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Bill No. 70 of 1955

A BILL TO REGULATE THE PROFESSIONS OF  
ENGINEERING AND GEOLOGY

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NOTE

This Bill enacts a new Act to be known as "*The Engineering Profession Act, 1955*", which repeals and replaces chapter 292 of the Revised Statutes of Alberta, 1942.

The Association of Professional Engineers of Alberta was first constituted a body corporate in 1920 by a local and private Act of the Legislature, namely, chapter 50 of the Statutes of Alberta, 1920.

In 1930, by chapter 30 of the Statutes of Alberta of that year, the Association was continued. That was an Act to amend and consolidate the profession of engineering in the Province and prohibited persons practising professional engineering in Alberta unless they were registered with the Association. The Association had power to approve qualifications for entry into the Association, under both Acts; and the Senate of the University of Alberta was empowered to appoint a board of examiners to inspect educational documents submitted by applicants.

Since 1930, the Act had been amended to vest more power in the General Faculty Council to approve applicants for registration in the Association, so that any engineer of good reputation and of age who has the educational qualifications of a graduate engineer from the University of Alberta is able to enter the Association.

This Act revises and consolidates the older Act, and sets out the newer role of the General Faculty Council and the association with respect to applicants for registration.

This Bill comes into force upon assent.

J. W. RYAN,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 70 of 1955

An Act to regulate the Professions of Engineering  
and Geology

(Assented to \_\_\_\_\_, 1955)

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Alberta,  
enacts as follows:

1. This Act may be cited as "*The Engineering Profession Act, 1955*". Short title

## Interpretation

2. In this Act,
- |   |   |
|---|---|
| (a) "association" means the Association of Professional Engineers of Alberta;                 | Interpre-<br>tation<br>"associ-<br>ation"   |
| (b) "by-laws" means the by-laws of the association;   | "by-laws"   |
| (c) "council" means the executive council of the association;                                 | "council"   |
| (d) "Department" means the Department of Education of the Province of Alberta;                | "Depart-<br>ment"   |
| (e) "executive secretary" means the executive secretary of the association;                   | "executive<br>secretary"  |
| (f) "General Faculty Council" means the General Faculty Council of the University of Alberta; | "General<br>Faculty<br>Council"   |
| (g) "member" means a registered member of the association;                                    | "member"  |
| (h) "president" means the president of the association;                                       | "president"   |
| (i) "professional engineer" means a member or visitor in good standing;                       | "professional<br>engineer"  |
| (j) "professional engineering" or the "practice of professional engineering"                  | "professional<br>engineering"<br>or "practice<br>of profes-<br>sional en-<br>gineering" |
- (i) means reporting on, advising on, valuating, designing of, preparing of plans and specifications for, surveying for, and directing the construction, the technical inspection and the operation of any and all structures, works or processes
- (A) that are aimed at the discovery, develop-  
ment and utilization of natural resources  
of materials and energy, or in any other  
way designed for the use and convenience  
of the public, and

(B) that require in such preparation, design, development, attainment, or for such supervision of the construction, operation or maintenance, the skilled and professional application of the principles of mathematics, chemistry, physics or geology or any related applied subjects including, but without limiting the generality of the foregoing, properties of materials, mechanics of solids and fluids, thermodynamics, electronics and the like,

(ii) but does not include the execution or supervision of construction and operation of such structures, works or processes in the capacity of contractor, foreman, superintendent, inspector or in any similar capacity, wherever such work has been designed by and is being carried out under the responsible supervision of a professional engineer;

- "registrar" (k) "registrar" means the registrar of the association;
- "registration" (l) "registration" means registration as a member or as a visitor;
- "vice-president" (m) "vice-president" means the vice-president of the association;
- "visitor" (n) "visitor" means a registered visitor of the association.

#### Continuation of Association

Continuation of association

3. (1) The Association of Professional Engineers of Alberta heretofore established and instituted is continued as a corporation.

