

No. 57

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 57

A Bill to regulate the Professions of Engineering,
Geology and Geophysics

HON. MR. PATRICK

Explanatory Note

General. This Bill will repeal and replace The Engineering Profession Act, R.S.A. 1955, chapter 101. It is essentially a revision of that Act brought about as a result of giving prominence to two related branches of the engineering profession, namely, geologists and geophysicists. The Association will henceforth be known as the Association of Professional Engineers and Related Scientists of Alberta, instead of the Association of Professional Engineers of Alberta. (The references in these notes are to R.S.A. 1955, chapter 101, referred to as the present Act.)

1. Short title.

2. Interpretation.

- (a) New.
- (b) 2(a) of present Act with the change of title.
- (c) 2(b) of present Act.
- (d) 2(c) of present Act.
- (e) 2(e) of present Act.
- (f) 2(f) of present Act.
- (g) 2(g) of present Act.
- (h) 2(h) of present Act.
- (i) 2(i) of present Act revised to refer to professional qualification.
- (j) 2(j) revised.

BILL

No. 57 of 1960

An Act to regulate the Professions of Engineering,
Geology and Geophysics

(Assented to _____, 1960)

HER 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 and Related Professions Act*".

Interpretation

2. In this Act,

- (a) "approved university program" means
 - (i) a university program considered by the General Faculty Council to be generally equivalent in quality to the four year programs offered at the University of Alberta, or
 - (ii) where no similar program is offered at the University of Alberta, a course considered satisfactory by the General Faculty Council;
- (b) "Association" means the Association of Professional Engineers and Related Scientists of Alberta;
- (c) "by-laws" means the by-laws of the Association;
- (d) "council" means the executive council of the Association;
- (e) "executive-secretary" means the executive secretary of the Association;
- (f) "General Faculty Council" means the General Faculty Council of the University of Alberta;
- (g) "member" means a registered member of the Association;
- (h) "president" means the president of the Association;
- (i) "professional engineer" means a person qualified to practise professional engineering who is a member or visitor in good standing;
- (j) "professional engineering" means reporting on, advising on, evaluating, designing of, preparing of plans and specifications for, surveying for, or directing the construction, the technical inspection, the maintenance or the operation of any structure, work or process

(k) New.

(l) New.

(m) New.

(n) New.

- (i) 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 man, and
- (ii) that requires in that reporting, advising, evaluating, designing, preparation, surveying or direction the professional application of the principles of one or more of the subjects of mathematics, chemistry, physics or any related applied subject including, without limiting the generality of the foregoing, properties of materials, mechanics of solids and fluids, thermodynamics, electronics and the like,

but does not include the execution or supervision of the construction, technical inspection, maintenance or operation of any such structure, work, or process in the capacity of contractor, superintendent, foreman or inspector or in any similar capacity, when the structure, work or process has been designed by, and the execution or supervision is being carried out under the responsible supervision of, a professional engineer;

- (k) "professional geologist" means a person qualified to practise professional geology who is a member or visitor in good standing;
- (l) "professional geology" means reporting, advising, evaluating, interpreting, geological surveying, sampling or examination related to any activity
 - (i) that is aimed at the discovery of oil, natural gas, coal, metallic or non-metallic minerals or precious stones, or other natural resources or water, or that is aimed at the investigation of sub-surface geological conditions governing the location of dam sites, large buildings, or engineered structures, and
 - (ii) that requires in that reporting, advising, evaluating, interpreting, geological surveying, sampling or examination, the professional application of the principles of geology or any related subjects or one or more related subjects including, without limiting the generality of the foregoing, the geological field of mineralogy, paleontology, structural geology, stratigraphy, sedimentation, petrology, geomorphology, photogeology and the like,

but does not include any of the above activities that are normally associated with the business of prospecting when carried on by a prospector;

- (m) "professional geophysicist" means a person qualified to practise professional geophysics who is a member or visitor in good standing;
- (n) "professional geophysics" means reporting, advising, evaluating, interpreting, or geophysical surveying related to any activity

- (o) 2(k) of present Act.
- (p) 2(l) of present Act.
- (q) 2(m) of present Act.
- (r) 2(n) of present Act.

