

2025 Bill 40

First Session, 31st Legislature, 3 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 40

PROFESSIONAL GOVERNANCE ACT

THE MINISTER OF ADVANCED EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 40

2025

PROFESSIONAL GOVERNANCE ACT

(Assented to , 2025)

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

Part 1
Definitions, Purpose and
Designation of
Professional Governance
Officers

Definitions

- 1** In this Act,
- (a) “alternative complaint resolution process” means a process established under section 135 to assist in resolution of a complaint;
 - (b) “appeal tribunal” means an appeal tribunal convened under section 32;
 - (c) “appeal tribunal roster chair” means an individual appointed under section 30(2) as appeal tribunal roster

chair and includes an appeal tribunal roster vice-chair, if any;

- (d) “appeal tribunal secretary” means an individual appointed under section 35(1) as an appeal tribunal secretary;
- (e) “business entity” means
 - (i) a partnership,
 - (ii) a limited liability partnership,
 - (iii) a corporation,
 - (iv) a professional corporation, and
 - (v) any other entity prescribed in the regulations as a business entity;
- (f) “business registrant” means a business entity registered under section 61 or who is deemed to be registered as a business registrant under section 226;
- (g) “CIC chair” means the individual designated by a governing body as chair of its complaints inquiry committee under section 28;
- (h) “CIC secretary” means an individual appointed as a CIC secretary under section 35(1);
- (i) “code of ethics and conduct” means a code of ethics and conduct made by a governing body under section 50, a code of ethics and conduct made by the Minister under section 202, or a rule, code or standard continued as a code of ethics and conduct under section 225;
- (j) “committee” means any or all of the following, as the case may be:
 - (i) registration committee;
 - (ii) complaints inquiry committee;
 - (iii) competence committee;
 - (iv) practice review committee;

- (v) a joint committee established by the regulations;
- (k) “competence” means the combined knowledge, skills, proficiency and judgment required by a registrant to provide professional services;
- (l) “competence committee” means the competence committee, if any, established by a governing body under section 26(2);
- (m) “complaints inquiry committee” means the complaints inquiry committee of a professional regulatory organization established under section 26(1), and includes a joint complaints inquiry committee established by the regulations;
- (n) “continuing competence program” means the program established by a governing body under section 77;
- (o) “department” means the department administered by the Minister;
- (p) “designation review” means a review by a professional governance officer under section 196;
- (q) “discipline tribunal” means a discipline tribunal convened under section 31;
- (r) “discipline tribunal roster chair” means an individual appointed under section 30(2) as discipline tribunal roster chair and includes a discipline tribunal roster vice-chair, if any;
- (s) “discipline tribunal secretary” means an individual appointed as a discipline tribunal secretary under section 35(1);
- (t) “domestic trade agreement” means a domestic trade agreement as defined in Schedule 6 to the *Government Organization Act*;
- (u) “evidence of registration” includes any document or thing, either physical or electronic, provided by a professional regulatory organization as evidence of registration or continuing registration, and includes evidence of registration continued under section 226;

- (v) “exclusive scope of practice” means a scope of practice of a regulated profession in which only registrants of the applicable professional regulatory organization, or a specific category or class of registrant of that professional regulatory organization, are authorized to engage in the provision of services within that scope of practice, unless otherwise provided by the regulations;
- (w) “former Act” means an Act repealed under section 257 or an Act that previously regulated but no longer regulates a profession;
- (x) “former registrant” means a person that was but is no longer registered under this Act or a former Act;
- (y) “good standing” when used in reference to a registrant means that the registrant’s registration is not suspended or cancelled;
- (z) “governing body” means the governing body of a professional regulatory organization established under section 24 or continued under section 220;
- (aa) “incapacitated” means suffering from a physical, mental or emotional condition or disorder or an addiction to alcohol or a drug as defined in the *Pharmacy and Drug Act* or other chemicals that impairs the ability of a registrant to provide professional services in a safe and competent manner;
- (bb) “individual” means a human being;
- (cc) “individual registrant” means an individual registered by a professional regulatory organization in the category of individual registrant under Part 5 or who is deemed to be registered as an individual registrant under section 226;
- (dd) “investigator” means a person appointed or directed under Part 8 to conduct an investigation under this Act;
- (ee) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (ff) “non-regulated member” means a person enrolled as a member of a professional regulatory organization under a

bylaw of that professional regulatory organization but that is not a registrant and includes a person who was a non-regulated member, or who held a similar status, under a former Act, and who is deemed to be a non-regulated member under section 226;

- (gg) “Ombudsman” means the Ombudsman appointed under the *Ombudsman Act*;
- (hh) “practice arrangement” means an arrangement under which a registrant may provide professional services and includes providing professional services as, in relationship to, or on behalf of
 - (i) a business entity,
 - (ii) a self-employed individual,
 - (iii) an employee,
 - (iv) an employer,
 - (v) a partner,
 - (vi) a shareholder,
 - (vii) a director,
 - (viii) a joint venture,
 - (ix) a practice in association, and
 - (x) any other arrangement specified as a practice arrangement in the regulations;
- (ii) “practice in association” means the provision of professional services conducted in cooperation with another individual, where one or more of the following circumstances are present:
 - (i) joint advertising;
 - (ii) the use of a shared office telephone number or office reception area;
 - (iii) combined client billing for services provided by more than one person;

- (iv) shared office or work space expenses;
- (v) shared administrative functions or expenses;
- (vi) shared ownership or use of premises, equipment, furnishings or other property;
- (vii) shared employees;
- (viii) other circumstances specified in the regulations as constituting practice in association;
- (jj) “practice review” means a review of the practice of a registrant under Part 7;
- (kk) “practice review committee” means the practice review committee, if any, established by a governing body under section 26(2);
- (ll) “practice standards and guidelines” means practice standards and guidelines made by a governing body under section 50, practice standards and guidelines made by the Minister under section 202 and rules, codes or standards continued as practice standards and guidelines under section 225;
- (mm) “profession” means a pursuit, calling or area of expertise, including an occupation, which is characterized by a generally accepted requirement that persons that engage in it must exhibit integrity and competence;
- (nn) “professional association” means a society under the *Societies Act*, a company registered under Part 9 of the *Companies Act* or any other corporation or group of persons that has members who work in a profession that is not regulated as
 - (i) a profession under this Act, the *Health Professions Act* or any other similar enactment, or
 - (ii) a designated trade under the *Skilled Trades and Apprenticeship Education Act*;
- (oo) “professional fee” means a fee charged by a registrant for a professional service, and includes a fee charged by or through

- (i) a business entity that is not a registrant, or
 - (ii) another practice arrangement
- for professional services of a registrant;
- (pp) “professional governance officer” means an employee of the public service of Alberta designated as a professional governance officer under section 3;
 - (qq) “professional regulator” means an organization that regulates a profession but is not subject to this Act, and includes such an organization outside Alberta;
 - (rr) “professional regulatory organization” means an entity designated as a professional regulatory organization under section 9, a professional regulatory organization established by an amalgamation under section 18 or an entity continued as a professional regulatory organization under section 218;
 - (ss) “professional service” means a service that comes within the scope of practice of a regulated profession;
 - (tt) “public member” means an individual appointed by the Minister as a public member in accordance with section 37 and includes a public member appointed to a governing body under a former Act, a complaints or investigation body under a former Act, a discipline body under a former Act or an appeal body under a former Act that continues as a public member under section 222;
 - (uu) “record of proceedings” means,
 - (i) with respect to proceedings before a tribunal,
 - (A) records, information, substances or things received as evidence at the proceedings, and
 - (B) the transcript of the proceedings, if a transcript is created,
 - and
 - (ii) with respect to proceedings where a right of appeal exists under this Act, other than proceedings before a tribunal,

- (A) records, information, substances or things considered by the decision maker, and
 - (B) the transcript of the proceedings, if a transcript is created;
- (vv) “records” mean a record of information in any form, including
- (i) notes, plans, drawings, images, letters, tapes, audiovisual recordings, emails, images, books, vouchers, papers, photographs, x-rays, spreadsheets and any other information that is written, photographed, recorded or stored in any manner, and
 - (ii) the result of the recording of details of electronic data processing systems and programs to illustrate what the systems and programs do and how they operate;
- (ww) “Register” means the register of the registrants of a professional regulatory organization required to be established, maintained and administered under section 70;
- (xx) “registrant” means a person who is registered by a professional regulatory organization as an individual registrant, a temporary registrant, a business registrant or a registrant in a category established by the regulations, and includes a person who is deemed to be registered under section 226;
- (yy) “registrar” means the individual appointed as the registrar of a professional regulatory organization under section 35(1)(b);
- (zz) “registration committee” means the registration committee of a professional regulatory organization established under section 26(1);
- (aaa) “regulated profession” means a profession regulated under this Act;
- (bbb) “regulatory model” means a regulatory model established in regulations under section 207(1)(d);
- (ccc) “restricted title” means a title, alone or in combination with any other title, name, description, abbreviation,

initials, letter, symbol or other words, that the registrants of a regulated profession are authorized to use under this Act and that other persons are prohibited from using, unless otherwise provided by the regulations;

- (ddd) “temporary registrant” means an individual registered by a professional regulatory organization under section 60 or who is deemed to be a temporary registrant under section 226;
- (eee) “tribunal” means any or all of the following as the context requires:
 - (i) a discipline tribunal;
 - (ii) an appeal tribunal;
 - (iii) a joint tribunal established by the regulations.

Purpose of this Act

2 The purpose of this Act is to protect the public interest by

- (a) protecting the integrity of professions regulated by this Act,
- (b) ensuring that registrants are competent,
- (c) regulating the conduct of registrants,
- (d) ensuring that, subject to specified exceptions,
 - (i) only persons authorized under this Act can use a restricted title, engage in a restricted activity or engage in the provision of services within an exclusive scope of practice,
 - (ii) where there are mandatory registration requirements, persons who are subject to those requirements register in a professional regulatory organization under this Act, and
 - (iii) where a person is required to voluntarily register to use a restricted title or engage in an activity, only persons who have voluntarily registered use the title or engage in the activity,

and

- (e) ensuring that each professional regulatory organization administers its affairs and regulates its registrants in a manner that protects the public interest.

Designation of professional governance officers

3(1) The Minister may designate employees of the public service of Alberta as professional governance officers for the purpose of this Act.

(2) A professional governance officer has the powers and performs the duties and functions prescribed by this Act and the regulations.

Part 2 Designation of Professional Regulatory Organizations

Applications for designation

4 A professional association may apply in accordance with section 5 to become designated as a professional regulatory organization.

Application process

5(1) An application for designation as a professional regulatory organization must

- (a) be submitted to the Minister,
- (b) be in the form established by the Minister,
- (c) include the information required by the regulations,
- (d) include any fee or other costs to be paid under section 204,
- (e) be submitted in accordance with any process established in the regulations, and
- (f) meet any other requirements prescribed in the regulations.

(2) The Minister shall publish the application form, the information required to be included with the application and any fee or other costs to be paid, on the department's website.

Initial review of application

6(1) After an application is received, a professional governance officer may require the professional association to provide, within the time determined by the professional governance officer, any additional information that the professional governance officer requires for the purposes of providing advice to the Minister under section 7.

(2) The professional governance officer may reject an application where

- (a) the application does not meet the requirements of section 5, or
- (b) the professional association that made the application does not provide information as required under subsection (1).

(3) If an application is not rejected under subsection (2), the professional governance officer must consider the application complete and, within a reasonable time, advise the professional association that the application is complete.

Advice re application

7(1) If a professional governance officer considers an application complete, the professional governance officer must review the application and

- (a) must provide written advice to the Minister on whether it would protect the public interest to designate the professional association as a professional regulatory organization and, if so, on the regulatory model or models that should apply to the professional regulatory organization, and
- (b) may provide advice on any other matter the professional governance officer considers necessary or that the Minister has sought advice on.

(2) In reviewing an application and determining whether it would protect the public interest to designate a professional association as

a professional regulatory organization, the professional governance officer must consider whether the proposed designation would be consistent with this Act and must consider any other criteria or factors established in the regulations.

(3) In providing advice on the regulatory model or models that should apply to a proposed professional regulatory organization, a professional governance officer must consider the following characteristics and may recommend the use of those or other characteristics to establish a regulatory model for the professional regulatory organization:

- (a) voluntary registration, in which a person is not required to be registered to provide a professional service to the public but, if that person chooses to use a restricted title or engage in specified activities, the person must register in the professional regulatory organization;
- (b) mandatory registration, in which a person must register with the professional regulatory organization before providing a professional service to the public that is within the scope of the profession of the professional regulatory organization;
- (c) restricted activities, in which only a registrant, or a category or class of registrant, is authorized to engage in certain activities in providing professional services to the public that are designated as restricted activities under this Act;
- (d) an exclusive scope of practice, in which only a registrant, a specific category or class of registrant or a person authorized by the regulations, is authorized to engage in the provision of services within a scope of practice established under this Act;
- (e) a restricted title, in which only a registrant, a category or class of registrant or a person authorized by the regulations, may use a restricted title.

(4) The professional governance officer may communicate with professional regulatory organizations, professional associations and other persons or take any other steps that the professional governance officer considers necessary in reviewing the application and providing the Minister with advice under this section.

Ministerial recommendation regarding applications for designation

8(1) On receipt of the professional governance officer's advice under section 7(1), the Minister may

- (a) recommend, in writing, that the Lieutenant Governor in Council issue an order designating a professional association as a professional regulatory organization if the Minister believes that doing so would protect the public interest after considering whether the proposed designation would be consistent with this Act and any other criteria or factors established in the regulations,
- (b) direct that the professional governance officer undertake a further review or provide further information to the Minister, or
- (c) refuse to make a recommendation to the Lieutenant Governor in Council if the Minister is not satisfied that designating the applicant as a professional regulatory organization would protect the public interest after considering whether designation would be consistent with this Act and any other criteria or factors established in the regulations.

(2) After a Minister has been provided with further information under subsection (1)(b), the Minister may

- (a) recommend, in writing, that the Lieutenant Governor in Council issue an order designating a professional association as a professional regulatory organization if the Minister believes that doing so would protect the public interest after considering whether the proposed designation would be consistent with this Act and any other criteria or factors established in the regulations, or
- (b) refuse to make a recommendation to the Lieutenant Governor in Council if the Minister is not satisfied that designating the applicant as a professional regulatory organization would protect the public interest after considering whether designation would be consistent with this Act and any other criteria or factors established in the regulations.

(3) If the Minister refuses to make a recommendation under subsection (1)(c) or (2)(b), the Minister shall advise the applicant of the Minister's decision.

Approval of application for designation as a professional regulatory organization

9(1) On the recommendation of the Minister under section 8(1)(a) or (2)(a), the Lieutenant Governor in Council may issue an order designating

- (a) a professional association as a professional regulatory organization under this Act, and
- (b) the name of the professional regulatory organization.

(2) A professional regulatory organization that is designated under subsection (1) is established as a corporation with the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(3) If the Lieutenant Governor in Council has designated a professional association as a professional regulatory organization, the Minister may make regulations

- (a) prescribing any description of or abbreviation, initials, letter, symbol or other words that may be used to identify the professional regulatory organization,
- (b) establishing one or more regulatory models for the professional regulatory organization,
- (c) establishing categories and classes of registrants for the professional regulatory organization, and
- (d) respecting the establishment of the initial governing body, bylaws, registrants, Register or any other matter necessary to effectively establish the professional regulatory organization.

(4) When establishing a regulatory model for a professional regulatory organization, the Minister shall consider the following characteristics and may use those or other characteristics to establish the regulatory model:

- (a) voluntary registration, in which a person is not required to be registered to provide a professional service to the public but, if that person chooses to use a restricted title or engage in specified activities, the person must register in the professional regulatory organization;
 - (b) mandatory registration, in which a person must register with the professional regulatory organization before providing a professional service to the public that is within the scope of the profession of the professional regulatory organization;
 - (c) restricted activities, in which only a registrant, or a category or class of registrant, is authorized to engage in certain activities in providing professional services to the public that are designated as restricted activities under this Act;
 - (d) an exclusive scope of practice, in which only a registrant, a specific category or class of registrant or a person authorized by the regulations, is authorized to engage in the provision of services within a scope of practice established under this Act;
 - (e) a restricted title, in which only a registrant, a category or class of registrant or a person authorized by the regulations, may use a restricted title.
- (5)** A professional regulatory organization designated under this section must
- (a) establish the committees and rosters required by this Act and make the appointments required by this Act as soon as practicable after being designated as a professional regulatory organization, and
 - (b) govern the profession or professions to which it relates in accordance with the regulatory model or models established under this Act in respect of that professional regulatory organization.

Effect of designation

10 Subject to the regulations, on the effective date of the designation of a professional association as a professional regulatory organization,

- (a) the professional association becomes a professional regulatory organization under this Act with all the powers, duties and functions of a professional regulatory organization under this Act, and the legal entity of the professional association ceases to exist,
- (b) the property, assets, rights, privileges and benefits of the former professional association become the property, assets, rights, privileges and benefits of the professional regulatory organization,
- (c) the documents, records and other information of the former professional association become the documents, records and other information of the professional regulatory organization,
- (d) unless the terms of a bequest, legacy, devise or other gift expressly state otherwise, any bequest, legacy, devise or other gift made before or after the effective date of the designation in the name of or for the benefit of the former professional association is continued and, in furtherance of the bequest, legacy, devise or other gift, is deemed to have been made to and for the benefit of the professional regulatory organization,
- (e) the professional regulatory organization is liable for the debts, obligations and liabilities, contractual or otherwise, of the former professional association,
- (f) any existing causes of action, claims or liabilities by or against the former professional association are unaffected except that they may be continued by or against the professional regulatory organization,
- (g) a civil, criminal or administrative action or proceeding pending by or against a former professional association may be continued by or against the professional regulatory organization, and
- (h) a conviction against, or a ruling, order or judgment in favour of or against, a former professional association may be enforced by or against the professional regulatory organization.

Part 3 Amalgamation and Changes to Names

Definitions

11 In this Part,

- (a) “amalgamated professional regulatory organization” means the professional regulatory organization that results from an amalgamation order under this Part;
- (b) “amalgamation applicant” means a professional regulatory organization or a professional association that has applied to amalgamate under section 13;
- (c) “former professional regulatory organization or professional association” means a professional regulatory organization or professional association, if any, amalgamated under this Part.

Eligibility to apply

12(1) Two or more professional regulatory organizations may apply to amalgamate in accordance with this Part.

(2) One or more professional regulatory organizations may apply jointly with one or more professional associations to amalgamate in accordance with this Part.

Application for amalgamation

13(1) An application to amalgamate must

- (a) be submitted to the Minister,
- (b) be in the form established by the Minister,
- (c) include the information required by the regulations,
- (d) include any fee or other costs to be paid under section 204,
- (e) be submitted in accordance with any process established in the regulations, and
- (f) meet any other requirements prescribed in the regulations.

(2) The Minister shall publish the application form, the information required to be included with the application and any fee or other costs to be paid on the department's website.

Review of application

14(1) After an application is received under this section, a professional governance officer may require the amalgamation applicants to provide, within the time determined by the professional governance officer, any additional information that the professional governance officer requires for the purposes of providing advice to the Minister under section 16.

(2) The professional governance officer may reject an application where

- (a) the application does not meet the requirements of section 13, or
- (b) the amalgamation applicants do not provide information as required under subsection (1).

(3) If an application is not rejected under subsection (2), the professional governance officer must consider the application complete and, within a reasonable time, advise the amalgamation applicants and the Minister that the application is complete.

Minister-initiated amalgamation advice

15(1) Despite not receiving an application under section 13, the Minister may, on the Minister's own initiative, seek advice from a professional governance officer on whether it would protect the public interest to amalgamate 2 or more professional regulatory organizations.

(2) If the Minister has requested advice under subsection (1), the Minister shall provide notice to each of the professional regulatory organizations the Minister has sought advice about.

(3) A professional governance officer may require the professional regulatory organizations to provide, within the time determined by the professional governance officer, any information that the professional governance officer requires for the purposes of providing advice to the Minister under section 16.

Advice re application

16(1) If a professional governance officer considers an application complete, or the Minister has asked for advice on whether it would protect the public interest to amalgamate 2 or more professional regulatory organizations, a professional governance officer must review the amalgamation application or the Minister's request for advice and

- (a) must provide written advice to the Minister on whether it would protect the public interest to proceed with the amalgamation and, if so, on the regulatory model or models that should apply to the amalgamated professional regulatory organization, and
- (b) may provide advice on any other matter the professional governance officer considers necessary or that the Minister has sought advice on.

(2) In reviewing an application and determining whether it would protect the public interest to proceed with the amalgamation, the professional governance officer must consider whether the amalgamation would be consistent with this Act and must consider any other criteria or factors established in the regulations.

(3) In providing advice on the regulatory model or models that should apply to an amalgamated professional regulatory organization, a professional governance officer must consider the following characteristics and may recommend the use of those or other characteristics to establish a regulatory model for a professional regulatory organization:

- (a) voluntary registration, in which a person is not required to be registered to provide a professional service to the public but, if that person chooses to use a restricted title or engage in specified activities, the person must register in the professional regulatory organization;
- (b) mandatory registration, in which a person must register with the professional regulatory organization before providing a professional service to the public that is within the scope of the profession of the professional regulatory organization;
- (c) restricted activities, in which only a registrant, or a category or class of registrant, is authorized to engage in certain activities in providing professional services to the

public that are designated as restricted activities under this Act;

- (d) an exclusive scope of practice, in which only a registrant, a specific category or class of registrant or a person authorized by the regulations, is authorized to engage in the provision of services within a scope of practice established under this Act;
- (e) a restricted title, in which only a registrant, a category or class of registrant or a person authorized by the regulations, may use a restricted title.

(4) The professional governance officer may communicate with professional regulatory organizations, professional associations and other persons or take any other steps that the professional governance officer considers necessary in reviewing the application or request for advice and providing the Minister with advice under this section.

Ministerial recommendation re amalgamation

17(1) On receipt of the professional governance officer's written advice under section 16, the Minister may

- (a) recommend, in writing, that the Lieutenant Governor in Council issue an order under section 18 if the Minister believes that to do so would protect the public interest after considering whether the proposed amalgamation would be consistent with this Act and any other criteria or factors established in the regulations,
- (b) direct that the professional governance officer undertake a further review and provide further information to the Minister, or
- (c) refuse to make a recommendation to the Lieutenant Governor in Council if the Minister is not satisfied that the amalgamation would protect the public interest after considering whether the proposed amalgamation would be consistent with this Act and any other criteria or factors established in the regulations.

(2) After the Minister has been provided with further information under subsection (1)(b), the Minister may

- (a) recommend, in writing, that the Lieutenant Governor in Council issue an order under section 18 if the Minister believes that to do so would protect the public interest after considering whether the proposed amalgamation would be consistent with this Act and any other criteria or factors established in the regulations, or
- (b) refuse to make a recommendation to the Lieutenant Governor in Council if the Minister is not satisfied that the amalgamation would protect the public interest after considering whether the proposed amalgamation would be consistent with this Act and any other criteria or factors established in the regulations.

(3) If the Minister refuses to make a recommendation under subsection (1)(c) or (2)(b), the Minister shall advise the amalgamation applicants, if any, or the professional regulatory organizations given notice under section 15(2) of the Minister's decision.

Approval of amalgamation

18(1) On the recommendation of the Minister under section 17(1)(a) or (2)(a), the Lieutenant Governor in Council may issue an order

- (a) amalgamating 2 or more professional regulatory organizations or one or more professional regulatory organizations and one or more professional associations into one amalgamated professional regulatory organization, and
- (b) designating the name of the amalgamated professional regulatory organization.

(2) A professional regulatory organization that is established under subsection (1) is established as a corporation with the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(3) If the Lieutenant Governor in Council has amalgamated 2 or more professional regulatory organizations or one or more professional regulatory organizations and one or more professional associations into one professional regulatory organization, the Minister may make regulations

- (a) prescribing any description of or abbreviation, initials, letter, symbol for or other words that may be used to identify the amalgamated professional regulatory organization,
- (b) establishing one or more regulatory models for the amalgamated professional regulatory organization,
- (c) establishing categories and classes of registrants for the professional regulatory organization, and
- (d) respecting the establishment of the initial governing body, bylaws, registrants and Register of the professional regulatory organization, and any other matters necessary to effectively facilitate the amalgamation, including directions respecting transitional matters.

(4) When establishing a regulatory model for an amalgamated professional regulatory organization, the Minister shall consider the following characteristics and may use those or other characteristics to establish the regulatory model:

- (a) voluntary registration, in which a person is not required to be registered to provide a professional service to the public but, if that person chooses to use a restricted title or engage in specified activities, the person must register in the professional regulatory organization;
- (b) mandatory registration, in which a person must register with the professional regulatory organization before providing a professional service to the public that is within the scope of the profession of the professional regulatory organization;
- (c) restricted activities, in which only a registrant, or a category or class of registrant, is authorized to engage in certain activities in providing professional services to the public that are designated as restricted activities under this Act;
- (d) an exclusive scope of practice, in which only a registrant, a specific category or class of registrant or a person authorized by the regulations, is authorized to engage in the provision of services within a scope of practice established under this Act;

- (e) a restricted title, in which only a registrant, a category or class of registrant or a person authorized by the regulations, may use a restricted title.
- (5) Each amalgamated professional regulatory organization must
- (a) establish the committees and rosters required by this Act and make the appointments required by this Act as soon as practicable after the amalgamation takes effect, and
 - (b) govern the profession or professions to which it relates in accordance with the regulatory model or models established under this Act in respect of that professional regulatory organization.

Effect of amalgamation

19 Subject to the regulations, on the effective date of an amalgamation,

- (a) the professional regulatory organizations or professional associations which were amalgamated become an amalgamated professional regulatory organization under this Act with all the powers, duties and functions of a professional regulatory organization under this Act, and cease to exist as separate legal entities,
- (b) the property, assets, rights, privileges and benefits of each of the former professional regulatory organizations or professional associations become the property, assets, rights, privileges and benefits of the amalgamated professional regulatory organization,
- (c) the documents, records and other information of each of the former professional regulatory organizations or professional associations become the documents, records and other information of the amalgamated professional regulatory organization,
- (d) unless the terms of a bequest, legacy, devise or other gift expressly state otherwise, any bequest, legacy, devise or other gift made before or after the effective date of the amalgamation in the name of or for the benefit of a former professional regulatory organization or professional association is continued and, in furtherance of the bequest, legacy, devise or other gift, is deemed to have been made

to and for the benefit of the amalgamated professional regulatory organization,

- (e) the amalgamated professional regulatory organization is liable for the debts, obligations and liabilities, contractual or otherwise, of the former professional regulatory organizations and professional associations, if any,
- (f) any existing causes of action, claims or liabilities by or against a former professional regulatory organization or professional association are unaffected except that they may be continued by or against the amalgamated professional regulatory organization,
- (g) a civil, criminal or administrative action or proceeding pending by or against a former professional regulatory organization or professional association may be continued by or against the amalgamated professional regulatory organization, and
- (h) a conviction against, or a ruling, order or judgment in favour of or against, a former professional regulatory organization or professional association may be enforced by or against the amalgamated professional regulatory organization.

Change in name of a professional regulatory organization

20 The Lieutenant Governor in Council may, by order, change the name of a professional regulatory organization designated, established or continued under this Act.

Part 4 Governance and Accountability

Division 1 General Duties, Responsibilities and Prohibitions

General duties and responsibilities of a professional regulatory organization

21(1) A professional regulatory organization must

- (a) establish competence and other requirements for the registration of registrants,
- (b) make, maintain and enforce a code of ethics and conduct and practice standards and guidelines for registrants,
- (c) establish, maintain and enforce requirements for continuing competence in the practice of the profession,
- (d) establish, maintain and enforce a mandatory continuing competence program for individual registrants,
- (e) safeguard against the unlawful use of any restricted title, the unlawful practice of any restricted activity or the unlawful provision of services within an exclusive scope of practice,
- (f) establish registration, continuing competence, complaints, discipline and appeal procedures and requirements that are transparent, objective, impartial and procedurally fair,
- (g) generally carry on the activities of a professional regulatory organization and perform other powers, duties and functions that are incidental to the powers, duties and functions conferred by or under this Act,
- (h) promote and enhance, in the course of exercising its powers and performing its powers, duties and functions,
 - (i) collaboration with other professional regulatory organizations, post-secondary institutions and government,
 - (ii) inter-professional collaborative practice between its registrants and persons practicing other professions, and
 - (iii) the ability of its registrants to respond and adapt to changes in practice environments, advances in technology and other emerging issues,
- (i) exercise its powers, discharge its duties and carry out its functions in a manner that protects the public interest,
- (j) comply with

- (i) this Act, the regulations and the bylaws of the professional regulatory organization,
- (ii) domestic trade agreements to which Alberta is a signatory, and
- (iii) any international treaty recognized by an order of the Minister, in accordance with any order of the Minister,

and

- (k) exercise any other power and perform any other duty or function prescribed by the regulations.

(2) A professional regulatory organization must cooperate with the Minister and a professional governance officer in the exercise of the Minister's or the professional governance officer's powers, duties and functions under this Act.

Prohibition re professional fees

22 No professional regulatory organization, governing body, committee, tribunal or other body created under the authority of this Act may set or negotiate professional fees on behalf of any or all of the registrants of the professional regulatory organization.

Prohibition re bargaining agents and regulations re advocacy

23(1) No professional regulatory organization, governing body, committee, tribunal or other body created under the authority of this Act may act as a certified bargaining agent as defined in the *Labour Relations Code*.

(2) The Minister may make regulations respecting the advocacy roles that a professional regulatory organization may engage in.

**Division 2
Governing Bodies, Committees,
Tribunals,
Panels, Task Forces and Sub-
committees**

Governing Bodies

Establishment of governing bodies

24(1) Each professional regulatory organization must establish a governing body consisting of

- (a) a chair, selected in accordance with the bylaws of the professional regulatory organization,
- (b) the number and type of registrants set out in the bylaws of the professional regulatory organization, each of whom must be selected by the membership of the professional regulatory organization in accordance with the bylaws,
- (c) the non-voting members, if any, provided for and selected in accordance with the bylaws of the professional regulatory organization, and
- (d) the public members appointed by the Minister.

(2) A governing body may select a vice-chair in accordance with the bylaws of the professional regulatory organization, who may act for the chair if the chair is absent or otherwise unable to act.

(3) The chair and other members of the governing body, except for the public members appointed by the Minister, may be removed from office in accordance with the bylaws of the professional regulatory organization.

(4) Vacancies on the governing body, except for the vacancy of a public member, may be filled in accordance with the bylaws of the professional regulatory organization.

General duties and responsibilities of a governing body

25(1) Each governing body must

- (a) manage and conduct the business and affairs of the applicable professional regulatory organization,

- (b) exercise the powers and carry out the duties and functions of a governing body under this Act, and
- (c) hold meetings of registrants and non-regulated members of the professional regulatory organization in accordance with any requirements to hold meetings established by the bylaws of the professional regulatory organization.

(2) A governing body may

- (a) appoint officers for the professional regulatory organization, and
- (b) establish the powers, duties and functions of an officer,

in accordance with the bylaws of the professional regulatory organization.

Committees

Committees

26(1) Each governing body must establish

- (a) a registration committee, and
- (b) a complaints inquiry committee.

(2) Each governing body must establish

- (a) a competence committee, or
- (b) a practice review committee

and may establish both.

Committee membership

27(1) A committee must, unless otherwise specified by this Act or the bylaws of the applicable professional regulatory organization,

- (a) include at least 3 registrants appointed by the governing body in accordance with the bylaws, who must form the majority of a committee, and
- (b) designate a registrant to act as chair in accordance with the bylaws.

(2) A committee may include non-regulated members in accordance with the bylaws of the professional regulatory organization.

(3) The chair and other members of a committee may be removed from office in accordance with the bylaws of the professional regulatory organization.

(4) Vacancies on a committee may be filled in accordance with the bylaws of the professional regulatory organization.

