



Province of Alberta

ENGINEERING AND GEOSCIENCE PROFESSIONS ACT

Revised Statutes of Alberta 2000
Chapter E-11

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Engineering and Geoscience Professions Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Engineering and Geoscience Professions Act		
ASET.....	282/2009	56/2012
Engineering and Geoscience Professions General.....	150/99	37/2003, 8/2005, 72/2007, 281/2009, 346/2009, 55/1012
Professional Technologists.....	283/2009	57/2012

ENGINEERING AND GEOSCIENCE PROFESSIONS ACT

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

Definitions

- 1 In this Act,
- (a) "Appeal Board" means the Appeal Board established under section 18;
 - (a.1) "ASET Council" means the Council continued under section 87;
 - (b) "Association" means the Association of Professional Engineers and Geoscientists of Alberta;

- (c) “Board of Examiners” means the Board of Examiners established under section 30;
- (d) “certificate holder” means
 - (i) a joint firm, and
 - (ii) a restricted practitioner;
- (e) “Council” means the Council of the Association;
- (f) “Court” means the Court of Queen’s Bench;
- (g) “Discipline Committee” means the Discipline Committee established under section 45;
- (h) “Investigative Committee” means the Investigative Committee established by the Council pursuant to section 46;
- (i) “Joint Board” means the Joint Board of Practice under section 1 of Schedule 8 to the *Government Organization Act*;
- (i.1) “Joint Councils Committee” means the committee established by section 1.1;
- (j) “joint firm” means a firm to which a certificate of authorization has been issued under section 35;
- (k) “licensee” means an individual who holds a licence under this Act but does not include a professional licensee;
- (l) “member of the Association” means a person who is registered as a professional member or a member of a class or category of membership established under this Act;
- (m) “member of the public” means, in sections 14, 15 and 30, a person who is
 - (i) a Canadian citizen or who is lawfully admitted to Canada for permanent residence,
 - (ii) a resident of Alberta, and
 - (iii) not a professional member of the Association;
- (n) “member-in-training” means engineer-in-training or geoscientist-in-training, as the case may be;

- (o) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
 - (p) “permit holder” means a partnership or other association of persons or a corporation that holds a permit under this Act but does not include an ASET permit holder as defined in section 86.4;
 - (q) “practice of engineering” means
 - (i) reporting on, advising on, evaluating, designing, preparing plans and specifications for or directing the construction, technical inspection, maintenance or operation of any structure, work or process
 - (A) that is aimed at the discovery, development or utilization of matter, materials or energy or in any other way designed for the use and convenience of humans, and
 - (B) that requires in that reporting, advising, evaluating, designing, preparation or direction the professional application of the principles of mathematics, chemistry, physics or any related applied subject, or
 - (ii) teaching engineering at a university;
 - (r) “practice of geoscience” means
 - (i) reporting, advising, evaluating, interpreting, processing, geoscientific surveying, exploring, classifying reserves or examining related to any activity
 - (A) that relates to the earth sciences or the environment,
 - (B) that is aimed at the discovery or development of oil, natural gas, coal, metallic or non-metallic minerals, precious stones, other natural resources or water or that is aimed at the investigation of surface or subsurface conditions of the earth, and
 - (C) that requires, in that reporting, advising, evaluating, interpreting, processing, geoscientific surveying, exploring, classifying reserves or examining, the professional application of the principles of mathematics, chemistry, physics or biology through the application of the principles of geoscience,
- or

- (ii) teaching geoscience at a university;
- (s) repealed 2011 c3 s3;
- (t) “Practice Review Board” means the Practice Review Board established under section 15;
- (u) “profession” means the profession of engineering or geoscience, as the case may be;
- (v) “professional engineer” means an individual who holds a certificate of registration to engage in the practice of engineering under this Act but does not include
 - (i) a professional licensee (engineering), or
 - (ii) a professional technologist as defined in section 86.4(m);
- (w) “professional geoscientist” means an individual who holds a certificate of registration to engage in the practice of geoscience under this Act but does not include
 - (i) a professional licensee (geoscience), or
 - (ii) a professional technologist as defined in section 86.4(m);
- (x) repealed 2011 c3 s3;
- (x.1) “professional licensee” means a professional licensee (engineering) or a professional licensee (geoscience);
- (x.2) “professional licensee (engineering)” means an individual who holds a certificate of registration and an annual licence to engage in the practice of engineering within the scope of practice specified by the Board of Examiners;
- (x.3) “professional licensee (geoscience)” means an individual who holds a certificate of registration and an annual licence to engage in the practice of geoscience within the scope of practice specified by the Board of Examiners;
- (x.4) repealed 2011 c3 s3;
- (y) “professional member” means a professional engineer or professional geoscientist;
- (z) “Registrar” means the Registrar appointed under section 13;

- (aa) “restricted practitioner” means a registered architect under the *Architects Act* who holds a certificate of authorization under this Act.

RSA 2000 cE-11 s1;2007 c13 s2;2011 c3 s3

Joint Councils Committee

1.1(1) There is established a Joint Councils Committee composed of an equal number of members from the Executive Committees of the Council and ASET Council appointed respectively by the Council and ASET Council.

(2) The purposes of the Joint Councils Committee are to

- (a) discuss proposed amendments to this Act and new or proposed amendments to any regulations made under this Act;
- (b) provide a forum for discussion, collaboration and co-ordination with respect to matters of mutual interest to the Association and ASET;
- (c) perform any other function prescribed by this Act or any regulation made under this Act, or by agreement of the Council and ASET Council.

(3) The Joint Councils Committee shall meet and its procedure shall be governed by rules established by agreement of the Council and ASET Council.

(4) The Council and ASET Council may, by agreement, alter the composition of the Joint Councils Committee described in subsection (1).

2007 13 s3;2011 c3 s4

Part 1 Scope of Practice

Exclusive scope of the practice of engineering

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

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

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

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

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

- (a) a person engaged in the execution or supervision of the construction, maintenance, operation or inspection of any process, system, work, structure or building in the capacity of contractor, superintendent, foreman or inspector or in any similar capacity, when the process, system, work, structure or building has been designed by and the execution or supervision is being carried out under the supervision and control of a professional engineer or licensee;
- (b) a person engaged in the practice of engineering as an engineer-in-training or engineering technologist in the course of being employed or engaged and supervised and controlled by a professional engineer, licensee, permit holder or certificate holder;
- (c) repealed 2007 c13 s4;
- (d) a person who in accordance with an Act or regulation in respect of mines, minerals, pipelines, boilers and pressure vessels, building codes or safety codes for buildings is engaged in any undertaking or activity required under or pursuant to that Act or the regulations under that Act;
- (e) a person who, on the person's own property and for the person's sole use or the use of the person's domestic establishment, carries out any work that does not involve the safety of the public;
- (f) a member of the Canadian Forces while actually employed on duty with the Forces;
- (g) a person engaged or employed by a university whose practice of the profession consists exclusively of teaching engineering at the university.

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

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

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

a building set out in subsection (7).

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

- (a) a building, 3 storeys or less in height, for assembly occupancy or institutional occupancy that,
 - (i) in the case of a single storey building, has a gross area of 300 square metres or less,
 - (ii) in the case of a 2 storey building, has a gross area of 150 square metres or less on each floor, or
 - (iii) in the case of a 3 storey building, has a gross area of 100 square metres or less on each floor;
- (b) a building for residential occupancy that
 - (i) is a single family dwelling, or
 - (ii) is a multiple family dwelling, containing 4 dwelling units or less;
- (c) a building, 3 storeys or less in height, for residential occupancy as a hotel, motel or similar use that,
 - (i) in the case of a single storey building, has a gross area of 400 square metres or less,
 - (ii) in the case of a 2 storey building, has a gross area of 200 square metres or less on each floor, or
 - (iii) in the case of a 3 storey building, has a gross area of 130 square metres or less on each floor;

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

RSA 2000 cE-11 s2;2007 c13 s4

Exclusive use of name engineer

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

- (a) use
 - (i) the title “professional engineer”, the abbreviation “P. Eng.” or any other abbreviation of that title,
 - (i.1) repealed 2011 c3 s5,
 - (ii) the word “engineer” in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation, partnership or other entity is a professional engineer, licensee or permit holder,
- or
- (b) represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity
 - (i) is entitled to engage in the practice of engineering, or
 - (ii) is a professional engineer, licensee or permit holder.

(2) No individual, corporation, partnership or other entity, except a professional engineer, licensee or permit holder entitled to engage in the practice of engineering, shall affix the stamp or seal of a professional engineer or licensee or the permit number of a permit

holder or allow that stamp, seal or permit number to be affixed to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless

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

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

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

RSA 2000 cE-11 s3;2007 c13 s5;2011 c3 s5

Holding out by joint firm

4 A joint firm

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

1981 cE-11.1 s4

Exclusive scope of the practice of geoscience

5(1) Subject to subsection (2), no individual, corporation, partnership or other entity, except a professional geoscientist, a licensee so authorized in the licensee’s licence or a permit holder

so authorized in the permit, shall engage in the practice of geoscience.

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

- (a) a person engaged in the execution or supervision of the construction, maintenance, operation or inspection of any geoscientific investigation, process, system, study, work or instrumentation in the capacity of contractor, superintendent, foreman or inspector, or in any similar capacity, when the investigation, process, system, study, work or instrumentation has been designed by, and the execution or supervision is being carried out under the supervision and control of, a professional geoscientist or licensee;
- (b) a person engaged in the practice of geoscience as a geoscientist-in-training or geoscience technologist in the course of being employed or engaged and supervised and controlled by a professional geoscientist, licensee or permit holder;
- (c) a person who, as a prospector, is engaged in any activities that are normally associated with the business of prospecting;
- (d) a member of the Canadian Forces while actually employed on duty with the Forces;
- (e) a person engaged in conducting a routine geoscientific survey or preparing a routine geoscientific report where the specifications and standards for the survey or report have been prepared or approved by a professional geoscientist or licensee;
- (f) a person engaged in the routine reduction or plotting of geoscientific data under the supervision and control of a professional geoscientist or licensee;
- (g) a person engaged in the routine operation, maintenance or repair of geoscience equipment or facilities;
- (h) a person engaged or employed by a university whose practice of the profession consists exclusively of teaching geoscience at the university.

RSA 2000 cE-11 s5;2007 c13 s6;2011 c3 s6

Exclusive use of name geoscientist

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

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

or

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

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

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

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

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

responsibility for that map, geoscientific cross-section, specification, report, other document or reproduction.

RSA 2000 cE-11 s6;2007 c13 s7;2011 c3 s6

7 and 8 Repealed 2011 c3 s6.

Injunction

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

RSA 2000 cE-11 s9;2009 c53 s59

Part 2 Association

Association of Professional Engineers and Geoscientists

10(1) The Association of Professional Engineers, Geologists and Geophysicists of Alberta is continued as a corporation with the name “Association of Professional Engineers and Geoscientists of Alberta”.

(2) The abbreviated form of the name of the Association is A.P.E.G.A. or APEGA.

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

RSA 2000 cE-11 s10;2011 c3 s7

Capacity and powers

11 The Association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

RSA 2000 cE-11 s11;2007 c13 s10

Council

12(1) There is hereby established a governing body of the Association called the Council.

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

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

(4) The Minister shall, on receipt of the annual report of the Association, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

1981 cE-11.1 s12

Registrar

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

1981 cE-11.1 s13

Council members

14(1) Subject to subsection (2), the Council shall include the president, 2 vice-presidents, the immediate past-president and at least 12 other professional members, the number of which shall be prescribed by the bylaws, each of whom shall be elected by the professional members at the time, in the manner and for the period provided for in the bylaws.

(2) The Council shall consist of

(a) at least 16 professional members among whom there shall be not less than

(i) 2 professional engineers, and

(ii) 2 professional geoscientists,

and

(b) when the total number of elected professional members does not exceed 20, 3 members of the public, who shall be appointed by the Minister, after consultation with the Association, for a 3-year term of office.

(3) For each 10 elected professional members by which the membership of the Council exceeds 20, an additional member of the public shall be appointed by the Minister, after consultation with the Association, for a 3-year term of office.

- (4) A member of the Council appointed under subsection (2)(b) continues to hold office after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.
- (5) The Minister may, after consultation with the Council, revoke the appointment of a member of the Council made under subsection (2)(b).
- (6) The Minister may pay to a member of the Council appointed under subsection (2)(b) travelling and living expenses incurred by that member for the member's attendance at any meeting of the Council while away from the member's usual place of residence and fees in an amount prescribed by the Minister.
- (7) The powers, duties and operations of the Council under this Act, the regulations and the bylaws are not affected by
- (a) the fact that no member of the public is appointed as a member of the Council pursuant to subsection (2)(b),
 - (b) the revocation under subsection (5) of the appointment of a member of the public, or
 - (c) the resignation from the Council of a member of the public.
- (8) The failure of a member of the public appointed under subsection (2)(b) to attend a meeting of the Council shall not be construed to affect or restrict the Council from exercising at that meeting any powers or performing any duties under this Act, the regulations or the bylaws.