(2) In addition to its other corporate powers the association may acquire by gift, purchase, or otherwise, and may sell, mortgage, lease or otherwise dispose of, real or personal property for the purpose of carrying into effect and of promoting its objects and designs.

#### General Powers of Association

By-laws

4. (1) The association may pass by-laws not inconsistent with the provisions of this Act and relating to

- (a) the election of the council,
- (b) the appointment of such officers as may be necessary for carrying out the purposes of the association,
- (c) the government and discipline of members and visitors,
- (d) the management of its property,
- (e) the maintenance of the association and the fixing and collection of fees which shall not exceed one hundred dollars annually for any person,
- (f) the registration of members and visitors in the association,

- (g) the time, place and conduct of the annual and other meetings of the association,
  - (h) all such other matters as the council may consider necessary or convenient for the management of the association, the conduct of its business, and the promotion of its welfare.
- (2) No by-law, nor any amendment or revocation thereof, shall become effective until it has been
- (a) ratified by the vote of two-thirds of those members in good standing who vote thereon, and
  - (b) approved by the Lieutenant Governor in Council.

**Management of Association**

5. The affairs of the association shall be managed by a council which shall be composed of members of the association in good standing and which shall consist of a president, vice-president, the immediate past-president and at least twelve other councillors who may be determined from time to time by the by-laws.

Management of association

6. (1) The president shall be elected annually by the members of the association and may hold office until his successor is elected.

President

(2) The president shall act as presiding officer at the meetings of the council and of the association, and may vote only when votes are evenly divided.

Vote of president

(3) The vice-president shall be elected annually by the members of the association and shall have all the powers of the president during the absence of the latter for any cause.

Vice-president

(4) The councillors shall be elected by the members of the association.

Councillors

(5) One-third of the number of councillors shall be elected annually for a term of three years.

(6) In the event of there being a vacancy in the council from any cause, the remaining members of the council shall appoint a member of the association to fill the vacancy until the next regular election at which time the vacancy shall be filled by election by the members of the association.

Vacancy in council

(7) Any councillor elected to fill a vacancy shall be elected only for the unexpired term of the member whose place he is to fill.

7. (1) As soon as possible after the annual election of the council the council shall appoint a registrar.

Registrar of association

(2) The council may also appoint a deputy registrar who in the event of the absence or illness of the registrar shall have all the powers of the registrar.

Deputy registrar

(3) The registrar is the executive officer of the association under the direction of the council and has such powers as are necessary for the proper administration and enforcement of the provisions of this Act and of the by-laws.

Executive  
secretary

(4) The council may appoint an executive secretary who shall assist the registrar in the performance of such duties as the registrar or the council may direct.

(5) The council may fill any vacancy that may occur in the office of the registrar, deputy registrar or executive secretary.

#### Practice of Professional Engineering

Right to  
practise

8. No person except a member or visitor of the association shall, within the Province of Alberta, practise professional engineering or take or use the designation of professional engineer or any abbreviation thereof, or hold himself out or advertise himself as a professional engineer.

Application  
of Act to  
architect or  
land  
surveyor

9. Nothing in section 8 or in clause (a) of section 45 applies

(a) to anyone registered as an architect under any Act of the Province relating to the practice of architecture where the practice of such person is confined to architecture,

(b) to anyone registered as a land surveyor under any Act of the Province or of Canada relating to the practice of land surveying where the practice of such person is confined to land surveying, or

(c) to any member of Her Majesty's Naval, Military or Air Forces while actually employed on duty with such forces,

except that an architect, land surveyor or member of Her Majesty's Forces shall not style or hold himself out as a professional engineer unless he is a member or a visitor of the association.

Application  
of Act re  
mines or  
pressure  
vessels

10. Nothing in section 8 or in clause (a) of section 45 shall be construed as altering or affecting any provision or regulation of or made under any Act of the Province relating to mines or pressure vessels.

