examine into the financial condition of the Association, prepare a balance sheet and report thereon. Such balance sheet and report shall be delivered to the Treasurer, who shall submit it to the annual meeting of the Association.

13 (2A) In accordance with subsection 7(2) of the Act, the Council may make resolutions respecting any of the following:

(a) the establishment of different classes of applicants for registration;

(b) the conditions for the entry into membership for persons in a class;

(c) the right of persons in a class to be exempted from the requirement that their application for membership come before either or both the Board of Examiners or Council for consideration and or resolution before being granted membership.

13A (1) The Board of Examiners shall require an engineer-in-training who is a graduate in engineering or science of a school, college or university approved by the Council, or who has passed examinations prescribed by the Council, to report to a member of the Association designated by Council concerning his experience in engineering, during the period in which the

engineer-in-training is engaged in gaining the experience in engineering prerequisite to registration as a member of the Association.

(4) Information returns shall be filed with the Registrar as follows:

(a) every partnership, association of persons or body corporate which is engaged in providing engineering services to the public as of the date that this Section comes into force shall file an information return in prescribed form with the Registrar on or before a date fixed by the Council, which date shall not be less than thirty (30) days or more than ninety (90) days after the coming into force of this Section. Thereafter, every such partnership, association of persons or body corporate shall, for as long as it continues to be engaged in providing engineering services to the public, annually file a further information return with the Registrar on or before January 1st of each year.

14 (1) The Council shall appoint a Board of Examiners consisting of at least four members and shall designate which of the members is to be Chairman of the Board. The Council may at any time fill any vacancies on the Board, replace any member thereof, or add to its number.

(3) The Board, when directed by Council to examine a candidate, may nominate one or more qualified persons acceptable to Council to set and conduct the examination.

(4) The Board, with the approval of Council, may draw up rules and regulations prescribing the scope of and the procedure for conducting the examinations.

(6) As soon as possible and not later than twenty-one days after the close of each examination, the persons who have set and conducted the examination shall make and file with the Board, a certificate showing the results of the examination, a copy of the examination papers, the answers of the candidate thereto, and the marks awarded in each subject. The Board shall submit these documents with its findings as to the qualifications of the applicant to the Council at its next meeting. Thereafter such documents shall remain on file with the Registrar and shall be open to inspection during regular office hours by the candidate or by any person duly authorized in writing on his behalf for a period of at least six months following consideration by Council.

(8) The Council shall prescribe the fee payable by the candidate for the examination, and the fee payable to the persons appointed to set and conduct the examinations.

15 (1) Honorary life membership in the Association shall be granted by the Council,

(2) Life membership in the Association may be granted by the Council.

16 (1) At least four regular meetings of the Council shall be held in each fiscal year at such time and place in Nova Scotia as the President shall determine.

(2) Special meetings of the Council shall be called by the Secretary on the written requisition of any four members of the Council at such time and place within Nova Scotia as is designated in the requisition.

(4) A resolution assented to and adopted in writing by at least three-quarters of the members of the Council, although not passed at a Council meeting, shall be of the same force and effect as if it had been duly passed at a Council meeting.

18 (2) A vacancy on the Council or in any office shall be filled by the Council for the period between the date of such resignation and the next annual meeting of the Association.

19 (1) (a) The Council shall appoint an Executive Committee consisting of the President, Vice-President, immediate Past President, and two other members of the Council residing in the City of Halifax.

(2) The Council may from time to time appoint from the membership of the Association such other committees as it thinks necessary and may delegate to such committees any of its powers; provided that such committees shall conform to any regulations imposed upon them by the Council.

21 (2) (a) The annual dues shall be for the calendar year and are due and payable in advance on or before the first day of January in each year to the Treasurer or some person appointed by the Council to receive them; provided that applicants accepted as members and engineers-in-training after the first day of October in each year shall only pay one-half of the annual dues for that year.

(3) The Council, at its discretion, may:

(a) remit or rebate the fees or dues of any member, who is incapacitated by old age, sickness, infirmity, or for other grievous disability or who resigns as a member and subsequently appears for reinstatement;

(b) without limiting the generality of (a), exempt from the payment of fifty percent of the applicable annual dues for any calendar year those persons who are, in the opinion of the Council:

(i) members retired from the practice of professional engineering;

(ii) members who are unemployed;

- (iii) engineers-in-training who are unemployed;
 - (iv) members who are experiencing or who have experienced extended illness of a serious nature;
 - (v) members who have taken an extended leave of absence from employment or other professional engineering activity due to maternity or paternity leave;
 - (vi) members who are enrolled in a full time university program at the post-graduate level, provided that no exemption may be granted on this ground for more than two calendar years.
- (c) waive the registration fee for an engineer-in-training where the engineer-in-training applies for enrolment within thirty days of graduating from a college, university or school of engineering or science approved by the Council.

21A (1) In this Section, “resolution” means a resolution of the Council fixing the fees and dues of the Association in accordance with this Section.

(2) The Council may by resolution fix the fees and annual dues of the Association in accordance with this Section.

22 (1) All money received on behalf of the Association shall be deposited to the credit of the Association at a chartered bank in Halifax approved by the Council. All payments shall be made by cheque signed by the Treasurer and countersigned by the President, **or other person duly authorized by Council.**

(2) The Funds of the Association may be invested in securities which are eligible for investment under the *Canadian British Insurance Companies Act*. Such securities shall be registered in the name of the Association and placed in a safety deposit box of a chartered bank and subject to access only on the written order of the Treasurer and President or other person authorized by Council. The Council may at its discretion dispose of any or all of the securities.

23 (1) The Council may pay out of the Association funds

(a) all reasonable expenses of members of the Council, of committees and of the Board of Examiners for travelling, board and lodging incurred while attending Council, committee or Board Meetings or while transacting any authorized business on behalf of the Association or Council in places outside of the place of residence of such members;

(b) any expenses incurred for the travelling, reception and entertainment of guests of the Association;

(c) such salaries, wages and fees as may be approved by the Council;

(d) all other expenses which the Council or Association shall consider necessary or advisable for the management of or in the interest of the Association.

24 (1) Members, persons licensed to practise and engineers-in-training shall conduct themselves in accordance with the Code of Ethics appended hereto, and without restricting the meaning of unprofessional conduct, any breach of the Code of Ethics shall be deemed to be a form of unprofessional conduct.

(2) The Council may by resolution adopt, amend or rescind, in whole or in part, a Code of Ethics.

27 The Council may ratify, confirm or do any act or thing purporting to have been done or which should have been done under the provisions of the Act or the by-laws, or may extend the time for completing or perfecting any such act or thing; and the said act or thing when so ratified, confirmed, done, completed or perfected shall have the same effect as if done strictly in accordance with the provisions of the Act or the by-laws.

13 Nova Scotia Geoscientists: The Association of Professional Geoscientists of Nova Scotia (APGNS)

13.1 Geoscience Profession Act, Statutes of Nova Scotia 2002, Chapter 7

7 The Association has all of the powers vested in a company under the *Companies Act* and, in addition, is authorized and empowered to

(e) fix and collect the fees payable by any person upon being admitted as a member of the Association, licensed to practise or enrolled as an member-in-training, fix and collect the fees payable by any person desiring to write any examination prescribed by the Association with a view to becoming a member of the Association or being enrolled as a member-in-training, fix and collect the annual dues payable by members of the Association, persons licensed to practise and members-in-training, and exempt any person from the payment of any fees or dues for such reason and upon such terms and conditions as the Council may from time to time determine;

(n) subject to the approval of the Governor in Council, make, amend and repeal by-laws

(i) relating to the objects or powers of the Association including, but not limited to, matters within or reasonably incidental to any object or power,

(ii) respecting any matter or thing expressly required or authorized by this Act to be the subject of a by-law,

(iii) defining any word or expression used but not defined in this Act or better defining any word or expression defined in this Act,

(iv) generally, as considered necessary or advisable by the Council for the carrying into effect of this Act.

10 (1) Any person is entitled to be registered as a member of the Association upon filing with the Registrar satisfactory proof that the person has tendered the fees and dues prescribed by the by-laws, has met any other conditions or requirements prescribed by the by-laws relating to registration;

(b) has obtained the knowledge requirements as established by the Council and has had, in the opinion of the Council, four years of relevant experience;

(c) is a registered member of an association of geoscientists, which association, in the opinion of the Council, is similarly constituted and has similar membership requirements to the Association, and furnishes the Registrar with a certificate of membership in good standing in the other association and such other documentation as may be required by the by-laws;

(d) has passed examinations prescribed by the Council and has had a sufficient number of years of relevant experience to qualify the person, in the opinion of the Council, to practise professional geoscience; or

(e) has had, in the opinion of the Council, outstanding experience in geoscience.

(2) Every person who, in the opinion of the Council expressed by a resolution of the Council, has complied with subsection (1), shall, in the manner prescribed by this Act and the by-laws, be registered as a member of the Association.

11(1) Any person is entitled to a licence to practise upon tendering the fees and dues prescribed by the by-laws and filing with the Registrar satisfactory proof that any other conditions or requirements prescribed by the by-laws have been met and that

(a) the person is a registered member in good standing of an association of geoscientists which association, in the opinion of the Council, is similarly constituted and has similar membership requirements to the Association; or

(b) the person is qualified to practise professional geoscience but is a resident of a province, state or country in which there is no association similarly constituted.

(2) Every person who, in the opinion of the Council expressed by a resolution of the Council, has complied with subsection (1) shall, in the manner prescribed by this Act and the by-laws, be licensed to practise professional geoscience.

12 (1) Any person who has obtained the knowledge requirements as established by the Council or who has passed examinations prescribed by the Council, may, with the approval of the Council, be enrolled with the Association as a member-in-training.

(2) A person who, in the opinion of the Council, has complied with subsection (1) shall, in the manner prescribed by this Act and the by-laws, be enrolled as a member-in-training.

(3) A member-in-training is subject to the control of the Council in the manner provided by this Act and the by-laws.

14 (3) A partnership, association of persons or body corporate that, in the opinion of the Council expressed by a resolution of the Council, has complied with subsection (2) shall, in the manner prescribed by this Act and the by-laws, be issued a certificate of authorization.

15 (7) The Council shall appoint annually a Registrar, a Secretary and a Treasurer, who shall perform the duties assigned to them by this Act and the by-laws and the Council may appoint one person to any one or more of the offices of Registrar, Secretary and Treasurer.

(8) The Council shall appoint annually such other officers as may be necessary for carrying out this Act and the by-laws.

(10) The Council shall provide for the general management of the affairs and business of the Association in accordance with this Act and the by-laws.

16 (1) A proposed new by-law or the amendment or repeal of an existing by-law shall be presented in writing to the Council signed by at least ten members of the Association or approved by resolution of the Association or Council.

(2) The proposed by-law, amendment or repeal shall then be sent by the Secretary, without delay, in the form of a letter ballot to every member of the Association, and the ballot shall be returnable at a date to be fixed by the Council.

(3) Immediately after the date referred to in subsection (2), scrutineers appointed by the Council shall count the ballots and report the result to the Council.

17 The Council shall, in the manner provided by the by-laws, appoint annually an Admissions Board consisting of members of the Association who are residing within the Province and may, at any time, fill any vacancy on the Board, replace any member of the Board and add to the membership of the Board.

19 (1) The Council may establish joint practice boards or reciprocal arrangements with any similarly constituted association in one or more provinces of Canada or any professional body it considers appropriate to assist in developing and maintaining a professional relationship with that body.

(2) The Council may establish standards and qualifications for the evaluation of knowledge, experience, competence, character, professional practice and continuing education requirements in respect of the examination of candidates for membership or renewal or enrolment as a member-in-training, so long as any examinations are held in the Province.

20 (1) The Council shall, in the manner provided by the by-laws, establish a Complaints Committee and appoint the members of the Committee.

(2) There shall be a Discipline Committee of the Association the members of which shall be elected in the manner provided by the by-laws from a list of candidates who are considered qualified by the Council.

(8) The Council may, in the manner provided by the by-laws, appoint a mediator who has those powers and duties conferred or imposed by the by-laws respecting the investigation, mediation, settlement and referral of complaints, allegations or other reports or information respecting unprofessional conduct or incompetence on the part of a member of the Association, person licensed to practise or member-in-training.

22 (2) Subject to this Act and the by-laws, the Registrar shall issue a certificate of registration or a licence to practise, as the case may be, to a person whose registration as a member of the Association or to a person to whom the granting of a licence to practise, as the case may be, has been approved by resolution of the Council under this Act.

(4) Where the Council refuses to pass a resolution authorizing any person to be registered as a member of the Association or licensed to practise or, where the Registrar refuses to register or issue a certificate of registration or licence to practise to a person, the person aggrieved, upon serving ten days' notice upon the Secretary, has the right to apply to a judge of the Supreme Court of Nova Scotia who, upon due cause shown, may grant an order directing the Council and the Registrar to register the name of the person as a member of the Association or to issue to the person a licence to practise or make such other order as may be warranted by the facts, and the Council shall forthwith comply with the order.

23 (1) Every person who is a member of the Association licensed to practise or a member-in-training, shall pay on January 1st in each year to the Treasurer or **any person deputed by the Council to receive it**, the annual dues prescribed by the by-laws, which dues are deemed to be

a debt due by the person and recoverable, with costs, in the name of the Association in any court of competent jurisdiction.

29 Any information for the prosecution of any person under this Act may be laid by any member of the Association or any person appointed by the Council.

34 No action or other proceeding for damages shall be brought against the Association, the Council or any board, panel or committee of the Association, or against a member of the Association, Council or any board, panel or committee, or against an officer, employee or agent or appointee of the Association, for anything done in good faith for or on behalf of the Association under this Act or the by-laws.

13.2 APGNS Bylaws

2 (1) The annual meeting of the Association shall be held at such time and place as may be fixed by the Council.

(2) General meetings of the Association for the transaction of general business and the reading of papers or discussion of questions of interest to professional geoscientists, may be held whenever called by the President or the Council.

(3) Special meetings of the Association shall be held at the call of the President, or of the Secretary upon the receipt by the Secretary of a requisition signed by not fewer than eight members of the Council or by not fewer than twelve members of the Association.

6 (1) The Council shall, not later than 120 days before the date established by Council for the close of ballots, appoint a Nominating Committee consisting of three members, to include a Past President, preferably the immediate Past President, and, wherever practicable, the Committee will include representation from the Halifax Regional Municipality (HRM) and mainland Nova Scotia, outside the Halifax Regional Municipality

(3) The Secretary shall submit the list of all nominees to the Council at the first Council meeting after receipt thereof, for its approval. If for any reason the Nominating Committee fails to properly fulfil all or any of the requirements of its office, the Council may complete all or any of those requirements. The Council shall then instruct the Secretary to prepare a ballot of the approved list of nominees and send a copy thereof, bearing an impress of the seal of the Association, to each member not later than 60 days before the close of ballots with the request to indicate thereon, his/her choice of officers of the Association and members of the Council and to return the list unsigned to the Secretary not later than 30 days before the close of ballots.

The ballot shall be so prepared that members shall be instructed to vote for not more than one member for President, one member for Vice-President, three members for Councillors.

(4) Not later than 15 days before the annual general meeting, all ballots received from the members shall be handed by the Secretary to three scrutineers appointed by Council.

9 (1) The Council at its first regular meeting shall appoint the Secretary of the Association.

(3) The Secretary shall hold office until a successor is appointed and shall be subject to removal at pleasure at any time during his/her term of office by a majority vote of the Council.

(4) The Secretary shall be paid a salary determined by Council for performing the duties of Secretary.

(5) The Secretary, while performing the duties of Secretary, may, with the approval of the Council and at the expense of the Association, engage the services of clerks or stenographers, on a full time or part time basis.

10 (1) The Council at its first regular meeting shall appoint the Registrar of the Association.

(5) The Registrar may be paid a salary determined by Council for performing the duties of Registrar.

11 (1) The Council at its first regular meeting shall appoint the Treasurer of the Association.

(2) The Treasurer shall perform the duties imposed on him/her by the Act and by-laws. He/She shall, under the instructions of the Council, collect and receive, pay out or invest all monies due to and payable by the Association. He/She shall keep proper books of account entering therein all moneys received and paid out by the Association, prepare and submit to the annual meeting of the Association the financial statement, duly certified by the Auditor of the Association, of the annual revenues and expenditures of the Association and furnish such other financial reports as may be requested by the Council. He/She shall perform all other duties incidental to his/her office or which may be assigned to him/her by the Association or Council.

12 The Council shall appoint annually a chartered accountant to audit the books of the Association. The Auditor shall examine into the financial condition of the Association, prepare a balance sheet and report thereon. Such balance sheet and report shall be delivered to the Treasurer, who shall submit it to the annual meeting of the Association.

13 (1) Application for registration as a member, or for a licence to practise or enrolment as a member-in-training shall be made to the Registrar on a form prescribed by the Council and shall be accompanied by the credentials and fees required by the Act and the by-laws.

(2) The application shall be presented by the Registrar to the Board of Examiners. The Board shall deal with the application in the manner provided by Section 14 hereof, and shall submit its findings to the Council, which shall dispose of the application by resolution.

13A (1) The Admissions Board shall require a member-in-training who is a graduate in geoscience of a school, college or university approved by the Council, or who has passed examinations prescribed by the Council, to report to a member of the Association designated by Council concerning his/her experience in geoscience, during the period in which the member-in-training is engaged in gaining the experience in geoscience prerequisite to registration as a member of the Association. The member so appointed to guide the member-in-training is known as a mentor.

(5) In considering an application by a member-in-training for registration as a member pursuant to Section 13 hereof, the Board of Examiners and the Council shall be entitled to take into account, in addition to all other relevant matters, the reports and submissions which the

member-in-training has made to the mentor pursuant to this Section, and the rules, policies and guidelines made pursuant to subsection (6) hereof, together with the comments of the mentor upon such reports and submissions. If, in the opinion of the Council, the experience in geoscience of the member-in-training has been deficient, Council may prescribe such further period of experience as may be required to ensure that the member-in-training has obtained the nature and extent of experience in geoscience prerequisite to registration as a member of the Association.

(6) The Board of Examiners, with the approval of the Council, may make rules, policies and guidelines consistent with the section concerning the duties and obligations of mentors and members-in-training under this Section, and concerning the administration of this Section generally.

14 (1) The Council shall appoint an Admissions Board consisting of at least four members and shall designate which of the members is to be Chair of the Board. Council shall, wherever practicable, consider representation from industry, academia and government in the composition of the Board. Council may, wherever practicable, consider nominations from industry, academia and government for membership on the Board. The Council may at any time fill any vacancies on the Board, replace any member thereof, or add to its number.

(3) The Board, when directed by Council to examine a candidate, may nominate one or more qualified persons acceptable to Council to set and conduct the examination.

(4) The Board, with the approval of Council, may draw up rules and policies prescribing the scope of and the procedure for conducting the examinations.

(8) The Council shall prescribe the fee payable by the candidate for the examination.

15 (1) Honorary life membership in the Association shall be granted by the Council, on the unanimous vote of all members of the Council given by ballot, to a person eminent in the geoscience profession who has rendered signal service to the Association.

(2) Life membership in the Association may be granted by the Council on written request of the member.

16 (1) At least four regular meetings of the Council shall be held in each fiscal year at such time and place in Nova Scotia as the President shall determine.

(2) Special meetings of the Council shall be called by the Secretary on the written requisition of any five members of the Council at such time and place within Nova Scotia as is designated in the requisition.

17 (4) A resolution assented to and adopted in writing by at least three-quarters of the members of the Council, although not passed at a Council meeting, shall be of the same force and effect as if it had been duly passed at a Council meeting.

18 (2) A vacancy on the Council or in any office may be filled by the Council for the period between the date of such resignation and the next annual meeting of the Association.

19 (1) (a) The Council shall appoint an Executive Committee consisting of the President, Vice-President, immediate Past President, and one other member of the Council residing in the Halifax Regional Municipality.

(2) The Council may from time to time appoint from the membership of the Association such other committees as it determines necessary and may delegate to such committees any of its powers; provided that such committees shall conform to any policies imposed upon them by the Council.

21 (3) The Council, at its discretion, may on receipt of written application:

(a) remit or rebate the fees or dues of any member, who is incapacitated by sickness, infirmity, or for other grievous disability or who resigns as a member and subsequently appears for reinstatement;

(b) without limiting the generality of (a), exempt from the payment of fifty percent of the applicable annual dues for any calendar year those persons who are, in the opinion of the Council: (i) members retired from the practice of professional geoscience; (ii) members who are unemployed; (iii) members-in-training who are unemployed; (iv) members who are experiencing or who have experienced extended illness of a serious nature; (v) members who have taken an extended leave of absence from employment or other professional geoscience activity due to maternity or paternity leave; (vi) members who are enrolled in a full time university program at the post-graduate level, provided that no exemption may be granted on this ground for more than two calendar years.

22 (2) The Funds of the Association may be invested in securities following the guidelines established by Council. Such securities shall be registered in the name of the Association and placed in a safety deposit box of a chartered bank and subject to access only on the written order of the Treasurer and President **or other person authorized by Council**. The Council may at its discretion dispose of any or all of the securities.

23 (1) The Council may pay out of the Association funds (a) all reasonable expenses of members of the Council, of committees and of the Board of Examiners for travel, board and lodging incurred while attending Council, committee or Board Meetings or while transacting any authorized business on behalf of the Association or Council in places outside of the place of residence of such members; (b) any expenses incurred for the travel, reception and entertainment of guests of the Association; (c) such salaries, wages and fees as may be approved by the Council; (d) all other expenses which the Council or Association shall consider necessary or advisable for the management of or in the interest of the Association.

24A The APGNS Complaints Committee

(1) Council shall appoint, from among the members of the Association, a Complaints Committee composed of five members.

24C The APGNS Discipline Committee

(1) The Discipline Committee shall be elected by the members of the Association from a slate of members provided by the Council.

(9)(b) Council shall cause notice of any resolution suspending or cancelling the certificate of registration or licence to practise or enrolment as a member-in-training of a practitioner to be given to the members of the Association by publication in such form and in such manner as the Committee shall determine, and the Committee may give such further public notice as it shall decide.

27 The Council may ratify, confirm or do any act or thing purporting to have been done or which should have been done under the provisions of the Act or the by-laws, or may extend the time for completing or perfecting any such act or thing; and the said act or thing when so ratified, confirmed, done, completed or perfected shall have the same effect as if done strictly in accordance with the provisions of the Act or the by-laws.

14 Northwest Territories: Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists (NAPEG)

14.1 Engineering and Geoscience Professions Act, Statutes of the Northwest Territories
2006, Chapter 16

5. (1) The Association may make bylaws not inconsistent with this Act respecting

(a) the nomination, election and appointment of council members,

(m) the quorum, timing and conduct of meetings of the Association, Council and committees of the Association.

6. (1) Subject to this Act, the bylaws and resolutions passed by the Association at a general meeting, Council is the governing body of the Association.

8. (1) If the office of a councillor becomes vacant, Council may appoint a member to serve as councillor for the unexpired term of the vacated office.

(2) If the office of a lay member becomes vacant, Council shall notify the Minister and may, in that notice, recommend the appointment of a specific person to the vacant office.

(3) If the office of president or first or second vice-president becomes vacant, Council may designate council member to serve as president or first or second vice-president, as the case may be, and the person so designated holds office for the unexpired term of the vacated office.

10. (1) Council shall appoint an Executive Director.

12. (1) Council shall, in accordance with the bylaws, designate a Board of Examiners in Engineering and Geoscience responsible for appraising academic and experience qualifications of applicants for registration under this Act, and for setting and conducting examinations.

15. (1) An applicant for registration who is dissatisfied with the Board of Examiners' appraisal of his or her academic or experience qualifications may appeal to Council.

(3) Council may, on hearing the appeal,

(a) confirm the appraisal by the Board of Examiners; or

(b) request the Board of Examiners to reconsider the application.

16. (1) Council shall register as a member a person, other than a licensee, who

(a) applies in accordance with the bylaws;

(b) pays the required fees; and

(c) satisfies Council that he or she

(i) is a resident of the Northwest Territories or Nunavut,

(ii) is a Canadian citizen or a permanent resident or is otherwise lawfully permitted to work in Canada, and

(iii) either

(2) Council shall register as a licensee a person, other than a member, who ...

(3) Council shall register as a member-in-training a person who ...

(4) Notwithstanding anything in this Act, Council

(a) may require an applicant for registration to write the professional practice examinations Council considers necessary; and

(b) shall refuse to register any person who fails such examinations.

(5) Where an application for registration is rejected, Council shall provide the unsuccessful applicant with a written notice stating the reason for the rejection.

17. Following registration, Council may, on application and with the consent of the Board of Examiners, alter the designated profession in respect of which a member or licensee has been registered on the basis of extensive experience in the other designated profession.

18. (1) Subject to subsection 15(4), a person whose application for registration has been rejected by Council on any ground may appeal to the Supreme Court within 60 days after receiving notice of the rejection.

19. Council shall issue a certificate of registration signed by the president and the Executive Director and bearing the seal of the Association, to a person registered as a member or licensee.

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.

(3) Council may, if the member or licensee does not renew his or her qualifications in accordance with the requirements of the Board of Examiners under subsection (2), terminate the registration of the member or licensee.

23. (3) Council shall register as a permit holder and issue a permit to a firm that (a) files an application in the form provided by Council; (b) pays all the required fees; and (c) appoints at least one member or licensee who is a full-time employee, partner or officer of the firm to serve as its professional representative and to assume responsibility for the professional conduct of the firm.

(4) Where a firm maintains an office in the Northwest Territories or Nunavut, at least one professional representative must be resident in that territory unless Council, in its discretion, dispenses with that requirement.

(5) The registration of a permit holder under this section may be terminated or renewal of the registration may be withheld by Council, if the permit holder fails to observe any of the conditions set out or referred to in this Act governing registration of a permit holder and the issue of a permit.

25. (1) Council shall, in accordance with the bylaws, issue a stamp to a person registered as a member, licensee or permit holder.

27. (1) A registrant or permit holder shall pay in advance to the Association the annual fee fixed under the bylaws.

(2) If a registrant or permit holder does not pay the annual fee within 90 days after the day on which it becomes due, Council may direct the Executive Director to terminate registration.

31. (1) Council shall appoint a Discipline Committee comprised of at least five members or licensees.

(3) Council shall designate one member of the Discipline Committee to be the chairperson.

32. (1) A person who wishes to make a complaint that an act or omission of a practitioner constitutes unprofessional conduct may file a complaint with the Executive Director.

(2) For greater certainty, a practitioner, member of the Discipline Committee or council member may file a complaint under subsection (1).

37. (1) Council shall, on receipt of a direction issued by an Investigative Committee under paragraph 35(1)(c) or by the chairperson of the Discipline Committee under subsection 36(2), appoint a Board of Inquiry comprised of three council members to conduct a hearing to inquire into the complaint.

42. (4) The Board of Inquiry may order that a practitioner whose registration has been terminated under this section must, as a condition for reinstatement by Council, (a) pass examinations set by the Board of Examiners; and (b) pass a particular course of study or obtain experience generally or in a field of practice satisfactory to the Board of Examiners.

(5) Notwithstanding anything in this Act, Council may not register any practitioner whose registration has been terminated under this section, unless Council is satisfied that the practitioner has complied with any order made under subsection (4).

45. (1) Subject to subsection (2), a practitioner whose registration is suspended or terminated shall not practice professional engineering or professional geoscience from the date of the suspension or termination until the suspension ends or the registration is reinstated.

(2) The practitioner may continue to practice with the written approval of Council for the purpose of completing or transferring work started before the suspension or termination of registration.

(3) Council may appoint a Board of Inquiry comprised of three council members where proceedings have been initiated in respect of the jurisdictional member by an extraterritorial disciplinary body.

49. (3) Council may appoint a Board of Inquiry comprised of three council members where proceedings have been initiated in respect of the jurisdictional member by an extraterritorial disciplinary body.

52. Subject to this Act and the bylaws, Council may make rules or guidelines

(a) providing for the composition of the Discipline Committee and the terms of office of its members;

(b) governing proceedings of the Discipline Committee;

(c) governing proceedings of Investigative Committees and Boards of Inquiry in respect of complaints; and

(d) respecting costs of the Association that may be recovered where a Board of Inquiry orders a practitioner to pay costs

53. No action lies against a council member, a member of the Discipline Committee, a referee, the Executive Director, an employee of the Association or a person acting on their instructions, for anything done or not done by that person in good faith and in purporting to act in accordance with this Act or the bylaws.

Note: There are no regulations under the Northwest Territories' *Engineering and Geoscience Professions Act*.

14.2 NAPEG Bylaws Made Pursuant to and Subject to Engineering and Geoscience Professions Act

3. (a) A Nominating Committee shall be appointed by Council prior to the annual meeting to serve for the ensuing year. The committee shall consist of five (5) members of the Association, one of whom shall be the retiring President, who shall be the Chair. Council shall appoint members to fill any vacancies which may occur in the Nominating Committee.

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

8. (a) Council may appoint members to represent the Association on the Canadian Council of Professional Engineers (Engineers Canada) and Canadian Council of Professional Geoscientists (Geoscientists Canada).

(b) Council may appoint members to represent the Association on the Council, governing body, or committees of any other organization or association.

10. (a) Council shall meet at the call of the President or on request in writing to the Executive Director signed by not less than three (3) Councillors.

11. (a) An annual meeting of the Association shall be held in every calendar year with the period between such meetings not to exceed eighteen (18) months. At each annual meeting the Council shall submit a recommendation as to the date and place of the next annual meeting.

12. (a) Special meetings of the Association may be held when considered necessary by the Council or upon written request to the Executive Director signed by not less than ten (10) members of the Association. A special meeting summoned pursuant to the written request of the ten (10) or more members shall be held not more than forty-five (45) days after the request is received by the Executive Director.

13. (a) Division and section meetings of the Association may be held as set out in the terms of reference of the division or section as approved by Council.

(b) Any resolution passed at a division or section meeting shall be considered by Council at its next regular meeting.

17. (a) Application for registration as members, licensees, permit holders, and members-in-training shall be made to the Executive Director on the application forms approved by Council. The appropriate registration fee shall accompany the application.

(e) Applications that have been approved by the Board of Examiners shall be reviewed by the membership committee and forwarded to the Council together with a recommendation for disposition. The list of mobility applicants and permit holders, approved by the Executive Director, shall be forwarded to Council at each Council meeting.

18. (a) The annual fee for a member shall be specified from time to time by Council and shall be payable in advance, on January 1st of each year, subject to such discount as Council may from time to time direct.

19. (a) The annual fee for a licensee shall be fixed by Council from time to time, and shall not be less than the annual fee for a member.

20. (b) Council, upon being satisfied as to the good character of the applicant, and as to his or her intention to qualify for registration as a member and in due course to apply therefore, shall admit the applicant as a Member-in-Training.

(e) Council, in its discretion, for conduct considered unbecoming or for failure to pay the prescribed fees, may strike the name of any Member-in-Training from the record. The person shall no longer be a Member-in-Training.

(f) No person shall remain as a Member-in-Training for more than six (6) years after graduation unless Council, in its discretion, extends this period.

22. (a) Application to become a student of the Association may be made by any person who:

i. has an NWT or Nunavut high school diploma, or in the opinion of the Council, the equivalent, and satisfies Council that he/she is engaged or is about to be engaged in work of some branch of engineering, geology or geophysics, or

ii. is registered as a student with the Board of Examiners or at a University in Canada in a program leading to a degree in engineering, geology or geophysics.

(b) Council, upon being satisfied as to the good character of the applicant, and as to his/her intention to qualify for registration as a member and in due course to apply therefore, may enrol the applicant as a student.

(e) Council, in its discretion, for conduct considered unbecoming, may strike the name of any student from the record of students of the Association and the person shall no longer be a student member of the Association.

23. (a) Council, in its discretion by unanimous vote, may confer Distinguished Life Membership in the Association upon any member who has rendered signal service to the Association.

24. (a) Council, in its discretion by unanimous vote, may confer Honorary Membership in the Association upon persons who have given eminent service to the profession.

25. (a) Council may establish a non-practicing membership category for Members and Licensees who have ceased to practice professional engineering, or professional geoscience in the Northwest Territories and Nunavut but who wish to remain affiliated with the Association. The annual fee for non-practicing members/licensees shall be determined by Council from time to time.

26. (a) There shall be an Executive Committee consisting of the President, the immediate Past President, the two Vice-Presidents and the Executive Director.

(b) In addition to the Discipline Committee, Council may appoint committees on enforcement, membership and such other matters as it considers necessary.

(c) For all committees, except the Discipline Committee and the Nominating Committee, the terms of reference shall be determined by Council.

(d) Council may authorize the establishment of Divisions of the Association based on professional disciplines.

(e) Council may authorize the establishment of Sections of the Association based on geography.

(f) Council shall determine the terms of reference for all Divisions and Sections that are established.

(g) Council approval is required for new and revised policies and guidelines for effective governance of the Association.

27. (d) The procedure for conducting a mail vote shall be established by Council and shall be consistent with the Act and the By-Laws. An electronic vote is considered to be equivalent to a mail vote.

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

15 Yukon: The Association of Professional Engineers of Yukon (APEY)

15.1 Engineering Profession Act, Revised Statutes of the Yukon 2002, Chapter 75

4(1) The Supreme Court, on application by the Council, may grant an injunction enjoining any person from:

(a) doing any act that contravenes this Act; or

(b) retaining, employing, or contracting with someone who is not a member of the Association or a holder of a limited licence for the performance of an act constituting the practice of professional engineering.

9 (2) The Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name of and on behalf of the Association.

