

BILL

No. 78 of 1926.

An Act to Provide a Board to Deal with the Discipline of the Professions.

(Assented to _____, 1926.)

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

SHORT TITLE.

1. This Act may be cited as "*The Professional Discipline Act.*"

2. The Lieutenant Governor in Council may appoint a board of such number of persons as may seem proper to him, which shall have such powers as are conferred upon it by the provisions of this Act.

3. Wherever in any Act mentioned in the schedule hereto power is given to the governing body of any professional association to remove or strike off the name of any of its members from the register or to expel any member, or to forfeit his license or to strike him from the roll or to dismiss him or erase his name or to revoke his certificate or in any other way to prevent him from practising his profession, the right of appeal from the exercise of any such power shall lie to the board.

4. If by any of the Acts mentioned in the schedule to this Act, an appeal is given from the action of any such governing body, such appeal shall lie to the board in lieu of the court or authority named in the said Act.

5. Wherever there is no power provided in any of the said Acts for the striking off the roll or otherwise preventing a member of the profession or calling dealt with by the said Act from continuing to practise his said profession or calling, the board shall have the power to deprive any such person of the privileges granted by the said Act upon finding him guilty of unprofessional conduct, or otherwise unfitted for any reason whatsoever to practise his profession or calling.

6. The board shall also have power of its own motion to inquire into any irregularity or alleged unprofessional

conduct on the part of any person governed by the provisions of any of the Acts set out in the schedule hereto, and if it should find such person guilty of grave irregularities or unprofessional conduct, shall have power to deprive such person of the privileges granted him by the Act by which he is controlled.

7. If any complaint is made to the board that any member of any profession or calling dealt with by any of the Acts contained in the schedule hereto is guilty of unprofessional conduct, or is otherwise howsoever unfitted to practise his profession or calling, the board shall refer the complaint to the governing body (if any) of such profession or calling for investigation and for such action as may appear to such governing body to be proper, and in the event of it being made to appear to the board that such complaint was not duly investigated or that appropriate action was not taken with respect thereto, the board shall have power of its own motion to find the person complained against guilty of unprofessional conduct, or otherwise unfitted to practise his profession or calling, and shall have power to deprive such person of the privileges granted to him by the Act by which his profession or calling is controlled.

8. There shall be no appeal from any decision of the board nor shall the same be questioned in any court of law.

9. The board shall have the power in hearing any case submitted to it under the provisions of this Act, to request any member or members of the profession of which the accused is a member, to sit with the said board as an assessor, or as assessors.

10. No person who has been removed, expelled, struck off, dismissed, or whose license has been forfeited, or name erased, or certificate revoked, shall be restored to the privileges of his profession until the said board has inquired into the case and directed such restoration.

11. The board shall have the power to make rules governing its own procedure, which upon being submitted to the Lieutenant Governor in Council and being approved by him, shall have the same force as if they were set out herein.

12.—(1) The Lieutenant Governor in Council shall have power to make regulations—

- (a) defining what conduct is to be deemed unprofessional conduct with respect to any profession or calling;
- (b) defining the circumstances under which any person is to be deemed unfitted to practise his profession or calling;
- (c) establishing requirements for testing efficiency or health either as a preliminary for leave to practise any profession or calling, or to further practise any such profession or calling;

(d) defining the extent of the privileges to be accorded to any profession or calling in the way of debarring persons not duly qualified under the Act controlling any profession or calling from engaging in work parallel or ancillary to that usually carried on by the persons who are qualified under any such Act.

(2) All such regulations shall be laid upon the table of the Legislative Assembly within the first week of the session next held after the making of such regulations, and all such regulations when made, shall, unless and until disallowed by the Legislative Assembly at a session next held after the making of the same, have the same force and effect as if they were set out at length herein.

13. The Lieutenant Governor in Council shall have power to place any Act in the Schedule and to add any Act to the Schedule and to remove any Act from the Schedule.

14. This Act shall come into force on the..... day of.....19...

SCHEDULE.

- 1.
- 2.
- 3.
- 4.
- , and so on.

No. 78.

SIXTH SESSION
FIFTH LEGISLATURE
16 GEORGE V
1926

BILL

An Act to Provide a Board to Deal
with the Discipline of the
Professions.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOADLEY.

EDMONTON:
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A.D. 1926.