RSA 2000 cE-11 s14;2011 c3 s8

Practice Review Board

- 15(1)** There is hereby established a board called the Practice Review Board consisting of not less than 5 members as follows:
- (a) the Council shall appoint not less than 4 professional members who have a combination of knowledge and experience suitable for determining the academic qualifications and experience necessary for a person to continue to engage in the practice of the profession of engineering or geoscience;
 - (b) the Minister shall appoint one member of the public nominated by the Council.
- (2) If the Council fails, within a reasonable period of time after being requested to do so by the Minister, to make a nomination for

the purposes of subsection (1)(b), the Minister may appoint a member of the public to the Practice Review Board without the Council's nomination.

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

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

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

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

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

RSA 2000 cE-11 s15;2001 c10 s3;2011 c3 s32

Powers of the Practice Review Board

16(1) The Practice Review Board

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

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

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

Appeal to Appeal Board

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

1981 cE-11.1 s17;1995 c14 s7

Appeal Board

18(1) There is hereby established an Appeal Board consisting of

- (a) the professional members appointed by the Council in accordance with the regulations, and
- (b) one member of the public appointed by the Minister, after consultation with the Association, for a 3-year term of office.

(2) A member of the Appeal Board appointed under subsection (1)(b) continues to hold office after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.

(3) The Minister may, after consultation with the Appeal Board, revoke the appointment of a member of the Appeal Board made under subsection (1)(b).

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

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

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

(6) The failure of a member of the public appointed pursuant to subsection (1)(b) to attend a meeting of the Appeal Board shall not be construed to affect or restrict the Appeal Board from exercising

any powers or performing any duties under this Act, the regulations or the bylaws at that meeting.

1995 c14 s8

Part 3

Regulations and Bylaws

Regulations

19(1) The Council may make regulations

- (a) respecting the establishment of categories of and conditions respecting the enrolment of engineers-in-training, geoscientists-in-training, examination candidates and students;
- (b) respecting the academic qualifications of and experience requirements for applicants for registration as professional engineers or geoscientists;
- (c) governing the evaluation by the Council, the Board of Examiners, the Practice Review Board, the Appeal Board or a committee established by any of them of the academic qualifications of and experience requirements for applicants for registration to engage in the practice of engineering or geoscience and the examination of those applicants with respect to those qualifications or requirements;
- (d) respecting the eligibility of applicants generally for registration to engage in the practice of engineering or geoscience;
- (e) respecting the powers, duties and functions of the Practice Review Board, including but not limited to the referral of matters by that Board to the Council or the Investigative Committee and appeals from decisions of that Board;
- (f) respecting the appointment of members of the Appeal Board, other than the public member;
- (g) prescribing the number of members that constitutes a quorum of the Council, the Investigative Committee, the Appeal Board, the Practice Review Board, the Board of Examiners or the Discipline Committee;
- (h) governing the establishment of boards or committees of professional members and respecting the delegation of powers of the Council to those boards or committees or the Practice Review Board;

- (i) prescribing technical standards for the practice of the profession;
- (j) establishing and providing for the publication of a code of ethics respecting the practice of the profession, the maintenance of the dignity and honour of the profession and the protection of the public interest;
- (k) governing the names under which professional members, licensees, permit holders and certificate holders may engage in the practice of the profession;
- (l) governing, subject to this Act, the operation and proceedings of the Appeal Board, the Board of Examiners and the Practice Review Board, the designation of chair and vice-chair, the appointment of acting members and the procedures for filling vacancies in the offices of chair and vice-chair and in the membership of any of those Boards, and the appointment to any of those Boards of members by virtue of their office and prescribing their powers, duties and functions;
- (m) respecting the procedures of the Discipline Committee, of the Practice Review Board, of the Investigative Committee and of the Appeal Board in matters relating to the conduct or practice of professional members, licensees, permit holders or certificate holders, whether or not a complaint has been made;
- (n) respecting the establishment by the Council of a compulsory continuing education program for professional members and licensees;
- (o) governing the publication of a notice of the suspension or cancellation of the registration of a professional member, licensee, permit holder or certificate holder in a form and manner prescribed by the Council;
- (p) respecting committees of inquiry for reinstatement under Part 5;
- (q) - (w) repealed 2007 c13 s11;
- (x) establishing classes or categories of professional engineers or geoscientists and licensees or permit holders and prescribing the restrictions of practice and the privileges and obligations of the classes or categories so established;

- (y) respecting the academic and other qualifications and the experience required of the classes or categories established under clause (x);
 - (z) respecting the use of stamps, seals and permit numbers;
 - (aa) governing the eligibility for registration of persons, firms, partnerships and other entities as permit holders or certificate holders;
 - (bb) governing the operation of permit holders or certificate holders;
 - (cc) governing the publication of information with respect to the profession, including but not limited to the publication of surveys of fees;
 - (dd) respecting registration, licensing, the issuing of permits and certificates, disciplinary matters and the practice of engineering and geoscience generally;
 - (ee) respecting the service on any person of a document or notice required to be served under this Act.
- (2)** Repealed 2007 c13 s11.
- (3)** A regulation under subsection (1) may be made only by the Council.
- (4)** A regulation must be approved in principle by a majority of the professional members
- (a) present and voting at a special meeting called for that purpose,
 - (b) voting 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 Council's adoption of the regulation.
- (5)** The Council may change the text of a regulation that was approved in principle under subsection (4) 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.

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

RSA 2000 cE-11 s19;2007 c13 s11;2011 c3 s9

Bylaws

20(1) The Council may make bylaws

- (a) for the government of the Association and the management and conduct of its affairs;
- (b) determining the location of the head office of the Association;
- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election, number and term of office of Council members and officers of the Association and the appointment of individuals as members of the Council by virtue of their office, the Discipline Committee, the Practice Review Board, the Appeal Board, the Board of Examiners and any other committee established by the Council and prescribing their powers, duties and functions;
- (e) prescribing those areas of the professions of engineering and geoscience from which members of the Board of Examiners shall be appointed by the Council;
- (f) respecting the appointment, functions, duties and powers of a Chief Executive Officer of the Association;
- (g) respecting the establishment of districts and branches of the Association and their operation;
- (h) providing for the division of Alberta into electoral districts and prescribing the number of Council members to be elected from each district;
- (i) providing for the appointment of a Deputy Registrar who has all of the powers and can perform all of the duties of the Registrar under this Act, the regulations and the bylaws when the Registrar is absent, or unable to act or when there is a vacancy in the office of Registrar;
- (j) establishing classes or categories of membership in the Association in addition to professional engineers and professional geoscientists and prescribing the rights, privileges and obligations of the classes or categories of membership so established;

- (k) providing for the appointment of acting members of the Council and procedures for the election or appointment of professional members to fill vacancies on the Council;
- (l) prescribing the number of professional members that constitutes a quorum at meetings of the Association;
- (m) governing the establishment, operation and proceedings of committees, the appointment of members of committees, the appointment of acting members and procedures for filling vacancies on committees and the delegation of any powers or duties of the Council under this Act, the regulations or the bylaws to a committee established by the Council or under this Act;
- (n) prescribing fees and expenses payable to members of the Association for attending to the business of the Association;
- (o) respecting the establishment and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit program that the Council considers appropriate;
- (p) governing the information to be engraved on stamps and seals issued to professional members, licensees and restricted practitioners;
- (q) respecting permit numbers issued to permit holders;
- (r) respecting the fixing of fees, dues and levies payable to the Association;
- (s) respecting the costs payable by any person on the conclusion of a hearing or review by the Practice Review Board or under Part 5;
- (t) respecting the establishment, content and maintenance of registers of professional members, licensees, permit holders and certificate holders and of records of other classes or categories of membership to be kept by the Registrar;
- (u) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws;
- (v) requiring professional members, licensees, permit holders and certificate holders to inform the Registrar in writing of their current mailing addresses and of any change of address forthwith after the change occurs;

- (w) prescribing the form of a certificate of registration, a licence, a permit, a certificate of authorization and an annual certificate;
- (x) respecting the expiry of annual certificates, annual licences, permits and other authorizations.

(2) The Council may make bylaws respecting the holding of mail votes or votes conducted by electronic, telecommunication or other appropriate means on any matter relating to the Association, but a bylaw under this subsection does not come into force unless it is approved by a majority of professional members of the Association present and voting at a general meeting.

(3) A bylaw under subsection (1) does not come into force unless it is approved by a majority of the professional members

- (a) present and voting at a general meeting, or
- (b) voting by a mail vote or vote conducted by electronic, telecommunication or other appropriate means conducted in accordance with the bylaws.

(4) The *Regulations Act* does not apply to bylaws of the Association made under this section.

RSA 2000 cE-11 s20;2007 c13 s12;2011 c3 s10

Consultation with Ministers required

20.1 Before the Council, by regulation, establishes or amends the academic qualifications for applicants for registration as professional engineers, geologists or geophysicists, 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.

2010 c7 s3

Part 4 Registration

Registers and membership records

21(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register for each of the following:

- (a) professional engineers;
- (b) professional geoscientists;

- (c) repealed 2011 c3 s11;
- (d) licensees to engage in the practice of
 - (i) professional engineering, or
 - (ii) professional geoscience;
 - (iii) repealed 2011 c3 s11;
- (e) permit holders to engage in the practice of
 - (i) professional engineering, or
 - (ii) professional geoscience;
 - (iii) repealed 2011 c3 s11;
- (f) joint firms;
- (g) restricted practitioners.

(2) The Registrar shall enter in the appropriate register the name of a person who has paid the fee prescribed under the bylaws, and

- (a) whose registration to engage in the practice of
 - (i) engineering, as a professional engineer or licensee, or
 - (ii) geoscience, as a professional geoscientist or licensee,
 - (iii) repealed 2011 c3 s11,has been approved by the Board of Examiners,
- (b) whose registration to engage in the practice of the profession as a permit holder has been approved by the Council, or
- (c) whose registration to engage in the practice of engineering has been approved
 - (i) in the case of a joint firm, by the Council, or
 - (ii) in the case of a restricted practitioner, in accordance with section 37.

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

RSA 2000 cE-11 s21;2011 c3 s11

Registration as professional member

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

RSA 2000 cE-11 s22;2011 c3 s12

Registration as licensee

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

RSA 2000 cE-11 s23;2011 c3 s32

Registration of permit holders

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

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

RSA 2000 cE-11 s24;2011 c3 s32

Evidence of registration

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

- (a) a certificate of registration, and
- (b) a stamp or seal engraved as prescribed in the bylaws.

(2) On entering the name of a licensee in the register, the Registrar shall issue to the licensee

- (a) a licence to engage in the practice of engineering or geoscience as a licensee as authorized in the licence, and
- (b) a stamp or seal engraved as prescribed in the bylaws.

(3) On entering the name of a permit holder in the register, the Registrar shall issue to the permit holder

- (a) a permit to engage in the practice of engineering or geoscience as a permit holder as authorized in the permit, and
- (b) a permit number as prescribed in the bylaws.

(4) On entering the name of a joint firm in the register, the Registrar shall issue to the joint firm

- (a) a certificate of authorization to engage in the practice of engineering and architecture, and
- (b) a permit number as prescribed in the bylaws.

(5) On entering the name of a restricted practitioner in the register, the Registrar shall issue to that individual a certificate of authorization to engage in the restricted scope of the practice of engineering that is specified in the certificate.

(6) A certificate of registration, a licence, a permit or a certificate of authorization issued under this section entitles the holder to engage in the practice of engineering or geoscience, as the case may be, subject to this Act, the regulations and the bylaws.

RSA 2000 cE-11 s25;2011 c3 s13

Annual certificate

26(1) A professional member, licensee, permit holder or certificate holder engaged in the practice of engineering or geoscience shall pay to the Association the annual fee prescribed under the bylaws.

(2) The Registrar shall issue an annual certificate in accordance with the bylaws to a professional member, licensee, permit holder or certificate holder

- (a) whose registration is not under suspension, and
- (b) who has paid the annual fee.

(3) Subject to this Act, an annual certificate entitles the professional member, licensee, permit holder or certificate holder to engage in the practice of engineering or geoscience, as the case may be, during the year for which the annual certificate is issued.

(4) Repealed 2007 c13 s13.

RSA 2000 cE-11 s26;2007 c13 s13;2011 c3 s32

Entries in registers

27(1) The registration of a professional member, licensee, permit holder or certificate holder is suspended when the decision to suspend the registration is made in accordance with this Act.

