

1999 BILL 18

Third Session, 24th Legislature, 48 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 18

ENGINEERING, GEOLOGICAL AND GEOPHYSICAL
PROFESSIONS AMENDMENT ACT, 1999

MR. KLAPSTEIN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 18
Mr. Klapstein

BILL 18

1999

ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS AMENDMENT ACT, 1999

(Assented to , 1999)

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

Amends SA
1981 E-11.1

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

2 Section 18(1) is amended by adding the following after clause (o):

(o.1) respecting the academic and other qualifications and the experience required of the classes or categories established under clause (o);

3 The following is added after section 79:

PART 6.1

REGISTERED PROFESSIONAL TECHNOLOGISTS (ENGINEERING)

Purpose

79.1 The purpose of this Part is to implement an arrangement between the Alberta Society of Engineering Technologists and APEGGA whereby engineering technologists who are members of the Alberta Society of Engineering Technologists may engage in the practice of engineering within a specified scope of practice and use a title, seal or stamp as provided in this Part.

Explanatory Notes

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

2 Section 18(1) presently reads in part:

18(1) The Council may make regulations

(o) establishing classes or categories of professional engineers, geologists or geophysicists and licensees or permit holders and prescribing the restrictions of practice and the privileges and obligations of the classes or categories so established;

3 Adds Part for registered professional technologists.

Scope of practice	<p>79.2 No registered professional technologist (engineering) shall engage in the practice of engineering except within the scope of practice specified by the Board of Examiners.</p>
Use of title	<p>79.3(1) No individual, corporation, partnership or other entity, except a registered professional technologist (engineering), shall use the title “registered professional technologist (engineering)”, the abbreviation “R.P.T. (engineering)” or any other abbreviation of that title.</p> <p>(2) No individual, corporation, partnership or other entity, except a registered professional technologist (engineering), shall represent or hold out, expressly or by implication, that the person is a registered professional technologist (engineering).</p>
Stamp or seal	<p>79.4(1) No individual, corporation, partnership or other entity, except a registered professional technologist (engineering), shall affix the stamp or seal of a registered professional technologist (engineering) or allow 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</p> <ul style="list-style-type: none"> (a) that plan, drawing, detail drawing, specification, other document or reproduction was prepared by or under the supervision and control of, and (b) the stamp or seal is affixed with the knowledge and consent or in accordance with the direction of <p>the registered professional technologist (engineering) to whom the stamp or seal was issued.</p> <p>(2) Notwithstanding subsection (1), a registered professional technologist (engineering) may affix a stamp or seal to a plan, drawing, detail drawing, specification, other document or reproduction prepared by other persons if the registered professional technologist (engineering) completes a thorough review of and accepts professional responsibility for that plan, drawing, detail drawing, specification, other document or reproduction.</p>
Non-application of sections 2, 3(1)(b)(i)	<p>79.5 Sections 2(1) and 3(1)(b)(i) do not apply to a registered professional technologist (engineering) engaged in the practice of engineering within the scope of practice specified by the Board of Examiners.</p>

Register for registered professional technologists (engineering)

79.6(1) The Registrar shall maintain, in accordance with the by-laws and subject to the direction of the Council, a register for registered professional technologists (engineering).

(2) The Registrar shall enter in the register the name of a person who has paid the fee prescribed under the by-laws, and whose registration to engage in the practice of engineering as a registered professional technologist (engineering) has been approved by the Board of Examiners.

(3) The Registrar shall maintain, in accordance with the by-laws and subject to the direction of the Council, a membership record of the members in each class or category of membership established under the regulations and the by-laws.

(4) A registered professional technologist (engineering) must remain a member of the Alberta Society of Engineering Technologists so long as the name of the registered professional technologist (engineering) is entered in the register referred to in subsection (1).

Registration as registered professional technologist (engineering)

79.7 The Board of Examiners shall approve for registration as a registered professional technologist (engineering) an individual who has been nominated by the Alberta Society of Engineering Technologists and has applied to the Board and is eligible in accordance with this Act and the regulations to engage in the practice of engineering within the scope of practice specified by the Board of Examiners.

Evidence of registration

79.8 On entering the name of a registered professional technologist (engineering) in the register, the Registrar shall issue to that individual

- (a) a certificate of registration to engage in the practice of engineering within the scope of practice specified by the Board of Examiners, and
- (b) a stamp or seal engraved as prescribed in the by-laws.

Board of Examiners

79.9(1) In addition to any appointments made under section 29, the Minister shall appoint as members of the Board of Examiners at least 2 registered professional technologists (engineering).

(2) An appointment under subsection (1) must be from a list of registered professional technologists (engineering) nominated by the Alberta Society of Engineering Technologists.

(3) Where there are no registered professional technologists (engineering) entered in the register referred to in section 79.6, the Minister may appoint under subsection (1) an engineering technologist on an interim basis to hold office until there are registered professional technologists (engineering) entered in the register.

(4) The Board of Examiners shall consider applications for the registration of applicants as registered professional technologists (engineering) in accordance with the Act, the regulations and the by-laws and may

- (a) approve the registration,
- (b) refuse the registration, or
- (c) defer the approval of registration until it is satisfied that the applicant has complied with a requirement made under this section.

