

APPENDIX 3A

AUTHORITY TO DELEGATE



Appendix 3A: Authority and Duties of Council in Other Self-Regulated Professions in Alberta

This document provides a summary of Alberta legislation regarding professional associations (other than *The Engineering and Geoscience Professions Act*) and, more specifically, the provisions related to their Councils' authorities, duties and authority to delegate.

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(a) Architects Act, Revised Statutes of Alberta 2000, Chapter A-44

4 The Court of Queen's Bench, on application by the Council, may grant an injunction enjoining any person from doing any act that is in contravention of section 2, 2.1 or 3(1), notwithstanding any penalty that may be provided by this Act or the regulations in respect of that contravention.

6(1) There is hereby established a governing body of the Association called the Council.

(2) The Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name and on behalf of the Association.

(3) The Council shall annually submit to the Minister a report on those matters of the business and affairs of the Association that the Minister may require in a form satisfactory to the Minister.

7 The Council may by resolution appoint or revoke the appointment of an individual as Registrar for the purposes of this Act.

8(2) The members of the Council under subsection (1) shall elect from among themselves the officers of the Association specified in the bylaws in the manner and for the term prescribed in the bylaws.

(6) The powers, duties and operations of the Council under this Act, the regulations and the bylaws are not affected by

(a) the fact that no member of the public is appointed as a member of the Council pursuant to subsection (1)(b),

(b) the revocation, under subsection (4), of the appointment of a member of the Council, or

(c) the resignation from the Council of a member of the public.

9(1) The Council may make regulations

(a) respecting the academic qualifications of and training requirements for applicants for registration as registered architects and licensed interior designers;

(b) establishing conditions respecting the registration of an applicant referred to in clause (a), including residence, age and character requirements;

(c) providing for the evaluation by the Registration Committee, the Practice Review Board, any other committee or board established or designated under the regulations, or for the evaluation by the Council, of the academic qualifications of and training requirements for applicants for registration as registered architects, visiting project architects, restricted practitioners, licensed interior designers or visiting project interior designers, and the examination of those applicants with respect to those qualifications or requirements;

(d) respecting the eligibility of applicants for registration to engage in the practice of architecture (i) as visiting project architects, including their relationship with registered architects who will collaborate on projects approved by the Council, or (ii) as restricted practitioners;

(d.1) respecting the eligibility of applicants for registration to engage in the practice of interior design as visiting project interior designers, including regulations respecting their relationship with licensed interior designers who will collaborate on projects approved by the Council;

(e) prescribing the requirements of eligibility of applicants to engage in the practice of architecture as architects corporations, including (i) the number of full-time permanent employees or shareholders who must be registered architects and who will assume personal supervision, direction and control over the practice of architecture, (ii) the required amount of beneficial ownership of voting shares of the applicant that must be vested in registered architects and the number of directors or officers of the applicant who must be registered architects, and (iii) the persons or qualifications of persons who may be beneficial owners of any of the issued shares of the applicant or who may be employees of the applicant but are not registered architects;

- (e.1) prescribing the requirements of eligibility of applicants to engage in the practice of interior design as interior design corporations, including (i) the number of full-time permanent employees or shareholders who must be licensed interior designers and who will assume personal supervision, direction and control over the practice of interior design, (ii) the required amount of beneficial ownership of voting shares of the applicant that must be vested in licensed interior designers and the number of directors or officers of the applicant who must be licensed interior designers, and (iii) the persons or qualifications of persons who may be beneficial owners of any of the issued shares of the applicant or who may be employees of the applicant but are not licensed interior designers;
- (f) prescribing technical standards for the practice of architecture;
- (g) establishing and providing for the publishing of a code of ethics respecting the practice of architecture, the maintenance of the dignity and honour of the profession of architecture and the protection of the public interest;
- (h) governing the names under which authorized entities may engage in the practice of architecture;
- (i) respecting the fixing of fees, dues and levies payable to the Association by visiting project architects;
- (j) prescribing how many members of the Council constitute a quorum of the Council;
- (k) respecting the powers, duties and functions of the Practice Review Board including, but not limited to, the referral of matters by that Board to the Council or the Complaint Review Committee and appeals from decisions of that Board;
- (l) governing, subject to this Act, the operation and proceedings of the Registration Committee, the Complaint Review Committee and the Practice Review Board, the designation of chair and vice-chair, the appointment of acting members and the procedures for filling vacancies in the offices of chair and vice-chair and in the membership of either Committee or the Board, the appointment of members by virtue of their offices of either Committee or the Board and prescribing their powers, duties and functions;
- (m) respecting the procedures for hearings of the Complaint Review Committee, of the Practice Review Board and of the Council in matters relating to the conduct or practice of authorized entities, whether or not a complaint has been made;
- (n) applying all or some of the provisions of this Act, the regulations or the bylaws to members of classes or categories of membership in the Association established under the bylaws;
- (o) respecting reviews of the practice of an authorized entity by the Board or a person authorized by the Board;
- (p) respecting registration, licensing, permits and certificates of authorization, the review of complaints, the practice arrangements of authorized entities, the practice of architecture and the review of the practice of authorized entities, generally;
- (q) respecting the establishment by the Council of compulsory continuing competence programs for registered architects, licensed interior designers and restricted practitioners;
- (r) governing the publication of a notice of the suspension or cancellation of the registration of an authorized entity in a form and manner prescribed by the Council;
- (s) respecting committees of inquiry for reinstatements under Part 5;
- (t) defining the practice of interior design for the purposes of this Act;

10(1) The Council may make bylaws

- (a) for the government of the Association and the management and conduct of its affairs;
- (b) determining the location of the head office of the Association;
- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election, number and term of office of Council members and officers of the Association and the appointment of individuals as members by virtue of their offices of the Council and of any committee or board established by the Council, and prescribing their powers, duties and functions;

- (e) providing for the appointment of acting members of the Council and procedures for the election of registered architects and licensed interior designers and the nomination of members of the public for appointment by the Minister;
- (f) providing for the division of Alberta into electoral districts, and prescribing the number of Council members to be elected from each district;
- (g) establishing classes or categories of membership in the Association in addition to registered architects and licensed interior designers, and prescribing the rights, privileges and obligations of the classes or categories of membership so established;
- (h) providing for the appointment and the revocation of the appointment of employees of the Association and of an individual as an Acting Registrar who has all of the powers and performs all of the duties of the Registrar under this Act, the regulations and the bylaws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;
- (i) governing the establishment, operation and proceedings of chapters;
- (j) governing the establishment, operation and proceedings of committees, the appointment of members of committees, the appointment of acting members and procedures for filling vacancies on committees and the delegation of any powers or duties of the Council under this Act, the regulations or the bylaws to a committee established by the Council or under this Act;**
- (k) prescribing the number of registered architects and licensed interior designers that constitutes a quorum at meetings of the Association;
- (l) except for the members of the public appointed by the Minister, prescribing fees and expenses payable to members of the Council, the Practice Review Board, the Registration Committee, the Complaint Review Committee or any other board or committee of the Council or Association or for a registered architect or licensed interior designer representing the Association on a board or committee;
- (m) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit programs that the Council considers appropriate;
- (n) governing the information to be engraved on and the use to be made of (i) seals and stamps by registered architects and seals by licensed interior designers, and (ii) stamps by visiting project architects, restricted practitioners, visiting project interior designers, architects corporations, interior design corporations and joint firms;
- (o) respecting the fixing of fees, dues and levies payable to the Association by registered architects, architects corporations, joint firms, restricted practitioners, licensed interior designers, interior design corporations and persons who are members of other classes or categories of membership in the Association;
- (p) governing the nature of the costs in respect of which an order may be made by the Discipline Committee or, on appeal, the Council;
- (q) respecting the establishment, content and maintenance of registers of authorized entities and of records of other classes or categories of membership to be recorded by the Registrar;
- (r) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the regulations to indicate (i) the suspension or cancellation of the registration of an authorized entity, or (ii) the death of a registered architect, visiting project architect, restricted practitioner, licensed interior designer or visiting project interior designer, including the removal of the name of the individual or corporation concerned;
- (s) governing the publication of the names of applicants for registration as registered architects or licensed interior designers approved by the Registration Committee;
- (t) requiring authorized entities to maintain a business address in Alberta and to inform the Registrar in writing of that address and of any change in that address forthwith after the change occurs;

- (u) authorizing the Council to prescribe the form of a certificate of registration, a licence, a permit, a certificate of authorization, an annual certificate and any other form or document that may be required for the purposes of this Act, the regulations and the bylaws;
 - (v) governing the holding of mail votes.
- (2) The Regulations Act does not apply to bylaws of the Association.

10.1 Before the Council, by regulation, establishes or amends the academic qualifications and training requirements for applicants for registration as registered architects and licensed interior designers, the Council 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.

11(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council.

12(1) The Council shall, by bylaw, establish a Registration Committee consisting of those registered architects and licensed interior designers appointed by the Council as members of the Registration Committee.

13(1) The Council shall, after receipt of a request for review under section 12(4) or (6), review the request so received.

(2) A person who requests a review pursuant to section 12(4) and the applicant for registration or, on a request under section 12(6), the applicant alone (a) shall be notified in writing by the Council of the date, place and time that it will consider the matter requested to be reviewed, and (b) is entitled to appear with counsel and make representations to the Council when it considers the matter under review.

(3) A member of the Registration Committee who is also a member of the Council may participate at a review by the Council under this section but shall not vote in a decision of the Council at a review under this section.

14(1) The Registration Committee or, on review, the Council shall approve for registration as a registered architect an individual who has applied under this Act and is eligible in accordance with this Act and the regulations to be registered as a registered architect.

(2) An individual becomes entitled to be registered as a registered architect when the Registration Committee or the Council, as the case may be, approves the individual's registration.

15(1) The Council may approve the registration of an individual who has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as a visiting project architect for the purpose of a project approved by the Council.

(2) The Council may, for the purposes of this section, approve (a) a project described in an application for registration under this section, and (b) subject to the regulations, the proposed relationship between the applicant for registration as a visiting project architect and a registered architect who will collaborate on the project approved under clause (a).

(3) An individual becomes entitled to be registered as a visiting project architect when the Council approves the individual's registration.

16(1) The Council may approve the registration of a corporation registered, incorporated or continued under the Business Corporations Act that has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as an architects corporation.

(2) A corporation becomes entitled to be registered as an architects corporation when the Council approves its registration.

16.1(1) The Registration Committee or, on review, the Council shall approve for registration as a licensed interior designer an individual who has applied under this Act and is eligible in accordance with this Act and the regulations to be registered as a licensed interior designer.

(2) An individual becomes entitled to be registered as a licensed interior designer when the Registration Committee or the Council, as the case may be, approves the individual's registration.

