

ASET National Professional Practice Exam Legislation Handbook

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ASET

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Introduction

The ASET National Professional Practice Exam Legislation Handbook has been prepared by the Association of Science and Engineering Technology Professionals of Alberta (ASET) for applicants seeking registration as a Professional Technologist (Engineering/Geoscience). The handbook is designed to provide candidates with essential information regarding the relevant legislation in preparation for the National Professional Practice Exam. This handbook is based on the *Engineering and Geoscience Professions Act*, the *ASET Regulation AR 282/2009*, and the *Professional Technologist Regulation AR 283/2009*.

Definition of Engineering

The *Engineering and Geoscience Professions Act* defines the practice of engineering as:

- i. Reporting on, advising on, evaluating, designing, preparing plans and specifications for or directing the construction, technical inspection, maintenance or operation of any work, structure 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 principals of mathematics, chemistry, or any related applied subject, or
- ii. Teaching engineering at university

Definition of Geoscience

The *Engineering and Geoscience Professions Act* defines the practice of geoscience as:

- i. Reporting on, advising on, 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 the surface or subsurface 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 principals of mathematics, chemistry, physics, or biology through the application of the principals of geoscience, or
- ii. Teaching geoscience at a university

The Association of Professional Engineers and Geoscientists of Alberta

The Association of Professional Engineers and Geoscientists of Alberta is a corporation under the *Engineering and Geoscience Professions Act*. The abbreviated form of the name is APEGA or A.P.E.G.A. No person other than the Association of Professional Engineers and Geoscientists of Alberta can use the abbreviated form of the name or any other abbreviation in a way that states directly or implies that the person is a member of or connected in any way with APEGA. APEGA has the capacity, rights, powers and privileges of a natural person under the Act.

Definitions

In this document and in relation to APEGA membership, the following definitions are used.

The **profession** means the profession of engineering or the profession of geoscience, as the case may be.

A **professional member** is a professional engineer or a professional geoscientist.

A **professional engineer** is an individual who holds a certificate of registration to engage in the practice of engineering under this Act. It does not include a professional licensee (engineering) or a professional technologist (engineering).

A **professional geoscientist** is an individual who holds a certificate of registration to engage in the practice of geoscience under this Act. It does not include a professional licensee (geoscience) or a professional technologist (geoscience).

A **licensee** is an individual who holds a license under this Act, but does not include a professional licensee.

A **professional licensee** means a professional licensee (engineering) or a professional licensee (geoscience).

A **professional licensee (engineering)** is an individual who holds a certificate of registration and an annual license to engage in the practice of engineering within the scope of practice specified by the APEGA Board of Examiners.

A **professional licensee (geoscience)** is an individual who holds a certificate of registration and an annual license to engage in the practice of geoscience within the scope of practice specified by the APEGA Board of Examiners.

A **member of the Association** is a person who is registered with APEGA as a professional member or a member of a class or category of membership established under this Act.

Exclusive Use of Title- Engineering

No individual, corporation, partnership or other entity other than a professional engineer, licensee or permit holder entitled to engage in the practice of engineering may use the title **professional engineer**, the abbreviation **P. Eng.** or any other abbreviation of that title.

No one other than a professional engineer can use 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, or other entity is a professional engineer, licensee, or permit holder.

No individual may represent or hold out expressly or by implication that they are entitled to engage in the practice of engineering or that they are a professional engineer, licensee, or permit holder if they are not one of the aforementioned members.

A professional engineer, licensee, restricted practitioner, or permit holder will sign documents and attach their stamp, seal, or permit number to any documents or records in accordance with the regulations.

No one other than a professional engineer, licensee, or permit holder may attached the stamp, seal or permit number of a professional engineer, licensee or permit holder. A professional engineer, licensee, or permit holder will not allow their stamp, seal, or permit number to be attached to a plan, drawing, detail drawing, specification, or other document unless that document was prepared under the supervision and control of the member and it is attached with their knowledge.

A stamp, seal, or permit number may be attached to a plan, drawing, detail drawing, specification or other document that was not prepared by the professional engineer, licensee, or permit holder if the member completes a thorough review of the document and accepts professional responsibility for the document.

A joint firm is allowed to say its employees are 'engineers and architects' only if it has both professional engineers and registered architects as partners or shareholders. If the professional engineers and/or architects are employees only, the joint firm cannot state that they have 'engineers and architects'.

Exclusive Scope of Practice- Engineering

No individual, corporation, or other entity except a professional engineer, licensee, permit holder or certificate holder is allowed to engage in the practice of engineering. A professional engineer, licensee, permit holder, or certificate holder may engage in the practice of surveying, other than land surveying.

A person is allowed to engage in the practice of engineering without being a registered member if the person is:

- Engaged in the execution or supervision of the construction, maintenance, operation or inspection of any process, work, or structure in the capacity of a contractor, superintendent, foreman, inspector, or in a similar capacity if the work, structure or process was designed by and is being supervised by a professional member or licensee,
- An engineer-in-training or an engineering technologist working under the supervision and control of a professional engineer, licensee, permit holder or certificate holder
- A private owner undertaking any work for their sole use or use of their home that does not involve the safety of the public,
- A member of the Canadian Forces while they are employed on active duty, or
- A person engaged or employed at a university whose profession is exclusively teaching.

You do not need to be registered as a professional engineer to engage in the following activities:

- Planning, designing, or giving advice on the design of or on the erection, construction, or alteration of or addition to,
- Preparing plans, drawings, detail drawings, specifications, or graphic representations for the design of or erection, construction, or alteration or addition to,
- Inspecting work or assessing the performance of work under a contract for the erection, construction or alteration of or addition to,

on the following types of buildings:

- A building less than 3 stories in height for assembly or institutional occupancy;¹
- A building for residential occupancy that is a single family dwelling or a multi-family unit with 4 units or less;
- A building less than 3 stories in height for residential occupancy as a hotel, motel or similar use;²
- A building less than 3 stories in height for warehouse, business and personal services; occupancy, for mercantile occupancy or for industrial occupancy;³
- A farm building that is not for public use; or
- A relocatable industrial camp building.

Exclusive Use of Title- Geoscience

No individual, corporation, partnership or other entity other than a professional geoscientist, licensee or permit holder entitled to engage in the practice of geoscience may use the title ***professional geoscientist***, the abbreviation ***P. Geo.*** or any other abbreviation of that title.

No one other than a professional geoscientist can use 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, or other entity is a professional geoscientist, licensee, or permit holder.

No individual may represent or hold out expressly or by implication that they are entitled to engage in the practice of geoscience or that they are a professional geoscientist, licensee, or permit holder if they are not one of the aforementioned members.

A professional engineer, geoscientist, restricted practitioner, or permit holder will sign documents and attach their stamp, seal, or permit number to any documents or records in accordance with the regulations.

No one other than a professional geoscientist, licensee, or permit holder may attached the stamp, seal or permit number of a professional geoscientist, licensee or permit holder. A professional geoscientist, licensee, or permit holder will not allow their stamp, seal, or permit number to be attached to a map, geoscientific cross-section, specification, report, or other document unless that document was prepared under the supervision and control of the member and it is attached with their knowledge.

A stamp, seal, or permit number may be attached to a map, geoscientific cross-section, specification, report, or other document that was not prepared by the professional geoscientist, licensee, or permit holder if the member completes a thorough review of the document and accepts professional responsibility for the document.

¹ Square foot limitations: one story must be 300 m² or less, two story must be 150m² or less on each floor, three stories must be 100m² or less on each floor

² Square foot limitations: one story must be 400 m² or less, two story must be 200m² or less on each floor, three stories must be 130m² or less on each floor

³ Square foot limitations: one story must be 500 m² or less, two story must be 250m² or less on each floor, three stories must be 165m² or less on each floor

Exclusive Scope of Practice- Geoscience

No individual, corporation, or other entity except a professional geoscience, licensee, or permit holder is allowed to engage in the practice of geoscience.

A person is allowed to engage in the practice of geoscience without being a registered member if the person is:

- 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 a contractor, superintendent, foreman, inspector, or in a similar capacity if the investigation, process, system, study, work, or instrumentation was designed by and is being supervised by a professional member or licensee,
- An geoscientist-in-training or a geoscience technologist working under the supervision and control of a professional geoscientist, licensee, permit holder or certificate holder,
- A prospector engaged in activities normally associated with prospecting,
- A member of the Canadian Forces while they are employed on active duty with the Forces,
- A person engaged in conducting a routine geoscientific survey or preparing a routine geoscientific report where the standards and specifications of the survey or report have been prepared or approved by a professional geoscientist or licensee,
- A person engaged in the routine reduction or plotting of geoscientific data under the supervision and control of a professional geoscientist or licensee,
- A person engaged in the routine operation, maintenance, or repair of geoscience equipment or facilities, or
- A person engaged or employed at a university whose profession is exclusively teaching geoscience.

APEGA Council

The governing body of APEGA is its Council. The Council manages and conducts the business and affairs of APEGA and exercise the powers of APEGA in the name of and on behalf of APEGA. The Council must submit an annual report to the Minister which details the business and affairs of APEGA. The Minister will then present the report to the Legislative Assembly.

The Council must appoint a Registrar, as per the regulations and bylaws of this Act.

The APEGA Council is made up of:

- A President,
- Two Vice-Presidents,
- The past President,
- At least twelve other professional members, each of whom shall be elected by APEGA members, and
- Public members appointed by the Minister
 - o Three public members when Council is less than 20 members
 - o One additional public member for every additional 10 Council members

Council will consist of at least sixteen professional members with at least two professional engineers and at least two professional geoscientists.

Position	Term of Office
President	One year
Vice-President	One year
Public Member	Three years

When an elected member or public member's term ends, they continue to hold office until they are reappointed or their successor is elected.

Council's powers, duties and operations are not affected by a member of the public's absence, whether from not being appointed, being absent, being removed, or resigning. The public member's absence does not affect Council's ability to perform its duties under the Act.

Regulations

The APEGA Council may make regulations with respect to the registration, licensing, the issuing of permits and certificates, disciplinary matters, and the practice of regulated members. Regulations made by APEGA Council may fall into the following categories: Membership including application, Boards and Committees, and public interests.

Membership

Council makes regulations:

- Establishing categories and criteria for enrollment for engineers-in-training, geoscientists-in-training, examination candidates and students.
- Determining the academic qualifications and experience requirements for applicants.
- Governing the evaluation of qualifications and experience for applicants to engage in the practice of engineering or geoscience.
- On the eligibility of applicants to engage in the practice of engineering or geoscience.
- Prescribing the technical standards of practice of the profession.
- Establishing a compulsory continuing education program for professional members and licensees.
- Establishing classes or categories of professional engineers or geoscientists and licensees or permit holders and prescribing restrictions of practice and the privileges and obligations of the classes or categories established in addition to regulated members.
- On the academic qualifications and the experience required of the classes and categories of professional engineers or geoscientists and licensees or permit holders.
- Governing the eligibility of persons, firms, partnerships and other entities for registration as APEGA permit holders or certificate holders.
- Governing the operation of APEGA permit or certificate holders.
- On the use of stamps, seals, and permit numbers.
- On registration, licensing, the issuing of permits and certificates, disciplinary matters, and the practice of engineering and geoscience generally.

Boards and Committees

APEGA Council makes regulations:

- On the powers, duties and functions of the APEGA Practice Review Board, including but not limited to the referral of matters.
- On the process of appointment of members of the APEGA Appeal Board.
- Prescribing the number of members that constitute a quorum of APEGA Council, the APEGA Investigative Committee, the APEGA Appeal Board, the APEGA Practice Review Board, the APEGA Board of Examiners, or the APEGA Discipline Committee.
- Governing the establishment of boards or committees of professional members and regarding the delegation of powers of the APEGA Council to these boards or committees or to the APEGA Practice Review Board.
- Governing the operation and procedures of the APEGA Appeal Board, the APEGA Board of Examiners, and the APEGA Practice Review Board, the designation of a chair and vice- chair, the appointment of acting members and procedures for filling vacancies, and the appointment to any of those boards of members by virtue of their office and prescribing their powers, duties, and functions.
- On the procedures of the APEGA Discipline Committee, the APEGA Practice Review Board, the APEGA Investigative Committee and the APEGA 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.
- Establishing committees for inquiry for reinstatement.

Public Interest

APEGA Council must develop regulations:

- 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 public interests.
- Governing the publication of a notice of the suspension or cancellation of the registration of a professional members, licensees, permit holders or certificate holders and prescribing the form and manner in which such a notification will be made.
- Governing the publication of information with respect to the profession, including surveys or fees.
- On the process for serving a document or notice on any person, as required by this Act (i.e. Discipline Committee hearing).