Practice  
limited

11. Nothing in section 8 or in clause (a) of section 45 shall be construed as preventing the carrying on by any person on his own property of any work for the sole use of himself and his domestic establishment nor the designing, construction or installation by any person of appliances, structures, works or processes of a value not exceeding twenty thousand dollars, where the work does not involve the health or safety of the general public.

#### Registration

Application  
for  
registration

12. (1) The council shall arrange with the General Faculty Council for the appraisal of the technical and experience qualification of any person who properly applies for registration under this Act.

(2) The time, place, the fees for, the scope of and the manner of conducting any examination shall be determined by the General Faculty Council.

**13.** Application for registration as a member may be made by Eligibility  
for  
registration

(a) any Canadian citizen or British subject of twenty-one years of age or over,

(i) who is a graduate in engineering or geology from the University of Alberta or from a university approved by the General Faculty Council with respect to its programme in engineering or geology, and who, after graduation, has had not less than two years' experience in some branch of engineering or geology, or

(ii) who has an Alberta High School Diploma or, in the opinion of the Department, the equivalent and has for six or more years been engaged in some branch of engineering or geology, or

(iii) who is a member in good standing of an association of professional engineers recognized by the council as being comparable to the association,

and

(b) any person who is not a Canadian citizen or a British subject but who is otherwise qualified under clause (a) and who has been granted permanent landing under the immigration regulations of Canada.

**14.** (1) Application for registration as a member shall be made in duplicate to the registrar on a form approved by the council for the purpose, and accompanied by the documents and fees required by the council and by the General Faculty Council. Registration  
fees

(2) The registrar shall forward one copy of the application to the General Faculty Council or to the person designated by the General Faculty Council for the purpose.

**15.** The council shall register as a member in the association any person who properly applies under sections 13 and 14 and who Qualifica-  
tions for  
registration

(a) has satisfied the General Faculty Council as to his technical and experience qualifications,

(b) has satisfied the council as to his good character, and

(c) has paid all prescribed fees.

**16.** Application for registration as a visitor may be made by any person who is twenty-one years of age or over, and who, whether a Canadian citizen or a British subject or not, is otherwise qualified under section 13. Registration  
as visitor

Application for registration as visitor

**17. (1)** Application for registration as a visitor shall be made in duplicate to the registrar on a form approved by the council for the purpose and accompanied by the documents and the fees required by the council and by the General Faculty Council.

(2) The registrar shall forward one copy of the application to the General Faculty Council.

Qualifications for registration as visitor

**18. (1)** The council shall register as a visitor any person who properly applies under sections 16 and 17 and who

(a) has satisfied the General Faculty Council as to his technical and experience qualifications,

(b) has satisfied the council as to his good character, and

(c) has paid all prescribed fees.

(2) A visitor may be referred to as a "licensee".

Firm, etc., prohibited membership

**19. (1)** No firm, partnership, corporation or association of persons shall be registered as a member or a visitor.

(2) Notwithstanding subsection (1) and section 8, a firm, partnership, corporation or association of persons may practise professional engineering in its own name if the practising is done under the direct supervision of a member of the firm, partnership or association or a director of the corporation, or under the direct supervision of a full-time permanent employee of the firm, partnership, association or corporation who, in either case, is a member or a visitor.

Certificate of membership

**20. (1)** A person registered as a member or as a visitor shall be issued a certificate which shall be signed by the president and the registrar and shall bear the seal of the association.

(2) The certificate remains the property of the association and shall be returned to the registrar upon termination of registration.

Designation as professional engineer

**21. (1)** A member or visitor, during the period that his registration is in good standing, is entitled in the Province of Alberta to practise professional engineering and to use the title of and to be designated as a professional engineer.

Seal

(2) A member or visitor, at his expense, may acquire from the registrar a seal with which, during the period his registration is in good standing, he may stamp documents and plans prepared by him or prepared under his supervision.