10 The Council shall appoint a registrar for the purposes of this Act.

12(1) The Council may make regulations

(a) respecting those things that are to be considered when defining the public interest under this Act;

(b) governing the establishment of boards or committees of Council and respecting the delegation of powers of Council to those boards or committees;

(c) respecting the powers, duties, functions, and procedures of any boards or committees, including but not limited to the referral of matters by those boards or committees to the Council and appeals from decisions of those boards or committees;

(d) governing the evaluation by the Council, or a board or committee established by it, of applications for registration as a member;

(e) respecting the eligibility of applicants for registration as a professional engineer, holder of a limited licence, or permit holder to engage in the practice of engineering;

(f) prescribing the number of members that constitutes a quorum of the Council, or of its boards or committees;

(g) prescribing technical standards for the practice of the profession;

(h) respecting the academic qualifications of and experience required for registration as professional engineers, or as holders of limited licences;

(i) respecting requirements for inspection and supervision during construction, operation, and maintenance of any work or process included as part of the practice of engineering;

(j) respecting the establishment by the Council of a compulsory continuing

education program for professional engineers and holders of limited licences;

(k) 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;

(l) governing the names under which professional engineers, holders of limited licences, and permit holders may engage in the practice of the profession;

(m) governing the publication of a notice of the suspension or cancellation of the registration of a professional engineer, holder of a limited licence, or permit holder in a form and manner prescribed by the Council;

(n) establishing classes or categories of professional engineers, holders of limited licences, or permit holders, and prescribing the restrictions of practice and the privileges and obligations of the classes or categories so established;

- (o) respecting the control and use of stamps and seals by professional engineers, holders of limited licences, and permit holders;
- (p) governing the eligibility for registration of persons, firms, partnerships, and other entities as permit holders;
- (q) governing the operation of permit holders;
- (r) governing the information to be engraved on stamps and seals for professional engineers, holders of limited licences, and permit holders;
- (s) establishing a category of holder of a limited licence for a limited license to practice professional engineering and prescribing the restrictions of practice and the privileges and obligations of the category so established;
- (t) respecting the scope of work and restrictions of practice of the licensee;
- (u) respecting the corporate structure of technical support required for a limited licence to practice and be maintained;
- (v) respecting the stamp or seal issued to a holder of a limited licence and the circumstances under which it is to be surrendered to the Association;
- (w) respecting activities or works to be exempted from the practice of professional engineering;
- (x) providing for the service of documents that may be served or are required to be served under this Act; and
- (y) respecting application for registration of professional engineers, holders of limited licences, permit holders, or engineers-in-training; the issuing and revoking of certificates, permits, licenses, stamps, and seals; disciplinary matters and the practice of engineering generally.

13(1) The Council may make bylaws

- (a) for the government of the Association and the management and conduct of its affairs;
- (b) determining the location of the head office of the Association;
- (c) respecting the establishment of categories of and conditions respecting the enrolment of engineers-in-training, examination candidates and students;
- (d) respecting the calling of and conduct of meetings of the Association and the Council;
- (e) respecting the nomination, election, number and term of office of Council members and officers of the Association and the appointment of individuals as ex officio members of the Council, the Discipline Committee, and any other committee or board established by the Council, and prescribing their powers, duties, functions and procedures;

- (f) respecting the appointment, functions, duties, and powers of an Executive Director of the Association;
- (g) providing for the appointment of a Deputy registrar to have all of the powers and 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 the registrar;
- (h) providing for the appointment of acting members of the Council and procedures for the election or appointment of professional engineers and holders of limited licences to fill vacancies on the Council;
- (i) prescribing the number of members that constitutes a quorum at meetings of the Association;
- (j) governing the establishment, operation, and procedures of boards and committees, the appointment of members of these boards and committees, the appointment of acting members, and procedures for filling vacancies on these boards and committees, and the delegation of any powers or duties of the Council under the Act, regulations, or bylaws to one of these boards and committees established by the Council;
- (k) governing the operation and proceedings of the committees or boards established by Council, 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 committee or board, and the appointment of ex officio members of any committee or board and prescribing their powers, duties, and functions;
- (l) prescribing fees and expenses payable to persons for attending to the business of the Association;
- (m) 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 for the development of the profession or the members;
- (n) respecting the setting of fees, dues, and special levies payable to the Association;
- (o) respecting the setting of costs to be paid by persons found guilty of unskilled practice or unprofessional conduct or both following a discipline hearing;
- (p) respecting the establishment, content, and maintenance of registers of members, holders of limited licences, and permit holders to be kept by the registrar;
- (q) respecting the removal of entries from the registers and records kept under this Act or the bylaws;
- (r) requiring professional engineers, holders of limited licences, and permit holders to inform the registrar in writing of their current mailing addresses and of any change of address immediately after the change occurs;

(s) prescribing the form of a certificate of registration, a limited license to practice, a permit, an annual certificate, and any other form in relation to the business of the Association;

(t) respecting the holding of mail ballots on any matter relating to the Association.

14(1) The registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register.

19(1) The registrar shall not cancel the registration of a professional engineer, holder of a limited licence, or permit holder at their request unless the request for the cancellation has been approved by the Council.

20(1) The Council shall establish a Board of Examiners in accordance with the regulations.

22(3) An applicant whose application for registration has been refused by the Board of Examiners may, within 30 days of receiving a notice of refusal and the reasons for the refusal, appeal the decision to Council by serving on the Registrar an appeal notice setting out the reasons why their registration as a professional engineer or holder of a limited licence should be approved.

(4) The Council shall, after receipt of notice of appeal under this section, review the application.

23(1) The Council shall approve the registration as a permit holder of a corporation, partnership, or other entity that has applied to the Council and is eligible under this section and the regulations to become registered to engage in the practice of engineering as a permit holder.

24(1) The Council may direct the registrar to cancel the registration of

(a) a professional engineer, holder of a limited licence, or permit holder who is in default of payment of annual fees or any other fees, dues or levies payable under this Act;

(b) a holder of a limited licence who does not comply with the conditions under which the licence was granted; or

(c) 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 engineer, holder of a limited licence, or permit holder of a written notice by the Council pursuant to subsection (2), unless the professional engineer, holder of a limited licence, or permit holder on whom the notice is served complies with the notice .

(2) The notice under subsection (1) shall state that the registrar will cancel the registration unless

(a) the fees, dues, or levies are paid as indicated in that notice; or

(b) evidence satisfactory to the Council is supplied to the Council within the time prescribed in the notice, indicating that the holder of a limited licence complies with the conditions under which the license of limited right to practice was granted; or

(c) evidence satisfactory to the Council is supplied to the Council, within the time prescribed in the notice, indicating that the permit holder has employees in compliance with this Act.

(4) The Council may direct the registrar to cancel the registration of a professional engineer, holder of a limited licence, or permit holder that was entered in error in the register.

(6) If a registration has been cancelled pursuant to subsection (1), the Council may direct the registrar, subject to any conditions that the Council may prescribe, to reinstate that registration in the applicable register and reissue the certificate of registration or permit and the stamp or seal.

28(1) The Council shall establish a Discipline Committee the members of which shall be appointed in accordance with the regulations.

(4) The Council, on receiving a notice of appeal under subsection (3), shall serve on the complainant and investigated person a notice of hearing of an appeal, stating the date, time, and place that the Council will hear the appeal.

(5) The Council shall hear an appeal immediately.

33(3) A complainant who is served with a notice under subsection (2) informing them that the investigation has been terminated may, by notice in writing to the registrar within 30 days of receipt of the notice under subsection (2), appeal that decision to the Council.

(4) The Council, on receiving a notice of appeal under subsection (3), shall serve on the complainant and investigated person a notice of hearing of an appeal, stating the date, time, and place that the Council will hear the appeal.

(5) The Council shall hear an appeal immediately.

(6) On an appeal under subsection (3), the Council shall determine whether the complaint should be referred to the Discipline Committee for a hearing in accordance with this Part, and shall notify the complainant, the investigated person and the Discipline Committee in writing of its decision.

(7) Section 49 applies to appeals under subsection (3).

48(1) An investigated person or the registrar may appeal to the Council any finding or order made by a Discipline Committee under section 43 or section 44.

49(1) The Council, on receiving a notice of appeal under section 48, shall serve on the investigated person a notice of hearing of an appeal stating the date, time, and place that the Council will hear the matters appealed.

(2) The Council shall commence its hearing of an appeal within 30 days of receiving the notice of appeal.

50(1) On an appeal the Council may do any or all of the following:

(a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Council;

(b) receive further evidence;

(c) draw inferences of fact and make any determination or finding that in its opinion ought to have been made by the Discipline Committee;

(d) order that the matter be referred back to the Discipline Committee.

(3) The Council shall immediately after the date of the conclusion of all proceedings before it

(a) make any findings as to the conduct of the investigated person that in its opinion ought to have been made by the Discipline Committee; or

(b) quash, vary, or confirm the finding or order of the Discipline Committee or substitute or make a finding or order of its own; or

(c) refer the matter back to the Discipline Committee for further consideration in accordance with any direction that the Council may make.

(4) The Council may order the investigated person to pay all or part of the costs of the appeal determined in accordance with the bylaws.

55(1) If the Council is satisfied, after a hearing on the matter, that a person or permit holder whose registration is entered in a register obtained registration by any false or fraudulent representation or declaration, either oral or written, the Council shall order that the registration be cancelled.

56(1) If the registration of a professional engineer, holder of a limited licence, or permit holder has been cancelled or suspended under this Part, any certificate, permit, stamp or seal issued shall immediately be surrendered to the registrar.

(2) If the registration of a professional engineer, holder of a limited licence, or permit holder has been cancelled under this Part, the registration shall not be reinstated in the register except by order of the Council or the Supreme Court.

(4) A member of the Council who is a member of a committee of inquiry appointed pursuant to the regulations to consider an application under this Part for reinstatement of registration may not participate in or vote at any proceedings of the Council under this section. The registrar and the Association's lawyer or agent may participate in those proceedings.

62(1) No action lies against

(a) any person conducting a preliminary investigation, a member of the Discipline Committee, the Council, or the Board of Examiners, the registrar, the Association or any person acting on the instructions of any of them; or

(b) any member, officer, or employee of the Association

for anything done by them in good faith and in purported to be done under this Act, the regulations, or the bylaws.

63(1) A person whose registration as a professional engineer, holder of a limited licence, or permit holder is cancelled or suspended under this Act shall not engage in the practice of engineering with any other professional engineer, holder of a limited licence, or permit holder without the consent of the Council.

(3) The Council may permit a professional engineer, holder of a limited licence, or permit holder to associate with or employ in connection with their practice a person whose registration has been cancelled or suspended under this Act, but the employment shall be in the capacity and subject to the terms and conditions that are prescribed by the Council.

15.2 Engineering Profession Regulation, Yukon Orders in Council 1996/056

Note: There is also a *Labour Mobility Amendments Regulation*.

2. Council shall appoint standing or special committees, task forces or boards as it from time to time may consider necessary to serve the interests of the Association and shall at the time of

the appointment establish terms of reference and delegate any authority it deems necessary for the committee, task force or board to perform its function.

3. Appointment to Boards and Committees established by Council may be made from professional members or licensees of the Association, professional members of other professional engineering associations or other individuals as Council deems appropriate.

7. An applicant for registration as a permit holder shall satisfy Council that ...

10. Any professional member or licensee who has provided outstanding service to the profession in the Yukon Territory may be granted Life Membership by a unanimous vote of Council.

11. Any professional member or licensee who is retired from the practice of the profession and who has been a member of the Association for ten years or more may, upon application, be granted a Retired Membership by unanimous vote of Council.

27. (1) When the Association accepts any person in any class of membership it shall provide the member with a seal engraved in a manner acceptable to Council and which remains the property of the Association and shall be surrendered to it on demand.

28. Any membership in the Association may be revoked or its renewal withheld by the Council for failure of the member to observe any of the conditions set forth in the Act or the Regulations governing the issuance of membership or where the member has been guilty of unprofessional conduct or unskilled practice of the profession.

29. (1) The Board of Examiners shall be appointed by Council and shall serve at the pleasure of Council.

(2) The Board of Examiners shall consist of at least three members of the Association, one of whom shall be the Registrar, plus any additional members of the Association or other professional engineering associations that Council deems appropriate from time to time.

(3) The Board of Examiners shall meet at least quarterly when applications are pending, to consider the applications and other matters of policy, significant changes in procedure, examination results, and other matters referred to it by Council.

(4) The Chair of the Board of Examiners shall be appointed by Council.

30. (1) The Discipline Committee shall consist of at least two members of the Association plus any other individuals Council deems appropriate.

(2) Council shall appoint a Chair and Vice-chair from among the Discipline Committee members.

(3) The term of appointment of each member shall be as prescribed by Council.

34. (1) Any member whose registration has been cancelled as a result of disciplinary proceedings may apply to the Council to be reinstated.

(3) In the case of a member whose registration has been cancelled the Council may require the former member to demonstrate by means prescribed by Council that they are competent to re-engage in the practice of engineering.

(4) In the case of an application for reinstatement which is not approved by Council a further application may be made by the former member but not until at least one year has elapsed from the date Council ruled on the previous application.

36. The Registrar may, at the direction of Council, publish from time to time the current listing of members and any changes to the listing since it was last published.

15.3 Yukon Engineering Profession Act Bylaws

1. The head office of the Association of Professional Engineers of Yukon (APEY) shall be established by Council through consideration of the operational needs of the Association and the convenience of the members.

2. Meetings of Council shall be conducted in accordance with these Bylaws as follows:

(a) Council shall meet not less than once every two months.

(b) The President may at any time convene a meeting of Council. Seven days notice shall be given to all Council members of the date, hour, place and purpose of such a meeting.

(c) The President shall convene a meeting of Council upon receipt by the Secretary-Treasurer of a written request, with state purpose for a meeting from any two members of Council.

(d) Council may meet together for the dispatch of business, adjourn and otherwise regulate meetings as it sees fit. Questions arising at any meeting shall be decided by a majority of votes of the Council members present. In case of an equality of votes, the presiding officer shall cast the deciding vote.

(e) A resolution assented to and adopted in writing under the hands of a majority of Council members, although not voted upon and passed at a Council meeting shall be of the same force and effect as if it had been duly passed at a Council meeting.

(f) If any member of Council is absent from three consecutive meetings without approval of Council, Council may declare the seat to be vacant.

(g) In the case of incapacity, resignation, death or vacancy on Council as a result of Bylaw 2(f), the other members of Council shall appoint an Association member in good standing to fill the vacancy until the next election.

(h) Council may authorize at its discretion the reimbursement of reasonable travel expenses to its own members or to any person required to attend Council meetings.

3 (c) Council shall establish the date of the annual general meeting and give written notice of the date, time and place of the meeting to all members not less than 21 days prior to the meeting date.

4. The Association may hold Special General Meetings as follows:

(a) a special general meeting of the Association may be called at any time by the President, with the consent of Council, and shall be called by the President upon the petition of ten members. The petition shall state the purpose of the meeting.

(b) a special general meeting called at the request of ten members shall be held within sixty days of Council receiving the petition. The only business transacted at the meeting shall be the business stated in the petitioners request.

(c) Council shall give not less than twenty one days written notice to members stating the date, time, place and purpose of the meeting.

6. Council shall rule on procedural matters at general meetings.

7. Nominations for elective positions of the Association shall be carried out as follows:

(a) prior to September 30 in each year, Council shall appoint a Nominating Committee consisting of two Association members who are not members of Council plus the Past President who shall chair the Nominating Committee. If the Past President is not available, Council shall appoint a third member of the Association to act as chair.

(b) the Nominating Committee shall nominate a candidate or candidates for the offices of President, Vice President and for the number of Councillors required to be elected in that year. The written consent of the nominees shall be obtained.

(c) any five members in good standing may nominate a candidate or candidates for any Council position by submitting in writing the names so chosen with the signatures of the five nominators and the written consent of the nominee(s).

8 (g) Council shall rule on any election result challenged in accordance with the procedures detailed in paragraph (f). No election shall be declared invalid by reason of non-compliance with the provisions of these Bylaws, or by reason of any mistake or irregularity, if it appears to Council that the election was conducted in accordance with the principles laid down in these Bylaws and that such non-compliance, mistake or irregularity did not affect the result of the election.

10 Council shall appoint officers as specified in the Act all of whom shall serve at the pleasure of Council.

(a) a Registrar shall be appointed from the membership of the Association at its first regular meeting following each election.

(b) a Secretary-Treasurer shall be appointed from the membership of the Association at its first regular meeting following each election.

(c) Council shall choose to appoint an Executive Director to assist in the management, administration and daily operation of the Association.

(d) Council may at any time, if deemed necessary, appoint a Deputy Registrar. The Deputy Registrar shall assist the Registrar in the performance of the duties required of that position as directed by the Registrar or Council. Procedures for the appointment of the Deputy Registrar shall be determined by Council when required.

(e) Council may appoint such other officers as deemed necessary and define their duties.

11. Procedures for membership on Boards and Committees shall be as follows:

(a) any person appointed by Council to serve on a board or committee shall indicate in writing their acceptance of such appointment.

(b) upon formation of a board or committee Council shall designate a chairperson or designate that the board or committee has the power to choose one of its members as chairperson.

(c) if any board or committee member is absent from three consecutive meetings without approval of the chairperson, the chairperson may request Council to declare the seat to be vacant and appoint another member to fill the position.

(d) any person appointed by Council to serve on a board or committee shall indicate their intention to resign from the board or committee in writing to the chairperson, or in the case of the chairperson to Council.

(e) where any board or committee member has submitted their resignation Council may appoint a person to fill this vacancy.

13. The financial operation of the Association shall be the responsibility of Council.

14. The Association shall establish an annual scholarship to be awarded to a Yukon student attending an accredited engineering program.

(a) the amount of the scholarship shall be determined by Council as part of the annual budget process.

(b) the award of the scholarship, its amount, and the name of the recipient shall be brought to the attention of the members at the Annual General Meeting and may be publicized through other measures at the discretion of Council.

(c) Council may engage in other programs designed to assist and/or support student engineers at its discretion as funds permit.

15. The schedule of fees for Association membership is as follows:

(a) The annual fee for each class of membership shall be as specified from time to time by Council.

(b) Annual fees shall be payable by January 31st of each year, subject to such discount as Council from time to time may direct.

(c) The application fee shall be established by Council from time to time for each class of membership plus any other fees payable with the application.

(d) Special levies, including late payment fees, shall be specified from time to time by Council and become payable according to terms and schedules determined by Council and posted on the APEY web site by the Association.

(e) At its discretion, and for due and sufficient reason, Council may waive, refund, reduce or defer payment of any fee or levy.

17. (d) Registers listing all members of the Association shall be maintained.

The format of all registers shall be determined by the Registrar and approved by Council. Format changes shall be brought forward by the Registrar to Council for approval.

20. All documents required by the Act, Regulations and these Bylaws shall be in a form approved by Council. The Registrar shall be responsible for maintaining a record of all approved documents.

21. Letter ballots may be used according to the following procedures:

(a) letter ballots may be used to decide any matter requiring approval by the membership where: -a motion requiring a letter ballot is made and approved by a majority of the members present at a general meeting; or -Council determines that it is prudent to decide a matter in this way.

(b) where a letter ballot is held Council shall prepare the ballot so as to clearly define the question and shall set the final date for receipt of the completed ballots.

Council	The Association of Professional Engineers and Geoscientists of Alberta	The Association of Professional Engineers and Geoscientists of	The Association of Professional Engineers and Geoscientists	The Association of Professional Engineers and	Professional Engineers of Ontario	The Association of Professional	Ordre des Ingénieurs du Québec	Ordre des Géologues du Québec	Professional Engineers and Geoscientists	The Association of Professional	Engineers Nova Scotia	The Association of Professional	Engineers PEI	The Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of
Sets standards of, prescribes and/or approves examinations of association; may prescribe refresher training or courses		Act 16(3) By-Law 11(c),(e)		Act 14(2)(b)	Act 7(1)9i, 14(1)(c) 56(1)(d)	Regulation 1	Professional Code 55 Regulation Chapter I-9, r. 12, Section 4	Professional Code 55		Act 10(2), 14	Act 7(1)(d), 9(1) By-Law 13A(1)	Act 10(1)(d), 12(1), 19(2) By-Law 13A(1)	Act 5(2)(d), 5(8)(c), 5(9)(d) By-Law 2.2.6		
Approve the cancellation of memberships, licences and permits	Act 29													Act 19(1)	
Approves and issues or refuses to issue certificates of authorization or	Act 24(1), 35, 37 Regulation 48(1)	Act 14	Act 22(4)	Act 28(2)	Act 16, 47(3)		Professional Code 40, 41, 42.1, 42.2, 42.4, 45, 45.3	Professional Code 40, 41, 42.1, 42.2, 42.4, 45, 45.3		Act 10(9),(11)		Act 14(3), 22	Act 6(5) Regulation 4.2	Act 14(2)(c) Regulation 7	Act 16, 19
May issue and/or may refuse to issue licences and admit members to the		Act 13(1)	Act 18				Professional Code 45, 45.1, 45.3	Professional Code 45, 45.1, 45.3		Act 10(1)					Act 23(3)
May order medical							Professional Code 48, 52	Professional Code 48, 52							
May appoint a Deputy Registrar or designate to temporarily fulfill	Act 20(1)i By-Law 22				Act 3(8)				Regulation 35					Act 13(1)(g) By-Law 10(d)	
May appoint investigators							Engineering Act 24(3)								
May fill council vacancy	Regulation 27	Act 9(8)(Act 12	By-Law 3.1.8	Act 3(11)	By-Law No. 8 - Section 34	Professional Code 79, 81	Professional Code 79, 81	Act 4(8)	By-Laws 8.2.7, 8.3.4	By-Law 18(2)	By-Law 18(2)	Act 11(11) By-Laws 8.2.3, 8.2.4	By-Law 2(g)	Act 8(1)
May appoint professional member to represent the association in other matters or on inter-	By-Law 14						Professional Code 20	Professional Code 20							By-Law 8
May confer honorary lifetime memberships or licensure	By-Law 26	By-Law 10(c.2)		By-Law 7.1.4							B-Law 15(1)	By-Law 15(1)	By-Law 2.1.2		
May confer honorary	By-Law 27	By-Law 10(d)				By-Law No. - Section 2			By-Law 11.1	By-Law 2.1.4					By-Law 24(a)
May confer life memberships or	By-Law 25	By-Law 10(c.1)	Regulatory By-Law 6.1	By-Law 7.1.3 (but	By-Law 39(6) (but not by council?)				By-Law 11.2	By-Law 2.1.2	By-Law 15(2)	By-Law 15(2)			By-Law 23
May create and/or work with joint boards, councils and	Act 1.1(1)	Act 18	Act 16(1)p	Act 67	Act 47(1)					Act 14, 29	Act 16		Act 4(r) (Association) Act 12(6)		
May establish other boards, committees and branches, and delegate to them powers and authority	Regulation 30	Act 10(1)(r) By-Laws 4(b), 6(a), 11(h)(1)(iii)	Act 14, 16(1)(q) Administrative By-Law 24	Act 9(1)(b), 12(1)(p) By-Law	Act 8(1)14, 10 By-Law 30	Act 31	Professional Code 62.1, 65, 86.0.1(2) Engineering	Professional Code 62.1, 65, 86.0.1(2)	Act 9(1)(b)	Act 14 By-Law 9.8	By-Law 19(2)	By-Law 19(2)	By-Law 9.7.1	Act 12(1)(b), 13(1)(j) Regulation 2	By-Law 26
May delegate powers in	Regulation 62(6)	Act 13(8), 18(1)(b) By-Laws 6(e), 7(c)(3)	Act 14(3), 24	Act 9(2)	Act 11 By-Law 48		Professional Code 96.1	Professional Code 96.1							

May dictate categories and amount of professional liability		Act 10(1)(e), (1.1)(c)	Act 16(2)o	Act 16(2)(e) By-Law 14.1.1	Act 7(1)24 Regulations 47, 74		Professional Code 93(d) and (g)	Professional Code 93(d) and (g)	Act 12(3) Regulations 9(1)(d), 9(2)(c) By-	By-Law 11.8						
May direct Registrar to cancel memberships, permits and licences	Act 39, 40, 41, 74								Regulation 33(4)					Act 24(1)		
May strike or direct Registrar to strike names	Regulations 7, 9, 19.1						Professional Code 51, 52.1, 55, 55.1, 55.3, 85.3	Professional Code 51, 52.1, 55, 55.1, 55.3, 85.3							By-Laws 20(e), 22(e)	
May enter agreements to	Regulation 1(b.1)	Act 14.1				By-Law No. 11	Professional Code	Professional Code		By-Law 2.2.2						
May establish Committee of Inquiry or Board of	Regulation 47														Act 49(3)	
May establish different classes of members, licensees or certificate holders	Act 20(1)t	Act 10(1.1)	Act 16(2)(g)	Act 12(1)(m)	Act 7(1)9.iii and vi	Act 43(1)(c)	Professional Code 94(m)	Professional Code 94(m)	Act 38(1)(i)		By-Law 13(2A)(a)			Act 12(1)(n) and (s)		
May establish scholarships or other educational-incentive	Act 20(1)(o) By-		Act 16(1)r	Act 12(1)(z.1)	Act 8(1)21		Engineering Act 12(d)			Act 5(1) By-Law 11.2			Act 4(d)	Act 13(1)(m) By-Law		
May extend time for provisional licensees and	Regulations 11(2) and 14.1(5)		Regulatory By-Law 4.2			By-Law No. 5 - Section 10				By-Law 2.3.3					By-Law 20(f)	
May make bylaws	Act 20, 85	Act 10	Act 15, 16	Act 12 (Association's	Act 8(1)	Act 33			Act 9(1)	Act 7(1) (Association's	Act 6(1)(l), 32(1)	Act 7(n) (Association's	Act 28 (Association's power)	Act 13(1)	Act 5(1)	
May make regulations	Act 19, 85				Act 7 (1)	Act 43(1)	Professional Code 65, 88-	Professional Code 65, 88-	Act 38					Act 12(1)		
May reinstate or direct Registrar to reinstate members and joint firms in some circumstances	Act 29(3), 39(6), 40(1), 41(4) Regulation 47		Act 42	Act 15(3), 24(4)			Regulations Chapter I-9, r. 9, Section 20 (if struck for	Regulations Chapter G-1.01, r 3.01, Section 14 (if		By-Law 2.2.3				By-Law 2.2.5	Act 24(6) Regulation 34(1)	Act 42(4)
May revoke permits	Regulation 51					Act 13	Professional	Professional	Regulation				Act 5(7)(c)	Regulation 28		
May seek injunctions to stop professional practice or decide on any court action	Act 9, 86.31, 97.2	Act 23 (Association's power)	Act 44 (Association's powers)	Act 64 (Association's power)			Engineering Act 12(a)							Act 4(1)	Act 11(4) (Association's power)	
May waive certain terms or conditions on member	Regulation 53.1								Act 42(3)		Act 19A(1)		By-Law 2.2.4			
Must establish or appoint members to an academic					Act 10(1)(b) Regulation											
Must appoint members to appeal	Act 18, 19(1)(f)															
Must establish or appoint members to board or	Act 30 Regulation 15	Act 15					Regulations Chapter I-9, r. 10,	Regulations Chapter G-1.01, r.		Act 11 By-Law 9.6.1	Act 14 By-Law 14			Act 20(1) Regulation 29(1)	Act 12(1)	

Appendix 7 – Authority and Duties of Registrars in Engineering and Geoscience Associations across Canada

This table provides a summary of legislation regarding professional engineering and geoscience associations outside Alberta and, more specifically, whether that legislation includes provisions giving Registrars clear authority regarding their authority and duties (Column 2). Also summarized here is whether the authority to delegate has been clearly stated in the legislation (Column 3). Instances when such authorities are clearly stated with respect to other entities (e.g., boards, committees) are also referenced (Column 4). Council's authority and duties, and authority to delegate, with respect to these constituent associations, are summarized in Appendices 6A and 6B.

<u>Jurisdiction/ Legislation</u>	Is Registrar's authority clearly stated?	Is Registrar's authority to delegate (or authority that can be delegated to the Registrar) clearly stated?	Are authorities of other entities (e.g., Boards, Committees) and authority to delegate stated?	Comments
<p><u>British Columbia: The Association of Professional Engineers and Geoscientists of British Columbia</u></p> <p><i>The Engineers and Geoscientists Act</i></p> <p><i>Bylaws of the Association</i></p> <p>There are no regulations under this Act.</p> <p>All section references are to the Act unless otherwise indicated.</p>	<p>7(1) The council must appoint a registrar, who must be a member of the association.</p> <p>(2) The council must appoint an executive director.</p> <p>(3) The offices of registrar and executive director are held at the pleasure of the council and may be held by the same person.</p> <p>19 The registrar must do the following:</p> <p>(a) continue the register of members kept under the former Act</p> <p>(b) enter in the register the full name and address of each member and the date of issue of each registration</p> <p>(c) make the register available for public</p>	<p>13(8) The council may, in writing, delegate some or all of its powers and duties under this section to the registrar, on the terms or conditions the council considers advisable. (i.e., admission to membership)</p> <p>Bylaw 7(c)(1) The registration committee is hereby created.</p> <p>(3) The registration committee is hereby delegated council's power and authority to:</p> <p>(i) grant the registration of applicants as registered members in accordance with the Act and bylaws</p> <p>(ii) grant enrolment to applicants for other grades of membership in accordance with the Act</p>	<p>3(1) The Association of Professional Engineers and Geoscientists of the Province of British Columbia is continued as a corporation.</p> <p>(2) For the purposes of this Act, the association has the powers and capacity of a natural person, including the power to acquire and dispose of property and the power to enter into contracts.</p> <p>Duties and objects of the association</p> <p>4.1(1) It is the duty of the association</p> <p>(a) to uphold and protect the public interest respecting the practice of professional engineering and the practice of professional geoscience,</p>	<p>In spite of Section 7(2) of the Act, there doesn't appear to be an executive director. According to the website, the Registrar is also CEO.</p> <p>Some unique provisions, as compared to The Association of Professional Engineers and Geoscientists of Alberta:</p> <p>25 If the registrar makes or causes to be made any wilful falsification in any matters relating to the register, he or she commits an offence and is liable on conviction to a penalty of not more than \$2000.</p> <p>16(8) The board (of examiners) must file with the registrar the examination papers</p>

Jurisdiction/ Legislation	Is Registrar’s authority clearly stated?	Is Registrar’s authority to delegate (or authority that can be delegated to the Registrar) clearly stated?	Are authorities of other entities (e.g., Boards, Committees) and authority to delegate stated?	Comments
	<p>inspection during normal business hours (d) keep a record of licensees, certificate holders and members of each grade of membership in the association (e) enter in the record the full name and address of each licensee and certificate holder and the date of issue of each licence and certificate of authorization.</p> <p>29(1) If the association receives a complaint against a member, licensee or certificate holder, the registrar must (a) designate a member to review the complaint (b) refer the complaint to the practice review or conduct review committee (c) close the complaint file and give written reasons for the closure to the complainant and the member, licensee or certificate holder against whom the complaint was made.</p>	<p>and bylaws (iii) grant a licence or limited licence to an applicant, in accordance with the Act and bylaws (iv) assign examinations or coursework to applicants for registered membership, other grades of membership, licence or limited licence (v) publish guidelines for the administration of the registration and licensing processes. (4) The registration committee will implement the policies of council for the registration and licensing process. (5) The registration committee may refer an applicant to council for a decision on the applicant’s suitability for registration or licensing.</p> <p>Bylaw 18(a) In this bylaw: “registrar” means the registrar appointed under the Act and includes his or her delegate.</p>	<p>(b) to exercise its powers and functions, and perform its duties, under this Act, and (c) to enforce this Act. (2) The association has the following objects: (a) subject to subsection (1), to uphold and protect the interests of its members and licensees (b) to establish, maintain and enforce standards for the qualifications and practice of its members and licensees (c) to promote the professions of professional engineering and professional geoscience.</p> <p>31(4) On matters referred to a panel by the discipline committee, a panel has the power and authority of the discipline committee.</p>	<p>submitted to the candidates, together with the answers of each candidate, and must attach to them a certified copy of its report with the marks awarded to each candidate in each subject of the examination.</p>

Jurisdiction/ Legislation	Is Registrar’s authority clearly stated?	Is Registrar’s authority to delegate (or authority that can be delegated to the Registrar) clearly stated?	Are authorities of other entities (e.g., Boards, Committees) and authority to delegate stated?	Comments
<p><u>Saskatchewan: The Association of Professional Engineers and Geoscientists of Saskatchewan</u></p> <p><i>The Engineering and Geoscience Professions Act</i></p> <p><i>Administrative Bylaws</i></p> <p><i>Regulatory Bylaws</i></p> <p>There are no regulations under this Act.</p> <p>All section references are to the Act unless otherwise indicated.</p>	<p>13(2) The council shall appoint a registrar.</p> <p>Admin Bylaws 18 The registrar shall perform the duties imposed on the registrar by the Act and the bylaws and all other duties incidental to the office of registrar.</p>	<p>24(1) The council may delegate to the registrar the power to do all or any of the following:</p> <p>(a) register persons as members (b) issue licences (c) issue certificates of authorization</p> <p>(2) Where a power is delegated pursuant to this section, the exercise of that power by the registrar is deemed to be an exercise of the power by the council</p> <p>(3) The council may impose any terms and conditions that it considers appropriate on a delegation of its powers</p> <p>(4) A person who is aggrieved by a decision of the registrar made pursuant to a delegated power may apply to the council to review that decision.</p> <p>Regulatory Bylaw 19(1) For the purposes of subsection 24(4) of the Act, an application to</p>	<p>Admin Bylaw 24 Where the Council establishes committees pursuant to subsection 14(1) of the Act:</p> <p>(a) the committees shall perform their duties under the direction of the Council.</p>	<p>There is also an executive director. The website shows that the registrar is also the executive director.</p> <p>From the website, the following committees report to the Governance Board:</p> <ul style="list-style-type: none"> • Academic Review • Experience Review • Licensee Admissions • Professional Practice Exam • Registrars Advisory <p>There is also a Discipline Committee and an Investigative Committee.</p>

