

2007 Bill 39

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 39

ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS AMENDMENT ACT, 2007

MR. DUNFORD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 39
Mr. Dunford

BILL 39

2007

ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS AMENDMENT ACT, 2007

(Assented to , 2007)

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

Amends RSA 2000 cE-11

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

2 Section 1 is amended

(a) by adding the following after clause (a):

(a.1) “ASET Council” means the Council continued under
section 87;

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

(i.1) “Joint Councils Committee” means the committee
established by section 1.1;

**(c) in clause (k) by adding “but does not include a professional
licensee” after “under this Act”;**

**(d) in clause (p) by adding “but does not include an ASET
permit holder as defined in section 86.4” after “under this
Act”;**

Explanatory Notes

1 Amends chapter E-11 of the Revised Statutes of Alberta 2000.

2 New and amended definitions. Section 1(k), (p), (v), (w) and (x) presently read:

1 In this Act,

(k) “licensee” means an individual who holds a licence under this Act;

(p) “permit holder” means a partnership or other association of persons or a corporation that holds a permit under this Act;

(v) “professional engineer” means an individual who holds a certificate of registration to engage in the practice of engineering under this Act;

(w) “professional geologist” means an individual who holds a certificate of registration to engage in the practice of geology under this Act;

(e) by repealing clauses (v), (w) and (x) and substituting the following:

- (v) “professional engineer” means an individual who holds a certificate of registration to engage in the practice of engineering under this Act but does not include
 - (i) a professional licensee (engineering), or
 - (ii) a professional technologist as defined in section 86.4(1);
- (w) “professional geologist” means an individual who holds a certificate of registration to engage in the practice of geology under this Act but does not include
 - (i) a professional licensee (geological), or
 - (ii) a professional technologist as defined in section 86.4(1);
- (x) “professional geophysicist” means an individual who holds a certificate of registration to engage in the practice of geophysics under this Act but does not include
 - (i) a professional licensee (geophysical), or
 - (ii) a professional technologist as defined in section 86.4(1);
- (x.1) “professional licensee” means a professional licensee (engineering), a professional licensee (geological) or a professional licensee (geophysical);
- (x.2) “professional licensee (engineering)” means an individual who holds a certificate of registration and an annual licence to engage in the practice of engineering within the scope of practice specified by the Board of Examiners;
- (x.3) “professional licensee (geological)” means an individual who holds a certificate of registration and an annual

(x) *“professional geophysicist” means an individual who holds a certificate of registration to engage in the practice of geophysics under this Act;*

licence to engage in the practice of geology within the scope of practice specified by the Board of Examiners;

- (x.4) “professional licensee (geophysical)” means an individual who holds a certificate of registration and an annual licence to engage in the practice of geophysics within the scope of practice specified by the Board of Examiners;

3 The following is added after section 1:

Joint Councils Committee

1.1(1) There is established a Joint Councils Committee composed of an equal number of members from the Executive Committees of the Council and ASET Council appointed respectively by the Council and ASET Council.

(2) The purposes of the Joint Councils Committee are to

- (a) discuss proposed amendments to this Act and new or proposed amendments to any regulations made under this Act;
- (b) provide a forum for discussion, collaboration and co-ordination with respect to matters of mutual interest to APEGGA and ASET;
- (c) perform any other function prescribed by this Act or any regulation made under this Act, or by agreement of the Council and ASET Council.

(3) The Joint Councils Committee shall meet and its procedure shall be governed by rules established by agreement of the Council and ASET Council.

(4) The Council and ASET Council may, by agreement, alter the composition of the Joint Councils Committee described in subsection (1).

4 Section 2(4)(c) is repealed.

3 Joint Councils Committee.

4 Section 2(4)(c) presently reads:

(4) Subsection (1) does not apply to the following:

5 Section 3(1)(a) is amended by striking out “or” at the end of subclause (i) and adding the following after subclause (i):

- (i.1) the title “professional licensee (engineering)” or any abbreviation of that title, or

6 Section 5(2)(c) is repealed.

7 Section 6(1)(a) is amended by striking out “or” at the end of subclause (i) and adding the following after subclause (i):

- (i.1) the title “professional licensee (geological)” or any abbreviation of that title, or

- (c) *a member of a class of persons designated in the regulations as an engineering technologist as defined in the regulations;*

5 Section 3(1)(a) presently reads:

3(1) No individual, corporation, partnership or other entity, except a professional engineer, licensee or permit holder entitled to engage in the practice of engineering, shall

(a) use

(i) the title “professional engineer”, the abbreviation “P. Eng.” or any other abbreviation of that title, or

(ii) the word “engineer” in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation, partnership or other entity is a professional engineer, licensee or permit holder,

or

6 Section 5(2)(c) presently reads

(2) Subsection (1) does not apply to the following:

- (c) *a member of a class of persons designated in the regulations as a geological technologist as defined in the regulations;*

7 Section 6(1)(a) presently reads:

6(1) 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

(a) use

(i) the title “professional geologist”, the abbreviation “P. Geol.” or any other abbreviation of that title, or

(ii) the word “geologist” in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation, partnership or other entity is a professional geologist, licensee or permit holder,

or

8 Section 7(2)(c) is repealed.

9 Section 8(1)(a) is amended by striking out “or” at the end of subclause (i) and adding the following after subclause (i):

- (i.1) the title “professional licensee (geophysical)” or any abbreviation of that title, or

10 Section 11 is repealed and the following is substituted:

Capacity and powers

11 The Association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

11 Section 19 is amended

- (a) in subsection (1) by repealing clauses (q), (r), (s), (t), (u), (v) and (w);

8 Section 7(2)(c) presently reads:

(2) Subsection (1) does not apply to the following:

- (c) a member of a class of persons designated in the regulations as a geophysical technologist as defined in the regulations;*

9 Section 8(1)(a) presently reads:

8(1) 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

(a) use

- (i) the title "professional geophysicist", the abbreviation "P. Geoph." or any other abbreviation of that title, or*
- (ii) the word "geophysicist" in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation, partnership or other entity is a professional geophysicist, licensee or permit holder,*

or

10 Section 11 presently reads:

11 In addition to the powers vested in it by this and any other Act, the Association has the power to

- (a) acquire and hold real property and sell, lease or otherwise dispose of it, and*
- (b) borrow money for the purposes of the Association and mortgage or charge real or personal property of the Association or its sources of funds as security.*

11 Section 19(1)(q) to (x), (2) and (3) presently read:

19(1) The Council may make regulations

(b) by repealing subsections (2) and (3) and substituting the following:

(3) A regulation under subsection (1) may be made only by the Council.

(4) A regulation must be approved in principle by a majority of the professional members

- (a) present and voting at a special meeting called for that purpose,
- (b) voting by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or
- (c) at the annual general meeting following the Council's adoption of the regulation.

(5) The Council may change the text of a regulation that was approved in principle under subsection (4) if the change

- (a) is consistent with the approval in principle, and
- (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.

(6) A regulation made under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.

- (q) *for the purposes of sections 2(4), 5(2) and 7(2), designating a class of persons as engineering, geological or geophysical technologists;*
 - (r) *respecting the titles that may be used by engineering, geological or geophysical technologists and the circumstances and the conditions under which the titles may be used and prohibiting any other person from using those titles or from representing or holding out, expressly or by implication, that the person is entitled to use the titles;*
 - (s) *respecting the academic and other qualifications and the experience required of a technologist before the technologist becomes entitled to use a title referred to in clause (r);*
 - (t) *respecting the establishment of a register of technologists entitled to use a title referred to in clause (r);*
 - (u) *governing the establishment of boards or committees with respect to engineering, geological or geophysical technologists and respecting the powers, duties and operations of those boards or committees;*
 - (v) *respecting the circumstances under which a board or committee established under clause (u) may suspend or terminate the right of a technologist to use a title referred to in clause (r);*
 - (w) *respecting the stamp or seal issued to an engineering, geological or geophysical technologist and the circumstances under which it is to be surrendered by the technologist;*
 - (x) *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;*
- (2) *The Council shall consult with the Alberta Society of Engineering Technologists before making a regulation under subsection (1)(q) to (w).*
- (3) *A regulation under subsection (1) does not come into force unless it has been approved by*
- (a) *a majority of the professional members*
 - (i) *present and voting at a general meeting, or*
 - (ii) *voting in a mail vote conducted in accordance with the bylaws,*
 - and*
 - (b) *the Lieutenant Governor in Council.*

12 Section 20 is amended

(a) in subsection (1) by adding the following after clause (w):

(x) respecting the expiry of annual certificates, annual licences, permits and other authorizations.

