

2011 Bill 3

Fourth Session, 27th Legislature, 60 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 3

ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS AMENDMENT ACT, 2011

MR. ROGERS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 3
Mr. Rogers

BILL 3

2011

ENGINEERING, GEOLOGICAL AND GEOPHYSICAL PROFESSIONS AMENDMENT ACT, 2011

(Assented to , 2011)

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2 The title of the Act is repealed and the following is substituted:

ENGINEERING AND GEOSCIENCE PROFESSIONS ACT

3 Section 1 is amended

- (a) in clause (b) by striking out** “Association of Professional Engineers, Geologists and Geophysicists of Alberta” **and substituting** “Association of Professional Engineers and Geoscientists of Alberta”;
- (b) in clause (n) by striking out** “, geologist-in-training or geophysicist-in-training” **and substituting** “or geoscientist-in-training”;
- (c) by repealing clauses (r) and (s) and substituting the following:**

Explanatory Notes

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

2 The title presently reads:

*ENGINEERING, GEOLOGICAL AND
GEOPHYSICAL PROFESSIONS ACT*

3 Section 1 presently reads in part:

1 In this Act,

- (b) "Association" means the Association of Professional Engineers, Geologists and Geophysicists of Alberta;*
- (n) "member-in-training" means engineer-in-training, geologist-in-training or geophysicist-in-training, as the case may be;*
- (r) "practice of geology" means*

- (r) “practice of geoscience” means
 - (i) reporting, advising, evaluating, interpreting, processing, geoscientific surveying, exploring, classifying reserves or examining related to any activity
 - (A) that relates to the earth sciences or the environment,
 - (B) that is aimed at the discovery or development of oil, natural gas, coal, metallic or non-metallic minerals, precious stones, other natural resources or water or that is aimed at the investigation of surface or subsurface conditions of the earth, and
 - (C) that requires, in that reporting, advising, evaluating, interpreting, processing, geoscientific surveying, exploring, classifying reserves or examining, the professional application of the principles of mathematics, chemistry, physics or biology through the application of the principles of geoscience,
 - or
 - (ii) teaching geoscience at a university;
- (d) in clause (u) by striking out “, geology or geophysics” and substituting “or geoscience”;**
- (e) in clause (v)(ii) by striking out “section 86.4(l)” and substituting “section 86.4(m)”;**
- (f) by repealing clauses (w) and (x) and substituting the following:**
 - (w) “professional geoscientist” means an individual who holds a certificate of registration to engage in the practice of geoscience under this Act but does not include
 - (i) a professional licensee (geoscience), or

- (i) *reporting, advising, evaluating, interpreting, geological surveying, sampling or examining related to any activity*
 - (A) *that is aimed at the discovery or development of oil, natural gas, coal, metallic or non-metallic minerals, precious stones, other natural resources or water or that is aimed at the investigation of geological conditions, and*
 - (B) *that requires in that reporting, advising, evaluating, interpreting, geological surveying, sampling or examining, the professional application of the principles of the geological sciences, or*
- (ii) *teaching geology at a university;*
- (s) *“practice of geophysics” means*
 - (i) *reporting on, advising on, acquiring, processing, evaluating or interpreting geophysical data, or geophysical surveying that relates to any activity*
 - (A) *that is aimed at the discovery or development of oil, natural gas, coal, metallic or non-metallic minerals or precious stones or other natural resources or water or that is aimed at the investigation of sub-surface conditions in the earth, and*
 - (B) *that requires in that reporting, advising, evaluating, interpreting, or geophysical surveying, the professional application of the principles of the geophysical sciences, or*
 - (ii) *teaching geophysics at a university;*
- (u) *“profession” means the profession of engineering, geology or geophysics, as the case may be;*
- (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(l);*

(ii) a professional technologist as defined in section 86.4(m);

(g) in clause (x.1) by striking out “, a professional licensee (geological) or a professional licensee (geophysical)” and substituting “or a professional licensee (geoscience)”;

(h) by repealing clauses (x.3) and (x.4) and substituting the following:

(x.3) “professional licensee (geoscience)” means an individual who holds a certificate of registration and an annual licence to engage in the practice of geoscience within the scope of practice specified by the Board of Examiners;

(i) in clause (y) by striking out “, professional geologist or professional geophysicist” and substituting “or professional geoscientist”.