16.2(1) The Council may approve the registration of an individual who has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as a visiting project interior designer for the purpose of an interior design project approved by the Council.

(2) The Council may, for the purposes of this section, approve (a) an interior design project described in an application for registration under this section, and (b) subject to the regulations, the proposed relationship between the applicant for registration as a visiting project interior designer and a licensed interior designer who will collaborate on the interior design project approved under clause (a).

(3) An individual becomes entitled to be registered as a visiting project interior designer when the Council approves the individual's registration.

16.3(1) The Council may approve the registration of a corporation registered, incorporated or continued under the Business Corporations Act that has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as an interior design corporation.

(2) A corporation becomes entitled to be registered as an interior design corporation when the Council approves its registration.

19(1) On receipt of a recommendation of the Joint Board under section 18, the Council may approve the registration of a proposed architects and engineers firm if that firm is eligible to become registered under the regulations.

(2) When recommendations are made by the Joint Board to both the Council and the council of the Engineers Association with respect to an application for a certificate of authorization, both councils must agree that the certificate should be issued and shall sign the certificate before it is issued.

(3) Subject to subsection (2), an applicant is entitled to be registered as an architects and engineers firm when the Council approves its registration.

21 The term of a licence, a permit and a certificate of authorization is one year from the date of issue of the licence, permit or certificate, and the licence, permit or certificate may, with the approval of the Council, be renewed for additional periods, each not exceeding one year, on payment of the fees prescribed in the regulations or the bylaws, as the case may be.

24(1) The Registrar shall not, at the request of an authorized entity, cancel the registration of the authorized entity unless the request for the cancellation has been approved by the Council.

25(1) An architects corporation may engage in the practice of architecture only in its corporate name or another name that is approved by the Council pursuant to the regulations, and not otherwise.

26(1) A joint firm may engage in the practice of both architecture and engineering in

(c) any other name that is approved by the Council pursuant to the regulations.

(4) A joint firm

(a) may hold itself out as "architects and engineers" or "engineers and architects" only if it has

both architects and engineers as partners or shareholders in an arrangement that is satisfactory to the Council or the council of the Engineers Association, as the case may be;
(b) shall not hold itself out as “architects and engineers” or “engineers and architects” if the architects or engineers, as the case may be, are employees only and not partners or shareholders, or if the partnership or shareholding arrangement is not satisfactory to the Council or the council of the Engineers Association, as the case may be.

26.1(1) An interior design corporation may engage in the practice of interior design only in its corporate name or another name that is approved by the Council pursuant to the regulations, and not otherwise.

27.1 (5) On completing a review, the Council may confirm, reverse or vary the decision of the Registrar and make any decision that the Registrar could have made, and may make any further order the Council considers necessary for the purposes of carrying out the decision.
(6) The Council must give the applicant and the Registrar a written copy of its decision under subsection (5) with the reasons for the decision.

27.2(1) The Council may direct the Registrar

(a) to reinstate in the applicable register a registration that was cancelled under section 27 or 27.1, and

(b) to reissue [evidence of registration]to its former holder.

(2) A direction to the Registrar under subsection (1) is subject to:

(c) any conditions imposed by the Council in a decision or order under section 27.1(5), and

(d) any conditions imposed by the Council under the regulations.

28 On the recommendation of the Joint Board, the Council may authorize an individual who is a professional engineer to apply for a permit authorized by the regulations under the *Safety Codes Act* without the final design drawings and specifications of the building having the seal of a registered architect.

31(3) A person designated by the Council as a mediator may assist in settling a complaint made to the Registrar.

32(1) The chair shall review the conduct of an authorized entity within 30 days from the date on which a complaint respecting that conduct

(a) is brought to the chair’s attention by a complainant or any other person, or

(b) when section 31(3) applies, is referred to the chair by a mediator.

(2) The Council may at the request of the chair extend the 30-day period mentioned in subsection (1).

35(1) A complainant who is served with a notice under section 34 that the chair has directed that no further action be taken may, by notice in writing to the Registrar within 30 days after receipt of the notice, appeal that direction to the Council.

(2) The Council shall determine whether

(a) the complaint is frivolous or vexatious,

(b) there is insufficient evidence of unskilled practice of architecture or unprofessional conduct, or

(c) the complaint should be referred to the Committee,

and shall notify the complainant and the chair in writing of its decision.

36 There is hereby established a committee called the Complaint Review Committee consisting of not fewer than 3 registered architects and one licensed interior designer appointed by the

Council in accordance with the regulations to exercise the powers and perform the duties set out in this Part.

38(1) There is hereby established a board called the Practice Review Board consisting of not fewer than 6 members as follows:

- (a) registered architects who are appointed by the Council,
- (a.1) at least one licensed interior designer appointed by the Council,
- (b) persons who have a combination of knowledge and experience suitable for determining academic qualifications and training requirements necessary for a person to continue to engage in the practice of architecture, and who are appointed by the Council, and
- (c) one member of the public who is not a person mentioned in clause (b) and who is nominated by the Council and appointed by the Minister, in accordance with the regulations to exercise the powers and perform the duties set out in this Part.

39(1) The Board

- (a) shall, on its own initiative or at the request of the Council, inquire into and report to and advise the Council in respect of
 - (i) the assessment of existing and the development of new educational standards and experience requirements that are conditions precedent to obtaining and continuing registration under this Act,
 - (ii) the evaluation of desirable standards of competence of authorized entities generally,
 - (iii) any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of architecture under this Act and the regulations, and ...
- (4) If it is in the public interest to do so, the Council may direct that the whole or any portion of an inquiry by the Board under this section is to be held in private.

42(2) Within 30 days after the date on which the chair refers a complaint or conduct to the Committee, the Committee shall hold a hearing on the complaint or conduct.

(3) The Council may, on the written request of the chair of a review panel, extend the period mentioned in subsection (2) for one or more additional periods, each not exceeding 30 days.

(4) The review panel or, on appeal, the Council may also hear any other matter concerning the conduct of the investigated person that arises in the course of a hearing or on an appeal, but in that event the review panel or the Council shall declare its intention to hear the further matter and shall permit that person sufficient opportunity to prepare the person's answer to the further matter.

43(1) Evidence may be given before the review panel or, on appeal, the Council in any manner that the review panel or the Council, as the case may be, considers appropriate, and neither the review panel nor the Council is bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) For the purposes of an investigation, hearing or review under this Act, a member of the review panel or, on appeal, the Council, is conferred with the power of a commissioner for oaths under the Commissioners for Oaths Act.

47 The review panel or, on appeal, the Council, on proof of service on the investigated person of the notice of hearing or appeal, may

- (a) proceed with the hearing or appeal in the absence of the investigated person, and
- (b) act, decide or report on the matter being heard or appealed in the same way as though the investigated person were in attendance.

48 If the review panel or, on appeal, the Council determines that the conduct of an investigated person constitutes neither unskilled practice of architecture nor unprofessional conduct, it shall so find.

49 If the review panel or, on appeal, the Council determines that the conduct of an investigated person constitutes unskilled practice of architecture or unprofessional conduct, or both, it shall so find and shall deal with that conduct in accordance with this Part.

50(1) If the review panel or, on appeal, the Council finds that the conduct of an investigated person constitutes unskilled practice of architecture or unprofessional conduct, or both, the review panel or the Council, as the case may be, may make any one or more of the following orders:

- (a) reprimand the investigated person;
- (b) suspend the registration of the investigated person either generally or from any field of the practice of architecture;
- (c) suspend the registration of the investigated person either generally or from any field of practice until (i) that person has completed a specified course of studies or obtained supervised practical experience, or (ii) the review panel or Council is satisfied as to the competence of the investigated person generally or in a specified field of practice;
- (d) accept in place of a suspension the investigated person's undertaking to limit that person's practice;
- (e) impose conditions on the investigated person's ability to engage in the practice of architecture generally or in any field of the practice, including the conditions that that person (i) practise under supervision, (ii) not engage in sole practice, (iii) permit periodic inspections by a person authorized by the review panel or Council, or (iv) report to the review panel or Council on specific matters;
- (f) direct the investigated person to pass a particular course of study or satisfy the review panel or Council as to that person's practical competence generally or in a field of practice;
- (g) direct the investigated person to satisfy the review panel or Council that a disability or addiction can be or has been overcome, and suspend the person until the review panel or Council is so satisfied;
- (h) require the investigated person to take counselling or to obtain any assistance that, in the opinion of the review panel or Council, is appropriate;
- (i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the review panel or Council, were not rendered or were improperly rendered;
- (j) cancel the registration of the investigated person.

(2) The review panel or, on appeal, the Council may make any ancillary order that is appropriate or required in connection with any order mentioned in subsection (1)(a) to (j) or may make any other order that it considers appropriate in the circumstances.

51(1) The review panel or, on appeal, the Council may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 50, order that the investigated person pay

- (a) all or part of the costs of the hearing or appeal in accordance with the bylaws,
- (b) a penalty not exceeding \$10 000 for each finding of unskilled practice of architecture or unprofessional conduct, or
- (c) both the costs under clause (a) and the penalty under clause (b).

(2) If the person ordered to pay a penalty, costs or both under subsection (1) fails to pay the penalty, costs or both within the time ordered, the review panel or Council may suspend the registration of that person until the person has paid the penalty, costs or both.

(3) If the Council finds that a complaint is frivolous or vexatious, it may order the complainant to pay the costs of the preliminary investigation and the hearing before the Council determined in accordance with the bylaws.

52 The review panel and, on appeal, the Council shall, within a reasonable time after the conclusion of a hearing, review or appeal before it, make a written decision on the matter, in which it shall

- (a) describe each finding made by it in accordance with this Part,
- (b) state the reasons for each finding made by it, and
- (c) state any order imposed under this Part.

53(1) When the review panel or Council has made a decision, the chair or vice-chair of the review panel or Council shall immediately forward the decision to the Registrar.

54(1) Notwithstanding an appeal under section 55 or 59, a review panel or the Council, as the case may be, may, on the conclusion of a hearing, suspend the registration of the investigated person until the time that the Council or the Court of Appeal, as the case may be, makes its decision on the appeal.

55(5) Each member of the Council is entitled on receiving a copy of a notice of appeal, to examine the record or any part of the record of the proceedings before the review panel and to hear any tape recording or examine any mechanical or handwritten form of record of any testimony given before the review panel.

56(1) The Council shall, on being served with a notice of appeal under section 55, direct the Registrar to serve, and the Registrar on being so directed shall serve on the investigated person and on the members of the Council a notice of hearing of an appeal stating the date, time and place at which the Council will hear the matters appealed.

(2) The Council shall hear an appeal within 30 days after the date of service of the notice of hearing of the appeal.