Complaints inquiry committees

28 A complaints inquiry committee must include at least 5 registrants appointed by the governing body in accordance with the bylaws of the applicable professional regulatory organization, one of whom must be designated by the governing body as CIC chair in accordance with the bylaws.

Powers, duties and functions of committees

29(1) A governing body must, in the bylaws of the applicable professional regulatory organization,

- (a) set out the powers, duties and functions of each committee established under section 26, including any requirement to refer matters to the governing body or a different committee, and
- (b) establish any procedure for appealing a decision of the committee.

(2) For each committee established by the governing body under section 26, the governing body must set the terms of reference for the committee in the bylaws of the professional regulatory organization.

Tribunals

Tribunal roster

30(1) Each governing body must establish and maintain a roster of registrants, in accordance with the bylaws of the applicable professional regulatory organization, who are eligible to be appointed to a discipline tribunal or an appeal tribunal.

(2) Each governing body must appoint, from the roster established under subsection (1), an individual as

- (a) discipline tribunal roster chair, and
- (b) appeal tribunal roster chair.

(3) A governing body may appoint, from the roster established under subsection (1), an individual as

- (a) discipline tribunal roster vice-chair, and
- (b) appeal tribunal roster vice-chair,

who may act for the chair if the chair is absent or otherwise unable to act.

(4) Members of a roster may be removed from the roster in accordance with the bylaws of the professional regulatory organization.

Discipline tribunal

31(1) A discipline tribunal roster chair must convene a discipline tribunal as soon as practicable after the need for a discipline tribunal arises under section 107 or 128, and may convene a discipline tribunal if the discipline tribunal roster chair decides to convene a discipline tribunal under section 129(1), by appointing individuals to the tribunal in accordance with subsection (2).

(2) The composition of a discipline tribunal must

- (a) include at least 3 individuals,
- (b) be in accordance with the bylaws of the applicable professional regulatory organization, and
- (c) include
 - (i) no more than 75% members appointed from the tribunal roster established under section 30, and
 - (ii) at least 25% public members appointed from the public member roster established under section 37(2).

(3) A discipline tribunal roster chair must designate a tribunal chair for each discipline tribunal hearing in accordance with the bylaws of the professional regulatory organization.

(4) Prior to the commencement of a discipline tribunal hearing, or at the request of the discipline tribunal, prior to the discipline tribunal hearing evidence, a discipline tribunal roster chair may

- (a) revoke the appointment of a member of the discipline tribunal and appoint a replacement member from the same roster, or
- (b) appoint an additional member or members to the discipline tribunal,

if the discipline tribunal roster chair considers it fair and reasonable in the circumstances to do so and doing so would not violate subsection (2).

Appeal tribunal

32(1) An appeal tribunal roster chair must convene an appeal tribunal as soon as practicable after the need for an appeal tribunal arises under section 149, and may convene an appeal tribunal if the appeal tribunal roster chair decides to convene an appeal tribunal under section 161(1), by appointing individuals to the tribunal in accordance with subsection (2).

(2) The composition of an appeal tribunal must

- (a) include at least 3 individuals,
- (b) be in accordance with the bylaws of the applicable professional regulatory organization, and
- (c) include
 - (i) no more than 75% members appointed from the tribunal roster established under section 30, and
 - (ii) at least 25% public members appointed from the public member roster established under section 37(2).

(3) An appeal tribunal roster chair must designate a tribunal chair and a tribunal vice-chair for each appeal tribunal hearing in

accordance with the bylaws of the professional regulatory organization.

(4) Prior to the commencement of the appeal tribunal hearing, or, at the request of the appeal tribunal, prior to the appeal tribunal hearing evidence, the appeal tribunal roster chair may

- (a) revoke the appointment of a member of the appeal tribunal and appoint a replacement member from the same roster, or
- (b) appoint an additional member to the appeal tribunal,

if the appeal tribunal roster chair considers it fair and appropriate in the circumstances to do so and doing so would not violate subsection (2).

Joint Committees and Joint Tribunals

Joint committees and joint tribunals

33(1) The Minister may establish a joint committee or a joint tribunal for 2 or more professional regulatory organizations in the regulations and, subject to subsection (2), the regulations will govern to the extent of any inconsistency with anything in this Division.

(2) Notwithstanding anything to the contrary in this Division, each joint committee and each joint tribunal must be composed of

- (a) an equal number of registrants selected by each professional regulatory organization's governing body,
- (b) the number of public members prescribed by the regulations, and
- (c) any other members prescribed by the regulations.

Panels, Task Forces and Sub-committees

Panels, task forces and sub-committees

34 A governing body or a committee of a professional regulatory organization may establish a panel, task force or sub-committee for the effective operation of the governing body or committee, as the case may be.

Division 3 Secretaries, Registrars, Experts and Public Members

Secretaries and Registrars

Appointment of secretaries and registrars

35(1) Subject to subsection (2), each governing body must appoint

- (a) one or more individuals as
 - (i) a CIC secretary,
 - (ii) a discipline tribunal secretary, and
 - (iii) an appeal tribunal secretary,

and

- (b) an individual as registrar.

(2) The same individual may be appointed as a discipline tribunal secretary and an appeal tribunal secretary, but an individual appointed as a CIC secretary may not be appointed as a discipline tribunal secretary or as an appeal tribunal secretary.

Experts

Appointment of experts

36 A governing body, committee, sub-committee, panel or task force of a professional regulatory organization may appoint an individual who has technical expertise or other relevant knowledge to inquire into and report to the governing body, committee, sub-committee, panel or task force with respect to any matter related to any power, duty or function of the governing body, committee, sub-committee, panel or task force.

Public Members

Appointment of public members

37(1) The Minister, following consultation with a governing body, or with the applicable governing bodies in the case of a joint committee or joint tribunal, may appoint or revoke the appointment of public members to

- (a) the governing body,
- (b) the joint committee, or
- (c) the joint tribunal.

(2) The Minister, following consultation with each governing body, may appoint or revoke the appointment of public members to a roster of public members who can be selected by

- (a) the CIC chair of the applicable professional regulatory organization for the purposes of considering a sanction agreement under section 138,
- (b) a discipline tribunal roster chair to serve on a discipline tribunal, or
- (c) an appeal tribunal roster chair to serve on an appeal tribunal.

(3) The Minister may appoint any number of public members to a governing body, joint committee, joint tribunal or public member roster that the Minister deems appropriate to protect the public interest, and may fill any vacancies that may arise.

(4) A person may be appointed as a public member of more than one governing body, joint committee or joint tribunal under this Act as long as the person does not serve on

- (a) a joint committee that a professional regulatory organization is a member of and a joint tribunal that the same professional regulatory organization is a member of, or
- (b) a joint committee or joint tribunal that a professional regulatory organization is a member of and the governing body of that professional regulatory organization.

(5) Unless it would cause a conflict of interest, a public member appointed to the roster of public members under subsection (2) may also be appointed to a governing body, joint committee or joint tribunal, but the public member may not be selected by

- (a) the CIC chair under section 138,
- (b) a discipline tribunal roster chair, or

- (c) an appeal tribunal roster chair

of a professional regulatory organization if the public member has been appointed as a member of the governing body of that professional regulatory organization or has been appointed as a member of a joint committee or joint tribunal that the professional regulatory organization is a member of.

- (6) A public member may not serve on more than one of

- (a) a panel established under section 138,
- (b) a discipline tribunal, or
- (c) an appeal tribunal

respecting the same matter.

Ineligibility for appointment as public member

38(1) An individual shall not be appointed as a public member under section 37(1) or (2) if the individual is not ordinarily resident in Alberta.

(2) An individual is not eligible to be appointed as a public member of the governing body of a professional regulatory organization, a joint committee or joint tribunal that a professional regulatory organization is a member of, a panel established under section 138 with respect to a registrant of a professional regulatory organization or a discipline tribunal or appeal tribunal convened with respect to a registrant of a professional regulatory organization if

- (a) the individual is a registrant or former registrant of that professional regulatory organization,
- (b) the individual is or was a registrant, or holds or held a similar status, in a professional association or other entity outside of Alberta that regulates the same profession the professional regulatory organization regulates,
- (c) the individual met or meets the requirements to be a registrant of that professional regulatory organization,
- (d) the individual represents or is normally engaged in representing a group of employees who are registrants of that professional regulatory organization in the

negotiation of collective bargaining agreements or in any proceedings under a collective bargaining agreement with respect to the registrants of that professional regulatory organization,

- (e) the individual is an employer or an employer's representative engaged in the negotiation of collective bargaining agreements with a group of employees who are registrants of that professional regulatory organization, or in any proceedings under a collective bargaining agreement with respect to employees who are registrants of that professional regulatory organization,
- (f) the individual negotiates or sets professional fees on behalf of the registrants of that professional regulatory organization, or
- (g) the individual negotiates or sets professional fees on behalf of an employer of registrants of that professional regulatory organization.

(3) An individual described in subsection (2) is not prohibited from being appointed as a public member with respect to a different professional regulatory organization.

Remuneration

39 A public member appointed under section 37(1) or (2) may be paid

- (a) remuneration at a rate prescribed by the Minister, and
- (b) reasonable living and travelling expenses incurred in the course of an individual's duties as a public member at the discretion of the Minister.

General duties and responsibilities of public members

40(1) A public member appointed under section 37(1) or (2) must

- (a) act as an objective and full participant of a body to which the public member has been appointed in accordance with the position to which the public member has been appointed and within the scope of the public member's role as a public member, and

- (b) ensure, within the scope of the public member's appointment and public member role, that the professional regulatory organization is protecting the public interest by
 - (i) representing the values and interests of Albertans,
 - (ii) monitoring the professional regulatory organization's ability to act fairly and transparently in adhering to its statutory requirements, and
 - (iii) performing any other powers, duties or functions prescribed by the regulations.
- (2)** A public member may not
- (a) act as chair or vice-chair of a governing body, a committee, a tribunal or a panel established under section 138, or
 - (b) provide a service, advice or guidance to the professional regulatory organization outside the scope and duties of the public member's appointment and public member role.

Division 4 Terms, Quorum, Vacancies and Absences

Terms

Terms and continuing to serve beyond expiry

41(1) Each professional regulatory organization must prescribe the terms

- (a) for members of the governing body, other than the public members,
- (b) for members of each committee of the professional regulatory organization, other than the public members of a joint committee, and
- (c) for which individuals may be included on the tribunal roster established under section 30

in the bylaws of the professional regulatory organization.

(2) Despite anything to the contrary in section 42(2), if the term of a public member or registrant who is a member of

- (a) a discipline tribunal convened under section 31,
- (b) an appeal tribunal convened under section 32, or
- (c) a panel established under section 138 to consider a sanction agreement

expires, the member of the tribunal or panel may continue to carry out the member's powers, duties and functions until the proceeding in respect of which the member was appointed has concluded.

Public member terms and continuing to serve beyond expiry

42(1) A public member appointed under this Act must be appointed for a fixed term of not more than 3 years.

(2) A public member may continue to serve after the expiry of the public member's term until the person is reappointed, the person's successor is appointed or a period of 3 months has elapsed, whichever occurs first.

(3) A public member may be reappointed for one or more additional terms, but no individual shall be appointed as a public member for a total term length of more than

- (a) 12 consecutive years on the public member roster established under section 37(2) or as a public member of a joint complaints inquiry committee or joint tribunal, or
- (b) 10 consecutive years, in any other case.

(4) A break of service of less than 2 years shall be disregarded in determining the number of consecutive years under subsection (3).

(5) A public member who has served for the maximum period set out in subsection (3) is eligible to be reappointed as a public member if at least 2 years have elapsed since the person's last term expired.

(6) Notwithstanding subsection (3), if, in the opinion of the Minister, it is necessary to ensure the effective operation of a professional regulatory organization, the Minister may order that subsection (3) does not apply in respect of a specified appointment.

Quorum, Vacancies and Absences

Quorum

43 The quorum for the governing body and each committee, sub-committee, tribunal, panel or task force of a professional regulatory organization must be established in the bylaws of each professional regulatory organization.

Vacancies and absences

44(1) Except as otherwise provided in this Act, and subject to applicable bylaws prescribing quorum, the powers, duties and functions of a governing body, committee, sub-committee, tribunal, panel or task force are not affected by

- (a) the failure of a public member, registrant member or other appointee to attend a meeting,
- (b) a vacancy in the office of a public member, registrant member or other appointee, or
- (c) the inability of a public member, registrant member or other appointee to attend or act for any reason.

(2) If a tribunal determines that it will not continue to act as a result of the failure of a member to attend meetings, a vacancy or the inability of a member to act, the remaining members of the tribunal must refer the matter back to the discipline tribunal roster chair or appeal tribunal roster chair, as the case may be, to convene a new tribunal.

Division 5 Undesignated Powers and Delegation

Undesignated Powers, Duties and Functions

Carrying out professional regulatory organization's functions

45 If no individual, committee, tribunal or other body is

- (a) designated by this Act, or
- (b) prescribed by the regulations, bylaws or a governing body

to perform a power, duty or function of a professional regulatory organization, the chair of the governing body or a designate of the chair of the governing body may perform it.

Delegation

Governing body delegation

46(1) Subject to the bylaws of the applicable professional regulatory organization, a governing body may delegate any of its powers, duties or functions to an individual, committee or sub-committee except the power to make bylaws, a code of ethics and conduct and practice standards and guidelines.

(2) A governing body may impose conditions on a delegation under subsection (1).

(3) When a governing body delegates a power, duty or function, it may authorize the individual or committee to further delegate the power, duty or function, subject to any conditions imposed by the governing body.

(4) Any reference in this Act or any other enactment to a governing body is deemed to also be a reference to a delegate or subdelegate of the governing body.

Individual and committee delegation

47(1) Subject to the bylaws of a professional regulatory organization, an individual or committee to whom a power, duty or function is given under this Act may delegate the power, duty or function to one or more individuals, sub-committees, panels or task forces.

(2) An individual or committee making a delegation under subsection (1) may impose conditions on the delegation.

(3) When an individual or committee delegates a power, duty or function, it may authorize the individual, sub-committee, panel or task force receiving the delegation to further delegate the power, duty or function, subject to any conditions imposed by the individual or committee.

(4) Notwithstanding subsection (1),

- (a) a complaints inquiry committee may not delegate the committee's powers, duties or functions with respect to the review of a complaint, a hearing or an appeal, and
- (b) the powers, duties and functions of the CIC chair and a CIC secretary may not be delegated to the same individual.

(5) Any reference in this Act or any other enactment to a committee is deemed to also be a reference to a delegate or subdelegate of the committee.

Division 6

Annual Report and Directory of Officials

Annual report

48(1) Each professional regulatory organization must

- (a) submit an annual report on its operations and functions to the Minister, and
- (b) publish the annual report

in accordance with the regulations.

(2) An annual report must be in a form acceptable to the Minister and must contain the information prescribed in the regulations.

(3) On receipt of a report under subsection (1), the Minister must lay a copy of it before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(4) The Minister may require a professional regulatory organization to submit any reports the Minister considers appropriate to the Minister in addition to the report required under subsection (1).

Directory of officials

49(1) Each professional regulatory organization must establish and maintain a directory in accordance with the regulations that contains the names and contact information of the officials of the professional regulatory organization.

(2) The information in the directory must be

- (a) published on the professional regulatory organization's website,
- (b) made available to the public during regular business hours, and
- (c) provided to the Minister on request.

Division 7 Code of Ethics and Conduct and Practice Standards and Guidelines

Establishment of code of ethics and conduct and practice standards and guidelines

50(1) Each governing body must make a code of ethics and conduct and practice standards and guidelines for registrants in accordance with the regulations.

(2) A governing body must make a copy of any proposed code of ethics and conduct and any proposed practice standards and guidelines available to

- (a) the Minister, and
- (b) the professional regulatory organization's registrants,

for review and comment and must indicate when comments must be provided by.

(3) A governing body may make a code of ethics and conduct or practice standards and guidelines only after it has provided a reasonable opportunity for review and comment and has reviewed and considered any comments received.

(4) Each governing body must make copies of its code of ethics and conduct and practice standards and guidelines available to the public and to registrants on request, and must publish these documents on the professional regulatory organization's website.

Part 5 Registration

Division 1 Categories and Classes of Registrants

Categories and classes of registrants

51(1) An individual may apply to be registered

- (a) as an individual registrant, a temporary registrant or in a category of registrant established by the regulations, and
- (b) in a class of registrants established by the regulations

in accordance with this Part.

(2) If the Minister has authorized or required a professional regulatory organization to register business entities as business registrants in the regulations, and the governing body has made the bylaws required under section 213(1)(p)(iii) and (v), a business entity may apply to be registered

- (a) as a business registrant, and
- (b) in a class of business registrants established by the regulations

in accordance with this Part.

Division 2 Registration of Individuals

Application for registration

52(1) An individual may apply to be registered as an individual registrant or in a category and class of registrant established under this Act for a professional regulatory organization in accordance with this Division.

(2) An application for registration must be in the form required by the bylaws of the applicable professional regulatory organization and must be submitted to the registrar of that professional regulatory organization together with

- (a) evidence of meeting the requirements for competence in the practice of the profession in accordance with section 53,
- (b) evidence of having the required amount and type of professional liability insurance, if professional liability insurance is required by the bylaws of the professional regulatory organization,
- (c) evidence of being a Canadian citizen or an individual permitted to work under the *Immigration and Refugee Protection Act (Canada)*,
- (d) evidence of having good character and reputation, if required by the bylaws of the professional regulatory organization,
- (e) evidence of meeting standards of language proficiency, if required by the bylaws of the professional regulatory organization,
- (f) evidence of meeting any other registration requirements established in the bylaws of the professional regulatory organization,
- (g) any application fees required by the bylaws of the professional regulatory organization, and
- (h) any other information required by the bylaws of the professional regulatory organization.

(3) If an applicant is already registered or was previously registered in another jurisdiction in Canada or with an organization outside Canada that regulates the same profession as the professional regulatory organization the applicant is applying to, the applicant, in addition to providing the information required under subsection (2), must provide a certificate, letter or other evidence from each organization in which the applicant is currently registered or was previously registered confirming the standing of any current or former registration in that jurisdiction.

(4) The registrar or registration committee may require an applicant to submit any additional information that is required to assess and make a determination with respect to an application for registration.

Competency requirements

53(1) An applicant may meet the requirements for competence in the practice of the profession by fulfilling one or more requirements related to education, training, experience, knowledge, skills, proficiency or judgment prescribed by the regulations and the bylaws of the professional regulatory organization.

(2) An individual who is registered with a professional regulator that regulates the same profession in a province or territory that is a signatory to one or more domestic trade agreements that are in force in Alberta at the time the application is made is deemed to have met the requirements for competence in the practice of the profession.

(3) An individual who

- (a) is registered in a manner that meets the criteria set out in the bylaws of the professional regulatory organization with an organization outside Canada that regulates the same profession and that is recognized by the governing body of the professional regulatory organization in accordance with the bylaws of the professional regulatory organization as having substantially equivalent competence, experience and practice requirements, and
- (b) has fulfilled any additional requirements specified by the bylaws of the professional regulatory organization

is deemed to have met the requirements for competence in the practice of the profession.

Citizenship requirements

54(1) Subject to the regulations, an individual is not eligible to be registered in a professional regulatory organization unless the individual is a Canadian citizen or an individual permitted to work in Canada under the *Immigration and Refugee Protection Act* (Canada).

(2) The Minister may make regulations permitting the registration of individuals who are not Canadian citizens or who are not permitted to work in Canada under the *Immigration and Refugee Protection Act* (Canada) in one or more professional regulatory organizations.

Consideration of applications

55(1) The registrar of a professional regulatory organization, within the time prescribed in the regulations or, if no time is prescribed in the regulations, within a reasonable time, must give notice to the applicant that the application has been received, whether it is complete and, if it is not complete, how it is not complete.

(2) If an incomplete application is made complete by the applicant, the registrar must, as soon as reasonably possible, give notice to the applicant that a complete application has been received.

(3) The registrar or registration committee of the professional regulatory organization, within 6 months after

- (a) the receipt by the registrar of a complete application, or
- (b) an incomplete application has been made complete,

must consider the application, make a decision under section 56 and notify the applicant of the decision.

(4) The registrar or registration committee may refer an application for registration to the competence committee, if one has been established by the professional regulatory organization, for input and recommendations respecting the application and any conditions or restrictions that should be imposed relating to competency.

(5) If the registrar or registration committee does not notify the applicant of the decision about the application within the time prescribed in subsection (3), the application for registration is deemed to be refused and the applicant may appeal under section 69(1)(a).

Decisions on applications

56(1) After considering an application for registration, the registrar or registration committee must make a decision and

- (a) approve the application if the requirements for registration are met,
 - (i) with or without conditions or restrictions on the applicant's registration that are permitted by the bylaws of the professional regulatory organization

and, in the opinion of the registrar or registration committee, are in the public interest, and

(ii) with conditions or restrictions on the application's registration prescribed by the bylaws of the professional regulatory organization,

(b) defer the registration of the applicant for a period not exceeding one year if, in the opinion of the registrar or registration committee, it is in the public interest to defer the registration of the applicant until the applicant complies with conditions imposed by the registrar or registration committee under subsection (2), or

(c) refuse the application if, in the opinion of the registrar or registration committee, it is in the public interest.

(2) If the registrar or registration committee defers an application under subsection (1)(b), the registrar or registration committee may require an applicant

(a) to pass one or more examinations, obtain more experience of a kind satisfactory to the registrar or registration committee and for a time set by the registrar or registration committee, or comply with any other condition that the registrar or registration committee may deem appropriate within any time specified by the registrar or registration committee, and

(b) to become a non-regulated member for the time that the application is deferred, if that is permitted by the bylaws of the professional regulatory organization.

(3) If an applicant whose registration is deferred under subsection (1)(b) provides evidence that the applicant has

(a) passed any examination or examinations the applicant was required to pass,

(b) obtained any experience the applicant was required to obtain, and

(c) complied with any other condition imposed by the registrar or registration committee,

and done so within the time specified and to the satisfaction of the registrar or registration committee, the registrar or registration committee must approve the application.

(4) An application approved under subsection (3)

- (a) may be approved with or without conditions or restrictions on the applicant's registration that are permitted by the bylaws of the professional regulatory organization and, in the opinion of the registrar or registration committee, are in the public interest, and
- (b) must contain conditions or restrictions on the applicant's registration prescribed by the bylaws of the professional regulatory organization.

(5) If an applicant whose registration is deferred under subsection (1)(b) fails to

- (a) pass any examination or examinations the applicant was required to pass,
- (b) obtain any experience the applicant was required to obtain, or
- (c) comply with any other condition imposed by the registrar or registration committee

within the time specified and to the satisfaction of the registrar or registration committee, the registrar or registration committee may refuse the application.

(6) An applicant whose application is refused under subsection (1) or (5) may reapply for registration subject to any conditions or restrictions on re-application specified in the bylaws of the professional regulatory organization.

(7) On making a decision under subsection (1), (3) or (5), the registrar or registration committee must

- (a) give notice of the decision to the applicant,
- (b) in the case of a decision by the registration committee, give notice of the decision to the registrar,
- (c) in the case of a decision to approve an application, register the applicant in accordance with section 57(1)(a), and

- (d) in the case of a decision to impose conditions or restrictions on an approval to register the applicant, to defer a registration or to refuse an application,
 - (i) provide written reasons for the decision to the applicant, and
 - (ii) notify the applicant in writing of the right to appeal the decision under section 69.

(8) An applicant may, on request, review the documents considered by or created by the registrar, the registration committee or the competence committee when considering the applicant's application for registration.

Steps after registration approval

57(1) If an application for registration has been approved, the registrar must

- (a) register the registrant by entering the registrant's name in the professional regulatory organization's Register,
- (b) assign the registrant a unique registration number and enter the information required by section 70 in the appropriate Register, and
- (c) on entering the name of the registrant in the Register, issue to the registrant evidence of registration that includes
 - (i) the name of the registrant,
 - (ii) the registrant's unique registration number,
 - (iii) the name of the professional regulatory organization in which the registrant is registered,
 - (iv) a statement that the evidence of registration is issued by the professional regulatory organization under this Act,
 - (v) the category and class of the registrant's registration,
 - (vi) any conditions or restrictions imposed on the registrant's registration,

- (vii) the expiry date of the evidence of registration, and
- (viii) any other information prescribed in the regulations.

(2) The registrar may issue other documents and things, including stamps, seals or engravings, to the registrant as evidence of registration in accordance with section 58 and the regulations.

Prohibited use of stamp, seal or engraving

58(1) A professional regulatory organization may not issue a stamp, seal or engraving as evidence of registration unless permitted to do so in accordance with this section.

(2) The Minister may authorize the issuance of a stamp, seal or engraving by the registrants of a professional regulatory organization in the regulations, and may make regulations respecting the use of those stamps, seals and engravings.

(3) A registrant that is granted the authority to use a stamp, seal or engraving shall not use that stamp, seal or engraving, or allow that stamp, seal or engraving to be used, except in accordance with the regulations and the bylaws of the professional regulatory organization.

Compliance with Acts

59 An application for registration must be dealt with in a manner consistent with

- (a) the *Fair Registration Practices Act*, and
- (b) the *Labour Mobility Act*.

Division 3 Registration of Temporary Registrants

Temporary registrants

60(1) An individual whose registration is in good standing with a professional regulator that regulates the same profession in another jurisdiction may apply, in accordance with the bylaws of the applicable professional regulatory organization, for temporary registration in a professional regulatory organization for a specific project or scope of work if the professional regulatory organization has authorized temporary registrants in the professional regulatory organization's bylaws.

- (2)** An applicant for temporary registration must satisfy the registrar or registration committee of the professional regulatory organization being applied to that
- (a) the project or scope of work is appropriate for temporary registration, and
 - (b) the applicant's registration is in good standing and the applicant is entitled to practice the applicable profession in another jurisdiction in Canada.
- (3)** Registration as a temporary registrant is valid for a period not to exceed one year, as determined by the registrar or registration committee in accordance with the bylaws of the professional regulatory organization.
- (4)** On application by a temporary registrant, the registrar or registration committee may renew the temporary registration for the temporary registrant on one or more occasions in accordance with the bylaws of the professional regulatory organization.
- (5)** A temporary registrant's registration is subject to
- (a) a condition that the temporary registrant's registration must remain in good standing in the jurisdiction in which the person was registered at the time of the person's application for registration as a temporary registrant,
 - (b) the same conditions and restrictions imposed on the temporary registrant's registration in the other jurisdiction, and
 - (c) any additional conditions or restrictions imposed by the registrar or registration committee.
- (6)** If the person's registration in the other jurisdiction is suspended or cancelled, the person's temporary registration is cancelled.
- (7)** Sections 52 to 59 apply, with all necessary modifications, to applications for temporary registration.

Division 4
Business Registrants and Practice
Arrangements

Business registrants

61(1) A professional regulatory organization may register business entities as business registrants if

- (a) the Minister has authorized or required the professional regulatory organization to register business entities as business registrants in the regulations, and
- (b) the governing body has made the bylaws required under section 213(1)(v).

(2) If a professional regulatory organization is authorized or required to register business entities as business registrants,

- (a) the professional regulatory organization must make bylaws providing for the registration of business registrants for the class or classes of business entities specified in the regulations, and
- (b) the professional regulatory organization may only register the class or classes of business entities specified in the regulations.

(3) The requirements of and process applicable to applications for registration, consideration of those applications and the registration and continuing registration of business registrants must be provided for by the bylaws of the applicable professional regulatory organization, which must accord with the regulations.

(4) Business registrants must comply with any applicable prohibitions, conditions, limits, restrictions or other requirements placed on business registrants or a class of business registrant in the regulations or the bylaws of the applicable professional regulatory organization.

(5) The relationship between a business entity providing professional services and a person receiving the professional services of the business entity is subject to all applicable law and practice relating to the fiduciary, confidential and ethical relationships between an individual registered under this Act and the person receiving the professional services of that individual.

(6) If a professional regulatory organization is authorized to register professional corporations as business registrants then, despite anything to the contrary in the *Business Corporations Act*, every voting shareholder of a professional corporation is liable to the same extent and in the same way as if the shareholder were, during that time, carrying on the business of the professional corporation as a partnership or, if there is only one voting shareholder, as an individual conducting the practice of the profession.

(7) The rights and obligations pertaining to communications made to, or information received by, a registrant apply to the shareholders, partners, directors, officers and employees of a business entity and the participants in a practice in association.

(8) The Minister may make any regulations the Minister considers suitable with respect to business registrants.

Practice arrangements

62(1) Subject to this Act, the regulations and the bylaws, code of ethics and conduct and practice standards and guidelines of a professional regulatory organization, an individual registered under this Act may provide professional services in or through any practice arrangement.

(2) An individual registered under this Act is responsible for how the individual provides professional services and complies with this Act, the regulations and the bylaws, code of ethics and conduct and practice standards and guidelines of a professional regulatory organization and that responsibility is not affected, modified or diminished by any practice arrangement in which the individual practices.

(3) Nothing in this Act or the regulations affects, modifies or limits any law or practice applicable to the fiduciary, confidential or ethical relationship between an individual registered under this Act and a person receiving the professional services of the registrant.

Division 5 Non-regulated Members

Non-regulated members

63(1) If a professional regulatory organization has made bylaws providing for non-regulated members, a person may apply to be a

non-regulated member of the professional regulatory organization in accordance with the professional regulatory organization's bylaws.

(2) Unless otherwise established in the regulations, a non-regulated member of a professional regulatory organization has no right by virtue of that membership to

- (a) use a restricted title,
- (b) engage in a restricted activity, or
- (c) engage in any activity that falls within an exclusive scope of practice.

(3) If an individual is required to register in a professional regulatory organization under the regulations, non-regulated membership does not fulfill that requirement.

Division 6 Continuing Registration

Continuing registration

64(1) A professional regulatory organization must, on a periodic basis as provided for in the bylaws of the professional regulatory organization, review the registration of each registrant in accordance with this section to confirm that each registrant meets the requirements for continuing registration.

(2) An applicant may apply for continuing registration by submitting the following information to the registrar or registration committee of the professional regulatory organization that the registrant is registered with in accordance with the bylaws of the professional regulatory organization:

- (a) satisfactory evidence of completing any continuing competence or education requirements in accordance with the bylaws of the professional regulatory organization;
- (b) satisfactory evidence that the registrant is maintaining professional liability insurance, if required by the bylaws of the professional regulatory organization;
- (c) satisfactory evidence of having complied with any conditions or restrictions on the registrant's registration or practice;

- (d) any changes to the information required to be provided to the registrar under this Act, the regulations and the bylaws of the professional regulatory organization;
- (e) satisfactory evidence that the registrant has paid all fees, fines and costs due to the professional regulatory organization;
- (f) any other information required by this Act, the regulations or the bylaws of the professional regulatory organization.

(3) The registrar or registration committee must review the information submitted under subsection (2) within the time set by the bylaws of the professional regulatory organization.

(4) If a registrant has submitted the information required by subsection (2),

- (a) the registrar or registration committee must confirm that the registrant's registration continues in effect for the time specified by the bylaws of the professional regulatory organization, and
- (b) the registrar must issue new or updated evidence of registration to the registrant in accordance with any requirements established in the regulations and the bylaws of the professional regulatory organization.

(5) If a registrant fails to submit the information required by subsection (2), the registrar or registration committee may

- (a) suspend or cancel the registration of the registrant in accordance with the regulations and the bylaws of the professional regulatory organization,
- (b) impose conditions or restrictions on the registration of the registrant in accordance with the regulations and the bylaws of the professional regulatory organization,
- (c) require the registrant to give an undertaking to the professional regulatory organization with respect to the registrant's practice,
- (d) impose a financial penalty in accordance with the regulations and the bylaws of the professional regulatory organization, or

- (e) make a complaint under Part 8 about the conduct of the registrant.

(6) If the registrar or registration committee takes any action under subsection (5)(a), (b), (c) or (d), the registrar or registration committee must

- (a) give notice of the decision to the registrant,
- (b) in the case of the registration committee taking the action, give notice of the decision to the registrar, and
- (c) provide written reasons for the decision to the registrant and notify the registrant in writing of the right to appeal the decision under section 69.