Regulations can only be made by the APEGA Council. A regulation must be approved by the majority of professional members who are present and voting. Voting can take place at a special meeting, by mail, electronic, or telecommunication, or at the annual general meeting (AGM). APEGA Council can change the text and wording of a regulation that has been approved if the change is consistent with the approved content.

Bylaws

APEGA Council may make bylaws for the governing and operation of APEGA. Bylaws may fall under the following categories: Operation of APEGA, Boards and Committees, and Membership.

Operation

APEGA Council may make bylaws:

- For the government of APEGA and the management and conduct of its affairs.
- Determining the location of the head office of APEGA.
- On calling of and conduct of meetings of APEGA and APEGA Council.
- On the appointment, function, duties and powers of a Chief Executive Officer of APEGA.
- To establish the districts and branches of APEGA and their operation.
- Dividing Alberta into electoral districts and prescribing the number of APEGA Council members to be elected from each district.
- Providing for the appointment of a Deputy Registrar of APEGA who has all the powers and may perform all of the duties of the APEGA Registrar under this Act, regulations and bylaws when the APEGA Registrar is absent or unable to act, or when there is a vacancy in the office of the APEGA Registrar.
- Prescribing fees and expenses payable to members of APEGA for attending to the business of APEGA.
- For the establishment and payment of sums of money for scholarships, fellowships, and any other educational incentive or benefit program that APEGA Council considers appropriate.
- Respecting the fixing of fees, dues and levies payable to APEGA.
- Respecting the costs payable to any person on the conclusion of a hearing or review.

Boards and Committees

The APEGA Council may make bylaws:

- On the nomination, election, number and term of office of APEGA Council members and officers of APEGA.
- On the appointment of individuals as members of the Discipline Committee, the Practice Review Board, the Appeal Board, the Board of Examiners and any other committee established by APEGA Council.
- Prescribing the powers, duties and functions of Boards and Committees.
- Prescribing the areas of professions of engineering and geoscience from which members of the APEGA Board of Examiners shall be appointed.
- Providing for the appointment of acting members of APEGA Council and procedures for an election or appointment of professional members to fill vacancies on APEGA Council.
- Prescribing the number of professional members that constitutes quorum at meetings of APEGA.
- Governing the establishment, operation and proceeding of the committees, the appointment of members of committees, and the appointment of acting members on boards and committees, the procedures for filling vacancies on committees, and the delegation of any powers or duties of APEGA Council.

Membership

APEGA Council may make bylaws:

- Establishing classes or categories of membership in APEGA in addition to professional engineers and professional geoscientists and prescribing the rights, privileges and obligations of the classes or categories of membership so established.
- On the information to be engraved on stamps and seals issued to professional members, licensees and restricted practitioners.
- On the issuing of permit numbers to APEGA permit holders.
- Respecting the establishment, content, and maintenance of registers of professional members, licensees, permit holders or certificate holders and records of other classes or categories of membership to be kept by the APEGA Registrar.
- Respecting the removal from the registers and records of any memorandum or entry made in them.
- Requiring professional members, licensees, permit holders or certificate holders to inform the APEGA Registrar in writing of their current mailing address and of any change of address immediately.
- Prescribing the form of a certificate of registration, a permit, a certificate of authorization and an annual certificate.
- Respecting the expiry of annual certificates, annual licenses, permits and other authorizations.

APEGA Council may make bylaws respecting the holding of mail votes and votes conducted by electronic, telecommunication or any other appropriate means on a matter relating to APEGA. A bylaw on voting does not come into force unless it is approved by a majority of professional members present and voting.

The *Regulations Act* does not apply to APEGA bylaws.

Before the APEGA Council establishes or amends academic qualifications for applicants, they must consult with the appropriate Ministers for their comments.

Registers and Records

In accordance with the APEGA bylaws, the APEGA Registrar shall keep and maintain records and registers for:

- professional engineers,
- professional geoscientists,
- professional licensee (engineering),
- professional licensee (geoscience),
- licensees to engage in the practice of engineering or geoscience,
- permit holders to engage in the practice of engineering or geoscience,
- Joint firms, and
- Restricted practitioners.

The APEGA Registrar shall enter the name of a person who has paid the fees prescribed in the APEGA bylaws and who has been approved to engage in the practice of engineering or geoscience as a professional engineer or geoscientist, a professional licensee (engineering/geoscience), or licensee by the APEGA Board of Examiners, or as a permit holder or a joint firm approved by APEGA Council. The Board of Examiners will approve for registration as a professional member, professional licensee, or licensee an individual who has applied and is eligible under this Act and regulations. The Council will approve the registration of a permit holder that has applied and is eligible under this Act and Regulations to engage in the practice of profession.

On entering a name in the register, the APEGA Registrar shall issue:

Member Type	Items Issued
Professional Engineer or Professional Geoscientist	- A certificate of registration - A stamp or seal
Professional Licensee (Engineering) or Professional Licensee (Geoscience)	- A certificate of registration to practice within the scope of practice specified - A stamp or seal
Licensee	- A license to engage in the profession - A stamp or seal
Permit Holder	- A permit to engage in the profession - A permit number
Joint Firm	- A certificate of authorization to engage in the profession - A permit number
Restricted Practitioner	- A certificate of authorization to engage in the profession

A certificate of registration, a license, a permit or a certificate of authorization issued by the APEGA Registrar entitles the holder to engage in the practice of engineering or geoscience subject to this Act, regulations and the bylaws.

A professional member, professional licensee, licensee, permit holder or certificate holder must pay to APEGA the annual fee prescribed in the bylaws. The APEGA Registrar shall issue an annual certificate to a professional member, professional licensee, licensee, permit holder or certificate holder whose registration is not suspended and who has paid the annual fee. An annual certificate entitles the professional member, professional licensee, licensee, permit holder or certificate holder to engage in the practice of the profession for the year the certificate is issued.

The fees prescribed for a professional licensee must not exceed the corresponding fees for a professional member.

Notices in the Register

Once the decision to suspend or cancel a professional member, licensee, permit holder or certificate holders membership is made, the APEGA Registrar must enter a memorandum of suspension or cancellation in the appropriate register, indicating both the duration and reason for the suspension/cancellation. The Registrar shall not remove any memorandum from the registers, except in accordance with APEGA bylaws.

The Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all professional members, licensees, permit holders or certificate holders in good standing. The APEGA Member Register is electronic and is available at any time via the APEGA website.

Cancellation of Membership

The APEGA 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 cancellation is approved by the APEGA Council. When a request for cancellation is approved, the Registrar will cancel that registration and the professional member, licensee, permit holder or certificate holder requesting cancellation must immediately surrender the certificate of registration, license, permit, and/or the annual certificate, and stamp or seal to the Registrar. Permit holders whose registration is cancelled must cease using their permit number.

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

APEGA Council may direct the APEGA Registrar to cancel the registration of a professional member, licensee, permit holder, joint firm, or restricted practitioner who is in default of payment of annual fees or any other fees, dues, or levies payable. An APEGA permit holder who no longer has employees in compliance with the Act will also have their registration cancelled by Council. A joint firm who ceases to have at least one professional engineer and at least one registered architect will have their registration cancelled. If a restricted practitioner is no longer a registered architect in good standing under the *Architects Act*, their registration will be cancelled.

A written notice of Council's intent to cancel the registration must be served on the member/permit holder/joint firm and the APEGA Registrar must wait 30 days after serving the notice to cancel the registration. The notice will state that the APEGA Registrar may cancel the registration unless the fees, dues, or levies are paid as indicated in that notice. For an APEGA permit holder or joint firm, evidence must be received indicating that the permit holder/joint firm has employees in compliance with this Act. For a restricted practitioner, they must show evidence that they are a registered architect in good standing. After 30 days, the registration will be cancelled if the individual has not complied.

If the registration of a professional member or licensee has been cancelled under this section, the individual must surrender to the APEGA Registrar any certificate of registration, license, stamp or seal, or permit issued to them. If the registration of a permit holder is cancelled, they

must surrender to the APEGA Registrar their permit and cease to use the permit number issued to them. If the registration of a joint firm or restricted practitioner is cancelled, they must surrender their certificate of authorization and stamp issued to it to the APEGA Registrar.

Reinstatement

The APEGA Council may direct the APEGA Registrar to reinstate a registration that was cancelled, subject to any conditions that the Council may prescribe, and to reissue the certificate of registration, license, certificate of authorization, or permit, and the stamp, seal, or permit number.

If a person whose registration was cancelled applies to be reinstated more than 7 years after the date of cancellation, the application for reinstatement must be referred to the APEGA Board of Examiners.

A person whose registration has been cancelled or suspended under this Act must not, without the consent of the Board of Examiners, engage in the practice of engineering or geoscience. A person whose registration as a professional member, licensee, permit holder or certificate holder is cancelled or suspended cannot engage in the practice of engineering or geoscience, or associate with a professional member, professional licensee, permit holder or certificate holder either directly or indirectly.

No professional member, licensee, permit holder or certificate holder is allowed to directly or indirectly associate professionally or employ a person whose registration has been cancelled under this Act. APEGA Council may permit a professional member, licensee, permit holder or certificate holder to employ a cancelled or suspended member, but the employment will be prescribed by Council.

Membership

Professional Members and Licensee

To apply for membership as a professional member or licensee, the applicant must:

- Be a Canadian citizen or lawfully entitled to work in Canada
- Be of good character and reputation
- Meet the requirements of the Engineering and Geoscience Professionals Regulations

The APEGA Board of Examiners considers applications for registration as professional members and licensees and may approve, refuse or defer the application until a certain requirement is met. The Board of Examiners may require an applicant to pass one or more examinations, obtain more experience that is satisfactory to the Board for a specified period, or both.

The APEGA Board of Examiners will approve the registration as a regulated member of a person who proves to the satisfaction of the Board of Examiners that they meet these requirements.

Decisions

The APEGA Board of Examiners must send written notice of any decision made to the applicant. If the decision is to refuse or defer the registration of the applicant, reasons for the decision must be sent in writing to the applicant. If the decision made by the Board of Examiners is to approve the registration, the APEGA Registrar shall publish a notice of approval in accordance with the bylaws.

Appeals

An applicant whose application for registration has been refused may appeal the decision to the APEGA Appeal Board within 30 days of receiving their notice of refusal. A notice of appeal must be served on the APEGA Registrar. Once the Registrar has received a notice of appeal, s/he shall set a date, time and place for the hearing of appeal, and notify the appellant in writing of these details. The appellant may appear with counsel and make representations to the APEGA Appeal Board. On concluding the hearing, the APEGA Appeal Board may make any decision the APEGA Board of Examiners was authorized to make (approve, defer or refuse).

Joint Firms

An 'architects firm' is defined as a partnership or corporation that provides architectural consulting services or engages in a practice satisfactory to the Joint Board and in which registered architects hold a majority interest and control the partnership or organization. An 'engineers firm' is defined as a partnership or corporation that provides engineering consulting services or engages in a practice satisfactory to the Joint Board and in which professional engineers hold a majority interest and control the partnership or organization. A 'proposed engineers and architects firm' is defined as a partnership or corporation that provides engineering consulting services and architectural consulting services or engages in a practice satisfactory to the Joint Board and in which professional engineers and registered architects hold a majority interest and control the partnership or organization.

An application for a certificate of authorization as a joint firm can be made by:

- A professional engineer
- A registered architect
- An engineers firm
- An architects firm
- A proposed engineers and architects firms, or
- A partnership or corporation that the Joint Board considers suitable

If the primary activity conducted by the applicant is engineering consulting services, they must apply to the APEGA Council. If the primary activity is architectural consulting, the applicant must apply to the Architects Association. The application will then be referred to the Joint Board by the council of the association that the application was made to.

The Joint Board will then evaluate if the firm meets the requirements for registration:

- Is the firm eligible to apply?
- Is there at least one full time employee who is a professional engineer to take responsibility for the engineering work?
- Is there at least one full time employee who is a registered architect to take responsibility

for the architectural work?

- Are there any professional conflicts of interest in the ownership interests of the applicant?
- Would granting a certificate of registration give rise to unauthorized practice?
- Would there be any detriment to the public if the applicant was granted the right to practice both engineering and architecture?

The Joint Board will then make a recommendation whether or not to grant registration. Applications from registered architects or architecture firms will be referred to the APEGA Council. Applications from professional engineers or an engineering firm will be referred to the Architects Association. Applications from proposed engineers and architects firms will be referred to both councils for review.

On receipt of a recommendation from the Joint Board, APEGA Council must decide if they will approve the registration of a proposed engineers and architects firms. When a recommendation is made by the Joint Board, the APEGA Council and the Architects Association must agree that a certificate of authorization should be issued and both councils must sign the certificate before it is issued to the joint firm.