(b) in subsection (2) by striking out “mail votes” and substituting “mail votes or votes conducted by electronic, telecommunication or other appropriate means”;

(c) in subsection (3)(b) by striking out “mail vote” and substituting “mail vote or vote conducted by electronic, telecommunication or other appropriate means”.

13 Section 26(4) is repealed.

14 Parts 7 and 8 are repealed and the following is substituted:

**Part 7
Professional
Licensees**

Scope of practice

83 No professional licensee shall engage in the practice of engineering, geology or geophysics except within the scope of practice specified by the Board of Examiners.

Prohibition on holding out

83.1 No individual, corporation, partnership or other entity, except a professional licensee, shall represent or hold out, expressly or by implication, that the person is a professional licensee.

Stamp or seal of professional licensee (engineering)

83.2(1) No individual, corporation, partnership or other entity, except a professional licensee (engineering), shall affix the stamp or seal of a professional licensee (engineering) or allow

12 Section 20(2) and (3) presently read:

(2) The Council may make bylaws respecting the holding of mail votes on any matter relating to the Association, but a bylaw under this subsection does not come into force unless it is approved by a majority of professional members of the Association present and voting at a general meeting.

(3) A bylaw under subsection (1) does not come into force unless it is approved by a majority of the professional members

(a) present and voting at a general meeting, or

(b) voting by a mail vote conducted in accordance with the bylaws.

13 Section 26(4) presently reads:

(4) An annual certificate expires on December 31 of the year for which it is issued.

14 Repeals and replaces Parts 7 and 8.

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

- (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

the professional licensee (engineering) to whom the stamp or seal was issued.

(2) Notwithstanding subsection (1), a professional licensee (engineering) may affix a stamp or seal to a plan, drawing, detail drawing, specification, other document or reproduction prepared by other persons if the professional licensee (engineering) completes a thorough review of and accepts professional responsibility for that plan, drawing, detail drawing, specification, other document or reproduction.

Stamp or seal of professional licensee (geological) and professional licensee (geophysical)

83.3(1) No individual, corporation, partnership or other entity, except a professional licensee (geological) or professional licensee (geophysical), shall affix the stamp or seal of a professional licensee (geological) or professional licensee (geophysical), or allow 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

- (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 or seal is affixed with the knowledge and consent or in accordance with the direction of

the professional licensee (geological) or professional licensee (geophysical), as the case may be, to whom the stamp or seal was issued.

(2) Notwithstanding subsection (1), a professional licensee (geological) or professional licensee (geophysical) may affix a

stamp or seal to a map, geophysical cross-section, specification, report or other document or reproduction prepared by other persons if the professional licensee (geological) or professional licensee (geophysical), as the case may be, completes a thorough review of and accepts professional responsibility for that map, geophysical cross-section, specification, report, other document or reproduction.

Non-application of provisions to professional licensees

83.4(1) Sections 2(1) and 3(1)(b)(i) do not apply to a professional licensee (engineering) engaged in the practice of engineering within the scope of practice specified by the Board of Examiners.

(2) Sections 5(1) and 6(1)(b)(i) do not apply to a professional licensee (geological) engaged in the practice of geology within the scope of practice specified by the Board of Examiners.

(3) Sections 7(1) and 8(1)(b)(i) do not apply to a professional licensee (geophysical) engaged in the practice of geophysics within the scope of practice specified by the Board of Examiners.

Register for professional licensees

83.5(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register for each category of professional licensee.

(2) The Registrar shall enter in the appropriate register the name of a person who has paid the fee prescribed under the bylaws and whose registration to engage in the practice of engineering, geology or geophysics as a professional licensee has been approved by the Board of Examiners.

Eligibility for registration

83.6 A person who meets the requirements of this Act and the regulations and applies to the Registrar for registration is entitled to become registered as a professional licensee.

Application for registration

83.7(1) The Board of Examiners shall consider applications for the registration of applicants as professional licensees in

accordance with this Act, the regulations and the bylaws, 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.

(2) The Board of Examiners may, at 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.

(3) If the Board of Examiners approves the registration of an individual as a professional licensee, it shall specify in the certificate and in the register the scope of practice of engineering, geology or geophysics in which the individual is permitted to engage.

Registration as professional licensee

83.8 The Board of Examiners shall approve for registration as a professional licensee an individual who has applied to the Board and is eligible in accordance with this Act and the regulations to engage in the practice of engineering, geology or geophysics within the scope of practice specified by the Board of Examiners.

Evidence of registration

84 On entering the name of a professional licensee in the register, the Registrar shall issue to that individual

- (a) a certificate of registration to engage in the practice of engineering, geology or geophysics, as the case may be,

within the scope of practice specified by the Board of Examiners, and

- (b) a stamp or seal engraved as prescribed in the bylaws.

Regulation-making authority

85 The Council may make regulations or bylaws applicable to professional licensees in respect of any of the matters under sections 19 and 20.

Fees

86 Fees prescribed under the bylaws in respect of professional licensees must not be greater than the corresponding fees fixed in respect of professional members.

Annual licence

86.1(1) A professional licensee engaged in the practice of engineering, geology or geophysics shall pay to the Association the annual fee prescribed in the bylaws.

(2) The Registrar shall issue an annual licence in accordance with the bylaws to a professional licensee

- (a) whose registration is not under suspension, and
- (b) who has paid the annual fee.

(3) Subject to this Act, an annual licence entitles the professional licensee to engage in the practice of engineering, geology or geophysics within the scope of practice specified by the Board of Examiners during the year for which the annual licence is issued.

Application of Act

86.2(1) Sections 14, 15, 16, 17, 19(4), 20(3), 24, 27, 28, 29, 31, 39, 78, 79, 80(2), 81 and 82(2) apply to a professional licensee as if the professional licensee were a professional member.

(2) Section 2(4)(a) applies to a professional licensee (engineering) practising within the scope of practice specified by the Board of Examiners as if that professional licensee (engineering) were a professional engineer or licensee.

(3) Section 5(2)(a) applies to a professional licensee (geological) practising within the scope of practice specified by the Board of Examiners as if that professional licensee (geological) were a professional geologist or licensee.

(4) Section 7(2)(a) applies to a professional licensee (geophysical) practising within the scope of practice specified by the Board of Examiners as if that professional licensee (geophysical) were a professional geophysicist or licensee.

(5) Section 32 applies to a professional licensee as if the professional licensee were an applicant.

(6) Part 5 applies to a professional licensee as if the professional licensee were a professional member.

Practice prohibitions

86.3(1) A person whose registration as a professional licensee is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of engineering, geology or geophysics or directly or indirectly associate with any professional member, professional licensee, licensee, permit holder or certificate holder in the practice of engineering, geology or geophysics.