Division 7 Reinstatement of Registration

Reinstatement following a non-disciplinary cancellation

65(1) A former registrant whose registration was cancelled may apply to the registrar of the professional regulatory organization the former registrant was formerly registered with for reinstatement in accordance with this section.

(2) An applicant for reinstatement of registration must

- (a) provide satisfactory evidence to the registrar that the applicant
 - (i) meets the requirements for registration as a registrant of the professional regulatory organization,
 - (ii) meets any education or experience requirements specified by the registrar,
 - (iii) meets any good character and reputation requirements for reinstatement in accordance with the bylaws of the professional regulatory organization, and
 - (iv) has paid all fees, fines and costs that are due or payable under this Act, the regulations or the bylaws,

and

(b) satisfy any other terms or conditions specified by the registrar.

(3) The registrar may reinstate registration for an applicant under subsection (1) if the registrar is satisfied the applicant has complied with subsection (2).

(4) Sections 55, 56, 57 and 69 apply, with all necessary modifications, to applications for reinstatement under this section.

(5) This section does not apply to an application for reinstatement if the former registrant resigned as a result of, or the registration of the former registrant was cancelled as a result of,

(a) a disciplinary process under Part 8 or any appeal in respect of the disciplinary process, or

(b) a disciplinary process or appeal from a disciplinary process under a former Act.

Reinstatement following a disciplinary cancellation

66(1) Unless otherwise provided in the bylaws of a professional regulatory organization, a former registrant whose resignation was accepted or whose registration was cancelled as a result of

(a) a disciplinary process under Part 8 or any appeal in respect of a disciplinary process, or

(b) a disciplinary process or appeal from a disciplinary process under a former Act

may apply to the registration committee of the professional regulatory organization the former registrant was formerly registered with for reinstatement in accordance with this section.

(2) An applicant for reinstatement must

(a) provide satisfactory evidence to the registration committee that the applicant

(i) has complied with all orders and any conditions or restrictions imposed on the applicant in relation to the applicant's resignation or cancellation,

(ii) meets the requirements for registration as a registrant of the professional regulatory organization,

- (iii) meets any education or experience requirements specified by the registration committee,
- (iv) meets good character and reputation requirements for reinstatement in accordance with the bylaws of the professional regulatory organization,
- (v) has taken steps to overcome, and has overcome, any competence or ethical issues that the applicant had, and
- (vi) has paid all fees, fines and costs that are due or payable under this Act, the regulations or the bylaws,

and

- (b) satisfy any other terms or conditions specified by the registration committee.

(3) The registration committee may reinstate the registration of an applicant on any terms that the registration committee considers appropriate.

(4) No application for reinstatement under this section may be made after the date of the resignation or cancellation of the registration until the time specified in the bylaws of the applicable professional regulatory organization has expired.

(5) Each professional regulatory organization must establish a time after which a person is no longer eligible to apply for reinstatement under this section in the professional regulatory organization's bylaws.

(6) Sections 55, 56, 57 and 69 apply, with all necessary modifications, to applications for reinstatement under this section.

Cancellation of disciplinary suspension

67 Unless otherwise provided in the regulations or the bylaws of the applicable professional regulatory organization, if a registrant's registration is suspended as a result of

- (a) a disciplinary process under Part 8 or any appeal in respect of the disciplinary process, or

- (b) a disciplinary process or appeal from a disciplinary process under a former Act,

the suspension must be cancelled once the suspension period, if any, has ended and the registrant has satisfied the discipline tribunal secretary of the applicable professional regulatory organization that the registrant has complied with the order governing the suspension, and any evidence of registration must be returned or reissued.

Cancellation on death

68(1) The registrar of a professional regulatory organization must cancel the registration of a registrant on receiving proof satisfactory to the registrar that the registrant is deceased.

(2) The estate of a deceased registrant shall return any evidence of registration held by the deceased registrant to the professional regulatory organization.

Division 8 Appeals

Appeal to appeal tribunal

69(1) The following may appeal to the appeal tribunal under Part 10:

- (a) an applicant whose application for registration was deemed to be refused under section 55(5);
- (b) an applicant whose application for registration is approved subject to conditions or restrictions, deferred or refused under section 56;
- (c) a registrant whose registration is suspended, cancelled or made subject to conditions or restrictions or who is required to give an undertaking under section 64(5);
- (d) an applicant whose application for reinstatement of registration under section 65 or 66 is approved subject to conditions, deferred or refused.

(2) The appellant and the registrar or registration committee of the applicable professional regulatory organization are the parties to an appeal under this section.

Division 9 Maintaining the Register and Related Records

Maintaining the Register

70(1) The registrar of each professional regulatory organization must establish, maintain and administer a Register that identifies the category and class of each registrant of the professional regulatory organization, in accordance with the regulations and the bylaws of that professional regulatory organization.

(2) The registrar must enter the information required by the regulations in the Register.

(3) The Register of each professional regulatory organization must be publicly available, in person and on the professional regulatory organization's website, and the registrar of the professional regulatory organization must permit any person to inspect the Register during regular business hours.

Additional registrant information

71(1) Each professional regulatory organization must establish and maintain a record with information about each registrant in accordance with the regulations.

(2) A registrant of a professional regulatory organization must provide any information required by the regulations to the professional regulatory organization on registration and must, if there is any change in the information, notify the professional regulatory organization within the time set out in the bylaws of the professional regulatory organization and provide updated information.

(3) A person may, during regular business hours, request the information about a registrant that is included in the record referred to in subsection (1) and a professional regulatory organization must provide the information.

Access to registrant information

72 A professional regulatory organization must provide to any person, within a reasonable time of a written request, any of the following information that it has in its possession regarding a registrant or former registrant of the professional regulatory organization:

- (a) the registration status of the registrant or former registrant, including the category and class of registration and any specialty of the registrant or former registrant recognized by the professional regulatory organization;
- (b) information respecting any suspension of the registration and evidence of registration of the registrant or former registrant, and any restriction, condition or undertaking affecting the practice of the registrant or former registrant;
- (c) information that is required by the bylaws respecting any hearing or appeal relating to the registrant or former registrant and the status of the hearing or appeal;
- (d) any decision, notice of a decision or summary of a decision made in a discipline tribunal hearing or appeal tribunal hearing regarding a disciplinary matter with respect to the registrant or former registrant, and any order made as a result of that decision;
- (e) a summary of any sanction agreement approved under section 139 or a former Act regarding the registrant or former registrant;
- (f) a summary of any findings of unprofessional conduct made with respect to a registrant or former registrant under this Act or a former Act and any order made as a result of those findings when
 - (i) the registration of the registrant or former registrant was cancelled or suspended as a result of the finding, and
 - (ii) the findings were made by a discipline tribunal, appeal tribunal, governing body, committee, tribunal or joint committee or joint tribunal of a professional regulatory organization whose findings or orders are published and made available to all registrants on a named basis.

Websites

73(1) A professional regulatory organization must establish, maintain and administer a website that is accessible to registrants and the public at no charge.

(2) A professional regulatory organization must post information on the website as required under this Act, the regulations and the bylaws of the professional regulatory organization.

(3) A professional regulatory organization must establish a process to correct or remove any information about a registrant or former registrant on its website that is not accurate or that is incomplete.

(4) A professional regulatory organization may disregard a request for a correction or removal of information from the website if, in the opinion of the professional regulatory organization, the request is made to harass the professional regulatory organization or any other person or impede the professional regulatory organization's operations.

Division 10 Duties and Responsibilities

Duties and responsibilities of registrants

74 A registrant must

- (a) comply with this Act, the regulations and the bylaws of the professional regulatory organization the registrant is registered with,
- (b) comply with the code of ethics and conduct and practice standards and guidelines of the professional regulatory organization,
- (c) maintain continuing competence as a registrant, including by complying with the professional regulatory organization's continuing competence program,
- (d) cooperate with the professional regulatory organization,
- (e) perform any powers, duties or functions prescribed by the regulations if the registrant is appointed to the governing body, a committee or a tribunal of the professional regulatory organization, and
- (f) comply with any other requirements established in the regulations.

Return of evidence of registration

75 A registrant or former registrant of a professional regulatory organization must send any evidence of registration to the registrar of the professional regulatory organization on the request of the registrar, including where the registration of the registrant is suspended or cancelled under this Act.

Duties and responsibilities of registrar and registration committee

76(1) The delineation of powers, duties and functions between the registrar and the registration committee must be established in the bylaws of each professional regulatory organization.

(2) The registrar and registration committee of each professional regulatory organization must perform the powers, duties and functions delineated to them in the bylaws and any other powers, duties or functions prescribed by the bylaws.

Part 6 Competence and Continuing Competence

Continuing competence programs

77(1) Each governing body must establish, maintain and administer a continuing competence program in accordance with this section and the bylaws.

(2) If a professional regulatory organization continued under this Act did not have a continuing competence program under its former Act, the governing body of that professional regulatory organization must establish a continuing competence program within 2 years of the date that the professional regulatory organization is continued under this Act.

(3) The governing body of a professional regulatory organization

- (a)** that was designated as a professional regulatory organization under section 9 must establish a continuing competence program within 2 years of the professional regulatory organization's designation as a professional regulatory organization, and
- (b)** established by an amalgamation under section 18 must

- (i) adopt the continuing competence program of a professional regulatory organization that was amalgamated into the amalgamated professional regulatory organization, or
- (ii) if no professional regulatory organization that was amalgamated into the amalgamated professional regulatory organization had a continuing competence program, establish a continuing competence program within 2 years of the effective date of the amalgamation,

unless otherwise specified by the Minister.

(4) A continuing competence program must enable individual registrants of the professional regulatory organization to

- (a) maintain competence in the profession, and
- (b) enhance the registrant's ability to provide professional services.

(5) A continuing competence program must be mandatory for all individual registrants and may be applied to other categories of registrants in accordance with the bylaws of the professional regulatory organization.

(6) The continuing competence program must be maintained and administered by either the governing body of the professional regulatory organization, a practice review committee or competence committee of the professional regulatory organization, or a combination of those bodies, as prescribed by the bylaws of the professional regulatory organization.

Confidentiality of information

78(1) Information related to participation in a continuing competence program is confidential, and any person that has access to or comes into possession of such information shall not publish, release or disclose the information in any manner except as necessary to carry out the person's powers and duties under this Act.

(2) Notwithstanding subsection (1), information related to participation in a continuing competence program may be

- (a) published, released or disclosed by a professional regulatory organization in summarized or statistical form if the information is provided or published in such a manner that it is not possible to relate the information to any particular identifiable person,
- (b) used by a professional regulatory organization to submit to its CIC secretary the name of a registrant and the grounds for a complaint under section 89, or
- (c) released or disclosed to a registrant or the counsel of that registrant in connection with proceedings respecting that registrant under Part 5, 7, 8, 9 or 10.

(3) If any person publishes, releases or discloses information in contravention of this section, that information may not be used in proceedings under any other Part of this Act, in any arbitration or inquiry or in any action, matter or proceeding before a court.

Role of competence committee

79 Where a professional regulatory organization has a competence committee, the competence committee must

- (a) make recommendations, on request, to the registrar or registration committee of that professional regulatory organization on the competence of the registrants of the profession, including with respect to continuing competence requirements and the assessment of those requirements,
- (b) if the registrar or registration committee has referred an application for registration, continuing registration or reinstatement to the competence committee, assess the application and make a recommendation on whether the application should be approved, with or without conditions or restrictions, based on the committee's assessment of whether competence requirements have been met, and
- (c) perform any other power, duty or function given to it under the regulations or the bylaws of that professional regulatory organization.

Referral to complaints inquiry committee

80 Any individual who performs a power, duty or function in a continuing competence program must make a complaint to the applicable CIC secretary under section 89 if the individual is of the opinion that

- (a) a registrant has intentionally provided false or misleading information respecting participation in a continuing competence program,
- (b) a registrant displays a lack of competence in the provision of professional services that has not been remedied by participating in the continuing competence program, or
- (c) the conduct of a registrant constitutes unprofessional conduct that cannot be readily remedied by means of the continuing competence program.

Part 7 Practice Review

Purpose of practice review

81 The purpose of practice review is to

- (a) promote compliance with the code of ethics and conduct and the practice standards and guidelines established by a professional regulatory organization, and
- (b) maintain the competence of the registrants of a profession

through a non-disciplinary process for the review of the practice of a registrant to assist the registrant with complying with the code of ethics and conduct and practice standards and guidelines of the professional regulatory organization, and to address any non-compliance issues.

Practice review committee establishment, powers, duties and responsibilities

82(1) If a governing body wants to establish a practice review program, the governing body must establish a practice review committee or must designate that the professional regulatory organization's competence committee shall act as a practice review committee for the purposes of this Part.

- (2)** A practice review committee must
- (a) appoint practice reviewers to conduct and assist in conducting practice reviews,
 - (b) establish and maintain education and experience qualifications to be met by practice reviewers,
 - (c) establish rules setting out how registrants will be selected for practice review,
 - (d) establish procedures for practice reviews,
 - (e) review the practice of registrants in accordance with the practice review rules and procedures, and
 - (f) perform any other powers, duties and functions specified in the regulations or the bylaws of the professional regulatory organization.
- (3)** A practice review committee shall appoint a practice reviewer to conduct a practice review in accordance with the practice review rules and procedures established under subsection (2).
- (4)** A practice review committee, on its own initiative or at the direction of its governing body, may
- (a) assess existing education and experience requirements for registration and continuing registration and recommend the development of new requirements to the governing body,
 - (b) evaluate the practice standards and guidelines of the professional regulatory organization and recommend changes to those practice standards and guidelines to the governing body,
 - (c) review matters relating to the practice of the profession by registrants of the professional regulatory organization and report on those matters to the governing body, and
 - (d) review and report to the governing body on any other matter the committee deems necessary to protect the public interest.
- (5)** Subject to this Act, the regulations and the bylaws of the professional regulatory organization, a practice review committee

may take any steps or perform any function to meet the purpose of practice review.

Practice review powers

83(1) For the purpose of conducting a practice review, a member of a practice review committee or a practice reviewer appointed by the practice review committee to conduct a practice review has the powers, duties and functions of an investigator under section 99 as those powers relate to conducting a practice review.

(2) A practice review committee, if it considers it to be in the public interest, may direct that the whole or any portion of a practice review be held in private.

Practice review report

84(1) A practice reviewer must, after the completion of a practice review, prepare a written report setting out the results of the practice review and any recommendations, including reasons for any recommendations.

(2) The practice reviewer must provide the report to the practice review committee and to the registrant who is the subject of the practice review.

Decision

85(1) After considering the report of a practice reviewer, the practice review committee must determine if the registrant that is the subject of the practice review has been complying, in whole or in part, with the code of ethics and conduct and practice standards and guidelines of the professional regulatory organization.

(2) If the practice review committee determines that the registrant has not been complying, in whole or in part, with the code of ethics and conduct and practice standards and guidelines, the committee may decide to do one or more of the following:

- (a) recommend practice improvements, practical experience or the engagement of a mentor;
- (b) direct a follow-up practice review in the manner, at the time and for the purpose specified by the committee;

- (c) direct and work with the registrant to establish and implement a professional development plan or a plan to maintain and improve the registrant's professional standards to the satisfaction of the committee;
- (d) direct the registrant to take a course, examination, tutorial or other form of professional development or skills training;
- (e) submit a complaint in accordance with section 89.

(3) If the practice review committee has made a decision under subsection (2)(a), (b), (c) or (d), the committee must provide the registrant with

- (a) written reasons for the decision, and
- (b) notice of the right to appeal established by section 86.

(4) Non-compliance with a decision of the practice review committee may be submitted by a practice review committee to a CIC secretary as a complaint under section 89.

Appeal to appeal tribunal

86(1) A registrant that receives a decision from a practice review committee under section 85(2)(a), (b), (c) or (d) may, within 30 days after receiving a copy of the decision, appeal the decision to an appeal tribunal in accordance with Part 10.

(2) The registrant and the practice review committee are the parties to an appeal under this section.

Part 8 Complaints Inquiry Process

Division 1 Purpose

Purpose

87 The purpose of this Part is to protect the public interest, the integrity of professional regulatory organizations and the practice of the professions regulated by them by

- (a) establishing a process to enforce the code of ethics and conduct and practice standards and guidelines of professional regulatory organizations, and
- (b) providing a means by which complaints about the conduct of registrants and former registrants of professional regulatory organizations can be dealt with in a fair, transparent and expedient way.

Division 2 Complaints, Jurisdiction and Disclosure to Other Regulators

Complaints

88 For the purposes of this Part, a “complaint” includes any alleged unprofessional conduct of a registrant or former registrant of a professional regulatory organization that

- (a) is submitted in accordance with section 89, or
- (b) comes to the attention of a professional regulatory organization other than by way of a complaint submitted under section 89 and that a CIC secretary determines should be treated as a complaint.

Submitting complaint

89(1) Any person may submit a complaint to a professional regulatory organization relating to any alleged unprofessional conduct of a registrant or former registrant of that professional regulatory organization.

(2) A complaint must be submitted in writing by or on behalf of the complainant to the professional regulatory organization of the registrant or former registrant.

Withdrawal of complaint

90(1) In the course of proceedings under this Part or in the course of an appeal under Part 10, a complainant may withdraw a complaint.

(2) Proceedings under this Act may be continued even if a complaint is withdrawn by a complainant.

Jurisdiction over former registrants

91(1) If a registrant's registration is cancelled or otherwise terminated, the professional regulatory organization of the former registrant continues to have jurisdiction in respect of a complaint made against that former registrant if the complaint

- (a) was submitted to, or came to the attention of, the professional regulatory organization while the person was a registrant, or
- (b) relates to the person's conduct while the person was a registrant and was submitted to, or came to the attention of, the professional regulatory organization within the time prescribed by the regulations.

(2) In the circumstances described in subsection (1), this Part and Part 10 apply to the former registrant in the same way those Parts would apply if the cancellation or termination of registration had not occurred.

(3) A complaint about a former registrant that was registered under a former Act but who has not been a registrant under this Act may proceed under this Part if discipline proceedings under a former Act could be commenced if that Act still applied to the professional regulatory organization of the former registrant who is the subject of the complaint.

Disclosure to other regulators

92 The CIC secretary of a professional regulatory organization may disclose a complaint and the status of a complaint to any organization outside Alberta if

- (a) the registrant or former registrant that is the subject of the complaint is registered, was registered or is seeking registration with that organization, and
- (b) the organization regulates the same profession that the professional regulatory organization regulates.

Division 3 CIC Secretary Review

Review by CIC secretary

93(1) Every complaint, including any alleged unprofessional conduct that a CIC secretary determines should be treated as a complaint under section 88(b), must be reviewed by a CIC secretary to determine whether further action shall be taken.

(2) In conducting a review of a complaint, a CIC secretary may require a complainant, a registrant or a former registrant to answer any questions or to provide any records or other information that the CIC secretary deems necessary for the purpose of the review, and that person must comply.

No further action taken

94(1) No further action shall be taken with respect to a complaint if, after completing their review, the CIC secretary determines that

- (a) the alleged conduct is not within the jurisdiction of either the complaints inquiry committee or a discipline tribunal,
- (b) the alleged conduct in question is trivial,
- (c) the complaint is entirely without merit,
- (d) the complaint was made in bad faith or for an improper purpose or motive,
- (e) as a result of the complaint being withdrawn, settled or resolved, it is not in the public interest to proceed with the consideration of the complaint, or
- (f) it is otherwise not in the public interest to proceed with the consideration of the complaint.

(2) If the CIC secretary determines that no further action shall be taken, the CIC secretary

- (a) must, if there is a complainant,
 - (i) notify the complainant of the decision,
 - (ii) provide the complainant with a written explanation of the decision, and

- (iii) notify the complainant of the right to appeal under section 105,

and

- (b) may notify the registrant or former registrant whose conduct is the subject of the complaint.

Notice of complaint

95(1) Unless a CIC secretary has determined under section 94 that no further action shall be taken in respect of a complaint, a CIC secretary, within 30 days after receiving or becoming aware of a complaint, must provide the complaint or particulars of the complaint to the registrant or former registrant whose conduct is the subject of the complaint.

(2) A registrant or former registrant must submit a written response to the complaint or particulars of the complaint to the CIC secretary within 30 days after receiving the complaint or the particulars or within any other period agreed to by the CIC secretary.

Referral of complaint

96 After

- (a) providing the complaint or particulars of the complaint to the registrant or former registrant whose conduct is the subject of the complaint, and
- (b) reviewing the response of the registrant or former registrant,

the CIC secretary may determine under section 94 that no further action shall be taken, but if a CIC secretary determines that further action will be taken, the CIC secretary must refer the complaint and all the information obtained during the course of the secretary's review to the complaints inquiry committee of the CIC secretary's professional regulatory organization.

Division 4

Investigation or Referral of Complaints

Investigation or referral by complaints inquiry committee

97(1) On receipt of a complaint and the information obtained during the course of a CIC secretary's review of the complaint from a CIC secretary, a complaints inquiry committee may appoint an investigator to investigate the complaint or a component of the complaint and may refer the complaint to the discipline tribunal roster chair.

(2) On appointing an investigator, unless in the opinion of the complaints inquiry committee it would significantly harm the investigation, the complaints inquiry committee must provide a written notice of investigation to the complainant and the registrant or former registrant whose conduct is the subject of the complaint, which must identify the subject-matter of the investigation.

(3) On referring a complaint to the discipline tribunal roster chair, the complaints inquiry committee must provide written notice to the complainant and the registrant or former registrant whose conduct is the subject of the complaint and provide them with written reasons for the decision.

(4) The complaints inquiry committee may make any order with respect to clerical and administrative matters that the committee considers necessary relating to an investigation to prevent prejudice to the complainant or the registrant or former registrant whose conduct is the subject of the investigation.

Investigator's power re other conduct

98(1) An investigator may investigate any other alleged conduct that comes to the attention of the investigator in the course of the investigation, whether connected with the complaint referred to the investigator for investigation or not.

(2) Without limiting the generality of subsection (1), an investigator may investigate the alleged conduct of any other registrant or former registrant that comes to the attention of the investigator in the course of an investigation.

(3) If an investigator believes that the alleged conduct of another registrant or former registrant is unprofessional conduct, the investigator shall address this in the investigator's report under

section 104(1) and the complaints inquiry committee may submit a new complaint in relation to that conduct under section 89.

Investigation powers and duties

99(1) For the purpose of conducting an investigation, an investigator may, at any reasonable time,

- (a) order a registrant or former registrant to
 - (i) attend meetings with the investigator or others,
 - (ii) answer any questions the investigator may have relating to the investigation and to answer the questions under oath, and
 - (iii) give to the investigator any record, information, substance or thing that, in the opinion of the investigator, is or may be relevant to the investigation that the registrant or former registrant possesses or has under the registrant or former registrant's control,
- (b) request a person other than a registrant or former registrant to
 - (i) attend meetings with the investigator or others,
 - (ii) answer any questions the investigator may have relating to the investigation and to answer the questions under oath, and
 - (iii) give to the investigator any record, information, substance or thing that, in the opinion of the investigator, is or may be relevant to the investigation and that the person possesses or has under their control,

and

- (c) subject to subsection (2), enter and inspect any building where a registrant practices the registrant's profession.

(2) If a building where a registrant practices the registrant's profession contains a private dwelling, the investigator may not enter any part of the building designed to be used as and being used

as a permanent or temporary private dwelling without an order of the Court of King's Bench.

(3) An investigator may take any record, information, substance or thing that a registrant or former registrant has given the investigator under subsection (1)(a)(iii) to copy, examine or perform tests on.

(4) If an investigator takes any record, information, substance or thing under subsection (3), the investigator must return the record, information, substance or thing within a reasonable time and, in any case, after any hearing relating to the matter being investigated is completed and any right to an appeal has expired, unless, in the case of a substance or thing, it is not possible to return the substance or thing because that substance or thing has been depleted.

(5) An investigator may request a person to give up possession of any record, information, substance or thing requested under subsection (1)(b)(iii) to allow the investigator to take them away to copy, examine or perform tests on them, in which case the investigator must return them within a reasonable time and, in any case, after any hearing relating to the matter being investigated is completed and any right to an appeal has expired, unless, in the case of a substance or thing, it is not possible to return the substance or thing because that substance or thing has been depleted.

Court orders

100(1) A professional regulatory organization, on the request of an investigator or the professional regulatory organization's complaints inquiry committee, may apply to the Court of King's Bench for an order

- (a) directing a registrant or former registrant to comply with an order of, or the exercise of a power by, an investigator under section 99,
- (b) authorizing the investigator to enter the private dwelling of a registrant or former registrant, or
- (c) directing any other person to
 - (i) attend meetings with the investigator to answer any questions the investigator may have relating to the investigation and to answer those questions under oath,

- (ii) give to the investigator any record, information, substance or thing that is or may be relevant to the investigation that the person possesses or that is under the control of the person, and
- (iii) allow the investigator to copy, examine or perform tests on a record, information, substance or thing referred to in subclause (ii) and then return it within a reasonable time unless, in the case of a substance or thing, it is not possible to return the substance or thing because the substance or thing has depleted.

(2) Notice of an application for an order under subsection (1) must be served on affected parties unless the Court of King's Bench is satisfied that it is proper to dispense with notice in the circumstances.

(3) If the Court is satisfied, based on the sworn testimony of an investigator, that it is necessary for the purpose of the investigation, the Court may issue an order referred to in subsection (1).

Providing records, information, substances or things

101(1) A person may comply with a request made under section 99(1) or an order made under section 100(3)

- (a) to provide a record or information by giving copies of the record or information, and
- (b) to provide a substance or thing by giving samples of the substance or thing if the investigator agrees to this or it is permitted by a court order.

(2) If a person provides a copy or sample under subsection (1), the person must, on the request of the investigator, allow the investigator to compare the copy or sample with

- (a) the original record or information, or
- (b) other samples of the substance or thing taken by the investigator

at the person's place of business during regular business hours or at any other place or time agreed to by the person and the investigator.

(3) A person that gives an investigator

- (a) a record, information, substance or thing under section 99(1) or in response to a Court of King's Bench order under section 100(3), or
- (b) a copy of a record or information or a sample of a substance or thing under subsection (1)

is not entitled to any indemnification for the expense of producing the record, information, substance or thing, except for the reasonable costs of copying them or providing them.

Confidentiality of records, information, substances and things

102(1) All records, information, substances or things received by an investigator under section 99(1)(a) or (b) or an order made under section 100(3) are confidential and

- (a) may not be used or disclosed except in accordance with this Part or Part 10 without
 - (i) the written consent of all persons whose interests might reasonably be expected to be affected by the disclosure, or
 - (ii) a court order authorizing the disclosure,

and

- (b) none of the following people may be required to give testimony or produce any document with respect to the record, information, substance or thing, other than in a proceeding under this Act:
 - (i) an investigator;
 - (ii) a member of a complaints inquiry committee, discipline tribunal, appeal tribunal or governing body;
 - (iii) an officer, employee, registrant, non-regulated member, agent or representative of a professional regulatory organization.

(2) The disclosure of records, information, substances or things to an investigator under section 99(1)(a) or (b) or under an order made

under section 100(3) does not negate or constitute a waiver of any privilege, and the privilege continues for all other purposes.

Disclosure to other professional regulators

103 Notwithstanding anything to the contrary in section 102(1)(a), a complaints inquiry committee or, with the consent of a complaints inquiry committee, an investigator may disclose information about an investigation, other than information that is subject to solicitor-client privilege, to any professional regulator with which a registrant or former registrant that is the subject of the investigation is registered, was registered or is seeking registration.

**Division 5
Complaints Inquiry Committee Review**

Duty of the complaints inquiry committee

104(1) An investigator must report, in writing, to the complaints inquiry committee that appointed the investigator on the results of an investigation.

(2) Subject to subsection (3), within a reasonable time after receipt of an investigator's report, the complaints inquiry committee must

- (a) determine that no further action shall be taken if the complaints inquiry committee determines that
 - (i) the conduct investigated is not within the jurisdiction of either the complaints inquiry committee or a discipline tribunal,
 - (ii) there is insufficient or no evidence of unprofessional conduct,
 - (iii) the complaint was made in bad faith or for an improper purpose or motive,
 - (iv) as a result of the complaint being withdrawn, settled or resolved, it is not in the public interest to proceed with the consideration of the complaint, or
 - (v) it is otherwise not in the public interest to proceed with the consideration of the complaint,
- (b) direct that a further or other investigation be carried out by the same or another investigator, or

- (c) refer
 - (i) the complaint or the component of the complaint that the investigator was appointed to investigate, and
 - (ii) any other conduct of the registrant or former registrant that came to the attention of the investigator in the course of the investigation that the complaints inquiry committee believes is unprofessional conduct

to the discipline tribunal roster chair.

(3) If a complaints inquiry committee has already referred a complaint to the discipline tribunal roster chair under section 97, the committee may not determine that no further action shall be taken but may

- (a) direct that a further or other investigation be carried out by the same or another investigator, and
- (b) refer any other conduct of the registrant or former registrant that came to the attention of the investigator in the course of the investigation that the investigator believes is unprofessional conduct to the discipline tribunal roster chair.

(4) If no further action will be taken in respect of a complaint, but other conduct of the registrant or former registrant came to the attention of an investigator in the course of an investigation that an investigator believes is unprofessional conduct, the investigator shall submit a complaint under section 89 with respect to this other conduct.

(5) The complaints inquiry committee must

- (a) provide written notice to the registrant or former registrant whose conduct was investigated and the complainant, if any, of the committee's decision and provide them with the written reasons for the decision, and
- (b) provide written notice to the complainant of the right to appeal established by section 105 if the complaints inquiry committee decides that no further action shall be taken.

(6) If the complaints inquiry committee determines that no further action shall be taken, the committee may make recommendations or provide guidance to a registrant or former registrant whose conduct was investigated.

(7) Notwithstanding section 133(1)(a), if a member of the complaints inquiry committee conducted the investigation, that member may participate in, but may not vote on, a decision under subsection (2).

Appeal from decision to take no further action

105(1) Within 30 days after receiving notice that

- (a) a CIC secretary has determined under section 94(1) that no further action be taken, or
- (b) the complaints inquiry committee has determined under section 104(2)(a) that no further action be taken,

a complainant may appeal the decision to an appeal tribunal in accordance with Part 10.

(2) The complainant and the complaints inquiry committee are the parties to an appeal made under this section.

Referral of potential criminal conduct

106 If a complaints inquiry committee is of the opinion that there are reasonable grounds to believe that the registrant or former registrant whose conduct is the subject of the complaint has committed a criminal offence, the committee must direct the CIC secretary to

- (a) advise the Minister of Justice of the basis for the committee's opinion, and
- (b) on request, send a copy of any information obtained during the course of the committee's review of a complaint to the Minister of Justice, except information that is subject to solicitor-client privilege.

Division 6 Discipline Tribunal Proceedings

Discipline tribunal hearing

107(1) When a complaint, a component of a complaint or other alleged conduct that came to the attention of the investigator in the course of the investigation is referred to a discipline tribunal roster chair, the chair must, in accordance with section 31, convene a discipline tribunal to conduct a hearing into the complaint, the component of the complaint or the other alleged conduct referred to the tribunal.

(2) A discipline tribunal must commence a hearing within 120 days after a complaint, a component of a complaint or other alleged conduct is referred to the discipline tribunal roster chair or within such other time as the discipline tribunal roster chair permits.

(3) Before a discipline tribunal is convened by the discipline tribunal roster chair, the discipline tribunal roster chair may address procedural matters except matters relating to jurisdiction and bias, and the decision of the chair is final.

Representation before discipline tribunal

108(1) The parties to a discipline tribunal hearing are the complaints inquiry committee and the registrant or former registrant whose conduct is the subject of the complaint, and each is entitled to be represented by counsel.

(2) If an issue at a discipline tribunal hearing concerns

- (a) a matter of importance to a professional regulatory organization, or
- (b) the interpretation of this Act, the regulations or the bylaws, code of ethics and conduct or practice standards and guidelines of a professional regulatory organization,

the professional regulatory organization may be represented by counsel and may present arguments at the hearing.