4 Section 1.1(2)(b) is amended by striking out “APEGGA” and substituting “the Association”.

- (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(l);*
- (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(l);*
- (x.1) *“professional licensee” means a professional licensee (engineering), a professional licensee (geological) or a professional licensee (geophysical);*
- (x.3) *“professional licensee (geological)” means an individual who holds a certificate of registration and an annual 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;*
- (y) *“professional member” means a professional engineer, professional geologist or professional geophysicist;*

4 Section 1.1(2) presently reads in part:

- (2) *The purposes of the Joint Councils Committee are to*
 - (b) *provide a forum for discussion, collaboration and co-ordination with respect to matters of mutual interest to APEGGA and ASET;*

5 Section 3(1)(a)(i.1) is repealed.

6 Sections 5 to 8 are repealed and the following is substituted:

Exclusive scope of the practice of geoscience

5(1) Subject to subsection (2), no individual, corporation, partnership or other entity, except a professional geoscientist, a licensee so authorized in the licensee's licence or a permit holder so authorized in the permit, shall engage in the practice of geoscience.

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

- (a) a person engaged in the execution or supervision of the construction, maintenance, operation or inspection of any geoscientific investigation, process, system, study, work or instrumentation in the capacity of contractor, superintendent, foreman or inspector, or in any similar capacity, when the investigation, process, system, study, work or instrumentation has been designed by, and the execution or supervision is being carried out under the supervision and control of, a professional geoscientist or licensee;

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,

(i.1) the title "professional licensee (engineering)" or any 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,

6 Sections 5 to 8 presently read:

5(1) Subject to subsection (2), no individual, corporation, partnership or other entity, except a professional geologist, a licensee so authorized in the licensee's licence and a permit holder so authorized in the permit, shall engage in the practice of geology.

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

(a) a person engaged in the execution or supervision of the construction, maintenance, operation or inspection of any geological investigation, study, work or instrumentation in the capacity of contractor, superintendent, foreman or inspector, or in any similar capacity, when the investigation, study, work or instrumentation has been designed by and the execution or supervision is being carried out under the supervision and control of a professional geologist or licensee;

(b) a person engaged in the practice of geology as a geologist-in-training or geological technologist in the course of being employed or engaged and supervised and controlled by a professional geologist, licensee or permit holder;

- (b) a person engaged in the practice of geoscience as a geoscientist-in-training or geoscience technologist in the course of being employed or engaged and supervised and controlled by a professional geoscientist, licensee or permit holder;
- (c) a person who, as a prospector, is engaged in any activities that are normally associated with the business of prospecting;
- (d) a member of the Canadian Forces while actually employed on duty with the Forces;
- (e) a person engaged in conducting a routine geoscientific survey or preparing a routine geoscientific report where the specifications and standards for the survey or report have been prepared or approved by a professional geoscientist or licensee;
- (f) a person engaged in the routine reduction or plotting of geoscientific data under the supervision and control of a professional geoscientist or licensee;
- (g) a person engaged in the routine operation, maintenance or repair of geoscience equipment or facilities;
- (h) a person engaged or employed by a university whose practice of the profession consists exclusively of teaching geoscience at the university.

Exclusive use of name geoscientist

6(1) No individual, corporation, partnership or other entity, except a professional geoscientist or a licensee or permit holder entitled to engage in the practice of geoscience, shall

- (a) use
 - (i) the title “professional geoscientist”, the abbreviation “P. Geo.” or any other abbreviation of that title,
 - (ii) the word “geoscientist” in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation,

- (d) *a person who, as a prospector, is engaged in any activities that are normally associated with the business of prospecting;*
- (e) *a member of the Canadian Forces while actually employed on duty with the Forces;*
- (f) *a person engaged or employed by a university whose practice of the profession consists exclusively of teaching geology at the university.*

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,*
 - (i.1) *the title "professional licensee (geological)" or any 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

- (b) *represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity*
 - (i) *is entitled to engage in the practice of geology, or*
 - (ii) *is a professional geologist, licensee or permit holder.*

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

partnership or other entity is a professional geoscientist, licensee or permit holder,

or

- (b) represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity
 - (i) is entitled to engage in the practice of geoscience, or
 - (ii) is a professional geoscientist, licensee or permit holder.