### Register

Duties of registrar

**22. (1)** The registrar

(a) shall from time to time under the direction of the council cause to be printed and published a correct register of the members and visitors of the association, and

(b) shall issue annually, between the issues of the register if the register is not published annually, an addendum containing

- (i) the names of all registered members or visitors registered since the last publication of the register or addendum thereto, and
- (ii) the names, listed separately, of all deceased members or visitors, members or visitors who have resigned and members or visitors who have been struck off the register since the last publication of the register or an addendum thereto.

(2) In the case of any person whose name does not appear in a copy of the addendum among those of registered members or visitors, a certificate under the hand of the registrar that the name of such person is on the register or an addendum is admissible in evidence as proof that such person is registered under this Act. Proof of registration

**23.** (1) When proof of registration under this Act is required to be made, the production of a printed or other current copy of the register, or of any extract therefrom or addendum thereto, certified by the registrar, shall be taken to be sufficient evidence of registration without the production of the original register. Evidence of registration

(2) A certificate purporting to be signed by a person in his capacity as registrar and bearing the seal of the association is admissible in evidence as *prima facie* proof that such person is the registrar without proof of the signature or of his being in fact the registrar.

#### Fees

**24.** (1) Each member or visitor shall pay in advance to the association such annual fee not to exceed one hundred dollars as may be determined by the by-laws. Annual fees

(2) If any member omits to pay the prescribed annual fee within six months of the date upon which it becomes due, the council may direct the registrar to strike the name of the member from the register, and the member thereupon ceases to be entitled to practise as a professional engineer, but upon paying at any time thereafter such fee as may be prescribed by the council, but not exceeding the arrears owing and the current fee, the member is entitled to all rights and privileges as a member from the time of such payment.

(3) If any visitor omits to pay the prescribed fee within two months of the date upon which it becomes due, the council may direct the registrar to strike the name of the visitor from the register, and the visitor thereupon ceases to be entitled to practise as a professional engineer, but upon paying at any time thereafter such fee as may be prescribed by the council, but not exceeding the arrears owing and the current fee, the visitor is entitled to all rights and privileges as a visitor from the time of such payment.



### Discipline Committee

Discipline  
committee

**25.** (1) The council shall from time to time appoint and shall always maintain for the purposes hereinafter named, a committee of not less than five members of its own body to be known as the discipline committee.

(2) Three members of the discipline committee constitute a quorum.

(3) The council may at any time alter the number, constitution, and tenure of office of the discipline committee.

Unbecoming  
conduct

**26.** Conduct unbecoming a professional engineer is a question of fact which shall be determined by the council or the discipline committee and any matter, conduct or thing that, in the judgment of the council or of the discipline committee, is such as to be inimical to the best interests of the public or the profession shall be held to be conduct unbecoming a professional engineer.

Continuing  
as member  
of discipline  
committee

**27.** For the purpose of completing and reporting upon any matters relating to discipline begun while he was a member of the council, a member of the discipline committee or of the council may continue to act as such, notwithstanding that he may no longer be a member of the council.

Preliminary  
investigation  
by discipline  
committee

**28.** The discipline committee shall make a preliminary investigation respecting any allegation of conduct unbecoming a professional engineer on the part of any member or visitor

(a) when a complaint in writing has been made to the council by any person respecting such member or visitor, or

(b) if in the opinion of the council or of the discipline committee the conduct of the member or visitor ought to be investigated.

Report of  
discipline  
committee

**29.** When the discipline committee conducts a preliminary investigation or a formal hearing respecting any member or visitor the discipline committee shall report its findings to the council.

Notice of  
investigation

**30.** (1) Before making any preliminary investigation the discipline committee shall give at least ten days' notice in writing to the member or visitor whose conduct is to be investigated, of its intention to make the investigation.

(2) The notice shall specify in general terms the matter to be investigated and shall be served either personally or by registered mail addressed and mailed to the member or visitor at his last post office address on the register of the association.

(3) The member or visitor whose conduct is to be investigated shall be given a reasonable opportunity to submit to the discipline committee a written statement respecting the matters under investigation.