3. Continuation of corporation under new title. Present Act section 3 with slight revision.

4. (1) Present section 4(1).

- (i) that is aimed at the discovery of oil, natural gas, coal, metallic or non-metallic minerals, or precious stones or other natural resources or water, or that is aimed at the investigation of sub-surface conditions in the earth, and
 - (ii) that requires in that reporting, advising, evaluating, interpreting or geophysical surveying, the professional application of the principles of one or more of the subjects of physics, mathematics or any related subject including, without limiting the generality of the foregoing, principles of elastic wave propagation, gravitational, magnetic and electrical fields, natural radio-activity, and the like, but does not include the routine maintenance or operation of geophysical instruments, or if carried out under the responsible supervision of a professional geophysicist, the routine reduction or plotting of geophysical observations;
- (o) "registrar" means the Registrar of the Association;
 - (p) "registration" means registration as a member or as a visitor;
 - (q) "vice-president" means a vice-president of the Association;
 - (r) "visitor" means a registered visitor of the Association.

Continuation of Association

3. (1) The Association of Professional Engineers of Alberta heretofore established and instituted is continued as a corporation under the style and title of "The Association of Professional Engineers and Related Scientists of Alberta".

(2) The official abbreviation of the Association shall be APESA.

(3) 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.

General Powers of Association

4. (1) The Association may pass by-laws, not inconsistent with the provisions of this Act, 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,

(2) Present section 4(2) revised slightly.

5. Present section 5 altered to recognize the geologists and geophysicists and revised.

6. New. Professional affairs committee.

7. Present section 6 altered to provide for more than one vice-president.

- (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, and
 - (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) A by-law, or any amendment or revocation thereof, is not effective until it is
- (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. (1) The affairs of the Association shall be managed by a council, which shall be composed of members of the Association in good standing.

(2) The council shall consist of a president, two vice-presidents, the immediate past-president and at least twelve councillors, the number of which may be determined from time to time by the by-laws.

(3) At any time at least one-half of the councillors shall be professional engineers and at least two councillors shall be professional geologists and one councillor shall be a professional geophysicist.

6. (1) There shall be a professional affairs committee to represent each of the professions of engineering, geology and geophysics.

(2) The professional affairs committees shall be established in accordance with the by-laws.

(3) The professional affairs committee may advise the council on professional affairs in which the committee is concerned.

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

(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 distributed.

(3) The vice-presidents shall be elected annually by the members of the Association and one of them shall be designated by the council to have all the powers of the president during the absence of the latter for any cause.

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

8. Present section 7 except that the requirement in subsection (1) that the registrar shall be appointed as soon as possible after the annual meeting is omitted.

9. Present section 8 combined with present section 45 and revised to accord recognition to the professional geologist and professional geophysicist. Cf. sections 8 and 45 of R.S.A. 1955, c. 101.

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

(6) Where there is a vacancy in the council for 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.

(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.

8. (1) The council shall appoint a registrar.

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

(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 the Professions

9. No person except a member or visitor of the Association shall, within the Province of Alberta,

- (a) engage in any of the activities of professional engineering, professional geology, or professional geophysics,
- (b) assume verbally or otherwise the title of "professional engineer", "professional geologist" or "professional geophysicist", or make use of any abbreviation of these titles, or of any name, title addition, description or designation that might lead to the belief that he is a professional engineer, professional geologist or professional geophysicist, or a member or visitor, or that he is a person qualified to practise professional engineering, professional geology or professional geophysics,
- (c) advertise himself or hold himself out as a professional engineer, professional geologist or professional geophysicist in any way, or by any means, or
- (d) act in such a manner as to create or induce in the mind of any reasonable person the belief that he is authorized to fulfill the office of or act as a professional engineer, professional geologist or professional geophysicist.

10. Present section 9 revised slightly.

11. Present section 10 revised slightly.

12. Present section 11 revised slightly.

13. Section 13 in part, revised to recognize geophysicists and to make a clearer distinction between educational and practical qualifications. Clause 13(2) (b) is new.