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		review a decision of the registrar respecting an application for registration or licensure must be made to the Council.		
<p>Manitoba: The Association of Professional Engineers and Geoscientists of Manitoba</p> <p><i>The Engineering and Geoscientific Professions Act</i></p> <p>Bylaws</p> <p>There are no regulations under this Act.</p> <p>All section references are to the Act unless otherwise indicated.</p>	<p>Bylaw 3.3.1 Registrar The registrar shall be appointed by the council.</p> <p>3.3.2 Secretary The secretary shall be appointed by the council. The offices of registrar and secretary may be combined.</p> <p>3.3.3 Executive Director The council may appoint an executive director. The office(s) of registrar and/or secretary may be combined with that of the executive director.</p> <p>27 The registrar shall keep the register or cause it to be kept.</p> <p>28(1) The registrar shall issue or cause to be issued to each member a certificate of registration.</p> <p>28(2) The registrar shall issue or cause to be issued to each partnership, corporation or other legal</p>	<p>Bylaw 4.3.5 Registrar The duties and authority of the registrar, other than as prescribed by the Act and these bylaws, shall be assigned from time to time by the council.</p> <p>4.3.7 Executive Director If the council appoints an executive director, his or her duties and authority shall be as assigned from time to time by the council.</p> <p>Bylaw 6.1 Manual of Admissions The requirements, policies and procedures applicable to the approval of an application for admission to, enrollment with, or licensure by, the association shall be set out in the association’s “Manual of Admissions”. It shall be authorized by the council and published and available from the office of</p>	<p>Registration committee 14(1) The council shall, in accordance with the bylaws, appoint a registration committee to consider and decide upon applications for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrolment as engineers-in-training or geoscientists-in-training.</p> <p>Bylaw 4.3.6 Secretary In addition to the duties required by the Act, the secretary shall conduct, or cause to be conducted, the correspondence of the association and council; shall attend all annual general meetings, special meetings and their adjournments, either in person or by substitute appointed for a specific meeting as determined by</p>	<p>The website indicates the registrar is also executive director.</p> <p>From the Manual of Admissions:</p> <p>2.1 Council It is the role of Council to populate the Registration Committee, provide criteria that the Registration Committee will use to consider and decide on applications, and to develop performance standards that will be used in the registration process. Council will also act as the appeal body for the Registration Committee. Council’s authority as an appeal body is limited to “make any decision the registration committee could have made”</p> <p>2.2 Registration Committee:</p>

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	<p>entity to whom the council has granted authorization, a certificate of authorization.</p> <p>28(3) The registrar shall issue or cause to be issued, to each natural person to whom the council shall direct, a temporary licence.</p> <p>28(4) The registrar shall issue or cause to be issued, to each natural person to whom the council shall direct, a specified scope of practice licence.</p> <p>28(5) Each certificate issued under this section shall be signed by the president, or any other person appointed by the council, and the registrar under the seal of the association.</p> <p>32 The registrar shall (a) if a complaint is made under section 31; or (b) if the registrar has reason to believe that the conduct constitutes or may constitute unskilled practice of professional</p>	<p>the association.</p> <p>From the Manual of Admissions: 2.3 Executive Director Council has appointed the Executive Director of the Association to the post of Registrar. Council has charged the Executive Director to insure that all applications that are to be considered and decided upon by the Registration Committee are complete. To aid the Executive Director in this responsibility, the Executive Director may employ committees or staff members. At this time, the Executive Director has two such committees: • The Academic Review Committee – The Academic Review Committee will assess and make a recommendation on the academic suitability of an applicant. • The Experience Review Committee – The Experience Review</p>	<p>the council; and shall keep or cause to be kept a correct record of the proceedings. The secretary shall send or cause to be sent all notices that are to be sent to the members of the association and council. The secretary, or any other person deputed by council, shall receive all payments to the association, collect or cause to be collected all dues, fees and assessments levied by council or the association, and ensure that correct accounts are kept. The secretary shall distribute the Auditor’s Report and Statement of Financial Position, or cause it to be distributed, at or before the annual general meeting, and perform such other duties as council may from time to time prescribe.</p>	<p>It is the Role of the Registration Committee “to consider and decide upon applications”</p>

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	<p>engineering or professional geoscience or professional misconduct; refer the matter to the investigation committee.</p> <p>Bylaw 15.1.1 The registrar shall forward any complaint meeting the requirements of the Act to the chair of the investigation committee who shall call a meeting of the investigation committee to consider such complaint.</p> <p>Bylaw 15.3.12 Where in the opinion of the registrar an investigated person has failed to perform in accordance with the terms of any formal written caution issued by the investigation committee, the registrar shall refer the matter to the chair or the investigation committee and such referral shall constitute a new complaint.</p>	<p>Committee will assess and quantify the related experience that an applicant has obtained. At its discretion, the Registration Committee may accept the recommendations developed by the Executive Director or these committees, modify these recommendations, or make any other recommendation regarding an applicant that is consistent with the Manual of Admissions. In accepting a recommendation made by the Executive Director, the Association staff, or any committee in the registration process, the Registration Committee accepts the responsibility of that decision as if they had made it.</p>		
<p>Ontario: Professional Engineers of Ontario</p> <p><i>Professional Engineers</i></p>	<p>3(8) The Council shall appoint ... a Registrar ... and may appoint one or more deputy registrars</p>	<p>Regulation 73 Documents, other than decisions, of the Discipline Committee may be signed by the Registrar</p>	<p>2(1)The Association ... a body corporate, is continued as a corporation without share capital ...</p>	<p>The PEO website shows the following senior management team:</p>

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<p>Act</p> <p>Regulations:</p> <p>General</p> <p>Performance Standards</p> <p>Bylaw No. 1 A bylaw relating to the administrative and domestic affairs of Professional Engineers of Ontario</p> <p>All section references are to the Act unless otherwise indicated.</p>	<p>who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association. (8.1) The Registrar is responsible for the administration of the Association and reports to the Council. (See also Bylaws in next column)</p> <p>14(1) The Registrar shall issue a licence to a natural person (2) The Registrar may refuse to issue a licence to an applicant. (3) The Registrar may refer the application of the applicant for the issuance of a licence [to the Academic Requirements Committee and/or the Experience Requirements Committee]. (4) The Registrar shall refer an application to a committee under</p>	<p>or a deputy registrar on behalf of the Committee.</p> <p>Bylaw 21 A statutory declaration by the registrar or by any person acting on behalf of the registrar ...</p> <p>Bylaw 35 The Council may employ, or may authorize the registrar or other officials of the association to employ, such other persons as may be considered necessary or desirable for the carrying out of the operations of the association and the conduct of its affairs.</p> <p>Bylaw 36 The association may enter into contracts of employment with any official appointed by the Council ... and may enter into such contracts of employment with other employees of the association as shall be approved by the Council or, if authorized for such purpose by the Council, as shall be approved by the registrar or by such other</p>	<p>(3)The principal object of the Association is to regulate the practice of professional engineering and to govern its members ... in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected. (4)For the purpose of carrying out its principal object, the Association has the following additional objects: 1. To establish, maintain and develop standards of knowledge and skill among its members. 2. To establish, maintain and develop standards of qualification and standards of practice for the practice of professional engineering. 3. To establish, maintain and develop standards of professional ethics among its members. 4. To promote public awareness of the role of the Association. 5. To perform such other duties and exercise such</p>	<p>Registrar</p> <p>Chief Administrative Officer</p> <p>Deputy Registrar, Regulatory Compliance</p> <p>Deputy Registrar, Licensing and Finance</p> <p>Deputy Registrar, Tribunals and Regulatory Affairs</p> <p>The website shows Registrar to be Committee Advisor to the Executive Committee</p> <p>Registration Committee (REC) Committee that holds hearings, when required by the applicant, subsequent to a receipt of a Registrar’s Notice of a proposal to refuse to issue a license, limited license, temporary license, provisional license and Certificate of Authorization.</p>

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	<p>subsection (3) for a determination referred to in that subsection, (a) if the applicant requests the referral; or (b) in the circumstances specified by the regulations. Provisional licence (7) The Registrar shall issue a provisional licence (This section will be repealed when amendments are proclaimed in force).</p> <p>18(1) The Registrar shall issue a temporary licence, a provisional licence or a limited licence. (2) The Registrar may refuse to issue or may suspend or revoke a temporary licence, a provisional licence or a limited licence.</p> <p>Notice of proposal to revoke or refuse to renew 19. (1) Where the Registrar proposes, (a) to refuse to issue a licence; or (b) to refuse to issue, to</p>	<p>official as shall be designated by the Council.</p> <p>Bylaw 41 All money received by or on behalf of the association shall be deposited in the name of the association in one or more chartered banks or trust companies designated by the Council. All payments from the funds of the association shall be authorized by the most senior person in the department or the division of the association from whose budget the funds are being paid. Where the most senior person in the department or division of the association is not available, he or she, or failing that, the registrar and CEO, may designate another person to authorize payments. The payments shall be processed by the treasurer or his or her designate.</p> <p>Bylaw 48 Any or all of the powers set forth in Section 47 [re borrowing money]</p>	<p>other powers as are imposed or conferred on the Association by or under any Act. (5) For the purpose of carrying out its objects, the Association has the capacity and the powers of a natural person.</p> <p>6. In addition to his or her other powers and duties under this Act, the Minister may ...</p> <p>19.1(1) The Registration Committee is continued and shall be composed of ... (4) Any power, duty or function of the chair of the Registration Committee may be exercised by the vice-chair, if the chair is absent or unable to act.</p> <p>24. (1) The Complaints Committee shall consider and investigate complaints.</p> <p>26. (1) The Complaints Review Councilor may examine from time to time the procedures for the</p>	<p>Academic Requirements Committee (ARC) Committee that reviews the academic qualifications for licensure of referred applicants as to whether or not applicants meet prescribed academic requirements and recommend appropriate course of action.</p> <p>Experience Requirements Committee (ERC) Committee that reviews the engineering experience of applicants. Volunteers participate in 2-person technical interview panels to assess if an applicant's experience warrants relief from examinations assigned by the Academic Requirements Committee and/or the experience satisfies both the qualitative and quantitative requirements for licensure.</p>

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	<p>suspend or to revoke a temporary licence, a provisional licence, a limited licence or a certificate of authorization, the Registrar shall serve notice of the proposal, together with written reasons therefor, on the applicant.</p> <p>(3) A notice under subsection (1) shall state that the applicant is entitled to a hearing by the Registration Committee if the applicant mails or delivers, within thirty days after the notice under subsection (1) is served on the applicant, notice in writing requiring a hearing by the Registration Committee and the applicant may so require such a hearing.</p> <p>(4) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3), the Registrar may carry out the proposal stated in the notice under subsection (1).</p>	<p>may from time to time be delegated by the Council to any two or more of the councillors, officers or officials of the association.</p> <p>Regulation 30(3) Where a written complaint is received under section 32 of the Act, the Registrar shall select not less than three and not more than four eligible Members to serve on the Fees Mediation Committee with respect to such complaint.</p> <p>Regulation 31(1) Where, pursuant to subsection 32 (3) of the Act, all parties to a dispute consent to arbitration by the Fees Mediation Committee ...</p> <p>(3) The Registrar shall then select three Members to serve as the Fees Mediation Committee with respect to the dispute and the Committee may arbitrate the dispute on terms and conditions acceptable to it.</p>	<p>treatment of complaints by the Complaints Committee.</p> <p>27(4) Any power, duty or function of the chair of the Discipline Committee may be exercised by the vice-chair, if the chair is absent or unable to act.</p> <p>Powers of panel</p> <p>(6) A panel established under subsection (5) has all the powers, duties and functions of the Discipline Committee with respect to the hearing and determination of the matter referred to the panel, and a decision or order of the panel is deemed to be a decision or order of the Committee.</p> <p>Regulation 29 The Executive Committee, (a) may act on behalf of the Council with respect to urgent matters arising between regular meetings of the Council but shall report to the Council with respect to such actions (b) may consult with other committees of the Council</p>	

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	<p>(9) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section.</p> <p>Act Section 33 -- Registrar's investigation</p> <p>Regulation 32.1(2) The Registrar shall accept as a member of the engineering intern class any person who ...</p> <p>Regulation 32.2(2) The Registrar shall accept as a member of the engineer student class any person who ...</p> <p>Regulation 35 The Registrar is responsible for arranging for the holding of examinations.</p> <p>Regulation 36(4) a licence shall be withdrawn by the Registrar in specified circumstances.</p> <p>Regulation 38 examiners are appointed by the</p>		<p>(c) shall act upon or report upon matters that are referred to it by the Council</p> <p>(d) may advise the Registrar or any other officer or official of the Association on matters of policy</p> <p>(e) may make periodic reviews, forecasts, plans and recommendations to the Council concerning the future organization and operation of the Association</p> <p>(f) may advise the Council on matters pertaining to the Canadian Council of Professional Engineers</p> <p>(g) may advise the Council on all financial matters, including, without limitation, investments, budgets, capital requirements, income, expenditures, salaries, reserves and contingencies or extraordinary expenses, both for current and future operations.</p> <p>Bylaw 8(1) Subject to Section 8(2), none of the</p>	

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	<p>Registrar.</p> <p>Regulation 41.1(1) The Registrar shall designate as a “fee remission Member” every holder of a licence who meets the requirements. (3) The Registrar shall revoke a holder’s fee remission Member designation if the holder.</p> <p>Regulation 44.1(1) The Registrar may grant a provisional licence to an applicant who complies with the requirements of paragraphs 1, 2, 3 and 5 of subsection 33 (1). (2) ... if the Registrar is of the opinion that renewal is necessary.</p> <p>Regulation 46.1(1) The Registrar shall designate as a “fee remission limited licence holder” every holder of a limited licence.</p> <p>Regulation 78.1 The Registrar, if informed of a situation that may endanger life, health,</p>		<p>governing body of a chapter, the officers of a chapter or the members of a chapter shall have any power or authority as such to contract in the name of the association or to assume any obligations on behalf of the association.</p>	

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	<p>property or the public welfare, may take such action as is reasonably necessary to serve or protect the public interest.</p> <p>Bylaw 34 The registrar, any deputy registrars, the treasurer and such other officials as may be appointed by the Council under Section 3(8) of the Act shall have such duties as the Council may determine from time to time.</p>			
<p>Quebec: Ordre des ingénieurs du Québec</p> <p>Professional Engineers Act</p> <p>Professional Code</p> <p>The Order and its members are governed by the Professional Code. Thus, relevant provisions of that code are discussed here.</p> <p>There are 15 regulations in force under the Engineers Act (some in French). They</p>	<p>Professional Code 62 ...The board of directors shall, in particular, (1) appoint the secretary of the order</p> <p><i>(There is also a secretary of the disciplinary council of the order.)</i></p> <p>Professional Code 46 Every person who applies therefore to the secretary of an order shall be entered on the roll of the order if he satisfies the following conditions:</p>	<p>Professional Code 80 The president may not act as the secretary of the order, or exercise the functions assigned to the secretary.</p> <p>Professional Code 85 Despite any inconsistent provision, a two-thirds majority vote of the members of the board of directors is required to dismiss the secretary of the order.</p> <p>Professional Code 108.5 The president of an order shall perform the duties</p>	<p>Engineers Act 9 The Order shall be administered by a board of directors called the “board of directors of the Ordre des ingénieurs du Québec.”</p> <p>EA 12. The board of directors may, in the course of its duties, (a) decide as to any court action or defence proceedings to be taken by and in the name of the Order, or with its authorization (b) generally represent the Order for all legitimate</p>	<p>Engineers Act 7 Subject to this Act, the Order and its members shall be governed by the Professional Code.</p> <p>There is a secretary rather than a registrar.</p> <p>The Ordre des ingénieurs du Québec is a professional order listed in Schedule 1 of the PC. Per section 12 of the Professional Code: The function of the Office (the Office des professions du Québec established by</p>

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<p>have been briefly reviewed. None appears to be relevant here in terms of notable powers.</p> <p>There are hundreds of regulations under the Professional Code, some of which are also listed under the Engineers Act.</p>	<p>Professional Code 46.1 The secretary of the order shall prepare the roll of the order. The roll shall contain, if applicable, the following information: ... 46.2. The secretary of the order shall keep in a directory the information concerning ...</p> <p>Professional Code 63 On the advice of the secretary of an order, the Office may order that an election be held on the date it fixes, where ... (Secretary also has other duties related to elections)</p>	<p>conferred by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) on the person in charge of access to documents or the protection of personal information. The president is also responsible for requests for access and correction made under this division and under the Act respecting the protection of personal information in the private sector (chapter P-39.1). However, the syndic shall perform the duties mentioned in this paragraph with respect to the documents and information the syndic obtains or holds and those the syndic releases within the order.</p> <p>The president may designate the secretary of the order or a member of the management staff as the person responsible, and delegate all or part of the president's duties to that person.</p>	<p>purposes (c) conduct, either directly or through committees or members specially designated for such purpose, any investigation or study deemed useful on any matter of concern to the profession (d) establish scholarships, prizes and medals.</p> <p>Professional Code 62 The board of directors shall have the general administration of the affairs of the order and shall see to the application of this Code, the Act ... It shall exercise all the rights, powers and prerogatives of the order, except those within the competence of the members of the order in general meeting. Unless otherwise provided by this Code or such Act, it shall exercise them by resolution.</p>	<p>the PC) shall be to see that each order ensures the protection of the public. For that purpose, the Office may, in particular, in collaboration with each order, monitor the operation of the various mechanisms established within the order pursuant to this Code and, where applicable, the Act constituting the professional order.</p>

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<p><u>New Brunswick: The Association of Professional Engineers and Geoscientists of New Brunswick</u></p> <p><i>Engineering and Geoscience Professions Act</i></p> <p><i>Bylaws Under the Engineering and Geoscience Professions Act</i></p> <p>There are no regulations under the Act.</p> <p>All section references are to the Act unless otherwise indicated.</p>	<p>“Registrar” means the Registrar of the Association or an Assistant Registrar designated by Council as it considers necessary; “Secretary” means the Secretary of the Association or an Assistant Secretary designated by Council as it considers necessary.</p> <p>15(4) The Council shall appoint a Secretary and a Registrar, whose qualifications and respective terms of office shall be as prescribed by the bylaws.</p> <p>15(5) It shall be the duty of the Registrar to enter in the Register the name of each person entitled to practise as a professional engineer or professional geoscientist.</p> <p>15(6) The certificate of the Registrar under the seal of the Association shall be prima facie evidence that a person is registered or licenced under this Act.</p>	<p>15(1) The responsibility for administration of this Act and the management of the Association shall be vested in an Executive Council which shall consist of a President, first Vice-President, the immediate Past President, and such number of other Vice-Presidents and elected or appointed members of Council as may be prescribed by the bylaws.</p> <p>Bylaw 6.1.8 The seal of the Association shall be applied to all certificates of registration or licences, and to all deeds, agreements, or other instruments. Such documents shall be countersigned by the appropriate officers as designated by Council.</p> <p>Bylaw 6.3.1 All payments shall be made by cheque duly signed by the authorized signing officers as designated by Council.</p>	<p>4 The Association shall have the power to ...</p> <p>6 The objects of the Association are: (a) to regulate the practice of engineering and geoscience and to govern these professions in accordance with this Act and the bylaws; (b) to establish and maintain standards of knowledge and skill among its members; and (c) to establish and maintain standards of professional ethics among its members, in order that the public interest may be served and protected.</p> <p>11 The Council shall appoint annually a Board of Examiners.</p> <p>12 The Board shall, if referred to it by the Council, examine all degrees, diplomas, certificates and other credentials submitted for the purpose of obtaining registration or a licence.</p>	

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	<p>15(8) All officers and officials of the Association, whether elected or appointed, shall exercise such powers and perform such duties as may be prescribed by the bylaws.</p> <p>Bylaw 6.1.2 The administrative officers of the Association shall be the President, Vice-President, Secretary, Treasurer, Registrar and Chief Executive Officer.</p> <p>Bylaw 6.1.4 The Secretary, Treasurer, Registrar and Chief Executive Officer shall be appointed by Council.</p> <p>Bylaw 6.2.3 The Secretary, Treasurer, Registrar and Chief Executive Officer shall be responsible to Council for the duties assigned by the Engineering and Geoscience Professions Act and these by-laws and such other duties as may be assigned to them by Council. The Secretary,</p>		<p>18(7) The Discipline Committee shall: (b) perform such other duties as are assigned to it by the Council.</p> <p>Bylaw 6.2.4 The duties of the Secretary shall include (a) acting as Secretary and recording the minutes for all meetings of the Association and Council, and conducting the correspondence in accordance with the decisions taken and policies established at such meetings; (b) acting as Secretary for the executive committee and such other committees as Council may direct (c) receiving all applications for registration, enrollment or licencing together with all supporting documents (d) cooperating and coordinating with the Registrar (e) having custody of the seal of the Association (f) prior to each annual</p>	

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	<p>Treasurer, Registrar and Chief Executive Officer shall not be eligible to vote at meetings of Council unless they are elected members of Council.</p> <p>Bylaw 6.2.6 The duties of the Registrar shall include: (a) keeping a Register in which shall be entered the name, address and the date of registration of members and persons licenced to practise (b) recording in the Register the names of members removed, with the date and reason for removal; and (c) preparation and certification of a list of the membership eligible to vote and to hold office, for use at the annual meeting and for the conduct of elections.</p>		<p>meeting, submitting to Council a list, certified by the Registrar, of all members in good standing.</p> <p>Bylaw 6.2.5 The duties of the Treasurer shall include :</p> <p>(a) collecting of all money due the Association (b) certifying of all bills or vouchers before presentation to Council for payment (c) keeping of proper records showing the source and disposition of all income (d) the submission at the annual meeting of a financial statement for the most recent fiscal year ... and such other reports as may be requested by Council; and (e) other duties and associated tasks that may be assigned by Council.</p> <p>Bylaw 6.2.7 The duties of the Chief Executive Officer shall include (a) the administration of the head office of the</p>	

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			<p>Association; and (b) such tasks as may be assigned by Council, including filling the offices of Secretary and Treasurer when Council so directs.</p> <p>Bylaw 9.7 The admissions committee shall investigate and report to Council on all matters relating to applications for registration and licencing except for the academic credentials of applicants. The admissions committee shall include at least one geoscientist.</p>	
<p><u>Newfoundland and Labrador: Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL)</u></p> <p><i>Engineers and Geoscientists Act, 2008</i></p> <p><i>Engineers and Geoscientists Regulations, 2011</i></p> <p><i>Bylaw No. 1 made under The Engineers and</i></p>	<p>4(13) The chief executive officer of the association shall act as the registrar for the purpose of this Act.</p> <p>Bylaw 12.1 The affairs and business of PEGNL shall be governed by the board and administered by the chief executive officer/registrar in accordance with the Act, the Regulations, bylaws and policies adopted by the board.</p>	<p>Substitution for registrar</p> <p>Regulation 35 Where reference is made to the registrar in these regulations, and where the registrar is temporarily unable to fulfil the functions contemplated by these regulations due to illness or other reason, those functions may be carried out by another person designated by the board.</p>	<p>4.(1) The association shall be governed by a board of directors</p> <p>Regulation 26 The registration committee shall meet when necessary to consider applications for registration and at least twice annually to consider matters of policy, significant changes in procedure, examination results and other matters referred to it by its executive committee or the</p>	<p>From the website:</p> <p>Registration Committee The purpose of the Registration Committee is to: approve registration of eligible applicants in compliance with the Act and Regulations; to determine additional requirements for registration; and, to provide alternatives and implications for Council consideration regarding registration issues.</p>

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<p><i>Geoscientists Act, 2008 - - PEGNL Administrative Bylaw</i></p> <p>All section references are to the Act unless otherwise indicated.</p>	<p>13(1) The registrar shall keep a register.</p> <p>Regulation 2(o) "required form" means a form that may be prescribed by the registrar.</p> <p>Regulation 3(1) Applications for registration and renewal of registration shall be made to the registrar in the required form and accompanied by the required fees.</p> <p>(2) An application for registration made in accordance with subsection (1) shall be referred by the registrar to the registration committee.</p> <p>(3) The registrar or the registration committee may require the applicant to consent to the registrar, the registration committee or their designate obtaining confirmation or verification from the relevant person, authority or body of documentation and information submitted as part of an application made under subsection (1).</p>	<p>Action by registration committee</p> <p>Regulation 25(1) The executive committee of the registration committee and, where considered appropriate by the executive committee, the registration committee shall appraise an application for registration as a professional member, permit holder, member-in-training or examination candidate which is received through the registrar.</p> <p>(2) On considering an application submitted to it by the registrar, the registration committee or its executive committee may</p> <p>(a) approve the registration of the applicant;</p> <p>(b) not approve registration on the grounds that the applicant fails to meet one or more of the requirements for registration in the Act and the regulations; or</p> <p>(c) defer approval until, in the case of an applicant as</p>	<p>board.</p> <p>Complaints authorization committee</p> <p>24(1) Where an allegation has been submitted to the complaints authorization committee, the committee may exercise one or more of the following powers:</p> <p>(a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations</p> <p>(b) conduct an investigation itself or appoint a person to conduct an investigation on its behalf</p> <p>(c) conduct a practice review into the respondent's practice</p> <p>(d) require the respondent to appear before it.</p> <p>(2) Where the complaints authorization committee is of the opinion there are no reasonable grounds to believe the respondent has engaged in conduct deserving of sanction, the committee shall dismiss</p>	

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	<p>(4) The registrar or the registration committee may require an applicant to provide evidence of being in professional good standing.</p> <p>21(2) The registrar is not eligible to be a member of the complaints authorization committee.</p> <p>22(2) The registrar may on his or her own motion make an allegation and file it.</p> <p>23(1) Where it appears to the registrar that the allegation may be resolved satisfactorily and where the complainant and the respondent consent, the registrar may attempt to resolve the matter.</p> <p>Regulation 29. (1) Where the complaints authorization committee refers an allegation back to the registrar for mediation under paragraph 24(1)(a) of the Act, the registrar shall take the steps</p>	<p>professional member, the applicant has successfully completed one or more examinations or completed a further term and type of experience that the registration committee or its executive committee may require, or in the case of an applicant as professional member or a permit holder, the applicant has met one or more requirements for registration or has provided additional information required by the registration committee or its executive committee.</p> <p>(3) The registration committee may, with the approval of the board, delegate to the registrar the approval of applicants for registration in circumstances where the evaluation of academic qualifications and experience requirements of applicants is not required.</p> <hr/>	<p>the allegation and give notice in writing of the dismissal to the complainant.</p> <p>(3) Where the complaints authorization committee is of the opinion that there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction, the allegation is considered to constitute a complaint, and the committee may</p> <p>(a) counsel or caution the respondent; or</p> <p>(b) instruct the registrar to file the complaint against the respondent and refer it to the disciplinary panel; and</p> <p>(c) suspend or restrict the respondent's registration.</p> <p>Powers of adjudication tribunal</p> <p>29. (1) Upon the hearing of a complaint, an adjudication tribunal shall decide whether or not a respondent is guilty of conduct deserving of sanction.</p>	

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	required for the mediation to take place.			
<p data-bbox="92 337 401 399"><u>Prince Edward Island: Engineers PEI</u></p> <p data-bbox="92 436 426 498"><i>Engineering Profession Act</i></p> <p data-bbox="92 535 443 732"><i>The Association of Professional Engineers of the Province of Prince Edward Island Bylaws and Code of Ethics</i></p> <p data-bbox="92 769 413 831">There are no regulations under this Act.</p> <p data-bbox="92 868 443 964">All section references are to the Act unless otherwise indicated.</p>	<p data-bbox="476 337 814 935">11(6) The Council shall appoint a Registrar, a secretary and a treasurer, whose qualifications, duties and respective terms of office shall be as prescribed by the bylaws and the Council may appoint one person to one or more of these offices. (13) All officers and officials of the Association whether elected or appointed shall exercise such powers and perform such duties as may be prescribed in the Act and the bylaws.</p> <p data-bbox="476 972 793 1203">Bylaw 6.1.2 The administrative officers of the Association shall be the President, Vice-President, Secretary, Treasurer, Registrar and the Executive Director.</p> <p data-bbox="476 1240 827 1370">Bylaw 6.1.4 The Secretary, Treasurer, and Registrar shall be appointed by Council.</p>	<p data-bbox="854 337 1203 732">Bylaw 6.2.10 The duties of the Executive Director shall include (a) the administration of the office of the Association; and (b) such tasks as may be assigned by Council including filling the offices of Secretary, Treasurer, and Registrar when Council so directs.</p>	<p data-bbox="1232 337 1581 1399">4 The Association is empowered (a) to provide for the government, discipline and honour of persons practising professional engineering (b) to acquire, hold and dispose of real and personal property (c) to borrow money (d) to establish ... scholarships and prizes (e) to establish and maintain a register of professional engineers and holders of certificates of authorization (f) to prescribe the amount and collect the annual dues and other fees (g) to exempt any person or holder of a certificate of authorization from the payment of any such fee or dues (h) to assess members for any ordinary, special or extraordinary expenditures (i) to prescribe the nature and extent of the education and practical experience in</p>	<p data-bbox="1610 337 1969 1399">From the website: The affairs of the Association are administered in accordance with the <i>Engineering Profession Act, 1990</i>, and the Bylaws and Code of Ethics by a Council consisting of the President, Vice-President, Past-President and a minimum of four Councillors. The President and Vice-President are elected by a vote of the total membership of the Association and hold office for one year. Two Councillors are elected annually by a vote of the total membership and hold office for a term of two years. The administrative officers of the Association are the President, Vice-President, Secretary, Treasurer, Registrar and the Executive</p>

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	<p>Bylaw 6.2.3 The Secretary, Treasurer, Registrar and Executive Director shall be responsible to Council for the duties assigned by the Engineering Profession Act and these Bylaws and such other duties as may be assigned to them by Council. The Secretary, Treasurer, Registrar and Executive Director shall not be eligible to vote at meetings of Council unless they are elected members of Council.</p> <p>Bylaw 6.2.9 The duties of the Registrar shall include (a) receiving and presenting to the Engineering Qualifications Committee all applications for membership and keeping a full and correct record of such applications and the Council's resolutions on each application; (b) keeping a register in which shall be entered (c) issuing all certificates of registration (d) recording in the</p>		<p>engineering which must be possessed (j) to take such action as necessary to have members, licensees or engineers-in-training engage in engineering activities for which they are qualified(k) to prescribe the nature and extent of the information required to be filed with the Registrar by a holder of certificate of authorization (l) to provide or arrange for facilities for determining by examination or other means, the competency of persons seeking to practise professional engineering (m) to issue a certificate of registration or license to practise to any person who is qualified (n) to issue a certificate of engineer-in-training to any person who is qualified (o) to issue a certificate of authorization to any partnership, association of persons or corporation which is qualified (p) to develop and</p>	<p>Director. For a number of years the offices of the Secretary, Treasurer and Registrar have been combined with the office of Executive Director. An Administrative Assistant provides the day-to-day administrative services in the Association's office.</p> <p>Committees comprising volunteer members of the Association play an important role in the functioning of the Association and the provision of services to members.</p> <p>The Executive Director is responsible for duties of Executive Director, Registrar, Treasurer and Secretary to Council.</p>

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	<p>Register the names ... removed, with the date and reason for removal (e) preparation and certification of a list of all Members and Honorary Life Members eligible to vote and to hold office and Non-Practising Members entitled to vote.</p> <p>7(1) The Registrar shall keep a register provided by the Council (3) The Registrar upon resolution of the Council and receipt of the fee shall issue a certificate of registration, license to practise or certificate of engineer-in-training (4) The Registrar upon resolution of the Council and receipt of the fee shall issue a certificate of authorization</p> <p>Bylaw 2.2 Application for Membership or Enrolment 2.2.1 Application for registration as a Member or enrolment as an Engineer-in-Training shall be made to the Registrar.</p>		<p>establish ways and means by which members may receive continuing education (q) to negotiate for and on behalf of any member or engineer-in-training in any matter pertaining to his welfare (r) to enter into agreements with similar associations (s) to establish special membership categories and engineering achievement awards (t) to do all such other matters and things as may be necessary for or incidental or conducive to the welfare of professional engineers and their usefulness to the public.</p> <p>15(1) The Council shall appoint annually an Act Enforcement Officer. (3) In the absence or inability of the Act Enforcement Officer to carry out his duties, the chairman of the Act Enforcement Committee may assume the</p>	

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	<p>2.2.2 The application shall be presented by the Registrar to the Engineering Qualifications Committee. The Committee shall deal with the application in the manner provided by Section 9.5 hereof, and shall submit its findings to the Council which shall dispose of the applications by resolution.</p> <p>2.2.7 The Registrar shall acknowledge receipt and shall advise the applicant by letter of the Council's decision on the application</p>		<p>responsibilities and powers of the Act Enforcement Officer.</p> <p>16(7) The Act Enforcement Committee in accordance with the information it has received, may</p> <p>(a) dismiss the complaint</p> <p>(b) refer the matter in whole or in part to the Discipline Committee</p> <p>(c) take such action as it considers appropriate in the circumstances to resolve the complaint</p> <p>(d) recommend to the Council to have the matter heard by a court of competent jurisdiction in Prince Edward Island.</p>	
<p>Nova Scotia: Engineers Nova Scotia</p> <p>Engineering Profession Act</p> <p>Bylaws of the Association of Professional Engineers, Nova Scotia Regulations 8/46</p>	<p>13(4) The Council shall appoint annually a Registrar, a Secretary and a Treasurer, who shall perform the duties assigned to them by this Act and by the bylaws and the Council may appoint one person to any one or more of the offices of Registrar, Secretary and</p>	<p>17(3) Upon the filing of the complaint, the Secretary or the Secretary's designate shall forthwith by written notice. (“Secretary or the Secretary’s designate” is found in a number of instances in the Act.)</p> <p>Regulation/Bylaw 9 (1) The Council at its first regular</p>	<p>6(1) The Association, in addition to all other powers vested in corporations, is authorized and empowered to ...</p> <p>(m) do all such other matters and things as may be necessary for or incidental or conducive to the welfare of professional engineers and their</p>	<p>From the website: Applications will be submitted to the Board of Examiners when all required documents are received.</p> <p>Regulation/Bylaw 19(2) The Council may from time to time appoint from the membership of the</p>