(3) If a discipline tribunal is receiving legal advice from counsel in the context of a discipline tribunal hearing, that counsel must not present evidence or arguments at the hearing on behalf of the complaints inquiry committee or the professional regulatory

organization, or otherwise act as counsel for the committee or professional regulatory organization.

Notice of hearing and particulars of allegation

109(1) Unless the registrant or former registrant whose conduct is the subject of the complaint agrees to a shorter period, a discipline tribunal secretary must serve the registrant or former registrant, the complaints inquiry committee and any other person entitled to be represented at the hearing at least 30 days prior to the hearing with notice of the date, time and place at which the discipline tribunal will hold a hearing into the complaint, the component of the complaint or the other alleged conduct referred to it.

(2) Unless the registrant or former registrant whose conduct is the subject of the complaint agrees to a shorter period, the complaints inquiry committee must give the registrant or former registrant and any other person entitled to be represented at the hearing reasonable particulars of the complaint, the component of the complaint or the alleged conduct referred to the discipline tribunal at least 30 days before the date set for the discipline tribunal's hearing.

(3) In advance of the hearing, a discipline tribunal secretary must publish a notice of hearing in accordance with the bylaws of the applicable professional regulatory organization.

Amending or withdrawing allegations

110(1) The complaint, component of the complaint or other alleged conduct that was referred to a discipline tribunal may be amended or added to,

- (a) before the hearing starts, by the complaints inquiry committee giving reasonable notice of the amendment or addition to the registrant or former registrant whose conduct is the subject of the complaint and to any other person entitled to be represented at the hearing, or
- (b) after the hearing starts, by the complaints inquiry committee applying to the discipline tribunal for approval to amend or add to a complaint, component of a complaint or other alleged conduct referred to the tribunal.

(2) A complaint, a component of a complaint or other alleged conduct referred to a discipline tribunal may be withdrawn,

- (a) before the hearing starts, by the complaints inquiry committee giving notice of the withdrawal to the registrant or former registrant whose conduct is the subject of the complaint and any other person entitled to be represented at the hearing, or
- (b) after the hearing starts, by the complaints inquiry committee giving notice of the withdrawal to the discipline tribunal, the registrant or former registrant whose conduct is the subject of the complaint and any other person entitled to be represented at the hearing.

(3) Where an application is made under subsection (1)(b), the discipline tribunal may accept, with or without conditions, the amendment or addition to the complaint, component of the complaint or other alleged conduct referred to the tribunal, or may refuse it.

(4) If a complaint, component of the complaint or other alleged conduct that was referred to a discipline tribunal has been amended or added to under subsection (1)(a), the discipline tribunal may grant an adjournment of the hearing for a reasonable time to enable the registrant or former registrant whose conduct is the subject of the complaint to prepare to respond to the complaint, component of the complaint or other alleged conduct as amended or added to.

(5) If a discipline tribunal accepts an application under subsection (1)(b), the discipline tribunal must grant an adjournment of the hearing for a reasonable time to enable the registrant or former registrant whose conduct is the subject of the complaint to prepare to respond to the complaint, component of the complaint or other alleged conduct as amended or added to, unless the registrant or former registrant states that no adjournment is necessary.

(6) If the discipline tribunal is of the opinion that a separate hearing is required with respect to a proposed addition or amendment to a complaint under subsection (1)(b), the discipline tribunal may refer the matter to a CIC secretary for consideration as a complaint under section 89.

Evidence and procedure

111(1) A discipline tribunal

- (a) may hear and inquire into a complaint, the component of a complaint or other alleged conduct referred to the tribunal,

as amended or added to, and any other matter arising in the course of the hearing in any manner it considers appropriate,

- (b) is not bound by the rules of evidence or any other law applicable to judicial proceedings, and
- (c) has the power to determine the admissibility, relevance and weight of any evidence.

(2) A discipline tribunal may determine the manner in which evidence is to be admitted.

(3) Questions of procedure arising after the discipline tribunal has been convened but before the commencement of the discipline tribunal hearing may be decided by the discipline tribunal or the discipline tribunal chair in accordance with the bylaws of the applicable professional regulatory organization.

(4) Any procedural decision made by the discipline tribunal or the discipline tribunal chair is final.

Compellable witnesses

112(1) The registrant or former registrant whose conduct is the subject of the complaint and any other person that, in the opinion of a discipline tribunal, has knowledge relevant to the matters being considered by the tribunal are compellable witnesses in any proceeding under this Act.

(2) A witness may be examined under oath on anything relevant to any matter being considered by a discipline tribunal and is not to be excused from answering any question on the ground that the answer might tend to

- (a) incriminate the witness,
- (b) prove that the witness has committed an offence under this Act, or
- (c) establish liability in a civil proceeding or to prosecution under any Act.

(3) Answers to questions given by a person before a discipline tribunal that tend to

- (a) incriminate the person,

- (b) prove that the person committed an offence under this Act, or
- (c) subject the person to a penalty or establish the person's liability in a civil proceeding or to prosecution under any Act

are not admissible as evidence in civil proceedings, in a prosecution under section 205 or in any other action, as defined in the *Alberta Evidence Act*, that is not under this Act.

(4) The protection provided by subsection (3) does not apply in a prosecution for, or proceedings in respect of, perjury or the giving of contradictory evidence.

Notice to attend and produce records, information, substances or things

113(1) A party to a discipline tribunal hearing may compel

- (a) the attendance of a witness before the discipline tribunal whose testimony is expected to be relevant to the matters being considered by the tribunal, and
- (b) the production of a record, information, substance or thing that is relevant to the matters being considered by the tribunal,

by serving a notice issued by the discipline tribunal's secretary on a person requiring the person to attend as a witness at a date, time and place specified in the notice and to produce any record, information, substance or thing specified in the notice, and the person must comply.

(2) On the written request of the registrant or former registrant whose conduct is the subject of the complaint or the complaints inquiry committee, the discipline tribunal secretary must issue, without charge, any notices that are required to compel

- (a) the attendance of a witness whose testimony the secretary believes will be relevant to the complaint, component of the complaint or other matters being considered by the tribunal, or
- (b) the production of any record, information, substance or thing that the secretary believes is relevant to the

complaint, component of the complaint or other matters being considered by the tribunal.

(3) A witness, other than the registrant or former registrant whose conduct is the subject of the complaint, who has been served with a notice to attend or a notice to produce records, information, substances or things is entitled to be paid by the party serving the notice the same fees, expenses and allowances payable to a witness in an action in the Court of King's Bench.

(4) A party who requests a notice from a discipline tribunal secretary under this section is responsible for serving the notice and must pay all costs incurred in effecting service.

Commission evidence

114 To obtain the evidence of a person outside Alberta, the complaints inquiry committee or the registrant or former registrant whose conduct is the subject of the complaint may apply to a judge of the Court of King's Bench, without notice to any person, for an order directing the obtaining of the evidence of the person in the manner provided under the *Alberta Rules of Court* for the taking of the evidence of a person outside Alberta, or as otherwise ordered by the Court of King's Bench.

Communication to discipline tribunal

115(1) All written communication to a discipline tribunal by one of the parties must be sent to its discipline tribunal secretary, who must provide copies of the written communication to the other parties and the discipline tribunal members.

(2) Except in accordance with subsection (1), parties, representatives, witnesses and complainants may not communicate with a discipline tribunal or any of its members concerning the subject-matter of a hearing except

- (a) in the presence of all parties or their representatives, or
- (b) as permitted by this Act or the bylaws of the applicable professional regulatory organization.

Civil contempt proceedings

116(1) Proceedings for civil contempt of court may be brought in the Court of King's Bench against a witness who

- (a) fails to
 - (i) attend before a discipline tribunal in accordance with a notice to attend, or
 - (ii) produce a record, information, substance or thing in accordance with a notice to produce them,
- or
- (b) refuses to
 - (i) be sworn or affirmed as a witness at the proceedings, or
 - (ii) answer any question that the witness is directed to answer by a discipline tribunal.

(2) The chair of a discipline tribunal may record the failure or refusal of a witness who is a registrant under subsection (1) and refer the matter to a professional regulatory organization as a complaint.

Proceedings in absence of registrant

117 A discipline tribunal, on evidence of service of notice of the hearing on the registrant or former registrant whose conduct is the subject of the complaint, may

- (a) proceed with the hearing in the absence of the registrant or former registrant, and
- (b) act and decide on any matter that is before the tribunal.

Discipline tribunal findings

118(1) For each matter before it, a discipline tribunal must determine whether the conduct of the registrant or former registrant whose conduct is the subject of the complaint constitutes unprofessional conduct.

(2) A discipline tribunal may find any of the following to be unprofessional conduct:

- (a) conduct that is detrimental to the public interest or that harms or tends to harm the integrity of the profession;

- (b) conduct that contravenes this Act, the regulations or the bylaws of the applicable professional regulatory organization;
- (c) conduct that contravenes the code of ethics and conduct or practice standards and guidelines of the applicable professional regulatory organization;
- (d) conduct that displays a lack of competence in the applicable profession;
- (e) the contravention of or failure to comply with
 - (i) an order of a discipline tribunal, a discipline body under a former Act, an appeal tribunal, an appeal body under a former Act, the Court of King's Bench or the Court of Appeal issued under this Act or a former Act,
 - (ii) an undertaking made under this Act or a former Act, or
 - (iii) a restriction, condition or undertaking on registration or practice made under this Act or a former Act;
- (f) the failure or refusal to abide by an agreement that resolves a complaint reached through an alternative complaint resolution process under section 135 or under a former Act;
- (g) the failure or refusal to abide by a sanction agreement approved under section 139 or a former Act;
- (h) the failure or refusal to answer questions, provide records or information or otherwise fail to cooperate in a review, investigation or proceeding under this Act;
- (i) the failure or refusal to comply with an order of, a condition or restriction imposed by, or an undertaking provided to a governing body, a committee or tribunal or a registrar under this Act;
- (j) the failure or refusal to undergo an examination directed under section 143(1) or to comply with a direction made under section 143(2);

- (k) displaying a lack of knowledge or a lack of skill or judgment in the provision of professional services;
- (l) the contravention of another Act that applies to the registrant;
- (m) representing or holding out that the person's registration was in good standing while the person's registration was suspended or cancelled;
- (n) representing or holding out that the person's registration is not subject to conditions, restrictions or an undertaking when it is or misrepresenting the conditions, restrictions or undertaking;
- (o) obtaining registration by fraud, deceit or misrepresentation;
- (p) the failure to comply with a notice to attend a hearing under this Act or a former Act;
- (q) the failure or refusal to comply with the requirements of a continuing competence program.

(3) If, before or after completing a hearing, a discipline tribunal is of the opinion that there are reasonable grounds to believe that the registrant or former registrant whose conduct is the subject of the complaint has committed a criminal offence, the discipline tribunal must

- (a) direct its discipline tribunal secretary to
 - (i) send any factual information the discipline tribunal considers relevant to the Minister of Justice,
 - (ii) send a copy of the tribunal's written decision issued under section 123 to the Minister of Justice, if a decision has been issued, and
 - (iii) send a copy of the order accepting a former registrant's resignation to the Minister of Justice, in the case of a voluntary resignation under section 119,
 and
- (b) on request, direct its discipline tribunal secretary to send a copy of any other information to the Minister of Justice,

except information that is subject to solicitor-client privilege.

Application to discipline tribunal for voluntary resignation, suspension or undertaking

119(1) If a discipline tribunal makes a finding of unprofessional conduct, the registrant whose conduct is the subject of the complaint may apply to the tribunal for an order

- (a) accepting the registrant's resignation as a registrant,
- (b) suspending the registrant, or
- (c) accepting an undertaking to limit the registrant's practice.

(2) If the tribunal accepts the application, the tribunal

- (a) may make the order subject to any conditions that the tribunal considers appropriate in the circumstances,
- (b) may, in the order, specify conditions that must be met by a former registrant before the former registrant becomes entitled to apply for reinstatement of registration, in the case of a resignation, and
- (c) may discontinue the proceedings in whole or in part.

Discipline tribunal orders

120(1) If a discipline tribunal determines that the conduct of a registrant or former registrant whose conduct is the subject of a complaint constitutes unprofessional conduct, the discipline tribunal may issue a warning or make any orders that the discipline tribunal considers appropriate in the circumstances, which may include orders that

- (a) reprimand the registrant or former registrant,
- (b) suspend registration of the registrant for a stated period or pending compliance with specified conditions,
- (c) impose conditions or restrictions on the registrant or former registrant for a stated time, pending compliance with specific conditions or until otherwise ordered by the discipline tribunal or another discipline tribunal, body or

individual specified by the discipline tribunal, including that the registrant or former registrant

- (i) shall not engage in sole practice,
 - (ii) must practice under supervision in accordance with specified terms,
 - (iii) shall not practice in an area of practice of a regulated profession,
 - (iv) shall not practice in an area of practice of a regulated profession until the registrant or former registrant has completed a specified course of studies or obtained supervised practical experience of a type described in the order,
 - (v) must permit periodic inspections of the practice of the registrant or former registrant by an individual authorized by a practice review committee or complaints inquiry committee or a chair of either of those committees,
 - (vi) must undergo counselling, a treatment program or obtain any assistance, in accordance with specified terms that, in the opinion of the discipline tribunal, are appropriate, or
 - (vii) must report on specified matters to a professional regulatory organization, a CIC secretary or a discipline tribunal secretary,
- (d) direct the registrant or former registrant to satisfy a committee, individual or treatment centre specified by the discipline tribunal that an incapacity or addiction can be or has been overcome and suspend the registration of a registrant until the committee, individual or treatment centre is so satisfied,
- (e) direct that, within the time set by the order, the registrant is to successfully complete a particular course of study or examination, or both, obtain supervised practice experience of a type described in the order, complete training or satisfy a committee or individual specified by the discipline tribunal as to the professional competence

generally or in a specified area of practice of the registrant,

- (f) direct a registrant to undergo
 - (i) a practice review, if the governing body of the applicable professional regulatory organization has established a practice review program,
 - (ii) an assessment of whether the registrant meets the competence requirements of a professional regulatory organization, or
 - (iii) an incapacity assessment, if the Minister has authorized the applicable professional regulatory organization to engage in incapacity assessments under Part 9,
- (g) direct a business registrant to develop and implement quality control procedures or professional development policies, or to increase the amount or change the type of professional liability insurance carried by the business registrant,
- (h) direct the payment of all or part of the costs of complying with an order by the registrant or former registrant, including an order to undergo a practice review, an assessment of whether the registrant meets the competence requirements of a professional regulatory organization or an incapacity assessment,
- (i) prohibit, impose restrictions on or place conditions on the ability of the registrant or former registrant to supervise registrants,
- (j) direct the registrant or former registrant to waive, reduce or repay a fee for professional services provided by the registrant or former registrant that, in the opinion of the discipline tribunal, were not rendered or were improperly rendered,
- (k) where the registrant or former registrant is an individual, including a temporary registrant, order the registrant or former registrant to pay to the professional regulatory organization a fine not exceeding \$100 000 for each

finding of unprofessional conduct, within the time fixed by the order,

- (l) where the registrant or former registrant is a business registrant, order the registrant or former registrant to pay to the professional regulatory organization a fine not exceeding \$500 000 for each finding of unprofessional conduct, within the time fixed by the order,
- (m) cancel the registration of the registrant,
- (n) require the return of evidence of registration issued under this Act,
- (o) specify a time within which a registrant or former registrant must comply with an order or any part of it, and specify the consequences of failing to comply, including suspension or cancellation of the registration of the registrant, or
- (p) make any further or other order that the discipline tribunal considers appropriate in the circumstances.

(2) Before making any order under subsection (1), a discipline tribunal is entitled to review, and the professional regulatory organization of the registrant or former registrant whose conduct is the subject of the complaint must provide

- (a) any record the professional regulatory organization has of any prior finding of unprofessional conduct, and any related warning or order, made against the registrant or former registrant,
- (b) copies of any recommendations or guidance from the CIC chair or the complaints inquiry committee arising from the complaint or a prior complaint, and
- (c) any other information the professional regulatory organization possesses about the registrant or former registrant concerning findings of unprofessional conduct against the registrant or former registrant in disciplinary proceedings by a professional regulator in Alberta or a professional regulator in another jurisdiction.

Costs

121(1) In accordance with the bylaws of the applicable professional regulatory organization, a discipline tribunal may order a registrant or former registrant whose conduct is the subject of a complaint to pay costs to a professional regulatory organization, including all or any part of the costs of

- (a) the review of a complaint,
- (b) the investigation of a complaint,
- (c) the determination of procedural matters including any adjournments,
- (d) a discipline tribunal hearing, and
- (e) any other costs associated with the complaints inquiry process or discipline tribunal hearing.

(2) Unless a discipline tribunal orders otherwise, a registrant or former registrant whose conduct is the subject of a complaint must pay to a professional regulatory organization, as part of the costs ordered under subsection (1), all of the reasonable costs for the indemnification of the professional regulatory organization relating to the review of the complaint, the investigation, the determination of procedural matters and the discipline tribunal hearing, including legal expenses and lawyer fees.

(3) The order shall specify when and how the costs are to be paid.

(4) If a registrant whose conduct is the subject of the complaint does not pay costs in accordance with the order of a discipline tribunal, the registration of the registrant is immediately cancelled unless a discipline tribunal or an appeal tribunal otherwise directs.

Failure to pay

122 Subject to the right of appeal, where a registrant or former registrant fails to pay the costs or fines ordered by a discipline tribunal within the time specified in the order, the applicable professional regulatory organization may file a copy of the order with the clerk of the Court of King's Bench, and on being filed, the order has the same force and effect and may be enforced as if it were a judgment of the Court of King's Bench.

Written decisions and dissents

123(1) Within a reasonable time after a discipline tribunal concludes proceedings, the discipline tribunal must issue a written decision giving reasons for its decision and any resulting order, and must provide the decision and any resulting order to the discipline tribunal's secretary.

(2) A member of a discipline tribunal may issue a written dissent disagreeing in whole or in part with the decision of the tribunal, and the dissent forms part of the tribunal's decision.

(3) A discipline tribunal secretary, within a reasonable time after receiving a discipline tribunal's decision and in any case within 30 days of receiving the decision, must

- (a) serve a copy of the decision and any resulting order on the registrant or former registrant whose conduct is the subject of the complaint,
- (b) provide notice to the registrant or former registrant of the right to appeal under section 130,
- (c) serve a copy of the decision and any resulting order on the CIC chair, and
- (d) send a copy of the decision and any resulting order to the complainant.

Publication of decisions

124(1) If a discipline tribunal

- (a) makes any finding of unprofessional conduct, or
- (b) determines that the conduct of the registrant or former registrant whose conduct is the subject of the complaint does not constitute unprofessional conduct,

a discipline tribunal secretary must publish the decision of the discipline tribunal, or a summary of it, along with any resulting order within 30 days following the decision of the tribunal, in accordance with the bylaws of the applicable professional regulatory organization.

(2) If a sanction agreement is approved under section 139, a discipline tribunal secretary must publish the sanction agreement

within 30 days of the agreement being approved, in accordance with the bylaws of the applicable professional regulatory organization.

(3) If a registrant resigns under section 119 or a registrant's registration is cancelled under section 120 or 121(4), a discipline tribunal secretary must publish notice of the cancellation in accordance with the bylaws of the applicable professional regulatory organization.

Hearing records to be retained

125(1) A discipline tribunal must send to its discipline tribunal secretary its decision, any resulting order and all exhibits entered as evidence at the proceedings.

(2) The registrant or former registrant whose conduct is the subject of the complaint and the CIC chair may examine and obtain a copy of the record of proceedings and, in the case of a registrant or former registrant, costs of producing the record of proceedings shall be paid by the registrant or former registrant.

(3) A discipline tribunal secretary must take reasonable steps to preserve the confidentiality of any portion of a record of proceedings entered during a private portion of a hearing in accordance with section 179 and any portion of the written decision relating to the private portion of the hearing.

(4) No decision, order or record of proceedings received by a discipline tribunal secretary may be disposed of except in accordance with the bylaws of the applicable professional regulatory organization.

Failure to comply with sanction agreements, orders and undertakings

126(1) If a registrant or former registrant contravenes or fails to comply with

- (a) a sanction agreement approved under section 139, or
- (b) an undertaking or an order issued by
 - (i) a governing body or any committee, sub-committee, tribunal or court under this Act, or

- (ii) a governing body under a former Act, a competence body under a former Act, a complaints or investigation body under a former Act, a discipline body under a former Act, a registration body under a former Act, a practice review body under a former Act or any other board, committee, sub-committee, tribunal, body or court under a former Act,

and no sanction has been imposed to deal with the contravention or non-compliance, the complaints inquiry committee that approved the sanction agreement or the body that issued the order or undertaking may refer the contravention or non-compliance as a complaint under section 89.

(2) If the body that issued an order or undertaking no longer exists, the body under this Act that replaced that body may refer the contravention or non-compliance as a complaint under section 89.

Charges and convictions for indictable offences

127 If a registrant is charged or convicted of an indictable offence in any court in Canada or charged or convicted of an offence outside Canada that would be regarded as an indictable offence in Canada, the registrant must give notice of the charge or conviction to the CIC secretary of every professional regulatory organization with which the registrant is registered within 21 days after its occurrence, and the CIC secretary shall treat the notice as a complaint under section 89.

Disciplinary proceedings outside Alberta

128(1) If

- (a) a finding of unprofessional conduct has been made against a registrant or former registrant in disciplinary proceedings by, or the registrant or former registrant has entered into a settlement, sanction or similar agreement with, any organization outside of Alberta that regulates a profession, and
- (b) the organization is recognized by a governing body as regulating the same profession as the governing body in accordance with the bylaws of that governing body's professional regulatory organization,

the registrant or former registrant must give notice to the registrant's or former registrant's professional regulatory organization of the finding or agreement within 21 days after becoming aware of the finding or entering into the agreement.

(2) After giving the registrant or former registrant an opportunity to provide information and make representations, the complaints inquiry committee of the professional regulatory organization referred to in subsection (1) may refer the matter to the professional regulatory organization's discipline tribunal roster chair and the chair must convene a discipline tribunal under section 31 to conduct a hearing into the finding or agreement.

(3) A discipline tribunal convened under subsection (2) shall issue a notice of hearing and hold a hearing in accordance with this Part and may, after holding a hearing,

- (a) adopt a finding of the other organization,
- (b) make a finding that the conduct of the registrant or former registrant is unprofessional conduct, and
- (c) impose one or more orders under this Part.

(4) The complaints inquiry committee or a registrant or former registrant may appeal a decision under subsection (3) to an appeal tribunal in accordance with Part 10.

(5) The complaints inquiry committee and the registrant or former registrant are the parties to an appeal under this section.

(6) A professional regulatory organization may act under this section whether it receives notice under subsection (1) or becomes aware of the finding of unprofessional conduct by other means.

Ability to rehear

129(1) On application by a registrant or former registrant whose conduct is the subject of a complaint, or whose conduct was the subject of a discipline tribunal hearing under section 128, if a discipline hearing has been held and no appeal has been commenced, a discipline tribunal roster chair may convene or reconvene a discipline tribunal to rehear a matter if the chair is satisfied that

- (a) new, relevant and persuasive evidence respecting a matter previously heard by a discipline tribunal requires a partial or full rehearing, or
 - (b) it is no longer possible for a registrant or former registrant to comply with an order issued by a discipline tribunal as a result of a material change in circumstances.
- (2) Notice of a rehearing, and reasonable particulars of the matters being reheard, must be given to the registrant or former registrant whose conduct is the subject of the complaint, the complaints inquiry committee and any other person entitled to be represented at the hearing at least 30 days prior to the rehearing.
- (3) A discipline tribunal that has been convened or reconvened under subsection (1) may stay any order related to the matter being reheard.

Division 7

Appeal Rights and Circulating Decisions

Appeals to appeal tribunal

130(1) The following may appeal a finding or order of a discipline tribunal under section 118, 120 or 121 to an appeal tribunal, but only after the discipline tribunal's decision, or a summary of it, has been published under section 124(1):

- (a) a registrant or former registrant whose conduct is the subject of the complaint;
 - (b) a registrant or former registrant whose conduct was the subject of a discipline tribunal hearing under section 128;
 - (c) the complaints inquiry committee.
- (2) The registrant or former registrant and the complaints inquiry committee are the parties to an appeal under this section.
- (3) An appeal to an appeal tribunal must be made in accordance with Part 10.
- (4) If an appeal has been commenced with respect to
- (a) a finding of unprofessional conduct, or

- (b) a determination that the conduct of the registrant or former registrant did not constitute unprofessional conduct,

a discipline tribunal secretary must publish the status of the appeal in accordance with the bylaws of the applicable professional regulatory organization.

Stays pending appeal

131(1) If a discipline tribunal suspends or cancels the registration of a registrant or imposes a condition or restriction on a registrant or former registrant, the decision takes effect immediately.

(2) If a decision referred to in subsection (1) is appealed by the registrant or former registrant, the decision remains in effect until an appeal tribunal makes a decision on the appeal unless an appeal tribunal issues a stay on application by the appellant.

(3) If a discipline tribunal makes an order other than

- (a) the suspension or cancellation of registration, or
- (b) an order that imposes a condition or restriction on the registrant,

the order takes effect only after all rights of appeal have been exhausted unless the discipline tribunal otherwise directs.

(4) If a decision is stayed by an appeal tribunal, the stay shall be published in accordance with the bylaws of the applicable professional regulatory organization.

Circulation of decisions

132(1) After the period for appeal has expired or all rights of appeal have been exhausted, a professional regulatory organization may send a decision of a discipline tribunal or appeal tribunal to

- (a) any federal, provincial or territorial minister of the Crown or to any professional regulator or other governmental or regulatory authority as it considers appropriate, and
- (b) any other person or organization prescribed in the bylaws of the professional regulatory organization

together with such part of the record of proceedings or other information as the professional regulatory organization considers appropriate in order to protect the public interest.

(2) Subject to section 125(2), a professional regulatory organization shall not provide any part of a record of proceedings or other information that relates to the portion of a hearing that is private in accordance with section 179 to any person.

Division 8 Bias Prevention

Bias prevention

133(1) The following persons may not sit as a member of a complaints inquiry committee, discipline tribunal or appeal tribunal that is considering or holding a hearing regarding a complaint or any other conduct that comes to the attention of the investigator in the course of the investigation:

- (a) an investigator who has investigated the complaint or the other conduct;
- (b) a CIC secretary;
- (c) a person who has taken part in an alternative complaint resolution process relating to the complaint or the other conduct.

(2) A person who has participated in the review of a sanction agreement relating to a complaint or other conduct that comes to the attention of an investigator in the course of an investigation may not sit as a member of a discipline tribunal or appeal tribunal that is considering or holding a hearing regarding that complaint or conduct.

Division 9 Alternate Processes

Settlement

134(1) Prior to a complaint being referred to a discipline tribunal roster chair, a complainant and the registrant or former registrant whose conduct is the subject of the complaint may settle the complaint as between the complainant and the registrant or former registrant.

(2) If a complaint is settled as between the complainant and the registrant or former registrant,

- (a) the CIC secretary, if the complaint is settled prior to the CIC secretary acting under sections 94 to 96, may
 - (i) determine that no further action shall be taken with respect to the complaint, or
 - (ii) provide the registrant or former registrant with the complaint or particulars of the complaint and then refer the complaint to the complaints inquiry committee in accordance with sections 95 and 96,

and

- (b) the complaints inquiry committee, if the complaint is settled prior to the committee acting under section 104, may
 - (i) determine that no further action shall be taken with respect to the complaint, or
 - (ii) refer the complaint to the discipline tribunal roster chair in accordance with section 104(2)(c).

Alternative complaint resolution

135(1) A CIC secretary, with the agreement of the complainant and the registrant or former registrant whose conduct is the subject of a complaint, may, at any time before a complaint is referred to a discipline tribunal roster chair, appoint or facilitate the appointment of a mediator, conciliator or other individual to engage in a complaint resolution process in accordance with this section.

(2) The professional regulatory organization of the registrant or former registrant, the complainant and the registrant or former registrant whose conduct is the subject of the complaint are entitled to participate in any complaint resolution process under this section.

(3) The CIC secretary must set a time when the complaint resolution process will end and prior to that time, subject to the termination of the process under subsection (6), the complaints inquiry process will be put on hold.

(4) The individual conducting the complaint resolution process may ask an expert to assess and submit a written report to the individual conducting the complaint resolution process on the subject-matter of the complaint or matters arising from the complaint resolution process.

(5) If a report is prepared under subsection (4), the report may only be provided to the individual conducting the complaint resolution process.

(6) If, during the complaint resolution process, the individual conducting the complaint resolution process determines that the circumstances are substantially different from the allegations made in the complaint, the individual conducting the process must notify the CIC secretary, and the CIC secretary must then determine whether the complaint resolution process should be terminated.

(7) If the complaint resolution process leads to an agreement that resolves the complaint,

- (a) the CIC secretary, if the complaint is resolved prior to the CIC secretary acting under sections 94 to 96, may
 - (i) determine that no further action shall be taken with respect to the complaint, or
 - (ii) provide the registrant or former registrant with the complaint or particulars of the complaint and then refer the complaint to the complaints inquiry committee in accordance with sections 95 and 96,

and

- (b) the complaints inquiry committee, if the complaint is resolved prior to the committee acting under section 104, may
 - (i) determine that no further action shall be taken with respect to the complaint, or
 - (ii) refer the complaint to the discipline tribunal roster chair in accordance with section 104(2)(c).

Confidentiality and admissibility of records

136(1) Any communication and evidence arising from anything said, evidence of anything said or evidence of an admission or communication made in the course of a complaint resolution process under section 135 is confidential and not admissible in any proceedings under this or any other Act or in any action, matter or proceeding before a court without the written consent of

- (a) the complainant and the registrant or former registrant whose conduct is the subject of the complaint, and
- (b) in the case of written evidence, the person who prepared the written evidence, the complainant and the registrant or former registrant whose conduct is the subject of the complaint.

(2) Any document prepared or generated for the purposes of a complaint resolution process under section 135 is confidential and not admissible in any proceedings under this or any other Act or in any action, matter or proceeding before a court without the written consent of the complainant, the registrant or former registrant whose conduct is the subject of the complaint and the person who prepared or generated the document.

Sanction agreements

137(1) At any time before a discipline tribunal starts to hear evidence about a complaint, portion of a complaint, other alleged conduct or other matter, a complaints inquiry committee and a registrant or former registrant may enter into a sanction agreement

- (a) setting out the relevant agreed facts, including an admission of the unprofessional conduct by the registrant or former registrant, and
- (b) stating the sanction to be imposed on the registrant or former registrant, including anything that may be ordered under section 120 or 121.

(2) A sanction agreement does not have effect unless it has been approved under section 139.

Establishment of panel

138(1) If a registrant or former registrant has entered into a sanction agreement, the relevant CIC chair must establish a panel

consisting of the CIC chair, one public member from the public member roster established under section 37(2) and an odd number of members of the relevant complaints inquiry committee to review the sanction agreement and determine whether to approve the agreement.

(2) The CIC chair may appoint a chair for a panel, but if the CIC chair does not do so, the members of a panel must choose a chair from among themselves.

(3) The quorum for a panel is 3 members, which must include the public member.

(4) Each member of the panel has one vote and the panel may make decisions by a majority vote of the panel.

Decision by panel

139(1) A panel established under section 138 may

- (a) approve a sanction agreement, or
- (b) reject a sanction agreement, in which case proceedings under this Part will continue.

(2) If a sanction agreement is approved under this section,

- (a) each admission of unprofessional conduct is to be treated as a finding of unprofessional conduct made by a discipline tribunal, and
- (b) the sanction agreement is to be considered and treated as a decision and order of a discipline tribunal.

(3) The panel must

- (a) notify the complaints inquiry committee of the panel's decision, and
- (b) if a sanction agreement has been approved, provide the complaints inquiry committee with a copy of the agreement.

(4) The complaints inquiry committee must give the complainant written notification of any sanction agreement approved under this section.