(5) The Board of Examiners may, in its discretion, require an applicant for registration

- (a) to pass one or more examinations set by the Board,
- (b) to obtain more experience of a kind satisfactory to the Board for a period set by the Board, or
- (c) to pass one or more examinations and obtain more experience

before it approves the registration.

(6) If the Board of Examiners approves the registration of an individual as a registered professional technologist (engineering), it shall specify in the certificate and in the register the scope of practice of engineering in which the individual is permitted to engage.

Regulation-
making
authority

79.91 The Council may make regulations or by-laws to apply to registered professional technologists (engineering) in respect of any of the matters under sections 18 and 19.

Application of
Act

79.92(1) Sections 16, 17, 25, 26, 27, 28, 30, 38, 76, 76.1, 77(2), 78 and 79(2) apply to registered professional technologists (engineering) as if they were professional members.

(2) Section 2(4)(a) applies to a registered professional technologist (engineering) practising within the scope of practice specified by the Board of Examiners as if that

registered professional technologist (engineering) were a professional engineer or licensee.

(3) Section 31 applies to a registered professional technologist (engineering) as if that registered professional technologist (engineering) were an applicant.

(4) Part 5 of the Act applies to registered professional technologists (engineering) as if they were professional members.

Investigative
Committee

79.93(1) Notwithstanding section 44.1, the Council shall appoint as members of the Investigative Committee at least 2 registered professional technologists (engineering) from a list of registered professional technologists (engineering) nominated by the Alberta Society of Engineering Technologists.

(2) Where there are no registered professional technologists (engineering) entered in the register referred to in section 79.6, the Council shall appoint under subsection (1) an engineering technologist on an interim basis, to hold office until there are registered professional technologists (engineering) entered in the register.

(3) When the Investigative Committee appoints an investigation panel under section 45 for the investigation of a registered professional technologist (engineering), the Investigative Committee shall appoint at least one registered professional technologist (engineering) or, in the case where there are no registered professional technologists (engineering) entered in the register, an engineering technologist to be a member of the panel that conducts the preliminary investigation.

Practice
prohibitions

79.94(1) A person whose registration as a registered professional technologist (engineering) is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of engineering or directly or indirectly associate in the practice of engineering with any professional member, registered professional technologist, licensee, permit holder or certificate holder.

(2) No registered professional technologist (engineering) shall, except with the permission of the Council, associate in the practice of engineering directly or indirectly with or employ in connection with the registered professional technologist's (engineering) practice a person whose registration has been cancelled or suspended under this Act.

(3) The Council may permit a registered professional technologist (engineering) to employ in connection with the registered professional technologist's (engineering) practice a person whose registration has been cancelled or suspended under this Act, but the employment shall be in the capacity and subject to the terms and conditions that are prescribed by the Council.

PART 6.2

REGISTERED PROFESSIONAL TECHNOLOGISTS (GEOLOGICAL, GEOPHYSICAL)

Lieutenant
Governor in
Council
regulations

79.95 The Lieutenant Governor in Council may make regulations, with respect to the practice of geology or geophysics, or both,

- (a) designating classes of persons as registered professional technologists and prescribing the restrictions of practice and the privileges and obligations of the classes so established;
- (b) respecting the titles that may be used by the classes established under clause (a) and the circumstances and the conditions under which the titles may be used and prohibiting any other persons from using those titles or from representing or holding out, expressly or by implication, that they are entitled to use the titles;
- (c) respecting the academic and other qualifications and the experience required of a registered professional technologist before the technologist becomes entitled to use a title referred to in clause (b);
- (d) respecting the establishment of a register of registered professional technologists entitled to use a title referred to in clause (b);
- (e) governing the establishment of boards or committees with respect to the classes of registered professional technologists established under clause (a) and respecting the powers, duties and operations of those boards or committees;
- (f) respecting the circumstances under which a board or committee established under clause (e) may suspend or terminate the right of a registered professional technologist to use a title referred to in clause (b);

- (g) respecting the stamp or seal issued to a registered professional technologist and the circumstances under which it is to be surrendered by the registered professional technologist;
- (h) respecting the application of any provision of this Act, with or without modification, to a class of registered professional technologist established under clause (a).

4 Section 81(1) is amended by adding “section 79.1, 79.2 or 79.3,” after “section 38(4),” and by adding “or section 79.95(b)” after “section 18(1)(n.2)”.

5 Section 82 is amended by adding “registered professional technologist (engineering),” after “professional geophysicist,”.

6 The following is added after section 82:

4 Section 81 presently reads:

81(1) Every person and every member, officer, employee or agent of a firm, partnership or other association of persons and of a corporation who contravenes Part 1, section 28(2)(b), section 38(4), this Part or a regulation made under section 18(1)(n.2) is guilty of an offence and liable

(a) for the 1st offence, to a fine of not more than \$2000,

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

(c) for the 3rd and each 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.

(1.1) If a person or a member, officer, employee or agent of a firm, partnership or other association of persons or of a corporation is found guilty of an offence in respect of a regulation made under section 18(1)(n.2), the court may, in addition to or instead of imposing any other penalty, order the person, member, officer, employee or agent to comply with the regulations made under section 18(1)(n.2).

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

5 Section 82 presently reads:

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

6 Change of name.

Name change

82.1 If the name of the Alberta Society of Engineering Technologists is changed after the coming into force of this section, the reference to the Alberta Society of Engineering Technologists is to be construed as a reference to the Alberta Society of Engineering Technologists by its new name.