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<p>The bylaws are in the form of a regulation under the Act.</p> <p>All section references are to the Act unless otherwise indicated.</p>	<p>Treasurer.</p> <p>Regulation/Bylaw 10(1) The Council at its first regular meeting shall appoint the Registrar of the Association.</p> <p>(2) The Registrar shall perform the duties imposed upon him by the Act and bylaws. He shall receive and present to the Board all applications for membership, licence to practise or enrolment as an engineer-in-training, and keep a full and correct record of such applications and the Council's resolution on each application. He shall maintain the Register and issue all certificates of registration, licences to practise and perform all other duties incidental to his office or which may be assigned to him by the Association or the Council.</p> <p>(3) The Registrar shall keep a Register in which shall be entered He shall erase therefrom the name of any such person</p>	<p>meeting shall appoint the Secretary of the Association.</p> <p>(2) The Secretary shall perform the duties imposed upon him by the Act and bylaws. He shall attend all meetings of the Association and Council and keep proper minutes of the proceedings thereof, send out all notices on behalf of the Association, Council, and any Committee, conduct all correspondence and keep the seal of the Association and all records pertaining to his office. He shall perform all the duties incidental to his office, or which may be assigned to him by the Association, Council or any Committee of the Association.</p> <p>(4) The Secretary shall be paid a salary determined by Council for performing the duties of Secretary, Treasurer and Registrar; or such proportionate part thereof as shall be determined by the Council if performing only one or</p>	<p>usefulness to the public.</p> <p>17O (1) A disciplinary panel shall hear each case in the manner it considers fit.</p> <p>17P (1) A disciplinary panel has the same powers of taking evidence, compelling the attendance of witnesses, compelling the production of books, paper and documents, and of punishing for contempt or the failure to comply with the orders of the disciplinary panel, as a commissioner appointed under the Public Inquiries Act.</p> <p>Regulation/Bylaw 8 The Vice-President shall perform the duties of the President in the absence or on the resignation or death of the latter and when doing so, the Vice-President shall have the same powers as the President.</p> <p>Regulations/Bylaws 20</p>	<p>Association such other committees as it thinks necessary and may delegate to such committees any of its powers; provided that such committees shall conform to any regulations imposed upon them by the Council.</p> <p>(4) Each committee appointed under subsection (2) shall elect its own Chairman and a Vice-Chairman who shall, in the absence of the former, exercise all the functions and powers of the Chairman.</p> <p>23 The Registrar, if he makes or causes to be made any wilful falsification in any way relating to the register, shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months.</p>

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	<p>who has resigned ... The word “suspended” and the date and period thereof shall be placed after the name of any such person who has been suspended.</p> <p>18(1) The Registrar shall keep a register provided by the Council and enroll therein ... the names of all persons who are members, licensed to practise or engineers-in-training and the register shall be open for public inspection at all times without charge.</p> <p>18(2) The Registrar upon resolution of the Council and receipt of the fee ... shall issue a certificate of registration or licence to practise to a person accepted for membership or licensed to practise.</p> <p>(4) If the Council refuses to pass a resolution ...or if the Registrar refuses to register or issue a certificate of registration or licence to practise to such a person, the person aggrieved ... shall have</p>	<p>more of such offices.</p> <p>(5) The Secretary, while performing the duties of Secretary, Treasurer or Registrar, may, with the approval of the Council and at the expense of the Association, engage the services of clerks or stenographers, on a full time or part time basis.</p> <p>Regulation/Bylaw 11(1) The Council at its first regular meeting shall appoint the Treasurer of the Association.</p> <p>(2) The Treasurer shall perform the duties imposed upon him by the Act and bylaws. He shall, under the instructions of the Council, collect and receive, pay out or invest all moneys due to and payable by the Association. He shall keep proper books of account entering therein all moneys received and paid out by the Association, prepare and submit to the annual meeting of the Association the financial statement,</p>	<p>The Executive Committee of the Council ... may act itself or designate a member or members of the Association to act as arbiter between members or engineers-in-training or as negotiator on behalf of the member or engineer-in-training respecting any matter pertaining to his professional welfare. Any action taken hereunder shall be deemed as having been taken by the Association.</p>	

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	the right to apply to a judge ... who ... may grant an order directing the Council and the Registrar to register the name of the person as a member of the Association or to issue to the person a licence to practise, or make such other order as may be warranted by the facts, and the Council shall forthwith comply with the order.	duly certified by the Auditor of the Association, of the annual revenues and expenditures of the Association and furnish such other financial reports as may be requested by the Council. He shall perform all other duties incidental to his office or which may be assigned to him by the Association or Council.		
<p><u>NWT and Nunavut: Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists</u></p> <p><i>Engineering and Geoscience Professions Act</i></p> <p><i>NAPEG Bylaws made pursuant to and subject to Engineering And Geoscience Professions</i></p>	<p>10(1) Council shall appoint an Executive Director.</p> <p>(2) The Executive Director shall</p> <p>(a) maintain, in respect of each designated profession, registers of members, licensees, permit holders and members-in-training; and</p> <p>(b) perform other duties assigned to the Executive Director by this Act and the bylaws and by Council.</p> <p>Bylaw 15 The Executive</p>		<p>4. The Association, in addition to the powers vested in it by the Interpretation Act, has the power</p> <p>(a) to acquire and hold real property and (b) to borrow money for the purposes of the Association.</p> <p>12. (1) Council shall, in accordance with the bylaws, designate a Board of Examiners in Engineering and Geoscience responsible</p>	<p>The Executive Director is CEO and Registrar.</p> <p>Operations in Nunavut Regulatory powers of Association in Nunavut 58. The Association has and may exercise such powers and functions for the regulation of professional engineering and professional geoscience in Nunavut, including the discipline of registrants and permit holders in relation to</p>

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<p>Act</p> <p>There are no regulations under the Act.</p> <p>All section references are to the Act unless otherwise indicated.</p>	<p>Director shall be in responsible charge, under Council governance, of all property of the Association and shall be responsible for the work of all employees of the Association and shall be responsible for maintaining a record of policies, procedures and guidelines of the Association.</p> <p>The Executive Director shall be responsible for:</p> <ul style="list-style-type: none"> a) maintaining, in respect of each designated profession, a register b) publishing the register annually c) the presentation of business and recording of proceedings at all meetings of the Association and of Council d) conducting the correspondence of the Association and keeping full records thereof e) the books and accounts of the Association and ensuring that all moneys ... are collected and deposited. f) the drawing of cheques 		<p>for appraising academic and experience qualifications of applicants for registration under this Act, and for setting and conducting examinations.</p> <p>33 The Discipline Committee shall appoint an Investigative Committee comprised of one or more of its members to conduct a preliminary investigation of the complaint on behalf of the Discipline Committee.</p> <p>37(1) Council shall, on receipt of a direction issued by an Investigative Committee under paragraph 35(1)(c) or by the chairperson of the Discipline Committee under subsection 36(2), appoint a Board of Inquiry comprised of three council members to conduct a hearing to inquire into the complaint.</p> <p>46(1) The chairperson of the Discipline Committee may, at any time before</p>	<p>conduct in Nunavut, as may be provided to the Association under the laws of Nunavut.</p>

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	<p>against the funds of the Association to be signed by the Executive Director and President or alternates approved by Council</p> <p>g) providing from time to time such information and reports as may be requested by Council, or which he/she deems necessary in the interest of the Association</p> <p>h) publishing the Association's schedule of fees annually, and</p> <p>i) such other functions as are necessary or expedient for the proper administration of the Act and bylaws and the affairs of the Association generally.</p> <p>Bylaw 17 (a) Application for registration as members, licensees, permit holders, and members-in-training shall be made to the Executive Director on the application forms approved by Council.</p> <p>(b) The applications shall be reviewed by the</p>		<p>the commencement of a hearing into a complaint, appoint a referee to conduct an alternative dispute resolution process in respect of the complaint.</p>	

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	<p>Executive Director.</p> <p>(c) Applications by applicants who do not qualify under Sections 16... shall be referred to the Board of Examiners immediately.</p> <p>(d) The Executive Director may register applicants, who qualify for registration under Sections 16... and who have applied under the mobility Agreement on Internal Trade.</p> <p>(e) Applications that have been approved by the Board of Examiners shall be reviewed by the membership committee and forwarded to the Council together with a recommendation for disposition. The list of mobility applicants and permit holders, approved by the Executive Director, shall be forwarded to Council at each Council meeting.</p> <p>(g) Application for registration as a permit holder shall be made to the Executive Director. The Executive Director shall</p>			

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	<p>register applicants immediately, who qualify under Section 23(3) of the Act, provided all requirements for registration have been met.</p> <p>32(6) If the Executive Director has evidence, in the absence of a complaint under subsection (1), that the conduct of a practitioner constitutes unprofessional conduct, the Executive Director shall file a written complaint with the chairperson of the Discipline Committee.</p>			
<p>Yukon: Association of Professional Engineers of Yukon</p> <p>Engineering Profession Act</p> <p>Engineering Profession Regulation</p> <p>Engineering Profession Act Bylaws</p> <p>All section references are</p>	<p>10 The Council shall appoint a registrar for the purposes of this Act.</p> <p>Bylaw 10 Council shall appoint officers as specified in the Act all of whom shall serve at the pleasure of Council. (a) a Registrar shall be appointed from the membership of the Association at its first regular meeting following</p>	<p>Bylaw 10(c) Council shall choose to appoint an Executive Director to assist in the management, administration and daily operation of the Association. The Executive Director’s duties include: -keeping minutes of all Association meetings and conducting the general correspondence of the Association and Council. -being responsible for the</p>	<p>8 In addition to the powers vested in it by this and any other Act, the Association has the power to ...</p> <p>44 – powers of the discipline committee</p> <p>Regulation 2 Council shall appoint standing or special committees, task forces or boards as it from time to time may consider necessary to serve the</p>	

Jurisdiction/ Legislation	Is Registrar's authority clearly stated?	Is Registrar's authority to delegate (or authority that can be delegated to the Registrar) clearly stated?	Are authorities of other entities (e.g., Boards, Committees) and authority to delegate stated?	Comments
to the Act unless otherwise indicated.	<p>each election. The duties of the Registrar include:</p> <ul style="list-style-type: none"> -performing the duties imposed by the Act, Regulations and these Bylaws -keeping a full and proper record of each application for membership in the Association for all classes of members and the decision of the Board of Examiners with regard to each. -ensuring all new members are provided with a copy of the Act, Regulations and Bylaws and a seal. -being responsible for the safekeeping of the Seal of the Association. -performing other duties incidental to the office or which may be assigned by Council from time to time. <p>Regulation 29(2) The Board of Examiners shall consist of at least three members of the Association, one of whom shall be the Registrar</p> <p>Regulation 5 An</p>	<p>management of the Association's employees and office.</p> <ul style="list-style-type: none"> -preparing a provisional budget for review by the Secretary-Treasurer. - -maintaining a list of members interested in serving on Boards and Committees. -performing all other duties incidental to the office or which may be assigned by the Association or Council from time to time. The Secretary-Treasurer will be responsible for general supervision of the Executive Director and annual evaluation of the incumbent's performance, in consultation with Council. (d) Council may at any time, if deemed necessary, appoint a Deputy Registrar. The Deputy Registrar shall assist the Registrar in the performance of the duties required of that position as directed by the Registrar or Council. Procedures for the appointment of the 	<p>interests of the Association and shall at the time of the appointment establish terms of reference and delegate any authority it deems necessary for the committee, task force or board to perform its function.</p> <p>20(3) The Board of Examiners shall consider applications for the registration of applicants as professional engineers and holders of limited licences.</p> <p>Bylaw 10(b) a Secretary-Treasurer shall be appointed from the membership of the Association at its first regular meeting following each election. The Secretary-Treasurers duties include:</p> <ul style="list-style-type: none"> -giving notice of all meeting of the Association and Council. -being responsible for the keeping of proper accounts for the Association and the preparation of the annual 	

Jurisdiction/ Legislation	Is Registrar's authority clearly stated?	Is Registrar's authority to delegate (or authority that can be delegated to the Registrar) clearly stated?	Are authorities of other entities (e.g., Boards, Committees) and authority to delegate stated?	Comments
	<p>application for membership in the Association in any of the classes of membership shall be made to the Registrar and shall be referred by the Registrar to the Board of Examiners for evaluation</p> <p>26(3) Despite section 29, a person designated by the registrar as a mediator may assist in settling a complaint ... but if within 60 days from the date of receipt of the complaint or a longer period agreed to by those persons a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred immediately by the registrar to the Discipline Committee.</p> <p>Regulation 32(2) The mediator may consult with the Registrar, but the Registrar shall not assume the role of mediator.</p>	<p>Deputy Registrar shall be determined by Council when required.</p>	<p>financial statement and balance sheet. -certifying the correctness of all accounts payable. -receiving all fees and payments due the Association. -being responsible for the preparation of a provisional budget for the Association that will be submitted to Council for approval before the end of the previous fiscal year. -carrying out the duties of the Executive Director should that position be vacant for any reason. - performing all other duties incidental to the office of Secretary-Treasurer or which may be assigned by Council from time to time. (e) Council may appoint such other officers as deemed necessary and define their duties.</p>	

Jurisdiction/ Legislation	Is Registrar's authority clearly stated?	Is Registrar's authority to delegate (or authority that can be delegated to the Registrar) clearly stated?	Are authorities of other entities (e.g., Boards, Committees) and authority to delegate stated?	Comments
	Bylaw 20 All documents required by the Act, Regulations and these bylaws shall be in a form approved by Council. The Registrar shall be responsible for maintaining a record of all approved documents.			

PROVINCIAL P.GEO	APEGBC	APEGA	APEGS	APEGM	APGO	OGQ	PEGNL	APGNS	APEGNB	NAPEGG	PEI	Yukon
Administration of the Association												
Can order or appoint one or more persons to investigate situations of professional misconduct or incompetence												
Cancels licenses / strikes names												
Certify election results to the Council												
Conducts investigations themselves												
Ensures members carry liability insurance												
Gives notices of committee decisions												
Gives written notice of all proposed bylaw changes to all members.												
Handle election disputes												
registers people as members												
Issues certificate of registration/authorization												
Issues certificate of license												
Issues temporary license												
Issues specified scope of practice license												
Issues permit to practice												
issues a certificate of limited license												
Maintains registers												
May attempt to resolve allegations												
Notify Minister of any bylaw changes made by association												
Provides copies of the registers												
Provides dates, times and locations of disciplinary hearings												

Publish decision summaries													
Receives notices of appeal.													
Receives notices of resignation													
Refers applications, complaints or other information to committees													
Refuses to issue licenses													
Reports to committees on investigation results													
Sends meeting notices													
Publish disciplinary decisions in local newspaper													
Provide, distribute and maintain records on professional geoscientist seals													
Can administer oaths and affirmations													
Informs the council if a Certificate of Authorization has been cancelled													
May suspend memberships, certificates and/or licenses													
Arranges examinations													

Appendix 8 Analysis of Provincial P.Geo Registrar's Authority									
Professional Geoscientists	British Columbia	Alberta	Saskatchewan	Manitoba	Ontario	Newfoundland and Labrador	Nova Scotia	New Brunswick	Northwest Territories and Nunavet
Administration of the association									
Can order or appoint one or more persons to investigate situations of professional misconduct or incompetence									
Cancels licences and strikes names									
Certifies election results to the Council									
Conducts investigations themselves									
Ensures members carry liability insurance									
Gives notices of committee decisions									
Gives written notice of all proposed bylaw changes to all members									
Handles election disputes									
Registers people as members									
Issues certificates of registration and authorization									
Issues certificates of licence									
Issues temporary licences									
Issues specified scope of									

practice licences									
Issues permits to practice									
Issues certificates of limited licence									
Maintains registers									
May attempt to resolve allegations									
Notifies Minister of any bylaw changes made by association									
Provides copies of the registers									
Provides dates, times and locations of disciplinary hearings									
Publishes decision summaries									
Receives notices of appeal									
Receives notices of resignation									
Refers applications, complaints or other information to committees									
Refuses to issue licences									
Reports to committees on investigation results									
Sends meeting notices									
Publishes disciplinary decisions in local newspapers									
Provides, distributes and maintains records on Professional Geoscientist seals									
Can administer oaths and affirmations									
Informs Council if a Certificate of Authorization has been cancelled									

May suspend memberships, certificates and/or licences									
Arranges examinations									
NOTE: Quebec is not included because it does not compare easily to other jurisdictions and the translation is not clear.									
No organization oversees PEIs P.Geos.									
No organization oversees Yukon P.Geos.									

Appendix 9 – Relevant Provisions from Legislation of Professional Associations of Architects, Physicians and Lawyers Outside Alberta

Legislation	Relevant Provisions
<p>Architects Act British Columbia</p> <p>There are no regulations under this Act.</p> <p>The authority and duties of the Registrar are quite limited.</p>	<p>19 (1) At its first meeting after an election, the council</p> <p>(a) must elect from its members a president, one or more vice presidents and a treasurer</p> <p>(b) must appoint a member of the institute as registrar</p> <p>(c) may appoint other officers.</p> <p>25 (1) The registrar must file with the minister a certified copy of each bylaw made under this Act within 7 days of its making.</p> <p>26 (1) The council may permit the registration of a sole proprietorship, partnership or corporation as an architectural firm.</p> <p>33 (1) The registrar must keep the register of the institute in which must be entered, on application or on direction of the council</p> <p>69 (1) After each annual election to the council, the council must appoint a registration board.</p> <p>70 Subject to this Act and the approval of the council, the registration board must:</p> <p>(d) consider and report to council on the qualifications of an applicant for admission as a member of the institute or as an associate, and</p> <p>(e) perform other duties referred to it by the council.</p> <p>75 Subject to appeal to the council, the registrar may refuse to re-enter the name of a person who the registrar believes has been guilty of conduct for which the registration, had it continued, could have been erased or who could have been suspended from practice.</p>
<p>The Architects Act, 1996 Saskatchewan</p> <p>There are no regulations under this Act.</p> <p>There is an Executive Director instead of a Registrar.</p>	<p>12(1) The officers of the association are to be those that are:</p> <p>(a) designated in the bylaws; and</p> <p>(b) appointed or elected in accordance with the bylaws.</p> <p>(2) The council shall appoint an executive director.</p> <p>(3) The council may engage any employees that it considers necessary to carry out the duties and functions of the association.</p> <p>(4) Subject to this Act and the bylaws, the council shall determine the duties, responsibilities and remuneration of employees of the association.</p> <p>21(1) The council may delegate to the executive director the power to do any of the following:</p> <p>(a) admit persons as members</p> <p>(b) admit persons as students of architecture</p> <p>(c) issue licences</p> <p>(2) Where a power is delegated pursuant to this section, the exercise of that power by the executive director is deemed to be an exercise of the power by the council.</p>

Legislation	Relevant Provisions
	<p>(3) The council may impose any terms and conditions that it considers appropriate on a delegation of its powers.</p> <p>(4) A person who is aggrieved by a decision of the executive director made pursuant to a delegated power may apply to the council to review that decision.</p>
<p>The Architects Act Manitoba</p> <p>There are no regulations under this Act.</p> <p>There is a Secretary or Executive Secretary, and a Treasurer instead of a Registrar.</p>	<p>8(3) The council shall appoint a secretary and a treasurer each of whom may or may not be a member of the association; and the same person may hold both offices.</p> <p>12(3) The council shall, by resolution, prescribe the conditions upon which any persons, including any who have passed the examinations of other corporate bodies having the same or similar objects, may be admitted as members of the association.</p> <p>12(6) The council may, at its discretion, refuse to admit a candidate for membership in the association unless he passes an examination in the professional practice of architecture to demonstrate the adequacy of his practical experience.</p> <p>18(1) The council must issue a certificate of approval to a corporation or firm.</p> <p><i>In the bylaws of the Manitoba Association of Architects, one of the standing committees is a Registration Board. One of this Board's duties is to review all applications for Registered Membership and all applications for Certificates of Approval and make recommendations to Council.</i></p>
<p>Architects Act Ontario</p> <p>There is one regulation under this Act</p>	<p>3(8) The Council shall appoint at pleasure a Registrar and may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association.</p> <p>13(1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations.</p> <p>(2) The Registrar may refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of architecture in accordance with the law and with honesty and integrity.</p> <p>(3) The Registrar, on his or her own initiative, may refer and on the request of an applicant shall refer the application of the applicant for the issuance of a licence,</p> <p>(a) to the Academic Requirements Committee for a determination as to whether or not the applicant has met the academic requirements prescribed by the regulations for the issuance of the licence</p> <p>(b) to the Experience Requirements Committee for a determination as to whether or not the applicant has met the experience requirements prescribed by the regulations for the issuance of the licence</p> <p>(c) first to the Academic Requirements Committee and then to the Experience Requirements Committee for determinations under clauses (a) and (b).</p> <p>(4) A determination by a committee under subsection (3) is final and is binding on the Registrar and on the applicant.</p> <p>14(1) The Registrar shall issue a certificate of practice to a corporation that applies therefor in accordance with</p>

Legislation	Relevant Provisions
	<p>the regulations if:</p> <p>(2) The Registrar shall issue a certificate of practice to a corporation,</p> <p>(3) The Registrar may refuse to issue a certificate of practice to a corporation or may suspend or revoke a certificate of practice issued to a corporation if the Registrar is of the opinion, on reasonable and probable grounds, that the corporation fails to comply with the requirements for the issuance of the certificate of practice set out in subsection (1) or (2).</p> <p>15(1) The Registrar shall issue a certificate of practice to a partnership that proposes to engage in or hold itself out as engaging in the practice of architecture if the partnership applies for the certificate in accordance with the regulations. (3) The Registrar may refuse to issue a certificate of practice to a partnership or may suspend or revoke a certificate of practice issued to a partnership if the Registrar is of the opinion, on reasonable and probable grounds, that the partnership fails to comply with the requirements for the issuance of the certificate of practice set out in subsection (1).</p> <p>17(1) The Registrar shall issue a certificate of practice to a member of the Association who applies therefor in accordance with the regulations.</p> <p>(2) The Registrar may refuse to issue a certificate of practice to a member of the Association or may suspend or revoke a certificate of practice held by a member of the Association where the Registrar is of the opinion, upon reasonable and probable grounds, that the member has not engaged in the practice of architecture during the period of five years preceding the date of the refusal or revocation.</p> <p>18 The Registrar shall issue a certificate of practice to a member of the Association of Professional Engineers of Ontario who applies therefor in accordance with the regulations and who ...</p> <p>19 The Registrar shall issue a licence or a certificate of practice upon a direction of the Council made in accordance with a recommendation by the Joint Practice Board.</p> <p>20(1) The Registrar may refuse to issue a certificate of practice to a corporation, a partnership or a natural person, or may suspend or revoke a certificate of practice, where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct ... affords grounds for belief that the corporation, partnership or natural person, as the case may be, will not engage in the practice of architecture in accordance with the law and with honesty and integrity.</p> <p>(5) The Registrar may suspend or revoke a certificate of practice where the Registrar is of the opinion, upon reasonable and probable grounds, ...</p> <p>24(1) The Registrar shall issue a temporary licence to a natural person who ...</p> <p>(2)The Registrar may refuse to issue or may suspend or revoke a temporary licence where the Registrar is of the opinion, upon reasonable and probable grounds</p> <p>25(1) Where the Registrar proposes:</p> <p>(a) to refuse an application for a licence, a certificate of practice or a temporary licence</p> <p>(b) to suspend or revoke a certificate of practice or a temporary licence</p> <p>(c) to issue a licence, a certificate of practice or a temporary licence subject to terms, conditions or limitations,</p>

Legislation	Relevant Provisions
	<p>the Registrar shall serve notice of the proposal, together with written reasons therefor, on the applicant.</p> <p>(4) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3), the Registrar may carry out the proposal stated in the notice under subsection (1).</p> <p>(8) Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order, ...</p> <p>(10) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section.</p> <p>(17) In this section, “applicant” means applicant for the issuance of a licence, or applicant for or holder of a certificate of practice or a temporary licence.</p> <p>28(1) The Registrar may cancel a licence, certificate of practice or temporary licence for non-payment of any fee prescribed by the by-laws.</p> <p>(3) The Registrar may cancel a licence, certificate of practice or temporary licence if the member or holder.</p> <p>38(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of practice or temporary licence has committed an act of professional misconduct or incompetence, the Registrar by order may appoint one or more persons to investigate whether such act has occurred, and the person appointed shall report the result of his or her investigation to the Registrar.</p> <p>General, Revised Regulations of Ontario 1990, Regulation 27</p> <p>The Council shall establish and appoint the following committees:</p> <p>(a) Executive Committee;</p> <p>(b) Academic Requirements Committee;</p> <p>(c) Experience Requirements Committee;</p> <p>(d) Registration Committee;</p> <p>(e) Complaints Committee;</p> <p>(f) Discipline Committee;</p> <p>(g) Fees Mediation Committee, and may establish such other committees as the Council from time to time considers necessary.</p>
<p>Architects Act Quebec</p> <p>There are 17 regulations under the Act. These were not reviewed as they cover all</p>	<p>5 The Order shall be administered by a board of directors consisting of a president and 13 directors elected in accordance with the Professional Code (chapter C-26) and of three other directors appointed by the Office des professions du Québec, in the manner provided in the Professional Code.</p> <p>5.1 In addition to the duties imposed under sections 87 to 93 of the Professional Code* (chapter C-26), the board of directors shall, by regulation, determine, among the acts referred to in section 16, those which may be performed, under certain prescribed conditions, by classes of persons other than architects.</p>

Legislation	Relevant Provisions
<p>professions in Quebec.</p> <p>There is a Secretary but no Registrar in the Act</p>	<p>11 The board of directors may issue a permit on the conditions it determines.</p>
<p>Architects Act New Brunswick</p> <p>There are no regulations under this Act.</p>	<p>6(2) The Council shall consist of not less than five and not more than fifteen members of the Association as prescribed by the by-laws who shall have the qualifications prescribed by the by-laws and shall be elected by the members of the Association at each annual meeting in the manner and for the terms prescribed in the by-laws, together with:</p> <p>(c) The Registrar, who shall be a member of the Association with the qualifications prescribed by by-law and appointed annually by the other members of the Council.*</p> <p>6(8) The Registrar shall have such duties and responsibilities as may be prescribed by by-law.</p> <p>6(11) The Council may appoint an Executive Secretary of the Association who shall hold office during the pleasure of the Council and who shall have such duties and responsibilities as may be prescribed by by-law.</p> <p>9(1) Upon the approval of Council and upon payment of the prescribed fees, the Registrar shall issue a certificate of Registration as a member to any individual entitled thereto in accordance with this Act or the by-laws.</p> <p>9(2) A Certificate of Registration shall be issued in the form and in the manner prescribed by by-law and shall be signed by the Registrar or any officer authorized by by-law and bear the seal of the Association.</p> <p>10(1) The Council may, on application; approve the issuance of a license to practice architecture in New Brunswick to any individual who is a member in good standing of an Association of Architects recognized by the Council.</p> <p>10(2) A license shall be issued in such form, and for such period and upon such terms and conditions as this Act or the by-laws may authorize or prescribe, and shall be signed by the Registrar and bear the seal of the Association.</p> <p>14(2) The Registrar, upon the approval of Council, shall issue a Certificate of Practice in the form and signed in the manner prescribed by by-law.</p> <p>16(2) All complaints against an architect which are received or initiated by the Council shall be forwarded forthwith to the Registrar, who shall mail by registered or certified mail or otherwise cause to be delivered to the architect, at his last know address, a copy of the complaint, inviting him to respond in writing to the Registrar regarding the complaint.</p> <p>16(3) Within sixty days from the date on which the Registrar received the complaint, the Registrar shall, in an informal manner, consider and investigate the complaint and, upon the completion of such investigation as he deems necessary, the Registrar may make recommendations to the complainant and the architect in question as the how the complaint may be resolved and, in any event, shall report to Council and send a copy of such report to the architect.</p> <p>16(4) In at any time the Registrar considers the subject matter complained of to be of sufficient importance,</p>

Legislation	Relevant Provisions
	<p>whether or not he Registrar has made recommendations pursuant to subsection (3), or if the complaint has not been resolved by this recommendations, the Registrar shall immediately refer the complaint to Council.</p> <p>16(5) The Council may, in its absolute discretion, after considering the report of the Registrar.</p> <p>From the Architects' Association of New Brunswick General By-laws:</p> <p>9.1.3 There shall be a Registrar who shall be a Registered member appointed annually by Council and shall be a member of Council and hold office at the pleasure of Council.</p> <p>9.1.4 There shall be an Executive Secretary and/or Executive Director appointed from time to time by Council and who holds office at the pleasure of Council.</p> <p>9.2.4 The duties of the Registrar shall include:</p> <p>(a) establishing and maintaining Registers of members, licensees and proprietorships, partnerships or corporations holding Certificates of Practice in which shall be entered the name, address and the date of entry for each entrant</p> <p>(b) recording in the Register the names of those removed therefrom together with the date and reason for removal</p> <p>(c) the preparation and certification of a list of all members eligible to vote and to hold office for use at the annual meeting and more particularly for the conduct of elections</p> <p>(d) other duties and responsibilities stipulated by the Act and the By-laws, or assigned by Council from time to time.</p> <p>9.2.5 The duties of the Executive Secretary and/or Executive Director shall include:</p> <p>(a) attending and acting as secretary and recording the minutes for all meetings of the Association and of Council, issuing correspondence in accordance with the decisions taken and policies established at the meetings, and issuing all notices required to be given to members of the Association and Council</p> <p>(b) acting as secretary for the committees as Council may direct</p> <p>(c) receiving all applications for registration or enrolment of Members, Licensing or Certificate of Practice together with all supporting documents</p> <p>(d) cooperating and coordinating with the Registrar</p> <p>(e) maintaining custody of the seal of the Association</p> <p>(f) prior to each Annual Meeting, submitting to Council a list, certified by the Registrar, of all members in good standing;</p> <p>(g) collecting of all money due the Association</p> <p>(h) certifying all bills or vouchers before presentation to Council for payment</p> <p>(i) maintaining proper records showing the source and disposition of all income</p> <p>(j) submission to the members at the Annual Meeting of reports required by Council</p> <p>(k) other duties and responsibilities stipulated by the Act or By-laws or assigned by Council.</p>

Legislation	Relevant Provisions
<p>Architects Act Nova Scotia</p> <p>There is one regulation under this Act: Architects Regulations, Nova Scotia Regulations 399/2008</p>	<p>7 At its first meeting after election, the Council shall</p> <p>(a) elect from its members who are licensed architects a Vice-president, Secretary-treasurer and a Registrar and appoint from among the members of the Association a Board of Registration; and</p> <p>(b) make such other appointments as it deems appropriate to carry out its mandate.</p> <p>19(1) Every individual applying to the Board (of Registration of the Association established pursuant to the regulations) for a licence shall ...</p> <p>From the Regulations</p> <p>3(1) The Registrar must perform duties as determined by the Council.</p> <p>(2) The Board of Registration must consist of the Registrar and at least 4 members of the Association.</p> <p>(7)The Board of Registration must do all of the following:</p> <p>(a) examine all applications and the qualifications of all applicants for membership</p> <p>(b) examine and interview applicants in the manner and to the extent that the Board considers necessary</p> <p>(c) recommend to Council, with appropriate explanation, the admission or rejection of an application for membership</p> <p>(d) perform any other services specified in the Act or these regulations, or that the Council requires.</p>
<p>Architects Act, 2008 Newfoundland and Labrador</p> <p>There is one regulation under this Act: Architects Regulations, Newfoundland and Labrador Regulation 105/10</p>	<p>5(1) The Architects Licensing Board is established as a corporation without share capital for the purposes of Part XXI of the <i>Corporation Act</i>.</p> <p>(4) The board shall elect from among the elected members a chairperson and a registrar (of the Architects Licensing Board).</p> <p>17(1) Where it appears to the registrar after notifying the respondent of the allegation that the allegation may be resolved satisfactorily and where the complainant and the respondent consent, the registrar may attempt to resolve the matter.</p> <p>(2) Where the allegation is not satisfactorily resolved by the registrar under subsection (1), he or she shall refer the allegation and all other allegations to the complaints authorization committee.</p> <p>(3) The registrar shall inform a complainant and a respondent of the referral of the allegation to the complaints authorization committee.</p> <p>18(1) After an allegation has been submitted to the complaints authorization committee, the committee may exercise one or more of the following powers:</p> <p>(a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations;</p> <p>(3) Where the complaints authorization committee is of the opinion that there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction, the allegation is considered to constitute a complaint, and the committee may</p> <p>(b) instruct the registrar to file the complaint against the respondent and refer it to the disciplinary panel; and</p>

Legislation	Relevant Provisions
	<p>(c) recommend to the board that</p> <p>(ii) the registrar conduct an investigation of the respondent's practice, and where the board approves an investigation the registrar shall conduct it, at any time before a final determination by the adjudication tribunal.</p> <p>(4) A person conducting an investigation under paragraph (1)(a), (b) or subparagraph (3)(c)(ii) may</p> <p>(a) require a respondent to</p> <p>(i) undergo an examination he or she considers necessary and as arranged by the registrar, and</p> <p>(ii) permit the registrar or a member of the complaints authorization committee or a person appointed by the complaints authorization committee to inspect and copy the records of the respondent and other documents relating to the subject matter of the investigation</p> <p>(b) require another person to permit the registrar or a member of the complaints authorization committee or another person appointed by the complaints authorization committee to inspect and copy records and other documents relating to the subject matter of the investigation held by that person and the respondent or other person shall comply.</p> <p>(5) Where the registrar, a member of the complaints authorization committee or a person appointed by the authorization committee requests that a respondent or another person provide information under subsection (4), that information shall be provided within 7 days of receipt of the request or a different period as specified in the request.</p>
<p>Architects Act Prince Edward Island</p> <p>There are no regulations under this Act.</p>	<p>7(2) The Council shall consist of not less than five and not more than fifteen councilors, as prescribed by the bylaws, who shall have the prescribed qualifications and shall be elected by the members from the membership of the Association at each annual meeting in the manner and for the prescribed terms, together with the Registrar who shall be a member having the qualifications prescribed by bylaw and appointed annually by the other members of the Council.</p> <p>(9) The Registrar shall have such duties and responsibilities as may be prescribed.</p> <p>10(1) Upon the approval of the Council and upon payment of the prescribed fees, the Registrar shall issue a certificate of registration as a member to any person entitled thereto in accordance with this Act or the bylaws.</p> <p>15(2) The Registrar, upon the approval of Council, shall issue a certificate of practice to practice architecture in Prince Edward Island in the prescribed form and signed in the prescribed manner by bylaw.</p> <p>17(2) All complaints against an architect shall be in writing and delivered to the Registrar, who shall forthwith</p> <p>(a) notify the architect of the complaint in accordance with section 35</p> <p>(b) include with the notification a copy of the complaint</p> <p>(c) invite the architect to respond in writing to the Registrar regarding the complaint.</p> <p>(3) Within sixty days from the date on which the Registrar received the complaint, the Registrar shall, in an informal manner, consider and investigate the complaint and, upon the completion of such investigation as he considers necessary, the Registrar may make recommendations to the complainant and the architect in question as to how the complaint may be resolved and, in any event, shall report to the Council respecting his investigation and send a copy of the report to the architect, against whom the complaint was made.</p>