(5) A sanction agreement approved under this section may not be appealed to an appeal tribunal.

Criminal offences

140 After being notified of a panel's decision under section 139, if a complaints inquiry committee is of the opinion that there are reasonable grounds to believe that the registrant or former registrant whose conduct is the subject of a sanction agreement has committed a criminal offence, the complaints inquiry committee must

- (a) direct the CIC secretary to send a copy of the sanction agreement approved under section 139 to the Minister of Justice, and
- (b) on request, send a copy of any other information related to the sanction agreement to the Minister of Justice, except information that is subject to solicitor-client privilege.

Application to committee for voluntary resignation

141(1) If a panel approves a sanction agreement under section 139, the registrant whose conduct is the subject of the agreement may apply to the complaints inquiry committee for an order accepting the registrant's resignation.

(2) If the complaints inquiry committee accepts the application, the committee

- (a) may make the order accepting the resignation subject to any conditions that the committee or tribunal considers appropriate in the circumstances,
- (b) may, in the order, specify conditions that must be met by the former registrant before the former registrant becomes entitled to apply for reinstatement of registration, and
- (c) may discontinue the proceedings in whole or in part.

Division 10 Additional Suspension Powers

Temporary suspension

142(1) Notwithstanding anything in this Act, after giving a registrant an opportunity to provide information and make

representations, a CIC chair may, by written direction to the registrar of the applicable professional regulatory organization,

(a) suspend the registrant's registration or impose conditions or restrictions on the registrant pending the conclusion of an investigation or pending the decision of a discipline tribunal, and

(b) revoke the suspension, condition or restriction at any time.

(2) The registrar must, as soon as practicable, give written notice to the registrant of the imposition or revocation of a suspension, condition or restriction under subsection (1).

(3) A registrant may apply to the Court of King's Bench for an order revoking a decision made under subsection (1)(a).

(4) A copy of an application under subsection (3) must be served on the registrant's professional regulatory organization.

(5) A decision of the CIC chair under this section must be published in accordance with the bylaws of the applicable professional regulatory organization.

Part 9 Assessing Incapacity

Assessing incapacity

143(1) If the Minister has authorized a professional regulatory organization to engage in incapacity assessments under this Part, a CIC secretary who has reasonable grounds to believe that a registrant of the professional regulatory organization is incapacitated must notify the complaints inquiry committee for the professional regulatory organization in accordance with the regulations, and the committee may

(a) direct the registrant to submit to specified physical or mental examination by an individual or at a treatment centre specified by the committee, and

(b) request the individual or treatment centre to report to the committee and the registrant on the results of the examination within a time specified by the committee.

(2) On receipt of the results of the examination, and if recommended by the individual or treatment centre that conducted

the examination, the complaints inquiry committee may direct the registrant to submit to treatment by an individual or at a treatment centre specified by the committee.

(3) The complaints inquiry committee may request that the individual or treatment centre provide the committee and registrant with the results of the registrant's treatment within the time specified by the committee.

(4) If the complaints inquiry committee has reasonable grounds to believe that a registrant is incapacitated, the committee may suspend the registrant's registration or impose a condition or restriction on the registrant's registration or professional practice until

- (a) a report is received under subsection (1), or
- (b) if the registrant is undergoing treatment, until the committee is satisfied that the registrant is no longer incapacitated,

and the committee must direct the CIC secretary to notify the registrant and registrar of the suspension, condition or restriction.

(5) If the complaints inquiry committee

- (a) directs the registrant to submit to a specified physical or mental examination or to treatment,
- (b) suspends the registration of the registrant, or
- (c) imposes conditions or restrictions on the registrant,

the committee must provide written reasons for the committee's decision to the registrant.

(6) The committee may order a registrant to pay any or all of the costs associated with a direction made under this section.

(7) If a registrant does not comply with a direction of the complaints inquiry committee under subsection (1) or (2) or a suspension, condition or restriction imposed under subsection (4), the committee may refer the non-compliance to the CIC secretary, who must treat the non-compliance as a complaint.

(8) If the complaints inquiry committee determines that there are reasonable grounds to believe that the incapacity of the registrant

may cause the public to be at risk, the committee may direct the publication of the suspension or the imposition of conditions or restrictions in accordance with the bylaws of the professional regulatory organization.

(9) A CIC secretary and a complaints inquiry committee must consider any criteria prescribed in the regulations when determining whether there are reasonable grounds to believe that a registrant is incapacitated.

Stay of complaint proceedings

144(1) If a complaint has been made against a registrant and the complaints inquiry committee of the registrant's professional regulatory organization

- (a) is satisfied that the conduct the complaint relates to arose because of the incapacity of the registrant,
- (b) has made one or more directions under section 143(1) or (2), and
- (c) is satisfied that the registrant is complying with the directions made under section 143(1) or (2),

the committee, at any time before the complaint has been referred to a discipline tribunal roster chair, may stay any proceedings with respect to the complaint for a time that the committee considers appropriate notwithstanding anything to the contrary in Part 8.

(2) If proceedings have been stayed under subsection (1) and the complaints inquiry committee is satisfied that the registrant is no longer incapacitated, the committee may decide to stay the proceedings indefinitely, with or without conditions, notwithstanding anything to the contrary in Part 8.

(3) If the complaints inquiry committee stays proceedings under subsection (1) or (2), the committee

- (a) must direct the CIC secretary to notify the registrant and the complainant in writing of the stay, and
- (b) may at any time direct that the proceedings with respect to the complaint be resumed.

(4) If the complaints inquiry committee makes a direction under subsection (3)(b), the committee must notify the registrant and complainant accordingly.

Appeals

145(1) A registrant may appeal a decision of the complaints inquiry committee under section 143(1), (2), (4) or (8) to an appeal tribunal.

(2) The parties to an appeal are the registrant and the complaints inquiry committee.

(3) An appeal must be conducted

- (a) as soon as reasonably practicable,
- (b) in accordance with Part 10, and
- (c) in private, notwithstanding section 179.

Business registrants

146 If a business registrant ceases to comply with the bylaws of a professional regulatory organization respecting business registrants because of a suspension or the imposition of conditions or restrictions on a registrant's registration or professional practice under section 143, the complaints inquiry committee of that professional regulatory organization

- (a) may make any determinations required under those bylaws or that the committee deems necessary to deal with the affected business registrant, and
- (b) must notify the business registrant, the registrar or any other person that may be affected by the determination.

Security and confidentiality of records

147 The complaints inquiry committee may do anything the committee considers necessary, or direct anything to be done, to keep any records, information, substances or things acquired under this Part secure and confidential.

Part 10
Appeals and Court
Enforcement of Decisions

Division 1
Appeals to Appeal Tribunal

Notice of appeal

148(1) When a person has a right to appeal to an appeal tribunal under this Act, that person may commence the appeal by submitting to the applicable professional regulatory organization a written notice of appeal within 30 days of being served with or otherwise provided with the decision being appealed.

(2) The notice of appeal must explain

- (a) what is being appealed,
- (b) the basis of the appeal, and
- (c) what results are sought from the appeal.

Review of notice of appeal

149(1) When a professional regulatory organization receives notice of an appeal, an appeal tribunal secretary must decide if the notice of appeal meets the requirements for a notice of appeal under section 148.

(2) If the notice of appeal meets the requirements of section 148, the appeal tribunal secretary must

- (a) refer the appeal to the appeal tribunal roster chair, who must then convene an appeal tribunal in accordance with section 32 to hear the appeal and set a hearing date for the appeal in accordance with subsection (4),
- (b) send a copy of the notice of appeal to the parties to the appeal, other than the appellant,
- (c) serve the appellant and everyone entitled to be represented at the appeal with at least 30 days' notice of the date, time and place of the appeal hearing and send a copy of the notice to the complainant, if applicable, and

- (d) publish notice of the appeal hearing on the professional regulatory organization's website in advance of the appeal hearing.

(3) If the notice of appeal does not meet the requirements of section 148, the appeal tribunal secretary must

- (a) advise the appellant why the notice of appeal is deficient and set an additional time for the appellant to correct the deficiency, and
- (b) if the deficiency
 - (i) is corrected and the requirements of section 148 have been met before the additional time has expired, proceed in accordance with subsection (2), or
 - (ii) is not corrected, the additional time has expired and the notice of appeal still does not meet the requirements of section 148, dismiss the appeal by serving written notice on the appellant, with an explanation for the dismissal.

(4) Unless an appeal has been dismissed under subsection (3)(b)(ii), an appeal tribunal must commence an appeal hearing within 120 days after the matter is referred to the appeal tribunal roster chair by an appeal tribunal secretary or within such other time as the appeal tribunal roster chair permits.

(5) Before an appeal tribunal roster chair convenes an appeal tribunal, the appeal tribunal roster chair may address procedural matters except matters relating to jurisdiction and bias, and the decision of the chair is final.

Representation before appeal tribunal

150(1) The parties to an appeal before an appeal tribunal are each entitled to be represented by counsel.

(2) If an issue at an appeal concerns

- (a) a matter of importance to a professional regulatory organization, or

- (b) the interpretation of this Act, the regulations, or the bylaws, code of ethics and conduct or practice standards and guidelines of a professional regulatory organization,

the professional regulatory organization may be represented by counsel and may present argument at the appeal.

(3) If an appeal tribunal is receiving legal advice from counsel in the context of an appeal, that counsel must not present evidence or arguments at the appeal.

(4) The appeal tribunal, after considering submissions from the parties to an appeal, may direct that the appeal or any part of an appeal proceed by way of written or oral submissions, or both.

Appeal based on record of proceedings

151(1) Unless the parties to the appeal otherwise agree, an appeal must be based on

- (a) the decision of the individual or body from which the appeal is made,
- (b) the record of proceedings before that individual or body, and
- (c) any further evidence that the appeal tribunal agrees to receive.

(2) An appeal tribunal secretary must arrange for the preparation of the record of proceedings before the individual or body that made the decision being appealed, and where the appellant is a registrant, a former registrant or a complainant, the cost of preparing the record of proceedings must be paid by the appellant.

(3) At the conclusion of the appeal hearing, if the appellant is successful in whole or in part, the appeal tribunal may make an award reimbursing the appellant for a portion or all of the costs of preparing the record of proceedings referred to in subsection (2).

Procedural matters

152(1) In proceedings under this Part,

- (a) an appeal tribunal, in addition to the authority it has under this Part, has the authority of a discipline tribunal under Part 8, and
- (b) without limiting clause (a), if an appeal tribunal agrees to receive further evidence,
 - (i) the appeal tribunal has the same authority as a discipline tribunal under section 111,
 - (ii) an appeal tribunal secretary has the same authority to issue notices to attend and produce records, information, substances or things as a discipline tribunal secretary under section 113 and may issue those notices at the request of any party to the appeal,
 - (iii) the provisions that apply under Part 8 respecting the compellability of witnesses, the protection provided to them, the proceedings that may be taken for civil contempt, confidentiality and inadmissibility of disclosure provided in the course of a hearing also apply to proceedings under this Part, and
 - (iv) the complaints inquiry committee or a registrant or former registrant whose conduct was the subject of a complaint may make an application under section 114.

(2) Questions of procedure arising after an appeal tribunal has been convened but before the commencement of an appeal hearing may be decided by the appeal tribunal or the appeal tribunal chair, as determined by the appeal tribunal after considering any process established by the bylaws of the applicable professional regulatory organization.

(3) For the purposes of subsection (2), both the determination of who will decide the question of procedure and the decision respecting the question of procedure are final.

(4) All questions of procedure arising in the course of an appeal hearing are to be determined by the appeal tribunal chair after considering any process established by the bylaws of the applicable professional regulatory organization, and the decision of the appeal tribunal chair is final.

Communication to appeal tribunal

153(1) All written communication to an appeal tribunal by one of the parties must be sent to its appeal tribunal secretary, who must provide copies of the written communication to the other parties and the appeal tribunal members.

(2) Except in accordance with subsection (1), parties, representatives, witnesses and complainants may not communicate with an appeal tribunal or any of its members concerning the subject-matter of a hearing except

- (a) in the presence of all parties or their representatives, or
- (b) as permitted by this Act or the bylaws of the applicable professional regulatory organization.

Appeal tribunal powers

154 An appeal tribunal may quash, confirm, vary or reverse all or any part of a decision of the individual or body from which the appeal was made, make any finding, decision or order that in its opinion the individual or body ought to have made or refer the matter back to the same or another individual or body, with or without directions.

Application to appeal tribunal for voluntary resignation, suspension or undertaking

155(1) If an appeal tribunal makes a finding of unprofessional conduct, the registrant whose conduct is the subject of the finding may apply to the tribunal for an order

- (a) accepting the registrant's resignation as a registrant,
- (b) suspending the registrant, or
- (c) accepting an undertaking to limit the registrant's practice.

(2) If the tribunal accepts the application, the tribunal

- (a) may make the order subject to any conditions that the tribunal considers appropriate in the circumstances,
- (b) may, in the order, specify conditions that must be met by a former registrant before the former registrant becomes

entitled to apply for reinstatement of registration, in the case of a resignation, and

- (c) may discontinue the proceedings in whole or in part.

Appeal tribunal decisions

156(1) Within a reasonable time after an appeal tribunal concludes proceedings, the appeal tribunal must issue a written decision on the appeal, giving reasons for its decision and any resulting order.

(2) A member of an appeal tribunal may issue a written dissent disagreeing in whole or in part with a decision of the tribunal, and the dissent forms part of the tribunal's decision.

(3) An appeal tribunal secretary, within 30 days after receiving an appeal tribunal's final decision or any interim decisions, must

- (a) serve a copy of the decision and any resulting order on the parties and every other person represented at the appeal hearing and, in the case of a final decision, provide notice of the right to appeal, if any, under section 163,
- (b) serve a copy of the decision and any resulting order on the CIC chair, and
- (c) send a copy of the decision and any resulting order to the complainant, if applicable.

Costs

157(1) If an appeal tribunal decides that an appeal of a decision referred to in section 105 that is filed by a complainant is

- (a) trivial,
- (b) entirely without merit, or
- (c) made in bad faith for an improper purpose or motive,

the appeal tribunal may order the complainant to pay to a professional regulatory organization any or all of the costs for the indemnification of the professional regulatory organization relating to the review of the complaint, any investigation, the proceedings under this Part and any other costs associated with the complaints

inquiry process or appeal tribunal hearing, including legal expenses and lawyer fees.

(2) In the case of an appeal arising out of Part 5 or Part 7, if the appellant is a registrant and the appeal tribunal confirms the decision under appeal, in whole or in part, the appeal tribunal may make an award of costs for the indemnification of the professional regulatory organization, including legal expenses and lawyer fees, in accordance with the bylaws of the professional regulatory organization.

(3) In the case of an appeal by a registrant or former registrant whose conduct is the subject of a complaint, unless the registrant or former registrant is successful in all aspects of the appeal, the appeal tribunal may order the registrant or former registrant to pay all or any part of the reasonable costs for the indemnification of the professional regulatory organization for the costs relating to the appeal, including legal expenses and lawyer fees, in accordance with the bylaws of the professional regulatory organization.

(4) If an adjournment is sought, the appeal tribunal may order the party seeking the adjournment to pay costs of the adjournment in accordance with the bylaws of the professional regulatory organization, unless the party seeking the adjournment is the CIC chair, the registrar or a committee of a professional regulatory organization.

(5) Subject to the right of appeal, where a registrant, former registrant or complainant fails to pay the costs or fines ordered by an appeal tribunal, the applicable professional regulatory organization may file a copy of the order with the clerk of the Court of King's Bench, and on being filed, the order has the same force and effect and may be enforced as if it were a judgment of the Court of King's Bench.

Publication of decisions

158(1) When an appeal tribunal makes a final decision arising from a decision of a discipline tribunal, an appeal tribunal secretary must publish the final decision, or a summary of it, along with any resulting order in accordance with the bylaws of the applicable professional regulatory organization.

(2) A final decision of an appeal tribunal, or a summary of it, must be published within 30 days following the decision of the appeal tribunal.

(3) If an appeal has been commenced under section 163, an appeal tribunal secretary must publish the status of the appeal in accordance with the bylaws of the applicable professional regulatory organization.

Appeal records examination and retention

159(1) An appeal tribunal must send to its appeal tribunal secretary its decision and all exhibits entered as evidence at the proceedings.

(2) A party to an appeal may examine and obtain a copy of a record of proceedings and, in the case of a registrant, former registrant or complainant, costs of producing the record of proceedings shall be paid by the registrant, former registrant or complainant.

(3) An appeal tribunal secretary must take reasonable steps to preserve the confidentiality of the portion of a record of proceedings entered during a portion of an appeal hearing that is private in accordance with section 179 and any portion of the written decision relating to a private portion of an appeal hearing.

(4) No decision, order or record of proceedings received by an appeal tribunal secretary may be disposed of except in accordance with the bylaws of the applicable professional regulatory organization.

Stays pending appeal

160(1) If an appeal tribunal suspends or cancels the registration of a registrant or imposes a condition or restriction on the registrant, the decision takes effect immediately.

(2) If a decision referred to in subsection (1) is appealed to the Court of Appeal, the decision remains in effect until the Court of Appeal makes a decision on the appeal unless a judge of the Court of Appeal stays the decision.

(3) If an appeal tribunal makes an order other than

- (a) the suspension or cancellation of registration, or
- (b) an order that imposes a condition or restriction on the registrant,

the order takes effect only after all rights of appeal have been exhausted unless the appeal tribunal otherwise directs, but subject to any direction of a judge of the Court of Appeal.

(4) If an appeal tribunal decision comes into effect immediately, the appellant, after commencing an appeal to the Court of Appeal, may apply to a judge of the Court of Appeal for a stay of the order for the period and on the conditions specified by the judge.

(5) If a decision is stayed by a judge of the Court of Appeal, the stay shall be published in accordance with the bylaws of the applicable professional regulatory organization.

Ability to rehear

161(1) On application by a registrant or former registrant or a complaints inquiry committee, an appeal tribunal roster chair may convene or reconvene an appeal tribunal to rehear a matter appealed under section 130 if the chair is satisfied

- (a) that new, relevant and persuasive evidence respecting a matter previously heard by the appeal tribunal requires a partial or full rehearing, or
- (b) it is no longer possible for a registrant or former registrant to comply with an order issued by an appeal tribunal as a result of a material change in circumstances.

(2) Notice of a rehearing, and reasonable particulars of the matters being reheard, must be given to the registrant or former registrant whose conduct is the subject of the complaint or was the subject of a discipline tribunal hearing under section 128, the complaints inquiry committee and any other person entitled to be represented at the hearing at least 30 days prior to the rehearing.

(3) An appeal tribunal that has been convened or reconvened under subsection (1) may stay any order related to the matter being reheard.

Finality of appeal tribunal decisions

162 Except as otherwise provided in section 161 or 163,

- (a) the decision of an appeal tribunal is final, and

- (b) no decision of an appeal tribunal may be questioned, reviewed, restrained or removed by prohibition, injunction, certiorari or any other process or proceeding in a court.

Division 2 Appeal to the Court of Appeal

Appeal to the Court of Appeal

163(1) An appeal from an appeal tribunal's final written decision regarding

- (a) a decision of a discipline tribunal, or
- (b) a decision of a complaints inquiry committee under Part 9

lies to the Court of Appeal.

(2) An appeal

- (a) under subsection (1)(a) may be made only by a complaints inquiry committee or a registrant or former registrant whose conduct was the subject of a complaint, and they are the parties to the appeal, and
- (b) under subsection (1)(b) may be made only by a complaints inquiry committee or a registrant who is the subject of the decision of an appeal tribunal, and they are the parties to the appeal.

(3) An appeal to the Court of Appeal must be commenced within 30 days after service on the appellant of a decision of an appeal tribunal by

- (a) filing a copy of a notice of appeal with the Registrar of the Court of Appeal, and
- (b) serving a copy of the notice on
 - (i) the professional regulatory organization that the complaints inquiry committee relates to, or
 - (ii) the registrant or former registrant whose conduct was the subject of a complaint or the registrant that a decision of the complaints inquiry committee under Part 9 relates to,

as the case requires.

Appeal on record

164(1) Unless otherwise agreed to by the parties, an appeal to the Court of Appeal must be based on,

- (a) in the case of an appeal in respect of a decision of a discipline tribunal, the record of proceedings before the discipline tribunal and the appeal tribunal and the decisions of the discipline tribunal and the appeal tribunal, or
- (b) in the case of an appeal relating to a decision made under Part 9, the record of proceedings before the complaints inquiry committee and the appeal tribunal and the decisions of the complaints inquiry committee and the appeal tribunal,

all of which must be certified by an appeal tribunal secretary.

(2) An appeal tribunal secretary, at the expense of an appellant other than a complaints inquiry committee, must arrange for the preparation of the record of proceedings referred to in subsection (1).

(3) If part of any proceedings before a discipline tribunal or appeal tribunal was held in private, an appeal tribunal secretary must ensure that the portion of the record of proceedings that relates to that part of the proceedings is sealed.

(4) The part of a record of proceedings that is sealed under subsection (3) may be reviewed by the Court of Appeal, and the Court of Appeal may direct that it remain sealed or that it be unsealed in whole or in part.

Power of Court on appeal

165(1) The Court of Appeal on hearing an appeal may

- (a) make any finding that in its opinion should have been made,
- (b) quash, confirm or vary any finding, decision or order of an appeal tribunal or any part of it, or

- (c) refer the matter back,
 - (i) in the case of an appeal relating to the decision of a discipline tribunal, to a discipline tribunal or an appeal tribunal, or
 - (ii) in the case of a decision by the CIC chair under Part 9, to the complaints inquiry committee or an appeal tribunal

for further consideration in accordance with any direction of the Court of Appeal.

(2) The Court of Appeal may make any costs award that it considers appropriate.

Division 3 Court Enforcement of Decisions

Court enforcement of decisions

166(1) A professional regulatory organization may apply to the Court of King's Bench to enforce a decision made by

- (a) a discipline tribunal or appeal tribunal, or
- (b) a complaints inquiry committee under Part 9.

(2) The application may be made only after notice has been served on the person against whom enforcement of the decision is sought in accordance with the *Alberta Rules of Court* and must be accompanied with the original decision or a certified copy of it.

(3) The Court of King's Bench must give a judgment enforcing the decision unless

- (a) the period for commencing an appeal has not yet expired,
or
- (b) an appeal is pending.

(4) The Court of King's Bench may give a judgment enforcing a decision if

- (a) the period for commencing an appeal has not yet expired,
or

- (b) an appeal is pending

and the Court considers it to be in the public interest.

(5) In giving a judgment under subsection (3) or (4), the Court of King's Bench may

- (a) vary any order, direction, condition or restriction contained in the decision, or
- (b) make such further order that the Court of King's Bench considers necessary

to ensure that effect is given to the decision.

(6) The Court of King's Bench has the same powers with respect to the enforcement of decisions of discipline tribunals, appeal tribunals or complaint inquiry committees as it has with respect to the enforcement of its own judgments.

Part 11 Practice Prohibitions, Restricted Titles and Custodial Orders

Division 1 Practice Prohibitions

General prohibition of practice

167 Except as otherwise provided in this Act, the regulations or the bylaws, no person shall

- (a) engage in the provision of a service that is part of an exclusive scope of practice, or
- (b) perform a restricted activity.

Practice prohibition while suspended or cancelled

168 Unless otherwise permitted in accordance with the bylaws of a professional regulatory organization, no registrant shall engage in the practice of a regulated profession with

- (a) a registrant whose registration under this Act is suspended, or

- (b) a former registrant whose registration was cancelled because of
 - (i) disciplinary or appeal proceedings conducted under this Act or a former Act,
 - (ii) disciplinary or appeal proceedings conducted under legislation governing any organization outside Alberta that regulates the practice of a profession and that is recognized by a governing body as regulating the same profession as the governing body in accordance with the bylaws of that professional regulatory organization, or
 - (iii) a decision of the Court of King's Bench or Court of Appeal.

Obstruction

169 No person shall knowingly

- (a) obstruct or interfere with a registrant's compliance with section 74, or
- (b) request or permit a registrant to contravene or not to comply with section 74 or assist a registrant in contravening or not complying with section 74.

Division 2 Restricted Titles and Misrepresentation

Use of restricted titles

170(1) No person shall use any restricted title except in accordance with this Act, the regulations and the bylaws of a professional regulatory organization.

(2) No person shall use any restricted title in a manner that states or implies that the person is authorized to use the restricted title unless the person is so authorized by this Act, the regulations and the bylaws of a professional regulatory organization.

Specialists

171 No person shall

- (a) use the term "specialist", or

(b) hold themselves out to be a specialist

in connection with providing a professional service in a profession regulated under this Act except in accordance with the regulations and the bylaws of a professional regulatory organization.

Students

172 A student who is enrolled in a program that, in the opinion of the registrar or registration committee of a professional regulatory organization, is a program to train individuals to provide professional services in a profession regulated under this Act may use a restricted title, alone or in combination with the word “student”, or any other words, while undertaking activities related to the regulated profession, but only in accordance with the regulations and the bylaws of a professional regulatory organization.

Misrepresentations

173(1) No person or group of persons shall represent or imply that they are a registrant or a group of registrants unless they are a registrant or group of registrants under this Act.

(2) No person or group of persons other than a professional regulatory organization shall use the full or abbreviated name of a professional regulatory organization, a former professional regulatory organization, an entity continued as a professional regulatory organization under section 218 or any predecessor entity, alone or in combination with other words, in a manner that states or implies that the individual, group of individuals or person is a professional regulatory organization under this Act or a former Act unless the individual, group or person is the professional regulatory organization.

(3) Without limiting subsection (2), no person or group of persons shall use the name of a professional regulatory organization, the name of a former professional regulatory organization, the name of an entity continued as a professional regulatory organization under section 218 or of a predecessor entity, or the words “registered”, “regulated”, “registered professional”, “regulated professional”, “regulated member”, “regulated business” or “business registrant”, alone or in connection with other words in a manner that states or implies that the individual, group or person is a professional regulatory organization under this Act or a former Act, unless the

person or group of persons is a professional regulatory organization under this Act.

Publication of misrepresentation

174 A professional regulatory organization may publish, in any manner it considers appropriate, that a person or group of persons is not

- (a) a registrant, a professional regulatory organization or a former professional regulatory organization, or
- (b) entitled to use a restricted title.

Advertising

175(1) A registrant or former registrant must not engage in advertising that is untruthful, inaccurate or otherwise capable of misleading or misinforming the public.

(2) A registrant must comply with any restrictions on advertising established in the regulations and any rules established by the bylaws of the applicable professional regulatory organization.

Injunction

176(1) The Court of King's Bench, on application by a professional regulatory organization, may

- (a) grant an injunction prohibiting any person from doing any act that contravenes this Act, even if other proceedings may be taken and sanctions may be imposed for that contravention under this Act,
- (b) grant an injunction enjoining any person from engaging in the provision of services within an exclusive scope of practice or engaging in a restricted activity unless and until that person fulfills the registration requirements for engaging in the provision of those services or that activity or is otherwise authorized to do so under this Act,
- (c) grant an injunction enjoining any person from using a restricted title, and

- (d) make an order requiring or directing a person to take some action in order to comply with this Act or to rectify any contravention of this Act.
- (2) With the permission of the Court of King's Bench, a professional regulatory organization's application may be made without notice to the person concerned.
- (3) A professional regulatory organization may publish, in any manner it considers appropriate, that an injunction or order has been granted under subsection (1).

Division 3 Custodial Orders

Custodial orders

177(1) If authorized by the regulations, the governing body of a professional regulatory organization may apply to the Court of King's Bench, in accordance with the regulations, for an order appointing a person as custodian of the property or practice of a registrant or former registrant for the purpose of providing for the temporary management, winding-up or sale of that practice in the circumstances prescribed by the regulations.

- (2) The Court may
 - (a) appoint as a custodian any person specified in the regulations, and
 - (b) issue any other orders authorized by the regulations.
- (3) A custodian
 - (a) shall perform the custodian's duties in accordance with the regulations, and
 - (b) may be paid fees and expenses in accordance with the regulations.

Part 12 General Matters

Confidentiality

178(1) Except as otherwise provided in

- (a) this Act and the regulations,
- (b) the bylaws, code of ethics and conduct or practice standards and guidelines of a professional regulatory organization, or
- (c) an order of a court,

any information acquired by a professional regulatory organization under Parts 5 to 10 respecting a registrant or former registrant, the client of a registrant or former registrant or any other person is confidential information.

(2) A person exercising a power, performing a duty or fulfilling a function under this Act who receives or has knowledge of confidential information shall not publish, release or disclose, and shall not be required to publish, release or disclose, that information except

- (a) as authorized by
 - (i) this Act or the regulations,
 - (ii) the bylaws, code of ethics and conduct or practice standards and guidelines applicable to a professional regulatory organization, or
 - (iii) an order of a court,

or

- (b) with the consent of the person to whom the information relates.

(3) Notwithstanding subsection (2), a person exercising a power, performing a duty or fulfilling a function under this Act who receives or has knowledge of confidential information may use the confidential information within a professional regulatory organization for the proper administration of the person's powers, duties or functions.

(4) Where information subject to a solicitor-client privilege is voluntarily disclosed for a specific purpose under this Act, the disclosure of that privileged information does not waive or negate any privilege attached to that information, and the privilege continues for all other purposes.

Public and private proceedings

179(1) Meetings of a complaints inquiry committee must be held in private.

(2) Subject to subsection (4),

- (a) all meetings of a governing body are open to registrants and non-regulated members of its professional regulatory organization, and
- (b) all hearings before a discipline tribunal or an appeal tribunal are open to the public.

(3) Whether meetings of a registration committee, competence committee or practice review committee are private or open and if open, who the meetings are open to, shall be established in the bylaws of each professional regulatory organization.

(4) If a governing body, registration committee, competence committee, practice review committee, discipline tribunal or appeal tribunal considers that

- (a) a matter involves public security,
- (b) a matter involves records, information, substances or things that are the subject of solicitor-client privilege,
- (c) it is necessary to prevent the disclosure of intimate financial, personal, commercial or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open meeting or hearing or a public record of proceedings, or
- (d) it is necessary to prevent probable prejudice to a civil action or the prosecution of an offence,

then the body concerned

- (e) must conduct all or any part of a meeting or hearing in private,
- (f) must, if the meeting or hearing would otherwise be open, identify the reason for conducting all or part of the meeting or hearing in private in the meeting or hearing record, and

- (g) may do anything it considers necessary or direct anything to be done to
 - (i) keep a decision or record of proceedings from any private part of the meeting or hearing secure and confidential, and
 - (ii) protect confidentiality and preserve privilege in a decision or record of proceedings from any private part of the meeting or hearing.

(5) Nothing in subsection (4) prevents a professional regulatory organization from disclosing or publishing or posting the name of a registrant where the meeting or hearing is held wholly or partly in private.

(6) Subject to subsection (4), a complainant is entitled to observe the hearing of a discipline tribunal or appeal tribunal dealing with the complainant's complaint but is not entitled to participate, except as a witness if so called, and in that event is permitted to observe the hearing only after giving evidence unless the tribunal otherwise directs.

Records, information, substances or things provided in the course of proceedings

180 Any records, information, substances or things provided in the course of proceedings to a complainant, registrant, former registrant or witness are confidential and may not be used by the complainant, registrant, former registrant or witness in any action, matter or proceeding other than under this Act

- (a) without the written consent of the person who provided the records, information, substances or things, the registrant or former registrant the proceedings relate to and the complainant, if any, or
- (b) in accordance with a court order.

Duty to report

181 A registrant that has reasonable grounds to believe that another registrant of the same professional regulatory organization

- (a) is engaged in unprofessional conduct,

- (b) is engaged in the practice of the regulated profession in a manner that may pose a risk of significant harm to life, health, the environment, the property or economic interests of the public or the health or safety of the public, or
- (c) has been charged with or convicted of an indictable offence

must promptly report their belief and the grounds for their belief to a CIC secretary of the professional regulatory organization.