(2) The Registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating

- (a) the duration of the suspension, and
- (b) the reason for the suspension.

(3) The registration of a professional member, licensee, permit holder or certificate holder is cancelled when the decision to cancel the registration is made in accordance with this Act.

(4) The Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.

(5) The Registrar shall not remove from the registers any memorandum made by the Registrar under this section, except in accordance with the bylaws.

1981 cE-11.1 s26

List of registrants open to the public

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

1981 cE-11.1 s27

Cancellation on request

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

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

- (a) the Registrar shall cancel that registration, and
- (b) the professional member, licensee, permit holder or restricted practitioner requesting the cancellation shall, on being notified of the approval,
 - (i) immediately surrender to the Registrar
 - (A) the certificate of registration, licence and the stamp or seal, in the case of a professional member, licensee or restricted practitioner, or
 - (B) the permit and annual certificate, in the case of a permit holder,
 - and
 - (ii) cease using the permit number, in the case of a permit holder.

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

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

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

Board of Examiners

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

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

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

(4) The Minister may pay to a member of the Board appointed under subsection (2) travelling and living expenses incurred by that member for the member's attendance at a hearing of the Board

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

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

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

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

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

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

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

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

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

before it approves the registration.

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

Approval by the Board of Examiners

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

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

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

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

Review by the Appeal Board

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

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

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

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

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

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

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

1981 cE-11.1 s31;1995 c14 s15

Joint firms

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

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

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

(i) that

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

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

and

(ii) in which registered architects

(A) hold a majority interest, and

(B) control the partnership or corporation,

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

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

(i) that

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

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

and

(ii) in which professional engineers

(A) hold a majority interest, and

(B) control the partnership or corporation,

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

- (d) “proposed engineers and architects firm” means a partnership or corporation
- (i) that
- (A) proposes to confine its practice to providing engineering consulting services and architectural consulting services, or
- (B) if it does not propose to confine its practice to providing engineering consulting services and architectural consulting services, proposes to engage in a practice satisfactory to the Joint Board,
- and
- (ii) in which professional engineers and registered architects
- (A) hold a majority interest, and
- (B) control the partnership or corporation,
- and that is otherwise entitled to engage in the practice of engineering under this Act or the practice of architecture under the *Architects Act*.
- (2)** An application for a certificate of authorization may be made by the following:
- (a) a professional engineer;
- (b) a registered architect;
- (c) an engineers firm;
- (d) an architects firm;
- (e) a proposed engineers and architects firm;
- (f) a partnership or corporation that is not referred to in clause (c), (d) or (e) that the Joint Board considers a suitable applicant for a certificate of authorization.
- (3)** An applicant under subsection (2) shall
- (a) if its prime activity is the provision of engineering consulting services, apply to the Council, and

- (b) if its prime activity is the provision of architectural consulting services, apply to the council of the Architects Association.

1981 cE-11.1 s32

Approval by Joint Board

34(1) Every application under section 33 shall be referred to the Joint Board by the council to which it was made, with or without comment from that council.

(2) The Joint Board shall consider with respect to each application referred to it whether

- (a) the applicant is eligible to apply under section 33(2);
- (b) the applicant has at least one full-time employee who is a professional engineer who shall take responsibility for the engineering work of the applicant and at least one full-time employee who is a registered architect who shall take responsibility for the architectural work of the applicant;
- (c) the presence of any ownership interests in the applicant will give rise to conflicts with the professional responsibilities of the firm;
- (d) the granting of a certificate of authorization to the applicant will give rise to unauthorized practice or otherwise lead to circumvention of this Act or the *Architects Act*;
- (e) any detriment to the public would result from the applicant becoming entitled to engage in the practice of both engineering and architecture.

(3) After considering an application for a certificate of authorization referred to it, the Joint Board shall recommend

- (a) in the case of an application by a registered architect or an architects firm, to the Council,
- (b) in the case of an application by a professional engineer or an engineers firm, to the council of the Architects Association, or
- (c) in the case of an application by a proposed engineers and architects firm or other applicant, to the Council and to the council of the Architects Association,

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

1981 cE-11.1 s33

Registration of joint firm

35(1) On receipt of a recommendation of the Joint Board under section 34, the Council may approve the registration of a proposed engineers and architects firm if that firm is eligible to become registered under the regulations.

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

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

1981 cE-11.1 s34

Duties of joint firm

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

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

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

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

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

cause them to be signed by and imprinted with the stamp or seal of the professional engineer who

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

1981 cE-11.1 s35;1998 c14 s10

Restricted practitioner

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

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

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

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

1981 cE-11.1 s36;1983 cD-25.5 s23

Exemption from stamp or seal requirement

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

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

Cancellation

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

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

- (b) a permit holder if it no longer has employees in compliance with this Act,

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

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

- (a) the fees, dues or levies are paid as indicated in that notice, or
- (b) evidence satisfactory to the Council has been received by it within the time prescribed in the notice indicating that the permit holder has employees in compliance with this Act.

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

(4) If the registration of a professional member or licensee has been cancelled under this section, the professional member or licensee shall forthwith surrender to the Registrar any certificate of registration, licence, stamp or seal issued to the professional member or licensee.

(5) If the registration of a permit holder has been cancelled under this section, the permit holder shall immediately surrender the permit to the Registrar and cease to use the permit number issued to that permit holder.

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

(7) Notwithstanding subsection (6), if a person whose registration is cancelled applies to be reinstated more than 7 years after the date of the cancellation, the application for reinstatement must be referred to the Board of Examiners.

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

Cancellation of a joint firm

40(1) The Council may direct the Registrar to cancel the registration of a joint firm that

- (a) is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or
- (b) ceases to have at least one professional engineer and at least one registered architect to take the responsibility referred to in section 34(2)(b),

after the expiration of one month following the service on the joint firm of a written notice that the Council intends to cancel the registration, unless the joint firm on which the notice is served complies with the notice.

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

- (a) the fees, dues or levies are paid as indicated in the notice, or
- (b) the joint firm has at least one professional engineer and at least one registered architect to take the responsibility referred to in section 34(2)(b).

(3) If the registration of a joint firm has been cancelled under this section, the joint firm shall forthwith surrender to the Registrar the certificate of authorization and the stamp issued to it.

(4) The Council may direct the Registrar, subject to any conditions that the Council may prescribe, to reinstate the joint firm in the applicable register and to reissue the certificate of authorization and the stamp.

1981 cE-11.1 s39

Cancellation of restricted practitioners

41(1) The Council may direct the Registrar to cancel the registration of a restricted practitioner who

- (a) is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or
- (b) who is not a registered architect in good standing under the *Architects Act*,

after the expiration of one month following the service on the restricted practitioner of a written notice that the Council intends to cancel the registration, unless the restricted practitioner on whom the notice is served complies with the notice.

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

- (a) the fees, dues or levies are paid as indicated in the notice, or
 - (b) the restricted practitioner is a registered architect in good standing under the *Architects Act*.
- (3)** If the registration of a restricted practitioner has been cancelled under this section, the restricted practitioner shall forthwith surrender to the Registrar the certificate of authorization and the stamp issued to it.
- (4)** The Council may direct the Registrar, subject to any conditions that the Council may prescribe, to reinstate the restricted practitioner in the applicable register and to reissue the certificate of authorization and the stamp.

1981 cE-11.1 s40

Part 5 Discipline

Definitions

42 In this Part,

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

RSA 2000 cE-11 s42;2011 c3 s14

Complaints

- 43(1)** A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.
- (2)** A complaint must be in writing.
- (3)** A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.

(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.

(5) If a complaint is settled with the assistance of a mediator, any agreement that is reached by the complainant and the person about whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may

- (a) approve the agreement, or
- (b) proceed with a preliminary investigation in accordance with section 47.

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

Determination of unprofessional conduct and unskilled practice

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

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

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

(2) If an investigated person fails to comply with or contravenes this Act, the regulations or the bylaws, and the failure or contravention is, in the opinion of the Discipline Committee, of a

serious nature, the failure or contravention may be found by the Discipline Committee to be unprofessional conduct whether or not it would be so found under subsection (1).

1981 cE-11.1 s43;1995 c14 s19

Discipline Committee

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

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

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

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

1981 cE-11.1 s44;1984 c17 s14

Investigative Committee

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

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

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

1995 c14 s20

Investigation panel

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

1981 cE-11.1 s45;1995 c14 s21

Notice of preliminary investigation

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

1981 cE-11.1 s46

Evidence for preliminary investigation

49(1) An investigation panel may

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

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

1981 cE-11.1 s47;1995 c14 s22

Report to Investigative Committee

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

1981 cE-11.1 s48;1995 c14 s23

Termination of investigation

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

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

(2) On terminating an investigation, the Investigative Committee shall direct the Registrar to serve on the investigated person and on

the complainant, if any, a notice in accordance with the bylaws that the investigation has been terminated.

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

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

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

or

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

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

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

Power of Investigative Committee to recommend an order

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

- (a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or
- (b) refer the matter to the Discipline Committee for a formal hearing.

(2) An order recommended by the Investigative Committee must be provided to a member of the Discipline Committee who has been designated by that Committee to act as a case manager.

(3) If the case manager agrees with the order recommended by the Investigative Committee, the case manager must discuss the order

with the investigated person and, if the investigated person agrees with the order, the order has the same force and effect as an order made by the Discipline Committee following a formal hearing.

(4) If the case manager or the investigated person rejects the order recommended by the Investigative Committee, the matter must be referred to the Discipline Committee for a formal hearing.

1995 c14 s25

Duty of Discipline Committee

53(1) On the referral of a matter to the Discipline Committee for a formal hearing, the Discipline Committee shall hold the hearing forthwith.

(2) Notwithstanding subsection (1), if proceedings in respect of the same circumstances or events are commenced in Provincial Court or the Court of Queen's Bench, the Discipline Committee may adjourn the hearing.

(3) The Registrar shall serve on the investigated person and on the complainant, if any, a notice of hearing stating the date, time and place at which the Discipline Committee will hold the hearing and giving reasonable particulars of the conduct or complaint in respect of which the hearing will be held.

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

Further investigation

54(1) The Discipline Committee may also investigate and hear any other matter concerning the conduct of the investigated person that arises in the course of the hearing, but in that event the Committee shall declare its intention to investigate and hear the further matter and shall permit the person sufficient opportunity to prepare the person's answer to the further matter.

(2) Sections 56 to 62 apply to an investigation and hearing of a further matter under subsection (1).

1981 cE-11.1 s51

Suspension pending investigation and hearing

55(1) Notwithstanding anything in this Act, the Investigative Committee may suspend the registration of a professional member, licensee, permit holder, certificate holder or member-in-training pending a preliminary investigation or a decision of the Discipline Committee.

(2) A person whose registration is suspended under subsection (1) may apply to the Court for an order staying the suspension.

(3) A copy of an application under subsection (2) must be served on the Registrar.

RSA 2000 cE-11 s55;2009 c53 s59

Right to counsel and to appearance

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

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

Public hearings

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

1981 cE-11.1 s54;1995 c14 s29

Evidence

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

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

1981 cE-11.1 s55;1995 c14 s30

Witnesses and documents

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

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

- (a) tend to incriminate the witness,
- (b) subject the witness to punishment under this Part, or
- (c) tend to establish the witness's liability

- (i) to a civil proceeding at the instance of the Crown or of any other person, or
- (ii) to prosecution under any Act or regulations under any Act,

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

(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court on an application *ex parte* by the Association may direct the obtaining of the evidence of the witness in the manner provided under the *Alberta Rules of Court* for the taking of the evidence of a person outside Alberta.

RSA 2000 cE-11 s59;2009 c53 s59

Enforcement of attendance and production of documents

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

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

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

RSA 2000 cE-11 s60;2009 c53 s59

Failure to give evidence

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

- (a) who fails
 - (i) to attend before the Discipline Committee in compliance with a notice to attend,
 - (ii) to produce any books, papers or other documents or records in compliance with a notice to produce them, or
 - (iii) in any way to comply with either notice,
- or
- (b) who refuses to be sworn or to answer any question directed to be answered by the Discipline Committee.

(2) If the witness referred to in subsection (1) is the investigated person, the witness's failure or refusal may be held to be unprofessional conduct.

(3) The Discipline Committee, on proof of service of the notice of investigation on the investigated person and the complainant, if any, may

- (a) proceed with the investigation in the absence of either or both of those persons, and
- (b) act on the matter being investigated in the same way as though either or both of those persons were in attendance.

1981 cE-11.1 s58

Finding by the Discipline Committee

62(1) The Discipline Committee may find that the conduct of an investigated person constitutes neither unskilled practice of the profession nor unprofessional conduct.