Duties of a Joint Firm

A joint firm may engage in the practice of both engineering and architecture in either the names of the partners, the corporate name, or any other name that is approved by APEGA Council. The joint firm must inform the Registrar in writing of the names of the shareholders, directors, officers, and the employees who are professional engineers and register architects, and if there are any changes in the above named individuals.

When a joint firm prepares plans, drawings, detail drawings, and specifications, those documents need to signed by and imprinted with the stamp or seal of the professional engineer who had supervision and control over their preparation and who reviewed them and has accepted professional responsibility for them.

Professional Licensees

A professional licensee can only engage in the practice of engineering or geoscience within the scope of practice specified by the APEGA Board of Examiners. No one other than a professional licensee (engineering/geoscience) or a permit holder entitled to engage in the practice of engineering/geoscience shall use the title professional licensee (engineering/geoscience). No other individual, corporation, partnership, or other entity is allowed to state, either expressly or by implication, that they are a professional licensee.

Only a professional licensee (engineering/geoscience) can attach the stamp or seal of a professional licensee or allow the stamp or seal to be attached to a plan, drawing, detail drawing, map, geoscientific cross-section, report, specification or other document, or a reproduction of any of them unless

- That plan, drawing, detail drawing, map, geoscientific cross-section, report, specification or other document, or a reproduction was prepared by or under the supervision and control of, and

- The stamp or seal is affixed with the knowledge and consent or in accordance with the direction of the professional licensee (engineering/geoscience) to whom the stamp or seal was issued.

A professional licensee (engineering/geoscience) may attach a stamp to a plan, drawing, detail drawing, map, geoscientific cross-section, report, specification or other document, or a reproduction prepared by another person if the professional licensee (engineering/geoscience) completes a thorough review of and accepts professional responsibility for that document.

The Act applies to Professional Licensees in the same manner as all other categories of membership. The Investigation and Discipline procedures apply to professional licensees in the same manner as all other categories of APEGA membership.

Cancelled Professional Licensees

A person whose registration as a professional licensee is cancelled or suspended cannot engage in the practice of engineering or geoscience, or associate with a professional member, professional licensee, permit holder or certificate holder either directly or indirectly.

No professional licensee is allowed to directly or indirectly associate professionally or employ a person whose registration has been cancelled under this Act.

Boards and Committees

In addition to the legislated committees, APEGA Council may appoint any other standing or special committees, task forces, or boards it considers necessary to serve the interests of APEGA and will delegate any authority necessary for these committees, task forces and boards to perform their function. The APEGA Council determines the terms of reference for all additional committees, task forces, or boards created.

The APEGA Council makes the regulation governing the operation and proceedings of the Discipline Committee, the Investigative Committee, the Appeal Board, and the Board of Examiners. Council can also make regulations respecting the hearing of a matter by a panel of the Discipline Committee or the Investigative Committee. These regulations do not come into effect until they are approved by the Lieutenant Governor in Council.

Board	Number of Members	Term of Office	Quorum
APEGA Practice Review Board	At least four, plus one member of the public	Three years (can be reappointed)	Majority of the Board
APEGA Board of Examiners	No more than 20 members, plus three members of the public	Three years (can be reappointed)	One-quarter (1/4) of members
APEGA Discipline Committee	At least three, plus one member of the public	Three years (can be reappointed)	Majority of the Committee

APEGA Investigative Committee	At least three, plus one member of the public	Three years (can be reappointed)	Majority of the Committee
APEGA Appeal Board	As many as are appointed by Council, plus at least one public member	Three years (can be reappointed)	Majority of the Committee

The Chair and Vice-Chair for each of these Boards/Committees is appointed by APEGA Council. Each of these Boards/Committees can appoint an acting chair for a specific meeting in the event of the chair and vice-chair's absence. A member on one of the above Boards or Committees continues to hold office until they are re-elected or a successor is appointed. If there is a vacancy on a Board/Committee, APEGA Council may appoint a regulated member for the remainder of the term. APEGA Council prescribes the powers, duties and functions of the chair and committee members on these boards and committees.

The Minister will appoint public members to the boards and committees from a list of nominees presented by APEGA Council. If Council fails to nominate someone within a reasonable period of time, the Minister can appoint someone. The Minister will reimburse a public member for living and travel expenses incurred by the public member's attendance at meetings. The Minister may revoke the appointment of a public member. The absence of a public member does not affect the powers, duties and operations of any of the boards or committees. The Minister can appoint someone to fill the vacancy of a public member on any of the boards or committees.

APEGA Practice Review Board

Council will appoint regulated members to so that there is a combination of academic qualifications and experience which allows the APEGA Practice Review Board to effectively review and assess registration requirements and procedures and disciplinary procedures.

The APEGA Practice Review Board considers:

- The assessment of existing and the development of new educational standards and experience requirements that are to be required to obtain and maintain registration under this Act,
- The evaluation of desirable standards of competence of professional members, licensees, permit holders, and certificate holders,
- The practice of the profession by professional members, licensees, permit holders, and certificate holders, and
- Items referred by APEGA Council.

The APEGA Practice Review Board may also conduct a review of the practice of professional members, licensees, permit holders, and certificate holders in accordance with this Act and APEGA regulations.

The Practice Review Board shall report to the APEGA Council on any of the above matters that they discuss and consider. A person requested to appear at an inquiry by the Practice Review Board is entitled to be represented by legal counsel.

The APEGA Practice Review Board may make any order that the APEGA Discipline Committee can. The same guidelines apply to a review of a regulated member by the APEGA Practice Review Board as an investigation conducted by the APEGA Investigative Committee. The APEGA Practice Review Board may at any time recommend that the inquiry or review be conducted by the APEGA Investigative Committee. The Investigative Committee can then proceed with an investigation as if the recommendation were a written complaint. After each inquiry, the Practice Review Board must write a report for Council and make recommendations that the Board considers appropriate in connection with the investigation.

APEGA Council may direct the whole or part of the inquiry by the APEGA Practice Review Board to be held under camera, if they believe it is in the public interest.

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

APEGA Board of Examiners

The APEGA Board of Examiners considers applications for registration in accordance with the Act, regulations and bylaws. The Board of Examiners can:

- Approve,
- Defer until the Board is satisfied that the applicant has complied with the application requirements, or
- Reject

an application. The Board of Examiners may require an applicant to pass one or more examinations, obtain more experience in a form acceptable to the Board, or do both.

In registering a professional licensee, the Board of Examiners will specify in the certificate and in the register the scope of practice in engineering or geoscience that the individual is permitted to work in.

APEGA Discipline Panel

A panel of the APEGA Discipline Committee must consist of at least 3 members. A member who has been designated as case manager must not sit as part of the panel that is hearing the matter. A panel of the Discipline Committee has all the powers and authority of the Committee itself.

APEGA Investigative Panel

When a complaint is referred to the Investigative Committee, they shall appoint an investigative panel comprised of members of the Committee to conduct a preliminary investigation. An investigation panel may employ any technical consultants and legal counsel it considers necessary to conduct a preliminary investigation. The Registrar shall also send notice to the investigated person that a preliminary investigation is taking place.

The panel may require plans, drawings, specifications, reports, books, papers or other documents or record in possession or control of the investigated person. They can also require such documents from other APEGA members relating to the investigation. The panel can also make and keep copies of any of those documents for the purpose of the investigation. Any other questionable conduct that is uncovered during the investigation will be investigated further. On concluding the preliminary investigation, the panel will report its findings to the Investigative Committee.

Legal Counsel

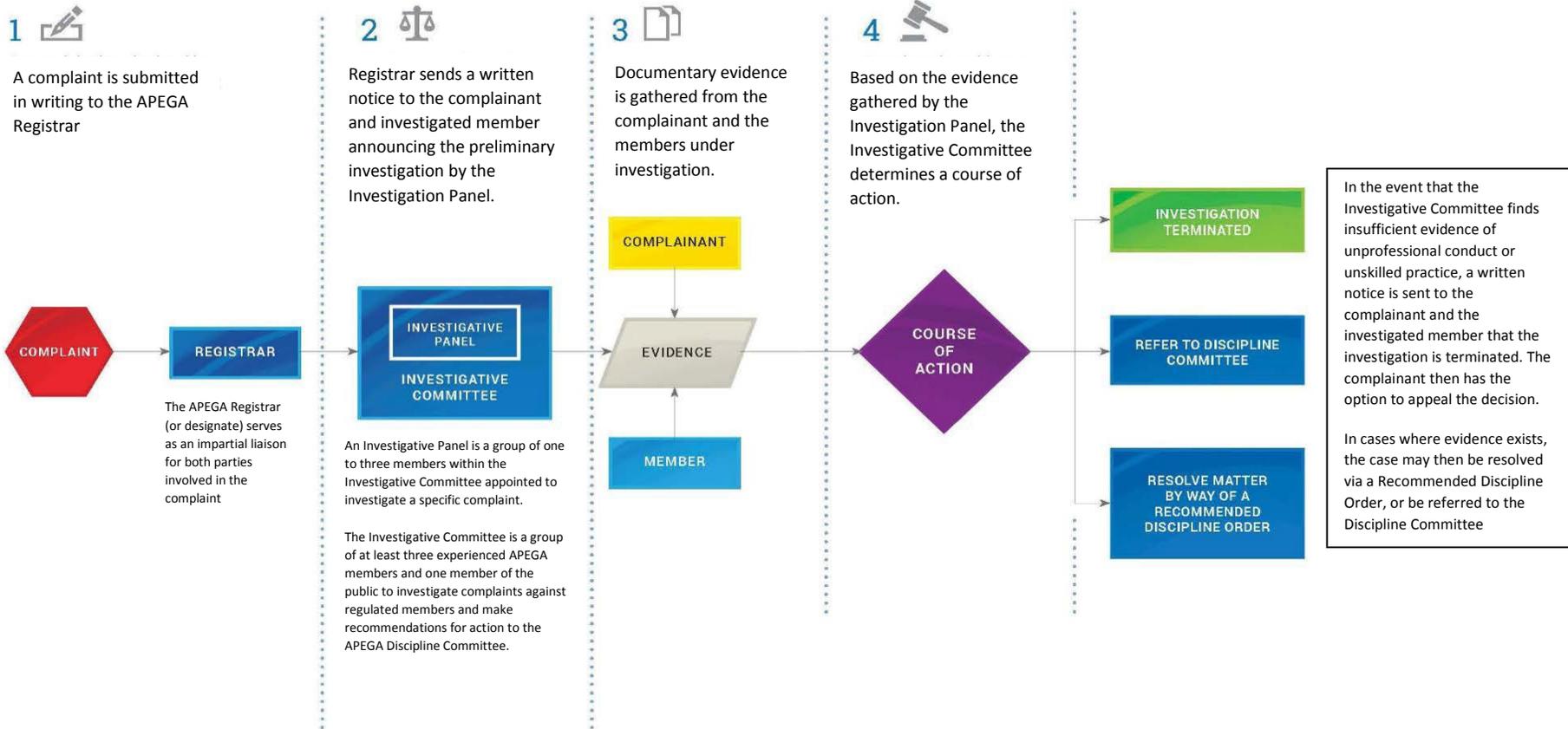
The APEGA Appeal Board, the APEGA Discipline Committee, and the APEGA Investigative Committee all have the right to be advised by legal counsel at a hearing, but that counsel cannot lead or present evidence or argument at the hearing on behalf of another APEGA entity (ex. APEGA Registrar or another board or committee), nor be the counsel for another APEGA entity.

