

APPENDIX

Engineering, Geological and Geophysical Professions Act

ASET REGULATION

Table of Contents

- 1 Definitions

Part 1 Membership in ASET

Division 1 General

- 2 Application
3 Annual fees
4 Non-payment
5 Registers and records

Division 2 Students

- 6 Eligibility
7 Striking from record

Division 3 Examination Candidates

- 8 Eligibility
9 Striking from record

Division 4 Members-in-training

- 10 Definition
11 Eligibility
12 Striking from record

Division 5 Regulated Members

- 13 Eligibility
14 Designations

Division 6 ASET Board of Examiners

- 15 ASET Board of Examiners constitution

Part 2 Continuing Education Program and Practice Reviews

Division 1 Continuing Professional Development Program

- 16 Education program established
17 Mandatory compliance



- 18 Exemption
- 19 Written records
- 20 Striking from register
- 21 Proof of compliance

Division 2
ASET Practice Review Board

- 22 ASET Practice Review Board constitution
- 23 Items considered
- 24 Investigation by ASET Practice Review Board
- 25 Report to ASET Council

Part 3
ASET Council

- 26 President and Vice-presidents — election and powers
- 27 Quorum
- 28 Other boards, committees and task forces

Part 4
Code of Ethics

- 29 Application and availability

Part 5
Discipline

- 30 Aware of unprofessional conduct

Division 1
ASET Investigative Committee

- 31 ASET Investigative Committee
- 32 Public member
- 33 Term of office
- 34 Quorum
- 35 Adjournment of investigation if court proceedings commenced
- 36 Assistance in conducting preliminary investigation

Division 2
ASET Discipline Committee

- 37 ASET Discipline Committee
- 38 Public member
- 39 Term of office
- 40 Quorum
- 41 Panel of the ASET Discipline Committee
- 42 Right to counsel

Division 3
ASET Appeal Board

- 43 ASET Appeal Board
- 44 Term of office
- 45 Quorum
- 46 Right to counsel

**Division 4
General Matters**

- 47 Publication
- 48 Reinstatement of disciplined individuals

**Part 6
General**

- 49 Use of stamps and seals issued to members
- 50 Publications on professional services
- 51 Membership register
- 52 Service of notices
- 53 Expiry
- 54 Coming into force

Schedule

Definitions

1 In this Regulation,

- (a) “Act” means the *Engineering, Geological and Geophysical Professions Act*;
- (b) “certified technician” means an individual who holds a certificate of registration as a certified technician granted by the ASET Board of Examiners under the Act;
- (c) “certified technologist” means an individual who holds a certificate of registration as a certified engineering technologist, applied science technologist or certified computer information technologist granted by the ASET Board of Examiners under the Act;
- (d) “registered engineering technologist” means an individual who holds a certificate of membership as a registered engineering technologist under Part 9 of the *General Regulation* (AR 150/99) immediately before the coming into force of this Regulation;
- (e) “regulated member” means
 - (i) a certified technician,
 - (ii) a certified technologist, or
 - (iii) except in sections 13, 14 and 15(5) and (8), a registered engineering technologist.

Part 1 Membership in ASET

Division 1 General

Application

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

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

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

Annual fees

3 A person who is entered in a record or register under this Part or Part 9 of the *General Regulation* (AR 150/99) shall pay any annual fees that are prescribed by ASET Council pursuant to the ASET bylaws.

Non-payment

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

Registers and records

5 The ASET Registrar shall keep and maintain records and registers for regulated members and other ASET members.

Division 2 Students

Eligibility

6(1) A person who meets the following requirements and applies to the ASET Registrar for registration is entitled to be enrolled as a student:

- (a) the applicant is of good character and reputation;
- (b) the applicant
 - (i) is enrolled as a full-time student in an applied science, information or engineering technology program that is recognized by the ASET Board of Examiners, or
 - (ii) is a regulated member who returns to full-time education in an applied science, information or engineering technology program that is recognized by the ASET Board of Examiners.

(2) The ASET Board of Examiners may establish what part, if any, of a program referred to in subsection (1) an applicant must have successfully completed in order to be enrolled as a student.