(2) The Discipline Committee may find that the conduct of an investigated person constitutes unskilled practice of the profession or unprofessional conduct, or both, and shall deal with the investigated person in accordance with this Part.

1981 cE-11.1 s59

Powers of the Discipline Committee

63 If the Discipline Committee finds that the conduct of the investigated person is unprofessional conduct or unskilled practice

of the profession, or both, the Discipline Committee may make any one or more of the following orders:

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

- (i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Discipline Committee, were not rendered or were improperly rendered;
- (j) cancel the registration of the investigated person;
- (k) any other order that it considers appropriate in the circumstances.

1981 cE-11.1 s60

Order to pay costs or a fine

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

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

within the time fixed by the order.

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

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

1981 cE-11.1 s61;1984 c17 s19

Service of written decision

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

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

- (2) The Discipline Committee shall immediately forward to the Registrar
- (a) the decision, and
 - (b) the record of the hearing, consisting of all evidence presented before it, including
 - (i) all exhibits,
 - (ii) all documents and records, and
 - (iii) a transcript of all testimony given before it, whether recorded electronically, mechanically or in handwritten form.
- (3) The Registrar shall, immediately on receiving the decision and the record of the hearing referred to in subsection (2), serve
- (a) a copy of the decision on the investigated person and the Investigative Committee, and
 - (b) a notice of the nature of the decision on the complainant, if any.
- (4) The investigated person or the investigated person's counsel or agent may examine the record or any part of the record of the proceedings and hear any recording or examine any mechanical or handwritten form of record of any testimony.

1981 cE-11.1 s62;1995 c14 s31

Suspension or cancellation pending appeal

- 66(1)** Notwithstanding an appeal under this Part, the Discipline Committee may order that its decision remain in effect until the Appeal Board or the Court of Appeal, as the case may be, makes its decision on the appeal.
- (2) An investigated person may apply to the Court for an order staying the decision of the Discipline Committee pending the determination of the appeal.
- (2.1) A copy of an application under subsection (2) must be served on the Registrar.
- (3) The Court may hear an application made under this section not less than 10 days after the application has been served on the Registrar.

(4) On hearing an application made under this section the Court may, subject to any conditions that it considers proper, stay the decision of the Discipline Committee pending the determination of the appeal.

RSA 2000 cE-11 s66;2009 c53 s59

Appeal to Appeal Board

67(1) The Investigative Committee or the investigated person may appeal to the Appeal Board any finding or order of the Discipline Committee.

(2) An appeal under subsection (1) shall be commenced by a written notice of appeal that shall

- (a) describe the finding or order appealed from,
- (b) state the reasons for the appeal, and
- (c) be served on the Registrar not more than 30 days after the date that the decision of the Discipline Committee was served on the investigated person.

(3) On receiving a notice of appeal from the Investigative Committee, the Registrar shall forthwith provide a copy to the investigated person and make the record of the hearing available to the investigated person.

(4) On receiving a notice of appeal, the Registrar shall provide a copy to the Appeal Board and make the record of the hearing available to each member of the Appeal Board.

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

Time of appeal

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

(2) The Appeal Board shall hear an appeal forthwith.

1981 cE-11.1 s65;1995 c14 s34

Powers of the Appeal Board on appeal

69(1) The Appeal Board on an appeal may do any or all of the following:

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

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

Appeal to the Court of Appeal

- 70(1)** An investigated person may appeal to the Court of Appeal any finding or order made by the Appeal Board under section 69.
- (2) The Appeal Board shall be the respondent in an appeal under subsection (1) and may make representations to the Court of Appeal.
- (3) An appeal under this section shall be commenced
- (a) by filing a notice of appeal with the Registrar of the Court of Appeal in Edmonton or Calgary, and

(b) by serving a copy of the notice of appeal on the Registrar,

both within 30 days from the date on which the decision of the Appeal Board is served on the investigated person.

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

Order for stay pending appeal

71 The appellant may, after commencing an appeal and on notice to the Registrar, apply to the Court of Appeal for an order staying all or any part of the order or decision of the Appeal Board appealed.

1981 cE-11.1 s69;1984 c17 s25;1995 c14 s37

Material in support of appeal

72(1) An appeal under section 70 shall be supported by copies, certified by the Registrar, of the decision of the Appeal Board and the record of the appeal before the Appeal Board.

(2) The Registrar, on being paid any disbursements and expenses in connection with a request made by the appellant or the appellant's solicitor or agent, shall furnish to the appellant or the appellant's solicitor or agent the number of copies so requested of the documents mentioned in subsection (1).

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

Power of the court on appeal

73(1) The Court of Appeal on hearing the appeal may do any or all of the following:

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

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

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

Fraudulent registration

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

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

1981 cE-11.1 s72

Surrender of certificates

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

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

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

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

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

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

(5) A member of the Council who is a member of a committee of inquiry appointed pursuant to the regulations to consider an application under this Part for reinstatement of registration may participate in or vote at any proceedings of the Council under this

section, and the Registrar and the Association's solicitor may participate in those proceedings.

1981 cE-11.1 s73;1998 c14 s13

Misrepresentation of status

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

1981 cE-11.1 s74

Publication

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

1981 cE-11.1 s75;1995 c14 s38

Part 6 General

Use of stamps, seal, permit number

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

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

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

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

Exemption from municipal licence

79 No municipality has the power to require

- (a) any professional member, licensee, permit holder or certificate holder to obtain a licence from the municipality to engage in the practice of engineering or the practice of geoscience, or
- (b) any member-in-training to obtain a licence from the municipality for or in connection with the performance of

any acts or services authorized by this Act to be performed by a member-in-training.

RSA 2000 cE-11 s79;2011 c3 s15

Liability to others

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

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

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

RSA 2000 cE-11 s80;2011 c3 s32

Registrar's certificate

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

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

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

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

1981 cE-11.1 s78

Protection from liability**82(1)** No action lies against

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

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

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

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

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

1981 cE-11.1 s79;1995 c14 s39

Part 7 Professional Licensees

Scope of practice

83 No professional licensee shall engage in the practice of engineering or geoscience except within the scope of practice specified by the Board of Examiners.

2007 c13 s14;2011 c3 s32

Exclusive use of name

83.01(1) No individual, corporation, partnership or other entity, except a professional licensee (engineering) or a permit holder

entitled to engage in the practice of engineering, shall use the title “professional licensee (engineering)”.

(2) No individual, corporation, partnership or other entity, except a professional licensee (geoscience) or a permit holder entitled to engage in the practice of geoscience, shall use the title “professional licensee (geoscience)”.

2011 c3 s16

Prohibition on holding out

83.1 No individual, corporation, partnership or other entity, except a professional licensee, shall represent or hold out, expressly or by implication, that the person is a professional licensee.

2007 c13 s14

Stamp or seal of professional licensee (engineering)

83.2(1) No individual, corporation, partnership or other entity, except a professional licensee (engineering), shall affix the stamp or seal of a professional licensee (engineering) or allow that stamp or seal to be affixed to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless

- (a) that plan, drawing, detail drawing, specification, other document or reproduction was prepared by or under the supervision and control of, and
- (b) the stamp or seal is affixed with the knowledge and consent or in accordance with the direction of

the professional licensee (engineering) to whom the stamp or seal was issued.

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

2007 c13 s14

Stamp or seal of professional licensee (geoscience)

83.3(1) No individual, corporation, partnership or other entity, except a professional licensee (geoscience), shall affix the stamp or seal of a professional licensee (geoscience), or allow that stamp or seal to be affixed, to a map, geoscientific cross-section,

specification, report or other document or a reproduction of any of them unless

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

the professional licensee (geoscience), to whom the stamp or seal was issued.

(2) Notwithstanding subsection (1), a professional licensee (geoscience) may affix a stamp or seal to a map, geoscientific cross-section, specification, report or other document or reproduction prepared by other persons if the professional licensee (geoscience), completes a thorough review of and accepts professional responsibility for that map, geoscientific cross-section, specification, report, other document or reproduction.

2007 c13 s14;2011 c3 s17

Non-application of provisions to professional licensees

83.4(1) Sections 2(1) and 3(1)(b)(i) do not apply to a professional licensee (engineering) engaged in the practice of engineering within the scope of practice specified by the Board of Examiners.

(2) Sections 5(1) and 6(1)(b)(i) do not apply to a professional licensee (geoscience) engaged in the practice of geoscience within the scope of practice specified by the Board of Examiners.

(3) Repealed 2011 c3 s18.

2007 c13 s14;2011 c3 s18

Register for professional licensees

83.5(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register for each category of professional licensee.

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

2007 c13 s14;2011 c3 s32

Eligibility for registration

83.6 A person who meets the requirements of this Act and the regulations and applies to the Registrar for registration is entitled to become registered as a professional licensee.

2007 c13 s14

Application for registration

83.7(1) The Board of Examiners shall consider applications for the registration of applicants as professional licensees in accordance with this Act, the regulations and the bylaws, and may

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

(2) The Board of Examiners may, at its discretion, require an applicant for registration

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

before it approves the registration.

(3) If the Board of Examiners approves the registration of an individual as a professional licensee, it shall specify in the certificate and in the register the scope of practice of engineering or geoscience in which the individual is permitted to engage.

2007 c13 s14;2011 c3 s32

Registration as professional licensee

83.8 The Board of Examiners shall approve for registration as a professional licensee an individual who has applied to the Board and is eligible in accordance with this Act and the regulations to engage in the practice of engineering or geoscience within the scope of practice specified by the Board of Examiners.

2007 c13 s14;2011 c3 s32

Evidence of registration

84 On entering the name of a professional licensee in the register, the Registrar shall issue to that individual

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

2007 c13 s14;2011 c3 s32

Regulation-making authority

85 The Council may make regulations or bylaws applicable to professional licensees in respect of any of the matters under sections 19 and 20.

2007 c13 s14

Fees

86 Fees prescribed under the bylaws in respect of professional licensees must not be greater than the corresponding fees fixed in respect of professional members.

2007 c13 s14

Annual licence

86.1(1) A professional licensee engaged in the practice of engineering or geoscience shall pay to the Association the annual fee prescribed in the bylaws.

(2) The Registrar shall issue an annual licence in accordance with the bylaws to a professional licensee

- (a) whose registration is not under suspension, and
- (b) who has paid the annual fee.

(3) Subject to this Act, an annual licence entitles the professional licensee to engage in the practice of engineering or geoscience within the scope of practice specified by the Board of Examiners during the year for which the annual licence is issued.

2007 c13 s14;2011 c3 s32

Application of Act

86.2(1) Sections 14, 15, 16, 17, 19(4), 20(3), 24, 27, 28, 29, 31, 39, 78, 79, 80(2), 81 and 82(2) apply to a professional licensee as if the professional licensee were a professional member.

(2) Section 2(4)(a) applies to a professional licensee (engineering) practising within the scope of practice specified by the Board of Examiners as if that professional licensee (engineering) were a professional engineer or licensee.

(3) Section 5(2)(a) applies to a professional licensee (geoscience) practising within the scope of practice specified by the Board of Examiners as if that professional licensee (geoscience) were a professional geoscientist or licensee.

(4) Repealed 2011 c3 s19.

(5) Section 32 applies to a professional licensee as if the professional licensee were an applicant.

(6) Part 5 applies to a professional licensee as if the professional licensee were a professional member.

2007 c13 s14;2011 c3 s19

Practice prohibitions

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.

(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.

2007 c13 s14;2011 c3 s32

Injunction

86.31 The Court, on application by the Council, may grant an injunction enjoining any person from doing any act or thing that contravenes section 83.01 or 83.1, notwithstanding any penalty that may be provided by this Act or the regulations in respect of that act or thing.

2011 c3 s20

Part 8
ASET, Joint Boards and Committees,
Professional Technologists and
Other ASET Members

Definitions

86.4 In this Part,

- (a) “ASET” means the Association of Science and Engineering Technology Professionals of Alberta continued under section 86.5;
- (b) “ASET bylaws” means bylaws enacted under section 87.4;
- (c) “ASET member” has the meaning given to it in ASET bylaws;
- (d) “ASET permit holder” means a partnership, other association of persons or corporation registered under section 90.4 and to which a permit is issued in accordance with ASET bylaws;
- (e) “ASET Registrar” means the individual appointed as ASET Registrar under section 87.1;
- (f) “ASET regulations” means regulations enacted under section 87.3;
- (g) “Joint Appeal Board” means the Joint Appeal Board established by section 87.5;
- (h) “Joint Board of Examiners” means the Joint Board of Examiners established by section 87.5;
- (i) “Joint Discipline Committee” means the Joint Discipline Committee established by section 87.5;
- (j) “Joint Investigative Committee” means the Joint Investigative Committee established by section 87.5;
- (k) “Joint Practice Review Board” means the Joint Practice Review Board established by section 87.5;
- (l) “JPT Regulations Committee” means the Joint Professional Technologists Regulations Committee established by section 87.5;
- (m) “professional technologist” means an individual who is issued a certificate of registration by the ASET Registrar in accordance with this Act to engage in the practice of

engineering or geoscience within the scope of practice specified by the Joint Board of Examiners;

- (n) “professional technologist regulations” means regulations enacted under section 88.5 or 88.6;
- (o) “regulated member” has the meaning given to it in ASET regulations.