Disciplinary Procedures

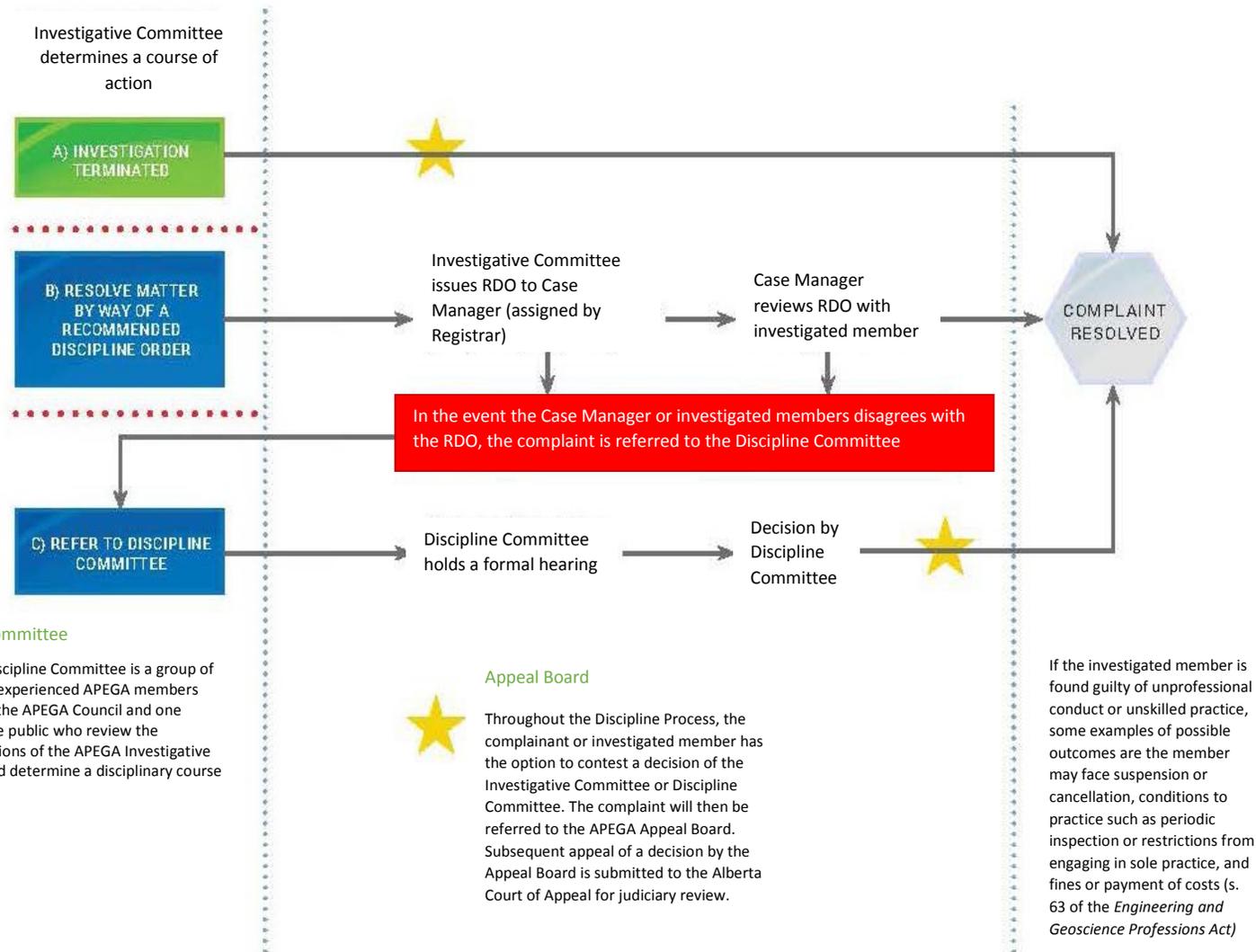
In regards to the disciplinary procedure, the following terms refer to:

- 'Conduct' includes an act or omission,
- 'Investigated person' means a professional member, licensee, permit holder, certificate holder or member-in-training (also refer to as an APEGA member) with respect to whose conduct is being investigated,
- 'Practice of the profession' refers to the practice of engineering and the practice of geoscience.

APEGA Investigation Process



APEGA Discipline Process



Unprofessional Conduct and Unskilled Practice

Any conduct that the Discipline Committee or Appeal Board believes is:

- Detrimental to the best interests of the public,
- Contravenes the Code of Ethics of the profession,
- Harms the standing of the profession,
- Displays a lack of knowledge, skill, or judgement in the practice of the profession, or
- Displays a lack of knowledge, skill, or judgement in the carrying out of any duty or obligation undertaken in the practice of the profession,

constitutes either unskilled practice or unprofessional conduct.

If an investigated person fails to comply with or contravenes the EGP Act, the regulations or the bylaws, and the breach is of a serious nature, the act may be found to be unprofessional conduct by the Discipline Committee, whether or not it would be defined as such above.

Right to Counsel

Both the Investigative Committee and the investigated person have the right to be represented by counsel at a hearing before the Discipline Committee.

Evidence and Witnesses

The investigated person or anyone else believed to have knowledge of the complaint or conduct being investigated are compellable witnesses. A witness must answer all questions directed at them and will not be excused on the grounds that the answer may incriminate the witness, subject the witness to punishment under this Act, establish the witness's liability in a civil proceeding or prosecution under any Act. APEGA can make an application to the Court to obtain evidence from a witness who is outside Alberta. A judge will then direct the obtaining of the evidence of the witness.

Proceedings for civil contempt of court may be brought against a witness who fails to appear before the Discipline Committee, fails to produce the required documents, or who refuses to be sworn in or to answer any question directed at them. If the investigated person fails to appear or refuses to answer a question, their refusal may be considered unprofessional conduct. If the Discipline Committee has proof that the notice of investigation was served, they may proceed with the investigation in the absence of either the investigated person or the complainant, and act on the matter as if those persons were in attendance.

Service of Notices

Written notice must be given informing the member of:

- A complaint filed,
- Hearings scheduled,
 - o Detailing the date, time, and place, and any evidence to be presented
- Outcomes of Hearings,
 - o Detailing the findings, the reasons for those findings, and any orders
- Termination of Investigation, served on both the member and the complainant, and
- Notice of Appeal.

If notice is required to be given to a person, the notice is sufficiently given if:

- It is served personally on the person,
- It is sent by prepaid mail at the latest address provided to APEGA by the person, or
- It is sent by electronic transmission, if the person has provided the APEGA Registrar with an electronic address.

Unless proven otherwise, notice is assumed to have been served when done in person or sent by prepaid mail. If personal or mail notice is not possible, the notice or document must be published at least twice, within one week, in the person's local newspaper. If the notice is sent by mail, it is assumed to be served 7 days (in Alberta) or 14 days (outside Alberta) from the date of mailing. Electronic mail is assumed to be served on the date the notice was transmitted.

Public Access

All hearings before the APEGA Discipline Committee and APEGA Appeal Board are open to the public, unless the board or committee decides otherwise.

Fraudulent Registration

If APEGA Council believes that a person received their registration as a result of false or fraudulent representation or declarations, either written or oral, that person's registration will be cancelled. The provisions regarding the procedures of Discipline Committee apply to a hearing held regarding false registrations.

Suspension or Cancellation

The Investigative Committee may suspend the registration of an APEGA member pending the preliminary investigation or a decision of the Discipline Committee. If the registration of an APEGA member is cancelled or suspended, the member must surrender any certificates, stamps or seals to the Registrar. If the registration of a permit holder or joint firm is cancelled or suspended, the permit holder must surrender their permit or certificate of authorization to the Registrar and cease using the permit number they were issued.

Onus of Proof

In a prosecution under this Act, the burden of proving that a person is a professional member, licensee, permit holder or certificate holder is on the accused.

Misrepresentation of Status

An APEGA member whose registration was cancelled or suspended, but claims to be registered and in good standing, will be dealt with as unprofessional conduct under the EGP Act.

Reinstatement

A regulated member whose registration has been cancelled or a permit holder whose permit was revoked as a result of the disciplinary proceedings may apply to APEGA Council to be reinstated. An application cannot be made until at least one year after the registration was cancelled/permit revoked or from the date on which the Court made its order confirming or

varying the decision of APEGA Council. The Council may establish a Committee of Inquiry to consider the application for reinstatement and make recommendations to Council. The APEGA Council may require the former regulated member or permit holder to demonstrate that they are competent to re-engage in the practice, by means prescribed by Council. When an application for reinstatement is not approved by Council, no further applications can be made for at least one additional year after the date Council ruled on the original application for reinstatement.

Publication

After a finding is made by the Discipline Committee, the APEGA Council, the APEGA Appeal Board, the Court or the Court of Appeal, the name of the investigated person may be published.

Publications

APEGA may publish information for the public, either annually or as directed by APEGA Council. Information published may include:

- Conditions of engagement and surveys of professional fees for applied science, information and engineering technology services,
- A guide to the selection of members for consulting services to assist clients in the selection of professionally and legally qualified consultants and consulting firms
- Guides that define for clients the scope of professional services to be expected from regulated members,
- Publications for the purpose of promoting high standards of professional service and adequate remuneration for those services,
- Publications for the purpose of maintaining and improving the competency of its members, and

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

Miscellaneous

Municipal License

No municipality has the power to require any professional member, licensee, permit holder, certificate holder, or member-in-training to obtain a license from the municipality to engage in the practice of engineering or geoscience.

Liability to Others

The relationship between an APEGA permit holder or certificate holder engaged in the practice of engineering or geoscience and a person receiving the professional services is subject to this Act, the regulations, and any other laws applicable to the relationship between a professional member and a client.

The relationship between a professional member or licensee to a permit holder does not affect, modify or diminish the application of this Act, the regulations, or the bylaws to the professional

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

Registrar's Certificate

A certificate that appears to be signed by the APEGA Registrar that states that an individual was or was not registered as a professional member, licensee, permit holder, certificate holder, an officer of APEGA, or a member of APEGA Council on a specific date or during a specific period will be considered as evidence of proof, even if there is no proof of the Registrar's appointment or signature. This is only the case if no evidence proving the contrary is presented.

Protection from Liability

No legal action can be taken against:

- Anyone conducting an 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 or APEGA,
- Any person acting on the instructions of any of the above, or
- Any member, officer, or employee of APEGA

for anything that was done in good faith and in accordance with the Act, regulations and bylaws.

No action for defamation can be based on a communication that is related to a complaint against the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training if the communication is published by APEGA, a member of the Discipline Committee, the Practice Review Board, the Investigative Committee, the Appeal Board, the Council or the Board of Examiners, a person conducting a preliminary investigation, an officer or employee of APEGA, or a person who was acting on the instructions of any of the above in good faith relation to investigating the complaint or in the course of disciplinary proceedings.

Joint Boards and Committees

In addition to the independent legislated committees for each association, there are established a number of joint boards and committees. Each joint board or committee must have an equal number of appointees from APEGA Council and ASET Council and a public member appointed by the Minister. The public members will be nominated by the Joint Councils Committee. If the Joint Committees Council fails to nominate someone within a reasonable period of time, the Minister can appoint someone. The Minister will reimburse a public member for living and travel expenses incurred by the public member's attendance at meetings. The Minister may revoke the appointment of a public member. The absence of a public member does not affect the powers, duties and operations of any of the boards or committees. The Minister can appoint someone to fill the vacancy of a public member on any of the boards or committees.

- Joint Practice Review Board
- Joint Appeal Board
- Joint Professional Technologist Regulations Committee
- Joint Discipline Committee
- Joint Board of Examiners
- Joint Investigative Committee

The Minister will determine the number of members for each joint board/committee, and the governance and operation (including appointing the chair, term of appointment, quorum, and any procedural matters) of the boards/committees.

Joint Practice Review Board

The APEGA and ASET Councils will appoint regulated members to so that there is a combination of academic qualifications and experience which allows the Joint Practice Review Board to effectively review and assess registration requirements and procedures and disciplinary procedures for a person to engage in the practice as a professional technologist.

The Joint Practice Review Board must meet at least twice a year, and more frequently if necessary, to consider:

- The assessment of existing and the development of new educational standards and experience requirements that are to be required to obtain and maintain registration under this Act as a professional technologist,
- The evaluation of desirable standards of competence of professional technologists generally,
- The practice of professional technologists generally,
- Items referred by APEGA Council or ASET Council that the council considers appropriate or necessary in connection with the competence in the practice of professional technologists,
- Items referred by Joint Councils Committee or the Joint Discipline Committee,
- Reports from the ASET Registrar on the number and nature of appeals and complaints relating to the rulings of the Joint Board of Examiners and the number and nature of complaints dealt by the Joint Discipline Committee with and the disposition

of those complaints, emphasizing cases reflecting competency of professional technologists,

- Items from other sources with respect to registration, discipline or maintenance of professional competency, and
- Any other items that the Joint Practice Review Board considers pursuant to the Act

The Joint Practice Review Board may also conduct a review of the practice of professional technologists in accordance with this Act and the professional technologist regulations.

The Joint Practice Review Board shall report to the APEGA Council and ASET Council on any of the above matters that they discuss and consider. A person requested to appear at an inquiry by the Joint Practice Review Board is entitled to be represented by legal counsel.

The Joint Practice Review Board may make any order that the Joint Discipline Committee can. The same guidelines apply to a review of a regulated member by the Joint Practice Review Board as an investigation conducted by the Joint Investigative Committee. The Joint Practice Review Board may at any time recommend that the inquiry or review be conducted by the Joint Investigative Committee. The Joint Investigative Committee can then proceed with an investigation as if the recommendation were a written complaint. After each inquiry, the Joint Practice Review Board must write a report for APEGA Council and ASET Council and make recommendations that the Board considers appropriate in connection with the investigation.

The Joint Practice Review Board may direct the whole or part of the inquiry by the Joint Practice Review Board to be held under camera, if they believe it is in the public interest.

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.