Striking from record

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

- (a) if ASET Council considers that the student has engaged in behaviour that constitutes unprofessional conduct,
- (b) if the student ceases to be enrolled in a program referred to in section 6(1)(b), or
- (c) if the registration was entered in error in the register.

Division 3 Examination Candidates

Eligibility

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

- (a) the applicant is of good character and reputation;

- (b) the applicant is a graduate of
 - (i) an applied science, information or engineering technology program that is recognized by the ASET Board of Examiners, or
 - (ii) a related academic program that is recognized by the ASET Board of Examiners,

but the ASET Board of Examiners has required the applicant to either complete educational upgrading, examinations or other assessment activities for the purpose of correcting a perceived academic deficiency or acquire additional experience in work of an applied science, information or engineering technology nature.

Striking from record

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

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

(2) Subject to subsection (3), no person may remain on the record of examination candidates for more than 5 years.

(3) The ASET Registrar may extend the period referred to in subsection (2) to not more than a total of 7 years.

(4) A person whose name is struck from the record is no longer eligible to proceed with the educational upgrading, examinations or other assessment activities.

Division 4 Members-in-Training

Definition

10 In this Division, “member-in-training” means a technician-in-training or a technologist-in-training.

Eligibility

11(1) A person who meets the following requirements and applies to the ASET Registrar for registration is entitled to be admitted as a member-in-training:

- (a) the applicant is of good character and reputation;
- (b) the applicant is
 - (i) a graduate of an applied science, information or engineering technology program that is recognized by the ASET Board of Examiners, but does not have the work experience required for registration as a regulated member, or
 - (ii) is a member-in-training or the equivalent of a member-in-training in good standing with a regulated entity in another province that is in the opinion of the ASET Board of Examiners equivalent to ASET.

(2) Notwithstanding subsection (1), a person may not be admitted as a member-in-training if at the time of application the person is qualified to be registered as a regulated member.

Striking from record

12(1) ASET Council may direct the ASET Registrar to strike the name of a member-in-training from the record of members-in-training

- (a) if ASET Council considers that the member-in-training has engaged in behaviour that constitutes unprofessional conduct,
- (b) if, in the opinion of the ASET Board of Examiners, the member-in-training fails to make satisfactory progress toward registration as a regulated member, or
- (c) if the registration was entered in error in the register.

(2) Subject to subsection (3), no person may remain on the record of members-in-training for more than 4 years after graduation.

(3) The ASET Registrar may extend the period referred to in subsection (2).

Division 5 Regulated Members

Eligibility

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

- (a) the applicant is a Canadian citizen or is lawfully entitled to work in Canada;
- (b) the applicant is of good character and reputation;
- (c) the applicant has a knowledge of the Act and the regulations under the Act, and general knowledge related to the practice of applied science, information or engineering technology, which has been demonstrated by passing an examination that is prescribed by the ASET Board of Examiners;
- (d) the applicant demonstrates to the ASET Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practise the profession of applied science, information or engineering technology;
- (e) the applicant meets one of the following requirements:
 - (i) the applicant has obtained at least 2 years of experience in work of an applied science, information or engineering technology nature that is acceptable to the ASET Board of Examiners;
 - (ii) the applicant is admitted as an examination candidate and
 - (A) has completed the educational upgrading, examinations or other assessment activities referred to in section 8(b), and
 - (B) has obtained at least 2 years of experience in work of an applied science, information or engineering technology nature that is acceptable to the ASET Board of Examiners;
 - (iii) the applicant has, in the opinion of the ASET Board of Examiners, through a combination of academic

qualification and experience demonstrated the competence required for registration as a regulated member.

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

- (a) the applicant is of good character and reputation, and
- (b) the applicant is a regulated member or the equivalent of a regulated member in good standing with a regulated entity in another province that is in the opinion of the ASET Board of Examiners equivalent to ASET.