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

**Part 8
ASET, Joint Boards
and
Committees,
Professional
Technologists and
Other
ASET Members**

Definitions

86.4 In this Part,

- (a) “ASET” means the Association of Science and Engineering Technology Professionals of Alberta continued under section 86.5;
- (b) “ASET bylaws” means bylaws enacted under section 87.4;
- (c) “ASET member” has the meaning given to it in ASET bylaws;
- (d) “ASET permit holder” means a partnership, other association of persons or corporation registered under section 90.4 and to which a permit is issued in accordance with ASET bylaws;
- (e) “ASET Registrar” means the individual appointed as ASET Registrar under section 87.1;
- (f) “ASET regulations” means regulations enacted under section 87.3;
- (g) “Joint Appeal Board” means the Joint Appeal Board established by section 87.5;
- (h) “Joint Board of Examiners” means the Joint Board of Examiners established by section 87.5;
- (i) “Joint Discipline Committee” means the Joint Discipline Committee established by section 87.5;

- (j) “Joint Investigative Committee” means the Joint Investigative Committee established by section 87.5;
- (k) “Joint Practice Review Board” means the Joint Practice Review Board established by section 87.5;
- (l) “JPT Regulations Committee” means the Joint Professional Technologists Regulations Committee established by section 87.5;
- (m) “professional technologist” means an individual who is issued a certificate of registration by the ASET Registrar in accordance with this Act to engage in the practice of engineering, geology or geophysics within the scope of practice specified by the Joint Board of Examiners;
- (n) “professional technologist regulations” means regulations enacted under section 88.5 or 88.6;
- (o) “regulated member” has the meaning given to it in ASET regulations.

Division 1 ASET

Corporation continued

86.5(1) The Association of Science and Engineering Technology Professionals of Alberta, previously established as a society under the *Societies Act*, is continued as a corporation with that name under this Act.

(2) The abbreviated form of the name of the Association of Science and Engineering Technology Professionals of Alberta is ASET or A.S.E.T.

(3) No person other than the Association of Science and Engineering Technology Professionals of Alberta shall use the abbreviated form of the name of ASET or any other abbreviation alone or in combination with any other word or name in a way that represents expressly or by implication that the person is a member of or connected in any way with ASET.

Capacity and powers

86.6 ASET has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

ASET Council

87(1) The governing body of ASET continues to be its Council.

(2) ASET Council shall manage and conduct the business and affairs of ASET and exercise the powers of ASET in the name of and on behalf of ASET.

(3) ASET Council shall submit annually to the Minister, in a form satisfactory to the Minister, a report on those matters of the business and affairs of ASET that the Minister requires.

(4) The Minister shall, on receipt of the annual report of ASET, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

ASET Registrar

87.1 ASET Council shall appoint a Registrar for the purposes of this Part, ASET regulations and ASET bylaws.

ASET Council members

87.2(1) Subject to subsection (2), ASET Council shall include

- (a) a president,
- (b) 2 vice-presidents and the past president, and
- (c) other members, the number of which shall be prescribed by ASET bylaws,

each of whom shall be elected by ASET members at the time, in the manner and for the period provided for in the bylaws.

(2) ASET Council

- (a) shall include, when the total number of elected members does not exceed 20, 3 members of the public appointed by the Minister, after consultation with ASET Council, for a 3-year term of office, and

- (b) may also include non-voting members of ASET Council determined by ASET bylaws.
- (3)** For each 10 elected members by which the membership of ASET Council exceeds 20, an additional member of the public shall be appointed by the Minister, after consultation with ASET Council, for a 3-year term of office.
- (4)** A member of ASET Council appointed under subsection (2)(a) continues to hold office after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.
- (5)** The Minister may, after consultation with ASET Council, revoke the appointment of a member of ASET Council made under subsection (2)(a).
- (6)** The Minister may pay to a member of ASET Council appointed under subsection (2)(a) travelling and living expenses incurred by that member for the member's attendance at any meeting of ASET Council while away from the member's usual place of residence and fees in an amount prescribed by the Minister.
- (7)** The powers, duties and operations of ASET Council under this Act, ASET regulations and ASET bylaws are not affected by
 - (a) the fact that no member of the public is appointed as a member of ASET Council pursuant to subsection (2)(a),
 - (b) the revocation under subsection (5) of the appointment of a member of the public, or
 - (c) the resignation from ASET Council of a member of the public.
- (8)** The failure of a member of the public appointed under subsection (2)(a) to attend a meeting of ASET Council shall not be construed to affect or restrict ASET Council from exercising any powers or performing any duties under this Act, ASET regulations or ASET bylaws at that meeting.

ASET regulations**87.3(1)** ASET Council may make regulations

- (a) respecting the establishment of categories of, and conditions respecting the enrolment of, regulated members, regulated members in training, examination candidates and students;
- (b) respecting the academic qualifications of and experience requirements for applicants for registration as regulated members;
- (c) governing the evaluation by ASET Council, the ASET Board of Examiners, the ASET Practice Review Board or the ASET Appeal Board, or a committee established by any of them, of the academic qualifications of and experience requirements for applicants for registration to engage in practice as regulated members and the examination of those applicants with respect to those qualifications or requirements;
- (d) respecting generally the eligibility of applicants for registration to engage in practice as regulated members;
- (e) respecting the powers, duties and functions of the ASET Practice Review Board, including but not limited to the referral of matters by that Board to ASET Council or the ASET Investigative Committee and appeals from decisions of that Board;
- (f) respecting the appointment of members of the ASET Appeal Board;
- (g) prescribing the number of members that constitutes a quorum of ASET Council, the ASET Investigative Committee, the ASET Appeal Board, the ASET Practice Review Board, the ASET Board of Examiners or the ASET Discipline Committee;
- (h) governing the establishment of boards or committees and respecting the delegation of powers of ASET Council to those boards or committees or to the ASET Practice Review Board;

- (i) prescribing technical standards of practice for regulated members;
- (j) establishing and providing for the publication of a code of ethics respecting the practice of regulated members and the protection of the public interest;
- (k) governing the names under which regulated members may engage in practice;
- (l) governing, subject to this Act, the operation and proceedings of the ASET Appeal Board, the ASET Board of Examiners and the ASET Practice Review Board, the designation of chair and vice-chair, the appointment of acting members and the procedures for filling vacancies in the offices of chair and vice-chair and in the membership of any of those boards, and the appointment to any of those boards of members by virtue of their office, and prescribing their powers, duties and functions;
- (m) respecting the procedures of the ASET Discipline Committee, of the ASET Practice Review Board, of the ASET Investigative Committee and of the ASET Appeal Board in matters relating to the conduct or practice of regulated members, whether or not a complaint has been made;
- (n) respecting the establishment by ASET Council of a compulsory continuing education program for regulated members;
- (o) governing the publication of a notice of the suspension or cancellation of the registration of a regulated member in a form and manner prescribed by ASET Council;
- (p) respecting committees of inquiry for reinstatement;
- (q) respecting the titles that may be used by regulated members and the circumstances and conditions under which the titles may be used;
- (r) establishing classes or categories of regulated members and prescribing the restrictions of practice and the

privileges and obligations of the classes or categories so established;

- (s) respecting the academic and other qualifications and the experience required of the classes or categories established in addition to regulated members;
- (t) governing the eligibility of persons, firms, partnerships and other entities for registration as ASET permit holders or certificate holders under this Part;
- (u) governing the operation of ASET permit holders or certificate holders under this Part;
- (v) governing the publication of information with respect to ASET and ASET members;
- (w) respecting registration, licensing, the issuing of permits and certificates, disciplinary matters and the practice of regulated members generally;
- (x) respecting the service on any person of a document or notice required to be served under this Act;
- (y) defining “regulated member” for the purposes of all or any provision of this Act, ASET regulations and ASET bylaws.

(2) A regulation under subsection (1) may be made only by ASET Council.

(3) A regulation must be approved in principle by a majority of the ASET members

- (a) present and voting at a special meeting called for that purpose,
- (b) voting by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or
- (c) at the annual general meeting following ASET Council’s adoption of the regulation.

(4) ASET Council may change the text of a regulation that has been approved in principle under subsection (3) if the change

- (a) is consistent with the approval in principle, and
- (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.

(5) A regulation under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.