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

Investigations

If the Joint Practice Review Board undertakes a review of a professional technologist or permit holder, they will appoint a person to conduct an initial review and report to the Joint Practice Review Board on whether or not further investigation is warranted given the initial evidence collected. If, after the report is received, the Joint Practice Review Board decides that further investigation is not warranted, it shall discontinue the review and report to the Joint Councils Committee with any recommendations they consider appropriate. If the Joint Practice Review Board decides that further investigation is necessary, there are two options:

1. If the investigation relates to *matters other than unskilled practice or unprofessional conduct*, the Board shall issue notification of the investigation to the professional technologist or permit holder and proceed with its investigation in the same manner as a discipline investigation.
2. If the Joint Practice Review Board believes that further investigation *may* lead to a finding of *unskilled practice or unprofessional conduct*, it must lodge a complaint with the Joint Investigative Committee.

For the purposes of conducting an investigation the Joint Practice Review Board may conduct a practice visit by entering and inspecting any place where the professional technologist works in the profession, after having given notice. Additionally, the Board may interview a professional technologist about their work in the profession, observe the member working, interview or survey clients, co-workers or the professional technologist's employer regarding the member's work. Additionally, the Joint Practice Review Board may review documents that are owned or under the control of the professional technologist and are related to their work in the profession. The Board can also assess the safety and condition of technology and equipment used by the professional technologist. No member of the Joint Practice Review Board may enter a private dwelling or any part of a place that is being used as a permanent or temporary dwelling, unless the occupant gives their consent.

Report to the Joint Councils Committee

Following each meeting, the chair of the Joint Practice Review Board must report to the Joint Councils Committee and may make recommendations as to changes in procedures regarding registration, discipline or maintenance of competency that the Board considers appropriate.

Joint Professional Technologist Regulations Committee

The Joint Professional Technologists Regulations Committee may make regulations on:

- The eligibility of applicants to apply for registration as professional technologists,
- The academic requirements or qualifications and the experience required of an applicant for registration as a professional technologist, the evaluation of applicants by the Joint Board of Examiners,
- The examination of applicants for registration as a professional technologist,
- Establishing and administering a register of professional technologists, including removal from the register,
- The stamps or seals issued to professional technologists, their use and the circumstances for their surrender to the ASET Registrar,
- The names under which a professional technologist may engage in the practice,
- Publishing a code of ethics for professional technologists,
- Notices of cancellation or suspension and reinstatement,
- Technical standards for practice as a professional technologist,
- The eligibility of professional technologists to register as ASET permit holders,
- The registration, issue and use of permits, permit numbers, and certificates for professional technologists,
- The discipline, practice review, and the practice of professional technologists generally,
- Service of documents,

- Requiring professional technologists to notify the ASET Registrar of changes in name or address and maintaining up to date contact information,
- The forms for use under this Act and the regulations, and
- The expiry of annual certificates, permits and other authorizations issued to professional technologists.

A regulation created by the Joint Professional Technologist Regulations Committee does not come into effect until is it approved by APEGA Council, ASET Council, and the Lieutenant Governor in Council.

The Joint Professional Technologist Regulations Committee must consult with the appropriate Ministers before establishing or amending academic qualifications for applicants.

If a matter has been discussed at 2 consecutive meetings and it has not been resolved, it will be referred to the Joint Councils Committee. The Joint Councils Committees may either resolve the issue or refer it back to the Joint Professional Technologist Regulations Committee with suggestions or directions on how to solve the matter. If the Joint Councils Committee resolves the matter, the Joint Professional Technologist Regulations Committee must implement the decision.

If the matter is not resolved by the Joint Councils Committee and is not referred back to the Joint Professional Technologist Regulations Committee, after 120 days the matter shall be referred to arbitration. An arbitration tribunal of 3 persons, one appointed by APEGA Council, one appointed by ASET Council, and a chair appointed by the Minister. The arbitration tribunal may make a binding decision that the APEGA Council, ASET Council and Joint Professional Technologist Regulations Committee must uphold or make a new regulation or amend an existing regulation pertaining to professional technologists.

Joint Board of Examiners

The Joint Board of Examiners has all the powers, duties, and functions with respect to professional technologists that the APEGA Board of Examiners has in relation to professional members.

Joint Discipline Committee

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

Joint Investigative Committee

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

The Association of Science and Engineering Technology Professionals of Alberta

The Association of Science and Engineering Technology Professionals of Alberta is a corporation under the *Engineering and Geoscience Professions Act*. The abbreviated form of the name is ASET or A.S.E.T. No person other than the Association of Science and Engineering Technology Professionals of Alberta can use the abbreviated form of the name or any other abbreviation in a way that states directly or implies that the person is a member of or connected in any way with ASET. ASET has the capacity, rights, powers and privileges of a natural person under the Act.

ASET Trademarks

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.”⁴
- 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 above without the consent of the Lieutenant Governor in Council.

ASET Council may apply to the Court for an injunction enjoining any person from using one of ASET’s trademarks, including cancelled and suspended members.

ASET Council

The governing body of ASET is its Council. The Council manages and conducts the business and affairs of ASET and exercise the powers of ASET in the name of and on behalf of ASET. The Council must submit an annual report to the Minister which details the business and affairs of ASET. The Minister will then present the report to the Legislative Assembly.

The Council must appoint a Registrar, as per the regulations and bylaws of this Act.

The ASET Council is made up of:

- A President,
- Two Vice-Presidents,
- The past President,
- Other members, each of whom shall be elected by ASET members, and
- Public members appointed by the Minister
 - o Three public members when Council is less than 20 members
 - o One additional public member for every additional 10 Council members

⁴ ASET does not issue the C.C.I.T. or the A.Sc.T. designations, but they hold the right to these trademarks

Position	Term of Office
President	One year
Vice-President	One year
Public Member	Three years

When an elected member's term ends, they continue to hold office until they are reappointed or their successor is elected.

The President acts as the presiding officer at meetings of the ASET Council and ASET meetings. The President can only vote in the event of a tied vote in Council or ASET meetings. During the absence of the President, the First Vice-President has all the powers of the President.

Quorum for meetings of ASET Council is a majority of its members.

Council's powers, duties and operations are not affected by a member of the public's absence, whether from not being appointed, being absent, being removed, or resigning. The public member's absence does not affect Council's ability to perform its duties under the Act.

Regulations

The ASET Council may make regulations with respect to the registration, licensing, the issuing of permits and certificates, disciplinary matters, and the practice of regulated members. Regulations made by ASET Council may fall into the following categories: Membership including application, Boards and Committees, and public interests.

Membership

Council makes regulations:

- Establishing categories and criteria for enrollment for regulated members, members in training, examination candidates and students,
- Determining the academic qualifications and experience requirements for applicants,
- Governing the evaluation of qualifications and experience for applicants to engage in the practice as regulated members,
- On the eligibility of applicants to engage in the practice as regulated members,
- Prescribing the technical standards of practice for regulated members,
- Establishing the compulsory continuing education program for regulated members,
- On the titles that may be used by regulated members and the circumstances and conditions under which titles may be used,
- Establishing classes or categories of regulated members and prescribing restrictions of practice and the privileges and obligations of the classes or categories established in addition to regulated members,
- On the academic qualifications and the experience required of the other classes and categories established in addition to regulated members,
- Governing the eligibility of persons, firms, partnerships and other entities for registration as ASET permit holders or certificate holders,
- Governing the operation of ASET permit or certificate holders,

- Defining 'regulated member' for the purposes for all or any of the provisions of this Act, ASET regulations, and ASET bylaws, and
- Governing the names under which regulated members may engage in practice.

Boards and Committees

ASET Council makes regulations:

- On the powers, duties and functions of the ASET Practice Review Board, including but not limited to the referral of matters,
- On the process of appointment of members of the ASET Appeal Board,
- Prescribing the number of members that constitute 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,
- Governing the establishment of boards or committees and regarding the delegation of powers of the ASET Council to these boards or committees or to the ASET Practice Review Board,
- Governing the operation and procedures of the ASET Appeal Board, the ASET Board of Examiners, and the ASET Practice Review Board, the designation of a chair and vice-chair, the appointment of acting members and procedures for filling vacancies, and the appointment to any of those boards of members by virtue of their office and prescribing their powers, duties, and functions,
- On the procedures of the ASET Discipline Committee, the ASET Practice Review Board, 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, and
- Establishing committees for inquiry for reinstatement.

Public Interest

ASET Council must develop regulations:

- Establishing and providing for the publication of a Code of Ethics respecting the practice of regulated members and the protection of public interests,
- Governing the publication of a notice of the suspension or cancellation of the registration of a regulated member, and prescribing the form and manner in which such a notification will be made,
- Governing the publication of information with respect to ASET and ASET members, and
- On the process for serving a document or notice on any person, as required by this Act (i.e. Discipline Committee hearing).

Regulations can only be made by the ASET Council. A regulation must be approved by the majority of ASET members who are present and voting. Voting can take place at a special meeting, by mail, electronic, or telecommunication, or at the annual general meeting (AGM). ASET Council can change the text and wording of a regulation that has been approved if the change is consistent with the approved content.

Bylaws

ASET Council may make bylaws for the governing and operation of ASET. Bylaws may fall under the following categories: Operation of ASET, Boards and Committees, and Membership.

Operation

ASET Council may make bylaws:

- For the government of ASET and the management and conduct of its affairs,
- Determining the location of the head office of ASET,
- On calling of and conduct of meetings of ASET members and ASET Council,
- On the appointment, function, duties and powers of an Executive Director of ASET,
- To establish the districts and branches of ASET and their operation,
- Dividing Alberta into electoral districts and prescribing the number of ASET Council members to be elected from each district,
- Providing for the appointment of a Deputy Registrar of ASET who has all the powers and may perform all of the duties of the ASET Registrar under this Act, ASET regulations and bylaws when the ASET Registrar is absent or unable to act, or when there is a vacancy in the office of the ASET Registrar,
- Prescribing fees and expenses payable to members of ASET for attending to the business of ASET,
- For the establishment and payment of sums of money for scholarships, fellowships, and any other educational incentive or benefit program that ASET Council considers appropriate,
- Respecting the fixing of fees, dues and levies payable to ASET, and
- Respecting the costs payable to any person on the conclusion of a hearing or review.

Boards and Committees

The ASET Council may make bylaws:

- On the nomination, election, number and term of office of ASET Council members and officers of ASET,
- On the appointment of individuals as members of the Discipline Committee, the Practice Review Board, the Appeal Board, the Board of Examiners and any other committee established by ASET Council,
- Prescribing their powers, duties and functions of Boards and Committees,
- Prescribing the areas of practice from which members of the ASET Board of Examiners shall be appointed,
- Providing for the appointment of acting members of ASET Council and procedures for an election or appointments to fill vacancies on ASET Council,
- Prescribing the quorum at meetings of ASET members,
- Governing the establishment, operation and proceeding of the committees, the appointment of members of committees, and the appointment of acting members on boards and committees, and
- On the procedures for filling vacancies on committees and the delegation of any powers or duties of ASET Council.

Membership

ASET Council may make bylaws:

- Defining 'ASET members' for the purposes of this Act and ASET regulations and bylaws,
- 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,
- On the issuing of permit numbers to ASET permit holders,
- Respecting the establishment, contents, and maintenance of registers of members and records of other classes or categories of membership to be kept by the ASET Registrar,
- Respecting the removal from the registers and records of any memorandum or entry made in them,
- Requiring members to inform the ASET Registrar in writing of their current mailing address and of any change of address immediately,
- Prescribing the form of a certificate of registration, a permit, a certificate of authorization and an annual certificate (in the form of a membership card), and
- Respecting the expiry of annual certificates, annual licenses, permits and other authorizations.

ASET Council may make bylaws respecting the holding of mail votes and votes conducted by electronic, telecommunication or any other appropriate means on a matter relating to ASET. A bylaw on voting does not come into force unless it is approved by a majority of ASET members present and voting. The *Regulations Act* does not apply to ASET bylaws.

Membership Application

To apply for ASET membership, a completed application form, all required supporting documents and fees must be submitted to the ASET Registrar. The Registrar shall then refer the application to the ASET Board of Examiners once s/he is satisfied that the applicant meets the eligibility requirements for one of the categories of ASET membership.

Annual Fees

A person entered in the register shall pay any annual fees as prescribed by the ASET Council, pursuant to the ASET bylaws.

Registers and Records

In accordance with the ASET bylaws, the ASET Registrar shall keep and maintain records and registers for regulated members, professional technologists and other ASET members. The register shall include registered engineering technologists (R.E.T.).⁵

⁵ The R.E.T. membership is no longer issued. However those members who qualified for R.E.T. membership before it was discontinued are also listed on the register

The ASET Registrar shall enter the name of a person who has paid the fees prescribed in the ASET bylaws and who has been approved by either the ASET Board of Examiners, ASET Joint Board of Examiners, or ASET Council. The Board of Examiners will approve for registration an individual who has applied and is eligible under this Act and ASET regulations, which are outlined in detail below.