Legislation	Relevant Provisions
	<p>(4) The Council may after considering the report of the Registrar on his investigation of the complaint.</p> <p>(5) A complaint under this section may be instituted by the Council.</p> <p>32(2) Failure to pay the appropriate annual fee within the time prescribed shall be cause for the Registrar to suspend a person's membership, license or certificate of practice or a corporation's certificate of practice.</p>
<p>Architects Act Northwest Territories</p> <p>There are no regulations under this Act.</p>	<p>9 The council shall, in accordance with the bylaws, appoint a Registrar with the powers and duties that are conferred or imposed on the Registrar by this Act, the council or the bylaws.</p> <p>15(1) The council shall establish a Registration and Licensing Review Committee, composed of not fewer than three members, appointed by the council in accordance with the bylaws.</p> <p>(2) The Registration and Licensing Review Committee shall be responsible for appraising the academic and experience qualifications of applicants for registration or for the issuance of a licence, and, where necessary, setting and conducting, or adopting or approving, examinations.</p> <p>21(1) After council has approved the registration of a person, the Registrar shall</p> <p>(a) register the person in the Register</p> <p>(b) issue to the person a certificate of registration signed by the Registrar and bearing the seal of the Association.</p> <p>28(3) After the council has approved the issuance of a licence to a person, the Registrar shall</p> <p>(a) issue the person a licence signed by the Registrar and bearing the seal of the Association</p> <p>(b) enter the person in the Roll.</p>
<p>Health Professions Act British Columbia</p> <p>There are 23 regulations under this Act, including the Medical Practitioners Regulation. These were not reviewed as they cover all the Health professions.</p>	<p>15(3) The College of Physicians and Surgeons of British Columbia continued under the <i>Medical Practitioners Act</i> is continued as a college under this Act.</p> <p>20(1) The registration committee is responsible for granting registration, including reinstatement of registration, of a person as a member of its college.</p> <p>21(3) The registrar must cancel the registration of a registrant in the register if:</p> <p>(a) the registrant requests or gives written consent to the cancellation</p> <p>(b) the registrant has failed to pay a fee for renewal of registration or another fee within the required time</p> <p>(c) notification is received of the registrant's death, or</p> <p>(d) the registration of the registrant has been cancelled under section 33 (2) or 39 (2) (e).</p> <p>25.6(2) If the registrar or the executive committee has reasonable grounds to believe that a registrant may be suffering a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs his or her ability to practise medicine and causes the continued practice of medicine by the registrant to constitute a danger to the public, the registrar or executive committee may:</p> <p>(a) appoint one or more other registrants to conduct a medical examination respecting the registrant and to report, as soon as practicable, their conclusions, with reasons in writing, to the executive committee</p> <p>(b) require the registrant to undergo the medical examination referred to in paragraph (a), and</p> <p>(c) for the period necessary to allow the registrar or the executive committee to make an appointment under</p>

Legislation	Relevant Provisions
	<p>paragraph (a) and to allow the executive committee to receive, consider and act under this section on the report.</p> <p>(i) impose limits or conditions on the practice of medicine by the registrant, or</p> <p>(ii) suspend the registration of the registrant.</p> <p>32(1) A person who wishes to make a complaint against a registrant must deliver the complaint in writing to the registrar.</p> <p>(2) As soon as practicable after receiving a complaint, the registrar must deliver to the inquiry committee a copy of the complaint, an assessment of the complaint and any recommendations of the registrar for the disposition of the complaint.</p> <p>(3) Despite subsection (2), the registrar, if authorized by the board, may dismiss a complaint, or request that the registrant act as described in section 36 (1), without reference to the inquiry committee if the registrar determines that the complaint</p> <p>(a) is trivial, frivolous, vexatious, or made in bad faith</p> <p>(b) does not contain allegations that, if admitted or proven, would constitute a matter subject to investigation by the inquiry committee under section 33 (4)</p> <p>(c) contains allegations that, if admitted or proven, would constitute a matter, other than a serious matter, subject to investigation by the inquiry committee under section 33 (4).</p> <p>(4) If a complaint is disposed of under subsection (3), the registrar must deliver a written report to the inquiry committee about the circumstances of the disposition.</p> <p>(5) A disposition under subsection (3) is considered to be a disposition by the inquiry committee unless the inquiry committee gives the registrar written direction to proceed under subsection (2).</p>
<p>Medical Profession Act, 1981 Saskatchewan</p> <p>There are no regulations under this Act.</p>	<p>28 In accordance with this Act and the bylaws, the council may register as a member, and issue a licence to, a person who produces evidence satisfactory to the council that the person meets the requirements for registration for the appropriate category of membership and licence as set out in the bylaws.</p> <p>31.1(1) The council may delegate to the registrar the power to do any of the following:</p> <p>(a) register persons as members of the college;</p> <p>(b) issue licences to members;</p> <p>(c) register professional corporations;</p> <p>(d) issue permits to physicians or professional corporations;</p> <p>(d.1) register and issue permits to podiatric surgeons;</p> <p>(e) revoke a permit issued to a professional corporation.</p> <p>(2) Where a power is delegated pursuant to this section, the exercise of that power by the registrar is deemed to be an exercise of the power by the council.</p> <p>(3) The council may impose any terms and conditions that it considers appropriate on a delegation of its powers.</p> <p>(4) A person who is aggrieved by a decision of the registrar made pursuant to a delegated power may apply to the council to review that decision.</p>

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	<p>48(1.4) The registrar, after consultation with the executive committee or the president of the council, may suspend, for a period not exceeding 7 days, a member or a person authorized to practise in Saskatchewan against whom allegations have been made, or a charge has been laid, without conducting a hearing or giving notice or causing notice to be given to the person where the registrar is of the opinion that an emergency exists.</p> <p>59(2) Where the registrar receives information indicating that permitting a person who is registered pursuant to this Act to continue to practice would constitute a danger to the public, the registrar may arrange for the person to be examined by an investigating committee at any time and place that the registrar may designate.</p> <p>60(7) The council may delegate its powers pursuant to subsection (6) to the registrar subject to any terms and conditions established by the council.</p>
<p>Medical Act Manitoba</p> <p>There are three regulations under this Act:</p> <p>Clinical Assistants Regulation, Manitoba Regulations 183/99</p> <p>Physician Profile Regulation, Manitoba Regulations 104/2005</p> <p>Registration of Medical Practitioners Regulation, Manitoba Regulations 25/2003</p>	<p>9(1) Every individual who possesses one or more of the qualifications, and has completed a postgraduate clinical training program, prescribed by regulation is entitled, upon payment of the prescribed fee and providing evidence satisfactory to the registrar of his or her qualifications, to be registered on the Manitoba Medical Register and have particulars of his or her qualifications entered on the register.</p> <p>13(1) If the registrar is not satisfied by proper evidence that an applicant is eligible for registration on the Manitoba Medical Register, the educational register, the clinical assistant register, the physician assistant register or the specialist register or, that an applicant who claims to possess a degree or qualification, does in fact possess it, the registrar</p> <p>(a) shall refuse to register the applicant or to enter the degree or qualification on the register</p> <p>(b) shall notify the applicant in writing of the decision to refuse the registration of the applicant or the degree or qualification, and of the reasons for the decision.</p> <p>16(1) The registrar shall cancel the registration of a member or associate member who ...</p> <p>17 Where a person has obtained a licence or registration under this Act by oral or written misrepresentation, the registrar, upon receipt of sufficient evidence of the misrepresentation, shall refer the matter to the council and, if so directed by the council, shall cancel the licence or registration and notify the person in writing of the cancellation.</p> <p>22(1) Subject to subsection (4), the registrar shall issue a licence or a renewal of a licence to a corporation if he or she is satisfied that ...</p> <p>22(4)The registrar</p> <p>(a) shall refuse to issue a licence to, or to renew the licence of, a corporation if ...</p> <p>(b) may refuse to issue a licence to, or to renew the licence of, a corporation if ...</p> <p>Under the Registration of Medical Practitioners Regulations</p> <p>1.1(1) The "Manitoba Practice Assessment Program" [MPAP] means the program established by the Manitoba faculty to provide a means to assess whether an applicant has the requisite skill, knowledge and judgment to provide medical services in independent practice.</p> <p>1.1(2) The council may impose any terms or conditions that it considers appropriate on the registration of a</p>

Legislation	Relevant Provisions
	<p>person participating in the MPAP, either at the time of referral to or enrollment in the MPAP, or at any subsequent time during the MPAP process, including during any period of remediation or reassessment.</p> <p>4(2) The following persons are exempt from the requirements of clause (1)(b) upon submitting evidence, satisfactory to the registrar, of having successfully completed the postgraduate training requirements set out in Schedule A.</p> <p>4.1 Despite section 4, an applicant is eligible for registration on the Manitoba Medical Register if the applicant provides evidence satisfactory to the registrar of having received a designation of successful in the MPAP.</p> <p>12(2) An external medical student referred to in clause (1)(d) may be registered on the Educational Register for no longer than six months, but that period may be extended with the approval of the registrar.</p> <p>12(4) The registrar must erase from the Educational Register the name of any person who ...</p> <p>13.3(1) If the standards committee is of the opinion that ...the standards committee may refer the matter to the registrar.</p> <p>13.3(2) If the registrar considers the referral to be advisable, he or she may refer the matter to the investigation committee.</p>
<p>Regulated Health Professions Act, 1991 Ontario</p> <p>There are three regulations under this Act:</p> <p>Certificates of Authorization, Ontario Regulations 39/02</p> <p>Controlled Acts, Ontario Regulations 107/96</p> <p>Funding for Therapy or Counselling for Patients Sexually Abused by Members, Ontario Regulations 59/94</p>	<p>Schedule 2, Health Professions Procedure Code</p> <p>15(1) If a person applies to the Registrar for registration, the Registrar shall,</p> <p>(a) register the applicant</p> <p>(b) refer the application to the Registration Committee.</p> <p>(2) The Registrar shall refer an application for registration to the Registration Committee if the Registrar</p> <p>(a) has doubts, on reasonable grounds, about whether the applicant fulfils the registration requirements</p> <p>(a.1) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant is an individual described in subsection 22.18 (1)</p> <p>(b) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant does not consent to the imposition</p> <p>(c) proposes to refuse the application.</p> <p>75(1) The Registrar may appoint one or more investigators to determine whether a member has committed an act of professional misconduct or is incompetent if:</p> <p>(a) the Registrar believes on reasonable and probable grounds that the member has committed an act of professional misconduct or is incompetent and the Inquiries, Complaints and Reports Committee approves of the appointment</p> <p>(b) the Inquiries, Complaints and Reports Committee has received information about a member from the Quality Assurance Committee under paragraph 4 of subsection 80.2 (1) and has requested the Registrar to conduct an investigation</p> <p>(c) the Inquiries, Complaints and Reports Committee has received a written complaint about the member and has requested the Registrar to conduct an investigation.</p> <p>(2) The Registrar may appoint an investigator if:</p>

Legislation	Relevant Provisions
	<p>(a) the Registrar believes on reasonable and probable grounds that the conduct of the member exposes or is likely to expose his or her patients to harm or injury, and that the investigator should be appointed immediately</p> <p>(b) there is not time to seek approval from the Inquiries, Complaints and Reports Committee.</p> <p>(3) Where an investigator has been appointed under subsection (2), the Registrar shall report the appointment of the investigator to the Inquiries, Complaints and Reports Committee within five days.</p> <p>79 The Registrar shall report the results of an investigation.</p>
<p>Medical Act New Brunswick</p> <p>There are 13 regulations under the Act:</p> <p>Regulation #1: General Regulation with Respect to the Business and Affairs of the College</p> <p>Regulation #2: Registration and Licensing</p> <p>Regulation #3: Medical Specialists Register</p> <p>Regulation #4: Medical Education Register</p> <p>Regulation #5: Corporations Register</p> <p>Regulation #6: Physician Assistants</p> <p>Regulation #7: Licence Renewal</p> <p>Regulation #8: Fees</p>	<p>25(1) The Council may direct the Registrar to enter in the Medical Register the name, address and qualifications of any person who ...</p> <p>26(6) When a person registered under this section ceases to be employed in the public service of the Province of New Brunswick, the Registrar shall (a) strike his name from the Medical Register; and (b) revoke his licence.</p> <p>30(3) The Council may direct the Registrar to enter in the Medical Specialists Register the name, address, qualifications and specialty of any medical practitioner who ...</p> <p>31(3) The Council may direct the Registrar to enter in the Corporations Register the name and address of any corporation which ...</p> <p>31(7) Where any of the conditions specified in subsection (3) no longer exist, the Registrar may revoke a licence issued under subsection (5) or withhold its renewal.</p> <p>31(8) Where a professional corporation no longer qualifies under subsection (3) the Registrar may revoke the licence of the professional corporation.</p> <p>32(3) The Council may direct the Registrar to enter in the Medical Education Register the name, address and qualifications of any person who ...</p> <p>32(5) The Registrar may strike the name of any person from the Medical Education Register who</p> <p>(a) ceases to be engaged in a program of pre-registration physician training or post-graduate training</p> <p>(b) has been registered in the Medical Register.</p> <p>32.1(3) The Council may direct the Registrar to enter in the Physician Assistants Register the name, address and qualifications of any person who is entitled to be so registered under the regulations.</p> <p>33 Notwithstanding anything in this Act, where any person has been convicted or found to be guilty, by a court in or out of Canada, of any offence that is inconsistent with the proper professional behaviour of a physician or surgeon,</p> <p>(a) Where such person applies for registration, the Registrar and Council may refuse to register such person, or</p> <p>(b) where such person is a member or associate member, the Council may direct the Registrar to strike off the Register the name of such person, but the Council may at any time permit such person to be registered or to remain registered upon such terms and conditions as it may direct.</p> <p>34.1(1) Notwithstanding anything in this Act, where a person applies to be registered under this Act, and the Registrar is satisfied that such person</p> <p>(a) meets, in a manner that would be satisfactory to Council</p> <p>(i) the requirements for registration in the relevant register</p>

Legislation	Relevant Provisions
<p>Regulation #9: Professional Misconduct</p> <p>Regulation #10: Advertising</p> <p>Regulation #11: Disciplinary Costs</p> <p>Regulation #12: The Patient Medical Record</p> <p>Regulation #13: Telemedicine Regulation</p>	<p>(ii) the requirements of section 34</p> <p>(b) has paid the prescribed fee</p> <p>the Registrar may, before the matter is brought to Council for its direction, enter the name, address and qualifications of the person in the relevant register and issue a licence to such person.</p> <p>34.1(2) Every registration made and every licence issued pursuant to this section shall be valid and remain in full force and effect until ratified, varied or cancelled at the next following meeting of Council.</p> <p>34.2(1) Where the Registrar is not satisfied with the evidence presented by a person applying for registration; he may refer the matter to the Complaints and Registrations Committee, and shall refer it if the applicant requests in writing.</p> <p>34.2(2) Upon a referral pursuant to subsection (1), the Complaints and Registrations Committee, in consultation with the Registrar, shall consider the eligibility of the application and may make such inquiries or demand such further information as the Committee sees fit, and the Committee shall report its findings and recommendations to Council.</p> <p>34.2(3) Upon the Committee reporting to Council under subsection (2), Council shall consider the application.</p> <p>36(1) Where the licence or specialist's licence of a member or associate member has been suspended under subsection 35(3), or in any other case where the licence or specialist's licence has expired or lapsed under this Act or the previous Act, such person may apply to the Registrar for relicensing.</p> <p>36(2) Where a person referred to in subsection (1) satisfies the Registrar ... the Registrar may issue a licence to such person, and issue a specialist's licence to such person in the specialties in which he formerly held a specialist's licence.</p> <p>36(3) Where the Registrar is not satisfied with the evidence presented pursuant to subsection (2), he may refer the matter to the Complaints and Registrations Committee, and shall refer it if the applicant requests in writing.</p> <p>36(4) Upon a referral pursuant to subsection (3), the Complaints and Registrations Committee, in consultation with the Registrar, shall consider the eligibility of the application, and may make such inquiries or demand such further information as the Committee sees fit, and the Committee shall report its findings and recommendations to Council.</p> <p>37(1) Subject to appeal to Council, the Registrar may refuse to issue a licence or specialist's licence to any person under section 36 where it is established to the satisfaction of the Registrar that such person has been guilty of conduct for which a licence could be revoked or suspended.</p> <p>55.2(1) The Registrar, with the approval of the President of the College or the Executive Committee, or the Complaints and Registration Committee, may appoint one or more investigators to assist them in their investigation to determine if a member or associate member has committed an act of professional misconduct or the member or associate member is unfit to practice.</p> <p>55.5 An investigator shall report the results of the investigation in writing to the Registrar and the Registrar shall report the results to the Complaints and Registration Committee.</p> <p>55.6(1) The Registrar, or his delegate, after giving written notice to the administration of the Regional Health</p>

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	<p>Authority, may, for purposes of investigating the medical care provided to a patient by a physician,</p> <p>a) inspect and receive information from the medical records, or from notes, charts, and other material relating to patient care, reproduce and retain copies thereof; and</p> <p>b) interview hospital staff and medical staff with respect to the admission, treatment, care, conduct and control and discharge of patients, or any class of patients and the general management of the hospital insofar as it relates to the hospitalization of the patient or patients whose care and treatment are being investigated by the College.</p> <p>55.7(1) If the Registrar, or his delegate, wishes to interview a member of the hospital staff or medical staff, the Registrar, or his delegate, as the case requires, shall give written notice to the administration of the Regional Health Authority of the subject matter of the interview and the identity, if known, of the person to be interviewed.</p>
<p>Medical Act Statutes of Nova Scotia 1995-1996, Nova Scotia</p> <p>There are two regulations under this Act:</p> <p>College of Physicians and Surgeons Registration Regulations, Nova Scotia Regulations 141/96</p> <p>Electoral Districts Regulations, Nova Scotia Regulations 97/96</p> <p>Note: A new Medical Act (Statutes of Nova Scotia 2011) received Royal Assent on December 15, 2011 but has not yet been proclaimed in force. It was not reviewed.</p>	<p>16(3) The Council shall appoint a Registrar, who shall be a medical practitioner as defined by the regulations for the purpose of this subsection, who shall hold office during the pleasure of the Council, at such salary or other remuneration as the Council determines.</p> <p>(4) The Council may appoint an Acting Registrar, who shall exercise the powers and duties of the Registrar in the event of the death or incapacity of the Registrar or the Registrar's absence from the Province.</p> <p>20(2) Upon receiving a direction from Council mentioned in subsection (1), the Registrar shall</p> <p>(a) enter the name, address and qualifications of the person named therein in the Medical Register</p> <p>(b) issue a licence to such person.</p> <p><i>(there are similar provisions with respect to each type of register)</i></p> <p>21(1) Notwithstanding anything in this Act, where a person applies to be registered pursuant to this Act, and the Registrar is satisfied that such person ... the Registrar may, before the matter is brought to the Credentials Committee for its direction,</p> <p>(c) enter the name, address and qualifications of the person in the relevant register</p> <p>(d) issue a licence to such person.</p> <p>(2) Every registration made and every licence issued pursuant to this Section is valid and remains in full force and effect until ratified, varied or vacated at the next following meeting of the Credentials Committee.</p> <p>(4) Where the registration or licence of a person is varied or vacated pursuant to subsection (2), the person may request the opportunity to appear before the next scheduled meeting of the Council, with or without legal counsel, where the Council shall consider the application in accordance with this Act.</p> <p>(6) After hearing the applicant and the Registrar, the Council may</p> <p>(a) direct the Registrar to issue to the applicant a licence or specialist's licence</p> <p>(b) direct the Registrar to issue to the applicant a licence or specialist's licence subject to such conditions, limitations or restrictions as the Council considers appropriate</p> <p>(c) adjourn further consideration of the application, pending completion by the applicant of such training, upgrading, clinical examinations or other examinations as the Council may designate</p>

Legislation	Relevant Provisions
	<p>(d) direct the Registrar to refuse the application, where the Council is not satisfied that the applicant meets the criteria set out in subsection (1).</p> <p>22(1) Where the Registrar is not satisfied with the evidence presented by a person applying for registration, the Registrar (a) may; or (b) where the applicant so requests in writing, shall, refer the matter to the Credentials Committee.</p> <p>(2) Upon a referral pursuant to subsection (1), the Credentials Committee, in consultation with the Registrar, shall consider the eligibility of the application and may make such inquiries or demand such further information as the Committee sees fit, and the Committee shall consider the application in accordance with this Act.</p> <p>23(7) When a person registered pursuant to this Section ceases to be employed in the public service of the Province of Nova Scotia, the Registrar shall (*Sections 23(7) and 24(6) are related to the Temporary Medical Register)</p> <p>(a) strike that person's name from the Temporary Medical Register; and</p> <p>(b) revoke that person's licence.</p> <p>24(6) When a person licensed pursuant to subsection (2) or (3) ceases to be a member of the Faculty of Medicine of Dalhousie University, the Registrar shall (a) strike the name of such person from the Temporary Medical Register; and (b) revoke the licence of such person.</p> <p>27(6) The Registrar may strike the name of any person from the Medical Education Register who</p> <p>(a) ceases to be engaged in a program of preregistration physician training or post-graduate training; or</p> <p>(b) has been registered in the Medical Register, Temporary Medical Register or Defined Register.</p> <p>28 Notwithstanding anything in this Act, where any person has been convicted or found to be guilty, by a court in or out of Canada, of any offence that is inconsistent with the proper professional behaviour of a physician or surgeon, including a conviction under the Criminal Code (Canada) or the Narcotics Control Act, and such person applies for registration, the Registrar and the Council may refuse to register such person but the Council may at any time permit such person to be registered or to remain registered upon such terms and conditions as it may direct.</p> <p>32 (1) Where the licence or specialist's licence of a member has been suspended pursuant to subsection 31(6), or in any other case where the licence or specialist's licence of a registered person has expired or lapsed pursuant to this Act or the former Act for non-payment of fees, such person may apply to the Registrar for relicensing.</p> <p>From the College of Physicians and Surgeons Registration Regulations</p> <p>5 With the exception of clinical undergraduate students listed in the Medical Education Register pursuant to Section 27 of the Act, applicants for registration shall satisfy the Registrar as to their good character and good professional conduct in such a manner as the Registrar requires and shall comply with the following conditions:</p> <p>14A Following the initial year as a registrant on the Defined Register, the Council may require the registrant to have a mentor approved in writing by the Council for a further period of time as determined by the Registrar.</p>

Legislation	Relevant Provisions
<p>Medical Act Newfoundland and Labrador</p> <p>There are two regulations under this Act:</p> <p>Medical Board Regulations, Consolidated Newfoundland and Labrador Regulation 1113/96</p> <p>Peer Assessment Regulations, Newfoundland and Labrador Regulation 3/98</p>	<p>11(2) The council shall appoint a medical practitioner to be registrar and another to be a deputy registrar, either from among the members of the council or from outside the council, and where the registrar or deputy registrar is not an elected member he or she shall not have a vote.</p> <p>(3) The council may appoint one or more medical practitioners as assistant registrars and may assign them duties which may include duties assigned to the registrar by this Act.</p> <p>(6) The registrar shall carry out the duties imposed upon the registrar by this Act and shall control all matters relating to the finances of the college, including the receipt of all money paid to the college, and the making of disbursements on behalf of the college.</p> <p>(7) The deputy registrar may carry out the duties and functions of the registrar where he or she is absent or unable to act or where they are assigned to him or her by the council.</p> <p>13(2) The council may delegate duties to an employee whenever it considers it necessary or desirable to do so.</p> <p>14(2) The council may delegate a duty or power given it by this Act to a committee.</p> <p>(3) An action or decision of a committee to which the council delegates a duty or power is considered to be the action or decision of the council.</p> <p>20(1) The registrar shall register in the education register ...</p> <p>22(2) An entry shall not be made in a register, unless the registrar is reasonably satisfied that the facts upon which the entry is to be made are true, and the registrar may, and shall if directed in writing by an applicant for registration, submit a question arising under this subsection for the direction of the council.</p> <p>(3) An entry in a register that is proved to the satisfaction of the council to have been fraudulently or incorrectly made shall be deleted by the registrar from the register upon an order to that effect from the council.</p> <p>24(1) A person may apply for a licence to practise medicine in the province and the registrar shall issue the licence provided that (a) the person is registered in the medical register; and (b) the person has met the requirements for licensure set out in this Act and the regulations.</p> <p>25(1) The registrar may issue a provisional licence to a person who is not registered on the medical register but who is the holder of qualifications for provisional licensure set out in the regulations.</p> <p>32(2) The registrar shall register a professional medical corporation that establishes that ...</p> <p>33(1) A professional medical corporation may apply for a licence to provide the services of a medical practitioner in the province and the registrar shall issue the licence provided that ...</p> <p>34 A licence issued under section 33 may be revoked by the registrar where ...</p> <p>44(1) After an allegation has been submitted to the complaints authorization committee, the committee may exercise one or more of the following powers:</p> <p>(a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations</p> <p>(7) A person conducting an investigation under paragraph (1)(a) or (d) or a practice review under paragraph (1)(b) may require</p>

Legislation	Relevant Provisions
	<p>(a) the respondent to</p> <p>(i) undergo an examination or assessment he or she considers necessary and as arranged by the registrar, and</p> <p>(ii) permit the registrar or a member of the complaints authorization committee or a person appointed by the complaints authorization committee to inspect and copy the records of the respondent and other documents relating to the subject matter of the investigation; and</p> <p>(b) a person other than the respondent to permit the registrar or a member of the complaints authorization committee or a person appointed by the complaints authorization committee to inspect and copy records and other documents relating to the subject matter of the investigation held by that person, and the respondent or other person shall comply.</p>
<p>Medical Act Prince Edward Island</p> <p>There are no regulations under this Act.</p>	<p>9(2) The Council shall appoint annually a Registrar, at such salary or other remuneration as the Council may decide.</p> <p>(3) The Council may appoint an Acting Registrar, who shall exercise the powers and duties of the Registrar in the event of the death or incapacity of the Registrar, or absence from the province.</p> <p>15(2) Upon receiving a direction from Council mentioned in subsection (1), the Registrar shall (a) enter the name, address and qualifications of the person named therein in the Medical Register; and (b) issue a license to that person <i>(similarly in 16.(2), 17.(2), 18.(4), 19.(4), 20.(3), 21.(5) and 22.(4) re other types of registers.)</i></p> <p>16(4) When the results of Part II of the qualifying examinations of the Medical Council of Canada are announced, the Registrar shall strike from the Medical Register and revoke the conditional licenses of all persons licensed under subsection (2) who have failed to pass Part II of the qualifying examinations.</p> <p>17(4) When a person registered under this section ceases to be employed by the Government of Canada or ceases to serve in the Canadian Armed Forces, as the case may be, the Registrar shall (a) strike his name from the Medical Register; and (b) revoke his licence.</p> <p>21(8) Where a professional corporation ceases to fulfil any condition specified in subsection (3) ... or ... the Registrar shall revoke the license of the professional corporation.</p> <p>22(5) The Registrar shall strike the name of any person from the Medical Education Register who ...</p> <p>32.5 (2) Where there is:</p> <p>(a) substantial evidence of a member’s professional misconduct, incapacity or unfitness</p> <p>(b) demonstrable risk of harm or injury to the member’s patients or to the general public</p> <p>(c) evident need for urgent intervention to prevent immediate risk of harm,</p> <p>any two persons from among the Council’s President, Vice-President, Registrar and Deputy Registrar may suspend the member’s license with immediate effect for a period not to exceed ten days, within which time the matter shall be referred to the Council for decision on what action, if any, should be taken in accordance with subsection (1) or otherwise.</p>
<p>Medical Profession Act Northwest Territories</p>	<p>2(1) The Medical Registration Committee is</p> <p>(3) The Registrar is also a member of the Committee by virtue of his or her office, and serves as secretary to the</p>

Legislation	Relevant Provisions
<p>Medical Profession Regulations, Northwest Territories Regulations 021-2010</p>	<p>Committee.</p> <p>4 The Committee shall review and decide on applications made to it under this Act.</p> <p>5 The Minister shall appoint a Registrar.</p> <p>11(2) If the Committee is satisfied that the applicant is eligible for registration, the Registrar shall, on payment of the prescribed fee, (a) register the applicant in Part One of the Medical Register; and (b) issue a licence to the applicant.</p> <p>12(1) A person may apply to the Registrar, in the approved form, for registration in Part One of the Medical Register if a temporary permit had been, at the direction of the Committee, issued to the applicant, and the temporary permit expired or will expire less than six months before the application date.</p> <p>(2) Subject to subsection (3), the Registrar may, on payment of the prescribed fee, (a) register the applicant in Part One of the Medical Register; and (b) issue a licence to the applicant.</p> <p>(3) The Registrar may only register the applicant under this section if there were no conditions on the temporary permit that the Registrar considers should be reviewed by the Committee prior to registration in the Medical Register.</p> <p>15(2) If the Committee is satisfied that the applicant is eligible for registration, the Registrar shall, on payment of the prescribed fee, (a) register the applicant in Part Two of the Medical Register; and (b) issue a licence to the applicant.</p> <p>16(1) A person may apply to the Registrar, in the approved form, for registration in Part Two of the Medical Register if a temporary permit had been, at the direction of the Committee, issued to the applicant, and the licence or temporary permit expired or will expire less than six months before the application date.</p> <p>(2) Subject to subsection (3), the Registrar may, on payment of the prescribed fee, (a) register the applicant in Part Two of the Medical Register; and (b) issue a licence to the applicant.</p> <p>(3) The Registrar may only register the applicant under this section if ...</p> <p>18(2) Subject to subsection (3), the Registrar shall remove from the Medical Register the name of a person who fails to pay the prescribed licence fee.</p> <p>(3) Where reasons satisfactory to the Registrar are advanced as to why the prescribed licence fee has not been paid, the Registrar may grant an extension, not exceeding 60 days, within which the fee may be paid.</p> <p>24(1) A person may apply to the Registrar, in the approved form, for registration in the Temporary Register if a licence or temporary permit had been, at the direction of the Committee, issued to the applicant, and the licence or temporary permit expired or will expire less than six months before the application date.</p> <p>(2) The Registrar may, on payment of the prescribed fee,</p> <p>(a) register the applicant in the Temporary Register, if the applicant is not yet registered</p> <p>(b) issue a temporary permit to the applicant for a term determined by the Registrar.</p>
<p>Medical Profession Act Yukon</p>	<p>8(1) The Commissioner in Executive Council shall appoint a member of the public service as the registrar of medical practitioners in the Yukon.</p> <p>(2) The registrar may attend any meeting of the council, but in no event shall the registrar be considered a</p>

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<p>There are six regulations under this Act:</p> <p>Medical Profession Disciplinary Matters Disclosure Regulation, Yukon Orders in Council 2011/129</p> <p>Medical Profession Registration and Fees Regulation, Yukon Orders in Council 2011/128</p> <p>Medical Profession Registration and Fees Regulation, Regulation to Amend the Yukon Orders in Council 2014/200</p> <p>Medical Profession Regulation, Yukon Orders in Council 1980/206</p> <p>Penalty to be Paid (for Purposes of subsection 18(6)), Yukon Orders in Council 1985/228</p> <p>Yukon Medical Council Remuneration Regulation, Yukon Orders in Council 2012/97</p>	<p>member of the council for any purpose.</p> <p>(3) The registrar, in addition to any powers or duties given or imposed by this Act, may perform those duties and have those powers that are from time to time delegated to the registrar by the council.</p> <p>14(1) Every person requesting the entry of their name in the Yukon medical register, the temporary register, the limited register, or the special register, and every person who applies for incorporation pursuant to section 52, shall submit to the council in the form prescribed any supporting documentation and evidence that shall satisfy the council</p> <p>(2) If the council is dissatisfied with the documentation or evidence adduced by a person applying to be registered, the council may refuse to cause the registrar to enter the name of the applicant for registration until the applicant has furnished proper documentation or evidence to the satisfaction of the council.</p> <p>15(1) The registrar shall keep the Yukon medical register, the temporary register, limited register, special register, and corporation register in accordance with this Act and the regulations thereunder.</p> <p>16(1) The registrar shall issue to every person whose name is entered in the Yukon medical register, the temporary register, the limited register, or the special register, and who is not suspended from the practice of medicine, a licence authorizing the person to whom it is issued to practise medicine in the Yukon subject to the terms and conditions, if any, imposed on that person pursuant to section 10, 11 or 12.</p> <p>20(2) If a person suspended from the practice of medicine under section 18 has not paid their annual fee and penalty by December 31 of the calendar year in which it is due, the registrar shall strike their name from the register in which it is entered.</p> <p>(3) The registrar shall immediately notify, in writing, any person whose name has been struck from a register under this section or in respect of whom any entry has been struck, but the person may at any time apply to have their name or the entry restored, and the council may, in its discretion, restore or refuse to restore any name or entry so struck from the register.</p> <p>54(1) The registrar shall issue a permit to a professional corporation.</p> <p>61(1) The permit of a professional corporation may be revoked or its renewal withheld by the registrar if the professional corporation fails at any time to meet the qualifications set forth in section 54.</p>
<p>Legal Profession Act British Columbia</p>	<p>1(1) "executive director" means the executive director or acting executive director of the society "officer" means the executive director, deputy executive director or other person appointed as an officer of the society by the benchers</p>