10. Nothing in section 9 or section 46 applies

- (a) to a person registered as an architect under any Act of the Legislature relating to the practice of architecture where the practice of that person is confined to architecture,
 - (b) to a person registered as a land surveyor under any Act of the Legislature or of the Parliament of Canada relating to the practice of land surveying, or practising as a mine surveyor, where in either case the practice of that person is confined to the activities of a land surveyor or mine surveyor, or
 - (c) to a member of Her Majesty's Canadian Forces while actually employed on duty with such forces,
- except that an architect, land surveyor, mine surveyor or member of Her Majesty's Canadian Forces shall not style or hold himself out as a professional engineer, professional geologist or professional geophysicist, unless he is a member or visitor of the Association.

11. Nothing in section 9 or in section 46 shall be construed as altering or affecting any provision or regulation of or made under any Act of the Legislature, relating to mines, minerals, pipe lines or boilers and pressure vessels or as applying to any person who in accordance with such a provision or regulation undertakes or does anything required by the provision or regulation.

12. Nothing in section 9 or in section 46 shall be construed to prevent the carrying on by any person on his own property of any work for the sole use of himself and his domestic establishment or 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

13. (1) The educational qualification required for registration is an education, however obtained, equivalent generally to graduation from an approved university program leading to a Bachelor of Science or equivalent degree in engineering, geology or geophysics.

(2) The experience qualification required for registration is

- (a) in the case of a person satisfying the educational qualification by graduation from an approved university program leading to a Bachelor of Science or equivalent degree in engineering, geology or geophysics, two years of experience in engineering, geological or geophysical work after graduation and of a kind satisfactory to the General Faculty Council as relating to and complementing the training acquired under the approved university program, or

14. In part present section 13 revised to conform to change in qualification sections.

15. Present section 16.

16. Present section 14 revised to refer also to visitor respecting application forms.

17. Present section 12.

18. Present section 15 and 18 combined and revised to refer to qualification provisions but present section 18 (2) is omitted.

- (b) in the case of a person satisfying the educational qualification by passing the examinations of the General Faculty Council, six years of experience in engineering, geological or geophysical work after high school graduation and of a kind satisfactory to the General Faculty Council as related to and complementing the subject matter of the examinations set out by the General Faculty Council.

14. Application for registration as a member may be made by any Canadian citizen, British subject or permanently landed immigrant of Canada of twenty-one years of age or over,

- (a) who, seeking registration under the provisions of subsection (1) and clause (a) of subsection (2) of section 13, is a graduate of a university program leading to a degree in engineering, geology or geophysics, and who, after graduation, has had two years' experience in engineering, geological or geophysical work,
- (b) who, seeking registration under subsection (1) and clause (b) of subsection (2) of section 13, has an Alberta High School Diploma, or the equivalent in the opinion of the council, and has for at least one year been engaged in engineering, geological or geophysical work, or
- (c) who is a member in good standing of an association recognized by the council as being comparable to the Association.

15. 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 14.

16. (1) Application for registration as a member or 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 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 or to the person designated by the General Faculty Council for the purpose.

17. (1) The council shall arrange with the General Faculty Council for the appraisal of the educational and experience qualifications of any person who properly applies 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.

18. The Council shall register as a member or as a visitor, as the case may be, any person who has

19. Present section 19 revised slightly as to subsections (1) and (2). Subclauses (3) and (4) are new.

20. Present section 20.

21. (1) Present section 21(1) revised to give effect to the changes in professional classifications under this Bill.

- (a) properly applied under section 14, or 15 and section 16,
- (b) paid all prescribed fees,
- (c) satisfied the council as to his good character, and
- (d) satisfied the General Faculty Council as to his educational and experience qualifications.

19. (1) Notwithstanding section 9, a firm, partnership, corporation or association of persons may practise professional engineering, professional geology or professional geophysics in its own name if the practise is done under direct personal supervision and responsibility of a full-time permanent employee or member of the firm, partnership, corporation or association who is also a member or visitor of the Association.

(2) Notwithstanding subsection (1), no firm, partnership, corporation or association of persons shall be registered as a member or as a visitor.

