

1992 BILL 29

Fourth Session, 22nd Legislature, 4~~th~~ Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 29

CONSULTING ENGINEERS OF ALBERTA ACT

THE MINISTER OF PUBLIC WORKS, SUPPLY AND SERVICES

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 29

1992

CONSULTING ENGINEERS OF ALBERTA ACT

(Assented to , 1992)

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

- Definitions** **1** In this Act,
- (a) “Board” means the Board of Directors of the Consulting Engineers;
 - (b) “Consulting Engineers” means the Consulting Engineers of Alberta;
 - (c) “member” means a member of the Consulting Engineers;
 - (d) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
 - (e) “Registrar” means the Registrar of the Consulting Engineers.

Title **2** No person except a member of the Consulting Engineers shall use the designation “Member of the Consulting Engineers of Alberta” or the abbreviation “MCEA” or any other abbreviation of those words, alone or in combination with any other word, that represents expressly or by implication that the person is a member of the Consulting Engineers.

PART 1

CONSULTING ENGINEERS

Incorporation **3(1)** The Consulting Engineers of Alberta is established as a corporation.

(2) The Consulting Engineers has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

Board **4(1)** There is hereby established a governing body of the Consulting Engineers called the Board of Directors.

(2) The Board shall manage and conduct the business and affairs of the Consulting Engineers and exercise the rights, powers and privileges of the Consulting Engineers in the name of and on behalf of the Consulting Engineers.

Board members

5(1) The Board shall consist of not fewer than 5 directors or a greater number prescribed in the by-laws, elected in accordance with the by-laws.

(2) No member shall have more than one director on the Board at the same time.

(3) Notwithstanding subsection (1), the membership of the Board may, in accordance with the by-laws, include honorary directors.

(4) An honorary director may attend Board meetings but may not vote.

(5) The presence of an honorary director at a meeting shall not be taken into consideration when determining whether the directors present constitute a quorum.

PART 2

REGISTRATION

Registrar

6(1) The Board shall appoint a person to act as Registrar of the Consulting Engineers for the purposes of this Act.

(2) In addition to the powers, duties and functions of the Registrar under this Act, the Registrar has any additional powers, duties and functions prescribed by the Board or provided for in the by-laws.

(3) The Board may, in accordance with the by-laws, appoint a person to act as an acting Registrar who may exercise all the powers and perform all the duties and functions of the Registrar when the Registrar is absent or unable to act or when there is a vacancy in the office of the Registrar.

Register

7(1) The Registrar shall maintain, subject to the direction of the Board, a register of the members.

(2) The Registrar shall permit any person to inspect the register during regular office hours.

Application

8 The Registrar shall consider an application for registration as a member, and shall

(a) approve the registration if the applicant

- (i) is a partnership or other association of persons or a corporation that holds a permit to practise from the Association of Professional Engineers, Geologists and Geophysicists of Alberta,
- (ii) meets the requirements set out in the regulations, and
- (iii) pays the fees prescribed in the by-laws,

or

- (b) refuse to approve the application for registration.

Notification of decision **9(1)** The Registrar shall send a written notice of the decision under section 8 within 60 days of receipt of the application.

(2) If the Registrar does not approve an application, the Registrar shall include the reasons in the written notice of the decision.

Certificate **10** On entering the name of a member in the register, the Registrar shall issue a certificate of registration to the member.

Renewal of registration **11** The Registrar shall annually review the registration of each member and the Registrar shall confirm the registration of a member if the Registrar believes

- (a) that the member meets the conditions for the renewal of registration prescribed in the regulations, and
- (b) that the member has paid the fees prescribed in the by-laws.

Cancelled certificate **12(1)** The Registrar shall cancel the certificate of registration of a member that ceases to meet the requirements of section 8 or 11.

(2) The Registrar shall send a written notice of the cancellation of a certificate with written reasons to the affected corporation within 30 days of the cancellation.

(3) The Board may direct the Registrar, subject to any conditions respecting the payment of arrears and any reinstatement fee that the Board may prescribe, to reinstate in the register a registration that was cancelled under subsection (1) if the only reason for the cancellation was the non-payment of fees.

(4) The Board may direct the Registrar to cancel a registration made in error.

Appeal

13(1) An applicant whose application for registration is refused may, within 30 days of receiving notice of refusal, request the Board to review the application by serving on the Registrar a written request for a review by the Board.

(2) A member whose registration is cancelled under section 12 may, within 30 days of receiving notice of the cancellation, request the Board to review the cancellation by serving on the Registrar a written request for a review by the Board.