ASET bylaws

87.4(1) ASET Council may make bylaws

- (a) for the government of ASET and the management and conduct of its affairs;
- (b) determining the location of the head office of ASET;
- (c) respecting the calling of and conduct of meetings of ASET members and ASET Council;
- (d) respecting the nomination, election, number and term of office of ASET Council members and officers of ASET and the appointment of individuals as members of ASET Council by virtue of their office, the ASET Discipline Committee, the ASET Practice Review Board, the ASET Appeal Board, the ASET Board of Examiners and any other committee established by ASET Council and prescribing their powers, duties and functions;
- (e) prescribing those areas of practice from which members of the ASET Board of Examiners shall be appointed by ASET Council;
- (f) respecting the appointment, functions, duties and powers of an Executive Director of ASET;
- (g) respecting the establishment of districts and branches of ASET and their operation;

- (h) providing for the division of Alberta into electoral districts and prescribing the number of ASET Council members to be elected from each district;
- (i) providing for the appointment of a Deputy Registrar of ASET who has all of the powers and may perform all of the duties of the ASET Registrar under this Act, ASET regulations and ASET bylaws when the ASET Registrar is absent or unable to act or when there is a vacancy in the office of the ASET Registrar;
- (j) establishing classes or categories of membership in ASET in addition to regulated members and professional technologists and prescribing the rights, privileges and obligations of the classes or categories of membership so established;
- (k) providing for the appointment of acting members of ASET Council and procedures for an election or appointment to fill vacancies on ASET Council;
- (l) prescribing the quorum at meetings of ASET members;
- (m) governing the establishment, operation and proceedings of committees, the appointment of members of committees, the appointment of acting members and procedures for filling vacancies on committees and the delegation of any powers or duties of ASET Council under this Act, ASET regulations or ASET bylaws to a committee established by ASET Council or under this Act;
- (n) prescribing fees and expenses payable to members of ASET for attending to the business of ASET;
- (o) respecting the establishment and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit program that ASET Council considers appropriate;
- (p) respecting the issuing of permit numbers to ASET permit holders;

- (q) respecting the fixing of fees, dues and levies payable to ASET;
- (r) respecting the costs payable by any person on the conclusion of a hearing or review;
- (s) respecting the establishment, contents and maintenance of registers of members and of records of other classes or categories of membership to be kept by the ASET Registrar;
- (t) respecting the removal from the registers and records of any memorandum or entry made in them;
- (u) requiring members to inform the ASET Registrar in writing of their current mailing addresses and of any change of address forthwith after the change occurs;
- (v) prescribing the form of a certificate of registration, a permit, a certificate of authorization and an annual certificate;
- (w) defining “ASET members” for the purposes of this Act and ASET regulations and ASET bylaws;
- (x) respecting the expiry of annual certificates, annual licences, permits and other authorizations.

(2) ASET Council may make bylaws respecting the holding of mail votes and votes conducted by electronic, telecommunication or other appropriate means on any matter relating to ASET, but a bylaw under this subsection does not come into force unless it is approved by a majority of ASET members present and voting at a general meeting.

(3) A bylaw under subsection (1) does not come into force unless it is approved by a majority of ASET members

- (a) present and voting at a general meeting, or
- (b) voting by a mail vote or vote conducted by electronic, telecommunication or other appropriate means conducted in accordance with ASET bylaws.

(4) The *Regulations Act* does not apply to ASET bylaws made under this section.

Division 2 Joint Boards and Committees

Establishment of joint boards and committees

87.5(1) The following joint boards and committees are established:

- (a) Joint Practice Review Board;
- (b) Joint Appeal Board;
- (c) Joint Professional Technologists Regulations Committee;
- (d) Joint Discipline Committee;
- (e) Joint Board of Examiners;
- (f) Joint Investigative Committee.

(2) Each joint board and committee is, subject to this Act, to be composed of

- (a) an equal number of appointees of the Council and ASET Council, and
- (b) one member of the public appointed by the Minister, from one or more nominees of the Joint Councils Committee, for a term determined by the Minister.

(3) Every member of a joint board or committee must act solely in the interest of the public and for the safety of the public.

Public appointees to joint boards and committees

87.6(1) The Minister may pay to a member of the public appointed to a joint board or committee by the Minister travelling and living expenses incurred by that member for the member's attendance at a meeting or hearing of the joint board

or committee while away from the member's usual place of residence and fees in an amount prescribed by the Minister.

(2) The Minister may, after consultation with the Joint Councils Committee, revoke the appointment of a member of the public appointed to a joint board or committee.

(3) The powers, duties and operations of a joint board or committee under this Act, the regulations and the bylaws are not affected by

- (a) the fact that no member of the public is appointed as a member of the joint board or committee,
- (b) the revocation of the appointment of a member of the public, or
- (c) the resignation as a member of the joint board or committee of a member of the public.

(4) The failure of a member of the public appointed under this section to attend a meeting of a joint board or committee shall not be construed to affect or restrict the joint board or committee from exercising any powers or performing any duties under this Act or the professional technologist regulations at that meeting.

Governance of joint boards and committees

88(1) After consultation with the Council and ASET Council, the Minister shall, by order, prescribe, subject to any provision to the contrary in this Act, with respect to each joint board and committee established under section 87.5,

- (a) the number of members, and
- (b) the governance and operation of the committee or board, including
 - (i) the method of appointment and term of the chair,
 - (ii) the quorum, and
 - (iii) procedural matters or delegating to the board or committee the authority to make decisions about procedural matters.

(2) Section 20(7) and (8) of the *Interpretation Act* apply to the joint boards and committees.

(3) The *Regulations Act* does not apply to an order made under this section, but the order must be published in Part I of The Alberta Gazette.

Powers of the Joint Practice Review Board

88.1(1) The Joint Practice Review Board

- (a) shall, on its own initiative or at the request of either the Council or ASET Council, inquire into
 - (i) the assessment of existing and the development of new educational standards and experience requirements that are to be conditions precedent to obtaining and continuing registration under this Act as a professional technologist,
 - (ii) the evaluation of desirable standards of competence of professional technologists generally,
 - (iii) the practice of professional technologists generally, and
 - (iv) any other matter that the Council or ASET Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of professional technologists under this Act and the professional technologist regulations,

and

- (b) may conduct a review of the practice of a professional technologist in accordance with this Act and the professional technologist regulations.

(2) The Joint Practice Review Board shall report to and advise the Council and ASET Council with respect to any matter dealt with by it pursuant to subsection (1).

(3) A person requested to appear at an inquiry under this section by the Joint Practice Review Board is entitled to be represented by counsel.

(4) The Joint Practice Review Board may, after a review under this section with respect to a professional technologist, make any order that the Joint Discipline Committee may make under section 63 or 64.

(5) The provisions of Part 5 with respect to an investigation by the Joint Investigative Committee apply to a review of an individual professional technologist by the Joint Practice Review Board.

(6) The Joint Practice Review Board may at any time during an inquiry or review under this section recommend to the Joint Investigative Committee that the inquiry or review be conducted by the Joint Investigative Committee pursuant to Part 5.

(7) On receiving a recommendation under subsection (6), the Joint Investigative Committee may proceed with an investigation under Part 5 as if the recommendation were a written complaint.

(8) After each inquiry under this section, the Joint Practice Review Board shall make a written report to the Council and ASET Council on the inquiry and may make any recommendations to the Council or ASET Council, or both, that the Joint Board considers appropriate in connection with the matter inquired into, with reasons for the recommendations.

(9) The Joint Practice Review Board, if it considers it to be in the public interest to do so, may direct that the whole or any portion of an inquiry by the Joint Practice Review Board under this section shall be held in camera.

Joint Practice Review Board appointees

88.2 The individuals appointed to the Joint Practice Review Board by the Council and ASET Council must each have a combination of knowledge and experience suitable for determining the academic qualifications and experience

necessary for a person to continue to engage in practice as a professional technologist.

Appeal to Joint Appeal Board

88.3 A professional technologist who is the subject of a hearing or a review by the Joint Practice Review Board may appeal any decision or order of the Joint Practice Review Board to the Joint Appeal Board as if it were a decision or order of the Joint Discipline Committee under Part 5.

Joint Appeal Board

88.4 The Joint Appeal Board has all the powers, duties and functions with respect to a professional technologist that the Appeal Board has with respect to professional members.