2007 c13 s14;2011 c3 s32

Division 1 ASET

Corporation continued

86.5(1) The Association of Science and Engineering Technology Professionals of Alberta, previously established as a society under the *Societies Act*, is continued as a corporation with that name under this Act.

(2) The abbreviated form of the name of the Association of Science and Engineering Technology Professionals of Alberta is ASET or A.S.E.T.

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

2007 c13 s14

Capacity and powers

86.6 ASET has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

2007 c13 s14

ASET Council

87(1) The governing body of ASET continues to be its Council.

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

(3) ASET Council shall submit annually to the Minister, in a form satisfactory to the Minister, a report on those matters of the business and affairs of ASET that the Minister requires.

(4) The Minister shall, on receipt of the annual report of ASET, 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.

2007 c13 s14

ASET Registrar

87.1 ASET Council shall appoint a Registrar for the purposes of this Part, ASET regulations and ASET bylaws.

2007 c13 s14

ASET Council members

87.2(1) Subject to subsection (2), ASET Council shall include

- (a) a president,
- (b) 2 vice-presidents and the past president, and
- (c) other members, the number of which shall be prescribed by ASET bylaws,

each of whom shall be elected by ASET members at the time, in the manner and for the period provided for in the bylaws.

(2) ASET Council

- (a) shall include, when the total number of elected members does not exceed 20, 3 members of the public appointed by the Minister, after consultation with ASET Council, for a 3-year term of office, and
- (b) may also include non-voting members of ASET Council determined by ASET bylaws.

(3) For each 10 elected members by which the membership of ASET Council exceeds 20, an additional member of the public shall be appointed by the Minister, after consultation with ASET Council, for a 3-year term of office.

(4) A member of ASET Council appointed under subsection (2)(a) continues to hold office after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.

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

- (6) The Minister may pay to a member of ASET Council appointed under subsection (2)(a) travelling and living expenses incurred by that member for the member's attendance at any meeting of ASET Council while away from the member's usual place of residence and fees in an amount prescribed by the Minister.
- (7) The powers, duties and operations of ASET Council under this Act, ASET regulations and ASET bylaws are not affected by
- (a) the fact that no member of the public is appointed as a member of ASET Council pursuant to subsection (2)(a),
 - (b) the revocation under subsection (5) of the appointment of a member of the public, or
 - (c) the resignation from ASET Council of a member of the public.
- (8) The failure of a member of the public appointed under subsection (2)(a) to attend a meeting of ASET Council shall not be construed to affect or restrict ASET Council from exercising any powers or performing any duties under this Act, ASET regulations or ASET bylaws at that meeting.

2007 c13 s14

ASET regulations**87.3(1)** ASET Council may make regulations

- (a) respecting the establishment of categories of, and conditions respecting the enrolment of, regulated members, regulated members in training, examination candidates and students;
- (b) respecting the academic qualifications of and experience requirements for applicants for registration as regulated members;
- (c) governing the evaluation by ASET Council, the ASET Board of Examiners, the ASET Practice Review Board or the ASET Appeal Board, or a committee established by any of them, of the academic qualifications of and experience requirements for applicants for registration to engage in practice as regulated members and the examination of those applicants with respect to those qualifications or requirements;
- (d) respecting generally the eligibility of applicants for registration to engage in practice as regulated members;

- (e) respecting the powers, duties and functions of the ASET Practice Review Board, including but not limited to the referral of matters by that Board to ASET Council or the ASET Investigative Committee and appeals from decisions of that Board;
- (f) respecting the appointment of members of the ASET Appeal Board;
- (g) prescribing the number of members that constitutes a quorum of ASET Council, the ASET Investigative Committee, the ASET Appeal Board, the ASET Practice Review Board, the ASET Board of Examiners or the ASET Discipline Committee;
- (h) governing the establishment of boards or committees and respecting the delegation of powers of ASET Council to those boards or committees or to the ASET Practice Review Board;
- (i) prescribing technical standards of practice for regulated members;
- (j) establishing and providing for the publication of a code of ethics respecting the practice of regulated members and the protection of the public interest;
- (k) governing the names under which regulated members may engage in practice;
- (l) governing, subject to this Act, the operation and proceedings of the ASET Appeal Board, the ASET Board of Examiners and the ASET Practice Review Board, the designation of chair and vice-chair, the appointment of acting members and the procedures for filling vacancies in the offices of chair and vice-chair and in the membership of any of those boards, and the appointment to any of those boards of members by virtue of their office, and prescribing their powers, duties and functions;
- (m) respecting the procedures of the ASET Discipline Committee, of the ASET Practice Review Board, of the ASET Investigative Committee and of the ASET Appeal Board in matters relating to the conduct or practice of regulated members, whether or not a complaint has been made;

- (n) respecting the establishment by ASET Council of a compulsory continuing education program for regulated members;
 - (o) governing the publication of a notice of the suspension or cancellation of the registration of a regulated member in a form and manner prescribed by ASET Council;
 - (p) respecting committees of inquiry for reinstatement;
 - (q) respecting the titles that may be used by regulated members and the circumstances and conditions under which the titles may be used;
 - (r) establishing classes or categories of regulated members and prescribing the restrictions of practice and the privileges and obligations of the classes or categories so established;
 - (s) respecting the academic and other qualifications and the experience required of the classes or categories established in addition to regulated members;
 - (t) governing the eligibility of persons, firms, partnerships and other entities for registration as ASET permit holders or certificate holders under this Part;
 - (u) governing the operation of ASET permit holders or certificate holders under this Part;
 - (v) governing the publication of information with respect to ASET and ASET members;
 - (w) respecting registration, licensing, the issuing of permits and certificates, disciplinary matters and the practice of regulated members generally;
 - (x) respecting the service on any person of a document or notice required to be served under this Act;
 - (y) defining “regulated member” for the purposes of all or any provision of this Act, ASET regulations and ASET bylaws.
- (2)** A regulation under subsection (1) may be made only by ASET Council.
- (3)** A regulation must be approved in principle by a majority of the ASET members
- (a) present and voting at a special meeting called for that purpose,

- (b) voting 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 ASET Council's adoption of the regulation.
- (4) ASET Council may change the text of a regulation that has been 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.

2007 c13 s14

ASET bylaws**87.4(1)** ASET Council may make bylaws

- (a) for the government of ASET and the management and conduct of its affairs;
- (b) determining the location of the head office of ASET;
- (c) respecting the calling of and conduct of meetings of ASET members and ASET Council;
- (d) respecting the nomination, election, number and term of office of ASET Council members and officers of ASET and the appointment of individuals as members of ASET Council by virtue of their office, the ASET Discipline Committee, the ASET Practice Review Board, the ASET Appeal Board, the ASET Board of Examiners and any other committee established by ASET Council and prescribing their powers, duties and functions;
- (e) prescribing those areas of practice from which members of the ASET Board of Examiners shall be appointed by ASET Council;
- (f) respecting the appointment, functions, duties and powers of an Executive Director of ASET;
- (g) respecting the establishment of districts and branches of ASET and their operation;

- (h) providing for the division of Alberta into electoral districts and prescribing the number of ASET Council members to be elected from each district;
- (i) providing for the appointment of a Deputy Registrar of ASET who has all of the powers and may perform all of the duties of the ASET Registrar under this Act, ASET regulations and ASET bylaws when the ASET Registrar is absent or unable to act or when there is a vacancy in the office of the ASET Registrar;
- (j) establishing classes or categories of membership in ASET in addition to regulated members and professional technologists 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 ASET Council and procedures for an election or appointment to fill vacancies on ASET Council;
- (l) prescribing the quorum at meetings of ASET members;
- (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 ASET Council under this Act, ASET regulations or ASET bylaws to a committee established by ASET Council or under this Act;
- (n) prescribing fees and expenses payable to members of ASET for attending to the business of ASET;
- (o) respecting the establishment and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit program that ASET Council considers appropriate;
- (p) respecting the issuing of permit numbers to ASET permit holders;
- (q) respecting the fixing of fees, dues and levies payable to ASET;
- (r) respecting the costs payable by any person on the conclusion of a hearing or review;

- (s) respecting the establishment, contents and maintenance of registers of members and of records of other classes or categories of membership to be kept by the ASET Registrar;
 - (t) respecting the removal from the registers and records of any memorandum or entry made in them;
 - (u) requiring members to inform the ASET Registrar in writing of their current mailing addresses and of any change of address forthwith after the change occurs;
 - (v) prescribing the form of a certificate of registration, a permit, a certificate of authorization and an annual certificate;
 - (w) defining “ASET members” for the purposes of this Act and ASET regulations and ASET bylaws;
 - (x) respecting the expiry of annual certificates, annual licences, permits and other authorizations.
- (2) ASET Council may make bylaws respecting the holding of mail votes and votes conducted by electronic, telecommunication or other appropriate means on any matter relating to ASET, but a bylaw under this subsection does not come into force unless it is approved by a majority of ASET members 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 ASET members
- (a) present and voting at a general meeting, or
 - (b) voting by a mail vote or vote conducted by electronic, telecommunication or other appropriate means conducted in accordance with ASET bylaws.
- (4) The *Regulations Act* does not apply to ASET bylaws made under this section.

2007 c13 s14

Consultation with Ministers required

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 *Post-secondary Learning Act* and must consider the comments received from those Ministers.

2010 c7 s3

Division 2 Joint Boards and Committees

Establishment of joint boards and committees

87.5(1) The following joint boards and committees are established:

- (a) Joint Practice Review Board;
- (b) Joint Appeal Board;
- (c) Joint Professional Technologists Regulations Committee;
- (d) Joint Discipline Committee;
- (e) Joint Board of Examiners;
- (f) Joint Investigative Committee.

(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, and
- (b) one member of the public appointed by the Minister, from one or more nominees of the Joint Councils Committee, for a term determined by the Minister.

(3) Every member of a joint board or committee must act solely in the interest of the public and for the safety of the public.

2007 c13 s14

Public appointees to joint boards and committees

87.6(1) The Minister may pay to a member of the public appointed to a joint board or committee by the Minister travelling and living expenses incurred by that member for the member's attendance at a meeting or hearing of the joint board or committee while away from the member's usual place of residence and fees in an amount prescribed by the Minister.

(2) The Minister may, after consultation with the Joint Councils Committee, revoke the appointment of a member of the public appointed to a joint board or committee.

(3) The powers, duties and operations of a joint board or committee 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 joint board or committee,
- (b) the revocation of the appointment of a member of the public, or
- (c) the resignation as a member of the joint board or committee of a member of the public.

(4) The failure of a member of the public appointed under this section to attend a meeting of a joint board or committee shall not be construed to affect or restrict the joint board or committee from exercising any powers or performing any duties under this Act or the professional technologist regulations at that meeting.

2007 c13 s14

Governance of joint boards and committees

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,

- (a) the number of members, and
- (b) the governance and operation of the committee or board, including
 - (i) the method of appointment and term of the chair,
 - (ii) the quorum, and
 - (iii) procedural matters or delegating to the board or committee the authority to make decisions about procedural matters.

(2) Section 20(7) and (8) of the *Interpretation Act* apply to the joint boards and committees.

(3) The *Regulations Act* does not apply to an order made under this section, but the order must be published in Part I of The Alberta Gazette.

2007 c13 s14

Powers of the Joint Practice Review Board

88.1(1) The Joint Practice Review Board

- (a) shall, on its own initiative or at the request of either the Council or ASET Council, inquire into

- (i) the assessment of existing and the development of new educational standards and experience requirements that are to be conditions precedent to obtaining and continuing registration under this Act as a professional technologist,
- (ii) the evaluation of desirable standards of competence of professional technologists generally,
- (iii) the practice of professional technologists generally, and
- (iv) any other matter that the Council or ASET 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 professional technologists under this Act and the professional technologist regulations,

and

- (b) may conduct a review of the practice of a professional technologist in accordance with this Act and the professional technologist regulations.

(2) The Joint Practice Review Board shall report to and advise the Council and ASET Council with respect to any matter dealt with by it pursuant to subsection (1).

(3) A person requested to appear at an inquiry under this section by the Joint Practice Review Board is entitled to be represented by counsel.

