

1998 BILL 18

Second Session, 24th Legislature, 47 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 18

**ENGINEERING, GEOLOGICAL AND GEOPHYSICAL
PROFESSIONS AMENDMENT ACT, 1998**

THE MINISTER OF PUBLIC WORKS,
SUPPLY AND SERVICES

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 18

1998

ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS AMENDMENT ACT, 1998

(Assented to _____, 1998)

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

Amends SA
1981 cE-11.1

1 The *Engineering, Geological and Geophysical Professions Act* is amended by this Act.

2 Section 3 is amended

(a) by renumbering it as section 3(1);

(b) in subsection (1)

**(i) by adding “or” after clause (a) and striking out
“or” at the end of clause (b);**

(ii) by repealing clause (c);

(c) by adding the following after subsection (1):

(2) No individual, corporation, partnership or other entity, except a professional engineer, licensee or permit holder entitled to engage in the practice of engineering, shall affix the stamp or seal of a professional engineer or licensee or the permit number of a permit holder or allow that stamp, seal or permit number to be affixed to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless

(a) that plan, drawing, detail drawing, specification, other document or reproduction was prepared by or under the supervision and control of, and

Explanatory Notes

1 Amends chapter E-11.1 of the Statutes of Alberta, 1981.

2 Section 3 presently reads in part:

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

(c) affix the stamp or seal of a professional engineer, licensee or permit holder or permit that stamp or seal to be affixed, to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless

(i) that plan, drawing, detail drawing, specification, other document or reproduction was prepared by or under the supervision and control of, and

(ii) the stamp or seal is affixed with the knowledge and consent or in accordance with the direction of

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

- (b) the stamp, seal or permit number is affixed with the knowledge and consent or in accordance with the direction of

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

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

3 Section 6 is amended

(a) by renumbering it as section 6(1);

(b) in subsection (1)

(i) by adding “or” after clause (a) and striking out “or” at the end of clause (b);

(ii) by repealing clause (c);

(c) by adding the following after subsection (1):

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

(a) that map, geological cross-section, specification, report, other document or reproduction was prepared by or under the supervision and control of, and

(b) the stamp, seal or permit number is affixed with the knowledge and consent or in accordance with the direction of

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

3 Section 6 presently reads in part:

6 No individual, corporation, partnership or other entity, except a professional geologist or a licensee or permit holder entitled to engage in the practice of geology shall

(c) affix the stamp or seal of a professional geologist, licensee or permit holder or permit that stamp or seal to be affixed to a map, geological cross-section, specification, report or other document or a reproduction of any of them unless

(i) that map, geological cross-section, specification, report, other document or reproduction was prepared by or under the supervision and control of, and

(ii) the stamp or seal is affixed with the knowledge and consent or in accordance with the direction of

the professional geologist or licensee to whom or the permit holder to which the stamp or seal was issued.

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

4 Section 8 is amended

(a) by renumbering it as section 8(1);

(b) in subsection (1)

(i) by adding “or” after clause (a) and striking out “or” at the end of clause (b);

(ii) by repealing clause (c);

(c) by adding the following after subsection (1):

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

(a) that map, geophysical cross-section, specification, report, other document or reproduction was prepared by or under the supervision and control of, and

(b) the stamp, seal or permit number is affixed with the knowledge and consent or in accordance with the direction of

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

(3) Despite subsection (2), a professional geophysicist, licensee or permit holder may affix a stamp, seal or permit number, as the case may be, to a map, geophysical cross-section, specification, report, other document or reproduction prepared by other persons if the professional geophysicist, licensee or permit holder completes a thorough

4 Section 8 presently reads in part:

8 No individual, corporation, partnership or other entity, except a professional geophysicist or a licensee or permit holder entitled to engage in the practice of geophysics shall

(c) affix the stamp or seal of a professional geophysicist, licensee or permit holder or permit that stamp or seal to be affixed to a map, geophysical cross-section, specification, report or other document or a reproduction of any of them unless

(i) that map, geophysical cross-section, specification, report, other document or reproduction was prepared by or under the supervision and control of, and

(ii) the stamp or seal is affixed with the knowledge and consent or in accordance with the direction of

the professional geophysicist or licensee to whom or the permit holder to which the stamp or seal was issued.

review of and accepts professional responsibility for that map, geophysical cross-section, specification, report, other document or reproduction.

5 Section 16(1)(b) is amended by striking out “, with the approval of the Council,”.

6 Section 18(1)(p) is amended by striking out “and seals” and substituting “, seals and permit numbers”.

7 Section 19(1) is amended

(a) in clause (o) by striking out “, permit holders and certificate holders” and substituting “and restricted practitioners”;

(b) by adding the following after clause (o):

(o.1) respecting permit numbers issued to permit holders;

8 Section 24 is amended

(a) in subsection (3)(b) by striking out “stamp engraved” and substituting “permit number”;

(b) in subsection (4)(b) by striking out “stamp engraved” and substituting “permit number”.