(3) The Council may, on the written request of the investigated person or the Registrar, extend the period mentioned in subsection (2) for one or more additional periods, each not exceeding 30 days.

57(1) The Association's solicitor may participate in the hearing of an appeal before the Council.

(2) A member of a review panel who is also a member of the Council may participate in an appeal before the Council but shall not vote in a decision of the Council on the appeal.

(3) The Council on an appeal may

- (a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Council;
- (b) on granting special leave for that purpose, receive further evidence;
- (c) draw inferences of fact and make a determination or finding that, in its opinion, ought to have been made by the review panel;
- (d) order that the matter be referred back to the review panel.

(4) The Council shall, within 30 days from the date of the conclusion of all proceedings before it,

- (a) make any finding that, in its opinion, ought to have been made by the review panel,
- (b) quash, confirm or vary the finding or order of the review panel under this Part or substitute or make a finding or order of its own, or

(c) refer the matter back to the review panel for further consideration in accordance with any direction that the Council may make.

(5) The Council may order the investigated person to pay all or part of the costs of the appeal determined in accordance with the bylaws.

63(1) If the Council is satisfied, after a hearing on the matter, that a person whose registration is entered in the register obtained registration by means of any false or fraudulent representation or declaration, either oral or written, the Council shall order that the person's registration be cancelled.

(2) The provisions of this Part respecting the procedures at a hearing before a review panel apply with all necessary modifications to a hearing held by the Council under subsection (1).

64(2) If the registration of an authorized entity has been cancelled under this Part, the registration shall not be reinstated in the register except by order of the Council or the Court of Appeal.

(4) A member of the Council who is a member of a committee of inquiry appointed pursuant to the regulations to consider an application under this Part for reinstatement of registration may participate in or vote at any proceedings of the Council under this section, and the Association's solicitor may participate in those proceedings.

70(1) An authorized entity whose registration is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of architecture or directly or indirectly associate the entity with the practice of architecture with any authorized entity.

(2) No authorized entity shall, except under the authority of the Council, associate in the practice of architecture directly or indirectly with or employ in connection with the entity's practice a person whose registration has been cancelled or suspended under this Act.

(3) The Council may by resolution permit an authorized entity to employ in connection with the entity's practice a person whose registration has been cancelled or suspended under this Act, but the employment shall be in the capacity and subject to the terms and conditions that are prescribed by the Council.

73(2) The term of a certificate of authorization issued under this section is one year from the date of issue of the certificate, and the certificate may, subject to the approval of the Council, be renewed for additional periods, each not exceeding one year, on payment of the fees prescribed in the bylaws.

(3) A certificate of authorization issued under this section is subject to this Act, the regulations and the bylaws.

(4) The Council may direct the Registrar to cancel the registration of a restricted practitioner.

(b) who is not a professional engineer in good standing under the Engineering and Geoscience Professions Act, after the expiration of one month following the service on the restricted practitioner of a written notice that the Council intends to cancel the registration unless the restricted practitioner on whom the notice is served complies with the notice.

(b) Architects Act General Regulation, Alberta Regulations 200/2009

2 An application for registration under the Act must be made on a form approved by the Council.

3 The Council must designate a member of the Registration Committee as chair and may designate one or more members as vice-chairs.

5(2) The Registration Committee must perform any other functions assigned to it by the Council.

6(2) An applicant meets the academic and training requirements necessary for registration as a registered architect if

- (a) the applicant (i) has a university degree acceptable to the Council or has completed a substantially equivalent post-secondary program acceptable to the Council, (ii) has completed at least 2 years of practical training in the practice of architecture acceptable to the Registration Committee, and
- (iii) has completed the examinations approved by the Council, or
- (b) the applicant is registered as an architect in a jurisdiction recognized by the Council.

7(2) An applicant meets the academic and training requirements necessary for registration as a licensed interior designer if

- (a) the applicant (i) has a degree in interior design acceptable to the Council or has completed a substantially equivalent post-secondary program acceptable to the Council, (ii) has completed at least 2 years of practical training in the practice of interior design acceptable to the Registration Committee, and (iii) has completed the examinations approved by the Council, or
- (b) the applicant is registered as a licensed interior designer or the equivalent, as recognized by the Council, in a jurisdiction recognized by the Council.

10(1) The Council may grant a preliminary letter of approval for a corporation to be registered as an architects corporation if

- (a) the Council is satisfied that the proposed incorporation documents include provisions ... and
- (b) the Council is satisfied that the proposed name of the corporation meets the requirements set out in section 27.

(2) The Council may grant a preliminary letter of approval for a corporation to be registered as an interior design corporation if

- (a) the Council is satisfied that the proposed incorporation documents include provisions ... and
- (b) the Council is satisfied that the proposed name of the corporation meets the requirements set out in section 28.

11(1) Within 45 days or a longer period that the Council permits, a recipient of a preliminary letter of approval must apply for incorporation under the Business Corporations Act.

(2) When the proposed corporation is incorporated under the Business Corporations Act, the corporation must send to the Registrar.

(c) any other evidence required by the Council to satisfy the Council that the requirements of this Regulation have been and will continue to be complied with.

12 The Council must approve the registration of a corporation as an architects corporation if it is satisfied that the corporation meets all of the following requirements for architects corporations:

- (d) any shareholders of the corporation who are not registered architects, licensed interior designers or professional engineers are of good character and are satisfactory to the Council.

13 The Council must approve the registration of a corporation as an interior design corporation if it is satisfied that the corporation meets all of the following requirements for interior design corporations:

- (d) any shareholders of the corporation who are not licensed interior designers or registered architects are of good character and are satisfactory to the Council.

14(1) A permit issued to an architects corporation under section 20(3) of the Act shall not be renewed unless the Council is satisfied that the architects corporation meets the requirements of section 12.

(2) A permit issued to an interior design corporation under section 20(4.3) of the Act shall not be renewed unless the Council is satisfied that the interior design corporation meets the requirements of section 13.

16 The Council may approve the registration of an individual as a visiting project architect if it is satisfied as to the matters referred to in the application, the suitability of the project and the eligibility of the applicant.

18 The Council may approve the registration of an individual as a visiting project interior designer if it is satisfied as to the matters referred to in the application, the suitability of the project and the eligibility of the applicant.

19(1) A visiting project architect must pay the following fees in respect of each project for which the visiting project architect is registered:

- (a) the registration fee set by the Council and payable on registration
- (b) the annual fee set by the Council and payable on registration and thereafter on renewal in accordance with section 20.

(2) A visiting project interior designer must pay the following fees in respect of each project for which the visiting project interior designer is registered:

- (a) the registration fee set by the Council and payable on registration
- (b) the annual fee set by the Council in accordance with the bylaws and payable on registration and thereafter on renewal in accordance with section 21.

23 If a registered architect, licensed interior designer or restricted practitioner has been suspended, or if the registration of the registered architect, licensed interior designer or restricted practitioner has been cancelled, for one year or more, the registered architect, licensed interior designer or restricted practitioner may be required by the Council to take such examinations as may be prescribed by the Council before the reinstatement becomes effective.

24(1) An authorized entity whose registration has been cancelled as a result of a decision of the Complaint Review Committee or Council may apply to the Council to be reinstated.

(2) The Council may establish a committee of reinstatement to consider the application and make recommendations to Council.

27(1) An authorized entity that engages in the practice of architecture through a firm may only do so if the name of the firm ... (d) is approved by the Council.

(6) The Council shall not approve a name for the purposes of this section if, in the opinion of the Council, the name does not meet the requirements of this section or is contrary to the Act.

28(1) An authorized entity that engages in the practice of interior design through a firm may only do so if the name of the firm ... (d) is approved by the Council.

(6) The Council shall not approve a name for the purposes of this section if, in the opinion of the Council, the name does not meet the requirements of this section or is contrary to the Act.

29(1) No authorized entity shall use a letterhead or a business card unless it has first been approved by the Council.

(2) No change to a letterhead or business card shall be made by an authorized entity until the change has been approved by the Council.

33(1) A registered architect may practise architecture as a partner in a partnership only if the partnership meets all of the following requirements: ...

(b) the partners in the partnership who are not authorized entities ... (iii) are satisfactory to the Council.

34(1) A licensed interior designer may practise interior design as a partner in a partnership only if the partnership meets all of the following requirements:

(b) the partners in the partnership who are not authorized entities ... (iii) are satisfactory to the council.

37 An authorized entity may not take part in an architectural competition or a limited architectural competition unless the conditions of the competition or limited competition are in accordance with the standards approved by the Council.

41(1) Subject to subsection (2), an authorized entity may provide professional services to a client only if the authorized entity and client have executed a written agreement that ...

(2) Subsection (1) does not apply if an authorized entity is providing professional services ...
(b) in accordance with a direction by the Council.

46 Registered architects, licensed interior designers and restricted practitioners must

- (a) comply with the continuing competence program rules approved by the Council,
- (b) obtain the continuing competence hours required by the Council in each calendar year by completing continuing competence activities approved by the Council and the core competency courses required by the Council,
- (c) maintain accurate and complete records of activities in the continuing competence program,
- (d) report on the completion of continuing competence activities in a manner approved by the Council, and
- (e) on the request of the Registrar, submit documentation in a form approved by the Council that demonstrates compliance with the continuing competence program rules.

47(1) An education committee established by the Council by bylaw may recommend to the Council rules governing the operation of the continuing competence program, which include the following:

(2) The Council may establish rules and amendments to the rules and must

- (a) send notice to all registered architects, licensed interior designers and restricted practitioners that the rules have been established or amended, and
- (b) provide copies of the rules and any amendments to the rules to the public, the Minister and to any other person on request.

49 The Council must designate a member of the Complaint Review Committee as chair and may designate one or more members as vice-chairs.

55(1) If the Complaint Review Committee suspends or cancels the registration of an authorized entity, the Council must publish a notice of the suspension or cancellation in any manner it considers appropriate.

56 The Council must designate the chair and vice-chair of the Practice Review Board.

58 The Practice Review Board must appoint a person to conduct a review of the practice of an authorized entity under section 39(1)(b) of the Act if

- (a) the review is part of a program of regular or periodic reviews of the practice of all authorized entities established by the Council, or
- (b) an authorized entity, the Complaint Review Committee or the Council requests in writing that the review be conducted and the Practice Review Board considers that the authorized entity should be the subject of a practice review.

(c) The Alberta Association of Architects Bylaws

2.1(2) The Council shall set the date of the annual general meeting.

(4) If a place for the annual general meeting is not specified pursuant to subsection (3) or if unforeseen circumstances arise, the place may be specified by the Council.

2.3(1) The Council may call a special general meeting of voting members at any time.

(2) The Council shall call a special general meeting of voting members if: (a) a request to do so is submitted to the Council by at least twenty five (25) voting members; and (b) the purpose of the meeting is specified in the request.