JPT Regulations Committee authority

88.5(1) The JPT Regulations Committee may make regulations

- (a) respecting the eligibility of applicants for registration as professional technologists;
- (b) respecting the academic and other qualifications and the experience required of an applicant for registration as a professional technologist, and the evaluation of applicants, and their qualifications and experience, by the Joint Board of Examiners;
- (c) respecting the examination of applicants for registration as professional technologists;
- (d) respecting the establishment and administration of a register of professional technologists and the functions, duties and responsibilities of the ASET Registrar, including the removal of entries from the register;
- (e) respecting the stamps or seals issued to professional technologists, the use of stamps and seals, and the circumstances under which a stamp or seal is to be surrendered to the ASET Registrar;
- (f) governing the names under which professional technologists may engage in practice;

- (g) establishing a continuing education program for professional technologists;
 - (h) establishing and providing for the publication of a code of ethics for professional technologists respecting the practice of the profession, the maintenance of the dignity and honour of the profession and the protection of the public interest;
 - (i) respecting notices of suspension or cancellation, and reinstatement committees;
 - (j) respecting technical standards of practice for professional technologists;
 - (k) respecting eligibility of professional technologists for registration as ASET permit holders;
 - (l) respecting registration, and the issue and use of permits, permit numbers and certificates for professional technologists and respecting the discipline, practice review and the practice of professional technologists generally;
 - (m) respecting service of documents;
 - (n) requiring professional technologists to notify the ASET Registrar of name and address changes, and requiring them to keep contact information up to date;
 - (o) prescribing forms for use under this Act and regulations made under this section, or delegating that function;
 - (p) respecting the expiry of annual certificates, permits and other authorizations issued to professional technologists.
- (2)** A regulation under subsection (1) does not come into force unless
- (a) the regulation is approved by the Council and by ASET Council, and
 - (b) the regulation is approved by the Lieutenant Governor in Council.

Resolving disputes

88.6(1) If after 2 meetings at which a matter has been discussed the JPT Regulations Committee has not resolved the matter, the Committee may refer the matter to the Joint Councils Committee in accordance with rules established by agreement of the Council and ASET Council.

(2) On receipt of a reference, the Joint Councils Committee may do either or both of the following:

- (a) refer the matter, or any aspect of it, back to the JPT Regulations Committee with suggestions or directions about how to resolve it;
- (b) resolve the matter, or any aspect of it.

(3) If the Joint Councils Committee fully resolves the matter, the JPT Regulations Committee shall, if required, implement the resolution of the Joint Councils Committee.

(4) If the Joint Councils Committee does not fully resolve the matter and does not refer the matter back to the JPT Regulations Committee under subsection (2), the Joint Councils Committee may, or if 120 days has passed from the date of receipt of the reference from the JPT Regulations Committee, the Joint Councils Committee shall, refer the matter, or any aspect of it that remains unresolved, to arbitration under the *Arbitration Act*.

(5) The Joint Councils Committee may extend the 120-day period if it considers an extension warranted.

(6) The *Arbitration Act* applies to an arbitration under this section with the following change, that the arbitration shall be heard and decided by an arbitration tribunal composed of 3 persons, appointed as follows:

- (a) one person shall be appointed by the Council;
- (b) one person shall be appointed by ASET Council;
- (c) one person shall be appointed as chair of the arbitration tribunal by the Minister.

(7) In addition to the authority of the arbitration tribunal under the *Arbitration Act*, the arbitration tribunal may, as the circumstances require, do either or both of the following:

- (a) make a decision binding on the Council, ASET Council and the JPT Regulations Committee;
- (b) make a new regulation or amend a regulation respecting professional technologists, and for that purpose the arbitration tribunal has the same authority to make or amend regulations as the JPT Regulations Committee has under section 88.5.

(8) A regulation or amendment made by the arbitration tribunal under subsection (7) does not come into force unless it is approved by the Lieutenant Governor in Council.

Joint Board of Examiners

89 The Joint Board of Examiners has all the powers, duties and functions with respect to professional technologists that the Board of Examiners has with respect to professional members.

Joint Discipline Committee

89.1 The Joint Discipline Committee has all the powers, duties and functions with respect to professional technologists that the Discipline Committee has with respect to professional members.

Joint Investigative Committee

89.2 The Joint Investigative Committee has all the powers, duties and functions with respect to professional technologists that the Investigative Committee has with respect to professional members.

**Division 3
Professional
Technologists**

Scope of practice

89.3 No professional technologist shall engage in the practice of engineering, geology or geophysics except within the scope of practice specified by the Joint Board of Examiners.

Use of title

89.4(1) No individual, corporation, partnership or other entity, except a professional technologist, shall use

- (a) the title “professional technologist”, the abbreviation “P.Tech” or any other abbreviation of that title,
- (b) the title “professional technologist (engineering)”, the abbreviation “P. Tech (eng)” or any other abbreviation of that title,
- (c) the title “professional technologist (geological)”, the abbreviation “P. Tech (geol)” or any other abbreviation of that title, or
- (d) the title “professional technologist (geophysical)”, the abbreviation “P. Tech (geoph)” or any other abbreviation of that title.

(2) No individual, corporation, partnership or other entity, except a professional technologist, shall represent or hold out, expressly or by implication, that the person is a professional technologist.

Stamp or seal

89.5(1) No individual, corporation, partnership or other entity, except a professional technologist (engineering), shall affix the stamp or seal of a 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

- (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

the professional technologist (engineering) to whom the stamp or seal was issued.

(2) Notwithstanding subsection (1), a 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 professional technologist (engineering) completes a thorough review of and accepts professional responsibility for that plan, drawing, detail drawing, specification, other document or reproduction.

(3) No individual, corporation, partnership or other entity, except a professional technologist (geological) or professional technologist (geophysical) entitled to engage in the practice of geology or geophysics, as the case may be, shall affix the stamp or seal of a professional technologist (geological) or professional technologist (geophysical) or allow 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

- (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 or seal is affixed with the knowledge and consent or in accordance with the direction of

the professional technologist (geological) or professional technologist (geophysical) to whom the stamp or seal was issued.

(4) Notwithstanding subsection (3), a professional technologist (geological) or professional technologist (geophysical) may affix a stamp or seal to a map, geological cross-section, specification, report, other document or reproduction prepared by other persons if the professional technologist (geological) or professional technologist (geophysical) completes a thorough review of and accepts professional responsibility for that map, geological cross-section, specification, report, other document or reproduction.

Non-application of provisions to professional technologists

89.6 Sections 2(1), 3(1)(b)(i), 5(1), 6(1)(b)(i), 7(1) and 8(1)(b)(i) do not apply to a professional technologist engaged in the practice of engineering, geology or geophysics within the scope of practice specified by the Joint Board of Examiners.

Register for professional technologists

90(1) The ASET Registrar shall maintain, in accordance with the professional technologist regulations, a register for professional technologists.

(2) The ASET Registrar shall enter in the register the name of a person who has paid the fee prescribed by ASET bylaws and whose registration to engage in the practice of engineering, geology or geophysics as a professional technologist has been approved by the Joint Board of Examiners.

Registration as professional technologist and scope of practice

90.1(1) The Joint Board of Examiners shall approve for registration as a professional technologist an individual who is eligible in accordance with this Act and the professional technologist regulations to engage in the practice of engineering, geology or geophysics within the scope of practice specified by the Joint Board of Examiners.

(2) When the Joint Board of Examiners specifies the scope of practice for a professional technologist, it must specify a scope of practice that is the routine application of industry recognized codes, standards, procedures and practices using established engineering or applied science principles and methods of problem solving.

(3) For the purposes of subsection (2), the Joint Board of Examiners may

- (a) define or describe “routine application”;
- (b) define or describe “industry recognized”;
- (c) specify or describe the codes, standards, procedures and practices applicable;
- (d) define or describe all or any of the following terms: “engineering or applied science principles” and “methods of problem solving”.

Evidence of registration

90.2 On entering the name of a professional technologist in the register, the ASET Registrar shall issue to that individual

- (a) a certificate of registration to engage in the practice of engineering, geology or geophysics, as the case requires, within the scope of practice specified by the Joint Board of Examiners, and
- (b) a stamp or seal engraved as prescribed in the professional technologist regulations.

Joint Board of Examiners to consider applications

90.3(1) The Joint Board of Examiners shall consider applications for the registration of applicants as professional technologists in accordance with this Act and the professional technologist regulations 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.

