

1919

## Chapter

An Act to regulate the Engineering Profession and to Incorporate the Association of Professional Engineers of Alberta.

Whereas a petition has been presented praying for the incorporation of The Association of Professional Engineers of Alberta, as hereinafter set forth, and it is expedient to grant the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the legislature of the Province of Alberta, enacts as follows:-

### SHORT TITLE.

1. This Act may be cited as the "Engineering Profession Act."

### INTERPRETATION.

2. In this Act, unless the context otherwise requires:-

(a) "The Association" shall mean the Association of Professional Engineers of Alberta.

(b) "Board" shall mean the Board of Examiners of the Association.

(c) "Council" shall mean the Executive Council of the Association.

(d) "Member" shall mean a registered member of the Association.

(e) "President" shall mean the President of the Association.

(f) "Professional Engineer" shall mean any person registered or licensed as a Professional Engineer under the provisions of this Act.

(g) "Professional Engineering" or "The practice of a Professional Engineer" shall embrace Reporting on, Advising on, Valuating, Surveying for, Designing, Directing the construction of, or the Engineering Inspection of any of the works or processes set forth in schedule "A" or such works or processes omitted therefrom which are similar to those scheduled by reason of their requiring the intelligent application of the principles of mathematics, physics, mechanics, hydraulics, electricity, chemistry or geology in their development and attainment. The execution or supervision of works as a contractor, foreman, superintendent, inspector, roadmaster, trackmaster, bridge master, building master or superintendent of maintenance, shall not be deemed to be Professional Engineering wherever such work is done under

the responsible supervision of a Professional Engineer.

(h) "Registrar" shall mean the Registrar of the Association.

(i) "The Secretary" shall mean the Secretary or the Secretary-Treasurer of the Association.

(j) "Vice-President" shall mean the Vice-President of the Association.

THE ASSOCIATION OF PROFESSIONAL ENGINEERS  
OF ALBERTA.

3. L. B. Elliot, <sup>and</sup> J. Gibb, L. C. Stevens, R. B. Owens, A. E. Cameron, ~~and A. J. Cantin, of the City of Edmonton in~~ the Province of Alberta, Engineers, and such other persons as may hereafter become members of the Association are hereby constituted a body corporate under the name of "The Association of Professional Engineers of Alberta" and may acquire by gift, purchase or otherwise, and may sell, mortgage, lease or otherwise dispose of real or personal property for the purpose of carrying into effect and of promoting the objects and designs of the Association, and may spend money in prosecuting violations of this Act.

4. The Association may pass by-laws not inconsistent with the provisions of this Act for

- (a) the election of the Council.
- (b) the government and discipline of the members.
- (c) the management of its property.
- ~~(d)~~
- ~~(e)~~ the maintenance of the Association and the fixing and collecting of annual and other fees.
- ~~(f)~~ the examination and admission of candidates to the practice and profession of a Professional Engineer.
- ~~(g)~~ the time and place for, and method of conducting the annual and other meetings of the Association.
- ~~(h)~~ all such other purposes as may be deemed necessary or convenient for the management of the Association and the promotion of its welfare.

BRANCHES OF PROFESSIONAL ENGINEERING.

5. Professional Engineering shall be subdivided into the following branches:- Civil Engineering, Electrical Engineering, Mechanical Engineering, Mining Engineering, and such other branches as may appear to the Council to be necessary for purposes of this Act.

6. The first by-laws of the Association shall be framed by the Association as hereby constituted and, after the first election of the Council hereunder, by the Council, but no by-law or amendment thereto framed by the Council shall become effective until it has been ratified by two-thirds of the members of the Association in good standing and voting thereon.

RIGHT TO PRACTISE AS A PROFESSIONAL  
ENGINEER.

7. Only a member of the Association or a person who has received a licence from the Council so to do, shall be entitled to take and use the designation of "Professional Engineer" or any abbreviation thereof or to practise as a Professional Engineer or to hold himself out as being in any way specially qualified to practise in any of the branches of Professional Engineering hereinbefore mentioned.

Any person who does any act embraced in Section 2, paragraph (g) shall be deemed to be practising as a Professional Engineer and no person shall employ any such person to do any such act within the Province of Alberta, unless such last mentioned person is a member of the Association, or is duly licensed by the Council to practise as a Professional Engineer.

RIGHT TO REGISTRATION.

8. The following persons shall be entitled, subject to the conditions in this section set out, to be registered as members of the Association:

(a) Any person domiciled in Alberta at the date of the passing of this Act, if he has for five years previously practised as a professional engineer, and produces to the Council on or before January 1st, 1921, satisfactory credentials.