Designations

14(1) A person who meets the requirements for registration under section 13 and is entitled to be registered as a regulated member shall be granted one of the following designations as determined by the ASET Board of Examiners:

- (a) certified technician;
- (b) certified engineering technologist;
- (c) applied science technologist;
- (d) certified computer information technologist.

(2) Only those regulated members who are granted one of the designations as set out in subsection (1), and whose registration has not been cancelled or suspended, may use such designation or the following abbreviations:

- (a) C. Tech;
- (b) C.E.T.;
- (c) A.Sc.T.;
- (d) C.C.I.T.

Division 6 ASET Board of Examiners

ASET Board of Examiners constitution

15(1) ASET Council shall appoint no more than 20 regulated members to the ASET Board of Examiners.

- (2) The term of appointment for members of the Board of Examiners is 3 years, and they may be reappointed.
- (3) ASET Council shall appoint a Chair and a Vice-Chair of the Board of Examiners.
- (4) The term of office for the Chair and Vice-Chair is 3 years and they may be reappointed.
- (5) The ASET Board of Examiners shall meet as is necessary to rule on applications for registration as a regulated member in accordance with section 93.1 of the Act.
- (6) A quorum of the ASET Board of Examiners is one quarter of its members.
- (7) The ASET Board of Examiners may appoint individuals from academic institutions and industry to a Panel of Examiners to advise the Board of Examiners on the academic qualifications of applicants.
- (8) In addition to considering applications for registration as a regulated member, the ASET Board of Examiners shall meet as necessary to consider matters of policy, significant changes in procedure and other matters referred to it by ASET Council.
- (9) The ASET Board of Examiners and the Panel of Examiners have the power to consult with any persons or organizations in order to properly assess the work experience and academic qualifications of applicants.

Part 2 Continuing Education Program and Practice Reviews

Division 1 Continuing Professional Development Program

Education program established

16(1) ASET Council establishes the Continuing Professional Development Program of ASET as the compulsory continuing education program for regulated members.

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

- (3)** The Continuing Professional Development Program comprises
- (a) self-assessment by regulated members of their individual professional development needs,
 - (b) the preparation by regulated members of a continuing professional development plan,
 - (c) self-directed professional development activities,
 - (d) the ability of the ASET Practice Review Board to require that regulated members demonstrate compliance with the Continuing Professional Development Program, and
 - (e) practice visits in accordance with section 21(2)(a).
- (4)** ASET Council shall make rules governing the operation of the Continuing Professional Development Program, including, without limitation, the following:
- (a) the format of the Continuing Professional Development Plan;
 - (b) the approval of programs, courses and other learning activities that may be completed as part of the self-directed continuing professional development;
 - (c) declarations by regulated members that they have developed a Continuing Professional Development Plan and declarations with respect to the professional development activities that have been undertaken in accordance with the plan;
 - (d) audits of regulated members to ensure that Continuing Professional Development Plans have been prepared and that the professional development activities are being undertaken in accordance with the Continuing Professional Development Plan;
 - (e) the written records that must be maintained by regulated members with respect to their Continuing Professional Development Plan and activities undertaken in accordance with that plan.
- (5)** ASET Council may determine when the Continuing Professional Development Program comes into effect for regulated members.

Mandatory compliance

17 A regulated member shall comply with the requirements of the Continuing Professional Development Program as it applies to that person's profession of applied science, information technology or engineering technology.

Exemption

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

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

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

(4) A regulated member who has filed a declaration under subsection (1) shall immediately notify ASET in writing if that person intends to resume the practice of the profession.

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

Written records

19(1) In accordance with the rules established by ASET Council, regulated members shall develop and maintain written records of their Continuing Professional Development Plan and professional development activities.

(2) Regulated members shall produce the records under subsection (1) on the request of the ASET Practice Review Board.

Striking from register

20 ASET Council may direct the ASET Registrar to strike from the register of regulated members the name of a person who fails to comply with a request that is served on the regulated member under section 19(2).

Proof of compliance

21(1) On the request of the ASET Practice Review Board, a regulated member shall satisfy the Board that that person is complying with the requirements of the Continuing Professional Development Program.