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

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

before it approves the registration.

Registration of ASET permit holders

90.4(1) ASET Council shall approve the registration as an ASET permit holder of a partnership or other association of

persons, or of a corporation incorporated or registered under the *Companies Act* or continued, incorporated or registered under the *Business Corporations Act*, that has applied to ASET Council and is eligible under this section and the professional technologist regulations to become registered to engage in the practice of engineering, geology or geophysics as an ASET permit holder within the scope of practice of those professional technologists who are responsible for the practice of the ASET permit holder.

(2) A partnership or other association of persons or a corporation that applies to ASET Council is eligible to become registered as an ASET permit holder under subsection (1) if it satisfies ASET Council that it complies with this Act and the professional technologist regulations.

Annual certificate

90.5(1) A professional technologist or ASET permit holder engaged in the practice of engineering, geology or geophysics shall pay to ASET the annual fee prescribed under ASET bylaws.

(2) The ASET Registrar shall issue an annual certificate in accordance with ASET bylaws to a professional technologist

- (a) whose registration is not under suspension, and
- (b) who has paid the annual fee.

(3) Subject to this Act, an annual certificate entitles the professional technologist or ASET permit holder to engage in the practice of engineering, geology or geophysics, as the case may be, during the year for which the annual certificate is issued within the scope of practice of the professional technologist or ASET permit holder.

Entries in registers

90.6(1) The registration of a professional technologist or ASET permit holder is suspended when the decision to suspend the registration is made in accordance with this Act.

(2) The ASET Registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating

- (a) the duration of the suspension, and
 - (b) the reason for the suspension.
- (3) The registration of a professional technologist or ASET permit holder is cancelled when the decision to cancel the registration is made in accordance with this Act.
- (4) The ASET Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.
- (5) The ASET Registrar shall not remove from the register any memorandum made by the ASET Registrar under this section except in accordance with the professional technologist regulations.
- (6) The ASET Registrar shall provide the Registrar with access to the registers established for professional technologists.

List of registrants open to the public

91 The ASET Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all the professional technologists and ASET permit holders in good standing.

Cancellation on request

91.1(1) The ASET Registrar shall not cancel the registration of a professional technologist or ASET permit holder at that person's request unless the request for cancellation has been approved by ASET Council.

- (2) When a request for cancellation of a registration is approved by ASET Council,
- (a) the ASET Registrar shall cancel that registration, and
 - (b) the professional technologist or ASET permit holder requesting the cancellation shall, on being notified of the approval,
 - (i) immediately surrender to the ASET Registrar

- (A) the certificate of registration, annual certificate and stamp or seal, in the case of a professional technologist, or
- (B) the permit and annual certificate, in the case of an ASET permit holder,

and

- (ii) cease using the permit number, in the case of an ASET permit holder.

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

(4) Notwithstanding subsection (3), 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 Joint Board of Examiners.

Review by the Joint Appeal Board

91.2(1) The Joint Board of Examiners shall send a written notice of any decision made by it under this Part to the applicant.

(2) If the decision made by the Joint Board of Examiners is to refuse or defer registration of the applicant, reasons for the decision shall be sent in writing to the applicant.

(3) If the decision made by the Joint Board of Examiners is to approve the registration, the ASET Registrar shall publish a notice of approval in accordance with ASET bylaws.

(4) An applicant whose application for registration has been refused by the Joint Board of Examiners may, within 30 days after receiving a notice of refusal and the reasons for refusal, appeal the decision to the Joint Appeal Board by serving a notice of appeal on the ASET Registrar.

(5) On receiving a notice of appeal, the ASET Registrar shall set a date, time and place for the hearing of the appeal and notify the appellant, in writing, of the date, time and place.

(6) The appellant may appear with counsel and make representations to the Joint Appeal Board.

(7) On concluding the hearing, the Joint Appeal Board may make any decision the Joint Board of Examiners was authorized to make.

Cancellation

91.3(1) ASET Council may direct the ASET Registrar to cancel the registration of

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

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

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

- (a) the fees, dues or levies are paid as indicated in that notice, or
- (b) evidence satisfactory to ASET Council has been received by it within the time prescribed in the notice indicating that the ASET permit holder has employees in compliance with the professional technologist regulations.

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

(4) If the registration of a professional technologist has been cancelled under this section, the professional technologist shall forthwith surrender to the ASET Registrar any certificate of registration, annual certificate and stamp or seal issued to the professional technologist.

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

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

(7) Notwithstanding subsection (6), 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 Joint Board of Examiners.

Application of disciplinary provisions

91.4(1) Part 5, except sections 45 and 46, applies to professional technologists, subject to the following changes:

- (a) “professional member” means a professional technologist;
- (b) “practice of the profession” means the practice of a professional technologist;
- (c) “Registrar” means the ASET Registrar;
- (d) “the regulations” means the professional technologist regulations and ASET regulations;
- (e) “Investigative Committee” means the Joint Investigative Committee;
- (f) “Discipline Committee” means the Joint Discipline Committee;

- (g) “Appeal Board” means the Joint Appeal Board;
- (h) “bylaws” means the professional technologist regulations and ASET bylaws;
- (i) “Council” means the JPT Regulations Committee;
- (j) “investigation panel” means an investigation panel established by the Joint Investigative Committee under section 47;
- (k) “Association” means ASET;
- (l) “Practice Review Board” means the Joint Practice Review Board.

(2) If the registration of a professional technologist has been cancelled under Part 5, the registration shall not be reinstated unless the Joint Board of Examiners approves.

Use of stamps, seals and permit numbers

91.5(1) A professional technologist shall, in accordance with the professional technologist regulations,

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

(2) An ASET permit holder shall affix its permit number on documents or records in accordance with the professional technologist regulations.

Exemption from municipal licence

91.6 No municipality has the power to require any professional technologist or ASET permit holder to obtain a licence from the municipality to engage in the practice of engineering, the practice of geology or the practice of geophysics.

Liability to others

92(1) The relationship between an ASET permit holder engaged in the practice of engineering, geology or geophysics and a person receiving the professional services of the ASET permit holder is subject to this Act, the professional

technologist regulations and any other law applicable to the relationship between a professional technologist and a client.

(2) The relationship of a professional technologist to an ASET permit holder, whether as member, shareholder or employee of the ASET permit holder, does not affect, modify or diminish the application of this Act or the professional technologist regulations

- (a) to the professional technologist personally as a professional technologist, or
- (b) to the relationship between the professional technologist and the professional technologist's client.

Division 4 Other ASET Members

Registers

92.1(1) In addition to the ASET Registrar's other responsibilities, the ASET Registrar shall maintain in accordance with ASET bylaws and subject to the direction of ASET Council, a register for

- (a) certified engineering technologists;
- (b) any other class or category of membership in ASET.

(2) The ASET Registrar shall maintain a register for registered engineering technologists in accordance with Part 9 of the *General Regulation (AR 150/99)*.

(3) The ASET Registrar shall enter in the appropriate register the name of a person who has paid the fee prescribed in ASET bylaws and who

- (a) in the case of a certified engineering technologist, has been approved by the ASET Board of Examiners, or
- (b) in the case of any other class or category of regulated member, has been approved by ASET Council.

(4) The ASET Registrar shall maintain, in the case of regulated members, a membership record in accordance with ASET bylaws.

Registration of regulated members

92.2(1) The ASET Board of Examiners shall approve for registration as a regulated member an individual who has applied to the ASET Board of Examiners and is eligible under this Act and ASET regulations to become a regulated member.

(2) Sections 2(1), 3(1)(b)(i), 5(1), 6(1)(b)(i), 7(1) and 8(1)(b)(i) do not apply to a regulated member engaged in the practice of engineering, geology or geophysics under the supervision of a professional member, a professional licensee or a professional technologist.

Evidence of registration

92.3 On entering the name of a regulated member in the register, the ASET Registrar shall issue to the regulated member a certificate of registration.

Annual certificate

92.4(1) A regulated member shall pay to ASET the annual fee prescribed under ASET bylaws.