Reporting by registrants

182 If a person is a registrant of more than one professional regulatory organization and a professional regulatory organization makes a finding that the registrant has engaged in unprofessional conduct, the registrant must, as soon as reasonably possible after the finding is made, report that finding in writing and provide a copy of the decision containing the finding, if any, to a CIC secretary of any other professional regulatory organization of which the person is a registrant.

Complaints to Ombudsman

183(1) Any person may make a complaint in respect of matters under this Act in accordance with the *Ombudsman Act*.

(2) A professional regulatory organization, governing body, committee, sub-committee, tribunal, registrar or other person appointed by a professional regulatory organization under this Act, on the recommendation of the Ombudsman, may

- (a) rehear any matter and reconsider any decision or recommendation made by that person or body, and
- (b) quash, confirm or vary the decision or recommendation or any part of it

and may, in its decision or otherwise, explain the reason for rehearing the matter or reconsidering the decision and quashing, confirming or varying the decision or recommendation.

(3) If a matter is reheard or reconsidered under subsection (2), the provisions of this Act governing the original hearing or consideration apply to the rehearing or reconsideration.

Evidence of registrar

184 A certificate purported to be signed by the registrar of a professional regulatory organization stating that a named person was or was not, on a specified date or during a specified period, a registrant of the professional regulatory organization, an officer of the professional regulatory organization or a member of the governing body or a committee, tribunal or panel of the professional regulatory organization 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 registrar's appointment or signature.

Protection against compulsory testimony

185(1) Subject to subsection (2), the Minister, a professional governance officer or a person acting on behalf of or under the direction of the Minister or a professional governance officer shall not be compelled to give evidence or to produce documents in any court or action about the reasons of the Minister or professional governance officer for reaching a conclusion or making a decision in the performance of the powers, duties and functions of the Minister or the professional governance officer under this Act.

(2) The Minister, a professional governance officer or a person acting on behalf of or under the direction of the Minister or a professional governance officer shall comply with the requirements of the *Alberta Rules of Court* respecting a Notice to Obtain Record of Proceedings in judicial review.

(3) In this section, "action" and "court" have the same meaning as in the *Alberta Evidence Act*.

Protection from legal proceedings

186(1) No legal proceeding may be brought or maintained against any of the following in respect of anything done or omitted to be done in good faith under this Act, the regulations, a bylaw, a code of ethics and conduct, practice standards and guidelines or any direction of a governing body:

- (a) a professional regulatory organization or a person that is or was an officer, employee, agent or representative of a professional regulatory organization;
- (b) a governing body, committee, sub-committee, tribunal, joint committee, joint tribunal, panel or task force, or an

individual who is or was a member of a governing body, committee, sub-committee, tribunal, joint committee, joint tribunal, panel or task force;

- (c) any person exercising powers or duties under Part 8 or 10 including
 - (i) a CIC secretary,
 - (ii) a CIC chair,
 - (iii) a discipline tribunal secretary,
 - (iv) a discipline tribunal roster chair,
 - (v) a discipline tribunal chair,
 - (vi) an appeal tribunal secretary,
 - (vii) an appeal tribunal roster chair,
 - (viii) an appeal tribunal chair, and
 - (ix) members of a complaints inquiry committee, a discipline tribunal or an appeal tribunal;
- (d) a mediator or any other person who is conducting or who has conducted an alternative complaint resolution process under this Act or who is assisting or has assisted in the resolution of a complaint under section 135;
- (e) an investigator, or any person who is conducting or who has conducted an investigation under this Act;
- (f) a registrar or a member of a registration committee;
- (g) a practice reviewer or a member of a practice review committee;
- (h) a member of a competence committee, or a person who performs a role relating to a continuing competence program;
- (i) a person who acts on the instructions of or under the supervision of a person referred to in clauses (a) to (h).

(2) No action for defamation may be founded on a communication regarding the conduct of a registrant or a former registrant if the communication is made or published in good faith in accordance with this Act or the regulations, or the bylaws, code of ethics and conduct or practice standards and guidelines of a professional regulatory organization by a person or body referred to in subsection (1).

(3) Notwithstanding any other Act or law, no person who is or was within any of the classes of person referred to in subsection (1) may be required in any action or proceedings other than proceedings under this Act or a prosecution under this Act to give evidence relating to any matter that arose in any proceedings under this Act, or to produce any records, information, substances or things adduced in evidence in proceedings under this Act or forming part of the records of a professional regulatory organization that relate to the conduct of a registrant or former registrant.

(4) No action or other proceeding may be commenced against

- (a) the Minister,
- (b) a professional governance officer, or
- (c) a person acting under the authority of the Minister or a professional governance officer

in respect of anything done or omitted to be done in good faith in the exercise or purported exercise of a power or the performance or purported performance of a power, duty or function under this Act.

(5) Any protection from liability or from giving evidence under any former Act continues as if that Act had not been repealed.

(6) Subsections (1) to (5) do not operate to restrict or abrogate from any immunity or protection that is otherwise provided by law to a person within any of the classes of person referred to in subsections (1) to (5) or to any other person.

Writing includes electronic means

187(1) Subject to subsection (2), if anything in this Act, the regulations or the bylaws of a professional regulatory organization is required

- (a) to be “written”, or “in writing” or similar words, it may be done by way of electronic means, and
- (b) to be signed, it may be signed by electronic signature,

in accordance with the *Electronic Transactions Act*.

(2) If the bylaws, code of ethics and conduct or practice standards and guidelines of a professional regulatory organization prohibit the use of electronic means or an electronic signature entirely or in certain circumstances, subsection (1) does not apply in those circumstances.

Electronic delivery of notices

188(1) Subject to subsection (2), a notice or document required to be sent or delivered under this Act, the regulations or the bylaws, code of ethics and conduct or practice standards and guidelines of a professional regulatory organization may be sent by electronic means in accordance with the provisions of the *Electronic Transactions Act*.

(2) If the regulations or the bylaws, code of ethics and conduct or practice standards and guidelines of a professional regulatory organization prohibit the sending or delivering of a notice or document electronically entirely or in certain circumstances, subsection (1) does not apply in those circumstances.

Records retention

189 A professional regulatory organization must keep, for 10 years, records relating to

- (a) registration applications, including the results of those applications,
- (b) a registrant meeting or failing to meet competence requirements or continuing competence requirements,
- (c) the participation of a registrant in a continuing competence program,
- (d) practice reviews and the results of a practice review,
- (e) complaints inquiry processes and the results of those processes,

- (f) settlement agreements, sanction agreements and admissions of unprofessional conduct,
- (g) incapacity assessments and related reports and decisions,
- (h) discipline and appeal proceedings and hearings, including related court matters, and
- (i) any other information required by the regulations or the bylaws of the professional regulatory organization.

Maintenance of records through electronic means

190(1) Subject to subsection (2), where this Act, the regulations or the bylaws, code of ethics and conduct or practice standards and guidelines of a professional regulatory organization authorize or require that the professional regulatory organization create, collect, receive, use, store, transfer, disclose, distribute, publish or otherwise deal with information and records, it has the power to do so electronically in accordance with the *Electronic Transactions Act*.

(2) If the regulations or the bylaws, code of ethics and conduct or practice standards and guidelines of a professional regulatory organization prohibit the use of electronic means for any or all of the actions referred to in subsection (1), that action must be done in accordance with the regulations, bylaws, code of ethics and conduct or practice standards and guidelines of the professional regulatory organization, as the case may be.

Virtual meetings

191(1) Subject to subsection (3) and the bylaws of a professional regulatory organization, a meeting of a governing body, committee, sub-committee, tribunal, joint committee, joint tribunal, panel, task force or any other body of a professional regulatory organization may be conducted by means of electronic or other communication methods if the methods enable all the meeting's participants to watch or hear each other.

(2) Any notice required to be given of a meeting held by electronic or other communication methods must state the electronic or other communication methods by which the meeting is to be held and give the information necessary for the participants and observers, if any are permitted, to access the meeting.

(3) A hearing of a discipline tribunal under Part 8 or an appeal tribunal under Part 10 may only be held by electronic or other communication methods if

- (a) the parties consent, or
- (b) in the opinion of the discipline tribunal roster chair or appeal tribunal roster chair, as the case may be, the hearing can be held effectively by electronic or other communication methods and holding such a hearing would not give rise to unfairness for any of the parties to a discipline tribunal hearing or an appeal tribunal hearing.

(4) Despite a consent under subsection (3)(a) or a determination of a discipline tribunal roster chair or appeal tribunal roster chair under subsection (3)(b), the chair of a discipline tribunal or appeal tribunal may determine, at any time after notice of a discipline tribunal hearing or notice of appeal tribunal hearing is issued, that the whole or part of the hearing is to be held in person if it is necessary to ensure an effective and fair hearing.

(5) The circumstances in which meetings and hearings may be held by electronic or other communication methods must be established in the bylaws of each professional regulatory organization.

Service of documents

192(1) When this Act, the regulations or the bylaws of a professional regulatory organization require that a document or notice be served on any person, the document or notice is properly served

- (a) if it is served
 - (i) personally on that person or sent by registered mail or courier to the address last shown for that person on the information or records maintained by the applicable professional regulatory organization,
 - (ii) in accordance with any written agreement made with that person, which may include such methods as service by email or other electronic means, or
 - (iii) on the person's legal representative,

or

- (b) when service under clause (a) is not reasonably possible, by
 - (i) publishing the document or notice on the website of the professional regulatory organization, or
 - (ii) serving the person by email or other electronic means if the sender has proof of having electronically sent the document or notice to the person.

(2) The Court of King's Bench, on application, may dispense with any notice or the service of any document or specify an alternative method of service if it considers it appropriate to do so.

Commissioners for oaths

193 The following individuals have the power of a commissioner for oaths under the *Notaries and Commissioners Act* in the course of administering or conducting proceedings or performing their duties under this Act:

- (a) investigators;
- (b) members of complaints inquiry committees;
- (c) members of discipline tribunals and appeal tribunals;
- (d) members of practice review committees;
- (e) practice reviewers;
- (f) registrars;
- (g) members of registration committees;
- (h) CIC secretaries, discipline tribunal secretaries and appeal tribunal secretaries;
- (i) professional governance officers.

Prohibition on municipal licences

194 No municipality or Metis settlement has the power to require a registrant, or a business entity prescribed by the regulations, to obtain a licence or other authorization from the municipality or

Metis settlement to engage in or carry on practice in a profession regulated under this Act.

Part 13 Oversight

Division 1 Inspections, Administrators and Designation Review

Inspections

195(1) If a professional governance officer has reasonable grounds to believe that a professional regulatory organization is not complying with this Act or the regulations, the professional governance officer may make any inquiries the professional governance officer considers necessary to determine whether the professional regulatory organization is complying with this Act and the regulations, including inquiries to determine whether the professional regulatory organization

- (a) is governing itself and the professional regulatory organization's registrants appropriately having regard for the purposes of this Act,
- (b) is conducting itself in a manner that maintains the confidence of the public with respect to its activities and those of its registrants,
- (c) has made an effective code of ethics and conduct and effective practice standards and guidelines,
- (d) is meeting the requirements set out in this Act, the regulations and the bylaws of the professional regulatory organization respecting competence and continuing competence of the professional regulatory organization's registrants,
- (e) has taken the appropriate measures to
 - (i) avoid and detect practices or actions by registrants that are considered to be unprofessional conduct or that otherwise contravene the professional regulatory organization's code of ethics and conduct or practice standards and guidelines, and

- (ii) ensure that registrants are held accountable for the consequences of such practices or actions,

and

- (f) has paid any fees or costs required under this Act within the time permitted.

(2) If a professional governance officer determines, based on the professional governance officer's inquiries, that a professional regulatory organization has failed to comply with the Act or regulations, the professional governance officer may direct the professional regulatory organization to take any action the professional governance officer considers necessary

- (a) for the professional regulatory organization to comply with this Act and the regulations, or

- (b) to rectify any contravention of this Act or the regulations

and the professional regulatory organization must comply with the direction within the time set by the professional governance officer.

Designation review

196(1) The Minister may direct a professional governance officer to conduct a designation review of a professional regulatory organization to determine whether the professional regulatory organization is complying with this Act, the regulations and the bylaws of the professional regulatory organization and continues to protect the public interest.

(2) A professional governance officer may conduct a designation review of a professional regulatory organization without the direction of the Minister if the professional regulatory organization's governing body passes a resolution that it no longer wishes to be a professional regulatory organization.

(3) A professional governance officer must give notice to the professional regulatory organization that the professional governance officer is conducting a designation review under this section.

(4) In conducting a designation review, a professional governance officer must consider whether the professional regulatory organization

- (a) is complying with this Act, the regulations and the bylaws of the professional regulatory organization, and
- (b) continues to protect the public interest after the professional governance officer has considered any criteria or factors established in the regulations.

(5) A professional governance officer conducting a designation review may

- (a) require the professional regulatory organization to provide, within the time required by the professional governance officer, any information that the professional governance officer deems necessary for the purposes of the designation review, and
- (b) communicate with professional regulatory organizations, professional associations and other persons or take any other steps that the professional governance officer considers necessary in conducting a designation review under this section.

(6) A professional governance officer must provide the professional regulatory organization with

- (a) a copy or summary of the professional governance officer's preliminary findings, and
- (b) an opportunity to provide information to the professional governance officer in respect of those preliminary findings

before the professional governance officer provides advice to the Minister under subsection (7).

(7) After providing the professional regulatory organization with an opportunity to provide information and considering any information received, the professional governance officer must provide written advice to the Minister on whether the professional regulatory organization

- (a) is complying with this Act, the regulations and the bylaws of the professional regulatory organization, and
- (b) continues to protect the public interest.

(8) On receipt of the professional governance officer's written advice, the Minister may provide the professional regulatory organization with a copy or summary of the professional governance officer's advice and may provide the professional regulatory organization with an opportunity to make submissions to the Minister within the time specified by the Minister.

(9) After any time specified by the Minister for making submissions has expired, the Minister shall

- (a) determine that no further action is required,
- (b) direct the professional regulatory organization to take any action the Minister considers necessary
 - (i) to ensure the professional regulatory organization continues to protect the public interest,
 - (ii) for the professional regulatory organization to comply with this Act and the regulations, or
 - (iii) to rectify any contravention of this Act or the regulations,
- (c) recommend the appointment of an administrator under section 197, or
- (d) recommend that the Lieutenant Governor in Council issue an order revoking the designation of the professional regulatory organization in accordance with section 199.

(10) A professional regulatory organization must comply with a direction made under subsection (9)(b).

Appointment of administrator

197(1) The Minister may recommend that the Lieutenant Governor in Council make an order under subsection (2) if

- (a) in the opinion of the Minister
 - (i) it is warranted as a result of a designation review,
 - (ii) a professional regulatory organization requires support to carry out its powers, duties and functions under this Act, or

(iii) the public interest otherwise requires it,

or

(b) a professional regulatory organization has made a request to the Minister that an administrator be appointed.

(2) On the recommendation of the Minister, the Lieutenant Governor in Council may, by order, with respect to a professional regulatory organization,

(a) provide for the appointment of an administrator of that professional regulatory organization,

(b) authorize the person appointed as an administrator to carry out any of the powers, duties and functions of the professional regulatory organization as specified in the order,

(c) prescribe the term of office of the person appointed as an administrator,

(d) authorize the payment of remuneration and expenses to the person appointed as an administrator,

(e) establish who will be required to pay for the remuneration and expenses of the administrator, and

(f) make any other direction required to facilitate the exercise of the powers, duties or functions of the professional regulatory organization, including removing the authority of the governing body, any committee, tribunal or other body, or any official of the professional regulatory organization under this Act, in whole or in part, for any period deemed necessary by the Lieutenant Governor in Council.

(3) Subject to the terms of an order under subsection (2), an administrator has the powers, duties and functions of the professional regulatory organization.

Minister's recommendation re revocation of designation

198 The Minister may make a recommendation to the Lieutenant Governor in Council to revoke the designation of a professional regulatory organization if the Minister considers that the

continuation of the professional regulatory organization is not in the public interest or not otherwise consistent with this Act.

Revocation of designation

199(1) The Lieutenant Governor in Council may, on the recommendation of the Minister, issue an order revoking the designation of a professional regulatory organization.

(2) On the effective date of the revocation, the professional regulatory organization ceases to be a professional regulatory organization under this Act.

(3) If the Lieutenant Governor in Council issues an order under subsection (1), the Minister may make regulations respecting any matter arising from the revocation of the designation of the professional regulatory organization.

Judicial review

200 A professional regulatory organization that is the subject of

- (a) a direction under section 195(2) or 196(9)(b),
- (b) an order providing for the appointment of an administrator under section 197(2), or
- (c) an order revoking the designation of a professional regulatory organization under section 199(1),

may file an application for judicial review with the Court of King's Bench within 30 days after receiving the direction or order, as the case may be.

Division 2 Other Ministerial Powers

Minister disallowance of bylaws, codes of ethics and conduct or practice standards and guidelines

201 If the Minister considers it necessary or advisable to do so, the Minister may, by order,

- (a) require a professional regulatory organization's governing body to amend a bylaw, a code of ethics and conduct or practice standards and guidelines within a specified time, or

- (b) disallow, in whole or in part, a bylaw, a code of ethics and conduct or practice standards and guidelines

to conform with this Act or the regulations.

Ministerial oversight

202(1) If the Minister is of the opinion that it is in the public interest, the Minister, after the Minister has consulted with a professional regulatory organization, may issue an order directing the professional regulatory organization's governing body to do any one or more of the following:

- (a) make a code of ethics and conduct or practice standards and guidelines or adopt amendments to a code of ethics and conduct or practice standards and guidelines as set out in the order;
- (b) make, amend or repeal any bylaws that the governing body may make, as set out in the order;
- (c) carry out any power, duty or function of a governing body under this Act or the regulations in the manner set out in the order.

(2) Notwithstanding the bylaws of a professional regulatory organization, the Minister may, in an order under subsection (1), establish the procedure to be followed in developing, proposing, amending, consulting on and reviewing a bylaw, a code of ethics and conduct or practice standards and guidelines.

(3) A governing body must comply with an order made under this section within 30 days of being given a copy of the order, or within any other time set out in the order.

(4) If a professional regulatory organization's governing body does not comply with a Minister's order under subsection (1), the Minister may, by order,

- (a) make a code of ethics and conduct or practice standards and guidelines for the professional regulatory organization, or adopt amendments to the code of ethics and conduct or practice standards and guidelines of the professional regulatory organization,

- (b) make, amend or repeal any bylaws that the governing body may make, or
- (c) carry out any other power, duty or function of the governing body.

Exemptions

203 The Minister may exempt a professional regulatory organization or a category or class of registrants from the application of some or all of the provisions of this Act, with or without conditions, in the regulations.

Costs

204 The Minister may make orders respecting the fees and other costs to be paid by a professional regulatory organization or professional association, including

- (a) respecting an application to become designated as a professional regulatory organization, and
- (b) respecting an application for amalgamation.

Part 14 Offences and Penalties

Offences and penalties

205(1) Every person and every officer, employee or agent of a corporation or firm that contravenes any of the following is guilty of an offence:

- (a) section 58;
- (b) section 75;
- (c) section 78(1);
- (d) section 167;
- (e) section 168;
- (f) section 169;
- (g) section 170;

- (h) section 171;
- (i) section 172;
- (j) section 173;
- (k) section 175;
- (l) section 178(2).

(2) A person that contravenes any mandatory registration requirements prescribed in accordance with this Act or the regulations is guilty of an offence.

(3) A person that contravenes or fails to comply with a regulation under this Act, if the regulation specifies that it is an offence to contravene or fail to comply with the regulation, is guilty of an offence.

(4) An individual who is guilty of an offence under subsection (1), (2) or (3) is liable

- (a) for a first offence, to a fine of not more than \$5000,
- (b) for a 2nd offence, to a fine of not more than \$10 000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$20 000, to imprisonment for a term not exceeding 6 months or to both a fine and imprisonment.

(5) A business entity that is guilty of an offence under subsection (1), (2) or (3) is liable

- (a) for a first offence, to a fine of not more than \$25 000,
- (b) for a 2nd offence, to a fine of not more than \$50 000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$100 000, to imprisonment for a term not exceeding 6 months or to both a fine and imprisonment.

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

Burden of proof

206 In a prosecution under this Act, any burden of proving that a person is a registrant or former registrant is on the accused.

Part 15 Ministerial Regulations

Regulations

207(1) The Minister may make regulations

- (a) prescribing that an entity is a business entity for the purposes of section 1(e)(v);
- (b) specifying that an arrangement is a practice arrangement for the purposes of section 1(hh)(x);
- (c) specifying circumstances that constitute practice in association for the purposes of section 1(ii)(viii);
- (d) establishing one or more regulatory models for a professional regulatory organization that is established, amalgamated or continued under this Act, including regulations
 - (i) establishing the scope of the profession and practice regulated by the professional regulatory organization,
 - (ii) providing for voluntary registration and restrictions on the use of a restricted title or other activities by those who do not voluntarily register,
 - (iii) imposing mandatory registration requirements for a person to provide a professional service to the public that is within the scope of the profession regulated by the professional regulatory organization,
 - (iv) establishing restricted activities and authorizing registrants or a category or class of registrants of the professional regulatory organization to engage in a restricted activity,
 - (v) establishing an exclusive scope of practice and authorizing registrants, a category or class of registrants or other persons to engage in the provision of services that are part of an exclusive scope of practice,

- (vi) establishing a restricted title and authorizing registrants, a category or class of registrants or other persons to use a restricted title,
 - (vii) imposing conditions or restrictions on registrants of the professional regulatory organization,
 - (viii) respecting the practice of a profession, practice prohibitions and restricted titles generally, and
 - (ix) respecting any other matters the Minister considers necessary for the purposes of establishing the regulatory model;
- (e) respecting circumstances in which a person other than a registrant of a professional regulatory organization, or a specific category or class of registrant of that professional regulatory organization, is authorized to engage in an exclusive scope of practice;
 - (f) respecting circumstances in which a person other than a registrant of a professional regulatory organization is authorized to use a restricted title;
 - (g) prescribing the powers, duties and functions of a professional governance officer;
 - (h) establishing criteria or factors that must be considered by a professional governance officer when reviewing an application and providing advice on whether a professional association should be designated as a professional regulatory organization;
 - (i) establishing criteria or factors that the Minister must consider when deciding whether to recommend that the Lieutenant Governor in Council issue an order designating a professional association as a professional regulatory organization;
 - (j) prescribing any description of or abbreviation, initials, letter, symbol or other words that may be used to identify a professional regulatory organization established under this Act;

- (k) establishing categories and classes of registrants for professional regulatory organizations established under this Act;
- (l) respecting the establishment of the initial governing body, bylaws, registrants and Register of a professional regulatory organization, and any other matters necessary to effectively establish a professional regulatory organization;
- (m) respecting processes and requirements with respect to applications to be designated or amalgamated as a professional regulatory organization;
- (n) establishing criteria or factors that must be considered by a professional governance officer when reviewing an application and providing advice on whether 2 or more professional regulatory organizations or one or more professional regulatory organizations and one or more professional associations should be amalgamated into one amalgamated professional regulatory organization;
- (o) establishing criteria or factors that the Minister must consider when deciding whether to recommend that the Lieutenant Governor in Council issue an order amalgamating 2 or more professional regulatory organizations or one or more professional regulatory organizations and one or more professional associations into one amalgamated professional regulatory organization;
- (p) respecting the amalgamation of 2 or more professional regulatory organizations or one or more professional regulatory organizations and one or more professional associations, including
 - (i) prescribing any description of or abbreviation, initials, letter, symbol for or other words that may be used to identify the amalgamated professional regulatory organization,
 - (ii) establishing one or more regulatory models for the amalgamated professional regulatory organization,

- (iii) establishing categories and classes of registrants for the amalgamated professional regulatory organization, and
- (iv) respecting the establishment of the initial governing body, bylaws, registrants and Register of an amalgamated professional regulatory organization, and any other matters necessary to effectively facilitate the amalgamation, including directions respecting transitional matters;
- (q) prescribing powers to be exercised, and duties and functions to be performed, by a professional regulatory organization;
- (r) respecting the advocacy roles that a professional regulatory organization may engage in, or that a professional regulatory organization is prohibited or restricted from engaging in;
- (s) establishing a joint committee or a joint tribunal for 2 or more professional regulatory organizations, and respecting
 - (i) the powers, duties and functions of the committee or tribunal,
 - (ii) the composition of the committee or tribunal, including the number of public members or other members that must be on the committee or tribunal,
 - (iii) the processes for selecting and removing members from the committee or tribunal and the filling of vacancies on the committee or tribunal,
 - (iv) the powers, duties and functions of the chair of the committee or tribunal and the process for selecting and removing a chair,
 - (v) the procedures and quorum for the committee or tribunal,
 - (vi) requirements for the making of bylaws respecting the committee or tribunal, and
 - (vii) any other matter relating to the committee or tribunal that the Minister considers necessary or advisable;

- (t) prescribing powers, duties or functions that a public member who is appointed to a governing body, committee or tribunal of a professional regulatory organization, or a joint committee or joint tribunal for 2 or more professional regulatory organizations, must perform;
- (u) respecting the information that must be contained within, and other requirements for, a professional regulatory organization's annual report, including regarding the submission and publication of an annual report;
- (v) prescribing officials and the types of contact information for these officials that must be included in a professional regulatory organization's directory;
- (w) respecting the code of ethics and conduct and practice standards and guidelines for registrants that must be made by a governing body under section 50(1), including respecting the form of, contents of and other requirements for a code of ethics and conduct or practice standards and guidelines for registrants;
- (x) establishing categories and classes of registrants for a professional regulatory organization, including the requirements to be eligible to be registered in a category or class of registrant;
- (y) prescribing one or more of the following as ways to meet the requirements for competence in the practice of a profession:
 - (i) meeting specified education requirements, which may include being enrolled in or having completed an educational course or program of study, or holding a specified degree, certificate or diploma;
 - (ii) meeting specified training, experience, knowledge, skills or proficiency requirements;
 - (iii) successfully completing a specified examination or examinations;
 - (iv) demonstrating requisite judgment;
- (z) respecting the eligibility of an individual who is not a Canadian citizen or who is not permitted to work under

the *Immigration and Refugee Protection Act* (Canada) to be registered in a professional regulatory organization;

- (aa) prescribing a period within which notice must be given to an applicant under section 55(1);
- (bb) prescribing information that must be contained in evidence of registration;
- (cc) authorizing and respecting the issuance of documents or things to a registrant as evidence of registration;
- (dd) authorizing and respecting the use of stamps, seals and engravings by registrants of a professional regulatory organization;
- (ee) authorizing or requiring a professional regulatory organization to register business entities as business registrants;
- (ff) specifying a class or classes of business entities that a professional regulatory organization is authorized or required to register as a business registrant;
- (gg) respecting the requirements for registration as a business registrant, the process applicable to applications for registration and consideration of those applications and the registration and continuing registration of business registrants;
- (hh) authorizing a business registrant to commence an action or other proceeding in respect of professional fees for services performed on the business registrant's behalf and in its name by an individual registrant;
- (ii) respecting business registrants generally, including any conditions, limits, restrictions or other requirements placed on business registrants or a class of business registrants;
- (jj) respecting the provision of professional services by a registrant in or through a practice arrangement;
- (kk) respecting the rights of a non-regulated member of a professional regulatory organization;

- (ll) respecting information that must be provided to a registrar or registration committee under section 64(2);
- (mm) establishing requirements for the issuance of evidence of registration by the registrar of a professional regulatory organization;
- (nn) respecting the suspension or cancellation of the registration of a registrant under section 64(5)(a);
- (oo) respecting the imposition of conditions or restrictions on the registration of a registrant under section 64(5)(b);
- (pp) respecting the imposition of penalties under section 64(5)(d);
- (qq) providing, for the purposes of section 67, for a suspension to not be revoked or for evidence of registration to not be returned or reissued;
- (rr) respecting the establishment, maintenance and administration of Registers, including respecting the information for each registrant that a registrar must enter in the Register under section 70(2);
- (ss) respecting the information that must be contained in a record established and maintained under section 71(1);
- (tt) respecting the information that a registrant of a professional regulatory organization must provide to the professional regulatory organization on registration;
- (uu) requiring a professional regulatory organization to post information on the professional regulatory organization's website;
- (vv) prescribing powers, duties or functions to be performed by a registrant if the registrant is appointed to the governing body, a committee or a tribunal of the professional regulatory organization;
- (ww) establishing requirements that registrants must comply with for the purposes of section 74(f);
- (xx) respecting powers, duties or functions that a competence committee must perform;

- (yy) respecting powers, duties and functions that a practice review committee must perform;
- (zz) respecting steps that may be taken and functions that may be performed by a practice review committee to meet the purpose of practice review;
- (aaa) prescribing a time period for the purposes of section 91(1)(b);
- (bbb) authorizing a professional regulatory organization to engage in incapacity assessments under Part 9;
- (ccc) respecting the notification of a complaints inquiry committee that a CIC secretary has reasonable grounds to believe that a registrant is incapacitated;
- (ddd) prescribing criteria for a CIC secretary or complaints inquiry committee to consider when determining whether there are reasonable grounds to believe that a registrant is incapacitated;
- (eee) respecting the use of a restricted title;
- (fff) authorizing a professional regulatory organization to establish specialities and respecting a person's use of the term "specialist" or a person holding themselves out to be a specialist;
- (ggg) respecting the use of a restricted title, alone or in combination with the word "student", or any other words, by a student while undertaking activities related to a regulated profession;
- (hhh) respecting restrictions on advertising by registrants;
- (iii) authorizing and respecting custodial orders, including
 - (i) respecting applications for custodial orders,
 - (ii) respecting the circumstances in which a custodial order may be granted,
 - (iii) specifying persons who may be appointed as a custodian,

- (iv) authorizing the Court to issue orders as part of a custodial order,
- (v) prescribing and respecting the duties of a custodian, and
- (vi) respecting the fees and expenses that may be paid to a custodian;
- (jjj) respecting the confidentiality of information acquired by a professional regulatory organization under Parts 5 to 10;
- (kkk) authorizing the disclosure of confidential information under section 178(2);
- (lll) requiring a professional regulatory organization to keep records under section 189(i);
- (mmm) prescribing business entities that cannot be required to obtain a licence or authorization from a municipality or Metis settlement to engage in or carry on practice in a profession;
- (nnn) establishing criteria or factors for the purposes of section 196(4)(b);
- (ooo) respecting any matter arising from the revocation of the designation of a professional regulatory organization;
- (ppp) respecting the publication of bylaws by a professional regulatory organization on the professional regulatory organization's website;
- (qqq) authorizing a professional regulatory organization to make bylaws relating to any matter if the Minister is of the opinion that authorizing the professional regulatory organization to make those bylaws is necessary or appropriate to effectively carry out the purposes of this Act;
- (rrr) exempting a professional regulatory organization or a category or class of registrants from the application of some or all of the provisions of this Act, with or without conditions;
- (sss) defining words or expressions used but not defined in this Act;

(ttt) respecting any matter or thing not provided for in this Act or insufficiently provided for in this Act that is considered advisable by the Minister to carry out the purposes of this Act.

(2) The authority to make a regulation under this Act includes the authority to specify that a contravention of or a failure to comply with the regulation is an offence.

(3) A regulation under this Act may be general or particular in its application and, without limiting the generality of the foregoing, may apply in respect of all professional regulatory organizations or any of them or to a particular professional regulatory organization.

Part 16

Bylaw-making Authorities

Making of bylaws and coming into force

208(1) Each governing body must make bylaws establishing a process for making bylaws.

(2) Before making a bylaw, a governing body must provide, for review and comment, a copy of the proposed bylaw to

- (a) the registrants of the professional regulatory organization,
- (b) the Minister, and
- (c) any other person the governing body considers advisable.

(3) A governing body may only make a bylaw after the governing body has reviewed and considered the comments received from a review described in subsection (2).

(4) A bylaw is effective from the date the bylaw is made by a governing body or any later date specified in the bylaw.

Copies of bylaws

209 A governing body must make copies of its bylaws readily available to the public and to registrants, must publish its bylaws on its website if required by the regulations and may publish its bylaws in a manner determined by the governing body.