(b) Any person domiciled in Alberta, if he is a registered member of an Association of Engineers having the same or similar powers in any other Province of the Dominion of Canada, and produces to the Registrar a certificate of membership in good standing in such other Association, and an application for transfer of Registry endorsed by the proper officer of the first mentioned Association.

(c) Any person domiciled in Alberta, if he has made application to the Council for registration and in the opinion of the Board possesses qualifications similar to those demanded by this Act by reason of experience, training or examination by some other examining body.

(d) Any person domiciled in Alberta, if he passes the examinations and complies with the other requirements of Sections 18, 20, and 21 of this Act.

QUALIFICATIONS FOR LICENSE.

9. (1) The following persons shall, subject to the conditions hereinafter set forth, be entitled to obtain from the Registrar a licence to practise as a Professional Engineer until the 1st day of January in the year succeeding the year in which the licence is issued or the prior determination of the licence by the Council:

(a) Any registered member of an Association of Engineers having the same or similar powers in some other province in the Dominion of Canada, if he produces to the Council a certificate of membership of good standing in such other Association and pays such fee as may be prescribed by the by-laws of the Association.

(b) Any person not coming within the provisions of the next preceding paragraph, if he produces evidence satisfactory to the Council of his qualifications to practise and pays such fee as may be prescribed by the by-laws of the Association.

(2) Any person not domiciled in the Province of Alberta, but who is an employee of a Public Service Corporation, Private Corporation or of a Government Department outside the Province of Alberta, and whose practice is normally carried on in two or more of the provinces of Canada, and who by reason of his employment is required to practise as a Professional Engineer in Alberta may obtain a licence subject to the requirements of Section 9(1)(a) or (b) without payment of a fee.

(3) Until the issue of a licence under the provisions of this Section or refusal thereof, the official receipt for any fee paid shall constitute a temporary licence to practise.

CORPORATIONS, PARTNERSHIPS, ASSOCIATIONS.

10. No firm of partners, corporation or association of persons as such shall be registered as a member of the Association or be licensed to practise as a Professional Engineer.

ADMINISTRATION.

11. The affairs of the Association shall be managed by a Council which shall consist of a President, Vice-President and nine councillors.

12.— The President shall be elected annually by the Association and shall hold office until his successor is elected. He shall act as presiding officer at the meetings of the Council and of the Association, voting only when votes are evenly divided.

The Vice-President shall be elected annually by the Association and shall have all the powers of the President during the absence of the latter from any cause whatever.

The last Past President shall be a member of the Council for the following year. Eight Councillors shall be elected for the first year after the first annual meeting, which shall be held in the first week of 1920. The four Councillors receiving the largest number of votes at that election shall hold office for two years. Annually thereafter, four councillors shall be elected for a two year term, provided that each branch of Professional Engineering shall be continuously represented on the Council by at least one and not more than three Councillors registered under such Branch as provided for in Section 15(~~paragraph~~) (b).

In the event of a member of the Council vacating his seat for any cause whatsoever, the remaining members of the Council shall appoint a member of the Association to fill the vacancy until the next regular election of Councillors.

#### ANNUAL FEE.

13.— Each member shall pay in advance to the Secretary or any person deputed by the Council to receive it, such annual fee as may be determined by the by-laws of the Association, which fee shall be deemed to be a debt due by the member to the Association and shall be recoverable with the costs of same in the name of the Council in any Court of competent jurisdiction.

If any member omits to pay the prescribed annual fee within six months of the date upon which it became due, the Registrar shall cause the name of such member to be erased from the Register, and such member shall thereupon cease to be entitled to practise as a Professional Engineer; but shall, at any time thereafter, upon paying such fee as may be prescribed by the Council, be entitled to all his rights and privileges as a member from the time of such payment.

#### THE REGISTER AND THE REGISTRAR.

14.— A Registrar shall be elected by ballot by the Council as soon as possible after the first annual election of the Council, and ~~bi-annually~~ thereafter.

Should the necessity arise, an interim Registrar may be appointed, by the persons named in this Act as ~~forming~~ the Association.

The Registrar shall be the Executive Officer of the Association under the direction of the Council and shall have such powers as are necessary for the proper administration and enforcement of the provisions of this Act and the by-laws made thereunder.

15.— A register of all Professional Engineers showing the dates of their certificates shall be kept and a list of Professional Engineers in good standing who are authorized to practise, shall be published in the first issue of "The Alberta Gazette" on or before February 15th, of each year.