(3) Upon receipt of a request under subsection (2), the Council shall call a special general meeting within 45 days of receipt of the request.

(4) If the Council calls a special general meeting to consider enactment, amendments or repeal of bylaws, at least 15 days notice of the date, time, place and purpose of the meeting must be given to each voting member.

(5) If the Council calls a special general meeting to consider a subject other than enactment, amendment or repeal of by-laws, at least 7 days notice in writing must be given to each voting member of the date, time, place and purpose of the meeting.

3.2(1) Each year the Council shall establish a nominating committee composed of: (a) a chair who shall be appointed by the Council.

3.7(1) At least thirty (30) days before the annual general meeting the Executive Director shall send to each voting member a ballot in the form prescribed by resolution of the Council.

(3) When a ballot is sent out, it may be accompanied by a brief biography of each candidate for election containing such information about each candidate as the Council prescribes.

3.13(1) After the ballot box has been sealed a Past President, who is a voting member and two

(2) other scrutineers appointed by the Council shall meet for the purpose of counting the ballots.

4.2(1) The following representatives may be appointed by the Council as ex officio members.

4.3(2) Notwithstanding subsection (1), an individual who is an ex officio member of the Council or of any committee of the Council or the Association, except the President, shall at the direction of the Council or a committee, as the case may be, leave the meeting for the period required.

4.5 A newly-elected Council takes office immediately following the close of the annual general meeting at which the election results are announced and holds office until the close of the next annual general meeting.

4.6(1) The Council shall meet as soon as reasonably possible after the annual general meeting to attend to the business of election of officers and chair appointments. Subject to any provision of this by-law to the contrary:

(a) the individual who acts as Vice President in any Council year becomes President the following year, without the need to be re-elected to the Council

(b) the individual who acts as President in any Council year becomes Immediate Past President the following year without the need to be re-elected to the Council

(c) the Council shall elect a Vice-President from existing Council members

(d) the Council shall elect a Treasurer from existing Council members

(e) the Council shall appoint Council as chairs to committees as required.

4.7(2) The individual holding the office of President holds that office until the next annual general meeting regardless of the term for which the individual was elected to the Council and

then becomes Immediate Past President for a one year term. The Council may, at its discretion, extend the term of office of any President for a maximum of one additional year.

(3) The Immediate Past President holds office until the close of the annual general meeting. The Council may extend the term of office of the Immediate Past President for one additional year provided it has also extended the term of office of the President.

(4) The Treasurer holds office until a replacement Treasurer is elected by Council

4.8 In the event of a temporary absence or the President's inability to act, the Vice President has all the powers, duties and responsibilities of the President and in the absence or inability of the President and the Vice President to act, the Council shall appoint a member of the Council to serve as acting President for so long as is required. The person so appointed shall have all the powers, duties and responsibilities of the President.

4.9 (3) If an officer of the Council, other than the President or Vice President, dies or is otherwise unable to retain the office the Council may: (a) elect from among themselves a person to fill the office for the remainder of the term; or (b) leave the office vacant.

(4) If an elected member of the Council dies or ceases to be a Council member the Council may: (a) appoint another registered architect or licensed interior designer, as the case may be, to fill the vacancy for the remainder of the term; (b) leave the vacancy unfilled; or (c) fill the vacancy through the established election process at the next scheduled annual Council election.

4.11(1) The Council must meet at least six (6) times per year on such dates and at such times and places as it decides. The President may call a meeting of the Council at any time.

4.12(2) When called upon by the President to do so, the Council may make a resolution through the process of e-mail voting.

4.15(1) The Council shall appoint: (a) an auditor who shall be a member in good standing with the Institute of Chartered Accountants of Alberta. (b) an individual as Registrar in accordance with section 7 of the Act.

(2) Unless a contract of employment otherwise provides, every person appointed by the Council holds office at the pleasure of the Council.

4.17(1) The Registrar shall: (c) perform such other duties as are assigned by the Council.

(2) The Council may appoint an individual as acting Registrar who shall act as the Registrar in the absence or inability of the Registrar to act or when the office of Registrar is vacant.

5.3(1) An executive committee of the Council may be established to act as a committee tending to the affairs of the Association arising from and between meetings of the Council, in accordance with direction and terms of reference provided by the Council.

5.4(1) The Council shall: (a) determine the membership requirements and term of office of committees of the Council; (b) designate the chair and, if necessary, vice-chair of the committees; and (c) determine the functions, duties and responsibilities of the committees.

(2) The Council may appoint such other committees of the Council or establish committees of the Association as the Council considers necessary and shall designate the chair and if necessary, the vice-chair of each committee so appointed.

(3) A committee of the Council or a committee of the Association may be composed of such individuals as the Council considers necessary and may include persons who are not registered architects, licensed interior designers or members of the Association.

(5) Individuals appointed to a committee may have their appointments terminated at any time by the Council or have the designation of chair or vice-chair revoked, as the case may be.

(6) Notwithstanding anything in this section, the Council may delegate to the chair of any committee that is not a standing committee, the ability to appoint or dismiss members of that committee.

(7) The Council may establish rules of order and procedure for the conduct of business of a committee established by it.

5.5(1) If a vacancy occurs on a committee of the Council or a committee of the Association, **the Council or if so delegated by Council, the chair**, may: (a) appoint an individual as member of the committee for the remainder of the term, or (b) leave the vacancy unfilled.

5.8 When a request is made to the Association for the appointment or nomination of a registered architect or other person to a committee, panel or any other body, the Council shall make the appointment or nomination if it agrees that the appointment or nomination should be made.

6.2(1) The Register of Registered Architects shall contain: (x) such other information as the Council may direct.

(4) The information entered in the Register of Registered Architects under subsection 1(b)(viii) [any suspension or cancellation date of the registered architect] may only be removed if the Council so directs.

(There are similar provisions in respect of the other types of registers.)

7.1(1) The Registrar shall maintain a record of the members of the Association in the categories of membership established by this bylaw.

(2) The record shall contain, unless the Council otherwise directs, with respect to each individual.

(f) such other information as the Council may direct.

7.2(2) A registered architect shall pay such fees, dues and levies as are specified by the Council pursuant to this bylaw.

(There are similar provisions in respect of the other types of members.)

7.5(2) On payment of the appropriate fee, the Council may approve the entry in the records of the Association of an individual referred to in subsection (1) in the category of Associate Member.

7.8(1) An individual may apply for membership in the Association as a Student Member if the applicant is engaged in a course of study, recognized by the Council, in the practice of architecture or interior design.

(2) On payment of the appropriate fee, if any, the Council may approve the entry of an individual referred to in subsection (1) in the records of the Association in the category of Student Member and issue this individual a certificate of membership.

7.9(2) On payment of the appropriate fee, the Council may approve the entry in the records of the Association of an individual referred to in subsection (1) in the category of Retired Member.

7.10(1) The Council may elect an individual who has rendered valuable service to the profession of architecture or interior design or has notably contributed to the advancement of architecture or interior design as an Honorary Member of the Association.

7.11(1) The Council may elect as a Life Member of the Association a registered architect or licensed interior designer who has practiced the profession with distinction and notably contributed to the advancement of the profession of architecture or licensed interior design.

7.12(1) An individual who is a member of a profession or discipline that the Council by resolution has approved as being allied to the profession of architecture or interior design may apply for membership in the Association as an Affiliate Member.

(2) On payment of the appropriate fee, the Council may approve the entry in the records of the Association of an individual referred to in subsection (1) in the category of Affiliate Member and issue this individual a certificate of membership.

10.8 If the annual dues are not paid by December 15, a penalty may be assessed and added to the balance owing, as determined by the Council.

10.9 If special circumstances arise requiring additional funding for the Association, the Council may impose a special levy of not more than \$100 per year on each registered architect, restricted practitioner and licensed interior designer.

11.1(4) If the Council wishes to enact new bylaws, propose amendments to these bylaws or repeal bylaws, the President may do so on behalf of the Council in accordance with subsection (2).

(5) The Council may authorize a mail vote to obtain ratification by the voting members of amendments to the Bylaws as required under 11.1. Such a vote shall be conducted in accordance with Part 12 of these Bylaws.

(6) Consistent with Section 9(2) of the Architects Act, the Council may authorize a mail vote to obtain ratification by the Membership of changes to the General Regulation. Such a vote shall be conducted in accordance with Part 12 of these Bylaws.

12.1(2) Registered architects and licensed interior designers are entitled to vote in a mail vote. If the Council so directs, voting may be conducted by e-mail.

(4) The Council shall appoint at least two (2) scrutineers to count the mail votes.

(5) When the form of the question or matter has been settled it shall be sent to each voting member with (a) such directions as to voting as the Council considers necessary, (b) such information as background or explanation as the Council directs, and (c) a date and time, specified by the Council, before which the mail vote must be received by the Executive Director.

13.2(2) If anything to be done by the Council or individual within a number of days or at a time fixed by or under these by-laws, cannot be or is not so done, the Council, in its sole discretion, from time to time may appoint a further or other time for doing it, whether the time at or within which it ought to have been done has or has not arrived or expired, as the case may be.

13.3 If under this by-law a person is required to take some action or do something and this individual is absent, unable or unwilling to take the action or do the thing, the Council may appoint another person to take the action or do the thing in this individual's place.

14.1 The Council shall prescribe the forms for use under the Act, General Regulation and bylaws.

14.3(1) For the purpose of determining whether an applicant has completed all or any part of the practical training, the Council may authorize the preparation of log books containing such information as will enable the Registration Committee to determine at least the following matters:

(5) If an intern architect or intern interior designer: (a) fails to comply with the guidance provided by the Registration Committee or Practice Review Board, or (b) within five (5) years of the registration of the person as an intern architect or intern interior designer or such longer period as may be permitted by the Council, the intern architect or intern interior designer fails to qualify for registration as a registered architect or licensed interior designer the Practice Review Board or the Registration Committee may recommend to the Council that the individual's membership as a intern architect or intern interior designer be terminated and the Council may make its decision accordingly.

(d) Dentists and Physicians

Numerous health professionals are regulated under Alberta's Health Professions Act. Summarized here are Council's powers under the Act, as well as the regulations and bylaws, pertaining to dentists and doctors only.

(e) Health Professions Act, Revised Statutes of Alberta 2000

1.1(1) Despite this Act, the bylaws and any enactment that governs the practice of a regulated member or health practitioner, college or regulatory organization, if any of the following persons knows of or has reason to suspect the existence of a nuisance or a threat that is or may be injurious or dangerous to the public health, that person must immediately notify the medical officer of health of the appropriate regional health authority by the fastest means possible:

(c) a member of a council of, or an officer, employee or agent of, a college;

(d) a member of a board or council of, or an officer, employee or agent of, a regulatory organization that governs the practice of a health practitioner who provides health services described in a Schedule.