On entering the name of a regulated member or professional technologist in the register, the ASET Registrar shall issue a certificate of registration. Professional technologists will be issued a certificate of registration to engage in the practice of engineering or geoscience within the scope of practice specified by the Joint Board of Examiners and a stamp or seal. The ASET Registrar shall issue an annual certificate to a regulated member whose registration is not suspended and who has paid the annual fee. An annual certificate entitles the regulated member to use the title granted to the regulated member for the year the certificate is issued. After receiving the initial certificate of registration, ASET members receive an annual membership card as their annual certificate.

Notices in the Register

Once the decision to suspend or cancel a regulated member, professional technologist, or permit holders membership is made, the ASET Registrar must enter a memorandum of suspension or cancellation in the appropriate register, indicating both the duration and reason for the suspension/cancellation. The Registrar shall not remove any memorandum from the registers, except in accordance with ASET bylaws.

The Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all regulated members in good standing, including professional technologists and permit holders. The ASET Member Register is electronic and is available at any time via the ASET website.

Cancellation of Membership

A request to cancel a regulated member, professional technologist, or permit holder membership is done by submitting a Membership Status Change form to the Registration Department. The request for cancellation must be approved by ASET Council. When a request for cancellation is approved, the ASET Registrar will cancel that registration and the regulated member, professional technologist, or permit holder requesting cancellation must immediately surrender the certificate of registration and the annual certificate, and stamp or seal to the Registrar. Permit holders whose registration is cancelled must cease using their permit number.

ASET Council may direct the ASET Registrar to cancel the registration of a member who is in default of payment of annual fees or any other fees, dues, or levies payable. An ASET permit holder who no longer has employees in compliance with the professional technologist regulations will also have their registration cancelled by Council. A written notice must be served and the ASET Registrar must wait 30 days after serving the notice to cancel the registration. The notice will state that the ASET Registrar may cancel the registration unless the fees, dues, or levies are paid as indicated in that notice. For an ASET permit holder, evidence must be

received indicating that the permit holder has employees in compliance with the professional technologist regulations. After 30 days, their registration will be cancelled.

ASET Council may direct the ASET Registrar to cancel the registration of a regulated member, professional technologist, ASET permit holder, or other membership that was entered in error in the register.

If the registration of a professional technologist or permit holder has been cancelled under this section, the professional technologist shall surrender to the ASET Registrar any certificate of registration, annual certificate, stamp or seal, or permit issued to them.

Reinstatement

The ASET Council may direct the ASET Registrar to reinstate a registration that was cancelled, subject to any conditions that the Council may prescribe, and to reissue the certificate of registration, annual certificate or permit, and the stamp, seal, or permit number. If a person whose registration was cancelled applies to be reinstated more than 7 years after the date of cancellation, the application for reinstatement must be referred to the ASET Board of Examiners, for regulated members, or the ASET Joint Board of Examiners, for professional technologists.

A person whose registration has been cancelled or suspended under this Act must not, without the consent of the Board of Examiners, engage in the practice of engineering or geoscience.

Students **Requirements**

The applicant must be:

- Of good character and reputation, and
 - o Enrolled as a full time student in an applied science, information or engineering technology program that is recognized by the ASET Board of Examiners, or
 - o A regulated member who returns to full time education in an applied science, information, or engineering technology program that is recognized by the ASET Board of Examiners.

The ASET Board of Examiners may establish what part of the program must be completed in order to be enrolled as a student.

Striking from the record

A name may be struck from the record of members if:

- ASET Council believes that the student has engaged in unprofessional conduct,
- The student ceases to be enrolled in a full time program, or
- The record was entered in error.

Members-in-Training

A “member-in-training” means a technician-in-training or a technologist-in-training (TT)

Requirements

The applicant must be:

- Of good character and reputation, and
 - o A graduate of an applied science, information or technology program that is recognized by the ASET Board of Examiners, but does not have the work experience required to become a regulated member, or
 - o Is a member-in-training in good standing with a regulated entity in another province that the Board of Examiners considers equivalent to ASET

A person may not become a member-in-training if at the time of application the person is *qualified to be registered as a regulated member*.

Striking from the Record

A name may be struck from the record of members if the person

- Has engaged in unprofessional conduct,
- Has failed to make satisfactory progress towards registration as a regulated member, or
- If the registration was entered in error.

No person may remain a Member-in-Training for more than 4 years after graduation, though the Registrar may extend that period.

Regulated Members, Professional Technologists and Permit Holders

Designations

A person who meets the requirements for registration as a regulated member or professional technologist will be granted one of the following designations by the ASET Board of Examiners or the ASET/APEGA Joint Board of Examiners

- a) Certified Technician
- b) Certified Engineering Technologist
- c) Professional Technologist
- d) Professional Technologist (Engineering)
- e) Professional Technologist (Geoscience)

Only those granted one of those designations, whose registration has not been cancelled or suspended, may use the designation or the following abbreviations:

- a) C. Tech
- b) C.E.T.
- c) P.Tech
- d) P.Tech (Eng.)
- e) P. Tech (Geo.)

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.

Anyone not registered with ASET cannot imply that they are entitled to use the titles or abbreviations listed above, or “registered engineering technologist” and R.E.T.⁶

Requirements

Regulated Member

The applicant must:

- Be a Canadian citizen or lawfully entitled to work in Canada,
- Have a knowledge of the Act and the regulations under the Act, and general knowledge related to the practice of applied science, information, or engineering technology, which has been demonstrated by passing an examination,
- Able to demonstrate proficiency in the English language that is sufficient to responsibly practice the profession,
- Meet one of the following requirements:
 - o Has obtained at least 2 years’ work experience of a nature acceptable to the Board of Examiners
 - o Has, through a combination of academic qualification and experience demonstrated the competency required, and
- Be of good character and reputation, or
- Be a regulated member or equivalent in good standing with a regulated entity in another province that the Board of Examiners finds to be equivalent to ASET.

The ASET Board of Examiners considers applications for registration as regulated members and may approve, refuse or defer the application until a certain requirement is met. The Board of Examiners may require an applicant to pass one or more examinations, obtain more experience that is satisfactory to the Board for a specified period, or both.

The ASET Board of Examiners will approve the registration as a regulated member of a person who proves to the satisfaction of the ASET Board of Examiners that they meet these requirements.

Professional Technologists

The applicant must:

- Be of good character and reputation,
- Hold a certificate of registration as a certified engineering technologist with ASET,⁷
- Have a knowledge of the Act and the regulations under the Act, and general knowledge related to the proposed scope of practice of engineering or geoscience, which has been demonstrated by passing an examination,
- Able to demonstrate proficiency in the English language that is sufficient to responsibly practice the profession of engineering or geoscience within the prescribed scope of practice,
- Have at least two years of post-secondary education acceptable to the Joint Board of Examiners in areas that relate to engineering and geoscience,
- Have obtained at least 6 years’ experience in areas that relate to

⁶ The R.E.T. designation is no longer issued, but the title is similarly protected and limited in its use

⁷ ASET allows members with the R.E.T. designation to apply as well, as they held the C.E.T. designation prior to achieving their R.E.T. designation

engineering or geoscience that is acceptable to the Joint Board of Examiners, at least 2 years of which are in the applicant's proposed area and scope of practice and were completed under the supervision and control of a professional member, and

- Meet any other requirements established by the Joint Board of Examiners.

An application must be submitted to the ASET Registrar in a form acceptable to the Joint Board of Examiners. The application must be fully completed and accompanied by all required supporting documentation and any fees that have been prescribed by ASET Council.

The ASET Registrar will put an application forward to the Joint Board of Examiners if the application meets the requirements and the ASET Registrar is satisfied that the applicant meets the eligibility requirements for registration as a professional technologist.

If the applicant is of good character and reputation, is a professional technologist in another province who is eligible to engage in the practice of engineering or geoscience within the scope of practice specified by the Joint Board of Examiners, and is a member in good standing with a regulated entity in another province that the Joint Board of Examiners finds to be equivalent to ASET, the applicant is entitled to be registered as a professional technologist.

If the applicant is from an Association in a province that is a signatory of domestic trade agreement in force in Alberta, the applicant and their application must be dealt with in line with the terms of the agreement.

Professional technologists are required to behave in a manner that follows the Code of Ethics that is defined in the Act. ASET will make the Code of Ethics available on request to members of the public.

Professional technologists must notify the ASET Registrar if there is a change in their name, address or other contact information.

Permit Holders

To register as a permit holder, the company must be registered under the *Companies Act* or the *Business Corporations Act*. A partnership or other association of persons or a corporation is also eligible to become registered as an ASET permit holder if it satisfies ASET Council that it complies with this Act and the professional technologist regulations.

ASET Council will issue to a partnership, corporation or other entity a permit to practice engineering or geoscience in the company's name within the scope of practice of those professional technologists who are responsible for the permit holder if the company meets the following requirements:

- An application is made to the ASET Registrar in the format and containing the information required by ASET Council,
- The applicable fees,
- The ASET Council is satisfied that the practice will be carried out under the direct

- personal supervision and responsibility of a full-time permanent employee or member of the company who is registered as a professional technologist, and
- The professional technologist certifies that the company has in place and will follow a professional management plan that is appropriate to the professional technologist's professional practice.

A permit to practice is valid for one year after the date it was issued. The professional technologist who accepts responsibility for the permit is required to attend a permit to practice seminar every five years.

When ASET Council issues a permit, it will also issue a permit number to the permit holder. No person will use the permit number after the permit has been cancelled or suspended. The permit number can only be used by the professional technologist taking responsibility for the permit.

The permit holder is required to tell ASET the name of the professional technologist who is taking professional responsibility for the permit. The professional technologist must notify ASET if they cease to be the person accepting professional responsibility for the permit or if they cease to be registered as a professional technologist. ASET Council has the power to revoke a permit to practice if the permit holder contravenes the Act, the Regulations, or a term or condition of the permit.

Joint Board of Examiners

The Joint Board of Examiners approves registrations for professional technologists. The Joint Board of Examiners will meet as often as is necessary to make decisions on applications. The Joint Board of Examiners will also consider matters of policy, significant changes in procedure, examination results and any other matters referred to it. The Joint Board of Examiners has the power to consult with any persons or organizations to properly assess the academic qualifications of applicants.

An individual must be eligible in accordance with the 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. The scope specified by the Joint Board of Examiners must be a routine application of industry recognized codes, standards, procedures and practices using established engineering or applied science principals and methods of problemsolving.

The Joint Board of Examiners may define or describe 'routine application', 'industry recognized', 'engineering or applied science principles' and 'methods of problem solving', as well as specify or describe codes, standards, procedures or practices applicable.

The Joint Board of Examiners may approve, refuse or defer the registration. A registration may be deferred until the Joint Board is satisfied that the applicant has completed a requirement made under this Act. The Joint Board of Examiners may, at its discretion, require an applicant to

pass one or more examinations, obtain more experience of a kind satisfactory to the Joint Board for a period set by the Joint Board or both.

Decisions

The ASET Board of Examiners and ASET Joint Board of Examiners must send written notice of any decision made to the applicant. If the decision is to refuse or defer the registration of the applicant, reasons for the decision must be sent in writing to the applicant. If the decision made by the ASET Board of Examiners or ASET Joint Board of Examiners is to approve the registration, the ASET Registrar shall publish a notice of approval in accordance with ASET bylaws.

Appeals

An applicant whose application for registration has been refused may appeal the decision to the ASET Appeal Board within 30 days of receiving their notice of refusal. A notice of appeal must be served on the ASET Registrar. Once the Registrar has received a notice of appeal, s/he shall set a date, time and place for the hearing of appeal, and notify the appellant in writing of these details. The appellant may appear with counsel and make representations to the ASET Joint Appeal Board. On concluding the hearing, the ASET Joint Appeal Board may make any decision the ASET Joint Board of Examiners was authorized to make (approve, defer or refuse)

P.Tech and Permit Holder Stamp or Seal

Only a professional technologist (engineering/geoscience) can attach the stamp or seal of a professional technologist or allow the stamp or seal to be attached to a plan, drawing, detail drawing, map, geoscientific cross-section, report, specification or other document, or a reproduction of any of them unless

- That plan, drawing, detail drawing, map, geoscientific cross-section, report, specification or other document, or a reproduction was prepared by or under the supervision and control of, and
- The stamp/seal is affixed with the knowledge and consent or in accordance with the direction of the professional technologist (engineering/geoscience) to whom the stamp/seal was issued.

Stamps issued to professional technologists must indicate the professional category of engineering or geoscience. Stamps issued to permit holders must be in the format required by ASET Council and will show the designation 'permit holder'

A professional technologist (engineering/geoscience) may attach a stamp to a plan, drawing, detail drawing, map, geoscientific cross-section, report, specification or other document, or a reproduction prepared by another person if the professional technologist (engineering/geoscience) completes a thorough review of and accepts professional responsibility for that document.