(2) Where a regulated member fails to satisfy the ASET Practice Review Board under subsection (1), the Board may

- (a) conduct a review of the practice of that person in accordance with the Act and this Regulation, including practice visits, and
- (b) at any time during a review recommend to the ASET Investigative Committee that the review be conducted by the ASET Investigative Committee under Part 8, Division 5 of the Act as if the recommendation were a written complaint.

Division 2
ASET Practice Review Board

ASET Practice Review Board constitution

22(1) ASET Council shall appoint not fewer than 4 regulated members as members of the ASET Practice Review Board.

(2) ASET Council shall designate one of the regulated members as chair.

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

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

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

(6) Where a vacancy occurs in the ASET Practice Review Board, ASET Council shall appoint a regulated member to the position for the unexpired portion of the term.

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

- (a) shall not appoint a regulated member unless the regulated member has at least 5 years of experience in the practice

of the professions of applied science, information technology or engineering technology, and

- (b) shall appoint regulated members so that the membership will represent a combination of academic qualifications and experience such that the ASET 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 ASET, and advise ASET Council on those matters.

Items considered

23(1) The ASET Practice Review Board shall meet at least twice each year, and more frequently if the chair considers it necessary, to consider

- (a) items referred to the ASET Practice Review Board by ASET Council, the ASET Board of Examiners or the ASET Discipline Committee,
- (b) reports from the ASET Registrar submitted under subsection (2),
- (c) items that have come to the attention of the ASET Practice Review Board from other sources and that reflect a need to review the procedures of ASET with respect to registration, discipline or maintenance of professional competency, and
- (d) any other items that may be considered by the ASET Practice Review Board pursuant to the Act.

(2) The ASET Registrar shall submit at each regular meeting of the ASET Practice Review Board a report setting out

- (a) the number and nature of appeals and complaints relating to rulings of the ASET Board of Examiners, and
- (b) the number and nature of complaints dealt with under Part 8, Division 5 of the Act and the disposition of the complaints, with special emphasis on cases reflecting on the competency of members of ASET.

Investigation by ASET Practice Review Board

24(1) If the ASET Practice Review Board undertakes a review of the practice of a regulated member or permit holder, it shall proceed with the review in accordance with this section.

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

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

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

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

(5) For the purposes of conducting an investigation under this section, any or all of the members of the ASET Practice Review Board may, in order to ensure that continuing competence requirements are met, do one or more of the following:

- (a) subject to subsection (6), at any reasonable time and on having given notice, conduct a practice visit by entering and inspecting any place where the regulated member works in the profession of applied science, information technology or engineering technology;

- (b) interview a regulated member about the member's work in the profession of applied science, information technology or engineering technology;
- (c) observe the regulated member working in the profession of applied science, information technology or engineering technology;
- (d) interview or survey clients, co-workers, the regulated member's employer or the regulated member about the regulated member's work in the profession of applied science, information technology or engineering technology;
- (e) review documents and examine substances and things that
 - (i) are owned by or under the control of the regulated member, and
 - (ii) are related to the work in the profession of applied science, information technology or engineering technology by the regulated member;
- (f) assess the safety and condition of equipment and technology used by the regulated member.

(6) No member of the ASET Practice Review Board may enter a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except with the consent of the occupant of the dwelling place.

Report to ASET Council

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

Part 3 ASET Council

President and Vice-presidents — election and powers

26(1) The President of ASET must be elected annually by the members of ASET in accordance with the bylaws and holds office until a successor is elected.

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

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

(4) The 2 Vice-presidents must be elected annually by the members of ASET in accordance with the bylaws and hold office until a successor is elected.

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

Quorum

27(1) A quorum for meetings of ASET Council is a majority of its members.

Other boards, committees and task forces

28(1) In addition to the ASET Discipline Committee, ASET Investigative Committee, ASET Board of Examiners, ASET Practice Review Board, ASET Appeal Board and Executive Committee, ASET Council may appoint any other standing or special committees, task forces or boards that it considers necessary to serve the interests of ASET, and shall at the time of the appointment, delegate any authority it considers necessary for the committees, task forces or boards to perform their function.