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

- (a) that map, geoscientific cross-section, specification, report, other document or reproduction was prepared by or under the supervision and control of, and
- (b) the stamp, seal or permit number is affixed with the knowledge and consent or in accordance with the direction of

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

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

- (a) *that map, geological cross-section, specification, report, other document or reproduction was prepared by or under the supervision and control of, and*
- (b) *the stamp, seal or permit number is affixed with the knowledge and consent or in accordance with the direction of*

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

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

7(1) Subject to subsection (2), no individual, corporation, partnership or other entity, except a professional geophysicist, a licensee so authorized in the licensee's licence or a permit holder so authorized in the permit, shall engage in the practice of geophysics.

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

- (a) *a person engaged in the execution or supervision of the construction, maintenance, operation or inspection of any geophysical process, system, work or instrumentation in the capacity of contractor, superintendent, foreman or inspector, or in any similar capacity, when the process, system, work or instrumentation has been designed by and the execution or supervision is being carried out under the supervision and control of a professional geophysicist or licensee;*
- (b) *a person engaged in the practice of geophysics as a geophysicist-in-training or geophysical technologist in the course of being employed or engaged and supervised and controlled by a professional geophysicist, licensee or permit holder;*
- (d) *a person who is engaged in the routine maintenance of geophysical equipment, or if carried out under the supervision and control of a professional geophysicist, the routine operation, reduction or plotting of geophysical observations;*

- (e) *a member of the Canadian Forces while actually employed on duty with the Forces;*
- (f) *a person engaged or employed by a university whose practice of the profession consists exclusively of teaching geophysics at the university.*

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

- (b) *represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity*
 - (i) *is entitled to engage in the practice of geophysics, or*
 - (ii) *is a professional geophysicist, licensee or permit holder.*

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

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

7 Section 10(1) and (2) are repealed and the following is substituted:

Association of Professional Engineers and Geoscientists

10(1) The Association of Professional Engineers, Geologists and Geophysicists of Alberta is continued as a corporation with the name “Association of Professional Engineers and Geoscientists of Alberta”.

(2) The abbreviated form of the name of the Association is A.P.E.G.A. or APEGA.

8 Section 14(2)(a)(i) to (iii) are repealed and the following is substituted:

(i) 2 professional engineers, and

(ii) 2 professional geoscientists,

and

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

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

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

7 Section 10 presently reads:

10(1) The Association of Professional Engineers, Geologists and Geophysicists of Alberta shall be continued as a corporation.

(2) The abbreviated form of the name of the Association shall be A.P.E.G.G.A. or APEGGA.

(3) No person other than the Association shall use the abbreviated form of the name of the Association 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 the Association.

8 Section 14(2) presently reads in part:

(2) The Council shall consist of

(a) at least 16 professional members among whom there shall be not less than

(i) 2 professional engineers,

(ii) 2 professional geologists, and

(iii) one professional geophysicist, and

9 Section 19(1) is amended

- (a) in clause (a) by striking out “geologists-in-training, geophysicists-in-training” and substituting “geoscientists-in-training”;**
- (b) in clause (b) by striking out “, geologists or geophysicists” and substituting “or geoscientists”;**
- (c) in clauses (c) and (d) by striking out “, geology or geophysics” and substituting “or geoscience”;**
- (d) in clause (x) by striking out “, geologists or geophysicists” and substituting “or geoscientists”;**
- (e) in clause (dd) by striking out “, geology and geophysics” and substituting “and geoscience”.**

10 Section 20(1) is amended

- (a) in clause (e) by striking out “, geology and geophysics” and substituting “and geoscience”;**
- (b) in clause (f) by striking out “an Executive Director” and substituting “a Chief Executive Officer”;**

9 Section 19(1) presently reads in part:

19(1) The Council may make regulations

- (a) respecting the establishment of categories of and conditions respecting the enrolment of engineers-in-training, geologists-in-training, geophysicists-in-training, examination candidates and students;*
- (b) respecting the academic qualifications of and experience requirements for applicants for registration as professional engineers, geologists or geophysicists;*
- (c) governing the evaluation by the Council, the Board of Examiners, the Practice Review Board, the 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 the practice of engineering, geology or geophysics and the examination of those applicants with respect to those qualifications or requirements;*
- (d) respecting the eligibility of applicants generally for registration to engage in the practice of engineering, geology or geophysics;*
- (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;*
- (dd) respecting registration, licensing, the issuing of permits and certificates, disciplinary matters and the practice of engineering, geology and geophysics generally;*

10 Section 20(1) presently reads in part:

20(1) The Council may make bylaws

- (e) prescribing those areas of the professions of engineering, geology and geophysics from which members of the Board of Examiners shall be appointed by the Council;*
- (f) respecting the appointment, functions, duties and powers of an Executive Director of the Association;*

- (c) **in clause (j) by striking out** “, professional geologists and professional geophysicists” **and substituting** “and professional geoscientists”.