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<p>Law Society Rules</p> <p>There is an Executive Director rather than a Registrar.</p> <p>The Registrar referenced in Part 8 of the Act is the Registrar of the court, not of the law society.</p> <p>Rule 2-26 (1) The Credentials Committee may (c) exercise the authority of the Benchers to call and admit barristers and solicitors, (d) implement, administer and evaluate a training course and examinations, assignments and assessments for all articulated students, (e) establish standards for passing the training course and examinations, assignments and assessment, (f) establish procedures to be applied by the Executive Director and faculty of the training course for (i) the deferral, review or appeal of failed examinations, assignments and assessments, and (ii) remedial work in the training course or examinations, assignments and assessments, and</p>	<p>4(2) The benchers govern and administer the affairs of the society and may take any action they consider necessary for the promotion, protection, interest or welfare of the society.</p> <p>(3) The benchers may take any action consistent with this Act by resolution.</p> <p>(4) Subsections (2) and (3) are not limited by any specific power or responsibility given to the benchers by this Act.</p> <p>8 The benchers may make rules to do either or both of the following:</p> <p>(a) delegate to the executive director, or the executive director's delegate, any power or authority of the benchers under this Act except rule-making authority</p> <p>(b) authorize a committee established under this Act to delegate authority granted to it under this Act to the executive director or the executive director's delegate.</p> <p>9(1) The benchers may establish committees in addition to those established by this Act.</p> <p>(2) The benchers may authorize a committee to do any act or to exercise any jurisdiction that, by this Act, the benchers are authorized to do or to exercise, except the exercise of rule-making authority.</p> <p>10(1) The benchers must establish an executive committee.</p> <p>(2) The benchers may delegate any of the powers and duties of the benchers to the executive committee, subject to any conditions they consider necessary.</p> <p>19(2) On receiving an application for enrollment, call and admission or reinstatement, the benchers may ...</p> <p>21(1) The benchers may make rules to do any of the following:</p> <p>(a) establish a credentials committee and delegate any or all authority and responsibility under this Part, other than rule-making authority, to that committee.</p> <p>23(4) The executive director must issue to each practising lawyer a practising certificate on payment of the annual fee, if the lawyer is otherwise in good standing and has complied with this Act and the rules.</p> <p>82(1) The executive director must issue a permit to a corporation that is a company, as defined in the Business Corporations Act, and that is in good standing under that Act or that is an extra-provincial company as defined in that Act, if the executive director is satisfied.</p> <p>(2) The executive director may refuse to issue a permit under subsection (1).</p> <p>(3) The executive director must inform the Registrar of Companies of the revocation of any permit under this Part or the rules.</p> <p>From the Law Society Rules</p> <p>1-49 (1) The Executive Committee provides direction and oversight for the strategic and operational planning of the Society and ensures that the Benchers exercise their oversight, regulatory and policy development responsibilities.</p> <p>(2) The powers and duties of the Executive Committee include the following: ...</p> <p>2-3 (1) Any member of the Society in good standing may become a non-practising member by</p> <p>(a) undertaking in writing to the Executive Director not to engage in the practice of law until released from the</p>

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<p>(g) review, investigate and report to the Benchers on all aspects of legal education leading to call and admission.</p>	<p>undertaking</p> <p>2-4(2) A lawyer who qualifies under sub rule (1) may become a retired member by</p> <p>(a) undertaking in writing to the Executive Director not to engage in the practice of law until released from the undertaking</p> <p>2-4.1 (1) A retired or non-practising member may apply for release from an undertaking given under Rule 2-3 or 2-4 by delivering to the Executive Director (a) an application in a form approved by the Credentials Committee, including written consent for the release of relevant information to the Society, and (b) the application fee specified in Schedule 1.</p> <p>(2) The Executive Director must not grant a release from undertaking under this Rule unless satisfied that the lawyer is not prohibited from practising law under Rule 2-57.</p> <p>2-6 (1) In this Rule, "declaration" means the Annual Practice Declaration in a form approved by the Executive Committee.</p> <p>(2) A practising lawyer must complete and deliver a declaration to the Executive Director in each calendar year.</p> <p>(2.1) A declaration is not delivered under this Rule unless it is (a) complete to the satisfaction of the Executive Director, (b) received by the Executive Director by the date set by the Executive Director, and (c) signed by the practising lawyer.</p> <p>(3) The Executive Director must not issue a practising certificate to a lawyer who fails to deliver a declaration as required under this Rule, unless the Credentials Committee directs otherwise.</p> <p>2-10.2 (4) On application of a visiting lawyer who otherwise qualifies under sub rule (3), the Executive Director may allow the visiting lawyer to provide legal services without a permit beyond the limits set in sub rule (1).</p> <p>(4.1) On the written request of a visiting lawyer affected by a decision made by the Executive Director under sub rule (4), the Executive Director must refer the matter to the Credentials Committee, and the Committee may (a) confirm the decision of the Executive Director, or (b) substitute its decision for that of the Executive Director.</p> <p>2-10.21(5) On application by a visiting lawyer, the Executive Director may allow the visiting lawyer to continue to provide legal services pending consideration of an application under Rule 2-11 or 2-49.</p> <p>2-12 (1) On receipt of an application for a permit [for inter-jurisdictional practice], the Executive Director must (a) issue or renew the permit, or (b) refer the application to the Credentials Committee.</p> <p>(2) If an application is referred to the Credentials Committee under sub rule (1), the Committee must direct the Executive Director to (a) issue or renew a permit, subject to any conditions or limitations the Committee may direct, or (b) reject the application.</p> <p>2-18 (1) A person who qualifies under section 17 of the Act may apply to the Executive Director for a permit to act as a practitioner of foreign law in British Columbia by delivering to the Executive Director ...</p> <p>(2) The Executive Director may issue a permit to a person applying under sub rule (1) if satisfied that the person ...</p> <p>(3) Subject to sub rule (4), the Executive Director may attach conditions or limitations to a permit issued or renewed under this rule.</p>

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	<p>(4) The Executive Director may only attach under sub rule (3) conditions or limitations that are authorized by the Credentials Committee.</p> <p>2-19.1 (7) On application by a practitioner of foreign law, the Executive Director may allow the practitioner of foreign law to begin or continue to provide foreign legal services pending consideration of an application under Rule 2-18.</p> <p>2-22 (3) The Executive Director may renew the permit of a practitioner of foreign law who has complied with the Act and these Rules.</p> <p>2-23.4 (1) On receipt of an application under Rule 2-23.3, the Executive Director must</p> <ul style="list-style-type: none"> (a) grant permission to practise law in the MDP [multi-disciplinary practice] (b) if the requirements for permission to practise law in an MDP have not been met, refuse permission, or (c) refer the application to the Credentials Committee. <p>(2) The Executive Director must not grant permission under sub rule (1) unless the Executive Director is satisfied</p> <p>(3) If the lawyer applying for permission under Rule 2-23.3 agrees, the Executive Director may impose conditions or limitations on permission granted under sub rule (1).</p> <p>2-23.6 (1) If for any reason the Executive Director, in his or her sole discretion, is not satisfied that the lawyer is complying and will continue to comply with Rules 2-23.1 to 2-23.12, the Executive Director must cancel the permission granted under Rule 2-23.4.</p> <p>(3) A lawyer who is notified of a cancellation under this Rule may apply within 30 days to the Credentials Committee for a review of the Executive Director’s decision.</p> <p>(4) When a lawyer applies for a review under sub rule (3), the Credentials Committee must:</p> <ul style="list-style-type: none"> (a) confirm the decision of the Executive Director (b) direct the Executive Director to reinstate the permission, with or without conditions or limitations specified by the Credentials Committee (c) order a hearing before a panel under Part 5. <p>(5) The lawyer applying under sub rule (3) or the Executive Director may initiate a review by a review board on the record of a decision under sub rule (4) by delivering to the President and the other party a notice of review.</p> <p>2-25 (1) The Executive Director may refer any matter for decision under this Division to the Credentials Committee.</p> <p>(2) On the written request of a lawyer, former lawyer, articled student or applicant affected by a decision made by the Executive Director under this Division, the Executive Director must refer the matter to the Credentials Committee.</p> <p>2-29 (1) The Executive Director must consider an application for enrolment by a person meeting the academic qualifications established under Rule 2-27, and may conduct or authorize any person to conduct an investigation concerning the application.</p> <p>(2) On an application for enrolment as an articled student, the Executive Director may (a) enroll the applicant without conditions or limitations effective the enrolment start date proposed in the application, or (b) refer the</p>

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	<p>application to the Credentials Committee.</p> <p>2-33 (3) The Executive Director may approve an application made under sub rule (1) or (2)</p> <p>(5) If the Executive Director refers an application under this Rule to the Credentials Committee, the Committee must ...</p> <p>2-34 (1) An articled student who has been employed as a law clerk for not less than 8 months may apply in writing to the Executive Director for a reduction in the articling term by an amount of time equal to 1/2 of the time served as a law clerk. (2) An articled student whose application under this Rule is accepted must article to his or her principal for a period of time and according to a schedule approved by the Executive Director.</p> <p>2-36 An articled student or applicant for enrolment who has served a period of articles in another Canadian jurisdiction immediately before or after the student's period in articles in British Columbia, may apply in writing to the Executive Director for a reduction in the articling term by an amount of time equal to the time served in articles in the other jurisdiction.</p> <p>2-37 (1) An articled student or applicant for enrolment who holds professional legal qualifications obtained in a common law jurisdiction outside Canada and has been in the active practice of law in that jurisdiction for at least one full year, may apply in writing to the Executive Director for a reduction in the articling term.</p> <p>2-38 (2) The Executive Director may permit an articled student to work in the office of a lawyer qualified to act as a principal, other than the student's principal for a period or periods exceeding 8 weeks of the student's articling period.</p> <p>(3) If permission is granted under sub rule (2), the Executive Director may set conditions or limitations as appropriate.</p> <p>2-39 (1) An articled student may apply for permission to assign his or her articles to another lawyer qualified to act as a principal by filing with the Executive Director.</p> <p>(4) If the proposed principal is qualified to act as principal to an articled student, the Executive Director may approve an application under this rule.</p> <p>(5) If the Executive Director refers an application under this Rule to the Credentials Committee, the Committee must consider the student's submissions, and may : (a) approve the application without conditions or limitations (b) approve the application, subject to any conditions or limitations it considers appropriate (c) reject the application.</p> <p>2-40 During the articling period and the training course, an articled student is not permitted to accept employment from any person other than the student's principal or the person to whom the student's articles are seconded under Rule 2-38, except with the approval of the Executive Director.</p> <p>2-41 (8) On the written application of an articled student, the Executive Director may allow the student to take a leave of absence that is not otherwise authorized by this Rule, provided that the articled student will be eligible for call and admission within 2 years of his or her enrolment in the admission program.</p> <p>2-42 (1) A person may apply for enrolment in temporary articles by filing with the Executive Director, not less than 30 days before the enrolment start date.</p>

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	<p>(2) The Executive Director may enroll the following in temporary articles: ...</p> <p>2-48 (1) An articulated student who applies for call and admission must deliver the following to the Executive Director: ...</p> <p>(3) If an articulated student fails to meet the requirements of this Rule, including the delivery of all documents specified, the Executive Director must summarily (a) reject the application for call and admission, and (b) terminate the student's enrolment.</p> <p>2-49 (1) An applicant for call and admission on transfer from another jurisdiction in Canada must deliver the following to the Executive Director: ...</p> <p>(2) An applicant under this Rule must not be called and admitted unless the Executive Director is satisfied that the lawyer is not prohibited from practising law under Rule 2-57.</p> <p>(3) Unless Rule 2-49.2 applies, an applicant under this Rule must pass an examination on jurisdiction-specific substantive law, practice and procedure set by the Executive Director.</p> <p>(4) An applicant who does not satisfy the Executive Director that he or she has an adequate knowledge of the English language must complete satisfactorily the training required by the Credentials Committee.</p> <p>2-50 (1) The Executive Director must consider an application for call and admission by a person meeting the requirements under this division, and may conduct or authorize any person to conduct an investigation concerning the application.</p> <p>(2) On an application for call and admission, the Executive Director may (a) authorize the call and admission of the applicant without conditions or limitations, or (b) refer the application to the Credentials Committee.</p> <p>2-52 (5) Subject to sub rule (5.1) the Executive Director must consider an application for reinstatement of a former lawyer and may conduct or authorize any person to conduct an investigation concerning the application.</p> <p>(5.1) The Executive Director must not consider the application of a former lawyer for reinstatement unless ...</p> <p>(6) If an applicant for reinstatement is a disbarred lawyer, the Executive Director must refer the application to the Credentials Committee.</p> <p>(7) On any application for reinstatement to which sub rules (5.1) and (6) do not apply, the Executive Director may (a) reinstate the applicant without conditions or limitations, or (b) refer the application to the Credentials Committee for consideration.</p> <p>3-5 (1) Subject to sub rule (2), the Executive Director may, and on the instruction of the Discipline Committee must, investigate a complaint to determine its validity.</p> <p>(1.1) For the purpose of conducting an investigation under this Division and section 26 [Complaints from the public] of the Act, the Executive Director may designate an employee of the Society or appoint a practising lawyer or a person whose qualifications are satisfactory to the Executive Director.</p> <p>3-5.1 The Executive Director may, at any time, attempt to resolve a complaint through mediation or other informal means.</p> <p>3-6 (1) After investigating a complaint, the Executive Director must take no further action if the Executive Director is satisfied that the complaint (a) is not valid or its validity cannot be proved, or (b) does not disclose</p>

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	<p>conduct serious enough to warrant further action.</p> <p>(2) The Executive Director may take no further action on a complaint if the Executive Director is satisfied that the matter giving rise to the complaint has been resolved.</p> <p>(3) Unless sub rule (1) applies or the Executive Director takes no further action under sub rule (2), the Executive Director must refer the complaint to the Practice Standards Committee or to the Discipline Committee.</p> <p>(4) Despite sub rule (3), the Executive Director may refer a complaint to the Chair of the Discipline Committee if:</p> <p>3-13 (2) When a practice review is ordered, the Executive Director must name one or more qualified persons to conduct the review.</p> <p>3-79 (1) The Executive Director may at any time order a compliance audit of the books, records and accounts of a lawyer for the purpose of determining whether the lawyer meets standards of financial responsibility established under this Part, including but not limited to maintaining books, records and accounts in accordance with this Division.</p> <p>4-4.1 (2) A lawyer under investigation may not resign from membership in the Society without the consent of the Executive Director.</p> <p>(4) The Executive Director may direct that a lawyer under investigation who would otherwise have ceased to be a member of the Society for failure to pay the annual fee or a special assessment continue as a member not in good standing and not permitted to engage in the practice of law.</p> <p>9-5 (1) Subject to section 82 of the Act, the Executive Director must issue a law corporation permit to a company that has complied with the Act and these Rules.</p> <p>9-15 (2) On receipt of a submission under sub rule (1), the Executive Director must issue a statement of approval of LLP registration if the Executive Director is satisfied that ...</p> <p>(2.3) If the Executive Director is not satisfied of the matters referred to in sub rule (2), the Executive Director must decline to issue a statement of approval.</p> <p>(3) The Executive Director must notify the person applying in writing of the Executive Director's decision under sub rule (2).</p>
<p><i>The Legal Profession Act, 1990</i> Saskatchewan</p> <p>Rules of The Law Society of Saskatchewan</p> <p>There is an Executive Director rather than a Registrar.</p>	<p>2(4) Words that direct or empower the executive director to do any act or thing, or words that otherwise apply to the executive director by name of office, include the deputy executive director.</p> <p>3.1 In the exercise of its powers and the discharge of its responsibilities, it is the duty of the society, at all times:</p> <p>(a) to act in the public interest; (b) to regulate the profession and to govern the members in accordance with this Act and the rules; and (c) to protect the public by assuring the integrity, knowledge, skill, proficiency and competence of members.</p> <p>3.2 In any exercise of the society's powers or discharge of its responsibilities or in any proceeding pursuant to this Act, the protection of the public and ethical and competent practice take priority over the interests of the member.</p> <p>4(1) The society may admit lawyers and students-at-law to be members.</p> <p>5(1) The officers of the society may consist of a president, vice-president, executive director, deputy executive</p>

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	<p>director and any other officers that the society considers necessary.</p> <p>(2) The benchers may appoint a person other than a bencher to fill any office of the society, other than the offices of president and vice-president.</p> <p>6(1) The benchers constitute the governing body of the society and: (a) are responsible for the governance of the society and the legal profession; (b) shall manage and conduct the business and affairs of the society; and (c) shall perform the duties imposed, and exercise the powers conferred, on the society or the benchers pursuant to this Act or otherwise.</p> <p>From the Rules of The Law Society of Saskatchewan</p> <p>“Executive Director” means either the Executive Director, and unless otherwise specified, the Deputy Director</p> <p>7(1) The Benchers may designate the offices of the Society, appoint as officers persons of full capacity, specify their duties and delegate to them powers to manage the business and affairs of the Society.</p> <p>(2) A Bencher may be appointed to any office of the Society.</p> <p>(3) Two or more offices of the Society may be held by the same person.</p> <p>(4) The President and Executive Director acting together may designate any person to perform any of the duties assigned to an officer in these Rules, unless the context indicates otherwise.</p> <p>110. (1) The following committees are established: (a) the Admissions & Education Committee, (b) the Professional Standards Committee; (c) the Discipline Committee; (d) the Ethics Committee; (e) the Executive Committee; (f) the Insurance Committee; and (g) the Legislation & Policy Committee.</p> <p>(2) The Benchers may, by Rule, establish any other committee for the better governance of the Society.</p> <p>130(1)(e) the Executive Director shall be a non-voting member of the Executive Committee.</p> <p>151(1) In considering an application under Rule 150 [for admission as a student-at-law], the Executive Director: (a) may make whatever enquiries and investigations considered necessary; (b) shall consider whether granting the application for admission as a student-at-law would be inimical to the best interests of the public or the members or would harm the standing of the legal profession generally; (c) may admit to membership as a student-at-law, an applicant who has complied with Rule 150; (d) refuse the application; or (e) refer the application to the [Admissions & Education] Committee. ...</p> <p>152(2) The Executive Director shall, upon receipt of such notice, review the member’s involvement with the Society including, without limitation: ... and shall either: (h) approve or refuse the member to act as a principal; or (i) refer the matter to the [Admissions & Education] Committee.</p> <p>(5) The Executive Director may approve, as a principal, a member who: (a) is and, for at least 5 years immediately preceding the application under Rule 150, has been a member of the Society and resident of Saskatchewan; and (b) is employed as a lawyer by a corporation, board or commission in Saskatchewan.</p> <p>(8) The Executive Director may approve as a principal a member who does not meet the qualifications stated in sub rules (4) or (5) but who satisfies the Executive Director that he or she is suitable to act as a principal.</p> <p>155(1) A student-at-law from another Canadian Province or Territory wishing to transfer into Saskatchewan to</p>

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	<p>complete his or her articles must apply to be admitted as a student-at-law pursuant to Rule 150.</p> <p>(2) The Executive Director shall consider the applicant's qualifications including: (a) time spent by the applicant articling or clerking; (b) time spent in a bar admission program and the form and content of such program; and (c) any other information or documents the Executive Director may require.</p> <p>(3) The Executive Director may: (a) grant credit toward the twelve-month articling requirement set in Rule 153; (b) reduce or modify the requirements for admission as a lawyer pursuant to Rule 171; or (c) refer the application to the [Admissions & Education] Committee.</p> <p>157(2) The Executive Director may permit a student-at-law to work in the office of a member other than that student-at-law's principal for a period or periods exceeding 8 weeks of the student-at-law's articling period.</p> <p>(3) The Executive Director may set appropriate conditions under sub rule (2).</p> <p>162(1) The Executive Director may grant any application or may refer any application under Rules 150, 152, 155, 157, 159 or 160 to the [Admissions & Education] Committee.</p> <p>171(1) To qualify for admission as a lawyer after having enrolled as a student-at-law an applicant must: (a) satisfy the Executive Director that ... and (d) deliver to the Executive Director: (i) a completed application for admission as a lawyer in a form approved by the Benchers.</p> <p>180(1) In considering an application under Rules 171 [admission as a lawyer] and 172 [law professors] the Executive Director: (a) may make whatever enquiries and investigations considered necessary; (b) shall consider whether the admission is inimical to the best interests of the public or the members or would harm the standing of the legal profession generally; (c) may approve for admission to membership as a lawyer, an applicant who satisfies the Executive Director that he or she has complied, or will prior to formal admission comply with: (i) the provisions of the Act and these Rules applicable to the applicant; and (ii) any requirements imposed by the Benchers under section 24(1)(c) of the Act; or (d) refer the application to the [Admissions & Education] Committee.</p> <p>(2) The Executive Director shall promptly notify in writing a person whose application has been refused, stating the reasons for the refusal and the applicant's right to apply to the Benchers under section 24(3) of the Act for a review. ...</p> <p>183. (1) The Executive Director may grant any application or may refer any application under Rule 171, 172 and 181 to the [Admissions & Education] Committee.</p> <p><i>With respect to National Mobility and Interjurisdictional Practice Rules (Part 7 c, ss 190-204):</i></p> <p>"Executive Director" includes a person designated by the Executive Director to perform any of the duties assigned to the Executive Director in these Rules;</p> <p>192. (2) On application of a visiting lawyer who otherwise qualifies under sub rule (3), the Executive Director may, subject to any conditions and restrictions the Executive Director considers appropriate, allow the visiting lawyer to provide legal services without a permit beyond the time limit set in sub rule (1).</p> <p>196(4) On application under this Rule [regarding interjurisdictional practice permit], the Executive Director may issue a permit, subject to any conditions and restrictions that the Executive Director considers appropriate if, in</p>

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	<p>the discretion of the Executive Director, it is consistent with the public interest to do so.</p> <p>197(5) On application by a visiting lawyer, the Executive Director may allow the visiting lawyer to continue to provide legal services pending consideration of an application under Rule 200 or Rule 196.</p> <p>198(1) The Executive Director must provide to the National Registry the current and accurate information about practicing lawyers required under the National Mobility Agreement.</p> <p>199(1) The Executive Director may require a visiting lawyer to: (a) account for and verify the number of days spent providing legal services; and (b) verify compliance with any Rules specified by the Executive Director.</p> <p>201(1) This Rule applies to a member of the Society who is entitled to practice law in the jurisdiction of an NMA governing body of which the lawyer is a member.</p> <p>(2) A lawyer may apply to the Executive Director for exemption from the requirement for professional liability insurance under Rule 605, if:</p> <p>210(1) A practicing member may apply to resign, retire or go inactive by filing form P-1A with the Executive Director.</p> <p>(2) The Executive Director may grant permission subject to any condition, including subsequent reporting requirements on a matter mentioned in subparagraph 4.</p> <p>211(1) A former, inactive, retired or disqualified member may apply for reinstatement to membership in the Society by delivering: (a) the completed reinstatement application form required by the Executive Director ...</p> <p>(2) The Executive Director (a) may approve the application, with or without conditions or restrictions; (b) may deny the application; (c) may refer the application to the [Admissions & Education] Committee; (d) shall refer a former member to the Committee who was disbarred, resigned in the face of discipline or resigned instead of continued proceedings.</p> <p>(3) The Executive Director shall promptly notify in writing a person whose application under sub rule (2) has been refused, stating the reasons for the refusal.</p> <p>220(3) The Executive Director may issue to an applicant a permit to act as a foreign legal consultant when satisfied that the applicant:</p> <p>(4) The Executive Director may fix conditions that may be attached to permits which are issued or renewed under this Rule.</p> <p>(12) The Executive Director may issue to a foreign legal consultant who has complied with the Act and these Rules a renewal permit.</p> <p>251 The Executive Director may, with respect to any member who fails to comply with the [minimum education] policy [requirements], (a) refer the member to Complaints Counsel; (b) refuse to issue a practicing certificate to the member; (c) give notice that the member's practicing certificate will cease to be valid and the member will be suspended within 30 days unless the member complies with the policy.</p> <p>252 A member who has been suspended due to non-compliance with the policy may apply to the Executive Director for reinstatement (a) by certifying completion of the minimum education requirements; (b) by submitting the fee required in Rule 871.</p>

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	<p>253 The Executive Director may approve the application for re-admission or refer the application to the committee.</p> <p>1100(1) The Executive Director shall, in respect of each practice year, issue a practicing certificate to an active member who, before the commencement of that practice year.</p> <p>1400 The Executive Director is designated as the “Registrar” as defined in The Professional Corporations Act.</p> <p>1401(1) Any member or members who intend to incorporate a Professional Corporation for the practice of law in Saskatchewan shall first forward to the Executive Director the proposed articles of incorporation.</p> <p>(2) If the Executive Director is satisfied that: ... then he/she may provide his/her consent to the incorporation.</p> <p>1402(2) Subject to sub rule (3), the Executive Director may issue a permit to a corporation which complies with the requirements of the provision of The Professional Corporations Act, The Legal Profession Act (1990) and these Rules.</p> <p>(3) A permit shall be in Form C-2 and may contain any conditions that the Executive Director thinks appropriate.</p> <p>1404(1) The Executive Director may revoke the permit of any Professional Corporation which fails to meet the requirements set out in The Professional Corporations Act or these Rules or fails to comply with any term or condition contained in the permit.</p> <p>1405(1) A Professional Corporation shall notify the Executive Director in writing within 10 days of any change in its corporate structure, ownership or directors.</p> <p>(2) Upon receipt of a notice pursuant to sub rule (1), the Executive Director may: (a) continue the permit; (b) amend the permit to add or delete any terms or conditions; or (c) revoke the permit.</p> <p>1450 A law firm which intends to apply to the Corporations Branch to be registered as an LLP shall forward to the Executive Director.</p> <p>1451 The Executive Director shall, upon receiving the material mentioned in Rule 1450, review the status of each partner listed in the application and provide the law firm with a certificate in Form C-4 certifying that each proposed partner in the LLP is or is not entitled to practice law in Saskatchewan, and shall include any conditions or limitations on his or her practice.</p> <p>1700 The Executive Director, or any other person authorized by the Executive Committee in a specific case, may act as informant in proceedings instituted under the Summary Offences Procedure Act.</p> <p>1701 The Executive Director, or any other person authorized by the Executive Committee in a specific case, may authorize the initiation of proceedings for an injunction under section 82 of the Act.</p>
<p>Legal Profession Act Manitoba</p> <p>Rules of the Law Society of Manitoba</p> <p>There is a Chief Executive</p>	<p>4(1) The governing body of the society is continued and may be referred to as the "benchers".</p> <p>4(2) The benchers shall govern the society and manage its affairs, and may take any action consistent with this Act that they consider necessary for the promotion, protection, interest or welfare of the society.</p> <p>12(1) The benchers must employ a person as chief executive officer of the society and fix his or her remuneration.</p> <p>12(2) The chief executive officer has the powers and duties given to him or her by or under this Act and the rules, and those assigned or delegated to him or her by the benchers, the president or the vice-president.</p>

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<p>Officer rather than a Registrar.</p> <p>The role of the admissions and education committee is to:</p> <p>(a) advise the benchers on policies relating to admissions and education issues;</p> <p>(b) consider appeals of grades and admissions decisions made pursuant to the rules in this division and conduct hearings as required; and</p> <p>(c) take any steps and delegate any authority necessary for the committee to carry out its responsibilities.</p>	<p>12(3) The chief executive officer may delegate to one or more employees of the society any of his or her powers, duties or functions.</p> <p>16(1) The benchers may establish committees and may authorize a committee to do any act or exercise any power or jurisdiction that, by this Act, the benchers are authorized to do or to exercise, except the power to make rules.</p> <p>17(2) No person may become a member or be reinstated as a member unless the benchers are satisfied that the person meets the applicable membership requirements.</p> <p>32(1) Subject to subsection (2), the chief executive officer must issue a permit or a renewal of a permit to a corporation on being satisfied .32(2) The chief executive officer may refuse to issue a permit or a renewal of a permit to a corporation.</p> <p>67 For the purpose of conducting an investigation of a member under this Division [Division 8 Complaints and Investigations], the chief executive officer, the complaints investigation committee or any person designated by either of them may request, and is entitled to obtain, any file or record regarding a client or former client of the member that is reasonably required to further the investigation, whether or not the file or record or any part of it is</p> <p>(a) subject to solicitor-client privilege; or</p> <p>(b) the subject of a charge or complaint.</p> <p>From the Rules of the Law Society of Manitoba</p> <p>1-2 “chief executive officer” means the chief executive officer of the society or an employee to whom the chief executive officer has delegated any of his or her powers, duties or functions.</p> <p>2-63(2) The benchers may delegate to the chief executive officer or to a committee established by them the authority to do any act or exercise any power or jurisdiction that the benchers are authorized to do under the Act, except the power to make rules.</p> <p>2-63(3) The benchers must appoint the following standing committees:</p> <p>(a) admissions and education; (b) complaints investigation; (c) discipline; (d) equity; (e) nominating; (f) practice and ethics;</p> <p>(g) professional liability claims fund; and (h) reimbursement claims fund.</p> <p>2-72 Any member of the society in good standing may become a non-practising member by:</p> <p>(a) undertaking in writing to the chief executive officer that he or she will not practise law in Manitoba; and</p> <p>(b) paying the non-practising fee.</p> <p>2-73 Any member of the society in good standing may become an inactive member by undertaking in writing to the chief executive officer that he or she will not practise law in Manitoba.</p> <p>2-80(2) Following receipt of the notification under subsection (1) [where lawyer charged with a federal offence], the chief executive officer may refer the matter to the appropriate law society committee.</p> <p>2-81.1(1) “eligible activities” are learning activities determined by the chief executive officer that comply with</p>

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	<p>the guiding principles for mandatory continuing professional development approved by the benchers.</p> <p>2-81.1(12) Where a practising lawyer fails to comply with subsection (8) [re mandatory continuing professional development], the chief executive officer may send a letter to the lawyer advising that he or she must comply with the requirements within 60 days from the date the letter is sent. A member who fails to comply within 60 days is automatically suspended from practising law until such time as the requirements have been met and a reinstatement fee paid.</p> <p>2-81.1(13) Where a member is suspended more than once for failing to comply with subsection (8), the chief executive officer may also refer the matter to the complaints investigation committee for its consideration.</p> <p>2-91 A member is automatically suspended from practising law if he or she, within 30 days of the due date or within 30 days of any later date that the chief executive officer, upon application, has approved.</p> <p>3-34 The chief executive officer may issue to an applicant a permit to act as a foreign legal consultant if he or she is satisfied that the applicant: ... The chief executive officer may attach conditions to the permit.</p> <p>3-43 The chief executive officer may issue a renewal permit to a foreign legal consultant who has complied with these rules.</p> <p>3-49 If the chief executive officer is satisfied that ... then he or she must issue a statement of certification to that effect pursuant to subsection 8.1(1) of The Business Names Registration Act.</p> <p>3-55 If the chief executive officer is satisfied that ... then he or she must issue a statement of certification to that effect pursuant to subsection 8.1(2) of The Business Names Registration Act.</p> <p>3-63(2) On application of a visiting lawyer who otherwise qualifies under subsection (3), the chief executive officer may allow the visiting lawyer to provide legal services in Manitoba without a permit beyond the time limit set in subsection (1).</p> <p>3-67(2) On application under this rule, the chief executive officer may issue a permit [for inter-jurisdictional practice], subject to any conditions and restrictions that he or she considers appropriate if, in the discretion of the chief executive officer, it is consistent with the public interest to do so.</p> <p>3-69(1) The chief executive officer must provide to the National Registry the current and accurate information about practising members required under the National Mobility Agreement.</p> <p>3-70(1) The chief executive officer may require a visiting lawyer to:</p> <ul style="list-style-type: none"> (a) account for and verify the number of business days spent providing legal services (b) verify compliance with any rules specified by the chief executive officer (c) disclose the name of each governing body of which the visiting lawyer is a member. <p>3-74(2) A visiting lawyer who is not entitled to provide legal services in Manitoba or respecting the law of Manitoba under division 6 of this Part may apply for an inter-jurisdictional practice permit by delivering to the chief executive officer the documents and any required permit fee required under rule 3-67(1) and the chief executive officer may issue or renew a permit, subject to any conditions and restrictions that he or she considers appropriate if, in the discretion of the chief executive officer it is consistent with the public interest to do so.</p>