9 Section 28 is amended

(a) in subsection (2) by repealing clause (b) and substituting the following:

(b) the professional member, licensee, permit holder or restricted practitioner requesting the cancellation shall, on being notified of the approval,

5 Section 16(1)(b) presently reads:

16(1) The Practice Review Board

(b) may, with the approval of the Council, conduct a review of the practice of a professional member, licensee, permit holder or certificate holder in accordance with this Act and the regulations.

6 Section 18(1)(p) presently reads:

18(1) The Council may make regulations

(p) respecting the use of stamps and seals;

7 Section 19(1) presently reads in part:

19(1) The Council may make by-laws

(o) governing the information to be engraved on stamps and seals issued to professional members, licensees, permit holders and certificate holders;

8 Section 24(3)(b) and (4)(b) presently read:

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

(b) a stamp engraved as prescribed in the by-laws.

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

(b) a stamp engraved as prescribed in the by-laws.

9 Section 28 presently reads in part:

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

(a) the Registrar shall cancel that registration, and

(b) the professional member, licensee, permit holder or certificate holder requesting the cancellation shall, on being notified of the approval, surrender to the Registrar

(i) immediately surrender to the Registrar

(A) the certificate of registration, licence and the stamp or seal, in the case of a professional member, licensee or restricted practitioner, or

(B) the permit and annual certificate, in the case of a permit holder,

and

(ii) cease using the permit number, in the case of a permit holder.

(b) in subsection (3) by striking out “, permit or annual certificate and the stamp or seal” and substituting “or permit and the stamp, seal or permit number”.

10 Section 35(3) is repealed and the following is substituted:

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

(a) had supervision and control over their preparation, or

(b) reviewed and assumed professional responsibility for them.

11 Section 38 is amended

(a) in subsection (4) by striking out “, licensee or permit holder” and substituting “or licensee” and by striking out “permit,”;

(b) by adding the following after subsection (4):

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

the certificate of registration, licence, permit, annual certificate and the stamp or seal issued by the Registrar.

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

10 Section 35(3) presently reads:

(3) When a joint firm causes plans, drawings, detail drawings and specifications prepared in its practice of engineering to be signed by its proper officers and imprinted with the stamp issued to the firm, it shall also cause them to be signed by and imprinted with the stamp or seal of the professional engineer who had supervision and control over their preparation.

11 Section 38 presently reads:

38(1) The Council may direct the Registrar to cancel the registration of

- (a) a professional member, licensee or permit holder who is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or*
- (b) a permit holder if it no longer has employees in compliance with this Act*

(c) in subsection (5) by striking out “or seal” and substituting “, seal or permit number”.

12 Section 49(4) is repealed and the following is substituted:

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

(a) uphold the decision of the Investigative Committee to terminate the investigation if, in the opinion of the Appeal Board,

(i) the complaint is frivolous or vexatious, or

(ii) there is insufficient evidence of unskilled practice of the profession or unprofessional conduct,

or

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

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

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

(a) the fees, dues or levies are paid as indicated in that notice, or

(b) evidence satisfactory to the Council has been received by it within the time prescribed in the notice indicating that the permit holder has employees in compliance with this Act.

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

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

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

(6) Notwithstanding subsection (5), if a person whose registration is cancelled applies to be reinstated more than 7 years after the date of the cancellation, the application for reinstatement must be referred to the Board of Examiners.

12 Section 49 presently reads in part:

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

(a) is frivolous or vexatious, or

(b) should be referred to the Discipline Committee for a hearing in accordance with this Part,

and shall notify the complainant, the investigated person and the Investigative Committee in writing of its decision.

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

13 Section 73(1) is repealed and the following is substituted:

Surrender of
certificates

73(1) If the registration of a professional member, licensee or restricted practitioner has been cancelled or suspended under this Part, the professional member, licensee or restricted practitioner shall immediately surrender any certificate, stamp or seal to the Registrar.

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

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

14 Section 76 is repealed and the following is substituted:

Use of
stamps, seal,
permit number

76(1) A professional member, licensee or restricted practitioner shall, in accordance with the regulations,

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

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

13 Section 73 presently reads in part:

73(1) If the registration of a professional member, licensee, permit holder or certificate holder has been cancelled or suspended under this Part, he shall forthwith surrender to the Registrar any certificate, licence, permit, stamp or seal issued to him.

14 Section 76 presently reads:

76(1) A professional member, licensee, permit holder or restricted practitioner shall sign and stamp or seal documents or records in accordance with the regulations.

(2) No person other than a professional member, licensee, permit holder or certificate holder shall use a stamp or seal issued by the Registrar under this Act.