11 Section 21 is amended

(a) in subsection (1)

- (i) **by repealing clauses (b) and (c) and substituting the following:**

- (b) professional geoscientists;

- (ii) **by repealing clause (d)(i) to (iii) and substituting the following:**

- (i) professional engineering, or

- (ii) professional geoscience;

- (iii) **by repealing clause (e)(i) to (iii) and substituting the following:**

- (i) professional engineering, or

- (ii) professional geoscience;

- (b) by repealing subsection (2)(a)(i) to (iii) and substituting the following:**

- (i) engineering, as a professional engineer or licensee, or

- (ii) geoscience, as a professional geoscientist or licensee,

- (j) *establishing classes or categories of membership in the Association in addition to professional engineers, professional geologists and professional geophysicists and prescribing the rights, privileges and obligations of the classes or categories of membership so established;*

11 Section 21 presently reads in part:

21(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register for each of the following:

- (b) *professional geologists;*
- (c) *professional geophysicists;*
- (d) *licensees to engage in the practice of*
 - (i) *professional engineering,*
 - (ii) *professional geology, or*
 - (iii) *professional geophysics;*
- (e) *permit holders to engage in the practice of*
 - (i) *professional engineering,*
 - (ii) *professional geology, or*
 - (iii) *professional geophysics;*

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

- (a) *whose registration to engage in the practice of*
 - (i) *engineering, as a professional engineer or licensee,*
 - (ii) *geology, as a professional geologist or licensee, or*
 - (iii) *geophysics, as a professional geophysicist or licensee*

has been approved by the Board of Examiners,

12 Section 22 is amended

- (a) **by striking out** “, professional geologist or professional geophysicist” **and substituting** “or professional geoscientist”;
- (b) **by striking out** “, geologist or geophysicist” **and substituting** “or professional geoscientist”.

13 Section 25 is amended

- (a) **in subsection (1) by striking out** “, geologist or geophysicist” **wherever it occurs and substituting** “or geoscientist”;
- (b) **in subsections (2)(a), (3)(a) and (6) by striking out** “, geology or geophysics” **and substituting** “or geoscience”.

14 Section 42(c) is amended by striking out “, practice of geology or practice of geophysics” **and substituting** “or practice of geoscience”.

12 Section 22 presently reads:

22 The Board of Examiners shall approve for registration as a professional engineer, professional geologist or professional geophysicist an individual who has applied to the Board and is eligible in accordance with this Act and the regulations to become a professional engineer, geologist or geophysicist, as the case may be.

13 Section 25 presently reads in part:

25(1) On entering the name of a professional engineer, geologist or geophysicist in the register, the Registrar shall issue to the professional engineer, geologist or geophysicist

(a) a certificate of registration, and

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

(2) On entering the name of a licensee in the register, the Registrar shall issue to the licensee

(a) a licence to engage in the practice of engineering, geology or geophysics as a licensee as authorized in the licence, and

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

(a) a permit to engage in the practice of engineering, geology or geophysics as a permit holder as authorized in the permit, and

(6) A certificate of registration, a licence, a permit or a certificate of authorization issued under this section entitles the holder to engage in the practice of engineering, geology or geophysics, as the case may be, subject to this Act, the regulations and the bylaws.

14 Section 42 presently reads in part:

42 In this Part,

(c) “practice of the profession” means practice of engineering, practice of geology or practice of geophysics, as the case may be.

15 Section 79(a) is amended by striking out “, the practice of geology or the practice of geophysics” and substituting “or the practice of geoscience”.

16 The following is added after section 83:

Exclusive use of name

83.01(1) No individual, corporation, partnership or other entity, except a professional licensee (engineering) or a permit holder entitled to engage in the practice of engineering, shall use the title “professional licensee (engineering)”.

(2) No individual, corporation, partnership or other entity, except a professional licensee (geoscience) or a permit holder entitled to engage in the practice of geoscience, shall use the title “professional licensee (geoscience)”.