An ASET permit holder must put their permit number on all documents or records in accordance with professional technologist regulations.

When the stamp or seal is applied, it must be accompanied by the professional technologist's signature and the date on which it was applied. A stamp or seal may be applied to the cover page or the final page of reports or documents in a manner which clearly indicates professional responsibility for the entire document. It does not have to be applied to each page.

When a permit holder engages in the practice of engineering or geoscience, all final plans, specifications, reports or documents of a professional nature must be signed and stamped by the professional technologist who is taking professional responsibility for the documents and show the permit number of the permit holder.

A stamp or seal issued to a professional technologist must at all times remain under that person's direct control and must be applied by the regulated member, or someone under their direct control. The stamp or seal must be kept in location that does not allow its use by someone other than the professional technologist.

The only place from which a professional technologist may get a stamp or seal is from the ASET Registrar. The professional technologist can only use the stamp or seal while the person is registered as an ASET member, and must return the stamp or seal to ASET on demand. Both the stamp and seal are property of ASET. It is possible for a member to use a computer generated copy of the stamp or seal with the approval of the Registrar if that person otherwise meets the requirements of the Act and the Regulations.

Continuing Professional Development Program

The ASET Council has established the Continuing Professional Development (CPD) Program as the compulsory continuing education program for regulated members and professional technologists. The ASET Practice Review Board and the Joint Practice Review Board administer the CPD program. The CPD program is comprised of:

- A self-assessment by regulated members and professional technologists of their individual professional development needs,
- The preparation of a CPD plan,
- Completion of self-directed professional development activities,
- The ability of the ASET Practice Review Board and Joint Practice Review Board to require that regulated members and professional technologists to demonstrate compliance with the CPD program, and
- Practice visits (for the purposes of investigations).

The ASET Council makes the rules which govern the operation of the CPD program. Such rules include:

- The format of the CPD Plan,
- Approved programs, courses and other learning that can be completed,
- Declarations that CPD Plans have been developed and that professional development activities have been undertaken,
- Audits of regulated members to ensure that plans have been prepared and activities are being undertaken in accordance with the plan,

- Written records must be maintained by regulated members of their plans and activities, and
- When the CPD program comes into effect for regulated members and professional technologists.

A regulated member shall comply with the requirements of the CPD program as it applies to that person's profession.

Written Records

Regulated members and professional technologists must develop and maintain written records of their CPD Plan and professional development activities. Regulated members or professional technologists must produce the records upon the request of the ASET Practice Review Board/ Joint Practice Review Board and satisfy the Board that they are complying with the requirements. When a regulated member fails to satisfy the respective Practice Review Board, that Board may conduct a review of the practice of that person, including a practice visit, and at any time during the review, recommend to the ASET Investigative Committee or Joint Investigative Committee that the review be conducted as if it were a written complaint.

Online CPD Log

These legislative requirements have been built into the ASET CPD online log, which allows members to track their CPD activities and development plans online. The ASET CPD Program is intended to be flexible and to allow members to determine and select their own learning needs. Activities fall under four main categories: Formal Learning, Informal Learning, Peer and Professional Interaction, and Contributions to the Profession

Exemption

A regulated member or professional technologist who files with an ASET a declaration in writing stating that the person is not actively engaged in the practice of the profession is exempt from CPD requirements. The exemption is effective for only one year, but may be renewed for additional yearly periods. A regulated member or professional technologist cannot engage in the practice of the profession while exempt. In order to apply for this exemption, the member must submit a completed Membership Status Change form to the ASET Registration department.

If the person intends to resume practice of the profession, they must immediately notify ASET in writing. The Practice Review Board or the Joint Practice Review Board may require a regulated member or professional technologist who has returned to active practice to comply with any conditions that are set prior to resuming active practice. In order to return to active practice, the member must submit a completed Membership Status Change form to the ASET Registration department.

Boards and Committees

In addition to the legislated committees, ASET Council may appoint any other standing or special committees, task forces, or boards it considers necessary to serve the interests of ASET and will delegate any authority necessary for these committees, task forces and boards to perform their function. The ASET Council determines the terms of reference for all additional committees, task forces, or boards created.

The ASET Council makes the regulation governing the operation and proceedings of the Discipline Committee, the Investigative Committee, the Appeal Board, and the Board of Examiners. Council can also make regulations respecting the hearing of a matter by a panel of the Discipline Committee or the Investigative Committee. These regulations do not come into effect until they are approved by the Lieutenant Governor in Council.

Board	Number of ASET Members	Term of Office	Quorum
ASET Practice Review Board	At least four, plus one member of the public	Three years (can be reappointed)	Majority of the Board
ASET Board of Examiners	No more than 20, plus 3 members of the public	Three years (can be reappointed)	One-quarter (1/4) of members
ASET Discipline Committee	At least three, plus one member of the public	Three years (can be reappointed)	Majority of the Committee
ASET Investigative Committee	At least three, plus one member of the public	Three years (can be reappointed)	Majority of the Committee
ASET Appeal Board	At least three	Three years (can be reappointed)	Majority of the Committee

The Chair and Vice-Chair for each of these Boards/Committees is appointed by ASET Council. Each of these Boards/Committees can appoint an acting chair for a specific meeting in the event of the chair and vice-chair's absence. A member on one of the above Boards or Committees continues to hold office until they are re-elected or a successor is appointed. If there is a vacancy on a Board/Committee, ASET Council may appoint a regulated member for the remainder of the term. ASET Council prescribes the powers, duties and functions of the chair and committee members on these boards and committees.

The Minister will appoint public members to the boards and committees from a list of nominees presented by APEGA Council. If Council fails to nominate someone within a reasonable period of time, the Minister can appoint someone. The Minister will reimburse a public member for living and travel expenses incurred by the public member's attendance at meetings. The Minister may revoke the appointment of a public member. The absence of a

public member does not affect the powers, duties and operations of any of the boards or committees. The Minister can appoint someone to fill the vacancy of a public member on any of the boards or committees.

ASET Practice Review Board

Members appointed to the Practice Review Board must have at least 5 years' experience in the practice of the profession. Council will appoint regulated members so that there is a combination of academic qualifications and experience which allows the ASET Practice Review Board to effectively review and assess registration requirements and procedures and disciplinary procedures.

The ASET Practice Review Board must meet at least twice a year, and more frequently if necessary, to consider:

- The assessment of existing and the development of new educational standards and experience requirements that are to be required to obtain and maintain registration as a regulated member,
- The evaluation of desirable standards of competence of regulated members generally,
- The practice of regulated members generally,
- Items referred by ASET Council, the Board of Examiners or the Discipline Committee,
- Reports from the ASET Registrar on the number and nature of appeals and complaints relating to the rulings of the Board of Examiners and the number and nature of disciplinary complaints dealt with and the disposition of those complaints, emphasizing cases reflecting competency of ASET members,
- Items from other sources that reflect a need to review the procedures of ASET with respect to registration, discipline or maintenance of professional competency, and
- Any other items that the Practice Review Board considers pursuant to the Act.

The ASET Practice Review Board may also conduct a review of the practice of regulated member in accordance with this Act and ASET regulations.

Investigations

If the ASET Practice Review Board undertakes a review of a regulated member or permit holder, they will appoint a person to conduct an initial review and report to the ASET Practice Review Board on whether or not further investigation is warranted given the initial evidence collected. If, after the report is received, the Practice Review Board decides that further investigation is not warranted, it shall discontinue the review and report to Council with any recommendations they consider appropriate. If the Board decides that further investigation is necessary, there are two options:

1. If the investigation relates to *matters other than unskilled practice or unprofessional conduct*, the Board shall issue notification of the investigation to the regulated member or permit holder and proceed with its investigation in the same manner as a discipline investigation.

2. If the Practice Review Board believes that further investigation *may lead to a finding of unskilled practice or unprofessional conduct*, it must lodge a complaint with the ASET Investigative Committee.

For the purposes of conducting an investigation the Practice Review Board may conduct a practice visit by entering and inspecting any place where the regulated member works in the profession, after having given notice. Additionally, the Board may interview a regulated member about their work in the profession, observe the member working, interview or survey clients, co-workers or the regulated member's employer regarding the member's work. Additionally, the Practice Review Board may review documents that are owned or under the control of the regulated member and are related to their work in the profession. The Board can also assess the safety and condition of technology and equipment used by the regulated member. These steps may be undertaken to ensure that continuing competence requirements are met. No member of the Practice Review Board may enter a private dwelling or any part of a place that is being used as a permanent or temporary dwelling, unless the occupant gives their consent.

A person requested to appear at an inquiry is entitled to be represented by legal counsel.

The ASET Practice Review Board may make any order that the ASET Discipline Committee can. The same guidelines apply to a review of a regulated member by the ASET Practice Review Board as an investigation conducted by the ASET Investigative Committee. The ASET Practice Review Board may at any time recommend that the inquiry or review be conducted by the ASET Investigative Committee. The Investigative Committee can then proceed with an investigation as if the recommendation were a written complaint.

ASET Council may direct the whole or part of the inquiry by the ASET Practice Review Board to be held under camera, if they believe it is in the public interest.

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.

Report to ASET Council

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

Following each inquiry undertaken, the ASET Practice Review Board must make a written report to the ASET Council on the inquiry and make any recommendations the Review Board considers appropriate in connection to the matter inquired into, with reasons for the recommendations.

ASET Board of Examiners

The ASET Board of Examiners considers applications for registration as a regulated member. The Board will meet as is necessary to rule on applications, and also consider matters of policy, significant changes in procedure, and other matters referred to it by Council.

The Board of Examiners may appoint individuals from academic institutions and industry to a Panel of Examiners to advise on the academic qualifications of applicants. Both the Board of Examiners and the Panel of Examiners have the power to consult with persons or organizations in order to properly assess the work experience and academic qualifications of applicants.

ASET Discipline Panel

A panel of the Discipline Committee must consist of at least 3 members. A member who has been designated as case manager must not sit as part of the panel that is hearing the matter. A panel of the Discipline Committee has all the powers and authority of the Committee itself.

ASET Investigative Panel

When a complaint is referred to the Investigative Committee, they shall appoint an investigative panel comprised of members of the Committee to conduct a preliminary investigation. An investigation panel may employ any technical consultants and legal counsel it considers necessary to conduct a preliminary investigation. The Registrar shall also send notice to the investigated person that a preliminary investigation is taking place.

The panel may require plans, drawings, specifications, reports, books, papers or other documents or record in possession or control of the investigated person. They can also require such documents from other ASET members relating to the investigation. The panel can also make and keep copies of any of those documents for the purpose of the investigation. Any other questionable conduct that is uncovered during the investigation will be investigated further. On concluding the preliminary investigation, the panel will report its findings to the Investigative Committee.

Legal Counsel

The ASET Appeal Board, the ASET Discipline Committee, and the ASET Investigative Committee all have the right to be advised by legal counsel at a hearing, but that counsel cannot lead or present evidence or argument at the hearing on behalf of another ASET entity (ex. ASET Registrar or another board or committee), nor be the counsel for another ASET entity.

Disciplinary Procedures

In regards to the disciplinary procedure, the following terms refer to:

- 'Conduct' includes an act or omission,
- 'Investigated person' means a professional member, licensee, permit holder, certificate holder or member-in-training (also refer to as an ASET member) with respect to whose conduct is being investigated, and
- 'Practice of the profession' refers to the practice of engineering or geoscience.

ASET Investigation Process

1 

A complaint is submitted in writing to the ASET Registrar

2 

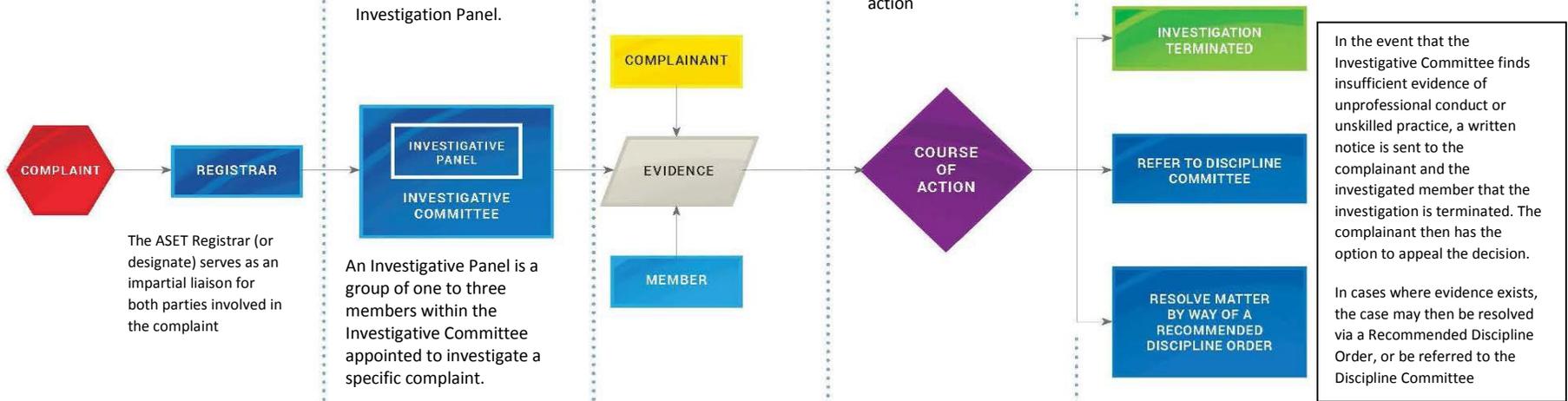
Registrar sends a written notice to the complainant and investigated member announcing the preliminary investigation by the Investigation Panel.