(2) The ASET Registrar shall issue an annual certificate in accordance with ASET bylaws to a regulated member

- (a) whose registration is not under suspension, and
- (b) who has paid the annual fee.

(3) Subject to this Act, an annual certificate entitles the regulated member to use the title granted to the regulated member during the year for which the annual certificate is issued.

Entries in registers

92.5(1) The registration of a regulated member is suspended when the decision to suspend the registration is made in accordance with this Act.

(2) The ASET Registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating

- (a) the duration of the suspension, and
- (b) the reason for the suspension.

(3) The registration of a regulated member is cancelled when the decision to cancel the registration is made in accordance with this Act.

(4) The ASET Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.

(5) The ASET Registrar shall not remove from the registers any memorandum made under this section, except in accordance with ASET bylaws.

List of registrants open to the public

92.6 The ASET Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all the regulated members in good standing.

Cancellation on request

93(1) The ASET Registrar shall not cancel the registration of a regulated member at that person's request unless the request for cancellation has been approved by ASET Council.

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

- (a) the ASET Registrar shall cancel that registration, and
- (b) the regulated member requesting the cancellation shall, on being notified of the approval, immediately surrender to the ASET Registrar
 - (i) the certificate of registration, and
 - (ii) the annual certificate.

(3) ASET Council may direct the ASET Registrar to reinstate in the applicable register a registration that was cancelled under

this section, subject to any conditions that ASET Council may prescribe, and to reissue the certificate of registration and annual certificate.

(4) Notwithstanding subsection (3), 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 ASET Board of Examiners.

ASET Board of Examiners

93.1(1) ASET Council shall establish a board of examiners in accordance with ASET regulations to be known as the ASET Board of Examiners.

(2) The ASET Board of Examiners shall consider applications for the registration of applicants as regulated members in accordance with this Part, ASET regulations and ASET bylaws 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.

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

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

before it approves the registration.

Approval by the ASET Board of Examiners

93.2 The ASET Board of Examiners shall approve the registration as a regulated member of a person who proves to the satisfaction of the ASET Board of Examiners that

- (a) the person is of good character and reputation, and
- (b) the person meets the requirements of ASET regulations.

Review by the ASET Appeal Board

93.3(1) The ASET Board of Examiners shall send a written notice of any decision made by it under this Division to the applicant.

(2) If the decision made by the ASET Board of Examiners is to refuse or defer registration of the applicant, reasons for the decision shall be sent in writing to the applicant.

(3) If the decision made by the ASET Board of Examiners is to approve the registration, the ASET Registrar shall publish a notice of approval in accordance with ASET bylaws.

(4) An applicant whose application for registration has been refused by the ASET Board of Examiners may, within 30 days after receiving a notice of refusal and the reasons for refusal, appeal the decision to the ASET Appeal Board by serving a notice of appeal on the ASET Registrar.

(5) On receiving a notice of appeal, the ASET Registrar shall set a date, time and place for the hearing of the appeal and notify the appellant, in writing, of the date, time and place.

(6) The appellant may appear with counsel and make representations to the ASET Appeal Board.

(7) On concluding the hearing, the ASET Appeal Board may make any decision the ASET Board of Examiners was authorized to make.

ASET Practice Review Board

93.4 There is hereby established a board called the ASET Practice Review Board consisting of not fewer than 4 members who have a combination of knowledge and experience suitable for determining the academic qualifications and experience

necessary for a person to continue to engage in practice as a regulated member.

Powers of the ASET Practice Review Board

93.5(1) The ASET Practice Review Board

- (a) shall, on its own initiative or at the request of ASET Council, inquire into
 - (i) the assessment of existing and the development of new educational standards and experience requirements that are to be conditions precedent to obtaining and continuing registration as a regulated member under this Act,
 - (ii) the evaluation of desirable standards of competence of regulated members generally,
 - (iii) the practice of regulated members generally, and
 - (iv) any other matter that ASET Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in practice of regulated members under this Act and ASET regulations,

and

- (b) may conduct a review of the practice of a regulated member in accordance with this Act and ASET regulations.

(2) The ASET Practice Review Board shall report to and advise ASET Council with respect to any matter dealt with by it pursuant to subsection (1).

(3) A person requested to appear at an inquiry under this section by the ASET Practice Review Board is entitled to be represented by counsel.

(4) The ASET Practice Review Board may, after a review under this section with respect to a regulated member, make any order that the ASET Discipline Committee may make under section 63 or 64.

(5) The provisions of Part 5 with respect to an investigation by the ASET Investigative Committee apply to a review of a regulated member by the ASET Practice Review Board.

(6) The ASET Practice Review Board may at any time during an inquiry or review under this section recommend to the ASET Investigative Committee that the inquiry or review be conducted by the ASET Investigative Committee pursuant to Part 5.

(7) On receiving a recommendation under subsection (6), the ASET Investigative Committee may proceed with an investigation under Part 5 as if the recommendation were a written complaint.

(8) After each inquiry under this section, the ASET Practice Review Board shall make a written report to ASET Council on the inquiry and may make any recommendations to ASET Council that the ASET Practice Review Board considers appropriate in connection with the matter inquired into, with reasons for the recommendations.

(9) ASET Council may, if it considers it to be in the public interest to do so, direct that the whole or any portion of an inquiry by the ASET Practice Review Board under this section shall be held in camera.

Appeal to ASET Appeal Board

94 A regulated member who is the subject of a hearing or a review by the ASET Practice Review Board may appeal any decision or order of the ASET Practice Review Board to the ASET Appeal Board as if it were a decision or order of the ASET Discipline Committee under Part 5.

ASET Appeal Board

94.1(1) There is hereby established an ASET Appeal Board consisting of the regulated members appointed by ASET Council in accordance with ASET regulations.

(2) A member of the ASET Appeal Board appointed under subsection (1) continues to hold office after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.

Division 5 Discipline of Regulated Members

ASET Discipline Committee

94.2(1) ASET Council shall establish a discipline committee, to be known as the ASET Discipline Committee, the members of which shall be appointed in accordance with ASET regulations.

(2) ASET Council shall make regulations governing, subject to this Part and Part 5, the operation and proceedings of the ASET Discipline Committee, the designation of a chair, the appointment of members, acting members and members by virtue of their office and the procedures for filling vacancies in the offices of the chair and the membership, and prescribing the powers, duties and functions of the chair and the members.

(3) ASET Council may make regulations respecting the hearing of a matter under Part 5 by a panel of the ASET Discipline Committee.

(4) A regulation made under subsection (2) or (3) does not come into force unless it has been approved by the Lieutenant Governor in Council.

ASET Investigative Committee

94.3(1) ASET Council shall establish an investigative committee to be known as the ASET Investigative Committee, the members of which shall be appointed in accordance with ASET regulations.

(2) ASET Council shall make regulations governing, subject to this Part and Part 5, the operation and proceedings of the ASET Investigative Committee, the designation of a chair, the appointment of members, acting members and members by virtue of their office and the procedures for filling vacancies in the offices of the chair and the membership, and prescribing the powers, duties and functions of the chair and the members.

(3) A regulation made under subsection (2) does not come into force unless it has been approved by the Lieutenant Governor in Council.

Application of Part 5 to regulated members of ASET

94.4 Part 5, except sections 45 and 46, applies to regulated members, subject to the following changes to Part 5:

- (a) “professional member” means a regulated member;
- (b) “practice of the profession” means the practice of a regulated member;
- (c) “Registrar” means the ASET Registrar;
- (d) “the regulations” means ASET regulations;
- (e) “Investigative Committee” means the ASET Investigative Committee;
- (f) “Discipline Committee” means the ASET Discipline Committee;
- (g) “Appeal Board” means the ASET Appeal Board;
- (h) “bylaws” means ASET bylaws;
- (i) “Council” means ASET Council;
- (j) “investigation panel” means an investigation panel established by the ASET Investigative Committee under section 47;
- (k) “Association” means ASET;
- (l) “Practice Review Board” means the ASET Practice Review Board;
- (m) “register” means the ASET register of regulated members.