17 Section 83.3 is amended

- (a) by striking out “professional licensee (geological) or professional licensee (geophysical)” wherever it occurs and substituting “professional licensee (geoscience)”;**
- (b) by striking out “geophysical cross-section” wherever it occurs and substituting “geoscientific cross-section”;**
- (c) by striking out “, as the case may be,” wherever it occurs.**

15 Section 79 presently reads in part:

79 No municipality has the power to require

- (a) any professional member, licensee, permit holder or certificate holder to obtain a licence from the municipality to engage in the practice of engineering, the practice of geology or the practice of geophysics, or*

16 Exclusive use of name.

17 Section 83.3 presently reads:

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.

18 Section 83.4 is amended

- (a) **in subsection (2) by striking out** “professional licensee (geological) engaged in the practice of geology” **and substituting** “professional licensee (geoscience) engaged in the practice of geoscience”;
- (b) **by repealing subsection (3).**

19 Section 86.2(3) and (4) are repealed and the following is substituted:

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

20 The following is added after section 86.3:

Injunction

86.31 The Court, on application by the Council, may grant an injunction enjoining any person from doing any act or thing that contravenes section 83.01 or 83.1, notwithstanding any penalty that may be provided by this Act or the regulations in respect of that act or thing.

(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.

18 Section 83.4 presently reads in part:

(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.

19 Section 86.2 presently reads in part:

(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.

20 Injunction.

21 Section 89.4(1) is amended by adding “or” at the end of clause (b) and by repealing clauses (c) and (d) and substituting the following:

- (c) the title “professional technologist (geoscience)”, the abbreviation “P. Tech (geo)” or any other abbreviation of that title.

22 Section 89.5 is amended

(a) in subsection (3)

- (i) **by striking out** “professional technologist (geological) or professional technologist (geophysical)” **wherever it occurs and substituting** “professional technologist (geoscience)”;
- (ii) **by striking out** “practice of geology or geophysics, as the case may be” **and substituting** “practice of geoscience”;
- (iii) **by striking out** “geological cross-section” **wherever it occurs and substituting** “geoscientific cross-section”;

(b) in subsection (4)

- (i) **by striking out** “professional technologist (geological) or professional technologist (geophysical)” **wherever it occurs and substituting** “professional technologist (geoscience)”;
- (ii) **by striking out** “geological cross-section” **wherever it occurs and substituting** “geoscientific cross-section”.

21 Section 89.4 presently reads in part:

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

- (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.*

22 Section 89.5 presently reads in part:

(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

23 Section 89.6 is repealed and the following is substituted:

Non-application of provisions to professional technologists

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

24 Section 91.6 is amended by striking out “, the practice of geology or the practice of geophysics” and substituting “or the practice of geoscience”.

25 Section 92.2(2) is repealed and the following is substituted:

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

26 Section 95.1 is amended

- (a) in subsection (1) by striking out “, geology or geophysics” wherever it occurs and substituting “or geoscience”;
- (b) in subsection (5)
 - (i) by striking out “may” and substituting “shall”;
 - (ii) by striking out “or “registered professional technologist (geophysical)” or” and substituting “, “registered professional technologist (geophysical)” or “registered professional technologist (geoscience)” or”.

accepts professional responsibility for that map, geological cross-section, specification, report, other document or reproduction.

23 Section 89.6 presently reads:

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.

24 Section 91.6 presently reads:

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.

25 Section 92.2(2) presently reads:

(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.

26 Section 95.1 presently reads in part:

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.

(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)”.

27 Section 97(1) and (2) are amended

- (a) **by striking out** “professional geologist, professional geophysicist” **and substituting** “professional geoscientist”;
- (b) **by striking out** “, geology or geophysics” **wherever it occurs and substituting** “or geoscience”;

28 The following is added after section 97:

Use of names and abbreviations relating to geology and geophysics

97.1(1) No individual, corporation, partnership or other entity, except

- (a) an individual who is registered as a professional geoscientist and was registered as a professional geologist immediately before the coming into force of this subsection,
- (b) an individual who is registered to engage in the practice of geoscience as a licensee and was registered to engage in the practice of geology as a licensee immediately before the coming into force of this subsection, or
- (c) a corporation, partnership or other association of persons that is registered to engage in the practice of geoscience as a permit holder and was registered to engage in the practice of geology as a permit holder immediately before the coming into force of this subsection,

shall

27 Section 97 presently reads in part:

97(1) A person whose registration as a professional engineer, professional geologist, professional geophysicist, licensee, permit holder or certificate holder is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of engineering, geology or geophysics, as the case may be, or directly or indirectly associate the person or itself in the practice of engineering, geology or geophysics with any other professional member, licensee, permit holder or certificate holder.