**31.** If, in the opinion of the discipline committee, the evidence obtained by it on the preliminary investigation does not warrant a charge of conduct unbecoming a professional engineer, the discipline committee shall, with the approval of the council, dismiss the complaint and so notify the complainant, if any, and the person whose conduct had been subjected to preliminary investigation.

Dismissal of  
complaint

**32.** If, in the opinion of the discipline committee, the evidence obtained by it on the preliminary investigation warrants a further investigation, the discipline committee shall notify the council accordingly with a recommendation that a formal hearing be conducted.

Recommendation for  
formal  
hearing

**33.** The council, on receipt of a recommendation from the discipline committee pursuant to section 32, shall inform itself of the facts of the case and in its sole discretion shall thereupon direct the discipline committee either

Direction  
to discipline  
committee

- (a) to dismiss the complaint and so notify the complainant, if any, and the person whose conduct had been subjected to preliminary investigation, or
- (b) to hold a formal hearing in respect of the matters under investigation.

**34.** (1) If a formal hearing is directed by the council pursuant to section 33, the discipline committee shall give to the member or visitor whose conduct is being investigated at least thirty days' written notice respecting the time and place at which such hearing will be held, and specifying the matters to be investigated.

Notice of  
hearing

(2) The notice shall be served in the same manner as is provided in section 30.

**35.** In preparation for or in the conduct of any investigation or hearing, the council or the discipline committee may employ at the expense of the association such legal or other assistance as it thinks necessary.

Assistance  
at hearing

**36.** In the event of the non-attendance at a hearing of a person whose conduct is the subject of inquiry, the council or the discipline committee upon proof by statutory declaration or otherwise of the proper service of the notice of the hearing, may proceed with the hearing, and take any action authorized under this Act without further notice to such person.

Non-attendance  
at hearing

**37.** (1) For the purposes of an investigation by the discipline committee, the discipline committee may summon witnesses and require them

Powers of  
discipline  
committee

- (a) to give evidence on oath, orally or in writing or, if the witnesses are persons entitled to affirm in civil matters, on solemn affirmation, and
- (b) to produce such documents and things as the discipline committee may deem requisite to the full investigation of the matter before the committee.

Attendance  
of witnesses

(2) The discipline committee has the same powers to enforce the attendance of witnesses and to compel them to give evidence as is vested in a court of record in civil cases.

Dismissal  
of charge

**38.** (1) When, upon completion of the formal hearing, the discipline committee finds the member or visitor to be not guilty of conduct unbecoming a professional engineer, the discipline committee shall, with the approval of the council, dismiss the charge and so notify the complainant, if any, and the person whose conduct has been the subject of the formal hearing.

Reprimand

(2) When, upon completion of the formal hearing, the discipline committee finds the member or visitor to be guilty of conduct unbecoming a professional engineer but considers that the offence is not of such gravity or importance as to warrant the suspension or the striking of the name of the member or visitor from the register, the discipline committee shall, with the approval of the council, reprimand, censure or warn the member or visitor.

Recommendation re  
unbecoming  
conduct

(3) When, upon completion of the formal hearing, the discipline committee finds the member or visitor to be guilty of conduct unbecoming a professional engineer and considers the offence to be grave, the discipline committee shall, in its report to the council, recommend either that the member or visitor be suspended or that his name be struck from the register.

Suspension  
or striking  
name from  
register

**39.** (1) The council, upon receipt of a recommendation of the discipline committee made pursuant to subsection (3) of section 38, shall inform itself of the evidence presented at the hearing and having regard to the recommendation of the discipline committee shall, in its sole discretion,

(a) suspend the member or visitor for such time as the council may determine, or

(b) direct the registrar to strike the name of the member or visitor from the register.

(2) When a member or visitor is suspended under this section he shall not practise as a professional engineer during the period of the suspension.

(3) When pursuant to this section the name of a member or visitor is struck from the register, the member or visitor ceases to be entitled to practise as a professional engineer thereupon.