Every certificate of Registration and licence shall be signed by the President and the Registrar, and shall bear the seal of the Association and shall specify the branch or branches of Professional Engineering in which the Professional Engineer has been registered or licensed.

Every person registered under this Act shall have a Seal, supplied by the Council at his expense with which he shall stamp all official documents and plans. The seal shall state upon its face the branch or branches of Professional Engineering in which he has been examined or otherwise admitted.

#### EVIDENCE.

16. The certificate of the Registrar under the seal of the Association shall be prima facie evidence of membership of the Association or licence to practise, or non-registration or non-possession of licence, as the case may be.

#### EXAMINATIONS.

17. The Board shall inspect all diplomas, certificates, and credentials presented or given in evidence for the purpose of obtaining admission to examination, and may require the holder of such credentials to attest to them by oath or affidavit in any matter involved in his application. If such evidence is not satisfactory to the Board, the Board shall refuse to admit such candidate to examination for registration.

18. From and after the 1st January, 1921, every applicant for registration not qualifying under section 8 ~~Clauses~~ (b) and (c) of this Act, shall pass such examination as may be approved by the Minister of Education of Alberta and the said Minister shall upon the nomination of the Council, appoint the Board of Examiners and shall prescribe the regulations governing such examinations.

19. The Council with the approval of the Minister of Education shall have power to establish conjointly with the Council of any Association having the same or similar powers, in one or more of the Provinces of Canada, a Central Examining Board, and to delegate to such Central Examining Board all or any of the powers possessed by the Board respecting the examinations of candidates for admission to practise, provided that any examination conducted by such Central Examining Board shall be held in one place at least within the Province.

20.— Regular examinations of candidates for registration shall be held at Edmonton or such other place or places as the Council may direct.

The scope of the examinations and the methods of procedure shall be prescribed by the Council subject to the approval of the Minister of Education of the Province with special reference to the applicant's ability to carry on the particular branch or branches of Professional Engineering which he desires to practise in the Province.

(3) As soon as possible and not later than 21 days after the close of each examination the members of the Board who shall have conducted such examination, shall make and file with the Minister of Education and the Registrar a statement of the results of such examination, whereupon the Council shall notify each candidate of the result of the examination and of their decision upon his application.

(4) Every candidate for examination shall give at least one month's notice in writing to the Registrar of his intention to present himself for examination and with such notice shall forward the fee prescribed by the by-laws of the Association and before receiving his certificate of registration the prescribed entrance fee, the prescribed annual fee and a sum of not more than Five (\$5.00) Dollars for the publication of his name in the Alberta Gazette.

(5) In case the candidate should fail in his examination he may present himself at any subsequent regular examination by paying the prescribed examination fee.

21. — (1) Notwithstanding any other provision of this Act, no person shall be registered or licensed unless at least Twenty-Five (25) years of age, and unless he has been engaged for eight (8) years in some branch of Professional Engineering, except in the case of a graduate from an Engineering College or University approved by the Council, in which case the period of engagement in engineering work shall be reduced to six (6) years (which may include his term of instruction) two of which at least shall have been spent in practical engineering work.

(2) Any person passing the examinations hereinbefore provided for, and otherwise qualifying, and failing to register within one year of the date of so passing the examination shall lose any right of registration *that* has accrued to him by reason of passing such examination.

#### SUSPENSION FOR MISCONDUCT.

22. — (1) The Council may, at its discretion, reprimand, suspend or expel from the Association any member guilty of any disgraceful conduct in a professional respect, of gross negligence, ~~or of~~ gross and continued breach of the by-laws of the Association, or who has been convicted of a criminal offence by any Court of competent jurisdiction.

Provided that no account shall be taken of a conviction for an offence, which though within the provisions of this section, does not either from the trivial nature of the offence or from the circumstances under which it was committed, disqualify a person from practising Professional Engineering.

(2) The Council shall not take any such action until a complaint under oath has been filed with the Registrar and a copy thereof forwarded to the party accused. The Council shall not suspend or expel a member without having previously summoned him to appear to be heard in his defence, nor without having heard evidence under oath offered in support of the complaint and on behalf

of the member. The Council shall have the same powers as the Supreme Court to compel witnesses to appear and to answer under oath in the manner and under the penalties prescribed by the law of Alberta. The President of the Council or person acting as such in his absence, or the Registrar, is hereby authorized to administer oaths in such cases.

All evidence shall be taken in writing or by a duly qualified stenographer.