(2) No professional engineer, professional geologist, professional geophysicist, licensee, permit holder or certificate holder shall, except with the consent of the Council, associate in the practice of engineering, geology or geophysics, as the case may be, directly or indirectly with or employ in connection with that practice a person whose registration has been cancelled or suspended under this Act.

28 Use of names and abbreviations relating to geology and geophysics.

- (d) use the title “professional geologist”, the abbreviation “P. Geol.” or any other abbreviation of that title,
- (e) use 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
- (f) represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity is a professional geologist.

(2) No individual, corporation, partnership or other entity, except

- (a) an individual who is registered as a professional geoscientist and was registered as a professional geophysicist immediately before the coming into force of this subsection,
- (b) an individual who is registered to engage in the practice of geoscience as a licensee and was registered to engage in the practice of geophysics as a licensee immediately before the coming into force of this subsection, or
- (c) a corporation, partnership or other association of persons that is registered to engage in the practice of geoscience as a permit holder and was registered to engage in the practice of geophysics as a permit holder immediately before the coming into force of this subsection,

shall

- (d) use the title “professional geophysicist”, the abbreviation “P. Geoph.” or any other abbreviation of that title,
- (e) use 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

- (f) represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity is a professional geophysicist.

(3) No individual, corporation, partnership or other entity, except

- (a) an individual who is registered as a professional licensee (geoscience) and was registered as a professional licensee (geological) immediately before the coming into force of this subsection, or
- (b) a corporation, partnership or other association of persons that is registered to engage in the practice of geoscience as a permit holder and was registered to engage in the practice of geology as a permit holder immediately before the coming into force of this subsection,

shall

- (c) use the title “professional licensee (geological)” or any abbreviation of that title, or
- (d) represent or hold out, expressly or by implication, that the individual, partnership or other entity is a professional licensee (geological).

(4) No individual, corporation, partnership or other entity, except

- (a) an individual who is registered as a professional licensee (geoscience) and was registered as a professional licensee (geophysical) immediately before the coming into force of this subsection, or
- (b) a corporation, partnership or other association of persons that is registered to engage in the practice of geoscience as a permit holder and was registered to engage in the practice of geophysics as a permit holder immediately before the coming into force of this section,

shall

- (c) use the title “professional licensee (geophysical)” or any abbreviation of that title, or

(d) represent or hold out, expressly or by implication, that the individual, partnership or other entity is a professional licensee (geophysical).

(5) No individual, corporation, partnership or other entity, except an individual who is registered as a professional technologist (geoscience) and was registered as a professional technologist (geological) immediately before the coming into force of this subsection, shall

(a) use the title “professional technologist (geological)”, the abbreviation “P. Tech (geol)” or any other abbreviation of that title, or

(b) represent or hold out, expressly or by implication, that the individual, partnership or other entity is a professional technologist (geological).

(6) No individual, corporation, partnership or other entity, except an individual who is registered as a professional technologist (geoscience) and was registered as a professional technologist (geophysical) immediately before the coming into force of this subsection, shall

(a) use the title “professional technologist (geophysical)”, the abbreviation “P. Tech (geoph)” or any other abbreviation of that title, or

(b) represent or hold out, expressly or by implication, that the individual, partnership or other entity is a professional technologist (geophysical).

Injunction

97.2 The Court, on application by the Council, may grant an injunction enjoining any person from doing any act or thing that contravenes section 97.1(1), (2), (3) or (4), notwithstanding any penalty that may be provided by this Act or the regulations in respect of that act or thing.

29 Section 98(1) is amended by striking out “section 84, 85 or 86” **and substituting** “section 83, 83.01, 83.1, 83.2, 83.3 or 86.3”.

29 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),

30 Section 99 is amended

- (a) **by striking out** “professional geologist, professional geophysicist” **and substituting** “professional geoscientist, professional licensee (engineering), professional licensee (geoscience)”;
- (b) **by adding** “, or that a person is not prohibited by section 97.1(1), (2), (3), (4), (5) or (6) from using a title, abbreviation or word or doing an act or thing,” **after** “certificate holder”.