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	<p>4-2 A member must apply in writing to the chief executive officer for a certificate that the society consents to the incorporation of a law corporation under a proposed name. On receipt of the application the chief executive officer must:</p> <p>(a) issue a certificate to the member if he or she is satisfied that the intended name complies with rule 5-112; or</p> <p>(b) reject the application and notify the member in writing of his or her decision.</p> <p>4-3 A corporation applying for a permit under subsection 32(1) of the Act must deliver to the chief executive officer.</p> <p>4-5(1) Subject to subsection (2), when a corporation has filed the material required under rule 4-3, the chief executive officer, if he or she is satisfied that the corporation has complied with the provisions of section 32(1) of the Act, must issue a law corporation permit to the corporation entitling the corporation to practise law in Manitoba.</p> <p>4-5(2) The chief executive officer may refuse to issue a permit to a corporation where:</p> <p>(a) a permit of the corporation has been revoked</p> <p>(b) a director, officer or shareholder of the corporation is or has been a director, officer or shareholder of a corporation whose permit has been revoked.</p> <p>4-10(2) Subject to subsection (3), when a law corporation has filed the information required under subsection (1)(a), the chief executive officer must, if he or she is satisfied that the law corporation continues to comply with the provisions of subsection 32(1) of the Act, issue a renewal permit to the law corporation.</p> <p>4-10(3) The chief executive officer may refuse to issue a renewal of a permit to a law corporation where:</p> <p>(a) a permit of the corporation has been revoked</p> <p>(b) a director, officer or shareholder of the corporation is or has been a director, officer or shareholder of a corporation whose permit has been revoked.</p> <p>4-16(1) The chief executive officer may revoke, suspend or impose conditions on the permit of a law corporation that ceases to meet any of the conditions set out or referred to in subsections 32(1) and 37(1) of the Act. The permit of a law corporation that remains suspended under rules 4-12 and 4-15 for more than 12 months is automatically revoked.</p> <p>5-3.1 On the approval of an application for call to the bar:</p> <p>(a) the applicant must be presented to the Court of Queen’s Bench by a bencher or the chief executive officer.</p> <p>5-4(2) The Chief Executive Officer may admit a student who applies under subsection (1) [re admission as an articling student] or refuse to admit or impose conditions or restrictions on the applicant’s admission.</p> <p>5-4.1 An applicant for admission as an articling student who is the recipient of a “Canadian common law degree”, equivalent qualification, or a certificate of qualification from the NCA, dated more than 6 years before the date of the application, must apply to the society for permission to be admitted as an articling student and the chief executive officer may refuse the application or grant the application, with or without conditions.</p> <p>5-4.2 If an applicant for admission as an articling student does not file the required documents by the deadline</p>

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	<p>set out in rule 5-4 or any extended deadline authorized by the chief executive officer, the length of articles to be served under rule 5-5(1) shall be increased by one week for each week the filing of documents has been delayed. The chief executive officer may extend the deadline for filing documents under this rule only in exceptional circumstances.</p> <p>5-5(3) The chief executive officer may allow an articling student who has completed the bar admission program of another Canadian jurisdiction to complete qualification assessments or examinations in lieu of completing all or a portion of the bar admission program in Manitoba.</p> <p>5-5(4) An articling student or applicant for admission who has practising experience as a member of the legal profession in a foreign jurisdiction may apply to the chief executive officer for an exemption from completing all or a portion of the CPLED program and the term of articles set out in subsection (1) by filing the required application and furnishing all documentation required by the chief executive officer.</p> <p>5-5(5) In considering a request under subsection (4), the chief executive officer may refuse the exemption or allow it in full or in part, with or without conditions or restrictions.</p> <p>5-6(2) The chief executive officer must approve an applicant to act as a principal and may withdraw the approval granted at any time.</p> <p>5-6.1(2) The following process shall govern the recruitment of articling students in Winnipeg:</p> <p>(b) the chief executive officer must designate the date and time when a principal may communicate an offer of an articling position to a student and the earliest date and time by which the student must accept the offer</p> <p>(c) an offer of an articling position made by a principal must remain open until the acceptance date and time designated by the chief executive officer under sub-paragraph (b) or any extended period permitted by the principal.</p> <p>5-13 An articling student who does not successfully complete the CPLED program may apply to the chief executive officer for permission to repeat the program or any part of it, but is only eligible to repeat the program or any part of it twice.</p> <p>5-14 The chief executive officer may refuse to issue a practising certificate to an applicant for call to the bar or may impose conditions or restrictions on the practising certificate of the applicant.</p> <p>5-15(1) A person may be registered in the society's student register as a law student if the person:</p> <p>(b) is approved by the chief executive officer to practise law under the control, supervision and authority of a practising lawyer.</p> <p>(d) furnishes all documentation required by the chief executive officer.</p> <p>5-16(1) The chief executive officer may withdraw the registration granted under rule 5-15(1) at any time.</p> <p>5-17(1) The chief executive officer may approve an applicant to be called to the bar in Manitoba if he or she demonstrates qualifications of exceptional merit and distinction and provides proof that he or she:</p> <p>5-17(2) The chief executive officer may approve an applicant under subsection (1) to be called to the bar in Manitoba with or without conditions.</p> <p>5-25(1) An applicant who does not qualify for transfer under rule 5-27.1 and who fulfills the requirements set</p>

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	<p>out in clauses (a) through (d) and (g) of rule 5-24(2) may apply to be called to the bar in Manitoba as in-house counsel and the chief executive officer may exempt an applicant from the requirement to write and pass the assessment or examination referred to in clause (e) of rule 5-24(2) provided the applicant certifies in a prescribed form that he or she has reviewed and understands all of the materials reasonably required to be read by the applicant.</p> <p>5-28.1(3) A person referred to in subsection (1) may submit a written request to the chief executive officer for permission to abridge the two year waiting period set out in subsection (2) and the chief executive officer may grant an abridgement request only if he or she is satisfied that there has been a material change in the person's circumstances.</p> <p>5-28.2 A member who is non-practising, inactive or who has completed a period of suspension, must apply to resume active practice in Manitoba and the chief executive officer may issue a practicing certificate to a member, with or without conditions or restrictions, provided the member.</p> <p>5-48(1) The benchers, the complaints investigation committee, or the chief executive officer may, at any time, require an investigator to investigate the accounts and records of a member for the purpose of ascertaining whether there has been compliance with the Act, rules, and the provisions of the code.</p> <p>5-48(2) Where the investigator determines that there has been non-compliance with the Act, rules or the provisions of the code, he or she must report the particulars of any breach to the chief executive officer.</p> <p>5-48(3) Where the chief executive officer receives a report pursuant to subsection (2) or a report of non-compliance pursuant to rule 5-47(8), he or she may treat the report as if it were a complaint received under rule 5-60.</p> <p>5-61 The chief executive officer:</p> <ul style="list-style-type: none"> (a) must consider every complaint received under rule 5-60 (b) may treat as a complaint information that comes to the attention of the society about the conduct or competence of a member. <p>5-62(1) The chief executive officer must not investigate a complaint when he or she determines that it does not merit investigation or is not within the jurisdiction of the society and must:</p> <ul style="list-style-type: none"> (a) inform the complainant and member in writing of the decision not to investigate and the reason for that decision (b) provide the member with a copy of the complaint. <p>5-64(1) Subject to rule 5-62, the chief executive officer must investigate a complaint to determine its validity.</p> <p>5-65(1) The chief executive officer may attempt to resolve a complaint informally at any time during his or her investigation of a complaint.</p> <p>5-66 After investigating a complaint, the chief executive officer may: ...</p> <p>5-72(3) The [complaints investigation] committee may instruct the chief executive officer to conduct a further investigation and, in doing so, the chief executive officer may utilize any investigative steps authorized under rule 5-64.</p>

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	<p>5-78(1) Where the [complaints investigation] committee or the chief executive officer directs that a charge be laid against a member, the chief executive officer must draft a charge that clearly states what the member is alleged to have done or omitted to do.</p> <p>5-82(2) When a practice review is ordered, the chief executive officer must select one or more qualified persons to conduct the review.</p> <p>5-96(3) The chief executive officer may appoint counsel employed by the society or retain other counsel to draft and prosecute a charge.</p>
<p>Law Society Act Ontario</p> <p>There is a Chief Executive Officer rather than a Registrar.</p> <p>There are six regulations under this Act:</p> <p>Class Proceedings, Ontario Regulations 771/92</p> <p>Complaints Resolution Commissioner, Ontario Regulations 31/99</p> <p>County and District Law Associations, Revised Regulations of Ontario 1990, Regulations 708</p> <p>Hearings Before the Hearing and Appeal Divisions, Ontario Regulations 167/07</p> <p>Law Foundation, Revised Regulations of Ontario 1990, Regulations 709</p>	<p><i>The Law Society of Upper Canada (LSUC) is a pyramid structure, with set functions assigned to the various committees and tribunals from the top. The Society is the legal entity that carries all liabilities and responsibilities as a whole, and it is constituted by the Benchers and their administrative/management staff. This group, called the Convocation, then route issues through appropriate channels, according to Bylaws. For example, if it's an issue regarding professional competence, the Convocation may decide to route the issue through the Proceedings Authorization Committee to determine if a hearing is necessary, or they may decide that only a preliminary investigation is needed, and an Investigative commissioner is appointed to the task. All the executive decisions are made from the top, and drilled down or delegated to discrete bodies within the organization as dictated by the Bylaws.</i></p> <p>4.2 In carrying out its functions, duties and powers under this Act, the Society shall have regard to the following principles:</p> <ol style="list-style-type: none"> 1. The Society has a duty to maintain and advance the cause of justice and the rule of law. 2. The Society has a duty to act so as to facilitate access to justice for the people of Ontario. 3. The Society has a duty to protect the public interest. 4. The Society has a duty to act in a timely, open and efficient manner. 5. Standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services should be proportionate to the significance of the regulatory objectives sought to be realized. <p>8(1) The Chief Executive Officer shall, under the direction of Convocation, manage the affairs and functions of the Society.</p> <p>10 The benchers shall govern the affairs of the Society.</p> <p>27(3) If a person who applies to the Society for a class of licence in accordance with the by-laws meets the qualifications and other requirements set out in this Act and the by-laws for the issuance of that class of licence, the Society shall issue a licence of that class to the applicant.</p> <p>(4) An application for a licence may be refused only after a hearing by the Hearing Division, on referral of the matter by the Society to the Tribunal.</p> <p>49.14(1) Convocation shall appoint a person as Complaints Resolution Commissioner in accordance with the regulations.</p>

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<p>Given their subject matter, the regulations were not reviewed in detail for the purposes of this paper.</p> <p>There are also a number of bylaws of the Law Society of Upper Canada. Only those relevant to the issues in this paper were reviewed in any detail.</p>	<p>49.15(1) The Commissioner shall,</p> <p>(a) attempt to resolve complaints referred to the Commissioner for resolution under the by-laws</p> <p>(b) review and, if the Commissioner considers appropriate, attempt to resolve complaints referred to the Commissioner for review under the by-laws.</p> <p>49.16(1) The [Complaints Resolution] Commissioner may in writing delegate any of his or her powers or duties to members of his or her staff or to employees of the Society holding offices designated by the by-laws.</p> <p>(2) A delegation under subsection (1) may contain such terms and conditions as the Commissioner considers appropriate.</p> <p>From By-Law 2 – Corporate Provisions</p> <p>43 Convocation shall, on such terms as it considers appropriate, appoint a person as Chief Executive Officer of the Society.</p> <p>44 The Chief Executive Officer shall be responsible to Convocation.</p> <p>45(1) The Chief Executive Officer shall be responsible for the management and coordination of all phases of the operation, administration, finances, organization, supervision and maintenance of all activities of the Society.</p> <p>(2) In addition to the duties set out in subsection (1), the Chief Executive Officer shall perform all the functions and duties ordinarily associated with the office of chief executive officer including,</p> <p>(a) putting into effect all policies and procedures established by Convocation or a standing committee of Convocation;</p> <p>(b) counselling and assisting Convocation or any standing committee of Convocation in the development, adoption and implementation and advancement of the various functions of the Society; and</p> <p>(c) advising and assisting in the engaging of officers and employees of the Society and directing such personnel in the on-going administration of approved policies and programs.</p> <p>(3) In addition to the duties and functions set out in subsections (1) and (2), the Chief Executive Officer shall perform such functions and duties as may be assigned to him or her by Convocation.</p> <p>47 The secretary shall perform the duties ordinarily associated with the office of the secretary, including having custody of the seal and coat of arms, the duties imposed upon the secretary by the by-laws and the duties that may be assigned to the secretary by the Chief Executive Officer.</p> <p>By-Law 3 - Benchers, Convocation and Committees</p> <p>98 The following persons may take part in a debate at Convocation:</p> <ul style="list-style-type: none"> • The Chief Executive Officer. • Any other person with the prior permission of the Treasurer. <p>107(1) Unless expressly authorized to perform a duty or exercise a power, the performance of a duty or the exercise of a power by a standing committee is subject to the approval of Convocation.</p> <p>117 The mandate of the Audit and Finance Committee is:</p>

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	<p>(l) to review periodically the Society’s programs, selected for review in consultation with the Chief Executive Officer, to determine compliance with program objectives and whether there is cost-effective use of funds.</p> <p>126. The mandate of the Litigation Committee is:</p> <p>(a) to receive from the Chief Executive Officer notification of any new legal proceeding and progress reports on the conduct of all legal proceedings in which the Society is involved, for the purpose of communicating the reports to Convocation</p> <p>(b) to provide assistance and guidance to the Chief Executive Officer in the conduct of legal proceedings that are outside the usual course of the Society’s business.</p>
<p>Law Society Act, 1996 New Brunswick</p> <p>There is an Executive Director rather than a Registrar.</p> <p>The following Rule was reviewed:</p> <p>General Rules under the <i>Law Society Act, 1996</i></p> <p>The following Rules were not reviewed:</p> <p>Code of Professional Conduct</p> <p>Contingent Fee Rules</p> <p>Foreign Legal Consultants Rules</p> <p>Practice Review Rules</p> <p>Rules Respecting Conflicts Arising as a Result of Transfer Between Law Firms</p>	<p>16(1) Council shall govern and administer the affairs of the Society.</p> <p>16(2) Without limiting the generality of the foregoing, Council may</p> <p>(a) establish and determine the powers and duties of committees, and make and terminate appointments and fill vacancies on committees.</p> <p>16(4) There shall be an Executive Committee of Council consisting of the President, Vice-President, Treasurer and Executive Director.</p> <p>16(6) Council shall appoint an Executive Director who shall have powers and duties incidental to the position assigned under this Act and by Council, including the right to attend meetings of Council, and Council may appoint an acting Executive Director.</p> <p>16(7) Council may, or may authorize the Executive Director to employ or retain persons to assist the Executive Director and to assist committees in carrying out the responsibilities of the Society.</p> <p>16(7.1) The Executive Director may delegate to one or more employees of the Society any of the Executive Director’s powers, duties or functions.</p> <p>16(8) The powers and duties of the Executive Director may be exercised by the acting Executive Director.</p> <p>23(1) Council shall appoint an Admissions Committee.</p> <p>24(1) If, in the opinion of the Executive Director, there are matters that require consideration by the Admissions Committee it shall, upon the request of the Executive Director, inquire into</p> <p>(a) an application for enrolment as a student-at-law,</p> <p>(b) an application for admission to membership in the Society</p> <p>(c) an application for reinstatement in the Society by a former member</p> <p>(d) an application for transfer by a member from the non-practising roll to the practising roll</p> <p>(e) an application by a lawyer or firm of lawyers to engage in any capacity having to do with the practice of law a person who</p> <p>(i) is under suspension as a result of disciplinary proceedings in any jurisdiction</p> <p>(ii) has been disbarred in any jurisdiction and has not been reinstated</p> <p>(iii) has been permitted to resign from a law society in any jurisdiction while facing disciplinary proceedings and who has not been reinstated</p> <p>(f) an application for a permit or the renewal of a permit to act as a foreign legal consultant as provided in the</p>

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Rules for the Review of Lawyers' Bills	rules. 25(1) The Admissions Committee shall, after completing its inquiry under subsection 24(1) or a hearing under subsection 24(5)
Rules on Cash Transactions	(a) reject the application (b) approve the application without conditions, or
Rules on Client Identification	(c) approve the application subject to conditions. 27(1) Council may:
Rules on Mandatory Continuing Professional Development	(a) enrol students-at-law in the Society's admission program, impose the conditions precedent to their enrolment, and fix the fees payable on enrolment, (b) require students-at-law to: (c) establish qualifications required to be met by members who seek to act as principals to students-at-law
Uniform Trust Account Rules	(d) stipulate the duties of principals (e) limit the number of students who may article to a member.
Standards for the Practice of Real Property Law	28(1) Subject to this section, Council shall admit as a member of the Society any person who ... 30(4) On payment of the applicable annual fees, if the member is otherwise in good standing and has complied with this Act and the rules, the Executive Director shall register the person as a practising or non-practising member for the year for which the fees are payable. 30(10) A practising member shall be registered as a non-practising member for the ensuing year if that member, on or before the date fixed by Council each year. (a) delivers to the Executive Director, on a form approved by Council, a written undertaking that the member will not practise law in the Province in the ensuing year (b) pays the non-practising administration fee fixed by Council (c) pays all or a pro-rated portion of the non-practising member's annual fees referred to in subsection (2) as determined by the Executive Director (d) is otherwise in good standing and has complied with this Act and the rules. 30(11) A non-practising member shall be registered as a practising member if that member (a) notifies the Executive Director in writing of the intent to practise law (b) pays the practising member's administration fee fixed by Council (c) pays all or a pro-rated portion of the practising member's annual fee referred to in subsection (1), as determined by the Executive Director (d) has complied or agrees to comply with any conditions imposed under subsection 25(2) (e) is otherwise in good standing and has complied with this Act and the rules. 37(4) Subject to subsection (6), the Executive Director shall issue a permit to a body corporate that is a corporation, as defined in the Business Corporations Act, and is in good standing under that Act. 37(6) The Executive Director may refuse to issue a permit to a corporation under subsection (4) where (a) the corporation has previously had its permit suspended or revoked

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	<p>(b) a shareholder of the corporation was a shareholder of a corporation that previously had its permit revoked.</p> <p>39(1) Council shall appoint a practising member in good standing as Registrar (*This is a Registrar of Complaints, appointed by Council to carry out the responsibilities set out in Part 10 (discipline and competence)). and may assign duties in addition to those set out in this Part.</p> <p>39(2) The Executive Director shall have all of the powers of the Registrar and shall act in the absence of the Registrar, or when the Registrar is unable or fails to act, or as directed by Council.</p> <p>39(3) In circumstances in which the Registrar or Executive Director are not able to act, or it is not appropriate that they do so, Council may appoint a practising member in good standing to act as Registrar for a specified purpose and with all of the powers of the Registrar under this Act.</p> <p>41(2) Any person may file a complaint, including the Registrar* when acting under subsection 42(4), or the Executive Director in circumstances where no complaint has been received from any other person, and it is in the public interest that action be taken immediately.</p> <p>70 The Executive Director may direct any member to submit to an audit or investigation of the member's documents and transactions, whether or not a complaint has been received or received and withdrawn and whether or not it appears that any member's conduct may be deserving of sanction.</p> <p>71 When the Executive Director has reasonable and probable grounds to believe that:</p> <p>(a) a member's conduct may be deserving of sanction</p> <p>(b) an audit or investigation of the member's documents and transactions is necessary to help decide whether the member's conduct deserves sanction the Executive Director may direct the member to submit forthwith to such audit or investigation in accordance with the rules.</p> <p>72 A person conducting an audit or investigation of a member's documents and transactions shall upon completion of such audit and investigation report in writing to the Executive Director who shall forthwith provide a copy of the report to the member.</p> <p>73 When the report of an auditor or investigator indicates that the member's conduct may be deserving of sanction, the Executive Director shall forward the report and any other relevant information in the Executive Director's possession to the Registrar*.</p> <p>From the General Rules under the Law Society Act, 1996</p> <p>5(1) The Executive Director shall:</p> <p>(a) attend all meetings of the Society and Council</p> <p>(b) keep the minutes of the proceedings of the Society and Council</p> <p>(c) conduct the correspondence of the Society and Council</p> <p>(d) manage the office of the Society</p> <p>(e) perform all other duties assigned by these Rules or by Council, or which are incidental to the office of Executive Director. 5(2) The Executive Director shall provide security for the performance of duties by way of bond or otherwise in an amount as required by Council.</p>

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	<p>9(1) Employees of the Society shall perform duties determined by the Executive Director.</p> <p>24(3) After an application for admission as a student-at-law has been filed, letters of reference have been received from three persons named as references by the applicant, and the Executive Director has given the notification required by subsection (2), the Executive Director shall consider the application and may request an inquiry respecting the applicant under Part 7 of the Act.</p> <p>24(4) Subject to subsection (5), the Executive Director may approve the application mentioned in subsection (3).</p> <p>24(5) The Executive Director may refer the application mentioned in subsection (3) to the Admissions Committee for a decision under subsection 25(1) of the Act.</p> <p>49(4) Where the Executive Director is satisfied that this Rule has been complied with, the Executive Director may approve the applicant's registration as a non-practising member upon such terms and conditions as it considers necessary.</p> <p>51(6) Notwithstanding subsection (5), where the applicant has practised for at least three of the immediately preceding five years or was admitted to the Law Society within the immediately preceding three years and where the Executive Director finds the applicant is qualified, the Executive Director may register the applicant as a practising member.</p> <p>59(1) In sections 59.1 to 59.12, unless the context otherwise requires. "Executive Director" includes a person designated by the Executive Director to perform any of the duties assigned to the Executive Director in these Rules.</p> <p>59.3(4) On application of a visiting lawyer who otherwise qualifies under subsection (2), the Executive Director may allow the visiting lawyer to provide legal services without a permit beyond the limits set in subsection (2).</p> <p>59.4(5) On application by a visiting lawyer, the Executive Director may allow the visiting lawyer to continue to provide legal services pending consideration of an application under sections 44 and 44.1 or section 59.6.</p> <p>59.5(2) In order to provide legal services in New Brunswick beyond the limits set out in subsection 59.3(2), a visiting lawyer must obtain the permission of the Executive Director under subsection 59.3(4) or obtain a permit.</p> <p>59.6(1) A visiting lawyer applying for a permit shall deliver to the Executive Director.</p> <p>59.6(3) On application under this section, the Executive Director may issue a permit, subject to any conditions and restrictions that the Executive Director considers appropriate if, in the discretion of the Executive Director, it is consistent with the public interest to do so.</p> <p>59.8(4) The Executive Director may require a visiting lawyer to:</p> <ul style="list-style-type: none"> (a) account for and verify the number of days spent providing legal services, and (b) verify compliance with any Rules specified by the Executive Director.
<p>Legal Profession Act Nova Scotia Nova Scotia Barristers'</p>	<p>5(2) No person may become a member of the Society or be reinstated as a member unless the Council is satisfied that the person meets the requirements established by the regulations.</p> <p>(7) No person may resign as a member of the Society unless permitted to do so by a resolution of the Council or by order of a hearing panel pursuant to subsection 45(4).</p>

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<p>Society Regulations</p> <p>The regulations under this Act are more in the nature of rules or bylaws.</p> <p>There is an Executive Director rather than a Registrar.</p>	<p>7(2) The Executive Director is a non-voting member of the Council.</p> <p>9(1) The Council shall employ a person as Executive Director of the Society and fix the Executive Director's remuneration, and may, by regulation, authorize the Executive Director to do any act or exercise any power or jurisdiction that by this Act and the regulations the Council is authorized to do or exercise, except the power to make regulations.</p> <p>(2) The Executive Director has the powers and duties given to the Executive Director by or under this Act and the regulations.</p> <p>(3) The Executive Director may delegate to one or more employees of the Society any of the Executive Director's powers, duties or functions.</p> <p>(4) The Executive Director shall report to Council and the Society's annual meeting on the results of the consultations carried out pursuant to clause 4(2)(d).</p> <p>12(1) The Council may establish committees and may authorize a committee to do any act or exercise any power or jurisdiction that, by this Act, the Council is authorized to do or to exercise, except the power to make regulations.</p> <p>20(2) The Executive Director may issue a permit to a law corporation allowing it to carry on the practice of law in the Province.</p> <p>23(5) A permit may be refused, suspended, revoked, cancelled or reinstated by the Society, a committee established by the Society for that purpose or the Executive Director, as prescribed by the regulations.</p> <p>36(2) The Complaints Investigation Committee may do one or more of the following things during or after an investigation: (d) authorize the Executive Director to lay a charge against a member of the Society.</p> <p>From the Nova Scotia Barristers' Society Regulations</p> <p>2.1.1 The Executive Director is the chief executive officer of the Society and under the direction of the Council shall be responsible for the management and coordination of all phases of the operation, administration, finances, organization, supervision and maintenance of all activities of the Society.</p> <p>2.1.2 In addition to the duties set out in sub regulation 2.1.1, the Executive Director shall perform all the functions and duties normally associated with the office of chief executive officer, including</p> <p>(a) putting into effect all policies and procedures established by Council or a committee acting under its authority;</p> <p>(b) counseling and assisting Council and any committee in the development, adoption, implementation and advancement of the various activities of the Society;</p> <p>(c) engaging employees of the Society and directing such personnel in the ongoing administration of the approved policies and programs;</p> <p>(d) executing documents on behalf of the Society;</p> <p>(e) performing such other functions and duties as may be assigned by Council.</p> <p>2.1.3 Council may temporarily fill any vacancy in the office of Executive Director, or designate a substitute to act</p>

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	<p><i>pro tem</i> during the absence of the Executive Director or if the Executive Director is unable or fails to act.</p> <p>2.9.1 Council shall appoint the following committees:</p> <p>(f) Credentials Committee, to oversee the Regulations with respect to admission to membership in the Society, the Bar Admission Course, changes in category of membership in the Society, and resumption of membership in the Society;</p> <p>2.9.3 A committee, in addition to the powers and duties granted it by the Act or Regulations shall have such additional powers as the Council may from time to time prescribe.</p> <p>3.2 The Executive Director may, in exceptional circumstances and when it is in the public interest to do so, waive one or more of the requirements for admission.</p> <p>3.3.2 [With respect to an applicant for enrolment as an articulated clerk] The Executive Director may, where it is in the public interest to do so:</p> <p>(a) approve the application and stipulate the effective date of enrolment</p> <p>(b) deny the application for reasons other than good character or fitness</p> <p>(c) obtain any additional information from the applicant or any other person regarding the good character and fitness of the applicant</p> <p>(d) where there is any issue regarding the good character or fitness of an applicant refer the application to the [Credentials] Committee</p> <p>3.3.4 If an application is referred to the Committee pursuant to sub regulation 3.3.2(d), the Committee shall consider the application and all the information provided by the Executive Director and may: (a) request that the Executive Director obtain new information; (b) approve the application, with or without terms, and stipulate the effective date of enrolment; or (c) deny the application.</p> <p>3.4.1 An articulated clerk shall: ... (c) not engage in any other employment which, in the opinion of the Executive Director, would interfere with the articulated clerk's completion of the Articling Agreement or the Bar Admission Course;</p> <p>3.4.2 An articulated clerk may ... with the written consent of the principal and approval of the Executive Director ...</p> <p>3.5.6 If the practicing lawyer or law firm satisfies the requirements of sub regulation 3.5.2 the Executive Director shall approve the application to be a principal.</p> <p>3.5.7 If the practicing lawyer or law firm does not satisfy the requirements of sub regulation 3.5.2(a) to 3.5.2(h) the Executive Director shall deny the application to be a principal.</p> <p>3.5.8 The decision of the Executive Director under this sub regulation is final.</p> <p>3.5.9 If the Executive Director has reason to believe that the practicing lawyer or law firm does not satisfy the requirements of sub regulation 3.5.2 (i) or 3.5.2 (j) the Executive Director shall forward the application to the [Credentials] Committee for consideration.</p> <p>3.5.17 If a principal ... the Executive Director shall withdraw the privilege of being a principal, except if ...</p> <p>3.5.18 In the event that the Executive Director has reason to believe that sub regulation 3.5.17(d) or 3.5.17(e) apply to a principal, the Executive Director shall forward the matter to the [Credentials] Committee for</p>

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	<p>consideration.</p> <p>3.5.24 A principal may apply to the Executive Director to terminate an Articling Agreement by providing information required to allow the Executive Director to consider the application.</p> <p>3.5.25 The Executive Director may approve an application under sub regulation 3.5.24 on such terms as the Executive Director deems appropriate.</p> <p>3.5.26 A principal, who is a practising lawyer, may only employ one articled clerk, unless an articled clerk has been allowed to extend the Articling Agreement, pursuant to sub regulation 3.4.2(h), in which case the Executive Director may allow the principal to employ a second articled clerk.</p> <p>3.7.1 A member of the faculty of Dalhousie Law School may apply to be a practising lawyer.</p> <p>3.7.4 The Executive Director may, where it is in the public interest to do so: (a) approve the application [re 3.7.1] and fix a date for the applicant to be called to the Bar; (b) deny the application for reasons other than good character or fitness; (c) obtain any additional information from the applicant or any other person regarding the good character and fitness of the applicant; (d) where there is any issue regarding the good character or fitness of an applicant refer the application to the Committee.</p> <p>3.7.6 If an application is referred to the Committee pursuant to sub regulation 3.7.4(d), the Committee shall consider the application and all the information provided by the Executive Director and may: (a) request that the Executive Director obtain new information; (b) approve the application, with or without terms, and stipulate the effective date of enrolment; or (c) deny the application.</p> <p>3.7.8 When a practising lawyer who has been admitted under this regulation ceases to be a full-time member of the faculty of Dalhousie Law School, that person may remain a practising lawyer on compliance with such requirements as the Executive Director may prescribe.</p> <p>3.8.4 The Executive Director may obtain additional information or additional proof of information provided in the application [re articled clerk applying to be admitted as a practicing lawyer].</p> <p>3.8.5 Following approval of the application under sub regulation 3.8.6, the Executive Director shall (a) advise the Committee of the name of each applicant who has been approved for admission to the Bar, and (b) fix a date for the applicant to be called to the Bar.</p> <p>3.8.6 The Executive Director may, where it is in the public interest to do so: (a) approve the application and fix a date for the applicant to be called to the Bar; (b) obtain additional information from the applicant, the principal or any other person regarding the applicant's competence, character or fitness; (c) with the consent of the applicant and the principal extend the applicant's Articling Agreement for not more than twelve months in order to allow the applicant a further period to demonstrate competence, fitness or both; or (d) where, in the opinion of the Executive Director, there are issues about the applicant's competence, character or fitness, refer the application to the Committee. (e) deny an application if: i. an applicant has not satisfactorily completed the requirements for articling; ii. has not satisfactorily completed the Bar Admissions Course; or iii. the applicant is not lawfully entitled to be employed in Canada.</p> <p>3.8.7 In the event that an application is denied pursuant to subsection 3.8.6(e), the Executive Director shall</p>

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	<p>provide the applicant with a written decision with reasons and shall inform the applicant of the internal review process.</p> <p>3.8.8 If an application is referred to the Committee pursuant to sub regulation 3.8.6(d), the Committee shall consider the application and all the information provided by the Executive Director and may: (a) request that the Executive Director obtain new information; (b) approve the application, with or without terms, and stipulate the effective date of enrolment; or (c) deny the application.</p> <p>3.10.5 Any decision of the Executive Director pursuant to sub regulations 3.3.3, , 3.6.12, 3.6.19, 3.6.20, 3.7.5, 3.7.9, 3.8.7, 5.4.5, 5.6.4, 5.10.5, 6.2.6, 6.3.5, 6.3.12, 6.4.10, 6.4.14, 6.5.4 may be internally reviewed</p> <p>3.10.6 A request for an internal review must be made within 30 days from the day the decision of the Executive Director was sent to the applicant.</p> <p>3.10.7 A request for internal review must be made in writing to the Executive Director.</p> <p>3.10.8 The Executive Director shall refer a request for internal review to the Chair of the Review Subcommittee Committee.</p> <p>4.6.6 When a member has been suspended pursuant to sub regulation 4.6.1, the member may apply to be reinstated upon filing the required forms or completing the required continuing professional development unless the Executive Director extends the time for satisfying this requirement and payment of the prescribed fees.</p> <p>4.6.6.1 The Executive Director may approve an application under this regulation unless the Executive Director is required to refer the application to the Credentials Committee under sub regulation 4.6.6.2</p> <p>4.6.6.2 If the facts disclosed in the application or otherwise known to the Society raise public interest issues which require, in the opinion of the Executive Director, consideration by the Credentials Committee, the Executive Director will forward the application to the Committee.</p> <p>5.4.1 A person who has been appointed to a judicial office, but is no longer in that office, may apply to be reinstated to membership in the Society in any category of membership except an articulated clerk.</p> <p>5.4.2 An application under this sub regulation [5.4] may be approved by the Executive Director.</p> <p>5.4.3 The Executive Director may require the applicant to file such additional information as the Executive Director considers appropriate.</p> <p>5.4.4 The Executive Director may approve the reinstatement to membership, with or without terms, and stipulate the effective date of reinstatement.</p> <p>5.5.1 A practising lawyer may apply to become a non-practising member, a retired member or a life member.</p> <p>5.5.6 An application under this Regulation [5.5] may be approved by the Executive Director unless it must be referred to the Committee under sub regulation 5.5.7.</p> <p>5.5.7 If the facts disclosed in the application or otherwise known to the Society raise public interest issues which require, in the opinion of the Executive Director, consideration by the Committee, the Executive Director must forward the application to the Committee.</p> <p>5.6.1 A non-practising member, a retired member or a life member may apply to resume practice.</p>

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	<p>5.6.3 The Executive Director may, where it is in the public interest to do so: (a) approve the application, with or without terms, and stipulate the effective date; (b) deny the application for reasons other than good character or fitness; (c) obtain any additional information from the applicant or any other person regarding the good character and fitness of the applicant; (d) where there is any issue regarding the good character or fitness of an applicant refer the application to the Committee;</p> <p>5.6.6 If an application is referred to the Committee pursuant to sub regulation 5.6.3(d), the Committee shall consider the application and all the information provided by the Executive Director and may: (a) request that the Executive Director obtain new information; (b) approve the application, with or without terms, and stipulate the effective date of reinstatement; or (c) deny the application.</p> <p>5.7.1 A non-practising member may apply to become a retired member or a life member and a retired member may apply to become a life member.</p> <p>5.7.3 The Executive Director may approve an application under this regulation unless the Executive Director is required to refer the application to the Committee under sub regulation 5.7.4.</p> <p>5.7.4 If the facts disclosed in the application or otherwise known to the Society raise public interest issues which require, in the opinion of the Executive Director, consideration by the Committee, the Executive Director shall forward to application to the Committee.</p> <p>5.10.1 A person who has resigned from the Society, and who is not a member of another law society in Canada or who has been disbarred may apply to be readmitted to membership in the Society.</p> <p>5.10.4 The Executive Director may, where it is in the public interest to do so: (a) approve the application, with or without terms, and stipulate the effective date; (b) deny the application for reasons other than good character or fitness; (c) obtain any additional information from the applicant or any other person regarding the good character and fitness of the applicant; (d) where Executive Director is required pursuant to sub regulation 5.10.6, or if there is any issue regarding the good character or fitness of an applicant, the Executive Director shall refer the application to the Committee;</p> <p>5.10.7 If: (a) the applicant was disbarred or permitted to resign by a Hearing Panel, or (b) the facts disclosed in the application or otherwise known to the Society raise public interest issues which require, in the opinion of the Executive Director, consideration by the Committee, the Executive Director shall forward the application to the Committee.</p> <p>6.2.1 A lawyer from a jurisdiction other than the Province may apply to be a practising lawyer.</p> <p>6.2.5 The Executive Director may, where it is in the public interest to do so: (a) approve the application, with or without terms, but, if the applicant is from a reciprocating jurisdiction, the Executive Director may not include a requirement to pass the Bar Examination, and stipulate the effective date; (b) deny the application for reasons other than good character or fitness; (c) obtain any additional information from the applicant or any other person regarding the good character and fitness of the applicant; (d) where there is any issue regarding the good character or fitness of an applicant refer the application to the Committee.</p> <p>6.2.8 If an application is referred to the Committee pursuant to sub regulation 6.2.5(d), the Committee shall</p>