(4) The Joint Practice Review Board may, after a review under this section with respect to a professional technologist, make any order that the Joint Discipline Committee may make under section 63 or 64.

(5) The provisions of Part 5 with respect to an investigation by the Joint Investigative Committee apply to a review of an individual professional technologist by the Joint Practice Review Board.

(6) The Joint Practice Review Board may at any time during an inquiry or review under this section recommend to the Joint Investigative Committee that the inquiry or review be conducted by the Joint Investigative Committee pursuant to Part 5.

(7) On receiving a recommendation under subsection (6), the Joint Investigative Committee may proceed with an investigation under Part 5 as if the recommendation were a written complaint.

(8) After each inquiry under this section, the Joint Practice Review Board shall make a written report to the Council and ASET Council on the inquiry and may make any recommendations to the Council or ASET Council, or both, that the Joint Board considers appropriate in connection with the matter inquired into, with reasons for the recommendations.

(9) The Joint Practice Review Board, if it considers it to be in the public interest to do so, may direct that the whole or any portion of an inquiry by the Joint Practice Review Board under this section shall be held in camera.

2007 c13 s14

Joint Practice Review Board appointees

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.

2007 c13 s14

Appeal to Joint Appeal Board

88.3 A professional technologist who is the subject of a hearing or a review by the Joint Practice Review Board may appeal any decision or order of the Joint Practice Review Board to the Joint Appeal Board as if it were a decision or order of the Joint Discipline Committee under Part 5.

2007 c13 s14

Joint Appeal Board

88.4 The Joint Appeal Board has all the powers, duties and functions with respect to a professional technologist that the Appeal Board has with respect to professional members.

2007 c13 s14

JPT Regulations Committee authority

88.5(1) The JPT Regulations Committee may make regulations

- (a) respecting the eligibility of applicants for registration as professional technologists;
- (b) respecting the academic and other qualifications and the experience required of an applicant for registration as a professional technologist, and the evaluation of applicants, and their qualifications and experience, by the Joint Board of Examiners;

- (c) respecting the examination of applicants for registration as professional technologists;
- (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;
- (e) respecting the stamps or seals issued to professional technologists, the use of stamps and seals, and the circumstances under which a stamp or seal is to be surrendered to the ASET Registrar;
- (f) governing the names under which professional technologists may engage in practice;
- (g) establishing a continuing education program for professional technologists;
- (h) establishing and providing for the publication of a code of ethics for professional technologists respecting the practice of the profession, the maintenance of the dignity and honour of the profession and the protection of the public interest;
- (i) respecting notices of suspension or cancellation, and reinstatement committees;
- (j) respecting technical standards of practice for professional technologists;
- (k) respecting eligibility of professional technologists for registration as ASET permit holders;
- (l) respecting registration, and the issue and use of permits, permit numbers and certificates for professional technologists and respecting the discipline, practice review and the practice of professional technologists generally;
- (m) respecting service of documents;
- (n) requiring professional technologists to notify the ASET Registrar of name and address changes, and requiring them to keep contact information up to date;
- (o) prescribing forms for use under this Act and regulations made under this section, or delegating that function;
- (p) respecting the expiry of annual certificates, permits and other authorizations issued to professional technologists.

(2) A regulation under subsection (1) does not come into force unless

- (a) the regulation is approved by the Council and by ASET Council, and
- (b) the regulation is approved by the Lieutenant Governor in Council.

2007 c13 s14

Consultation with Ministers required

88.51 Before the JPT Regulations Committee, by regulation, establishes or amends the academic qualifications for applicants for registration as professional technologists, 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.

2010 c7 s3

Resolving disputes

88.6(1) If after 2 meetings at which a matter has been discussed the JPT Regulations Committee has not resolved the matter, the Committee may refer the matter to the Joint Councils Committee in accordance with rules established by agreement of the Council and ASET Council.

(2) On receipt of a reference, the Joint Councils Committee may do either or both of the following:

- (a) refer the matter, or any aspect of it, back to the JPT Regulations Committee with suggestions or directions about how to resolve it;
- (b) resolve the matter, or any aspect of it.

(3) If the Joint Councils Committee fully resolves the matter, the JPT Regulations Committee shall, if required, implement the resolution of the Joint Councils Committee.

(4) If the Joint Councils Committee does not fully resolve the matter and does not refer the matter back to the JPT Regulations Committee under subsection (2), the Joint Councils Committee may, or if 120 days has passed from the date of receipt of the reference from the JPT Regulations Committee, the Joint Councils Committee shall, refer the matter, or any aspect of it that remains unresolved, to arbitration under the *Arbitration Act*.

(5) The Joint Councils Committee may extend the 120-day period if it considers an extension warranted.

(6) The *Arbitration Act* applies to an arbitration under this section with the following change, that the arbitration shall be heard and decided by an arbitration tribunal composed of 3 persons, appointed as follows:

- (a) one person shall be appointed by the Council;
- (b) one person shall be appointed by ASET Council;
- (c) one person shall be appointed as chair of the arbitration tribunal by the Minister.

(7) In addition to the authority of the arbitration tribunal under the *Arbitration Act*, the arbitration tribunal may, as the circumstances require, do either or both of the following:

- (a) make a decision binding on the Council, ASET Council and the JPT Regulations Committee;
- (b) make a new regulation or amend a regulation respecting professional technologists, and for that purpose the arbitration tribunal has the same authority to make or amend regulations as the JPT Regulations Committee has under section 88.5.

(8) A regulation or amendment made by the arbitration tribunal under subsection (7) does not come into force unless it is approved by the Lieutenant Governor in Council.

2007 c13 s14

Joint Board of Examiners

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.

2007 c13 s14

Joint Discipline Committee

89.1 The Joint Discipline Committee has all the powers, duties and functions with respect to professional technologists that the Discipline Committee has with respect to professional members.

2007 c13 s14

Joint Investigative Committee

89.2 The Joint Investigative Committee has all the powers, duties and functions with respect to professional technologists that the Investigative Committee has with respect to professional members.

2007 c13 s14

**Division 3
Professional Technologists****Scope of practice**

89.3 No professional technologist shall engage in the practice of engineering or geoscience except within the scope of practice specified by the Joint Board of Examiners.

2007 c13 s14;2011 c3 s32

Use of title

89.4(1) No individual, corporation, partnership or other entity, except a professional technologist, shall use

- (a) the title “professional technologist”, the abbreviation “P. Tech” or any other abbreviation of that title,
- (b) the title “professional technologist (engineering)”, the abbreviation “P. Tech (eng)” or any other abbreviation of that title, or
- (c) the title “professional technologist (geoscience)”, the abbreviation “P. Tech (geo)” or any other abbreviation of that title.
- (d) repealed 2011 c3 s21.

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

2007 c13 s14;2011 c3 s22

Stamp or seal

89.5(1) No individual, corporation, partnership or other entity, except a professional technologist (engineering), shall affix the stamp or seal of a professional technologist (engineering) or allow that stamp or seal to be affixed to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless

- (a) that plan, drawing, detail drawing, specification, other document or reproduction was prepared by or under the supervision and control of, and
- (b) the stamp or seal is affixed with the knowledge and consent or in accordance with the direction of

the professional technologist (engineering) to whom the stamp or seal was issued.

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

(3) No individual, corporation, partnership or other entity, except a professional technologist (geoscience) entitled to engage in the practice of geoscience, shall affix the stamp or seal of a professional technologist (geoscience) or allow that stamp or seal to be affixed to a map, geoscientific cross-section, specification, report or other document or a reproduction of any of them unless

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

the professional technologist (geoscience) to whom the stamp or seal was issued.

(4) Notwithstanding subsection (3), a professional technologist (geoscience) may affix a stamp or seal to a map, geoscientific cross-section, specification, report, other document or reproduction prepared by other persons if the professional technologist (geoscience) completes a thorough review of and accepts professional responsibility for that map, geoscientific cross-section, specification, report, other document or reproduction.

2007 c13 s14;2011 c3 s22

Non-application of provisions to professional technologists

89.6 Sections 2(1), 3(1)(b)(i), 5(1) and 6(1)(b)(i) do not apply to a professional technologist engaged in the practice of engineering or geoscience within the scope of practice specified by the Joint Board of Examiners.

2007 c13 s14;2011 c3 s23

Register for professional technologists

90(1) The ASET Registrar shall maintain, in accordance with the professional technologist regulations, a register for professional technologists.

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

2007 c13 s14;2011 c3 s32

Registration as professional technologist and scope of practice

90.1(1) The Joint Board of Examiners shall approve for registration as a professional technologist an individual who is eligible in accordance with this Act and the professional technologist regulations to engage in the practice of engineering or geoscience within the scope of practice specified by the Joint Board of Examiners.

(2) When the Joint Board of Examiners specifies the scope of practice for a professional technologist, it must specify a scope of practice that is the routine application of industry recognized codes, standards, procedures and practices using established engineering or applied science principles and methods of problem solving.

(3) For the purposes of subsection (2), the Joint Board of Examiners may

- (a) define or describe “routine application”;
- (b) define or describe “industry recognized”;
- (c) specify or describe the codes, standards, procedures and practices applicable;
- (d) define or describe all or any of the following terms: “engineering or applied science principles” and “methods of problem solving”.

2007 c13 s14;2011 c3 s32

Evidence of registration

90.2 On entering the name of a professional technologist in the register, the ASET Registrar shall issue to that individual

- (a) a certificate of registration to engage in the practice of engineering or geoscience, as the case requires, within the scope of practice specified by the Joint Board of Examiners, and
- (b) a stamp or seal engraved as prescribed in the professional technologist regulations.

2007 c13 s14;2011 c3 s32

Joint Board of Examiners to consider applications

90.3(1) The Joint Board of Examiners shall consider applications for the registration of applicants as professional technologists in accordance with this Act and the professional technologist regulations and may

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

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

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

before it approves the registration.

2007 c13 s14

Registration of ASET permit holders

90.4(1) ASET Council shall approve the registration as an ASET permit holder of a partnership or other association of persons, or of a corporation incorporated or registered under the *Companies Act* or continued, incorporated or registered under the *Business*

Corporations Act, that has applied to ASET Council and is eligible under this section and the professional technologist regulations to become registered to engage in the practice of engineering or geoscience as an ASET permit holder within the scope of practice of those professional technologists who are responsible for the practice of the ASET permit holder.

(2) A partnership or other association of persons or a corporation that applies to ASET Council is eligible to become registered as an ASET permit holder under subsection (1) if it satisfies ASET Council that it complies with this Act and the professional technologist regulations.

2007 c13 s14;2011 c3 s32

Annual certificate

90.5(1) A professional technologist or ASET permit holder engaged in the practice of engineering or geoscience shall pay to ASET the annual fee prescribed under ASET bylaws.

(2) The ASET Registrar shall issue an annual certificate in accordance with ASET bylaws to a professional technologist

- (a) whose registration is not under suspension, and
- (b) who has paid the annual fee.

(3) Subject to this Act, an annual certificate entitles the professional technologist or ASET permit holder to engage in the practice of engineering or geoscience, as the case may be, during the year for which the annual certificate is issued within the scope of practice of the professional technologist or ASET permit holder.

2007 c13 s14;2011 c3 s32

Entries in registers

90.6(1) The registration of a professional technologist or ASET permit holder is suspended when the decision to suspend the registration is made in accordance with this Act.

(2) The ASET Registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating

- (a) the duration of the suspension, and
- (b) the reason for the suspension.

(3) The registration of a professional technologist or ASET permit holder is cancelled when the decision to cancel the registration is made in accordance with this Act.

(4) The ASET Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.

(5) The ASET Registrar shall not remove from the register any memorandum made by the ASET Registrar under this section except in accordance with the professional technologist regulations.

(6) The ASET Registrar shall provide the Registrar with access to the registers established for professional technologists.

2007 c13 s14

List of registrants open to the public

91 The ASET Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all the professional technologists and ASET permit holders in good standing.

2007 c13 s14

Cancellation on request

91.1(1) The ASET Registrar shall not cancel the registration of a professional technologist or ASET permit holder at that person's request unless the request for cancellation has been approved by ASET Council.

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

- (a) the ASET Registrar shall cancel that registration, and
- (b) the professional technologist or ASET permit holder requesting the cancellation shall, on being notified of the approval,
 - (i) immediately surrender to the ASET Registrar
 - (A) the certificate of registration, annual certificate and stamp or seal, in the case of a professional technologist, or
 - (B) the permit and annual certificate, in the case of an ASET permit holder,
 - and
 - (ii) cease using the permit number, in the case of an ASET permit holder.