31 The following is added after section 100:

**Part 10
Transitional Provisions**

Existing registrations

101(1) Where, immediately before the coming into force of this subsection, an individual is registered as a professional geologist or professional geophysicist, on the coming into force of this subsection

- (a) the individual is deemed to be registered as a professional geoscientist, and
- (b) the certificate of registration as a professional geologist or professional geophysicist held by the individual is deemed to be a certificate of registration as a professional geoscientist.

section 84, 85 or 86, this Part or section 89.3, 89.4, 89.5 or 95.1 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.*

30 Section 99 presently reads:

99 In a prosecution under this Act, the burden of proving that a person is a professional engineer, professional geologist, professional geophysicist, registered professional technologist (engineering), licensee, permit holder or certificate holder is on the accused.

31 Transitional.

(2) Where, immediately before the coming into force of this subsection, an individual is registered to engage in the practice of geology or geophysics as a licensee, on the coming into force of this subsection

- (a) the individual is deemed to be registered to engage in the practice of geoscience as a licensee,
- (b) the licence to engage in the practice of geology or geophysics as a licensee as authorized in the licence held by the individual is deemed to be a licence to engage in the practice of geoscience as authorized in the licence, and
- (c) the authorization to engage in the practice of geology or geophysics contained in the licence held by the individual is to be construed as an authorization to engage in the practice of geoscience to an equivalent extent, and references in the authorization to the scope of practice of geology or geophysics are to be construed as references to the scope of practice of geoscience.

(3) Where, immediately before the coming into force of this subsection, a corporation, partnership or other association of persons is registered to engage in the practice of geology or geophysics as a permit holder, on the coming into force of this subsection

- (a) the corporation, partnership or other association of persons is deemed to be registered to engage in the practice of geoscience as a permit holder,
- (b) the permit to engage in the practice of geology or geophysics as a permit holder as authorized in the permit held by the corporation, partnership or other association of persons is deemed to be a permit to engage in the practice of geoscience as authorized in the permit, and
- (c) the authorization to engage in the practice of geology or geophysics contained in the permit held by the corporation, partnership or other association of persons is to be construed as an authorization to engage in the practice of geoscience to an equivalent extent and references in the authorization to the scope of practice of

geology or geophysics are to be construed as references to the scope of practice of geoscience.

(4) Where, immediately before the coming into force of this subsection, an individual is registered as a professional licensee to engage in the practice of geology or geophysics within the scope of practice specified in the register, on the coming into force of this subsection

- (a) the individual is deemed to be registered as a professional licensee to engage in the practice of geoscience within the scope of practice specified in the register,
- (b) the certificate of registration to engage in the practice of geology or geophysics within the scope of practice specified in the certificate held by the individual is deemed to be a certificate of registration to engage in the practice of geoscience within the scope of practice specified in the certificate, and
- (c) the scope of practice of geology or geophysics that is specified in the register and the certificate of registration as the scope of practice within which the individual is permitted to engage is to be construed as the scope of practice of geoscience within which the individual is permitted to engage.

(5) Where, immediately before the coming into force of this subsection, an individual is registered as a professional technologist to engage in the practice of geology or geophysics within the scope of practice specified by the Joint Board of Examiners, on the coming into force of this subsection

- (a) the individual is deemed to be registered as a professional technologist to engage in the practice of geoscience within the scope of practice specified by the Joint Board of Examiners,
- (b) the certificate of registration to engage in the practice of geology or geophysics within the scope of practice specified in the certificate held by the individual is deemed to be a certificate of registration to engage in the

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

- (c) the scope of practice of geology or geophysics that is specified by the Joint Board of Examiners as the scope of practice for the professional technologist is to be construed as the scope of practice of geoscience for the professional technologist.

(6) Where, immediately before the coming into force of this subsection, a corporation, partnership or other association of persons is registered as an ASET permit holder to engage in the practice of 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, on the coming into force of this subsection the corporation, partnership or other association of persons is deemed to be registered as an ASET permit holder to engage in the practice of geoscience 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.

(7) The Registrar or the ASET Registrar, as the case may be, shall make any necessary changes and take all necessary action to revise or create registers and records and issue certificates, licences, permits and other documentation to implement subsections (1) to (6).

Use of titles and stamps relating to geology and geophysics

102(1) Subject to the regulations, where section 97.1(1), (2), (3), (4), (5) or (6) excepts an individual, licensee or permit holder from a prohibition against using a title, an abbreviation or a word or doing an act or thing, the individual, licensee or permit holder may use the title, the abbreviation or the word and may do the act or thing.