3 

Documentary evidence is gathered from the complainant and the members under investigation.

4 

Based on the evidence gathered by the Investigation Panel, the Investigative Committee determines a course of action



The ASET Registrar (or designate) serves as an impartial liaison for both parties involved in the complaint

An Investigative Panel is a group of one to three members within the Investigative Committee appointed to investigate a specific complaint.

The ASET Investigative Committee is a group of at least three experienced ASET members and one member of the public to investigate complaints against regulated members and make recommendations for action to the ASET Discipline Committee.

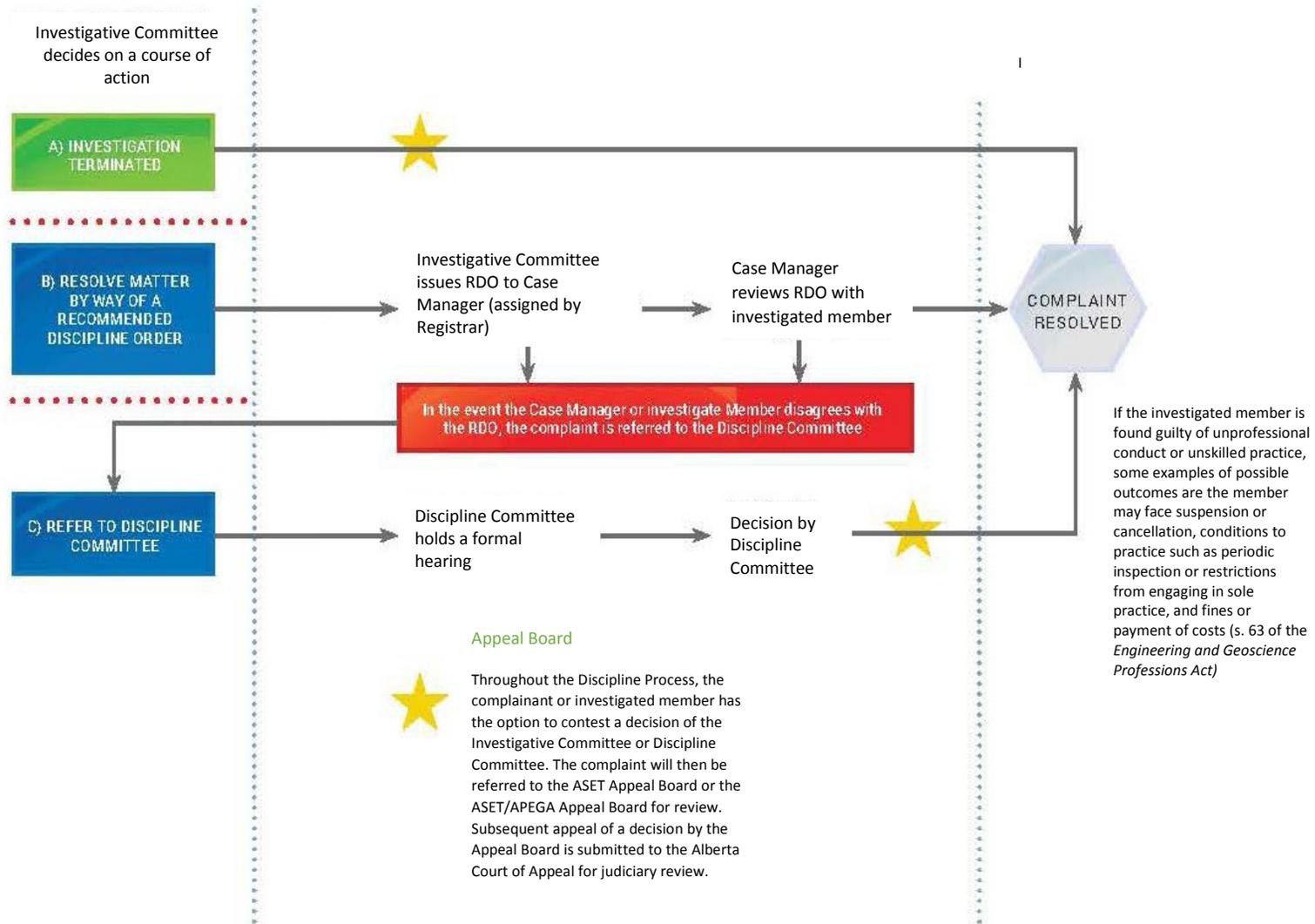
The ASET/APEGA Investigative Committee is a group of at least three experienced ASET members, three experienced APEGA

In the event that the Investigative Committee finds insufficient evidence of unprofessional conduct or unskilled practice, a written notice is sent to the complainant and the investigated member that the investigation is terminated. The complainant then has the option to appeal the decision.

In cases where evidence exists, the case may then be resolved via a Recommended Discipline Order, or be referred to the Discipline Committee



ASET Discipline Process



Unprofessional Conduct and Unskilled Practice

Any conduct that the Discipline Committee or Appeal Board believes is:

- Detrimental to the best interests of the public,
- Contravenes the Code of Ethics of the profession,
- Harms the standing of the profession,
- Displays a lack of knowledge, skill, or judgement in the practice of the profession, or
- Displays a lack of knowledge, skill, or judgement in the carrying out of any duty or obligation undertaken in the practice of the profession.

constitutes either unskilled practice or unprofessional conduct.

If an investigated person fails to comply with or contravenes the EGP Act, the regulations or the bylaws, and the breach is of a serious nature, the act may be found to be unprofessional conduct by the Discipline Committee, whether or not it would be defined as such above.

Right to Counsel

Both the Investigative Committee and the investigated person have the right to be represented by counsel at a hearing before the Discipline Committee.

Evidence and Witnesses

The investigated person or anyone else believed to have knowledge of the complaint or conduct being investigated are compellable witnesses. A witness must answer all questions directed at them and will not be excused on the grounds that the answer may incriminate the witness, subject the witness to punishment under this Act, establish the witness's liability in a civil proceeding or prosecution under any Act. ASET can make an application to the Court to obtain evidence from a witness who is outside Alberta. A judge will then direct the obtaining of the evidence of the witness.

Proceedings for civil contempt of court may be brought against a witness who fails to appear before the Discipline Committee, fails to produce the required documents, or who refuses to be sworn in or to answer any question directed at them. If the investigated person fails to appear or refuses to answer a question, their refusal may be considered unprofessional conduct. If the Discipline Committee has proof that the notice of investigation was served, they may proceed with the investigation in the absence of either the investigated person or the complainant, and act on the matter as if those persons were in attendance.

Service of Notices

Written notice must be given detailing:

- Notice of a complaint filed
- Notice of hearings
 - o Date, time, and place, and any required documents or evidence to be brought
- Outcomes of Hearings
 - o Detailing the findings, the reasons for those findings, and any orders
- Termination of Investigation, served on both the member and the complainant
- Notice of Appeal

If notice is required to be given to a person, the notice is sufficiently given if:

- It is served personally on the person,
- It is sent by prepaid mail at the latest address provided to ASET by the person, or
- It is sent by electronic transmission, if the person has provided the ASET Registrar with an electronic address.

Unless proven otherwise, notice is assumed to have been served when done in person or sent by prepaid mail. If personal or mail notice is not possible, the notice or document must be published at least twice, within one week, in the person's local newspaper. If the notice is sent by mail, it is assumed to be served 7 days (in Alberta) or 14 days (outside Alberta) from the date of mailing. Electronic mail is assumed to be served on the date the notice was transmitted.

Public Access

All hearings before the ASET Discipline Committee and ASET Appeal Board are open to the public, unless the board or committee decides otherwise.

Fraudulent Registration

If ASET Council believes that a person received their registration as a result of false or fraudulent representation or declarations, either written or oral, that person's registration will be cancelled. The provisions regarding the procedures of Discipline Committee apply to a hearing held regarding false registrations.

Suspension or Cancellation

The Investigative Committee may suspend the registration of an ASET member pending the preliminary investigation or a decision of the Discipline Committee. If the registration of an ASET member is cancelled or suspended, the member must surrender any certificates, stamps or seals to the Registrar. If the registration of a permit holder or joint firm is cancelled or suspended, the permit holder must surrender their permit or certificate of authorization to the Registrar and cease using the permit number they were issued.

Onus of Proof

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

Misrepresentation of Status

An ASET member whose registration was cancelled or suspended, but claims to be registered and in good standing, will be dealt with as unprofessional conduct under the EGP Act.

Reinstatement

A regulated member whose registration has been cancelled or a permit holder whose permit was revoked as a result of the disciplinary proceedings may apply to ASET Council to be reinstated. An application cannot be made until at least one year after the registration was cancelled/permit revoked or from the date on which the Court made its order confirming or varying the decision of ASET Council. The ASET Council may establish a Committee of Inquiry

to consider the application for reinstatement and make recommendations to Council. The ASET Council may require the former regulated member or permit holder to demonstrate that they are competent to re-engage in the practice, by means prescribed by ASET Council. When an application for reinstatement is not approved by Council, no further applications can be made for at least one additional year after the date Council ruled on the original application for reinstatement.

Publication

After a finding is made by the Discipline Committee, the ASET Council, the ASET Appeal Board, the Court or the Court of Appeal, the name of the investigated person may be published.

Professional Technologist Disciplinary Procedures

All of the disciplinary provisions, procedures and outcomes listed above also apply to professional technologists. The correlated committees and boards who regulated the professional technologists are listed below.

Regulated Members (C.Tech/C.E.T.)	Professional Technologists
Discipline Committee	Joint Discipline Committee
Investigative Committee	Joint Investigative Committee
Appeal Board	Joint Appeal Board
Council	JPT Regulations Committee
Investigation Committee panel	Joint Investigative Committee panel
Practice Review Board	Joint Practice Review Board
ASET Council	Joint Councils Committee
Regulations and Bylaws	Professional technologist Regulations and Bylaws

Publications

ASET may publish information for the public, either annually or as directed by ASET Council. Information published may include:

- Conditions of engagement and surveys of professional fees for applied science, information and engineering technology services,
- A guide to the selection of members for consulting services to assists clients in the selection of professionally and legally qualified consultants and consulting firms,
- Guides that define for clients the scope of professional services to be expected from regulated members,
- Publications for the purpose of promoting high standards of professional service and adequate remuneration for those services, and
- Publications for the purpose of maintaining and improving the competency of its members.

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

Miscellaneous

Municipal License

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

Liability to Others

The relationship between an ASET permit holder and a person receiving the professional services of the permit holder is subject to any laws applicable to the relationship between a professional technologist and a client.

The relationship between a professional technologist and an ASET permit holder does not affect, modify or diminish the application of this Act or the professional regulations personally as a professional technologist, or to the relationship between the professional technologists and the professional technologist's client.

Registrar's Certificate

A certificate that appears to be signed by the ASET Registrar that states that an individual was or was not registered as a professional member, licensee, permit holder, certificate holder, an officer of ASET, or a member of ASET Council on a specific date or during a specific period will be considered as evidence of proof, even if there is no proof of the Registrar's appointment or signature. This is only the case if no evidence proving the contrary is presented.

Protection from Liability

No legal action can be taken against:

- Anyone conducting an 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,
- ASET, The Registrar or any member, officer, or employee of ASET, or
- Any person acting on the instructions of any of the above,

For anything that was done in good faith and in accordance with the Act, regulations and bylaws.

No action for defamation can be based on a communication that is related to a complaint against the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training if the communication is published by ASET, a member of the Discipline Committee, the Practice Review Board, the Investigative Committee, the Appeal Board, the Council or the Board of Examiners, a person conducting a preliminary investigation, an officer or employee of ASET, or a person who was acting on the instructions of any of the above in good faith relation to investigating the complaint or in the course of disciplinary proceedings.