5(1) The governing body of a college is the council.

(5) Despite section 12, if a member described in subsection (2)(a), (b) or (c) is not capable of carrying out the powers and duties of a member, the council may continue to carry out its powers and duties until a successor is appointed or elected.

6 A council manages and conducts the activities of the college, exercises the rights, powers and privileges and carries out the duties of the college in the name of and on behalf of the college and carries out the powers and duties of the council under this Act and the bylaws.

7 A council must appoint, elect or provide for the appointment or election of an individual to be president for the purposes of this Act.

8 A council must appoint or provide for the appointment of an individual as registrar for the purposes of this Act.

9(1) A council:

(a) may establish a registration committee consisting of no fewer than 3 members, the majority of which must be regulated members, and

(b) if a registration committee is established, must designate a member of that committee to act as chair.

10(1) A council:

(a) may establish a competence committee, and

(b) must establish the competence committee if the college is authorized by regulation to undertake practice visits.

(2) A competence committee must consist of no fewer than 3 members appointed by the council and the majority of members must be regulated members and the council must designate a member of that committee to act as chair.

(3) A council may, by bylaw, direct the registration committee to carry out the powers and duties of a competence committee except those described in subsection (6)(b).

(6) A competence committee

(a) may make recommendations to the council on continuing competence requirements and the assessment of those requirements.

12(1) Twenty-five percent of the voting members of a council, a complaint review committee and a hearing tribunal and of a panel of any of them must be public members but with the consent of the council the percentage of the public members may be greater than 25%.

(2) Despite the bylaws governing quorum, the number of public members required by subsection (1) must be present at an appeal under Part 4 before a council, a ratification of a settlement and a review by a complaint review committee and a hearing by a hearing tribunal.

(3) Despite subsections (1) and (2), the powers and duties of a council, complaint review committee or hearing tribunal or a panel of any of them are not affected by a vacancy in the office of a public member for up to 6 months from the date that the schedule to this Act that governs the college comes into force.

14(1) A council must provide for the appointment of an individual as a hearings director for the purposes of this Act.

(2) A hearings director may not chair nor participate in a hearing, review or appeal under Part 4.

(3) A council must provide for the appointment of an individual as a complaints director for the purposes of this Act.

15(1) A council must appoint members to a membership list consisting of no fewer than 4 regulated members to be used for appointing members to both hearing tribunals and complaint review committees.

18(1) Subject to section 12,

(a) a person or committee designated by a council may designate 3 or more members of council to sit as a panel of council and designate a member of the panel to act as chair, or

(b) the chair of the registration committee and of the competence committee may designate 3 or more members of the registration committee or competence committee to sit as a panel of the registration committee or competence committee and designate a member of the panel to act as chair.

(2) A person or committee designated by a council may direct a panel of the council to carry out the powers and duties of the council with respect to a review under Part 2 and an appeal under Part 4 or section 118.

(5) A power or duty carried out by a panel of the council, of the registration committee or the competence committee is a power or duty carried out by the council, registration committee or competence committee.

(6) Two or more panels of the council, of the registration committee or of the competence committee may carry out their powers and duties simultaneously.

(7) Any reference in this Act or any other enactment to a council, registration committee or competence committee is deemed to be also a reference to a panel of the council, of the registration committee or of the competence committee.

19(1) A council may delegate any of its powers and duties to one or more persons or committees, except the power to make regulations or bylaws and to adopt a code of ethics or standards of practice.

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

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

(4) Any reference in this Act or any other enactment to a council is deemed to be also a reference to a delegate and to a delegate of the delegate under this section.

20(1) Subject to the bylaws, a person or committee to whom a power or duty is given under this Act or the bylaws may delegate the power or duty to one or more other persons or committees.

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

(3) Despite subsection (1), (a) the powers and duties of both a complaints director and a hearings director may not be delegated to the same person, and (b) a complaint review committee, a hearing tribunal or a council or panel of council may not delegate its powers or duties with respect to a review or appeal under Part 4.

(4) Any reference in this Act or any other enactment to a person or committee to whom a power or duty is given under this Act is deemed to be also a reference to a delegate of the person or committee under this section.

21(1) The council must establish and keep up to date a directory that contains the names of and how to contact (a) the complaints director and any delegate; (b) the hearings director and any delegate; (c) the registrar and any delegate; (d) the president and any delegate; (e) the council and any delegate and any delegate of the delegate.

32(1) An applicant and the registrar, the registration committee or competence committee may appear with or without counsel and make representations to the council at a review.

(2) On reviewing a decision pursuant to a request for a review under section 31 [review of application], the council may

(a) confirm, reverse or vary the decision of the registrar, registration committee or competence committee and make any decision that the registrar, registration committee or competence committee could have made,

(b) refer the matter back to the registrar, registration committee or competence committee and direct the registrar, registration committee or competence committee to make a further assessment of the application and make a decision under section 30 on the application, and

(c) make any further order the council considers necessary for the purposes of carrying out its decision.

(3) The council must conduct the review as soon as reasonably possible and on making a decision must give the applicant and the registrar a copy of its decision with the reasons for the decision.

33(1) A council

(a) must establish, in accordance with the regulations, a regulated members register for one or more categories of members who provide professional services of the regulated profession, and
(b) may, in accordance with the bylaws, establish other members registers for one or more categories of non-regulated members.

35 The council, hearing tribunal, registration committee, complaint review committee or competence committee may direct the registrar to correct or remove, and the registrar may correct or remove, any entry made in error in a register.

41(1) An applicant whose practice permit is issued subject to conditions, suspended or refused by the registrar, registration committee or competence committee may, within 30 days after being given a copy of the decision, request a review by giving the registrar a written request for a review that sets out the reasons why the application should be approved with or without conditions.

(4) A regulated member whose practice permit is suspended under this section may apply to the registrar for a stay of the suspension until the council makes a decision under subsection (6), and the person or committee designated by the council must consider and make a decision on the application.

(6) On completing a review, the council may

(a) confirm, reverse or vary the decision of the registrar, registration committee or competence committee and make any decision that the registrar, registration committee or competence committee could have made, or

(b) refer the matter back to the registrar, registration committee or competence committee and direct the registrar, registration committee or competence committee to make a further assessment of the application for a practice permit and make a decision under section 40(2) on the application,

and may make any further order the council considers necessary for the purposes of carrying out its decision.

(7) The council must give the applicant and the registrar a written copy of its decision under subsection (6) with the reasons for the decision.

50(1) A council must establish, by regulation, a continuing competence program within 5 years from the date that the schedule to this Act with respect to the profession comes into force.

53.1 A council may appoint inspectors for the purpose of determining whether regulated members are complying with this Act and the bylaws, standards of practice and code of ethics of the regulated profession.

53.5(1) A council may establish an inspection committee to carry out the powers and duties of the registrar under this Part except those described in section 53.3.

(2) An inspection committee must consist of one or more members appointed by the council.

(3) If a council establishes an inspection committee under subsection (1), the powers and duties of the registrar under this Part, except those described in section 53.3, are vested in and may be exercised by the inspection committee, and any reference to the registrar in this Part, except in section 53.3, is deemed to be a reference to the inspection committee.

65(1) On the recommendation of the complaints director or the hearing tribunal, a person or committee designated by the council may ...

71 Any person who has investigated, reviewed or made a decision on a complaint or matters related to a complaint may not subsequently sit as a member of a council, tribunal or committee while it is holding a hearing or a review with respect to that complaint.

84(2) The hearings director must, on receiving the decision and the record described in subsection (1), give a copy of the decision to ...

(d) the Minister of Justice and Solicitor General, if so directed or requested under section 80(2), and notify the investigated person of the right to appeal the decision to the council.

86(1) A decision of the hearing tribunal remains in effect pending an appeal to the council unless the person or committee designated by the council, on written application, stays the decision pending the appeal.

- (3) If the person or committee designated by the council
- (a) decides not to stay the decision of the hearing tribunal, or
 - (b) does not make a decision within 10 days, excluding holidays, of the application,
- the applicant may apply to the Court of Queen's Bench for a stay of the decision of the hearing tribunal pending an appeal to the council.
- (4) A decision of the council remains in effect pending an appeal to the Court of Appeal unless the Court of Appeal, on application, stays the decision pending the appeal.

88(1) A council must,

- (a) if conditions have been imposed on the practice permit of the investigated person under section 82(1)(c)(i), (ii), (iii) or (iv) or if the registration or practice permit of the investigated person has been suspended or cancelled under section 82(1)(g) or (h), within 45 days after the date a notice of appeal has been given to the hearings director, set the date for the appeal, and
 - (b) in all other cases, within 90 days after the date a notice of appeal has been given to the hearings director, set the date for the appeal.
- (2) A council may, on the written request of the investigated person or the complaints director, extend the periods referred to in subsection (1) for one or more additional periods, but
- (a) in a case to which subsection (1)(a) applies, no extension may be granted without the consent of the investigated person, and
 - (b) in a case to which subsection (1)(b) applies, no extension may be granted without the consent of the investigated person and the complaints director.

89(4) The council on an appeal may

- (a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the council but no adjournment may be granted without the consent of the investigated person if that person's practice permit is suspended or cancelled,
 - (b) on hearing an application for leave to introduce new evidence, direct the hearing tribunal that held the hearing to hear that evidence and to reconsider its decision and quash, confirm or vary the decision, and
 - (c) draw inferences of fact and make a determination or finding that, in its opinion, should have been made by the hearing tribunal.
- (5) The council must, within 90 days from the date of the conclusion of the appeal hearing before it, make a decision and, by order, do one or more of the following:
- (a) make any finding that, in its opinion, should have been made by the hearing tribunal,
 - (b) quash, confirm or vary any finding or order of the hearing tribunal or substitute or make a finding or order of its own,
 - (c) refer the matter back to the hearing tribunal to receive additional evidence for further consideration in accordance with any direction that the council may make, or
 - (d) refer the matter to the hearings director to schedule it for rehearing before another hearing tribunal composed of persons who were not members of the hearing tribunal that heard the matter, to rehear the matter.
- (6) Subject to any regulations under section 134(a), the council may direct the investigated person to pay, within the time set by the council, in addition to expenses, costs and fees referred to in section 82(1)(j), all or part of the expenses of, costs of and fees related to the appeal

93 If the time for filing an appeal under this Part has passed or due to a change in circumstances an order under this Part is impossible to carry out, the person to whom the order is directed or the complaints director may apply to the council for a variation of the order.

95 A complaints director, a person appointed by the complaints director to conduct an investigation and any member of a hearing tribunal, council or complaint review committee is

conferred with the powers of a commissioner for oaths under the Commissioners for Oaths Act for the purposes of an investigation, hearing, review or appeal under this Part.