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

Part 4 Code of Ethics

Application and availability

- 29(1)** Regulated members shall comply with the Code of Ethics in the Schedule to this Regulation.
- (2)** ASET may publish interpretations of the rules comprising the Code of Ethics and distribute them to regulated members.
- (3)** ASET shall make the Code of Ethics available on request to members of the public.

Part 5 Discipline

Aware of unprofessional conduct

30 Despite not receiving a complaint under section 43 of the Act, but subject to section 43(3) of the Act, if the ASET Registrar has reasonable grounds to believe that the conduct of a regulated member or former member constitutes unprofessional conduct or unskilled practice, the ASET Registrar may treat the information as a complaint and act on it under section 43 of the Act.

Division 1 ASET Investigative Committee

ASET Investigative Committee

- 31(1)** ASET Council shall appoint at least 3 regulated members to the ASET Investigative Committee.
- (2)** ASET Council shall designate one regulated member as the chair of the ASET Investigative Committee.
- (3)** The chair or, in the absence of the chair, a majority of the members of the ASET Investigative Committee may appoint an acting chair who has all the powers of the chair in the absence of the chair.

Public member

- 32(1)** The Minister shall appoint one member of the public, from a list of persons nominated by the Council, to the ASET Investigative Committee.
- (2)** The Minister may, after consultation with the Council, revoke the appointment of the member of the public.

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

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

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

Term of office

33(1) The term of office of each member of the ASET Investigative Committee is 3 years, and members may be reappointed.

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

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

Quorum

34 A quorum of the ASET Investigative Committee consists of a majority of its members.

Adjournment of investigation if court proceedings commenced

35 A preliminary investigation under Part 5 of the Act may be adjourned if the complaint that gave rise to the investigation is the subject of judicial proceedings.

Assistance in conducting preliminary investigation

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

Division 2
ASET Discipline Committee

ASET Discipline Committee

37(1) ASET Council shall appoint at least 3 regulated members to the ASET Discipline Committee.

(2) ASET Council shall designate a regulated member as the chair of the ASET Discipline Committee.

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

Public member

38(1) The Minister shall appoint one member of the public, from a list of persons nominated by ASET Council, to the ASET Discipline Committee.

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

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

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

(4) The Minister may pay to the member of the public appointed to the ASET Discipline Committee travelling and living expenses incurred by that member for attendance at meetings of the ASET

Discipline Committee away from the member's usual place of residence and fees in an amount prescribed by the Minister.

Term of office

39(1) The term of office of each member of the ASET Discipline Committee is 3 years, and members may be reappointed.

(2) Where there is a vacancy in the regulated members on the ASET Discipline Committee, ASET Council may appoint a person to fill the vacancy for the unexpired portion of the term.

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

Quorum

40 A quorum of the ASET Discipline Committee consists of a majority of its members.

Panel of the ASET Discipline Committee

41(1) A panel of the ASET Discipline Committee must consist of at least 3 members of the ASET Discipline Committee.

(2) A member of the ASET Discipline Committee who has been designated to act as a case manager under sections 52(1) and 94.4 of the Act in respect of a matter must not sit as part of the panel of the ASET Discipline Committee that is hearing the matter under section 53 of the Act.

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

Right to counsel

42(1) The ASET Discipline Committee may be advised by counsel at a hearing before the ASET Discipline Committee.

(2) If the ASET Discipline Committee is advised by counsel acting on behalf of the ASET Discipline Committee at a hearing, that counsel may not lead or present evidence or argument at the hearing on behalf of ASET nor be the counsel of the ASET Registrar.

Division 3 ASET Appeal Board

ASET Appeal Board

43(1) ASET Council shall appoint at least 3 regulated members as members of the ASET Appeal Board.

(2) ASET Council shall designate one regulated member as the chair of the ASET Appeal Board.

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

Term of office

44(1) The term of office of each member of the ASET Appeal Board appointed is 3 years, and members may be reappointed.

(2) Where there is a vacancy in the membership of the ASET Appeal Board appointed by ASET Council, ASET Council may appoint a regulated member to fill the vacancy for the unexpired portion of the term.