(3) When the practice of professional engineering, professional geology or professional geophysics is carried on by a firm, partnership, corporation or association of persons as permitted in subsection (1), all plans, specifications, reports or documents shall be signed by, and sealed with the stamp of, the member or visitor of the Association who is responsible for the same and who supervised the preparation thereof.

(4) A firm, partnership, corporation or association of persons purporting to practise professional engineering, professional geology or professional geophysics in its own name as permitted in subsection (1) shall advise the Association when requested to do so of the name of the member or visitor of the Association directly and personally supervising the practice and assuming responsibility therefor.

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 may be reclaimed by the registrar upon termination of registration.

21. (1) During the period that he is registered

- (a) a member or visitor who is registered pursuant to this Act as being a professional engineer is entitled to practise professional engineering and to use the title of and to be designated as a professional engineer, or "P. Eng.",
- (b) a member or visitor who is registered pursuant to this Act as being a professional geologist is entitled to practise professional geology, and to use the title of and to be designated as a professional geologist, or "P.Geol.", and

(2) and (3) Present section 21 (2) rewritten to express more clearly the rules respecting the professional seal. Cf. present 21 (2).

22. Present section 22 revised.

23. Present section 23.

- (c) a member or visitor who is registered pursuant to this Act as being a professional geophysicist is entitled to practise professional geophysics and to use the title of and to be designated as a professional geophysicist, or "P. Geoph."
- (2) A member or visitor may, at his expense, acquire a rubber or metal stamp to seal documents with and with which to seal plans prepared by him, or prepared under his supervision.
- (3) A member or visitor shall not acquire a stamp for the purposes of subsection (2) otherwise than from the registrar and the stamp shall only be used while the member or visitor is registered pursuant to this Act.

Register

22. (1) The registrar

- (a) shall maintain the register of the members and visitors of the Association, classified as to profession, and from time to time under the direction of the council cause to be printed and published correct copies thereof, and
- (b) shall issue annually, between the issues of the copies of the register, if a copy is not published annually, an addendum similarly classified containing
 - (i) the names of all registered members or visitors registered since the last publication of the copy of the register or of an 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 copy of the register or of an addendum thereto.
- (2) In the case of any person whose name does not appear in a copy of the register or in an addendum thereto among those of registered members or visitors, a certificate under the hand of the registrar that the name of that person is on the register or in an addendum is admissible in evidence as proof that that person is registered under this Act.

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, is sufficient proof of registration without production of the original register.

(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 that person is the registrar without proof of the signature or of his being in fact the registrar.

24. Present section 24 revised.

25. Present section 25.

26. Present section 26 subdivided and revised to conform with earlier changes in the professional classifications.

27. Present section 27.

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.

(2) If a member does not 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, professional geologist or professional geophysicist, 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 the payment of the fee.

(3) If a visitor does not 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, professional geologist or professional geophysicist, 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 the payment of the fee.

Discipline Committee

25. (1) The council shall from time to time appoint and shall always maintain for the purposes hereinafter set out, 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.

26. (1) Conduct unbecoming a professional engineer, professional geologist or professional geophysicist is a question of fact, which shall be determined by the council or the discipline committee.

(2) Any matter, conduct or thing that, in the judgment of the council or of the discipline committee, is inimical to the best interests of the public or the professions of engineering, geology or geophysics shall be held to be conduct unbecoming a professional engineer, professional geologist or professional geophysicist.

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.

28. Present section 28.

29. Present section 29.

30. Present section 30 in part and revised.

31. (1) Present section 30 (3) revised.
(2) Present section 31 revised.
(3) Present section 32 revised.

32. Present section 33.

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

- (a) when a complaint in writing has been made to the council by any person respecting that 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.

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.

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

(2) The notice shall specify in general terms the matter to be investigated and shall, at least ten days before the date of the investigation, be served either personally or by registered mail addressed and mailed to the member or visitor at his latest post office address on the register of the Association.

31. (1) 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.

(2) Where, 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, professional geologist or professional geophysicist, 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 has been subjected to preliminary investigation.

(3) Where, 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.