**Division 6
General**

ASET Registrar’s certificate

94.5(1) A certificate purporting to be signed by the ASET Registrar and stating that a named person was or was not, on a specified day or during a specified period,

- (a) a regulated member,
- (b) a professional technologist,
- (c) an officer of ASET or a member of ASET Council, or
- (d) a member of a joint board or committee that is established by this Act,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the ASET Registrar's appointment or signature.

(2) A certificate purporting to be signed by the ASET Registrar and stating that a named corporation, partnership or other association of persons was or was not, on a specified day or during a specified period, an ASET permit holder shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the ASET Registrar's appointment or signature.

Protection from liability

95(1) No action lies against

- (a) any person conducting a preliminary investigation, the ASET Registrar, a member of the ASET Discipline Committee, the ASET Practice Review Board, the ASET Investigative Committee, the ASET Appeal Board, ASET Council, the ASET Board of Examiners or ASET or any person acting on the instructions of any of them,
- (b) any member, officer or employee of ASET, or
- (c) any person conducting a preliminary investigation, a member of the Joint Discipline Committee, the Joint Practice Review Board, the Joint Investigative Committee, the Joint Appeal Board, the JPT Regulations Committee or the Joint Board of Examiners or any person acting on the instructions of any of them

for anything done by that person or entity in good faith and in purporting to act under this Act, ASET regulations, ASET bylaws or the professional technologist regulations.

(2) No action for defamation may be founded on a communication that consists of or pertains to a complaint regarding the conduct of a regulated member or a professional technologist if the communication is published to or by

- (a) ASET,
- (b) a member of ASET Council, the ASET Discipline Committee, the ASET Practice Review Board, the ASET Investigative Committee, the ASET Appeal Board or the ASET Board of Examiners,
- (c) a person conducting a preliminary investigation,
- (d) an officer or employee of ASET,
- (e) a member of the JPT Regulations Committee, the Joint Discipline Committee, the Joint Practice Review Board, the Joint Investigative Committee, the Joint Appeal Board or the Joint Board of Examiners, or
- (f) a person acting on the instructions of any of the persons or entities referred to in clauses (a) to (e),

in good faith in the course of investigating the complaint or in the course of any proceedings under Part 5 relating to the complaint.

Division 7 Prohibitions and Penalties

Practice prohibitions

95.1(1) A person whose registration as a professional technologist is cancelled or suspended under this Act shall not, without the consent of the Joint Board of Examiners, engage in the practice of engineering, geology or geophysics or directly or indirectly associate in the practice of engineering, geology or geophysics with any professional member, licensee, permit holder, certificate holder or professional technologist.

(2) No person, except a regulated member entitled to do so, shall

- (a) use the title “certified engineering technologist” or the abbreviation “C.E.T.” or other abbreviations of that title;
- (b) represent or hold out, expressly or by implication, that the person is entitled to use the title or abbreviation referred to in clause (a) as a certified engineering technologist;
- (c) use the title “registered engineering technologist” or the abbreviation “R.E.T.” or other abbreviations of that title.

(3) ASET may hold or continue to hold, and regulate the use of, the following trademarks:

- (a) certified engineering technologist and “C.E.T.”;
- (b) certified technician and “C. Tech”;
- (c) certified computer information technologist and “C.C.I.T.”;
- (d) applied science technologist and “A. Sc.T.”.

(4) ASET has no legal capacity to apply for, be granted, or to hold, a trademark for any name, title, designation, initials or abbreviation other than those specified in subsection (3) without the consent of the Lieutenant Governor in Council.

(5) No person may use the title “registered professional technologist”, “registered professional technologist (engineering)”, “registered professional technologist (geological)” or “registered professional technologist (geophysical)” or the abbreviation “R.P.T.”, “R.P.T. (eng)”, “R.P.T. (geo)”, “R.P.T. (geol)” or “R.P.T. (geoph)”.

Injunction

96 The Court, on application by ASET Council by way of originating notice, may grant an injunction enjoining any person from

- (a) doing any act or thing that contravenes section 95.1(1), (2) or (5), or

- (b) using a title or abbreviation referred to in section 95.1(3) contrary to a use permitted by a trademark referred to in section 95.1(3),

notwithstanding any penalty that may be provided by this Act or under this Act in respect of that act, thing or use.

Onus of proof

96.1 In a prosecution under this Act, the burden of proving that a person is a professional technologist or a regulated member is on the accused.

15 Section 98 is amended

- (a) **in subsection (1) by striking out** “or a regulation made under section 19(1)(r) or 96(b)” **and substituting** “or section 89.3, 89.4, 89.5 or 95.1”;
- (b) **by repealing subsection (2).**

16(1) When this subsection comes into force the person appointed as Registrar of ASET is to be considered for all purposes to have been appointed as ASET Registrar under section 87.1.

15 Section 98 presently reads:

98(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 29(2)(b), section 39(4), section 84, 85 or 86, this Part or a regulation made under section 19(1)(r) or 96(b) is guilty of an offence and liable

(a) for the first 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.

(2) 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 19(1)(r), 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 19(1)(r).

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

16 Transitional.

(2) Members of the Council of ASET elected or appointed before the coming into force of this subsection continue to hold office according to their terms unless they resign, die or are removed from office under this Act, ASET regulations or ASET bylaws.

(3) Subject to subsection (13), bylaws of ASET in effect when this subsection comes into force are repealed.

(4) When this subsection comes into force, a registered professional technologist (engineering) becomes a professional licensee (engineering).

(5) When this subsection comes into force, a registered professional technologist (geological) becomes a professional licensee (geological).

(6) When this subsection comes into force, a registered professional technologist (geophysical) becomes a professional licensee (geophysical).

(7) The Registrar shall make any necessary changes and take all necessary action to revise or create registers and records, and issue licences and other documentation to record and implement subsections (4), (5) and (6).

(8) For the purpose of making the *General Regulation* (AR 150/99) consistent with this Act and to implement the Memorandum of Understanding between APEGGA and ASET dated December 18, 2006, the Minister, with the approval of the Council, may amend the *General Regulation* (AR 150/99).

(9) The *Registered Professional Technologist (Geological) and Registered Professional Technologist (Geophysical) Regulation* (AR 36/2003) is repealed.

(10) No application by an individual for registration as a registered engineering technologist under section 66 of the *General Regulation* (AR 150/99) shall be made or accepted after the date this subsection comes into force.

(11) Subject to subsection (13), the *Societies Act* ceases to apply to ASET when this subsection comes into force.

(12) Every person who is a member of ASET when this subsection comes into force continues to be a member of ASET in the same class or category of membership.

(13) On the coming into force of this subsection, any complaint made or proceeding taken with respect to a complaint under the bylaws of ASET with respect to the conduct of a member of ASET that has not been concluded must be concluded in accordance with the bylaws of ASET and the *Societies Act*, and for that purpose the bylaws of ASET and the *Societies Act* continue to apply.

(14) A complaint may be made under this Act in respect of conduct occurring before, on or after the date this subsection comes into force.

(15) A complaint with respect to a member of ASET made in respect of conduct occurring before this subsection comes into force must be dealt with under this Act and ASET regulations.

(16) An application for membership in ASET that was made before this subsection comes into force but that has not been concluded must be continued and concluded in accordance with this Act and ASET regulations.

(17) ASET Council may make regulations, subject to the approval of the Lieutenant Governor in Council,

- (a) respecting applications for and decisions about membership in ASET in process when subsection (16) comes into force;
- (b) respecting the transition from the bylaws of ASET and the *Societies Act* to ASET bylaws and ASET regulations under this Act;
- (c) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act and ASET regulations and ASET bylaws from the bylaws of ASET and the *Societies Act*.

(18) In this section,

- (a) “bylaws of ASET” means the bylaws of ASET existing before the coming into force of subsection (3);

- (b) “ASET” and “ASET bylaws” have the same meaning as they have in Part 8;
- (c) “ASET regulations” means ASET regulations as defined in Part 8 and regulations made under subsection (17).

17 This Act comes into force on Proclamation.

17 Coming into force.