(3) The written request for a review must set out the reasons why the applicant is of the opinion that the application for registration or reinstatement of registration should be approved.

(4) The Board, after receiving a request for review, shall review the application for registration or reinstatement of registration.

(5) The Board shall notify the applicant in writing of the date, which must be established within 60 days of receipt of the request for review, and the place and time at which the Board will review the applicant's application.

(6) On reviewing an application under this section, the Board may make any decision the Registrar could have made.

(7) A review shall be in accordance with the *Administrative Procedures Act*.

Misrepresentation

14(1) If the Board is satisfied, after a hearing on the matter, that a registration was obtained by means of any false or fraudulent representation or declaration, either oral or written, the Board may order that the registration be cancelled.

(2) A hearing under subsection (1) shall be in accordance with the *Administrative Procedures Act*.

Certificate returned

15 If the certificate of registration of a member is cancelled under this Act, the former member shall return it to the Registrar.

PART 3
GENERAL

- Regulations **16(1)** The Board may make regulations
- (a) respecting qualifications for registration as a member;
 - (b) prescribing conditions to be met for an annual renewal of registration.
- (2)** A regulation under subsection (1) does not come into force unless it is approved by
- (a) a majority of the members
 - (i) present and voting at a general meeting, or
 - (ii) voting in a mail vote conducted in accordance with the by-laws,
- and
- (b) the Lieutenant Governor in Council.
- By-laws **17(1)** The Board may make by-laws
- (a) for the government of the Consulting Engineers and the management and conduct of its affairs;
 - (b) determining the location of the head office of the Consulting Engineers;
 - (c) respecting the calling of and conduct of meetings of the Consulting Engineers and the Board;
 - (d) respecting the nomination, election, number and term of office of Board directors and of officers of the Board and the Consulting Engineers;
 - (e) respecting the establishment, operation and proceedings of committees, the appointment of members and acting members and procedures for filling vacancies on committees;
 - (f) providing for the tenure of the Registrar and his additional duties, powers and functions;

- (g) respecting the appointment of an acting Registrar;
- (h) prescribing the number of directors that constitutes a quorum at meetings of the Board and the number of members that constitutes a quorum at meetings of the Consulting Engineers;
- (i) providing for the delegation, with or without conditions, of any power or duty of the Board under this Act, the regulations or the by-laws, except the power to make or amend regulations or by-laws;
- (j) prescribing fees and expenses payable to directors of the Board and the members of committees established under this Act, the regulations or the by-laws for attending to the business of the Consulting Engineers;
- (k) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit program that the Consulting Engineers considers appropriate;
- (l) respecting the fees and levies payable to the Consulting Engineers by members;
- (m) requiring members to maintain an address in Alberta and to inform the Registrar in writing of that address and of any change in that address as soon as possible after the change occurs;
- (n) authorizing the Board to prescribe the form of a certificate of registration and any other form or document that may be required for the purposes of this Act, the regulations or the by-laws;
- (o) prescribing the date for the annual review of registration;
- (p) respecting the holding of votes by mail on any matter relating to the Consulting Engineers;
- (q) providing for the service of notices and other documents under this Act, the regulations or the by-laws;
- (r) establishing and providing for the publishing of a code of ethics for the members.

(2) A by-law under subsection (1) does not come into force unless it is approved

(a) by a majority of the members present and voting at a general meeting or voting by means of a vote conducted by mail in accordance with the by-laws, and

(b) by the Minister.

(3) The *Regulations Act* does not apply to by-laws of the Consulting Engineers.

Offence

18(1) An officer, employee or agent of a corporation or an individual who contravenes section 2 is guilty of an offence and liable

(a) for a first offence, to a fine of not more than \$2000,

(b) for a 2nd offence, to a fine of not more than \$4000, and

(c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

(2) A corporation that contravenes section 2 is guilty of an offence and liable

(a) for the first offence, to a fine of not more than \$5000,

(b) for a 2nd offence, to a fine of not more than \$10 000, and

(c) for a 3rd and every subsequent offence, to a fine of not more than \$50 000.

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

Transitional

19 A member of the Consulting Engineers of Alberta on the day this Act comes into force is deemed to be a member under this Act.

Transitional **20** *Notwithstanding section 5, the members of the Board of the Consulting Engineers of Alberta on the day this Act comes into force are deemed to be the Board under this Act and shall continue to hold office until their successors are elected in accordance with the by-laws.*

Coming into force **21** *This Act comes into force on Proclamation.*