102.1(1) In this section, “council” means the council of (a) the Alberta Dental Association and College; (b) the Alberta College and Association of Chiropractors; (c) the Alberta College of Optometrists; (d) the College of Physicians and Surgeons of Alberta.

(2) Subject to subsection (3), a council (a) shall make regulations respecting the type and amount of liability insurance or other protection against professional liability that a partnership must have for the purposes of registration as a limited liability partnership under Part 3 of the Partnership Act, and (b) may make regulations governing eligibility requirements that a partnership must meet in order to be registered as a limited liability partnership under Part 3 of the Partnership Act.

(5) If the Minister considers that regulations made under subsection (2)(a) do not provide sufficient protection against professional liability, the Minister may, by notice in writing to the council, request the council to amend the regulations in the manner specified in the notice within the time set out in the notice.

(6) If the council fails to amend the regulations in accordance with the notice under subsection (5), the Lieutenant Governor in Council may amend the regulations, and in that case the amendments operate as if they had been made by the council.

(7) Subsections (2) and (4) to (6) do not apply if there is a bylaw under subsection (8) in effect.

(8) A council may make a by-law providing that, notwithstanding Part 3 of the Partnership Act, no regulated member may provide professional services of the regulated profession in a limited liability partnership under that Act.

116 A regulation and a bylaw made by a council, other than a bylaw under section 132(1)(i) to (m) and (p), are inoperative if they purport to regulate a matter that is regulated under sections 97 to 100 or 103 to 115.

126(1) No action lies against any of the following in respect of anything done or omitted to be done in good faith pursuant to this Act, an order of the Minister, the bylaws or any direction of the council:

(c) the council or a person who is or was a member of a council, committee or hearing tribunal of a college

(d) a person who acts on the instructions of or under the supervision of a person referred to in clauses (a) to (c)

(d.1) a person who, at the request of the council of a college of a regulated profession, performs an assessment of the competence of an individual who has applied for registration to provide professional services of the regulated profession.

(2) No action for defamation may be founded on a communication regarding the conduct of a regulated member if the communication is made or is published in accordance with this Act by a college, a person described in subsection (1) or a council, committee or hearing tribunal in good faith and in the course of any proceedings under this Act or the bylaws relating to that conduct.

127(2) A college, the council or a panel, committee, tribunal, registrar, president, complaints director and hearings director of a college and any officer, investigator or person engaged by a college may, on the recommendation of the Ombudsman,

(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.

131(1) A council may make regulations

- (a) respecting requirements for and applications for registration and practice permits, including but not restricted to
 - (i) education, experience, enrolment in programs of studies, successful completion of examinations, including limiting the number of times examinations may be taken, and holding of certificates and diplomas;
 - (ii) recognizing professions in other jurisdictions for the purposes of section 28(2)(b);
 - (iii) requirements for the purposes of section 28(2)(b);
 - (iv) carrying professional liability insurance and governing the minimum coverage and type of insurance required to be carried;
 - (v) providing evidence of being a Canadian citizen or lawfully permitted to work or study in Canada;
 - (vi) providing evidence of having good character and reputation;
 - (vii) providing evidence respecting standards of language proficiency;
 - (viii) for the purposes of section 28(2)(c), determining the combination of education, experience, practice and other qualifications that demonstrates the competence required for registration as a regulated member;
- (b) respecting the evaluation of education, training, experience, practice and competence required of applicants for registration as regulated members and of applicants for practice permits, including the establishment or designation of an entity that may conduct all or part of an evaluation;
- (c) respecting which restricted activities a regulated member or category of regulated members may provide and conditions respecting the provision of restricted activities;
- (d) respecting
 - (i) who may perform restricted activities under section 4(1)(b) of Schedule 7.1 to the Government Organization Act with the consent of and under the supervision of a regulated member, and
 - (ii) how regulated members must supervise persons referred to in subclause (i);
- (e) respecting conditions on practice permits;
- (f) establishing and respecting continuing competence programs including the requirements of those programs;
- (g) establishing and respecting practice visits as part of a continuing competence program and respecting directions to be imposed and complied with under section 51(5)(b)(ii);
- (h) respecting reinstatement of registration and practice permits cancelled under Part 4;
- (i) respecting the establishment of registers for and respecting categories of regulated members;
- (j) imposing the conditions on categories of regulated members, restricting the time periods of registration and practice permits of categories of members and restricting renewal of registration and practice permits of categories of members;
 - (j.1) respecting reissuing practice permits and reinstating registration;
- (k) respecting the use of abbreviations, initials and titles within the meaning of the schedules to this Act and the use of the words “specialist”, “registered” and “regulated” and the phrase “regulated health professional” by a regulated member or a category of regulated members;
- (l) respecting the use of and authorizing the use of the titles “doctor”, “surgeon”, “pathologist” and “oncologist” and the abbreviation “Dr.”;
- (m) respecting the establishment of a register of regulated members and the entry of information in the register and removal of that information from the register;
- (n) respecting information to be provided to the registrar by regulated members under section 33;
 - (n.1) respecting disclosure of information about its members;
- (o) respecting alternative complaint resolution processes;
- (p) respecting the period of time during which a college is obliged to provide information under section 119(4);

(q) respecting other matters related to this Act.

(2) A regulation under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.

132(1) A council may make bylaws

(a) respecting the governance of the college and the management and conduct of its affairs including the management and carrying out of powers and duties by council, committees, tribunals, panels and other entities;

(b) respecting the appointment, election, establishment and removal of officers, employees, committees, tribunals, panels and other entities and their members, and their powers and duties;

(c) establishing a council and respecting the number and selection or election of the voting and non-voting members of council, their terms of office, removal from office and the filling of vacancies;

(d) respecting quorum, procedures at meetings and the holding of council, committees, tribunals and other entities meetings by mail, telephone conference, audiovisual or other electronic means;

(e) establishing how or by whom expenses and remuneration payable to members of council, committees, tribunals and other entities are determined;

(f) respecting the establishment of registers of other members and the entry of information in the registers and the removal of that information;

(g) respecting other members, including transitional provisions respecting such members under a former Act;

(h) establishing the date by which regulated members are to apply for renewal of practice permits and providing for reinstatement of registration and reissuance of practice permits cancelled under this Act except those cancelled under Part 4;

(i) respecting the naming of a professional corporation or a physical therapy corporation and the name under which a professional corporation or a physical therapy corporation may provide professional services;

(j) establishing a record of professional corporations and physical therapy corporations and respecting the entry of information in the records and the removal of that information from the records;

(k) respecting the providing of information on expired and cancelled annual permits of professional corporations and permits of physical therapy corporations;

(l) respecting registration and annual permits of professional corporations and permits of physical therapy corporations and the information to be submitted by professional corporations and physical therapy corporations;

(m) establishing the date on which an annual permit of a professional corporation or a permit of a physical therapy corporation expires;

(m.1) respecting the use of the term "specialist" by a regulated member or a category of regulated members;

(n) respecting benefits programs and educational incentives;

(o) respecting forms and notices;

(o.1) subject to section 120(3) and (4), respecting the giving of documents and notices;

(p) respecting costs, fees, levies and assessments to be paid by regulated members and applicants with respect to registration, practice permits, professional corporations, physical therapy corporations, annual permits, permits of physical therapy corporations and late payment fees under this Act or the bylaws and costs, fees, levies and assessments for any accreditation, review, appeal, thing or service provided by the college under this Act or the bylaws;

(q) respecting the publication and distribution of information described in sections 60(6) and 119(1); (r) respecting the approval of bylaws;

- (s) subject to an approval under section 27, respecting setting and negotiating professional fees and guidelines on professional fees;
 - (t) respecting the development of or adoption of a code of ethics and standards of practice.
- (2) The Regulations Act does not apply to bylaws under this section.

132.1 Before the council approves or removes the approval from a program of study or an educational course under section 3, the council must consult with the Minister of Health and the Minister of Enterprise and Advanced Education and must consider the comments received from those Ministers.

133(1) A council may, in accordance with procedures set out in the bylaws, develop and propose the adoption of a code of ethics and standards of practice for a regulated profession and may develop and propose amendments to an adopted code of ethics or standards of practice.

(2) The college must provide, for review and comment, a copy of a proposed code of ethics and proposed standards of practice and proposed amendments to

- (a) its regulated members,
- (b) the Minister, and
- (c) any other persons the council considers necessary.

(3) A council may adopt a code of ethics and standards of practice and may adopt amendments to a code of ethics or standards of practice after it has reviewed and considered the comments received from a review described in subsection (2).

(4) The Regulations Act does not apply to a code of ethics or to standards of practice adopted or amended under this section.

(5) The college must ensure that copies of the code of ethics and standards of practice adopted under subsection (3) are readily available to the public and regulated members, and the copies may be distributed in the manner directed by the council.

135.1(1) If in the opinion of the Minister it is in the public interest or if in the opinion of the Minister a direction would provide for matters related to health, safety or quality assurance, the Lieutenant Governor in Council, on the recommendation of the Minister after the Minister has consulted with the college in accordance with the regulations made under section 134(f), may, by order, direct a council to do any one or more of the following:

- (a) to adopt standards of practice or adopt amendments to its standards of practice under section 133, as set out in the order;
- (b) to make bylaws under section 132, as set out in the order;
- (c) to make regulations under section 131, or under a Schedule, as set out in the order;
- (d) to carry out any power or duty of a council under this Act or a bylaw, in the manner set out in the order.

(3) A council must, within 45 days of being given a copy of an order under this section or any other time period set out in the order, comply with an order made under this section.

(f) Dentists Profession Regulation, Alberta Regulation 254/2001

2 The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories: (a) main register; (b) education and research register; (c) courtesy register.

3(1) An applicant for registration as a regulated member on the main register must

- (a) have a degree of doctor of dental surgery or doctor of dental medicine from a dentistry program approved by the Council, and

(b) have successfully completed the registration examination approved by the Council and the ethics and jurisprudence examination approved by the Council.

10(1) All regulated members may use the following titles: registered, dentist, doctor and Dr.

(2) A regulated member who has successfully completed the following educational requirements [approved by Council] may use the following titles: ...

13 Only regulated members who successfully complete an educational program in the administration of general and neurolept anaesthesia approved by the Council and have been authorized by the Council may perform the following restricted activities related to the administration of anaesthesia, other than nitrous oxide, in the practice of dentistry

16(1) On and after the January 1 immediately following the coming into force of this Regulation, regulated members must obtain 60 continuing competence program credits in a 2-year period.

(2) To obtain program credits, a regulated member may undertake the following professional development activities in accordance with the rules approved under section 17:

(m) other activities approved by Council, the Registrar or the Competence Committee.