Appeal

**40.** (1) Any person who has been suspended or whose name has been struck from the register may appeal from the order of the council to a judge of the Supreme Court at any time within thirty days after the date of the order.

(2) The court may, upon hearing the appeal, make an order either confirming or reversing the order appealed against.

**41.** (1) An appeal, notice of which shall be served upon the registrar, shall be founded upon Copies of proceedings

- (a) a copy of the proceedings before the discipline committee, and
- (b) the evidence taken and the order of the council.

(2) The registrar, upon the request of any person desiring to appeal, shall furnish him with a certified copy of all proceedings, reports, orders and papers upon which the council acted in making the order appealed against.

**42.** Upon furnishing the council with an affidavit to the effect that there is new evidence that could materially have affected the decision of the council, and upon setting out the evidence, any member or visitor who has been suspended or any person whose name has been struck from the register may, either before or after an appeal to a judge of the Supreme Court, apply to the council for a re-hearing. Re-hearing

**43.** Upon receipt of an affidavit pursuant to section 42 the council shall re-hear the matter and render its decision. Decision re re-hearing

**44.** No action lies against the council or the discipline committee or members thereof for any proceedings taken or judgments given or enforced under the disciplinary provisions of this Act. Right of action

#### Enforcement

**45.** Any person who is not a member or visitor in good standing or any firm, partnership, corporation or association of persons, except as provided in subsection (2) of section 19, who or that, in the Province of Alberta, Offences

- (a) engages in the practice of professional engineering,
- (b) assumes verbally or otherwise the title of professional engineer or makes use of any abbreviation of such title or of any name, title, addition, description or designation that may lead to the belief that he or it is a professional engineer, or a member or visitor, or that he is or it is or they are a person or persons specially qualified to practise professional engineering,
- (c) advertises himself, itself or themselves as such in any way or by any means, or
- (d) acts in such manner as to create or induce in the mind of any reasonable person the belief that he is or it is or they are authorized to fulfill the office of or act as professional engineer,

is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars for the first offence and for any subsequent offence to a fine of not less than two hundred dollars nor more than five hundred dollars or imprisonment for a term of not more than three months. Fines

Application  
for  
injunction

**46.** (1) When any person, firm, partnership, corporation or association, after being convicted under this Act, or not being permitted under this Act to practise professional engineering,

(a) uses or purports to use the designation or title of professional engineer, or

(b) holds himself, itself or themselves out as such, the association may apply to a judge of the Supreme Court for an injunction restraining such person, firm, partnership, corporation or association from using, attempting or purporting to use such designation or title.

(2) The judge or court, on being satisfied that the person, firm, partnership, corporation or association has been so convicted, or has used, or attempted or purported to use such designation or title in the Province of Alberta, shall grant the injunction.

General  
penalty

**47.** Where no other provisions are made herein, any person, firm, partnership, corporation or association violating any of the provisions of this Act or of the by-laws made under this Act, is or are guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars and costs nor more than five hundred dollars and costs.

Fine for  
obtaining  
membership  
falsely

**48.** If any person wilfully procures registration by making or procuring, or causing to be made or procured, any false or fraudulent representations or declarations, either verbal or in writing, he, and every person knowingly aiding or assisting him therein, is guilty of an offence and liable on summary conviction to a fine of one hundred dollars and costs.

Commence-  
ment of  
prosecution

**49.** No prosecution may be commenced for any offence against this Act after one year from the date of the commission of the offence.

Repeal

**50.** *The Engineering Profession Act*, being chapter 292 of the Revised Statutes of Alberta, 1942, is hereby repealed.

Coming into  
force

**51.** This Act comes into force on the day upon which it is assented to.

No. 70

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THIRD SESSION  
TWELFTH LEGISLATURE  
4 ELIZABETH II  
1955

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**BILL**

An Act to regulate the Professions  
of Engineering and Geology

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. GERHART

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