32. The council on receipt of a recommendation from the discipline committee pursuant to section 31, shall inform itself of the facts of the case and in its sole discretion shall thereupon direct the discipline committee either

- (a) to dismiss the complaint and so notify the complainant, if any, and the person whose conduct has been subjected to preliminary investigation, or

33. Present section 34 revised.

34. Present section 35.

35. Present section 36.

36. (1) and (2) Present section 37.
(3) New.

37. Present section 38 revised.

(b) to hold a formal hearing in respect of the matters under investigation.

33. (1) When a formal hearing is directed by the council pursuant to section 32, 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.

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

34. 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.

35. 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.

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

(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.

(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.

(3) An investigating committee is not bound by the rules of evidence obtaining in actions and proceedings in the courts of justice, but on the contrary, may proceed to ascertain the facts in such manner as it deems proper.

37. (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, professional geologist or professional geophysicist, 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.

38. (a) and (b) Present section 39 (1) revised.
(c) New.

39. Present section 39 (2) revised.

40. Present section 39 (3) revised.

41. (1) Present section 40 (1) revised to refer to manner of
service of notice.

(2) and (3) Present section 41 (1) and (2).

(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, professional geologist or professional geophysicist, 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.

(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, professional geologist or professional geophysicist, 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.

38. The council, upon receipt of a recommendation of the discipline committee pursuant to subsection (3) of section 37, 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,
- (b) direct the registrar to strike the name of the member or visitor from the register, or
- (c) require the committee to reconsider its recommendation.

39. When a member or visitor is suspended he shall not practise as a professional engineer, professional geologist or professional geophysicist during the period of the suspension, except that the member or visitor may continue to practise as a professional engineer, professional geologist or professional geophysicist with the written approval of the discipline committee, for the purpose of completing work already started by him at the time of his suspension.

40. When 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, professional geologist or professional geophysicist thereupon.

41. (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 service of the order has been effected upon him in the manner, *mutatis mutandis*, prescribed for service of notice by subsection (2) of section 30.

(2) An appeal, notice of which shall be served upon the registrar, shall be founded upon

42. Present section 40 (2).

43. (1) Present section 42.
(2) Present section 43.

44. Present section 44 extended to include within its protection the registrar or persons acting under any of the persons or officers referred to.

45. In part present section 45. See note to clause 9; but minimum penalty removed.

46. Present section 46 (1) and (2) combined and revised.

(a) a copy of the proceedings before the discipline committee, and

(b) the evidence taken and the order of the council.

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

43. (1) 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 rehearing.

(2) Upon receipt of an affidavit pursuant to subsection (1), the council shall rehear the matter and render its decision.

44. No action lies against the council or the discipline committee or members thereof or the registrar or any person acting on the instructions of the discipline committee, members of the council or the registrar for any proceedings taken or judgments given or enforced under the disciplinary provisions of this Act.

Enforcement

45. A 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 (1) of section 19 who, in the Province of Alberta, contravenes section 9 is guilty of an offence and liable on summary conviction

(a) to a fine of not more than two hundred dollars for the first offence, and

(b) for any subsequent offence to a fine of not more than five hundred dollars or to imprisonment for a term of not more than three months.

46. When 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 (1) of section 19, contravenes any of the provisions of section 9 a judge of the Supreme Court may, on the application of the Association, grant an injunction restraining that person, firm, partnership, corporation or association from contravening the provisions of section 9.

47. Present section 47 but minimum penalty removed.

48. Present section 48 but minimum penalty removed.

49. Present section 49.

50. Repeal of present Act.

51. Commencement of this Bill.

47. Where no other provisions are made herein, any person, firm, partnership, corporation or association contravening any of the provisions of this Act or the by-laws under this Act, is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars.

48. If any person wilfully procures registration by making or procuring or causing to be made or procured, any false or fraudulent representation or declaration, 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 not more than one hundred dollars.

49. No prosecution may be commenced for any offence against this Act after two years from the date of the commission of the offence.

50. *The Engineering Profession Act*, being chapter 101 of the Revised Statutes of Alberta, 1955, is hereby repealed.

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

No. 57

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to regulate the Professions
of Engineering, Geology and
Geophysics

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. PATRICK