17(1) The Registrar or the Competence Committee may recommend to the Council

(2) The rules recommended under subsection (1) and any recommended amendments to those rules must be distributed by the Registrar to all regulated members for their review.

(3) The Council may approve rules and amendments to the rules reviewed under subsection (2).

19(1) The Competence Committee is authorized to carry out practice visits and may, for the purpose of assessing continuing competence, select individual regulated members or groups of regulated members for a practice visit.

(2) The criteria for selecting members for review must be developed by the Competence Committee and approved by the Council.

34 The Council must provide, under section 119 of the Act, the information referred to in section 119(4) of the Act for 5 years.

35 The Council must provide

(a) information on a practice permit for 2 years after a regulated member was last granted a practice permit,

(b) information from the record of a disciplinary hearing for 5 years after completion of a hearing by the Hearing Tribunal, and

(c) information as to whether a hearing is scheduled to be held or has been held under Part 4 of the Act with respect to a named regulated member until the hearing is completed.

(g) Bylaws of the Alberta Dental Association and College

1(3) A reference in these By-laws to Council, an officer, person or a committee includes any delegate of the council, officer, person or committee.

4(1) The Council shall apply and cause to be applied the funds of the Alberta Dental Association and College in any manner Council may decide in carrying out or promoting the objects of the Alberta Dental Association and College.

5(1) The governing body of the Alberta Dental Association and College is the Council. **Council is empowered to:**

(a) establish and revise policies which govern the activities of the Alberta Dental Association and College;

(b) delegate authority and responsibility for implementation of Alberta Dental Association and College policy to the Executive Director and Registrar;

(c) ensure that Alberta Dental Association and College policies are implemented through the monitoring of compliance with policies;

(d) appoint any committees, in addition to the committees referenced in the by-law, as Council may consider necessary or advisable and may, by resolution and without requirement of further By-laws, designate such further committees and the powers and duties of any committee.

7(2) Council may meet for the dispatch of business, adjourn and otherwise regulate their meeting and proceedings as required, subject always to the provisions of the Health Professions Act. In most circumstances Council will meet three times a year.

(5) Decisions of Council shall be made as follows:

(a) at a Council meeting, by a vote of a majority of those present and voting at a meeting.

(b) during a telephone conference, by a vote of a majority to those members participating in the conference and who vote;

(c) at a vote held by mail, facsimile, or electronic means, by a vote of a majority of those participating in the vote.

(6) An ex-officio member of Council shall not vote unless Council agrees otherwise.

(11) Except when Council otherwise directs, Council meetings are open to Regulated Members of the Alberta Dental Association and College but closed to the public. Council may direct that a meeting, or portion of a meeting, be ordered to be closed.

8(3) The powers and duties of the Executive Council are:

(a) to manage the affairs of the Alberta Dental Association and College to the extent the same are delegated to it by Council;

(b) to review the audited financial statements for Council;

(c) to prepare the annual Alberta Dental Association and College budget for Council;

(d) to monitor the governance of the Alberta Dental Association and College;

(e) to identify issues of importance to the Alberta Dental Association and College and to bring forward issues for the consideration of Council;

(f) to appoint ad hoc committees where required to assist in carrying out Council policies.

9(1) The election of Directors shall be held at such time and place as decided by Council in each year.

(20) Council may in its discretion and at any time hold additional elections for Directors, cancel elections that would otherwise be held under section 11, 12 and 13, and increase or reduce the number of Directors to be elected in any particular election.

10(4) The Executive Director and Registrar shall be appointed by Council.

(5) The President-Elect succeeds to the office of the President but only if their succession is confirmed through election by the Council. If the President-Elect is not elected by Council to succeed to the position of President, then the Council shall elect another member of Council to be President.

(7) [The President] shall have general supervision of the affairs of the Alberta Dental Association and College, and shall perform such other duties as Council may from time to time direct.

(10) The Executive Director and Registrar:

(a) acts as the chief executive officer of the Alberta Dental Association and College and is responsible for the implementation of policy established by Council, ...

(c) reports to and takes direction from the Council, ...

11(1) Council may call a meeting of the Alberta Dental Association and College at any time Council considers advisable. Council may fix the time and place thereof, and designate the notice to be given to the Regulated Members.

(2) Only Directors of Council and Regulated members may participate in and vote at meetings of the Alberta Dental Association and College.

12(2) (a) Council shall appoint no fewer than three Regulated Members to the Registration Committee for a term to be determined by Council.

(b) Council shall designate a member of the Registration Committee to act as the Chair.

(c) The Registration Committee shall determine any issue with respect to registration or practice permits referred to the committee by the Executive Director and Registrar. ...

14(2) (a) The Executive Director and Registrar shall keep and maintain a record of professional corporations containing the following information with respect to each professional corporation.

(iv) such further particulars as may be directed by Council.

(b) The Executive Director and Registrar shall prepare such other records with respect to professional corporations as may be directed by Council.

15(2) The following members shall be entered on the Non-Regulated Members Register:

(a) Honourary members appointed by Council

(c) Any other individuals appointed by Council.

16(1) Council shall appoint no fewer than three Regulated Members to the Competence Committee for a term to be determined by Council.

(2) Council shall designate a member of the Competence Committee to act as the Chair.

17(1) Council shall establish a Dental Facilities Accreditation Committee and shall appoint no fewer than three Regulated members to the Committee for a term to be determined by Council.

(2) Council shall designate a member of the Dental Facilities Accreditation Committee to act as the Chair.

18(1) The Complaints Director should be appointed by Council.

19(1) Council shall appoint no fewer than four Regulated Members to a Hearing Tribunal membership list to be used for appointing members to Hearing Tribunals. The terms of the appointment shall be as determined by Council.

20(1) Council shall appoint no fewer than four Regulated Members to a Complaint Review Committee membership list to be used for appointing members to a Complaint Review Committee. The terms of the appointment shall be as determined by Council.

21 Council may by resolution adopt or amend a Code of Ethics and standards of practice after completing any consultation required by the Health Professions Act and any other consultation deemed by Council to be advisable.

22(1) Council may establish fees, costs, levies or assessment.

(2) Council may establish such other fees, costs, levies and assessments as it deems advisable for anything it considers necessary for services provided by the Alberta Dental Association and

College or by another organization to a Regulated Member or to any other person, professional corporation or dental facility.

24 Council may by resolution of Council adopt new By-laws or amend the By-laws of the Alberta Dental Association and College.

26(1) Subject to section 19 and 20 of the Health Professions Act:

(a) Council may, by resolution, delegate any of its powers and duties under the Health Professions Act and these By-laws to one or more persons or committees.

(b) A person or committee to whom a power or duty is given under the Health Professions Act or these By-laws may in writing delegate the power or duty to one or more persons or committees.

(h) Physicians, Surgeons and Osteopaths Profession Regulation, Alberta Regulation 350/2009

2 The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories: ...

3(1) An applicant for registration as a regulated member on the general register must

(a) have received a medical or an osteopathic medical degree from a program approved by the Council,

(b) have successfully completed post-graduate medical training approved by the Council, and

(c) have successfully completed the registration examination approved by the Council.

6(1) Subject to subsection (2), an applicant for registration as a regulated member may be registered on the provisional register if the applicant has successfully completed all the requirements for the granting of a medical or an osteopathic medical degree from a medical program approved by the Council and the applicant

(a) has not passed the registration examination approved by the Council,

(b) is enrolled in a program of post-graduate medical training in Alberta approved by the Council.

7(1) Subject to subsection (2), an applicant for registration as a regulated member who is not eligible for registration on the general register may be registered on the limited practice register if the applicant

(a) has successfully completed all the requirements for the granting of a medical or an osteopathic medical degree from a medical program approved by the Council.

(c) provides limited professional services within a service or program approved by the Council as a clinical assistant or surgical assistant or as an assistant in medical research, medical administration or medical education.

11 An applicant for registration as a regulated member on the students register must

(a) be currently enrolled in an undergraduate medical program in Alberta approved by the Council.

15(2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

18(2) Supervision under this section must be carried out in accordance with the requirements for the supervision of students approved by the Council.

23(1) Every regulated member registered on the general register must undertake continuing professional development by (a) participating in a professional development program approved by the Council in accordance with the rules established under section 25.

25(1) The Council may establish rules governing

- (a) how assessments under sections 22 and 24 are to be conducted,
- (b) the professional development programs that may be approved for the purpose of section 23,
- (c) the assessment and approval of programs as substantially equivalent to the professional development programs approved by the Council,
- (d) the type of professional development activities that a regulated member may undertake for the purpose of section 23,
- (e) the records referred to in section 23(1)(b) and the provision of those records in accordance with the directions of the Registrar,
- (f) audits of a regulated member's records under section 23(1)(b), or
- (g) the requirements or circumstances when regulated members registered on the provisional register, limited practice register or telemedicine register may be required to participate in a professional development program under section 23(1)(a).

(2) The Registrar and the Competence Committee may recommend rules or amendments to the rules to the Council.

(3) Before the Council establishes any rules or amendments to the rules, the rules or the amendments to the rules must be made available to all regulated members for their review.

(4) The Council may establish the rules or amendments to the rules 30 or more days after they are made available under subsection (3) and after having considered any comments received on the proposed rules or proposed amendments to the rules.

39(1) The Registrar, under section 37, and the Council, under section 38, may order that its decision be published in a manner it considers appropriate.

42 The periods of time during which the Council is required to provide information under section 119(4) of the Act to a member of the public.

(i) Bylaws of the College of Physicians & Surgeons of Alberta

3(2) Council may establish rules for the conduct of an election, including campaigning and the resolution of disputes arising from the election.

(12) Prior to the election, the Council shall appoint three (3) members of the College to act as Election Officers for the election.

(29) If, at any time, there is a vacancy of a position on Council to be held by a regulated member, the Council may, in its discretion: ...

4(1) Council shall elect a President and Vice President from among the members of Council.

6(1) Subject to the Act, Council may appoint standing committees to assist Council in carrying out its duties and responsibilities.

(2) Council shall approve terms of reference for all standing committees.

(4) Council shall appoint a chair for each standing committee.

(5) Council shall appoint members for each standing committee, and the membership list for complaint review committees and hearing tribunals>

(9) Standing committees shall include, but are not limited to:

- (a) Executive Committee,
- (b) Nominating Committee,

(c) Finance and Audit Committee, and

(d) Appeals Committee

(10) Subject to sections 19 and 20 of the Act, Council or a standing committee may at its discretion appoint a sub-committee.

(11) Subject to the Act, the Council may appoint an ad hoc committee as necessary to perform specific functions.

(12) Where Council has delegated a power or duty to a person or committee, that person or committee may not delegate that power or duty to any other person or committee unless expressly authorized to do so.