(2) Subject to the regulations and bylaws, an individual referred to in subsection (1) may use a stamp or seal bearing a title or abbreviation that the person is authorized by subsection (1) to use.

Transitional regulations

103(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition of anything under this Act, including this Act as it read immediately before the coming into force of this section, relating to the transition from the profession of geology or the profession of geophysics to the profession of geoscience, including the interpretation of any transitional provision in this Act;
 - (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition from the profession of geology or the profession of geophysics to the profession of geoscience.
- (2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.
- (3) A regulation made under subsection (1) is repealed on the earliest of
- (a) the coming into force of an amendment that adds the subject-matter of the regulation to this Act;
 - (b) the coming into force of a regulation that repeals the regulation made under subsection (1);
 - (c) 3 years after the regulation comes into force.
- (4) The repeal of a regulation under subsection (3)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

32 The following provisions are amended by striking out “, geology or geophysics” wherever it occurs and substituting “or geoscience”:

section 15(1)(a);
section 23;
section 24(1) and (2);
section 26(1) and (3);
section 80(1);
section 83;
section 83.5(2);
section 83.7(3);

32 Change in terminology.

section 83.8;
section 84(a);
section 86.1(1) and (3);
section 86.3(1) and (2);
section 86.4(m);
section 89.3;
section 90(2);
section 90.1(1);
section 90.2(a);
section 90.4(1);
section 90.5(1) and (3);
section 92(1).

33(1) The *Alberta Heritage Foundation for Science and Engineering Research Act* is amended by repealing section 2(1)(e) and substituting the following:

- (e) one member of the Association of Professional Engineers and Geoscientists of Alberta;

(2) The *Architects Act* is amended

(a) in section 17(1)

(i) in clause (b) by striking out “*Engineering, Geological and Geophysical Professions Act*” and substituting “*Engineering and Geoscience Professions Act*”;

(ii) by repealing clause (c) and substituting the following:

(c) “Engineers Association” means the Association of Professional Engineers and Geoscientists of Alberta under the *Engineering and Geoscience Professions Act*;

(iii) in clauses (d) and (e) by striking out “*Engineering, Geological and Geophysical Professions Act*” and substituting “*Engineering and Geoscience Professions Act*”;

(b) in the following provisions by striking out “*Engineering, Geological and Geophysical Professions Act*” wherever it

33 Consequential amendments because of the change in the title of the Act and the name of the Association.

occurs and substituting “*Engineering and Geoscience Professions Act*”:

section 3(1) and (2);
section 18(2)(d);
section 73(4)(b) and (5)(b).

(3) The Condominium Property Act is amended in section 1(1)(k)(i) and (ii) by striking out “*Engineering, Geological and Geophysical Professions Act*” **and substituting** “*Engineering and Geoscience Professions Act*”.

(4) The Consulting Engineers of Alberta Act is amended in section 8(a)(i) by striking out “Association of Professional Engineers, Geologists and Geophysicists of Alberta” **and substituting** “Association of Professional Engineers and Geoscientists of Alberta”.

(5) The Fair Trading Act is amended in section 103(2)(b) by striking out “*Engineering, Geological and Geophysical Professions Act*” **and substituting** “*Engineering and Geoscience Professions Act*”.

(6) The Government Organization Act is amended in Schedule 8 in section 1

(a) by repealing subsection (1)(b) and substituting the following:

(b) “Engineers Association” means the Association of Professional Engineers and Geoscientists of Alberta under the *Engineering and Geoscience Professions Act*.

(b) in subsection (3)(b) by striking out “*Engineering, Geological and Geophysical Professions Act*” **and substituting** “*Engineering and Geoscience Professions Act*”.

(7) The Safety Codes Act is amended in the following provisions by striking out “*Engineering, Geological and Geophysical Professions Act*” **and substituting** “*Engineering and Geoscience Professions Act*”:

section 11;
section 45(b);
section 65(1)(b).

(8) The *Water Act* is amended in section 23(3)(a) by striking out “, professional geologist or professional geophysicist, as defined in the *Engineering, Geological and Geophysical Professions Act*” and substituting “or professional geoscientist, as defined in the *Engineering and Geoscience Professions Act*”.

34 This Act comes into force on Proclamation.

34 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To