

BILL

No. 81 of 1930.

An Act to amend and consolidate The Engineering
Profession Act.

(Assented to _____, 1930.)

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

1. This Act may be cited as "*The Engineering Profession Act, 1930.*"

2. In this Act, unless the context otherwise requires—

- (a) "Association" shall mean the Association of Registered Professional Engineers of Alberta;
- (b) "Board" shall mean the board of examiners appointed by the Senate as hereinafter provided;
- (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) "Registered Professional Engineer" shall mean any person registered or licensed as a professional engineer under the provisions of this Act;
- (g) "Professional Engineering" shall include reporting on, advising on, valuating, surveying for, designing and directing the construction of, or the engineering inspection of, any of the works or processes set forth in schedule "A" hereto or such works or processes omitted therefrom which are similar to those set forth in schedule "A" by reason of their requiring the skilled and professional application of the principles of mathematics, physics, mechanics, hydraulics, electricity, chemistry, or geology in their development and attainment, and shall include such reporting, advising, valuation, surveying, designing, directing or inspecting by any person under the general supervision of a registered professional engineer, but shall not include the execution or supervision of works as contractor, foreman, superintendent, inspector, roadmaster, trackmaster, bridgemaster, building-master, watermaster or

superintendent of maintenance, wherever such work has been designed by and is done under the responsible supervision of a professional engineer;

- (h) "Registrar" shall mean the registrar of the association;
- (i) "Secretary" shall mean the secretary or the secretary-treasurer of the association;
- (j) "Senate" shall mean the Senate of the University of Alberta;
- (k) "Vice-President" shall mean the vice-president of the association.

3. The association heretofore established and instituted under the name of "The Association of Professional Engineers of Alberta" is hereby continued as a body corporate and politic under the same name and by the same name shall have perpetual succession and a common seal, which it may at pleasure change, and may sue and be sued, contract and be contracted with, 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 said corporation.

4.—(1) The association may pass by-laws not inconsistent with the provisions of this Act respecting—

- (a) the election of the council;
- (b) the government and discipline of the members;
- (c) the management of its property;
- (d) the appointment of such officers as may be necessary for carrying out the purposes of the association;
- (e) the maintenance of the association and the fixing and collecting of annual and other fees;
- (f) the admission of candidates to the practice and profession of a professional engineer;
- (g) the time, place and conduct of the annual and other meetings of the association;
- (h) all such other matters as may be deemed necessary or convenient for the management of the association and the promotion of its welfare or the conduct of its business.

(2) 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:

Provided that no such by-laws or amendments thereto shall be valid or take effect until approved by the Lieutenant Governor in Council.

5.—(1) Professional engineering shall for the purpose of examination and representation upon the council only, be subdivided into the following branches: civil engineering, electrical engineering, mechanical engineering and mining engineering.

(2) New branches shall be formed on petition of members and ratification by the association at a general meeting thereof.

6. No person except a member of the association or a person who has received a license from the council so to do, shall practise professional engineering within the Province or shall take and use the designation of "Registered Professional Engineer" or any abbreviation thereof or hold himself out or advertise himself as a "Registered Professional Engineer":

Provided that—

- (a) Nothing in this Act shall apply to anyone registered as an architect under any Act of the Province relating to the practice of architecture where the practice of such person is confined to architecture; and nothing in this Act shall apply to any Provincial or Dominion Land Surveyor practising his profession except that such surveyor or architect shall not style or hold himself out as a professional engineer unless he is registered or licensed under the provisions of this Act;
- (b) The provisions of this Act shall not apply to any member of His Majesty's Naval, Military or Air Forces while actually employed on duty with such forces;
- (c) Nothing in this Act shall be construed as altering or affecting any provision or regulation of or made under any Act of the Province relating to mines or public highways;
- (d) Nothing in this Act shall be construed as preventing the carrying on by any person on his own property of any work for the sole use of himself and his domestic establishment; nor the designing, construction or installing by any person of appliances, works or plants of a value not exceeding five thousand dollars where such work does not involve the safety of the general public.

7. The following persons shall be entitled, subject to the conditions in this section set out, to be registered as members of the association, that is to say:

- (a) Any person who 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 board a certificate of membership in good standing in such other association and an application for transfer of registry indorsed by the proper officer of such other association;

- (b) Any person who makes 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;
- (c) Any person who passes the examinations and complies with the other requirements set out in sections 18 and 19 of this Act.

8. The following persons shall, subject to the conditions hereinafter set forth, be entitled to obtain from the registrar a license to practise professional engineering and to use the title of and be designated as a Registered Professional Engineer until the first day of January in the year succeeding the year in which the licence is issued or the prior determination of the license 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, who 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, who produces evidence of his qualifications satisfactory to the council.

9. No firm of partners, corporation or association of persons as such shall be registered as a member of the association or be licensed as a registered professional engineer.