Non-application of the Regulations Act

210 The *Regulations Act* does not apply to bylaws, resolutions, codes of ethics and conduct or practice standards and guidelines established under this Act.

Regulations supersede bylaws

211 The regulations prevail to the extent of any inconsistency between the regulations and the bylaws made under this Act.

Consultation with Ministers required

212 A governing body must consult with the Minister and the Minister responsible for Parts 1 to 3 of the *Post-secondary Learning Act*, and must consider the comments received from those Ministers, before establishing, amending or eliminating education or training requirements for registration as a registrant, including any educational course or program of study required for registration.

Bylaws

213(1) Each governing body must make bylaws

- (a) respecting the number and type of registrants that may be selected as members of the governing body, which may prescribe
 - (i) the number of registrant members from any category or class of registrants that must be on the governing body, and
 - (ii) any geographical representation that is required on the governing body,
- (b) respecting non-voting members who may be on the governing body,
- (c) respecting the selection of the chair and vice-chair, if any, the registrant members and any non-voting members of the governing body,
- (d) setting out the powers, duties and functions of the chair of the governing body,

- (e) respecting the appointment of and the powers, duties and functions of any officers of the professional regulatory organization,
- (f) respecting the composition of the committees and tribunals of the professional regulatory organization, which may prescribe
 - (i) the number of registrant members on a committee or tribunal,
 - (ii) the number of registrant members from any category or class of registrants that must be on a committee or tribunal, and
 - (iii) non-regulated members that may be on a committee,
- (g) respecting the selection, designation or appointment of the chair and other members of the governing body and each committee established by the professional regulatory organization, including respecting their terms of office, removal from office and the filling of vacancies,
- (h) respecting the powers, duties and functions of each committee established under section 26, including
 - (i) any requirement to refer matters to the governing body or a different committee, and
 - (ii) any procedure for appealing a decision of the committee,
- (i) setting the terms of reference for each committee established under section 26,
- (j) respecting the powers, duties and functions of the chair and other members of each committee, tribunal or other body established by the professional regulatory organization,
- (k) respecting the designation of a tribunal chair for each discipline tribunal hearing, and an appeal tribunal chair and appeal tribunal vice-chair for each appeal tribunal hearing,
- (l) respecting the selection, designation or appointment of the members of the tribunal roster established under section

30, including respecting the term of office and removal from office of members,

- (m) respecting the appointment of tribunal members, including respecting the revocation of an appointment and replacement of a tribunal member,
- (n) respecting requirements for quorum for the governing body, and each committee, sub-committee, tribunal or other body established by the professional regulatory organization,
- (o) respecting the form that an application for registration must be in,
- (p) respecting the registration of
 - (i) individual registrants,
 - (ii) temporary registrants,
 - (iii) business registrants, if the registration of business registrants is authorized or required under section 207(1)(ee) or if a business entity is deemed to be registered as a business registrant under section 226(1)(b), and
 - (iv) any other category of registrants established in the regulations made under section 207(1),

which must establish requirements to be registered in each category and class of registrant established under this Act and any conditions or restrictions that may apply to a person registered in a category or class of registrant,

- (q) prescribing the combination of
 - (i) education requirements, which may include being enrolled in or having completed an educational course or program of study, or holding a specified degree, certificate or diploma,
 - (ii) training, experience, knowledge skills or proficiency requirements,
 - (iii) requirements for the successful completion of an examination or examinations, and

- (iv) requirements for demonstrating the requisite judgment

needed to meet the requirements for demonstrating competence in the practice of a profession,

- (f) respecting the process for determining the requirements for demonstrating competence in the practice of a profession,
- (s) respecting conditions or restrictions that the registrar or registration committee may or must impose on an applicant's registration,
- (t) respecting conditions or restrictions that the registrar or registration committee may impose on applications for registration by an applicant whose application was previously refused,
- (u) respecting the use of stamps, seals and engravings by the registrants of the professional regulatory organization, if the Minister has authorized the use of stamps, seals and engravings by registrants of the professional regulatory organization,
- (v) if authorized or required by the regulations to register business registrants, respecting business registrants, including
 - (i) respecting the requirements and process applicable to applications for registration as a business registrant, including the processes for applying for and considering applications for registration,
 - (ii) respecting the requirements for being registered as a business registrant and continuing to be registered as a business registrant,
 - (iii) respecting the registration of business registrants and evidence of registration for business registrants,
 - (iv) restricting the use of a title, alone or in combination with any name, description, abbreviation, initials, letter, symbol or other words by business registrants or by a class of business registrant,

(v) respecting the information that must be maintained and updated on the professional regulatory organization's Register in respect of business registrants and respecting other information that must be maintained and updated respecting business registrants,

(vi) respecting continuing registration, including

- (A) conditions for continuing registration,
- (B) the process for the review of the registration of each business registrant to confirm the registrant meets the requirements for continuing registration, and
- (C) respecting the suspension or cancellation of registration, conditions or restrictions that may be imposed and penalties that may be imposed for failing to meet any continuing registration requirements,

and

(vii) respecting the approval of the articles of a proposed professional corporation for the purposes of section 7(2) of the *Business Corporations Act*, if the professional regulatory organization is authorized to register professional corporations,

(w) respecting applications for continuing registration, including respecting

- (i) the requirements for continuing registration, including any continuing competence or education requirements,
- (ii) any requirements to submit satisfactory evidence that the registrant
 - (A) has completed any continuing competence or education requirements,
 - (B) is maintaining professional liability insurance,
 - (C) has complied with any conditions or restrictions on the registrant's registration or practice, and

- (D) has paid all fees, fines and costs due to the professional regulatory organization,
- (iii) any requirements for the submission of any changes to the information a registrant is required to provide to the registrar under this Act, the regulations and the bylaws of the professional regulatory organization, and
- (iv) any requirements for the submission of any other information required by this Act, the regulations or the bylaws of the professional regulatory organization,
- (x) respecting the review of applications for continuing registration, including respecting
 - (i) how often a review of the registration of each registrant must occur,
 - (ii) the time within which the registrar or registration committee must review an application for continuing registration,
 - (iii) the potential cancellation or suspension of registration if continuing registration requirements are not met,
 - (iv) conditions or restrictions and financial penalties that may be imposed for a contravention of a continuing registration requirement,
 - (v) the time when a continued registration continues in effect for, and
 - (vi) the issuance of new or updated evidence of registration,
- (y) respecting applications to the registration committee for reinstatement under section 66, including
 - (i) establishing a specified time from the date of the resignation or cancellation of registration when no application for reinstatement may be made,
 - (ii) respecting the time after which a former registrant is no longer eligible to apply for reinstatement, and

- (iii) respecting good character and reputation requirements for reinstatement,
- (z) respecting the establishment, maintenance and administration of a Register that identifies the category and class of each registrant of the professional regulatory organization,
- (aa) respecting the addition of, amendment to or removal of information from the professional regulatory organization's Register,
- (bb) setting a time for the purposes of section 71(2) within which a registrant must notify the professional regulatory organization of any change in any information that the registrant must provide to the professional regulatory organization,
- (cc) respecting the information to be posted on the professional regulatory organization's website,
- (dd) respecting the powers, duties and functions of the registrar and registration committee, and the delineation of powers, duties and functions between them,
- (ee) establishing and respecting the maintenance and administration of a continuing competence program, which
 - (i) prescribe the body or bodies that must administer and maintain the continuing competence program,
 - (ii) establish the requirements of the continuing competence program, and
 - (iii) establish the categories and classes of registrants to which the program applies,
- (ff) respecting the publication of
 - (i) a notice of hearing,
 - (ii) any decision and resulting order of a discipline tribunal or an appeal tribunal, or a summary of any decision,
 - (iii) a sanction agreement, and

- (iv) notice of the cancellation of a registrant's registration,
 - (gg) respecting the making of decisions in respect of questions of procedure arising after a discipline tribunal has been convened but before the commencement of a discipline tribunal hearing,
 - (hh) respecting the costs to be included and the manner of determining costs for the purposes of an order for costs by a discipline tribunal or appeal tribunal,
 - (ii) respecting the retention and disposal of any decision, order or record of proceedings received by a discipline tribunal secretary in accordance with section 125 or an appeal tribunal secretary in accordance with section 159,
 - (jj) respecting the publication of the status of an appeal under section 130 or 158,
 - (kk) respecting the publication of a stay under section 131 or 160,
 - (ll) respecting the publication of a direction or decision temporarily suspending a registrant's registration or imposing conditions or restrictions on the registrant pending the conclusion of an investigation or the decision of a discipline tribunal under section 142, or in the context of an incapacity assessment under section 143,
 - (mm) respecting information that is confidential under section 178,
 - (nn) respecting whether meetings of a registration committee, competence committee or practice review committee are private or open and if open, who the meetings are open to,
 - (oo) respecting the circumstances in which meetings and hearings may be held by electronic or other communication methods, and
 - (pp) establishing a process for making bylaws.
- (2) A governing body may make bylaws
- (a) respecting the governance, management, carrying out and conduct of the business affairs and operations of the

professional regulatory organization, including respecting the process for the governing body to make resolutions,

- (b) establishing requirements for holding meetings of the registrants and non-regulated members of the professional regulatory organization, including respecting notice of meetings and meeting procedures,
- (c) respecting any processes or procedures necessary to carry out the powers, duties and functions of individuals and bodies responsible for
 - (i) assessing applications for registration,
 - (ii) assessing the continuing competence of registrants,
 - (iii) conducting practice reviews,
 - (iv) conducting complaints inquiry processes,
 - (v) conducting discipline and appeal tribunal proceedings, and
 - (vi) conducting incapacity assessmentsin accordance with this Act,
- (d) respecting the calling and conduct of meetings of the governing body or a committee or other body of the professional regulatory organization,
- (e) respecting consultation with registrants and non-regulated members of the professional regulatory organization in respect of making or amending a bylaw, including respecting any requirements for holding, the method of holding and the conducting of votes of the members of the professional regulatory organization,
- (f) establishing procedures for appealing a decision of a committee,
- (g) respecting the establishment, composition and functions of sub-committees, panels and task forces,
- (h) respecting the delegation of powers, duties or functions by the governing body, a committee or other body or by an individual in accordance with this Act,

- (i) respecting the remuneration and expenses payable to registrants and other members of the governing body, a committee, a tribunal, a panel or a task force,
- (j) respecting evidence of meeting competence requirements for registration,
- (k) establishing requirements to have professional liability insurance and governing the minimum coverage and type of coverage required to be carried by registrants and applicants for registration, which may vary by categories and classes of registrants,
- (l) respecting the provision of evidence that an applicant for registration is a Canadian citizen or an individual permitted to work under the *Immigration and Refugee Protection Act (Canada)*,
- (m) establishing requirements for applicants for registration to provide evidence of having good character and reputation,
- (n) establishing requirements for applicants for registration to provide evidence of meeting standards of language proficiency,
- (o) respecting fees to be paid by applicants for registration, continuing registration or reinstatement,
- (p) establishing requirements to provide information to the registrar of the professional regulatory organization as part of an application for registration, continuing registration or reinstatement,
- (q) prescribing requirements for registration as a registrant of the professional regulatory organization, including training requirements, residence requirements and age requirements,
- (r) respecting the recognition of an organization outside Canada that regulates the same profession as having substantially equivalent competence, experience and practice requirements,
- (s) setting criteria for being considered as registered with an organization outside Canada that regulates a profession and that is recognized by the governing body as having

substantially equivalent competence, experience and practice requirements,

- (t) for the purposes of section 53(3), specifying additional requirements, in addition to being considered as registered with an organization outside Canada that regulates a profession and that is recognized by the governing body as having substantially equivalent competence, experience and practice requirements,
- (u) permitting a registrar or registration committee which has deferred an application under section 56(1)(b) to require an applicant to become a non-regulated member for the time period that the application is deferred,
- (v) specifying conditions or restrictions on re-application for registration by an applicant whose application was refused under section 56,
- (w) authorizing and respecting temporary registration, including
 - (i) establishing requirements for being registered as a temporary registrant and the processes and procedures for applying for temporary registration,
 - (ii) respecting the determination of the period in which a temporary registration is valid, and
 - (iii) respecting the renewal of temporary registration,
- (x) if authorized or required by the regulations to register business registrants,
 - (i) respecting evidence that an applicant for registration as a business registrant must provide to demonstrate that it can provide professional services in accordance with the public interest,
 - (ii) respecting the type and amount of liability insurance or other protection against professional liability that an applicant for registration as a business registrant must have to be registered, and must maintain to continue to be registered, which may differ between and distinguish between classes of business registrants,

- (iii) establishing requirements that individual registrants exercise ownership and control over a business registrant, including
 - (A) requiring a specified number or percentage of individual registrants as directors, officers, shareholders or partners of the business registrant, or
 - (B) requiring that an individual registrant will personally manage, control and supervise the practice of the profession in and by the business registrant,

and

- (iv) establishing prohibitions, conditions, limits, restrictions or other requirements on business registrants,
- (y) respecting the provision of professional services by a registrant in or through any practice arrangement,
- (z) providing for non-regulated members, which must address how a person may apply to be a non-regulated member and may establish categories or classes of non-regulated members,
- (aa) establishing requirements for the issuance of evidence of registration to a registrant,
- (bb) establishing requirements for applicants for reinstatement under section 65 or 66 to provide evidence of meeting good character and reputation requirements,
- (cc) respecting the cancellation of a disciplinary suspension under section 67,
- (dd) respecting information about a hearing or appeal relating to a registrant or former registrant and the status of the hearing or appeal that must be provided under section 72,
- (ee) respecting the application of the professional regulatory organization's continuing competence program, and requirements for continuing competence, for registrants other than individual registrants,

- (ff) establishing powers, duties or functions for the professional regulatory organization's competence committee;
- (gg) respecting practice reviews and the professional regulatory organization's practice review committee, if any, including bylaws
 - (i) establishing the qualifications that must be met by practice reviewers,
 - (ii) specifying which categories or classes of registrants are subject to practice reviews, and
 - (iii) establishing powers, duties and functions for the practice review committee,
- (hh) respecting communication between parties, representatives, witnesses or complainants and
 - (i) a discipline tribunal or any of its members, or
 - (ii) an appeal tribunal or any of its members, concerning the subject-matter of a hearing,
- (ii) respecting persons or organizations a professional regulatory organization may send a decision of a discipline tribunal or appeal tribunal under section 132,
- (jj) respecting determinations the complaints inquiry committee may be required to make under section 146 if a business registrant ceases to comply with the bylaws of a professional regulatory organization respecting business registrants because of a suspension or the imposition of conditions or restrictions on a registrant's registration or professional practice,
- (kk) establishing a process for addressing questions of procedure arising
 - (i) after an appeal tribunal has been convened but before the commencement of an appeal hearing, and
 - (ii) in the course of an appeal hearing,

- (ll) respecting the permission required for a registrant to engage in the practice of a regulated profession with a person described in section 168(a) or (b),
- (mm) respecting the use of a restricted title by any person,
- (nn) respecting specialists, including the use of the term “specialist” or holding oneself out to be a specialist, if the Minister has authorized the professional regulatory organization to establish specialities,
- (oo) respecting the use of a restricted title, alone or in combination with the word “student”, or any other words, while undertaking activities related to the profession regulated by the professional regulatory organization,
- (pp) establishing rules governing advertising by registrants,
- (qq) respecting the use of electronic signatures, writing using electronic means and the use of electronic records,
- (rr) respecting the sending or delivery of a notice or document electronically,
- (ss) respecting information that must be retained under section 189,
- (tt) respecting the designation of officials for the purposes of section 217(g)(vii),
- (uu) respecting the supervision by registrants of other registrants or non-regulated members of the professional regulatory organization as a condition of registration or an order, including requirements to be eligible to be a supervising registrant,
- (vv) respecting custodial orders if the Minister has authorized a professional regulatory organization to issue custodial orders,
- (ww) respecting any matter the Minister has authorized the professional regulatory organization to make bylaws about under section 207(1)(qqq),
- (xx) respecting any operational or administrative matter not dealt with in this Act or the regulations, and

- (yy) respecting any other matter not dealt with in this Act or the regulations that a governing body deems necessary or advisable for the professional regulatory organization to meet the professional regulatory organization's mandate.

Bylaws re joint committee and joint tribunals

214(1) If a joint committee or joint tribunal has been established under this Act, the governing bodies of the relevant professional regulatory organizations may jointly make bylaws

- (a) respecting procedures necessary to effectively participate in the joint committee or joint tribunal, and
- (b) respecting any matter for which a professional regulatory organization must or may make a bylaw.

(2) A joint bylaw is made when the professional regulatory organizations have each made the same bylaw.

Bylaws re Alberta Land Surveyors' Association

215 The governing body of the Alberta Land Surveyors' Association may make bylaws establishing and respecting the articling of pupils, including respecting the transfer and termination of articles, the disciplining of pupils, the period of articles including conditions attached to them, who may take articulated pupils and all other matters relating to articling.

Bylaws re Alberta Veterinary Medical Association

216 The governing body of the Alberta Veterinary Medical Association may make bylaws respecting the inspection of, and the acceptable standards for, the physical facilities operated by a registrant of the Alberta Veterinary Medical Association.

Part 17
Transitional and Related
Provisions, Consequential
and Related Amendments,
Repeals and Coming into
Force

Division 1
Transitional and Related
Provisions

Transitional — definitions and interpretation

217 In this Act,

- (a) “appeal body under a former Act” means the council, board, committee, tribunal or similar body responsible for hearing an appeal under a former Act;
- (b) “competence body under a former Act” means the competence committee or any other board, committee or similar body under a former Act that performed duties broadly similar to a competence committee under this Act;
- (c) “complaints or investigation body under a former Act” means the complaints inquiry committee or any other committee, official or similar body responsible for receiving, investigating and, if necessary, referring complaints to a discipline hearing under a former Act;
- (d) “continued professional regulatory organization” means an entity that has been continued as a professional regulatory organization under section 218;
- (e) “discipline body under a former Act” means a discipline tribunal, discipline committee, hearing tribunal or similar body that was empowered to conduct discipline hearings under a former Act;
- (f) “governing body under a former Act” means the governing body of a professional regulatory organization under a former Act;
- (g) “officers of a professional regulatory organization under a former Act” means any officers appointed, selected or

elected to or for a governing body or appointed, designated or retained for the administration of a continued professional regulatory organization, including any

- (i) chair, chair of the board of directors, chair of the executive committee, and council chair,
 - (ii) vice-chair of any of the above,
 - (iii) treasurer,
 - (iv) secretary,
 - (v) president, vice-president, chief executive officer or executive director,
 - (vi) registrar or deputy registrar, and
 - (vii) any other official designated by regulations or the bylaws for the purposes of this transition;
- (h) “practice review body under a former Act” means the practice review board, practice review committee or any other body under a former Act that performed duties broadly similar to the duties that may be performed by a practice review committee under this Act;
- (i) “registration body under a former Act” means the board of examiners, registration committee or any other body under a former Act that performed duties broadly similar to the duties that may be performed by a registration committee under this Act;
- (j) “rules, codes and standards under a former Act” means rules of professional conduct, codes of ethics, codes of conduct, standards of practice, practice standards or any similar instruments made under a former Act that regulated the conduct of registrants under a former Act.

Transitional — continuing entities

218(1) The following entities are continued as professional regulatory organizations under this Act, and each has the capacity and, subject to this Act, the rights, powers and privileges of a natural person:

- (a) Alberta Assessors' Association;
- (b) Alberta Association of Architects;
- (c) Alberta Association of Landscape Architects;
- (d) Alberta Human Ecology and Home Economics Association;
- (e) Alberta Institute of Agrologists;
- (f) Alberta Land Surveyors' Association;
- (g) Alberta Professional Planners Institute;
- (h) Alberta Shorthand Reporters Association;
- (i) Alberta Society of Professional Biologists;
- (j) Alberta Veterinary Medical Association;
- (k) Association of Alberta Forest Management Professionals;
- (l) Association of Professional Engineers and Geoscientists of Alberta;
- (m) Association of Science and Engineering Technology Professionals of Alberta;
- (n) Association of the Chemical Profession of Alberta;
- (o) Canadian Information Processing Society of Alberta;
- (p) Chartered Professional Accountants of Alberta;
- (q) Electrical Contractors Association of Alberta;
- (r) Institute of Certified Management Consultants of Alberta;
- (s) Society of Local Government Managers of Alberta;
- (t) Supply Chain Management Association Alberta.

(2) The professional regulatory organizations continued under subsection (1) are each established or continued as a corporation, as the case may be.

(3) The Minister may make regulations respecting the regulatory model or models that will apply to an entity that is continued as a professional regulatory organization under this Act.

(4) The Minister may make regulations respecting any other matter related to the continuation of any professional regulatory organization under this Act.

Transitional — regulated profession

219 Each continued professional regulatory organization continues to regulate the same profession or professions that it regulated under its former Act.

Transitional — initial governing body

220(1) On the continuation of a professional regulatory organization under this Act,

- (a) the governing body of the professional regulatory organization under the former Act that applied to it continues as the governing body of that professional regulatory organization under this Act, and
- (b) the officers of the professional regulatory organization under the former Act continue as officers under this Act until
 - (i) the terms they were appointed for, selected for or elected to expire or are terminated under this Act, or
 - (ii) their appointments, designations or retainers expire or are terminated under this Act,

as the case may be.

(2) A governing body continued under subsection (1)(a) may continue with the same members and constitution as under the former Act that applied to it but must come into conformity with this Act no later than one year after the continuation of the governing body under this Act.

(3) The Minister may issue an order continuing the members and constitution of the governing body adopted under a former Act for a further period specified in the order if the Minister has received a

written request to do so from a continued professional regulatory organization.

(4) The Minister may make regulations respecting the continuation of any professional regulatory organization under this Act.

Transitional — committees and tribunals

221(1) On the continuation of a professional regulatory organization under this Act,

- (a) if the continued professional regulatory organization had a registration body under a former Act,
 - (i) that registration body is replaced for all matters arising but not completed before the continuation of the professional regulatory organization under this Act by a registration committee established under this Act, and
 - (ii) any assessment, review or other work relating to registration that the registration body commenced under the former Act but that was not completed before the continuation of the professional regulatory organization under this Act shall be continued under and in conformity with this Act,
- (b) if the continued professional regulatory organization had a practice review body under a former Act,
 - (i) that practice review body is replaced for all matters arising but not completed before the continuation of the professional regulatory organization under this Act by a practice review committee established under this Act or by the professional regulatory organization's competence committee if the professional regulatory organization has designated that the competence committee shall act as a practice review committee,
 - (ii) any practice review or work related to practice review commenced under that former Act but not completed must be completed under and in conformity with this Act, and

- (iii) a practice reviewer appointed to conduct a practice review under that former Act continues as a practice reviewer under this Act with the powers, duties and functions of a practice reviewer under this Act in order to conclude that practice review,

and

- (c) if the continued professional regulatory organization had a competence body under a former Act,
 - (i) that competence body is replaced for all matters arising but not completed before the continuation of the professional regulatory organization under this Act by a competence committee established under this Act or, if no competence committee is established under this Act, by a practice review committee established under this Act, and
 - (ii) any assessment, review or other work relating to competence or continuing competence that body commenced under a former Act but that was not completed before the coming into force of this Act shall be continued under and in conformity with this Act.

(2) On the continuation of the Chartered Professional Accountants of Alberta under this Act, the members on the discipline tribunal roster and the appeal tribunal roster established under section 127 of the *Chartered Professional Accountants Act* become registrants on a tribunal roster established under section 30(1) of this Act for the Chartered Professional Accountants of Alberta and a member's time as a member of a roster under the *Chartered Professional Accountants Act* shall be counted as time on the tribunal roster established under section 30(1).

(3) On the continuation of the Association of Alberta Forest Management Professionals under this Act, the members appointed to a membership list for hearing tribunals, complaint inquiry committees and complaint review committees under section 15 of the *Regulated Forest Management Profession Act* become the registrants on a tribunal roster established under section 30(1) of this Act for the Association of Alberta Forest Management Professionals, and a member's time on a membership list under the *Regulated Forest Management Profession Act* shall be counted as time on the tribunal roster established under section 30(1).

(4) On the continuation of the Alberta Institute of Agrologists, the members on a membership list for complaint review committees and hearing tribunals under section 15 of the *Agrology Profession Act* become the registrants on a tribunal roster established under section 30(1) of this Act for the Alberta Institute of Agrologists, and a member's time on a membership list under the *Agrology Profession Act* shall be counted as time on the tribunal roster established under section 30(1).

(5) On the continuation of the Alberta Veterinary Medical Association under this Act, the members appointed to the membership list for hearing tribunals and complaint review committees under section 9.3(1) of the *Veterinary Profession Act* become the registrants on a tribunal roster established under section 30(1) of this Act for the Alberta Veterinary Medical Association, and a member's time on a membership list under the *Veterinary Profession Act* shall be counted as time on the tribunal roster established under section 30(1).

(6) On the continuation of the Association of Professional Engineers and Geoscientists of Alberta and the Alberta Association of Architects under this Act, the Joint Board of Practice established under section 1 of Schedule 8 of the *Government Organization Act* is disestablished and the term of office of any members of the Joint Board of Practice are terminated.

(7) On the continuation of the Association of Professional Engineers and Geoscientists of Alberta and the Association of Science and Engineering Technology Professionals of Alberta under this Act, the Minister shall replace the joint bodies established by the Association of Professional Engineers and Geoscientists of Alberta and the Association of Science and Engineering Technology Professionals of Alberta under the *Engineering and Geoscience Professions Act* as follows:

- (a) the Joint Appeal Board shall be replaced by a joint appeal tribunal convened under this Act for all appeals filed under the former Act where a hearing of an appeal has not commenced before the coming into force of this subsection;
- (b) the Joint Board of Examiners shall be replaced by a joint registration committee established under this Act for all matters arising but not completed before the coming into force of this subsection;

- (c) the Joint Discipline Committee shall be replaced by a joint discipline tribunal convened under this Act for hearings into allegations of unprofessional conduct made under the former Act where a hearing has not commenced before the coming into force of this subsection;
- (d) the Joint Investigative Committee shall be replaced by a joint complaints inquiry committee established under this Act for all matters arising but not completed before the coming into force of this subsection;
- (e) the Joint Practice Review Board shall be replaced by a joint practice review committee established under this Act for all matters arising but not completed before the coming into force of this subsection;
- (f) the Joint Professional Technologists Regulations Committee shall be replaced by a joint professional technologists committee established under this Act for all matters arising but not completed before the coming into force of this subsection.

(8) The Minister shall establish the joint committees and joint tribunals referred to in subsection (7) effective on the continuation of the Association of Professional Engineers and Geoscientists of Alberta and the Association of Science and Engineering Technology Professionals of Alberta under this Act.

Transitional — public members

222(1) Any public member appointed to a governing body under a former Act continues as a public member of the governing body under this Act with the same term of appointment to which the public member was appointed under the former Act unless the Minister directs otherwise by order.

(2) The appointment of a public member to a complaints or investigation body under a former Act continues as an appointment to the public member roster of the applicable professional regulatory organization under this Act, and a member's time as an appointee under the former Act shall be counted as time on the public member roster under this Act.

(3) The appointment of a public member to a discipline body under a former Act or an appeal body under a former Act continues as an appointment to the public member roster of the applicable

professional regulatory organization under this Act, and a member's time as an appointee under the former Act shall be counted as time on the public member roster under this Act.

Transitional — regulations

223 All regulations made in respect of a continued professional regulatory organization under the former Act that applied to it are repealed on the continuation of the professional regulatory organization under this Act.

Transitional — bylaws

224(1) Subject to subsections (2) to (4), on the continuation of a professional regulatory organization under this Act, any bylaws made by it under a former Act are repealed.

(2) The Minister may issue an order deeming bylaws made under a former Act as continuing in force despite their repeal under subsection (1) for the period specified in the order if the Minister has received a written request to do so from a continued professional regulatory organization.

(3) An order under subsection (2) may be made retroactive to the date when the professional regulatory organization was continued under this Act.

(4) For the purposes of this section, bylaws include regulations, directives, resolutions and similar legislative instruments made by a governing body under a former Act or the membership of a professional regulatory organization under a former Act, or both, that would fall within the bylaw-making power of a professional regulatory organization under this Act.

(5) A regulation, directive, resolution or similar legislative instrument continued under this section is continued as a bylaw of the professional regulatory organization that made the regulation, directive, resolution or legislative instrument.

Transitional — rules, codes and standards

225(1) Subject to subsection (2), on the continuation of a professional regulatory organization under this Act, any rules, codes and standards made by it under the former Act that applied to it are repealed.

(2) The Minister may issue an order deeming rules, codes and standards under a former Act as being continued despite their repeal under subsection (1) for the period specified in the order as a code of ethics and conduct or as practice standards and guidelines under this Act for a continued professional regulatory organization if the Minister has received a written request to do so from the continued professional regulatory organization.

(3) An order under subsection (2) may be made retroactive to the date when the professional regulatory organization was continued under this Act.

Transitional — registrants

226(1) On the continuation of a professional regulatory organization under this Act,

- (a) an individual registered with the continued professional regulatory organization, including an individual whose registration is subject to a suspension, is deemed to be registered as an individual registrant or temporary registrant, as the case may be, with the applicable professional regulatory organization under this Act, and
- (b) a business entity registered with the continued professional regulatory organization under the former Act, including a business entity whose registration is subject to a suspension, is deemed to be registered as a business registrant with the applicable professional regulatory organization under this Act.

(2) The deemed registrations under subsection (1) continue with the same approvals, conditions, undertakings, restrictions or suspensions that existed on that registration immediately before the continuation of the professional regulatory organization under this Act, subject to the provisions of this Act and the regulations, bylaws, codes of ethics and conduct and practice standards and guidelines under this Act.

(3) On the continuation of a professional regulatory organization under this Act, any document or thing, either physical or electronic, provided by a continued professional regulatory organization as evidence of registration or continuing registration under a former Act is continued as evidence of registration under this Act but become subject to the provisions of this Act, the regulations and the bylaws.

(4) On the continuation of a professional regulatory organization under this Act, a person who was a non-regulated member of a professional regulatory organization under a former Act, or who held a similar status under a former Act, is deemed to be a non-regulated member of that professional regulatory organization under this Act if the continued professional regulatory organization has made bylaws providing for non-regulated members.

Transitional — registration applications

227(1) Where an application for registration, continuing registration or reinstatement was made under a former Act but no final decision has been made with respect to that application by the registration body, that application is deemed to be made under this Act and is subject to Part 5 of this Act and must be decided under that Part.

(2) Where an application for registration, continuing registration or reinstatement was deferred under a former Act, any matter arising from that deferred application must be dealt with by the registrar or registration committee of the applicable professional regulatory organization under Part 5 of this Act.

Transitional — complaints, investigations and discipline proceedings

228(1) Any complaint made to a continued professional regulatory organization that relates to conduct occurring all or partly before the continuation of the professional regulatory organization under this Act must be dealt with under and in accordance with this Act.

(2) A complaint made to an entity that has been continued as a professional regulatory organization before the continuation of the professional regulatory organization under this Act and any matters, including any discipline hearings or appeals, arising from the complaint must be concluded in accordance with the former Act that applied to the continued professional regulatory organization as if that Act had not been repealed.