Quorum

45 A quorum of the ASET Appeal Board consists of a majority of its members.

Right to counsel

46(1) The ASET Appeal Board may be advised by counsel at an appeal hearing before the ASET Appeal Board.

(2) If the ASET Appeal Board is advised by counsel acting on behalf of the ASET Appeal Board at an appeal hearing, that counsel may not lead or present evidence or argument at the appeal hearing on behalf of the Investigative Committee nor be the counsel of the ASET Registrar or the Investigative Committee.

Division 4 General Matters

Publication

47 The ASET Discipline Committee or the ASET Appeal Board may direct that reports or summaries of disciplinary decisions, including the regulated member's personal information, be published in any manner it deems appropriate.

Reinstatement of disciplined individuals

48(1) A regulated member whose registration has been cancelled or a permit holder whose permit has been revoked under Part 5 of the Act as a result of the disciplinary proceedings may apply to ASET Council to be reinstated.

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

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

(4) ASET Council may require the former regulated member or permit holder to demonstrate by means prescribed by ASET Council that that person is competent to re-engage in the practice of applied science, information or engineering technology.

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

Part 6 General

Use of stamps and seals issued to members

49(1) A stamp or seal issued to a regulated member must at all times remain under that person's direct control and must be applied by the regulated member or by a person acting under the regulated member's immediate and direct control to all final plans, specifications, reports or documents of a professional nature

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

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

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

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

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

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

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

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

Publications on professional services

50(1) ASET may publish, on an annual basis or as directed by ASET Council, for the information of members and the public,

- (a) conditions of engagement and surveys of professional fees for particular types of applied science, information or engineering technology services,
- (b) a guide to the selection of applied science, information or engineering technology members for consulting services to assist clients in the selection of professionally and legally qualified consultants and consulting firms,
- (c) guides that define for clients the scope of professional services to be expected from regulated members, and

- (d) publications for the purpose of promoting high standards of professional services and adequate remuneration for those services, and the maintenance and improvement of the competency of members.

Membership register

51 ASET may publish, from time to time as directed by ASET Council, a register, in a format directed by ASET Council, of regulated members and permit holders.

Service of notices

52(1) If notice is required to be given to a person under the Act, this Regulation or the ASET bylaws, the notice is sufficiently given if

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

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

- (a) if it is served personally on that person, or
- (b) sent to that person by registered mail or courier at the address last shown for that person on the records of ASET.

(3) If personal service or service by prepaid mail under subsection (1) is not reasonably possible, the service is presumed to be effected by publishing the document or notice at least twice, not more than a week apart, in a local newspaper circulated at or near the latest address provided to the ASET Registrar by the person.

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

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

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

Expiry

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

Coming into force

54 This Regulation comes into force on the coming into force of the *Engineering, Geological and Geophysical Professions Amendment Act, 2007*.

Schedule

Code of Ethics (established pursuant to section 87.3(1)(j) of the Engineering, Geological and Geophysical Professions Act)

- 1** Regulated members shall
- (a) hold paramount the safety, health and welfare of the public, the protection of the environment and the promotion of health and safety within the workplace,
 - (b) undertake and accept responsibility for professional assignments only when qualified by training and experience,
 - (c) provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction,
 - (d) act with integrity towards clients or employers, maintain confidentiality and avoid a conflict of interest, but where

such conflict arises fully disclose the circumstances without delay to the employer or client,

- (e) uphold the principle of appropriate and adequate compensation for the performance of their work,
- (f) keep informed to maintain proficiency and competence, to advance the body of knowledge within their discipline and further opportunities for the professional development of their associates,
- (g) conduct themselves with fairness, honesty, courtesy and good faith towards clients, colleagues and others, give credit where it is due and accept, as well as give, honest and fair professional comment,
- (h) present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded,
- (i) report to the appropriate agencies any hazardous, illegal or unethical professional decisions or practices by other members or others, and
- (j) promote public knowledge and appreciation of applied science, information and engineering technology and protect ASET from misrepresentation and misunderstanding.