10.—(1) The affairs of the association shall be managed by a council, which shall consist of a president, vice-president and councillors as hereinafter set forth.

(2) The number of the council shall be determined by by-law:

Provided that each branch shall have continuous equal representation.

11.—(1) The president shall be elected annually by the association and shall hold office until his successor is elected.

(2) He shall act as presiding officer at the meetings of the council and of the association, and shall vote only when votes are evenly divided.

(3) 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.

(4) The last past president shall be a member of the council for the following year.

(5) Each branch of the association shall elect an equal number of councillors, but not less than two.

(6) The councillor for the first year after the first annual meeting from each branch receiving the largest number of votes at that election shall hold office for two years.

(7) Each branch shall annually thereafter elect councillors for a two-year term.

(8) 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 from the same branch to fill the vacancy until the next regular election of councillors.

12.—(1) A registrar shall be elected by ballot by the council as soon as possible after the first annual election of the council, and biennially thereafter.

(2) 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.

13.—(1) 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.

(2) If any member omits to pay the prescribed annual fee within six months of the date upon which it became due, the registrar may 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 registered 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.

14.—(1) A register of all registered professional engineers, showing the dates of their certificates, shall be kept, and a list of registered professional engineers in good standing shall be published each year in *The Alberta Gazette* on or before the fifteenth day of February.

(2) Every certificate of registration or licence shall be signed by the president and the registrar, and shall bear the seal of the association.

(3) 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.

15. The certificate of the registrar under the seal of the association shall be *prima facie* evidence of membership of the association or licence, or non-registration or non-possession of licence, as the case may be.

16.—(1) 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.

(2) If such evidence is not satisfactory to the board, it shall refuse to admit such candidate to examination for registration.

17.—(1) Every applicant for membership not qualified under paragraphs (a) and (b) of section 7 of this Act shall, in addition to complying with the requirements of that section, pass such examinations as may be approved by the Senate.

(2) The Senate shall appoint a board of examiners for the purpose of conducting such examinations.

18.—(1) Regular examinations of candidates for registration shall be held at Edmonton or such other place or places as the Senate may direct.

(2) The scope of the examinations and the methods of procedure shall be prescribed by the Senate 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) 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 dollars for the publication of his name in *The Alberta Gazette*.

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

19.—(1) Notwithstanding any other provision of this Act, no person shall be registered or licensed unless he is at least twenty-one years of age, and unless he has been engaged for eight years in some branch of engineering in the works set out in schedule "A," except in the case of a graduate from an engineering college or university approved by the Senate, in which case the period of engagement in engineering work shall be reduced to six 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.

DISCIPLINE.

20.—(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 a 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.

(3) 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.

(4) 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.

21.—(1) 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 in the discretion of the judge.

(2) Unless the order or resolution of suspension is set aside on such appeal, or the judge or the council otherwise orders, the member so suspended or expelled shall not practise further, except (in case of suspension) upon expiry of the period of suspension.

(3) Pending an appeal the member so suspended or expelled shall not practise as a registered professional engineer.

22. Any person who, not being a registered professional engineer in the Province, or who being suspended or having been expelled under the proceedings of the next preceding section—

(a) Assumes verbally or otherwise the title of registered 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 registered 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;

- (b) advertises himself as such in any way or by any means; or
- (c) acts in such manner as to create or induce in the mind of any reasonable person the belief that he is authorized to fulfil the office of or to act as a registered professional engineer—

shall be liable on summary conviction to a fine of not less than fifty dollars, nor more than one hundred dollars, and for any subsequent offence to a fine of not less than one hundred dollars, nor more than two hundred dollars.

23. 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 one hundred dollars, recoverable with costs under the provisions of the law respecting summary convictions.

24. Where any person, after being convicted under this Act, or not being a registered professional engineer, uses or purports to use the designation or title of registered professional engineer, or holds himself out as such, the association may apply to a judge of the Supreme Court for an injunction restraining such person from using, attempting or purporting to use such designation or title, and such judge or Court shall, on being satisfied that such person has so been convicted, or has used, or attempted or purported to use such designation or title in the Province, grant the said injunction.

25. If any person wilfully procures or attempts to procure himself to be registered or licensed under this Act, by making or procuring, or causing to be made or procured, 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 one hundred dollars.

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

SCHEDULE A.

(Section 2(*g*).)

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, waterworks, gasworks, irrigation works, drainage works, sewerage works and incinerators.

Steel, concrete, reinforced 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.

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 of arts, or to engineering.

No. 81

FOURTH SESSION
SIXTH LEGISLATURE
20 GEORGE V
1930

BILL

An Act to amend and consolidate The
Engineering Profession Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. BROWNLEE

EDMONTON:
W. D. MCLEAN, KING'S PRINTER
A.D. 1930