(3) ASET Council may direct the ASET Registrar to reinstate in the applicable register a registration that was cancelled under this

section, subject to any conditions that ASET Council may prescribe, and to reissue the certificate of registration, annual certificate or permit and the stamp, seal or permit number.

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

2007 c13 s14

Review by the Joint Appeal Board

91.2(1) The Joint Board of Examiners shall send a written notice of any decision made by it under this Part to the applicant.

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

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

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

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

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

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

2007 c13 s14

Cancellation

91.3(1) ASET Council may direct the ASET Registrar to cancel the registration of

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

- (b) an ASET permit holder if it no longer has employees in compliance with the professional technologist regulations,

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

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

- (a) the fees, dues or levies are paid as indicated in that notice, or
- (b) evidence satisfactory to ASET Council has been received by it within the time prescribed in the notice indicating that the ASET permit holder has employees in compliance with the professional technologist regulations.

(3) ASET Council may direct the ASET Registrar to cancel the registration of a professional technologist or ASET permit holder that was entered in error in the register.

(4) If the registration of a professional technologist has been cancelled under this section, the professional technologist shall forthwith surrender to the ASET Registrar any certificate of registration, annual certificate and stamp or seal issued to the professional technologist.

(5) If the registration of an ASET permit holder has been cancelled under this section, the ASET permit holder shall immediately surrender the permit to the ASET Registrar and cease to use the permit number issued to that ASET permit holder.

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

(7) Notwithstanding subsection (6), if a person whose registration is cancelled applies to be reinstated more than 7 years after the date of the cancellation, the application for reinstatement must be referred to the Joint Board of Examiners.

2007 c13 s14

Application of disciplinary provisions

91.4(1) Part 5, except sections 45 and 46, applies to professional technologists, subject to the following changes:

- (a) “professional member” means a professional technologist;
- (b) “practice of the profession” means the practice of a professional technologist;
- (c) “Registrar” means the ASET Registrar;
- (d) “the regulations” means the professional technologist regulations and ASET regulations;
- (e) “Investigative Committee” means the Joint Investigative Committee;
- (f) “Discipline Committee” means the Joint Discipline Committee;
- (g) “Appeal Board” means the Joint Appeal Board;
- (h) “bylaws” means the professional technologist regulations and ASET bylaws;
- (i) “Council” means the JPT Regulations Committee;
- (j) “investigation panel” means an investigation panel established by the Joint Investigative Committee under section 47;
- (k) “Association” means ASET;
- (l) “Practice Review Board” means the Joint Practice Review Board.

(2) If the registration of a professional technologist has been cancelled under Part 5, the registration shall not be reinstated unless the Joint Board of Examiners approves.

2007 c13 s14

Use of stamps, seals and permit numbers

91.5(1) A professional technologist shall, in accordance with the professional technologist regulations,

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

(2) An ASET permit holder shall affix its permit number on documents or records in accordance with the professional technologist regulations.

2007 c13 s14

Exemption from municipal licence

91.6 No municipality has the power to require any professional technologist or ASET permit holder to obtain a licence from the municipality to engage in the practice of engineering or the practice of geoscience.

2007 c13 s14;2011 c3 s24

Liability to others

92(1) The relationship between an ASET permit holder engaged in the practice of engineering or geoscience and a person receiving the professional services of the ASET permit holder is subject to this Act, the professional technologist regulations and any other law applicable to the relationship between a professional technologist and a client.

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

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

2007 c13 s14;2011 c3 s32

Division 4 Other ASET Members

Registers

92.1(1) In addition to the ASET Registrar's other responsibilities, the ASET Registrar shall maintain in accordance with ASET bylaws and subject to the direction of ASET Council, a register for

- (a) certified engineering technologists;
- (b) any other class or category of membership in ASET.

(2) The ASET Registrar shall maintain a register for registered engineering technologists in accordance with Part 9 of the *General Regulation* (AR 150/99).

(3) The ASET Registrar shall enter in the appropriate register the name of a person who has paid the fee prescribed in ASET bylaws and who

- (a) in the case of a certified engineering technologist, has been approved by the ASET Board of Examiners, or
- (b) in the case of any other class or category of regulated member, has been approved by ASET Council.

(4) The ASET Registrar shall maintain, in the case of regulated members, a membership record in accordance with ASET bylaws.

2007 c13 s14

Registration of regulated members

92.2(1) The ASET Board of Examiners shall approve for registration as a regulated member an individual who has applied to the ASET Board of Examiners and is eligible under this Act and ASET regulations to become a regulated member.

(2) Sections 2(1), 3(1)(b)(i), 5(1) and 6(1)(b)(i) do not apply to a regulated member engaged in the practice of engineering or geoscience under the supervision of a professional member, a professional licensee or a professional technologist.

2007 c13 s14;2011 c3 s25

Evidence of registration

92.3 On entering the name of a regulated member in the register, the ASET Registrar shall issue to the regulated member a certificate of registration.

2007 c13 s14

Annual certificate

92.4(1) A regulated member shall pay to ASET the annual fee prescribed under ASET bylaws.

(2) The ASET Registrar shall issue an annual certificate in accordance with ASET bylaws to a regulated member

- (a) whose registration is not under suspension, and
- (b) who has paid the annual fee.

(3) Subject to this Act, an annual certificate entitles the regulated member to use the title granted to the regulated member during the year for which the annual certificate is issued.

2007 c13 s14

Entries in registers

92.5(1) The registration of a regulated member is suspended when the decision to suspend the registration is made in accordance with this Act.

(2) The ASET Registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating

- (a) the duration of the suspension, and
- (b) the reason for the suspension.

(3) The registration of a regulated member is cancelled when the decision to cancel the registration is made in accordance with this Act.

(4) The ASET Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.

(5) The ASET Registrar shall not remove from the registers any memorandum made under this section, except in accordance with ASET bylaws.

2007 c13 s14

List of registrants open to the public

92.6 The ASET Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all the regulated members in good standing.

2007 c13 s14

Cancellation on request

93(1) The ASET Registrar shall not cancel the registration of a regulated member at that person's request unless the request for cancellation has been approved by ASET Council.

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

- (a) the ASET Registrar shall cancel that registration, and
- (b) the regulated member requesting the cancellation shall, on being notified of the approval, immediately surrender to the ASET Registrar
 - (i) the certificate of registration, and
 - (ii) the annual certificate.

(3) ASET Council may direct the ASET Registrar to reinstate in the applicable register a registration that was cancelled under this section, subject to any conditions that ASET Council may prescribe, and to reissue the certificate of registration and annual certificate.

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

2007 c13 s14

ASET Board of Examiners

93.1(1) ASET Council shall establish a board of examiners in accordance with ASET regulations to be known as the ASET Board of Examiners.

(2) The ASET Board of Examiners shall consider applications for the registration of applicants as regulated members in accordance with this Part, ASET regulations and ASET bylaws and may

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

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

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

before it approves the registration.

2007 c13 s14

Approval by the ASET Board of Examiners

93.2 The ASET Board of Examiners shall approve the registration as a regulated member of a person who proves to the satisfaction of the ASET Board of Examiners that

- (a) the person is of good character and reputation, and
- (b) the person meets the requirements of ASET regulations.

2007 c13 s14

Review by the ASET Appeal Board

93.3(1) The ASET Board of Examiners shall send a written notice of any decision made by it under this Division to the applicant.

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

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

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

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

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

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

2007 c13 s14

ASET Practice Review Board

93.4 There is hereby established a board called the ASET Practice Review Board consisting of not fewer than 4 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 practice as a regulated member.

2007 c13 s14

Powers of the ASET Practice Review Board**93.5(1)** The ASET Practice Review Board

- (a) shall, on its own initiative or at the request of ASET Council, inquire into
 - (i) the assessment of existing and the development of new educational standards and experience requirements that are to be conditions precedent to obtaining and continuing registration as a regulated member under this Act,
 - (ii) the evaluation of desirable standards of competence of regulated members generally,
 - (iii) the practice of regulated members generally, and
 - (iv) any other matter that ASET 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 practice of regulated members under this Act and ASET regulations,and
- (b) may conduct a review of the practice of a regulated member in accordance with this Act and ASET regulations.

(2) The ASET Practice Review Board shall report to and advise ASET Council with respect to any matter dealt with by it pursuant to subsection (1).

(3) A person requested to appear at an inquiry under this section by the ASET Practice Review Board is entitled to be represented by counsel.

(4) The ASET Practice Review Board may, after a review under this section with respect to a regulated member, make any order that the ASET Discipline Committee may make under section 63 or 64.

(5) The provisions of Part 5 with respect to an investigation by the ASET Investigative Committee apply to a review of a regulated member by the ASET Practice Review Board.

(6) The ASET Practice Review Board may at any time during an inquiry or review under this section recommend to the ASET Investigative Committee that the inquiry or review be conducted by the ASET Investigative Committee pursuant to Part 5.

(7) On receiving a recommendation under subsection (6), the ASET Investigative Committee may proceed with an investigation under Part 5 as if the recommendation were a written complaint.

(8) After each inquiry under this section, the ASET Practice Review Board shall make a written report to ASET Council on the inquiry and may make any recommendations to ASET Council that the ASET Practice Review Board considers appropriate in connection with the matter inquired into, with reasons for the recommendations.

(9) ASET Council may, if it considers it to be in the public interest to do so, direct that the whole or any portion of an inquiry by the ASET Practice Review Board under this section shall be held in camera.

2007 c13 s14

Appeal to ASET Appeal Board

94 A regulated member who is the subject of a hearing or a review by the ASET Practice Review Board may appeal any decision or order of the ASET Practice Review Board to the ASET Appeal Board as if it were a decision or order of the ASET Discipline Committee under Part 5.

2007 c13 s14

ASET Appeal Board

94.1(1) There is hereby established an ASET Appeal Board consisting of the regulated members appointed by ASET Council in accordance with ASET regulations.

(2) A member of the ASET Appeal Board appointed under subsection (1) continues to hold office after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.

2007 c13 s14

Division 5 Discipline of Regulated Members

ASET Discipline Committee

94.2(1) ASET Council shall establish a discipline committee, to be known as the ASET Discipline Committee, the members of which shall be appointed in accordance with ASET regulations.

(2) ASET Council shall make regulations governing, subject to this Part and Part 5, the operation and proceedings of the ASET Discipline 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 the powers, duties and functions of the chair and the members.

(3) ASET Council may make regulations respecting the hearing of a matter under Part 5 by a panel of the ASET Discipline Committee.

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

2007 c13 s14

ASET Investigative Committee

94.3(1) ASET Council shall establish an investigative committee to be known as the ASET Investigative Committee, the members of which shall be appointed in accordance with ASET regulations.

(2) ASET Council shall make regulations governing, subject to this Part and Part 5, the operation and proceedings of the ASET 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 the powers, duties and functions of the chair and the members.

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

2007 c13 s14

Application of Part 5 to regulated members of ASET

94.4 Part 5, except sections 45 and 46, applies to regulated members, subject to the following changes to Part 5:

- (a) “professional member” means a regulated member;
- (b) “practice of the profession” means the practice of a regulated member;
- (c) “Registrar” means the ASET Registrar;
- (d) “the regulations” means ASET regulations;
- (e) “Investigative Committee” means the ASET Investigative Committee;

- (f) “Discipline Committee” means the ASET Discipline Committee;
- (g) “Appeal Board” means the ASET Appeal Board;
- (h) “bylaws” means ASET bylaws;
- (i) “Council” means ASET Council;
- (j) “investigation panel” means an investigation panel established by the ASET Investigative Committee under section 47;
- (k) “Association” means ASET;
- (l) “Practice Review Board” means the ASET Practice Review Board;
- (m) “register” means the ASET register of regulated members.

2007 c13 s14

Division 6 General

ASET Registrar’s certificate

94.5(1) A certificate purporting to be signed by the ASET Registrar and stating that a named person was or was not, on a specified day or during a specified period,

- (a) a regulated member,
- (b) a professional technologist,
- (c) an officer of ASET or a member of ASET Council, or
- (d) a member of a joint board or committee that is established by this Act,

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

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

2007 c13 s14

Protection from liability

95(1) No action lies against

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

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

(2) No action for defamation may be founded on a communication that consists of or pertains to a complaint regarding the conduct of a regulated member or a professional technologist if the communication is published to or by

- (a) ASET,
- (b) a member of ASET Council, the ASET Discipline Committee, the ASET Practice Review Board, the ASET Investigative Committee, the ASET Appeal Board or the ASET Board of Examiners,
- (c) a person conducting a preliminary investigation,
- (d) an officer or employee of ASET,

- (e) a member of the JPT Regulations Committee, the Joint Discipline Committee, the Joint Practice Review Board, the Joint Investigative Committee, the Joint Appeal Board or the Joint Board of Examiners, or
- (f) a person acting on the instructions of any of the persons or entities referred to in clauses (a) to (e),

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

2007 c13 s14

Division 7 Prohibitions and Penalties

Practice prohibitions

95.1(1) A person whose registration as a professional technologist is cancelled or suspended under this Act shall not, without the consent of the Joint Board of Examiners, engage in the practice of engineering or geoscience or directly or indirectly associate in the practice of engineering or geoscience with any professional member, licensee, permit holder, certificate holder or professional technologist.