Any member so suspended or expelled may, within thirty days after the order or resolution of suspension or expulsion, appeal to a Judge of the Supreme Court from such order or resolution, giving seven days' notice of appeal to the Council, and may require the evidence taken to be filed with the proper officer of the Court, whereupon such Judge shall decide the matter of appeal upon the evidence so filed and confirm or set aside such suspension or expulsion, without any further right of appeal; and if the suspension or expulsion be confirmed, the costs of such appeal shall be borne by the suspended or expelled member.

Unless the order or resolution of suspension is set aside on such appeal, or the Judge or the Council otherwise order, the member so suspended or expelled shall not practise further, except (in case of suspension) upon expiry of the period of suspension. Pending an appeal the member so suspended or expelled shall not practise as a Professional Engineer.

#### PENALTIES.

23. Any person who, not being a Professional Engineer in the Province, or who being suspended or having been expelled under the proceedings of the next preceding section:

(a) Practises as a Professional Engineer;  
or

(b) Usurps the practice of a Professional Engineer as set out in Section 2, ~~Clause~~ (g);

(c) Assumes verbally or otherwise the title of Professional Engineer, or makes use of any abbreviations of such title, or of any name, title, addition, description or designation which may lead to the belief that he is a Professional Engineer, or a member of the Association, or that he is a person specially qualified to practise in any of the branches of Professional Engineering hereinbefore mentioned.

(d) Advertises himself as such in any way or by any means; or

(e) Acts in such manner as to lead to the belief that he is authorized to fulfil the office of or to act as a Professional Engineer, shall be liable on summary conviction to a fine of not less than \$50.00 nor more than \$100.00, and for any subsequent offence to a fine of not less than \$100.00 nor more than \$200.00.



24. Where no other provisions are made herein, every person guilty of violating any of the provisions of this Act or of the by-laws made thereunder, shall be liable to a fine of not more than \$100.00, recoverable with costs under the provisions of the law respecting summary convictions.

25. No prosecution shall be commenced for any offence against this Act after one year from the date of the commission of the offence.

26. Where any person after conviction for practising or attempting to practise as a Professional Engineer without being a member of the Association or otherwise permitted so to do by this Act, practises or attempts to practise as a Professional Engineer within the Province, the Association may apply to a Judge of the Supreme Court for an injunction restraining such person from practising or attempting to practise as a Professional Engineer in the Province, and the Court shall, on being satisfied that such person has practised or attempted to practise as a Professional Engineer in the Province, grant the same injunction.

27. If any person shall wilfully procure or attempt to procure himself to be registered or licensed under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representations or declarations, either verbal or in writing, he, and every person knowingly aiding or assisting him therein, shall be liable on summary conviction thereof to a fine of \$100.00.

#### GENERAL PROVISIONS.

28. Nothing in this Act shall be read so as in any way to infringe upon the power of legislation given to the Parliament of Canada by the D.N.A. Act, nor to take away or infringe upon any powers or privileges specifically granted to land surveyors, architects, engineers, managers, or any other class of professional persons, by virtue of the Mines Act or the Boilers Act or any other legislation of the Province of Alberta or of the Dominion of Canada.

29. The activities of the Association are hereby restricted to the functions necessary to the administration of this Act.

#### SCHEDULE "A"

##### WORKS

Transportation work, Roads, Railways, Waterways, and all detail works connected therewith, such as Bridges, Tunnels, Yards, Docks, Lighthouses, Rolling-stock and vessels, also Aeroplanes and Airships.

Public Utility Works such as Telegraph Systems, Telephone Systems, Electric Light Systems, Water-works, Gas Works, Irrigation Works, Drainage Works, Sewerage Works and Incinerators.

Steel, Concrete, Re-inforced Concrete Structures.

Mechanical Works such as Steam Boilers, Engines, Turbines, Condensers, Pumps, Internal Combustion Engines, and other motive power machinery and accessories.

Electrical Machinery and Apparatus and Works for the development, transmission, and application of all forms of electrical energy.

Mining and Metallurgical works such as Mining properties, Mine and Concentrator Machinery and Apparatus Oil and Gas Wells, Smelters, Cyanide Plants, Acid Plants, Metallurgical Machinery, Equipment and Apparatus, and works necessary for the economical winning or preparation of metals, minerals or rocks.

All buildings and structures necessary for the proper housing or operation of the above mentioned works.

#### PROCESSES.

The Mechanical, Electrical, Chemical, Electro-Chemical Mining or Metallurgical, treatment of the inorganic elements and combinations thereof for all industrial purposes.

Investigations relating to the examination, exploration and development of Rocks and Minerals, Mineral Deposits, Rock Structures and the application of Geology to the Industries or Arts, or to Engineering.