(3) Subject to subsections (4) and (5), for the purposes of subsection (2), the powers, duties and functions of

- (a) a complaints or investigation body under a former Act are vested in and may be carried out by a complaints inquiry committee under this Act, and any reference to a complaints or investigation body under a former Act is

deemed to be a reference to the applicable complaints inquiry committee under this Act,

- (b) a CIC secretary or similar role under a former Act are vested in and may be carried out by a CIC secretary under this Act, and any reference to a CIC secretary or similar role under a former Act is deemed to be a reference to a CIC secretary under this Act,
- (c) a CIC chair, complaints director or similar role under a former Act are vested in and may be carried out by the CIC chair under this Act, and any reference to the CIC chair, complaints director or similar role under a former Act is deemed to be a reference to the CIC chair under this Act,
- (d) a person appointed to conduct an investigation under a former Act are vested in and may be carried out by an investigator appointed under this Act as if that former Act had not been repealed,
- (e) a discipline tribunal secretary or similar role under a former Act are vested in and may be carried out by a discipline tribunal secretary under this Act, and any reference to a discipline tribunal secretary or similar role in a former Act is deemed to be a reference to a discipline tribunal secretary under this Act,
- (f) a discipline tribunal roster chair, hearing director or similar role under a former Act are vested in and may be carried out by a discipline tribunal roster chair under this Act, and any reference to a discipline tribunal roster chair or similar role in a former Act is deemed to be a reference to a discipline tribunal roster chair under this Act, and
- (g) a discipline body under a former Act are vested in and may be carried out by a discipline tribunal under this Act, and any reference to a discipline body in the former Act is deemed to be a reference to a discipline tribunal under this Act.

(4) If a person has been appointed under a former Act that applied to a professional regulatory organization to conduct an investigation and the investigation has not been concluded before the professional regulatory organization has been continued under this Act, the investigation must be concluded in accordance with

the former Act and the person continues to have the powers of a person appointed to conduct an investigation under that former Act as if that Act had not been repealed.

(5) If a discipline body under a former Act has begun a hearing into conduct under that former Act and the hearing has not been concluded, that discipline body and the members of that discipline body continue until the hearing concludes and the hearing must be concluded under the former Act as if the former Act had not been repealed.

Transitional — appeals

229(1) Subject to subsections (2) and (3), where a right of appeal in relation to a continued professional regulatory organization arose under a former Act before its continuation under this Act, that appeal is subject to and must be concluded in accordance with the former Act as if that Act had not been repealed.

(2) Subject to subsection (3), the powers, functions and duties of

- (a) an appeal tribunal secretary or similar role under a former Act are vested in and may be carried out by an appeal tribunal secretary under this Act, and any reference to an appeal tribunal secretary or similar role in the former Act is deemed to be a reference to an appeal tribunal secretary under this Act,
- (b) an appeal tribunal roster chair, hearing director or similar role under a former Act are vested in and may be carried out by an appeal tribunal roster chair under this Act, and any reference to an appeal tribunal roster chair, hearing director or similar role in a former Act is deemed to be a reference to an appeal tribunal roster chair under this Act, and
- (c) an appeal body under a former Act are vested in and may be carried out by an appeal tribunal under this Act, and any reference to an appeal board, appeal tribunal or similar hearing tribunal or body in a former Act is deemed to be a reference to an appeal tribunal under this Act.

(3) If an appeal body under a former Act had begun hearing an appeal in relation to a continued professional regulatory organization under that former Act and the appeal has not been concluded on the continuation of the professional regulatory

organization under this Act, the members of the appeal body continue as members of the appeal body, and the appeal must be concluded in accordance with that former Act as if that Act had not been repealed.

Transitional — orders, undertakings, conditions and restrictions

230 Any order made under a former Act, undertaking given under a former Act or condition or restriction imposed on a registration or evidence of professional practice under a former Act that is in effect immediately before the continuation of a professional regulatory organization under this Act is deemed to continue as if made, given or imposed under this Act, with all necessary changes to give it effect under this Act.

Exercise of power prior to commencement

231 The power

- (a) to make bylaws under this Act,
- (b) to make a code of ethics and conduct and practice standards and guidelines under this Act,
- (c) to establish committees under section 26,
- (d) to designate the CIC chair under section 28,
- (e) to establish tribunal rosters under section 30(1),
- (f) to appoint a discipline tribunal roster chair and appeal tribunal roster chair under section 30(2),
- (g) to establish joint committees and joint tribunals under section 33,
- (h) to appoint secretaries and a registrar under section 35,
- (i) to select, designate or appoint members of a governing body, committee, sub-committee, tribunal, joint committee or joint tribunal, panel or task force under this Act, other than public members,
- (j) to appoint public members under section 37, including any necessary consultations with a governing body, and
- (k) to delegate powers under section 46

may be exercised before those sections come into force, but the exercise of that power has no effect until this Act comes into force.

Transitional regulations

232(1) The Minister may make regulations

- (a) respecting the transition to this Act of anything under a former Act;
- (b) remedying any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from a former Act;
- (c) respecting the interpretation of any transitional provisions in this Act.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

(3) If there is a conflict between a regulation made under subsection (1) and a provision in this Part, the regulation prevails.

(4) A regulation made under subsection (1) is repealed 5 years after the regulation comes into force or on the date specified in the regulation, whichever is earlier.

(5) The repeal of a regulation under subsection (4) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

(6) A regulation may not be made under subsection (1) extending the 5-year period set out in subsection (4).

(7) A regulation made under subsection (1) that is in force on or after the repeal of this section remains in force until it is repealed in accordance with subsection (4).

(8) This section is repealed 2 years after this section comes into force, but the repeal does not affect anything done, incurred or acquired under the authority of a regulation made under subsection (1) before the repeal of this section.

(9) A regulation under this section may be general or particular in its application and without limiting the generality of the foregoing may apply in respect of all professional regulatory organizations or any of them or to a particular professional regulatory organization.

**Division 2
Consequential Amendments and Related
Amendments**

Amends SA 2007 cA-40.2

233 The *Animal Health Act* is amended in section 1(v) by striking out “*Veterinary Profession Act*” and substituting “*Professional Governance Act*”.

Amends RSA 2000 cA-41

234 The *Animal Protection Act* is amended in section 1(1)(h) by striking out “the *Veterinary Profession Act*” and substituting “regulations made under the *Professional Governance Act*”.

Amends RSA 2000 cC-22

235 The *Condominium Property Act* is amended in section 1(1)

- (a) in clause (l) by striking out “, or the holder of a permit issued, under the *Land Surveyors Act*” and substituting “under the *Professional Governance Act*”;
- (b) in clause (t.2) by striking out “the *Engineering and Geoscience Professions Act*” and substituting “regulations made under the *Professional Governance Act*”;
- (c) in clause (t.3) by striking out “section 86.4(m) of the *Engineering and Geoscience Professions Act*” and substituting “regulations made under the *Professional Governance Act*”;
- (d) in clause (v.1) by striking out “the *Architects Act*” and substituting “regulations made under the *Professional Governance Act*”.

Amends RSA 2000 cC-26.3

236 The *Consumer Protection Act* is amended by repealing section 103(2)(b) and substituting the following:

Explanatory Notes

233 Amends chapter A-40.2 of the Statutes of Alberta, 2007.
Section 1(v) presently reads:

1 In this Act,

(v) “registered veterinarian” means a registered veterinarian under the Veterinary Profession Act;

234 Amends chapter A-41 of the Revised Statutes of Alberta 2000. Section 1(1)(h) presently reads:

1(1) In this Act,

(h) “registered veterinarian” means a registered veterinarian as defined in the Veterinary Profession Act.

235 Amends chapter C-22 of the Revised Statutes of Alberta 2000. Section 1(1) presently reads in part:

1(1) In this Act,

(l) “land surveyor” means an Alberta land surveyor registered, or the holder of a permit issued, under the Land Surveyors Act;

(t.2) “professional engineer” means a professional engineer as defined in the Engineering and Geoscience Professions Act;

(t.3) “professional technologist” means a professional technologist as defined in section 86.4(m) of the Engineering and Geoscience Professions Act;

(v.1) “registered architect” means a registered architect as defined in the Architects Act;

236 Amends chapter C-26.3 of the Revised Statutes of Alberta 2000. Section 103(2)(b) presently reads:

- (b) professions or callings to which the *Skilled Trades and Apprenticeship Education Act*, Schedule 2, 7, 17, 19, 21 or 24 to the *Health Professions Act*, the *Legal Profession Act*, the *Real Estate Act* or the *Teaching Profession Act* applies;
- (b.1) professions regulated by the following professional regulatory organizations under the *Professional Governance Act*:
 - Alberta Association of Architects;
 - Alberta Land Surveyors' Association;
 - Alberta Veterinary Medical Association;
 - Association of Professional Engineers and Geoscientists of Alberta;
 - Association of Science and Engineering Technology Professionals of Alberta;
 - Chartered Professional Accountants of Alberta;

Amends SA 2001 cC-28.1

237 The *Cooperatives Act* is amended in section 1(1)(x) by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.

Amends RSA 2000 cD-6

238 The *Debtors' Assistance Act* is amended in section 11 by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.

Amends SA 2012 cE-0.3

239 The *Education Act* is amended in section 137 by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.

(2) *The Lieutenant Governor in Council may not designate the following:*

- (b) *professions or callings to which the Apprenticeship and Industry Training Act, Architects Act, Schedule 2 of the Health Professions Act, Schedule 7 of the Health Professions Act, Engineering and Geoscience Professions Act, Land Surveyors Act, Legal Profession Act, Schedule 21 of the Health Professions Act, Schedule 24 of the Health Professions Act, Schedule 17 of the Health Professions Act, Schedule 19 of the Health Professions Act, Real Estate Act, Chartered Professional Accountants Act, Teaching Profession Act or Veterinary Profession Act applies;*

237 Amends chapter C-28.1 of the Statutes of Alberta, 2001.
Section 1(1)(x) presently reads:

1(1) In this Act,

- (x) *“firm of accountants” means a professional accounting firm engaged in a professional accounting practice or public accounting practice registered under the Chartered Professional Accountants Act, or a corporation that is incorporated by or under an Act of the legislature of a province other than Alberta and is engaged in a professional accounting practice or a public accounting practice;*

238 Amends chapter D-6 of the Revised Statutes of Alberta 2000.
Section 11 presently reads:

11 The accounts of the Board must be audited annually by a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement.

239 Amends chapter E-0.3 of the Statutes of Alberta, 2012.
Section 137 presently reads:

Amends RSA 2000 cE-2

240 The *Election Finances and Contributions Disclosure Act* is amended in section 1(1)(a.02) by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.

Amends RSA 2000 cG-10

241 The *Government Organization Act* is amended by repealing Schedule 8.

137 In this Part, “auditor” means a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement.

240 Amends chapter E-2 of the Revised Statutes of Alberta 2000. Section 1(1)(a.02) presently reads:

1(1) In this Act,

(a.02) “audited financial statement” means a financial statement that has been independently audited by a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement;

241 Amends chapter G-10 of the Revised Statutes of Alberta 2000. Schedule 8 presently reads:

1(1) In this section,

(a) “Architects Association” means The Alberta Association of Architects under the Architects Act;

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

(2) There shall be a Joint Board of Practice composed of

(a) 4 persons appointed by the Council of the Architects Association, and

(b) 4 persons appointed by the Council of the Engineers Association,

and one chair from each Council appointed by the Minister from among candidates mutually agreed to by both Councils.

(3) The function and operation of the Joint Board of Practice shall be prescribed by agreement between the Council of the Architects Association and the Council of the Engineers Association, and the agreement shall include at least the following matters:

(a) rules of procedure;

Amends RSA 2000 cH-7

242 The *Health Professions Act* is amended in section 15(1) of Schedule 24 by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.

- (b) *provisions respecting the assessment of applications for a certificate of authorization under the Architects Act and provisions respecting the assessment of applications for a certificate of authorization under the Engineering and Geoscience Professions Act;*
- (c) *a procedure under which the Joint Board of Practice may act as a mediator of complaints or disputes of an interprofessional nature from members of the Architects Association or the Engineers Association or from persons who are not members when the complaint cannot be resolved by each of those Associations individually or by both of those Associations jointly;*
- (d) *an undertaking to work on other matters of interprofessional relations, including the co-ordination and publication of guidelines, standards and criteria and performance standards in the field of building design and construction;*
- (e) *provisions respecting recommendations on applications for authority to prepare final drawings for buildings with one seal of either an engineer or an architect in cases where the drawings would ordinarily fit within the category of design that requires the seal of both professions under the regulations authorized under the Safety Codes Act;*
- (f) *a method of recommending to the Association concerned that a qualified certificate of authorization limiting the scope of practice in the other profession by an individual who is a professional engineer or a registered architect be issued to an applicant*
 - (i) *who has historically provided that service competently in Alberta, and*
 - (ii) *who applied for the certificate before October 1, 1982;*
- (g) *any other matters agreed to between the Councils of both the Architects Association and the Engineers Association.*

242 Amends chapter H-7 of the Revised Statutes of Alberta 2000. Section 15(1) of Schedule 24 presently reads:

15(1) The accounts of the Trust must be audited annually by a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit

Amends RSA 2000 cI-11

243 The *Irrigation Districts Act* is amended in sections 39(2) and 46(1.1) by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.

Amends RSA 2000 cL-21

244 The *Local Authorities Election Act* is amended in section 147.1(1)(f.1) by striking out “the *Chartered Professional Accountants Act*” and substituting “regulations made under the *Professional Governance Act*”.

Amends RSA 2000 cM-9

245 The *Meat Inspection Act* is amended in section 2(1) by striking out “*Veterinary Profession Act*” and substituting “*Professional Governance Act*”.

Amends SA 2021 cM-16.8

246 The *Mineral Resource Development Act* is amended in section 1(1)(u) by striking out “the *Engineering and Geoscience Professions Act*” and substituting “regulations made under the *Professional Governance Act*”.

Amends RSA 2000 cO-8

247 The *Ombudsman Act* is amended

(a) in section 1

(i) by repealing clause (a);

(ii) in clause (b)

(A) by adding the following after subclause (i.6):

engagement that is appointed by the Board for the purposes of auditing the accounts of the Trust.

243 Amends chapter I-11 of the Revised Statutes of Alberta 2000. Sections 39(2) and 46(1.1) presently read:

39(2) An audit must be conducted by a professional accounting firm that is registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement.

46(1.1) The financial statements referred to in subsection (1)(a) and (b) must be audited by a professional accounting firm that is registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement.

244 Amends chapter L-21 of the Revised Statutes of Alberta 2000. Section 147.1(1)(f.1) presently reads:

147.1(1) In this Part,

(f.1) “review engagement” means a review engagement as defined in the Chartered Professional Accountants Act;

245 Amends chapter M-9 of the Revised Statutes of Alberta 2000. Section 2(1) presently reads:

2(1) The director may appoint veterinarians registered under the Veterinary Profession Act and other persons as inspectors.

246 Amends chapter M-16.8 of the Statutes of Alberta, 2021. Section 1(1)(u) presently reads:

1(1) In this Act,

(u) “professional engineer” means a professional engineer as defined in the Engineering and Geoscience Professions Act;

247 Amends chapter O-8 of the Revised Statutes of Alberta 2000. Sections 1, 12, 16, 18, 21, 21.1, 26 and 28 presently read in part:

1 In this Act,

(a) “accounting organization” means

(i) the Chartered Professional Accountants of Alberta, and

(i.7) when used in reference to a professional regulatory organization, means the registrar of the professional regulatory organization, and

(B) by repealing subclauses (ii), (iv), (v) and (vi);

(iii) by repealing clauses (c.1) and (e);

(iv) in clause (h)

(A) by repealing subclause (i);

(B) by adding “and” at the end of subclause (i.1);

(C) by repealing subclauses (iii), (iv) and (v);

(v) by adding the following after clause (h):

(h.1) “professional regulatory organization” means

(i) a professional regulatory organization as defined in the *Professional Governance Act*, and

(ii) a governing body, committee, sub-committee, tribunal, joint committee, joint tribunal, panel, task force or other body of a professional regulatory organization and any governing body chair, registrar, complaints inquiry committee secretary, complaints inquiry committee chair, discipline tribunal secretary, discipline tribunal roster chair, discipline tribunal chair, appeal tribunal secretary, appeal tribunal roster chair, appeal tribunal chair, committee chair, sub-committee chair, joint committee chair or co-chairs, joint tribunal roster chair or co-chairs, joint committee secretary or other official, officer, investigator, practice reviewer or person engaged by the professional regulatory organization;

(vi) by repealing clause (j);

- (ii) *the board, a committee, a tribunal, the registrar, the CIC chair, the CIC secretary, the discipline tribunal secretary, a discipline tribunal chair, the appeal tribunal secretary and an appeal tribunal chair and any practice reviewer, investigator or person engaged by the Chartered Professional Accountants of Alberta to perform any duty or exercise any powers under the Chartered Professional Accountants Act;*
- (b) *“administrative head”*
- (i.6) *when used in reference to a municipality that is a special area, means the chair of the Special Areas Board;*
 - (ii) *when used in reference to an accounting organization means the chief executive officer as defined in the Chartered Professional Accountants Act,*
 - (iv) *when used in reference to a forestry association means the Registrar as defined in the Regulated Forest Management Profession Act,*
 - (v) *when used in reference to a veterinary association means the Registrar as defined in the Veterinary Profession Act, and*
 - (vi) *when used in reference to an agrology association means the registrar as defined in the Agrology Profession Act;*
- (c.1) *“agrology association” means*
- (i) *the Alberta Institute of Agrologists, and*
 - (ii) *a council, panel, committee, hearing tribunal, registrar, Chair, complaints director and hearings director under the Agrology Profession Act, and any officer, investigator or person engaged by the Alberta Institute of Agrologists;*
- (e) *“forestry association” means*
- (i) *the Association of Alberta Forest Management Professionals, and*
 - (ii) *the Council, panel, committee, tribunal, Registrar, Chair and hearings director of the Association of Alberta Forest Management Professionals and any officer, investigator*

- (b) in sections 12(1) and (3)(c) and 16(1) and (4) by adding “, professional regulatory organization” after “professional organization” wherever it occurs;**
- (c) in section 18**

 - (i) in subsection (1) by adding “, professional regulatory organization” after “professional organization” wherever it occurs;**
 - (ii) in subsection (2)**

 - (A) by adding “, professional regulatory organization” after “head of the agency, professional organization”;**
 - (B) by adding “professional regulatory organization,” after “department, agency, professional organization,”;**
 - (iii) in subsection (3)(a) by adding “, professional regulatory organization” after “professional organization”;**
- (d) in sections 21(3), (4), (5) and (6), 21.1(1) and (3)(c) and 26(1) and (2) by adding “, professional regulatory organization” after “professional organization” wherever it occurs;**
- (e) in section 28**

 - (i) in subsection (2) by adding “, professional regulatory organization” after “professional organization”;**
 - (ii) in subsection (3)**

 - (A) by adding the following after clause (c):**

(c.001) any professional regulatory organization,
 - (B) by adding “professional regulatory organization,” after “that department, agency, professional organization,”.**

or person engaged by the Association of Alberta Forest Management Professionals;

(h) “professional organization” means

(i) an accounting organization,

(i.1) a health authority,

(iii) a forestry association,

(iv) a veterinary association, and

(v) an agrology association;

(j) “veterinary association” means

(i) the Alberta Veterinary Medical Association, and

(ii) the Council, a board, committee or tribunal and the Registrar, Executive Director, Complaints Director and Hearings Director of the Alberta Veterinary Medical Association and any officer, investigator or person engaged by the Alberta Veterinary Medical Association.

12(1) Subject to subsection (2.1), it is the function and duty of the Ombudsman to investigate any decision or recommendation made, including any recommendation made to a Minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in the person's or its personal capacity, in or by any department, agency, professional organization or municipality, or by any officer, employee or member of any department or agency in the exercise of any power or the performance of any function conferred on the officer, employee or member by any enactment.

(3) The powers and duties conferred on the Ombudsman by this Act may be exercised and performed notwithstanding any provision in any Act to the effect

(c) that no proceeding or decision of the person, department, agency, professional organization or municipality whose decision, recommendation, act or omission it is may be challenged, reviewed, quashed or called in question.

16(1) Before investigating any matter under this Act, the Ombudsman shall inform the deputy minister of the department or

the administrative head of the agency, professional organization or municipality affected, as the case may be, of the Ombudsman's intention to make the investigation.

(4) If, during or after an investigation, the Ombudsman is of the opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any department, agency, professional organization or municipality, the Ombudsman shall refer the matter to the deputy minister of the department or the administrative head of the agency, professional organization or municipality, as the case may be.

18(1) Subject to this section and section 19, the Ombudsman may require any person who in the Ombudsman's opinion is able to give any information relating to any matter being investigated by the Ombudsman

- (a) to furnish the information to the Ombudsman, and*
- (b) to produce any document, paper or thing that in the Ombudsman's opinion relates to the matter being investigated and that may be in the possession or under the control of that person,*

whether or not that person is an officer, employee or member of a department, agency, professional organization or municipality, and whether or not the document, paper or thing is in the custody or under the control of a department, agency, professional organization or municipality.

(2) When the Ombudsman requires the production of a document, paper or thing under subsection (1), the Ombudsman may require it to be produced at a place designated by the Ombudsman and may require that it be left in the Ombudsman's possession for the purposes of the Ombudsman's investigation but, on the request of the deputy minister of the department, the administrative head of the agency, professional organization or municipality or the person who produced the document, paper or thing, the Ombudsman shall return the document, paper or thing to the department, agency, professional organization, municipality or person as quickly as possible, and in any case not later than 48 hours after the receipt of the request, subject to the Ombudsman's right to require its production again in accordance with this section.

(3) The Ombudsman may summon before the Ombudsman and examine on oath

- (a) *any person who is an officer, employee or member of any department, agency, professional organization or municipality and who in the Ombudsman's opinion is able to give any information mentioned in subsection (1),*

and for that purpose may administer an oath.

21(3) If, when this section applies, the Ombudsman is of the opinion

- (a) *that the matter should be referred to the appropriate authority for further consideration,*
- (b) *that the omission should be rectified,*
- (c) *that the decision should be cancelled or varied,*
- (d) *that any practice on which the decision, recommendation, act or omission was based should be altered,*
- (e) *that any law on which the decision, recommendation, act or omission was based should be reconsidered,*
- (f) *that reasons should have been given for the decision,*
- (g) *that the matter should be reheard or reconsidered by the appropriate authority, or*
- (h) *that any other steps should be taken,*

the Ombudsman shall report that opinion and the Ombudsman's reasons for it to the appropriate Minister and to the department or agency concerned or to the administrative head of the professional organization or municipality concerned, and may make any recommendations the Ombudsman thinks fit, and in that case the Ombudsman may request the department, agency or administrative head of the professional organization or municipality to notify the Ombudsman within a specified time of the steps, if any, that it proposes to take to give effect to the Ombudsman's recommendations.

(4) If within a reasonable time after the report is made under subsection (3) to the administrative head of a professional organization or municipality no action is taken that seems to the Ombudsman to be adequate and appropriate, the Ombudsman may, after considering the comments, if any, made by or on behalf of the professional organization or municipality, send a copy of the report to the appropriate Minister.

(5) If, within a reasonable time after the report is made to the appropriate Minister and the department or agency under subsection (3) or to the administrative head of a professional organization or municipality under subsection (3) and to the appropriate Minister under subsection (4), no action is taken that seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in the Ombudsman's discretion after considering the comments, if any, made by or on behalf of the department, agency, professional organization or municipality, may send a copy of the report and recommendations to the Lieutenant Governor in Council and may afterwards make any report to the Legislature on the matter that the Ombudsman thinks fit.

(6) The Ombudsman shall attach to every report sent or made under subsection (5) a copy of any comments made by or on behalf of the department, agency, professional organization or municipality concerned.

21.1(1) On the recommendation of the Ombudsman under section 21(3), a department, agency, professional organization or municipality may

- (a) rehear a matter or reconsider a decision or recommendation made by the department or agency or professional organization or municipality, or an officer, employee or member of it, and*
- (b) quash, confirm or vary that decision or recommendation or any part of it.*

(3) This section applies notwithstanding any provision in any Act to the effect that

- (c) no proceeding or decision of the person, department, agency, professional organization or municipality whose decision, recommendation, act or omission it is may be challenged, reviewed, quashed or called in question.*

26(1) For the purposes of this Act, the Ombudsman may at any time enter on any premises occupied by any department, agency, professional organization or municipality and inspect the premises and, subject to sections 18 and 19, carry out in those premises any investigation that is within the Ombudsman's jurisdiction.

(2) Before entering on any premises pursuant to subsection (1), the Ombudsman shall notify, as the case may require, the deputy

Amends SA 2019 cO-8.5

248 *The Opioid Damages and Health Care Costs Recovery Act* is amended in section 1(1)(l)(i) by striking out “*Veterinary Profession Act*” and substituting “*Professional Governance Act*”.

Amends RSA 2000 cP-13

249 *The Pharmacy and Drug Act* is amended in section 2

- (a) in subsection (4) by striking out “*Veterinary Profession Act*” and substituting “profession of veterinary medicine as defined in regulations made under the *Professional Governance Act*”;

minister of the department or the administrative head of the agency, professional organization or municipality that occupies the premises of the Ombudsman's intention to do so.

28(2) The Ombudsman may, from time to time, in the public interest or in the interests of any person, department, agency, professional organization or municipality, publish reports relating

(a) generally to the exercise of the Ombudsman's functions under this Act, or

(b) to any particular case investigated by the Ombudsman,

whether or not the matters to be dealt with in any such report have been the subject of a report to the Legislature.

(3) The Ombudsman shall not, in a report made under this section, express any opinion or make any comment that is adverse to

(c) any professional organization,

unless prior to making the report to the Legislature or publishing the report pursuant to subsection (2), as the case may be, the Ombudsman has given that department, agency, professional organization, municipality, officer, member, employee, person or group of persons an opportunity to know the nature of the opinion or comment and to make representations to the Ombudsman in respect of it either personally or by counsel.

248 Amends chapter O-8.5 of the Statutes of Alberta, 2019.

Section 1(1)(i) presently reads:

1(1) In this Act,

(l) "practitioner" means a person who

(i) is authorized under the Health Professions Act or the Veterinary Profession Act to prescribe or advise on the therapeutic value, contents and hazards of a drug within the meaning of the Pharmacy and Drug Act, and

249 Amends chapter P-13 of the Revised Statutes of Alberta 2000. Section 2(4) and (5)(b) presently read:

(4) An individual who is authorized to compound or dispense a drug in the practice of a profession other than pharmacy under the Health

- (b) in subsection (5)(b) by striking out “*Veterinary Profession Act*” and substituting “*Professional Governance Act*”.

Amends SA 2018 cP-26.83

250 The *Protecting Choice for Women Accessing Health Care Act* is amended in section 14(b) by striking out “the *Land Surveyors Act*” wherever it occurs and substituting “regulations made under the *Professional Governance Act*”.

Amends RSA 2000 cR-5

251 The *Real Estate Act* is amended in section 70 by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.

Amends RSA 2000 cS-1

252 The *Safety Codes Act* is amended

- (a) in section 11 by striking out “*Architects Act* or the *Engineering and Geoscience Professions Act*” and substituting “*Professional Governance Act*”;
- (b) by repealing section 45(1) and substituting the following:

Professions Act, another enactment regulating the practice of a health profession or the Veterinary Profession Act may compound or dispense a drug from premises other than a licensed pharmacy or an institution pharmacy, but only in accordance with that enactment.

(5) *Nothing in subsection (4) authorizes an individual to*

(b) *provide a pharmacy service other than incidentally to the practice of the profession as authorized under the Health Professions Act, the other enactment described in subsection (4) or the Veterinary Profession Act.*

250 Amends chapter P-26.83 of the Statutes of Alberta, 2018. Section 14(b) presently reads:

14 A plan or document that

(b) *is prepared by or under the personal supervision, direction and control of an Alberta land surveyor as defined in the Land Surveyors Act and is affixed with the Alberta land surveyor's signature or the stamp of a surveyor's corporation or surveyor's partnership as defined in the Land Surveyors Act*

is admissible in evidence in any judicial proceeding, and is proof, in the absence of evidence to the contrary, of the information set out in the plan or document without proof of the signature or official character of the person whose signature is affixed to the plan or document or proof of the stamp affixed to the plan or document.

251 Amends chapter R-5 of the Revised Statutes of Alberta 2000. Section 70 presently reads:

70 The accounts of the Foundation must be audited annually by a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement.

252 Amends chapter S-1 of the Revised Statutes of Alberta 2000. Sections 11, 45(1) and 65(1)(b) presently read:

11 A person permitted to affix stamps or seals pursuant to the Architects Act or the Engineering and Geoscience Professions Act shall ensure that any professional service the person renders to which this Act applies, including the affixing of stamps and seals, complies with this Act.

Stamps, seals, etc.

45(1) If the regulations require the design of any thing, process or activity to which this Act applies to be submitted for review or to be registered and to have a stamp or seal affixed to it and to be signed pursuant to the *Professional Governance Act*, no permit may be issued with respect to the design unless the design is submitted for review or registered and is signed, stamped and sealed in accordance with the regulations.

- (c) **in section 65(1)(b) by striking out** “*Architects Act* or the *Engineering and Geoscience Professions Act*” **and substituting** “*Professional Governance Act*”.

Amends RSA 2000 cS-26

253 The *Surveys Act* is amended

- (a) **in section 1(w) by striking out** “the *Land Surveyors Act*” **and substituting** “regulations made under the *Professional Governance Act*”;
- (b) **in section 15(3) by striking out** “or a practitioner as defined in the *Land Surveyors Act*” **and substituting** “or a business entity registered as a registrant of the Alberta Land Surveyors’ Association under the *Professional Governance Act*”.

Amends RSA 2000 cW-3

254 The *Water Act* is amended in section 23(3)(a) by striking out “the *Engineering and Geoscience Professions Act*” **and substituting** “regulations made under the *Professional Governance Act*”.

45(1) If the regulations require the design of any thing, process or activity to which this Act applies to be submitted for review or to be registered and

- (a) to have a stamp or seal affixed to it and to be signed pursuant to the Architects Act, or*
- (b) to have a seal affixed to it and to be signed pursuant to the Engineering and Geoscience Professions Act,*

no permit may be issued with respect to the design unless the design is submitted for review or registered and is signed, stamped and sealed in accordance with the regulations.

65(1) The Lieutenant Governor in Council may make regulations

- (b) respecting the requirements for designs to be signed or have stamps or seals affixed by persons licensed or registered under the Architects Act or the Engineering and Geoscience Professions Act or any other enactment governing a profession or occupation;*

253 Amends chapter S-26 of the Revised Statutes of Alberta 2000. Sections 1(w) and 15(3) presently read:

1 In this Act,

- (w) “surveyor” means an Alberta land surveyor as defined in the Land Surveyors Act.*

15(3) The evidence shall be filed and kept and any document or plan prepared and sworn to as correct by a surveyor with reference to a survey performed by the surveyor shall be filed and kept by the surveyor or a practitioner as defined in the Land Surveyors Act, subject to being produced as evidence in court.

254 Amends chapter W-3 of the Revised Statutes of Alberta 2000. Section 23(3)(a) presently reads:

(3) If, on or after January 1, 1999, a subdivision of land of a type or class of subdivision specified in the regulations is approved under the Municipal Government Act, a person residing within that subdivision on a parcel of land that adjoins or is above a source of water described in section 21 has the right to commence and continue the diversion of water under section 21 only if

Division 3

Repeals and Coming into Force

Repeals

255 The following Acts are repealed:

- (a) *Agrology Profession Act*;
- (b) *Architects Act*;
- (c) *Chartered Professional Accountants Act*;
- (d) *Consulting Engineers of Alberta Act*;
- (e) *Engineering and Geoscience Professions Act*;
- (f) *Land Surveyors Act*;
- (g) *Professional and Occupational Associations Registration Act*;
- (h) *Regulated Forest Management Profession Act*;
- (i) *Veterinary Profession Act*.

(2) If a registered association as defined in the *Professional and Occupational Associations Registration Act* is continued as a professional regulatory organization under this Act, the registration of that registered association under the *Professional and Occupational Associations Registration Act* is immediately and automatically revoked.

Coming into force

256 This Act comes into force on Proclamation.

- (a) *a report certified by a professional engineer or professional geoscientist, as defined in the Engineering and Geoscience Professions Act, was submitted to the subdivision authority as part of the application for the subdivision under the Municipal Government Act, and the report states that the diversion of 1250 cubic metres of water per year for household purposes under section 21 for each of the households within the subdivision will not interfere with any household users, licensees or traditional agriculture users who exist when the subdivision is approved, and*

255 Repeals.

256 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To