(2) No person, except a regulated member entitled to do so, shall

- (a) use the title “certified engineering technologist” or the abbreviation “C.E.T.” or other abbreviations of that title;
- (b) represent or hold out, expressly or by implication, that the person is entitled to use the title or abbreviation referred to in clause (a) as a certified engineering technologist;
- (c) use the title “registered engineering technologist” or the abbreviation “R.E.T.” or other abbreviations of that title.

(3) ASET may hold or continue to hold, and regulate the use of, the following trademarks:

- (a) certified engineering technologist and “C.E.T.”;
- (b) certified technician and “C. Tech”;
- (c) certified computer information technologist and “C.C.I.T.”;
- (d) applied science technologist and “A. Sc.T.”.

(4) ASET has no legal capacity to apply for, be granted, or to hold, a trademark for any name, title, designation, initials or abbreviation

other than those specified in subsection (3) without the consent of the Lieutenant Governor in Council.

(5) No person shall use the title “registered professional technologist”, “registered professional technologist (engineering)”, “registered professional technologist (geological)”, “registered professional technologist (geophysical)” or “registered professional technologist (geoscience)” or the abbreviation “R.P.T.”, “R.P.T. (eng)”, “R.P.T. (geo)”, “R.P.T. (geol)” or “R.P.T. (geoph)”.

2007 c13 s14;2011 c3 s26

Injunction

96 The Court, on application by ASET Council, may grant an injunction enjoining any person from

- (a) doing any act or thing that contravenes section 95.1(1), (2) or (5), or
- (b) using a title or abbreviation referred to in section 95.1(3) contrary to a use permitted by a trademark referred to in section 95.1(3),

notwithstanding any penalty that may be provided by this Act or under this Act in respect of that act, thing or use.

2007 c13 s14;2011 c14 s7

Onus of proof

96.1 In a prosecution under this Act, the burden of proving that a person is a professional technologist or a regulated member is on the accused.

2007 c13 s14

Part 9 Prohibitions and Penalties

Practice prohibitions

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 the person or itself in the practice of engineering or geoscience with any other professional member, licensee, permit holder or certificate holder.

(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.

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

RSA 2000 cE-11 s97;2011 c3 s27

Use of names and abbreviations relating to geology and geophysics

97.1(1) No individual, corporation, partnership or other entity, except

- (a) an individual who is registered as a professional geoscientist and was registered as a professional geologist immediately before the coming into force of this subsection,
- (b) an individual who is registered to engage in the practice of geoscience as a licensee and was registered to engage in the practice of geology as a licensee immediately before the coming into force of this subsection, or
- (c) a corporation, partnership or other association of persons that is registered to engage in the practice of geoscience as a permit holder and was registered to engage in the practice of geology as a permit holder immediately before the coming into force of this subsection,

shall

- (d) use the title "professional geologist", the abbreviation "P. Geol." or any other abbreviation of that title,
- (e) use the word "geologist" in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation, partnership or other entity is a professional geologist, licensee or permit holder, or
- (f) represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity is a professional geologist.

(2) No individual, corporation, partnership or other entity, except

- (a) an individual who is registered as a professional geoscientist and was registered as a professional geophysicist immediately before the coming into force of this subsection,
- (b) an individual who is registered to engage in the practice of geoscience as a licensee and was registered to engage in the practice of geophysics as a licensee immediately before the coming into force of this subsection, or
- (c) a corporation, partnership or other association of persons that is registered to engage in the practice of geoscience as a permit holder and was registered to engage in the practice of geophysics as a permit holder immediately before the coming into force of this subsection,

shall

- (d) use the title “professional geophysicist”, the abbreviation “P. Geoph.” or any other abbreviation of that title,
 - (e) use the word “geophysicist” in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation, partnership or other entity is a professional geophysicist, licensee or permit holder, or
 - (f) represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity is a professional geophysicist.
- (3)** No individual, corporation, partnership or other entity, except
- (a) an individual who is registered as a professional licensee (geoscience) and was registered as a professional licensee (geological) immediately before the coming into force of this subsection, or
 - (b) a corporation, partnership or other association of persons that is registered to engage in the practice of geoscience as a permit holder and was registered to engage in the practice of geology as a permit holder immediately before the coming into force of this subsection,

shall

- (c) use the title “professional licensee (geological)” or any abbreviation of that title, or

(d) represent or hold out, expressly or by implication, that the individual, partnership or other entity is a professional licensee (geological).

(4) No individual, corporation, partnership or other entity, except

(a) an individual who is registered as a professional licensee (geoscience) and was registered as a professional licensee (geophysical) immediately before the coming into force of this subsection, or

(b) a corporation, partnership or other association of persons that is registered to engage in the practice of geoscience as a permit holder and was registered to engage in the practice of geophysics as a permit holder immediately before the coming into force of this section,

shall

(c) use the title “professional licensee (geophysical)” or any abbreviation of that title, or

(d) represent or hold out, expressly or by implication, that the individual, partnership or other entity is a professional licensee (geophysical).

(5) No individual, corporation, partnership or other entity, except an individual who is registered as a professional technologist (geoscience) and was registered as a professional technologist (geological) immediately before the coming into force of this subsection, shall

(a) use the title “professional technologist (geological)”, the abbreviation “P. Tech (geol)” or any other abbreviation of that title, or

(b) represent or hold out, expressly or by implication, that the individual, partnership or other entity is a professional technologist (geological).

(6) No individual, corporation, partnership or other entity, except an individual who is registered as a professional technologist (geoscience) and was registered as a professional technologist (geophysical) immediately before the coming into force of this subsection, shall

(a) use the title “professional technologist (geophysical)”, the abbreviation “P. Tech (geoph)” or any other abbreviation of that title, or

- (b) represent or hold out, expressly or by implication, that the individual, partnership or other entity is a professional technologist (geophysical).

2011 c3 s28

Injunction

97.2 The Court, on application by the Council, may grant an injunction enjoining any person from doing any act or thing that contravenes section 97.1(1), (2), (3) or (4), notwithstanding any penalty that may be provided by this Act or the regulations in respect of that act or thing.

2011 c3 s28

Penalties

98(1) Every person and every member, officer, employee or agent of a firm, partnership or other association of persons and of a corporation who contravenes Part 1, section 29(2)(b), section 39(4), section 83, 83.01, 83.1, 83.2, 83.3 or 86.3, this Part or section 89.3, 89.4, 89.5 or 95.1 is guilty of an offence and liable

- (a) for the first offence, to a fine of not more than \$2000,
- (b) for the 2nd offence, to a fine of not more than \$4000, and
- (c) for the 3rd and each subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

(2) Repealed 2007 c13 s15.

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

RSA 2000 cE-11 s98;2007 c13 s15;2011 c3 s29

Onus of proof

99 In a prosecution under this Act, the burden of proving that a person is a professional engineer, professional geoscientist, professional licensee (engineering), professional licensee (geoscience), registered professional technologist (engineering), licensee, permit holder or certificate holder, or that a person is not prohibited by section 97.1(1), (2), (3), (4), (5) or (6) from using a title, abbreviation or word or doing an act or thing, is on the accused.

RSA 2000 cE-11 s99;2011 c3 s30

Name change

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

1999 c8 s6

Part 10 Transitional Provisions

Existing registrations

101(1) Where, immediately before the coming into force of this subsection, an individual is registered as a professional geologist or professional geophysicist, on the coming into force of this subsection

- (a) the individual is deemed to be registered as a professional geoscientist, and
- (b) the certificate of registration as a professional geologist or professional geophysicist held by the individual is deemed to be a certificate of registration as a professional geoscientist.

(2) Where, immediately before the coming into force of this subsection, an individual is registered to engage in the practice of geology or geophysics as a licensee, on the coming into force of this subsection

- (a) the individual is deemed to be registered to engage in the practice of geoscience as a licensee,
- (b) the licence to engage in the practice of geology or geophysics as a licensee as authorized in the licence held by the individual is deemed to be a licence to engage in the practice of geoscience as authorized in the licence, and
- (c) the authorization to engage in the practice of geology or geophysics contained in the licence held by the individual is to be construed as an authorization to engage in the practice of geoscience to an equivalent extent, and references in the authorization to the scope of practice of geology or geophysics are to be construed as references to the scope of practice of geoscience.

(3) Where, immediately before the coming into force of this subsection, a corporation, partnership or other association of persons is registered to engage in the practice of geology or

geophysics as a permit holder, on the coming into force of this subsection

- (a) the corporation, partnership or other association of persons is deemed to be registered to engage in the practice of geoscience as a permit holder,
- (b) the permit to engage in the practice of geology or geophysics as a permit holder as authorized in the permit held by the corporation, partnership or other association of persons is deemed to be a permit to engage in the practice of geoscience as authorized in the permit, and
- (c) the authorization to engage in the practice of geology or geophysics contained in the permit held by the corporation, partnership or other association of persons is to be construed as an authorization to engage in the practice of geoscience to an equivalent extent and references in the authorization to the scope of practice of geology or geophysics are to be construed as references to the scope of practice of geoscience.

(4) Where, immediately before the coming into force of this subsection, an individual is registered as a professional licensee to engage in the practice of geology or geophysics within the scope of practice specified in the register, on the coming into force of this subsection

- (a) the individual is deemed to be registered as a professional licensee to engage in the practice of geoscience within the scope of practice specified in the register,
- (b) the certificate of registration to engage in the practice of geology or geophysics within the scope of practice specified in the certificate held by the individual is deemed to be a certificate of registration to engage in the practice of geoscience within the scope of practice specified in the certificate, and
- (c) the scope of practice of geology or geophysics that is specified in the register and the certificate of registration as the scope of practice within which the individual is permitted to engage is to be construed as the scope of practice of geoscience within which the individual is permitted to engage.

(5) Where, immediately before the coming into force of this subsection, an individual is registered as a professional technologist to engage in the practice of geology or geophysics within the scope

of practice specified by the Joint Board of Examiners, on the coming into force of this subsection

- (a) the individual is deemed to be registered as a professional technologist to engage in the practice of geoscience within the scope of practice specified by the Joint Board of Examiners,
- (b) the certificate of registration to engage in the practice of geology or geophysics within the scope of practice specified in the certificate held by the individual is deemed to be a certificate of registration to engage in the practice of geoscience within the scope of practice specified by the Joint Board of Examiners, and
- (c) the scope of practice of geology or geophysics that is specified by the Joint Board of Examiners as the scope of practice for the professional technologist is to be construed as the scope of practice of geoscience for the professional technologist.

(6) Where, immediately before the coming into force of this subsection, a corporation, partnership or other association of persons is registered as an ASET permit holder to engage in the practice of geology or geophysics as an ASET permit holder within the scope of practice of those professional technologists who are responsible for the practice of the ASET permit holder, on the coming into force of this subsection the corporation, partnership or other association of persons is deemed to be registered as an ASET permit holder to engage in the practice of geoscience as an ASET permit holder within the scope of practice of those professional technologists who are responsible for the practice of the ASET permit holder.

(7) The Registrar or the ASET Registrar, as the case may be, shall 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 subsections (1) to (6).

2011 c3 s31

Use of titles and stamps relating to geology and geophysics

102(1) Subject to the regulations, where section 97.1(1), (2), (3), (4), (5) or (6) excepts an individual, licensee or permit holder from a prohibition against using a title, an abbreviation or a word or doing an act or thing, the individual, licensee or permit holder may use the title, the abbreviation or the word and may do the act or thing.

(2) Subject to the regulations and bylaws, an individual referred to in subsection (1) may use a stamp or seal bearing a title or abbreviation that the person is authorized by subsection (1) to use.

2011 c3 s31

Transitional regulations

103(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition of anything under this Act, including this Act as it read immediately before the coming into force of this section, relating to the transition from the profession of geology or the profession of geophysics to the profession of geoscience, including the interpretation of any transitional provision in this Act;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition from the profession of geology or the profession of geophysics to the profession of geoscience.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

(3) A regulation made under subsection (1) is repealed on the earliest of

- (a) the coming into force of an amendment that adds the subject-matter of the regulation to this Act;
- (b) the coming into force of a regulation that repeals the regulation made under subsection (1);
- (c) 3 years after the regulation comes into force.

(4) The repeal of a regulation under subsection (3)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

2011 c3 s31