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	<p>consider the application and all the information provided by the Executive Director and may: (a) request that the Executive Director obtain new information; (b) approve the application, with or without terms, and stipulate the effective date of enrolment; or (c) deny the application.</p> <p>6.3.4 A visiting lawyer who: (a) does not qualify under sub regulation 6.3.3(a)-(g) to carry on the practice of law in the province without a permit, or (b) establishes an economic nexus with the Province, may apply to the Executive Director for a permit.</p> <p>6.3.5 On receipt of an application under sub regulation 6.3.4, the Executive Director may, if it is consistent with the public interest, (a) deny the application and provide the applicant with a written decision with reasons and shall inform the applicant of the internal review process; (b) issue a permit on such conditions that the Executive Director considers to be appropriate, which permit: ... In the event that the approval is with conditions the Executive Director shall provide the applicant with a written decision with reasons for those terms and shall inform the applicant of the internal review process.</p> <p>6.3.11 A visiting lawyer who (a) is subject to a prohibition under sub regulation 6.3.10, (b) may apply to the Executive Director for restoration of any or all rights lost under that sub regulation and the Executive Director may, grant the application, subject to any conditions.</p> <p>6.4.6 Notwithstanding anything contained in this regulation, the Executive Director may permit a lawyer who does not meet the requirements of sub regulation 6.4.4(d), (e) or (f) to practise temporarily on such terms that are consistent with the public interest.</p> <p>6.4.8 The Executive Director may exempt a lawyer who would otherwise be governed by this regulation from compliance with any part of this regulation if it is consistent with the public interest to do so.</p> <p>6.4.11 A lawyer from a foreign jurisdiction outside Canada may apply to the Executive Director to practice temporarily in the Province.</p> <p>6.4.14 The Executive Director may, where it is in the public interest to do so: (a) waive or modify the requirements of 6.4.3, 6.4.4, 6.4.5 and 6.4.9; (b) approve the application, with or without terms, and stipulate the provisions of Regulation 6.4 that apply, the effective date and the termination date; or (c) deny the application.</p> <p>6.5.1 A lawyer from a foreign jurisdiction outside of Canada may apply for a permit to be a foreign legal consultant.</p> <p>6.5.3 The Executive Director may approve the application and issue a permit to the applicant if: (a) the requirements of sub regulation 6.5.2 (a)-(j) are satisfactorily met, and (b) if it is consistent with the public interest to do so, and (c) the Executive Director may place such terms on the approval.</p> <p>6.6.1 A member of the Barreau du Québec or the Chambre des notaires du Québec may apply to be a Canadian Legal Advisor.</p> <p>6.6.5 The Executive Director shall consider an application and may, where it is in the public interest to do so: (a) approve the application, with or without terms, but may not include a requirement to pass the Bar Examination, and stipulate the effective date; (b) deny the application for reasons other than good character or fitness; (c)</p>

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	<p>obtain any additional information from the applicant or any other person regarding the good character and fitness of the applicant; (d) where there is any issue regarding the good character or fitness of an applicant refer the application to the Committee.</p> <p>7.4.1 A law firm that is a partnership that proposes to register as a Nova Scotia LLP under Part II of the Partnership Act (Nova Scotia) may apply to be an LLP.</p> <p>7.4.3.2 When the Executive Director is satisfied that the requirements of regulation 7.4.3.1 have been met, the Executive Director will issue a statement of the Society's approval and certification pursuant to subsection 7(A)(1)(e) of the Partnerships and Business Names Registration Act.</p> <p>7.5.1 A corporation may apply for a permit to carry on the practice of law pursuant to s. 20 of the Act.</p> <p>7.5.4 Upon being satisfied that all the requirements of the Act and these Regulations in respect of law corporations have been fulfilled by a corporation, the Executive Director shall issue to the corporation a permit.</p> <p>7.5.19 Upon being satisfied that all the requirements of the Act and these Regulations are satisfied by a law corporation whose permit was previously suspended, the Executive Director may reinstate the permit of such corporation upon receiving from the corporation, (a) a request in writing to have the permit reinstated; (b) a statement of particulars in the prescribed form; and (c) payment of the prescribed reinstatement fee.</p> <p>8.3.13 The Executive Director may, on receipt of the prescribed form, waive or reduce the requirements of this Regulation [re CPD] if, in the opinion of the Executive Director, such waiver or reduction is in the public interest.</p> <p>8.5.1 The Society will carry out a program to assess compliance with the continuing professional development requirements in Regulation 8.3.</p> <p>8.5.2 A person designated by the Executive Director (a) may request a lawyer provide information necessary to verify compliance with the continuing professional development requirements; (b) will provide a report to the Executive Director on any failure to cooperate on the part of the lawyer or law firm; and will report to the Executive Director on the extent of the lawyer's compliance with the continuing professional development requirements.</p> <p>8.5.3 The Executive Director will provide a copy of any report to the lawyer and to the member of the law firm designated pursuant to sub regulation 7.2.1 and may by written notice require the lawyer or law firm to take corrective action to comply with this Regulation.</p> <p>8.5.5 The Executive Director may commence an investigation pursuant to sub regulation 9.2.1 if a lawyer or law firm fails to comply with the Executive Director's written requirement for corrective action.</p> <p>9.2.1 The conduct, practice, capacity or professional competence of a member of the Society may become the subject of an investigation (a) upon receipt of a written complaint from any person, (b) upon receipt of information by the Society that, in the opinion of the Executive Director, establishes reasonable grounds for an investigation, (c) upon self-referral by the member, or (d) when a member has been the subject of discipline in a foreign jurisdiction.</p> <p>9.2.2 On receipt of a written complaint, the Executive Director must (a) dismiss the complaint, and notify the complainant and the member of the reasons for this disposition, if, in the opinion of the Executive Director, (i)</p>

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	<p>the subject matter of the complaint is outside the jurisdiction of the Society, (ii) the complaint is for an extraneous or improper purpose, (iii) the complaint does not allege facts which, if proven, would constitute professional misconduct, conduct unbecoming, or professional incompetence, or would merit counseling, a caution or other; (b) attempt to resolve the complaint if, in the opinion of the Executive Director, the complaint may be satisfactorily resolved, consistent with the purposes of the professional responsibility process, and failure to resolve the complaint will result in the complaint being investigated pursuant to this regulation, or; (c) in accordance with Regulation 9.2A consider referral to the Fitness to Practise Committee; or (d) subject to Regulation 9.2A, commence an investigation.</p> <p>9.2.3 On receipt of information by the Society that, in the opinion of the Executive Director, establishes reasonable grounds for an investigation, the Executive Director shall commence an investigation.</p> <p>9.2.13 An investigation pursuant to this regulation may include (a) obtaining additional information, orally or in writing, from the member, the complainant or any other person; (b) interviewing the member, the complainant or any other person on oath or affirmation if the member, the complainant or other person consents; (c) obtaining outside assistance to further the investigation, (d) reviewing the member's trust account records, (e) if the Complaints Investigation Committee so directs, a practice review pursuant to sub regulation 9.7.1 or an audit pursuant to sub regulation 10.7.1; or (f) such other steps as the Executive Director determines are required for a thorough investigation.</p> <p>9.2A (1) Notwithstanding any other provision of these Regulations, if (a) a complaint raises concerns about a member's capacity, (b) a person, in the absence of a complaint, raises concerns about a member's capacity to the Society, or (c) a member self-reports incapacity to the Society, the Executive Director may, where the Executive Director determines that it is in the public interest to do so and the member consents, refer the matter to the Fitness to Practise Committee.</p> <p>9.2A (2) If the Executive Director does not refer a matter to the Fitness to Practise Committee under 9.2A(1), the Executive Director (a) must, in the case of a complaint received pursuant to sub regulation 9.2A(1)(a) process the matter as a complaint pursuant to the Act and the Regulations; or (b) may, in the case of information received pursuant to sub regulation 9.2A(1)(b) process the matter as a complaint pursuant to the Act and the Regulations.</p> <p>10.7.1 The Executive Director may initiate an audit of the books, records, accounts and transactions of a practising lawyer or law firm or former lawyer or law firm to determine compliance with these Regulations.</p> <p>10.7.2 For the purpose of ensuring that all practising lawyers or law firms comply with these Regulations, the Executive Director may implement and direct a continuing program of unannounced audits of the books, records, accounts and transactions of practising lawyers or law firms, in accordance with the general directions of Council.</p> <p>10.7.3 The Executive Director may randomly select practising lawyers or law firms for audit.</p> <p>10.7.7 If the auditor reports that these Regulations have not been complied with, the Executive Director may (a) order the practising lawyer or law firm to take all necessary steps to comply with these Regulations as specified</p>

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	<p>in the order and within the time fixed for doing so; and (b) initiate whatever action is appropriate under Part III of the Act, in which case the audit report may be used as the basis for the complaint as well as being used as evidence.</p> <p>13.3.8 The Executive Director may commence an investigation pursuant to sub-regulation 9.2.1 if a lawyer or law firm fails to comply with the Executive Director's written requirement for corrective action under sub-regulations 13.3.6 or 13.3.7.</p>
<p>Law Society Act, 1999 Newfoundland and Labrador</p> <p>Law Society Rules</p> <p>There is an Executive Director rather than a Registrar. However, the Vice-President has been assigned some of the authority and duties that a Registrar typically performs.</p>	<p>18(1) The benchers shall govern the society, administer its affairs and exercise in the name and on behalf of the society the powers, privileges and rights of the society.</p> <p>(1.1) The benchers have the authority to regulate the practice of law and the legal profession in the public interest.</p> <p>(1.2) The benchers may delegate duties to an employee whenever they consider it necessary or desirable to do so.</p> <p>22(2) The benchers may delegate the duties of the vice-president to a bencher or employee of the society whenever they consider it necessary or desirable to do so.</p> <p>23(2) The benchers may determine the duties of the executive committee and delegate authority to it.</p> <p>29(1) A person becomes enrolled as a member when a memorandum of his or her enrolment is entered on the roll.</p> <p>(2) Where the vice-president receives notice from the chairperson of the education committee that it has approved the enrolment of a person under the Law Society Rules, or when the benchers have approved the enrolment of a person under section 39, and the prescribed fees, levies and assessments have been paid, the vice-president shall issue a certificate directed to the Chief Executive Officer of the Supreme Court that the person is entitled to be enrolled in the society.</p> <p>35(1) The evaluation of all matters relating to the academic qualifications, character and fitness to practice of an applicant, and the evaluation of applications for enrolment as a member or for admission as a student, is under the control of an education committee which the benchers shall establish and maintain.</p> <p>63.4(1) The executive director shall issue a licence to a corporation that, in accordance with the rules, ...</p> <p>(2) The executive director may revoke a licence where a condition referred to in subsection (1) no longer exists.</p> <p>From the Rules of the Law Society of Newfoundland & Labrador (Law Society Rules)</p> <p>2.16(1) Benchers shall appoint and maintain at all times an education committee and a discipline committee in accordance with the provisions of the Act.</p> <p>2.17(4) The executive director of the society shall be an ex officio, non-voting member of the executive committee and shall act as secretary thereof.</p> <p>5.09(1) The Executive Director may initiate an investigation or audit of the books, records, accounts and transactions of a member or former member to determine compliance with these Rules.</p> <p>(2) The Executive Director shall select the investigator or auditor to conduct an investigation or audit under</p>

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	<p>subsection 5.09(1) from a list of auditors approved by the Society or designated for the particular investigation or audit.</p> <p>(3) For the purpose of ensuring that all members comply with these Rules, the Executive Director may implement and direct a continuing program of unannounced investigations or audits of the books, records, accounts and transactions of members</p> <p>(4) The Executive Director may conduct a program referred to in subsection 5.09(3) by randomly selecting members whose accounts are to be investigated or audited or by dividing the members into categories and, within each category, randomly selecting members for investigation or audit.</p> <p>(6) The Executive Director shall provide a copy of the report of an investigator or auditor to the member whose accounts have been investigated or audited.</p> <p>(8) If the investigator or auditor reports that these Rules have not been complied with, the Executive Director</p> <p>(a) may order the member in writing to take all necessary steps to comply with these Rules as specified in the order and within the time fixed for doing so,</p> <p>(b) may initiate whatever disciplinary action is appropriate, in which case the investigator’s or auditor’s report may be used as the basis for disciplinary proceedings, including being used as evidence.</p> <p>(9) Whenever an investigation is carried out under this Rule the member whose books and records are being investigated shall pay the Society costs, or part of the costs, of the investigation and the member shall pay the amount in full within the terms and dates fixed or extended by the Executive Director.</p> <p>(10) If a member fails to comply with an order under subsection 5.09(8)(a) or fails to pay the amount determined under subsection 5.09(9) within the terms and date fixed or extended, the Executive Director shall suspend the member until the member is in compliance.</p> <p>Part VIIA – National Mobility Agreement Rules</p> <p>“Executive Director” includes a person designated by the Executive Director to perform any of the duties assigned to the Executive Director in these Rules, and may include the Education Committee.</p> <p>7.03A(2) On application of a visiting lawyer who otherwise qualifies under 7.03A(3), the Executive Director may in writing allow the visiting lawyer to provide legal services without a permit beyond the time limit set in sub rule (1).</p> <p>7.07A(1) A visiting lawyer who is not allowed to provide legal services without a permit under Rule 7.03A or is disqualified under Rule 7.08A may apply for a permit under Rule 7.07A(2).</p> <p>(2) On application under this Rule, the Executive Director may issue a permit, subject to any conditions and restrictions that the Executive Director considers appropriate if, in the discretion of the Executive Director, it is consistent with the public interest to do so.</p> <p>7.08A(5) On application by a visiting lawyer, the Executive Director may allow the visiting lawyer to continue to provide legal services pending consideration of an application under Rule 7.11A.</p> <p>7.09A(1) The Executive Director must provide to the National Registry the current and accurate information</p>

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	<p>about practising lawyers required under the National Mobility Agreement.</p> <p>7.10A(1) The Executive Director may require a visiting lawyer to:</p> <ul style="list-style-type: none"> (a) account for and verify the number of days spent providing legal services (b) verify compliance with any Rules specified by the Executive Director. <p>(2) If a visiting lawyer fails or refuses to comply with a requirement under sub rule (1) within 20 calendar days, or such longer time that the Executive Director may permit in writing</p> <ul style="list-style-type: none"> (a) the visiting lawyer is prohibited from providing legal services without a permit (b) any permit issued to the visiting lawyer is rescinded (c) the Executive Director must advise the visiting lawyer’s home governing body of the visiting lawyer’s failure to comply and the consequences. <p>(3) A visiting lawyer who is affected by sub rule (2) may apply to the Executive Director for restoration of any or all rights lost under that sub rule and the [Education] Committee may, in its discretion, grant the application, subject to any conditions it considers to be in the public interest.</p> <p>11.01(1) The executive director shall maintain a register of professional law corporations.</p> <p>(2) The executive director shall prepare any other records with respect to professional law corporations specified by the benchers from time to time.</p> <p>11.02(1) Where one or more members propose to incorporate or register a corporation pursuant to the <i>Corporations Act</i> with the intention of obtaining a licence for the corporation pursuant to Part III.1 of the Act:</p> <ul style="list-style-type: none"> (a) the member or members shall forward to the executive director the proposed articles of incorporation of the corporation and any other information required by the executive director for the purposes of this rule; and (b) the executive director shall endorse the articles and other information required by the executive director with the executive director’s approval on behalf of the society if the executive director is satisfied that the proposed articles and other information are in accordance with the Act and these rules. <p>11.03(1) A corporation may apply to the executive director for a licence for the corporation.</p> <p>(2) The executive director may issue a licence for the corporation pursuant to Part III.1 of the Act.</p> <p>11.07(1) A corporation may apply to the executive director for cancellation of a licence for the corporation.</p> <p>(2) The executive director may cancel a licence for the corporation.</p>
<p>Legal Profession Act Prince Edward Island</p> <p>The Regulations of the Law Society of Prince Edward Island</p> <p>The regulations under this Act are more in the nature of</p>	<p>6(1) The council shall manage the affairs of the society.</p> <p>(2) The council may (a) make procedures, guidelines and policies for the better administration of the society; (b) determine the fiscal year of the society; (c) impose a fee or special levy on members of the society for such purposes as the council may determine.</p> <p>(3) The council shall employ a secretary-treasurer who shall be a member in good standing.</p> <p>7(1) The council shall consist of (a) the officers of the society, namely, the president, past president, vice-president and secretary-treasurer.</p> <p>19(4) No individual shall be considered to be an articulated clerk until the individual's articles of clerkship have been filed with the secretary-treasurer.</p>

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<p>rules or bylaws.</p> <p>There is a Secretary-Treasurer rather than a Registrar or Executive Director.</p>	<p>36.1(1) A corporation that intends to carry on the practice of a barrister, solicitor or attorney shall apply for a permit in accordance with the regulations.</p> <p>(2) The secretary-treasurer may issue a permit to a corporation to carry on the practice of barrister, solicitor or attorney in accordance with the regulations.</p> <p>(3) The secretary-treasurer may refuse, place conditions on, suspend or revoke a permit issued under this section in accordance with the regulations.</p> <p>From The Regulations of the Law Society of Prince Edward Island <i>which can be found at</i> http://www.lspei.pe.ca/links_pubs_and_forms.php</p> <p><i>Some of the relevant provisions include the following: subsection 6(1), 7(1) and (2), 16(1)-(7), 17(4) and (7), 23(4), 24(5), 25(2), 26(2), 28(4), 47(1)-(3), 48(4)-(5), 49(3)-(4), 50(3)-(4), 52(4), and 53(4)-(5)</i></p>
<p>Legal Profession Act Northwest Territories</p> <p>Rules of the Law Society of Northwest Territories</p> <p>There is a Secretary but no Executive Director or Registrar.</p> <p>"Executive" means the regulating body of the Society.</p>	<p>6(1) The members of the Executive shall choose from among themselves the officers of the Society, namely, the President, the Vice-President, the Secretary and the Treasurer, and the offices of the Secretary and Treasurer may be held by the same person.</p> <p>(2) The Executive may appoint a Deputy Secretary or a Deputy Secretary-Treasurer who, unless otherwise provided in the rules, may exercise the powers and shall perform the functions and duties of the Secretary and Treasurer.</p> <p>16(1) The Executive shall evaluate the academic qualifications of every applicant for admission as a member of the Society and may, in its discretion, administer a special examination to any applicant.</p> <p>17(1) An applicant for admission to the Society as a student-at-law shall obtain from the Secretary a certificate as to the compliance by the applicant with the rules respecting the admission of students-at-law.</p> <p>21(1) When a person has been approved by the Executive as a member of the Society and the admission fee fixed by the rules has been paid, the Secretary shall issue to that person a certificate to that effect.</p> <p>(3) When the applicant for admission has taken and subscribed the oath set out in subsection (2), the Clerk or Deputy Clerk of the Nunavut Court of Justice shall issue a certificate to that effect and send it without delay to the Secretary who shall enroll the applicant as a member of the Society.</p> <p>(4) Where an applicant for admission has been granted a restricted appearance certificate under the rules, the Secretary shall enroll the applicant as a member of the Society.</p> <p>From the Rules of the Law Society of Northwest Territories</p> <p>1(1) "Secretary", unless the context otherwise requires, includes the Deputy Secretary</p> <p>20 The Secretary and either the President or the Vice-President shall sign minutes approved by the Executive.</p> <p>23 The Secretary shall (a) keep minutes of the proceedings of Executive meetings; (b) prepare or have prepared the certificates and other documents pertaining to the Society; (c) serve as custodian of the documents and correspondence belonging to or filed with the Society; and (d) perform any other duty or service incidental to the office of Secretary.</p>

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	<p>40(1) An applicant for admission under paragraph 18(1)(b) of the Act [called in another province or territory] may apply for membership as an active member or an inactive member and shall submit to the Secretary.</p> <p>41(1) An applicant for admission as a student-at-law under subsection 17(1) of the Act [students-at-law] shall submit to the Secretary.</p> <p>47(1) Where a student-at-law is not admitted as a member of the Society within two years after the completion of the term of his or her articles or after the requirement to serve articles is waived under subsection 16(2) of the Act, the Secretary may serve on the student-at-law a written notice to show cause before the Admissions Committee, at the time and place specified in the notice, why the Admissions Committee should not recommend that the student-at-law's name be struck from the Record.</p> <p>49 A student-at-law may apply for membership at the completion of his or her articles as an active member or an inactive member and shall, in addition to any other requirements for membership, submit to the Secretary.</p> <p>51(2) An applicant under sub rule (1) [re restricted appearance certificate] shall submit to the Secretary.</p> <p>(3) On the recommendation of the Secretary, or on the recommendation of the Admissions Committee in respect of an application referred to the Admissions Committee, the Executive may, if it considers that the nature or circumstances of the matter or matters warrant, grant a Restricted Appearance Certificate in Form 2.17 to the applicant to act or appear as an active member in the matter or matters in respect of which the applicant has applied to act or appear.</p> <p>52(2) An applicant for admission as a Canadian legal advisor shall submit to the Secretary.</p> <p>(3) On the recommendation of the Secretary, or on the recommendation of the Admissions Committee in respect of an application referred to the Admissions Committee, the Executive may grant a Canadian legal advisor certificate to the applicant to act or appear as an active member who is a Canadian legal advisor.</p> <p>53(1) An applicant for admission as a law student shall submit to the Secretary.</p> <p>(2) The Secretary may, on the recommendation of the Admissions Committee, (a) enrol as a law student an applicant who applies under sub rule (1); and (b) grant temporary articles to that law student.</p> <p>(8) The Secretary may revoke temporary articles at any time and for any reason without giving notice to the law student and without holding a hearing.</p> <p>54(3) Where an application for admission under rule 40, 41, 49, 51, 52 or 53 is not approved or is withdrawn, the Secretary shall refund all fees and levies paid by the applicant other than the application fee, which is forfeited to the Society.</p> <p>56(1) The Secretary shall refer each application made under rule 40, 41, 49, 51, 52 or 53 and may refer the application to the Admissions Committee, which shall notify the Executive whether approval of the application is recommended and, if not recommended, the reasons therefor.</p> <p>(7) On enrolling a person as a member of the Society under subsection 21(3) or (4) of the Act, the Secretary shall provide (a) a Certificate of Enrollment in Form 2.16, a Restricted Appearance Certificate in Form 2.17 or a Canadian Legal Advisor certificate in Form 2.18, as is appropriate; and (b) an Annual Certificate in Form 2.19.</p> <p>61 The Secretary shall issue an Annual Certificate in Form 2.19 to each active member who has renewed his or</p>

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	<p>her membership.</p> <p>83 (1) A member suspended for a specified period of time under section 30 of the Act shall be reinstated at the conclusion of the period, if the Secretary is satisfied that the member (a) has paid any fines or costs levied within the time fixed for payment; (b) has paid any fees and levies owed by the member; and (c) has submitted any other documents that may be required by these Rules.</p> <p>(2) Where articles of a student-at-law are suspended for a specified period of time under section 31 of the Act, the articles shall be reinstated at the conclusion of the period on the Secretary being satisfied that the student-at-law has paid any fines or costs levied within the time fixed for payment.</p> <p>(3) Where the articles of a student-at-law are reinstated under this rule, the Executive, on the recommendation of the Admissions Committee, shall determine what further period the student-at-law is required to serve under his or her articles.</p> <p>84 (1) Where a member is suspended under these rules and the suspension continues for five years, the member ceases to be a member and his or her name shall be struck from the Roll.</p> <p>(2) The Secretary shall (a) make a note on the Roll adjacent to the name of each member who is suspended under the Act or these rules or whose name has been struck under sub rule (1); and (b) provide notice of the suspension or striking off to the member, the law societies of each province and territory and the clerks or registrars of the Supreme Court, the Territorial Court, the Federal Court of Canada and the Supreme Court of Canada.</p> <p>144 Where a member proposes to register as an LLP under Part III.1 of the Partnership Act, (a) the member shall submit to the Secretary, (b) the Secretary shall endorse on the application or shall issue a statement of the Society's certification under paragraph 102.8(4)(h) of the Partnership Act.</p> <p>145 Where a partnership has a status substantially equivalent to an LLP under the laws of a jurisdiction other than the Northwest Territories and consists of one or more partners, whether individuals or professional corporations that carry on the practice of law, and that partnership proposes to register as an extra-territorial LLP under Part III.2 of the Partnership Act, (a) that partnership shall submit to the Secretary, (b) the Secretary shall endorse on the application or issue a statement of the Society's certification under paragraph 102.25(3)(j) of the Partnership Act .</p> <p>147 The Secretary shall not endorse an application under rule 144 or 145 if the applicant partnership has one or more partners, whether individuals or professional corporations, that are not entitled to carry on the practice of law.</p> <p>148 The Secretary, or any other person so authorized by the Executive from time to time, shall provide notification to the Registrar of Corporations in accordance with the Partnership Act if the Society becomes aware of the failure of an LLP or one or more of its partners to maintain compliance with the requirements imposed on an LLP and its partners under these rules and the Act.</p> <p>152(3) Where the Secretary approves of the registration of a professional corporation as a territorial law professional corporation, he or she shall endorse the Form 10.1 submitted under paragraph (2)(a), to state that</p>

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	<p>the professional corporation is registered as a territorial law professional corporation.</p> <p>153(3) Where the Secretary approves of the registration of a professional corporation as an extraterritorial law professional corporation, he or she shall endorse the Form 10.2 submitted under paragraph (2)(a), to state that the professional corporation is registered as an extra-territorial law professional corporation.</p>
<p>Legal Profession Act Yukon</p> <p>Rules of the Law Society of Yukon</p> <p>There is one regulation under this Act: Recognized Law Schools Regulation</p> <p>There is a Secretary but no Executive Director or Registrar.</p> <p>The Act speaks primarily in terms of the powers and duties of the Executive and the Society. The appointment and the powers and duties of the individual officers are addressed in the Rules.</p>	<p>4(1) The affairs of the society shall be managed and conducted by an executive which shall be composed of at least six persons.</p> <p>5(1) The executive, for and on behalf of the society and subject to this Act and the rules, has the power to ...</p> <p>10(1) From among the members of the executive there shall be a president and any other officers of the society that the rules provide, and the president and those other officers shall be selected in the manner provided by the rules.</p> <p>(3) The executive may appoint deputy executive officers who may, unless otherwise provided in the rules, exercise and perform those powers, functions, and duties of an officer that the executive assigns to them.</p> <p>22(1) When a person has been approved by the executive as a member and the prescribed admission fee has been paid, the executive shall issue to that person a certificate to that effect.</p> <p>From the Rules of the Law Society of Yukon</p> <p>11 At each election of the Executive the members as defined in Rule 22 shall elect: (a) a President; (b) a 1st Vice-President; (c) a 2nd Vice-President; (d) a Treasurer; (e) a Secretary.</p> <p>16 The Secretary shall perform all duties usual to the office of Secretary and without restricting the generality of the foregoing shall: (a) record and keep the minutes of all meetings of the Executive and all general meetings of the Society (b) present all minutes of meetings at the next appropriate meeting for amendment and adoption as required (c) issue all notices, certificates, documents or other forms required to be executed by the Society pursuant to the Act or these Rules (d) subject to Rule 15(d), act as the custodian of all documentation and correspondence the property of, seized by, or filed with the Society (e) act as the custodian of the Seal and Roll of the Society (f) record and maintain in current status all of the information required to be set out in the Roll, Professional Conduct Record, Student Record and Professional Corporations Record (g) perform all such other duties as may from time to time be required by resolution of the Executive (h) see to the implementation of and supervise all of the practices and procedures designated in the Act and these Rules in respect of the admission of both students-at-law and members</p> <p>45 On the date of completion by any person of all of the requirements for admission to the Society as provided in the Act and these Rules, the Secretary shall enter or cause to be entered in the Roll all of the information as set out in Rule 44 above and, thereafter, the said person shall be deemed to be enrolled as a member of the Law Society.</p>

Legislation	Relevant Provisions
	<p>46 In addition to the Roll the Secretary shall maintain a record to be called the “Professional Conduct Record” which shall consist of a file in respect of each member of the Society.</p> <p>52 Where a member or former member has failed to complete one or more of the requirements of the Act or these Rules in respect of enrollment or continued membership or good standing in the Society, the Secretary shall, upon the written request of the member or former member, and payment of the prescribed fee issue a Certificate of Standing in Form 5 containing an endorsement of any deficiency in respect of which the member or former member is not in good standing.</p> <p>60(1) Any applicant for admission to the Society as a student-at-law shall furnish to the Secretary.</p> <p>61 Upon completion by any applicant of all of the requirements for admission to the Society as a student-at-law the Secretary shall issue to the applicant a Certificate of Admission as a student-at-law in Form 8.</p> <p>78 (c) all examinations shall be marked forthwith upon their completion by the person designated to do so by the Executive and in the event that any candidate receives a mark of less than 70%, his or her paper shall be remarked by the Secretary or his or her appointee whose assessment shall be final.</p> <p>90 Each newly elected Executive shall appoint a Chair and members of each of the following standing committees:</p> <p>(a) a Discipline Committee to assist the Vice-President (Discipline) in the implementation and supervision of all practices and procedures about the conduct of members designated in the Act and these Rules.</p> <p>(b) a Continuing Legal Education Committee which shall assist the Second Vice-President in the implementation and supervision of all of the practices and procedures designated in the Act and these Rules for the legal education of both students-at-law and members.</p> <p>(c) a Special Fund Committee to supervise and administer all aspects of the Special Fund as designated in the Act and these Rules.</p> <p>(d) an Audit Committee, which shall assist the Executive in the implementation and supervision of all practices and procedures required by Division 4 of the Act and these Rules.</p> <p>91 The Executive may, in its discretion, appoint any other committees and may fill any vacancies on or add to any committee from time to time.</p> <p>207 Any materials, forms or other documents required to be delivered or filed in respect of any application concerning a professional corporation shall be delivered to the Secretary of the Society who shall thereupon bring such document to the attention of the Executive for consideration.</p> <p>212 Upon being satisfied that a professional corporation has completed all of the requirements set out in section 88 of the Act and in these Rules, the Secretary shall, on or before the 31st day of December in any year issue to the corporation an annual renewal certificate in Form 36.</p>

Appendix 10 – Analysis Regarding Authority to Delegate

Not all legislation for self-regulated professional organizations in Alberta contains clear statements on the express authority of the Registrar. In some cases, general references to such duties are specified in the Act or assigned by Council (Appendix 3A). In other cases, clear provisions are included (see British Columbia in Appendix 6A), often in the bylaws of the professional association (Appendix 5).

Delegation is specifically addressed in Alberta's *Health Professions Act* (HPA) (Appendix 5). The *HPA* expressly states that, subject to the bylaws, a person or committee to whom a power or duty is given under the Act or the bylaws may delegate that power or duty to one or more other persons or committees, and conditions may be imposed on the delegation. The *HPA* also expressly identifies certain powers and duties of certain persons and committees that cannot be delegated. Furthermore, certain powers of the Registrar can be delegated to an inspection committee if council establishes one. The *Agrology Profession Act* and the *Regulated Forestry Profession Act* in Alberta were structured and worded similar to the *Health Professions Act*.

Under Alberta's *Regulated Accounting Profession Act*, it is expressly stated that when an accounting organization is given a power, duty, or function, it is to be carried out by its governing body or the individual, committee, or other body prescribed by the governing body. Furthermore, that delegated power, duty or function may be sub-delegated, unless the governing body prescribes otherwise. That legislation also expressly states that any power, duty or function under the bylaws may be delegated or sub-delegated.

Under the *Legal Profession Act*, The Law Society of Alberta has an Executive Director rather than a Registrar. The Act contains specific provisions regarding the delegation of the Executive Director's powers and duties, including delegation to employees of the Society. In parts of the Rules of the Law Society of Alberta, the Executive Director definition includes employees holding certain positions or any other person designated by the Executive Director to perform any of his or her duties.

The provisions of some legislation indicate that a Deputy or Acting Registrar has all of the powers and can perform all of the duties of the Registrar when those powers and duties have been delegated to them. Some legislation also contains statements that a reference to Council, an officer, person or committee includes any delegate of those entities or individuals.

If legislation governing APEGA is changed so that the authority and duties of the Registrar are clearly expressed and expanded, practical limits should be considered to avoid bias. For example, if the Registrar is presenting evidence or taking an advocacy position before a statutory board or committee, the Registrar should not have a role in appointing members to that board or committee.

Regarding outlining sub-delegation of authority in the Act or Regulations (as opposed to an assignment of general duties not itemized in the governing legislation), it is recommended to add specific wording to allow a sub-delegate to sub-delegate further (e.g., Section 19 of the *Health Professions Act* (Appendices 4 and 5).

It is important that the wording to permit delegation be phrased broadly. If the wording is narrow, permitting the delegation of only certain functions, it is likely that a court would read the statute as limiting the power to delegate to only the specific matters referred to in the legislation.