7(1) Certificates of Merit may be awarded by Council to individuals who have provided outstanding service to the profession, the community or both.

9(1) At least sixty (60) days before Council considers a motion to adopt or amend a code of ethics or a standard of practice, the Registrar shall provide, for review and comment, a copy of the proposed code of ethics or standard of practice in accordance with section 133(2) of the Act.

(2) A person receiving notice under subsection (1) may make submissions in writing to the Registrar within the time period stipulated by the Registrar.

(3) Council shall review and consider any submissions made under subsection (2).

(4) Despite section 8(3), Council may, on a two-thirds (2/3) majority vote of members of Council present at a meeting, adopt or amend the code of ethics and, on a majority vote of members of Council present at a meeting, adopt or amend standards of practice.

(5) Whenever amendments are made to the code of ethics or standards of practice, any consequential editorial changes as required are implied.

12(2) Council may amend the design of the seal.

14(1) Council shall appoint one or more chartered accountants registered in the Province of Alberta as auditor for the College.

(2) The Auditor shall, at least once each year, examine the accounts, books, and securities of the College, and provide a written report to the Council.

(3) The Registrar shall publish annually a copy of the audited financial statements.

16(2) Council shall establish an investment policy and amend it from time to time.

21(1) Council shall appoint a Registrar.

(2) The Registrar shall perform all duties required of, and exercise the powers provided to, the Registrar in the Act, the Regulations and these bylaws.

(3) Subject to section 19 of the Act, Council may delegate any of its duties or powers to the Registrar.

(4) Council may impose conditions upon any delegation made under subsection (3).

22(1) If the office of the Registrar becomes vacant or the Registrar otherwise becomes incapable of acting for any reason, Council may appoint an Acting Registrar, who shall have all the powers and duties of the Registrar under the Act, the Regulations and these bylaws.

(2) The Acting Registrar holds office until:

(a) The Registrar again becomes capable of acting;

(b) Council appoints a new Registrar; or

(c) Council terminates the appointment of the Acting Registrar.

23(1) The fees, charges and levies of the College shall be determined by resolution of Council.

36(1) The Council does hereby constitute a standing committee to be known as the Medical Facility Accreditation Committee.

(2) For the purposes of this section, the definitions set out in section 8 of Schedule 21 of the Act shall apply.

(3) For the purpose of the Health Care Protection Act, major surgical services are those that, in the opinion of the Council, may be performed only in a public hospital because there is a significant risk inherent in the procedure or by reason of the pre-operative condition of the patient.

(14) The accreditation committee shall be composed of not more than nine (9) members all of whom shall be appointed by the Council.

(15) The accreditation committee shall report to the Council on its activities and programs of assessment at such times and in such manner as the Council may from time to time direct.

38(1) Despite sections 8 and 9 of these bylaws, the accreditation standards for accreditation of all medical facilities required under this section and section 8.1(1) of Schedule 21 of the Act are determined, and amended from time to time, by simple majority resolution of Council.

(j) Veterinarians

(k) Veterinary Profession Act, Revised Statutes of Alberta 2000, Chapter V-2

2(5) A registered veterinarian or permit holder shall not hold out that the registered veterinarian or permit holder is a specialist or is specially qualified in any particular field or specialty of veterinary medicine unless the registered veterinarian or permit holder has complied with the regulations and has been approved as a specialist or as being specially qualified by the Council.

4 The Court of Queen's Bench, on application by the Council, may grant an injunction enjoining any person from doing any act that contravenes section 2, notwithstanding any penalty that may be provided by this Act in respect of that contravention.

7(1) There is hereby established a governing body of the Association called the Council.

(2) The Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name of and on behalf of the Association.

8(1.2) Despite subsection (1)(b), the number of members of the public may be increased with the consent of the Council.

(1.3) Despite subsection (6) and the bylaws governing quorum, the number of members of the public required to be appointed under subsection (1)(b) must be present at a review before a committee of the Council under Part 5 and an appeal before the Council under Part 5.

(1.4) Despite subsection (1.3), if a member of the public is not appointed under subsection (1)(b) or if a member of the committee of the Council appointed under subsection (1)(b) is not capable of carrying out the powers and duties of a member, the committee of the Council may hold or continue to hold a review or appeal in which the member would have been or was participating, and the committee of the Council may carry out its powers and duties with respect to the review or appeal.

(2) The members of the Council elected under subsection (1) shall elect from among themselves the officers of the Association specified in the bylaws in the manner and for the term prescribed in the bylaws.

(6) The powers, duties and operations of the Council under this Act, the regulations and the bylaws are not affected by

- (a) the fact that no member of the public is appointed as a member of the Council pursuant to subsection (1)(b),
- (b) the revocation under subsection (4) of the appointment of a member of the Council, or
- (c) the resignation from the Council of a member of the public.

9 The Council shall appoint a Registrar for the purposes of this Act.

9.1 The Council must appoint an individual as a Complaints Director for the purposes of this Act.

9.2(1) The Council must appoint an individual as a Hearings Director for the purposes of this Act.

9.3(1) The Council must appoint members to a membership list consisting of no fewer than 6 regulated members to be used for appointing members to both hearing tribunals and complaint review committees.

10(1) There is hereby established a board called the Practice Review Board consisting of no fewer than 5 members as follows:

- (a) the Council shall appoint no fewer than 4 registered veterinarians who have a combination of knowledge and experience suitable for determining the academic qualifications and experience necessary for a person to continue to engage in the practice of veterinary medicine;
- (b) the Minister shall appoint one person from a list of no fewer than 3 members of the public nominated by the Council.

11(1) The Practice Review Board

- (a) shall, on its own initiative or at the request of the Council, inquire into
 - (i) the assessment of existing and the development of new educational standards and experience requirements that are conditions precedent to obtaining and continuing registration under this Act,
 - (ii) the evaluation of desirable standards of competence of registered veterinarians and permit holders generally,
 - (iii) the practice of veterinary medicine by registered veterinarians generally, and
 - (iv) any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of veterinary medicine under this Act and the regulations, and
- (b) may, with the approval of the Council, conduct a review of the practice of a registered veterinarian or permit holder in accordance with this Act and the regulations.

12 A registered veterinarian or permit holder who is the subject of a review by the Practice Review Board may appeal any decision or order of the Board to the Council as if it were a decision or order of the Hearing Tribunal under Part 5.

13(1) The Council may make regulations

- (a) respecting the registration of students, the duties and responsibilities of registered veterinarians working with students and the privileges, rights, duties and responsibilities of students;
- (b) respecting the academic qualifications of applicants for registration as registered veterinarians;
- (c) respecting experience requirements of applicants for registration as registered veterinarians;

- (d) respecting the evaluation of the academic qualifications of and experience requirements for applicants for registration to engage in the practice of veterinary medicine as registered veterinarians and the examination of those applicants with respect to those qualifications or requirements;
 - (e) respecting the eligibility of applicants generally for registration to engage in the practice of veterinary medicine;
 - (f) prescribing those areas of veterinary medicine from which members of the Registration Committee shall be appointed by the Council;
 - (g) respecting the powers, duties and functions of the Practice Review Board, including but not limited to the referral of matters by that Board to the Council or the Hearing Tribunal and appeals from decisions of that Board;
 - (h) repealed 2002 c26 s10;
 - (i) respecting technical standards and procedures for the practice of veterinary medicine;
 - (j) establishing and providing for the publication of a code of ethics respecting the practice of veterinary medicine, the maintenance of the dignity and honour of the profession of veterinary medicine and the protection of the public interest;
 - (k) establishing classes or categories of specialties in veterinary medicine;
 - (l) respecting the academic qualifications and experience a registered veterinarian requires to be recognized as a specialist and the registration of specialists;
 - (m) prescribing the rights, privileges, duties and obligations of specialists;
 - (n) governing, subject to this Act, the operation and proceedings of the Registration Committee, the Complaint Review Committee, the Hearing Tribunal and the Practice Review Board;
 - (o) respecting the costs payable by any person on the conclusion of an investigation, hearing or review by the Practice Review Board or under Part 5;
 - (p) respecting the procedures of the Complaint Review Committee, of the Hearing Tribunal, of the Practice Review Board and of the Council in matters relating to the conduct or practice of registered veterinarians or permit holders, whether or not a complaint has been made;
 - (q) respecting the establishment by the Council of a compulsory continuing education program for registered veterinarians and specialists;
 - (r) repealed 2002 c26 s10;
 - (s) respecting reinstatement of registration and annual certificates under Part 5;
 - (t) for the purposes of section 2(2), (i) designating a class of persons as technologists, and (ii) defining technologist;
 - (u) respecting the aspects of the practice of veterinary medicine that a technologist may practise and the registration of technologists;
 - (v) establishing classes or categories of registered veterinarians and permit holders and prescribing the restrictions on practice and the rights, privileges, duties and obligations of the classes or categories so established;
 - (w) governing the eligibility for registration of corporations as permit holders and the terms and conditions of and restrictions on the practice of veterinary medicine by a permit holder;
 - (x) governing the operations of permit holders;
 - (y) respecting advertising by registered veterinarians and permit holders;
 - (z) respecting the inspection of and the acceptable standards of the physical facilities operated by a registered veterinarian or permit holder;
 - (aa) respecting registration, the issuing of permits and certificates, unprofessional conduct matters and the practice of veterinary medicine generally.
- (3) The Council may change the text of a regulation that was approved in principle under subsection (2) if the change
- (a) is consistent with the approval in principle, and
 - (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.

14(1) The Council may make bylaws

- (a) for the government of the Association and the management and conduct of its affairs, including the management and carrying out of powers and duties by the Council and committees, boards, tribunals and other entities;
- (b) determining the location of the head office of the Association;
- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election, number, term of office and removal from office of Council members and officers, including the President, of the Association and the appointment of individuals as members of the Council by virtue of their offices and any board or committee established by the Council and prescribing their powers, duties and functions;
- (e) governing, subject to this Act, the appointment of members of the Complaint Review Committee, the Hearing Tribunal, the Registration Committee and the Practice Review Board, the designation of chair and vice-chair, the appointment of acting or alternate members and the procedures for filling vacancies on a Committee or the Board and the appointment to a Committee or the Board of members by virtue of their offices and prescribing their powers, duties and functions;
- (e.1) subject to Part 2, prescribing the number of members that constitutes a quorum of the Council, the Practice Review Board, the Hearing Tribunal, the Complaint Review Committee, the Registration Committee and committees established by the Council;
- (f) respecting the appointment, functions, duties and powers of an Executive Director and Secretary Treasurer of the Association;
- (f.1) respecting procedures at meetings and the holding of meetings by the Council, the Practice Review Board, the Hearing Tribunal, the Complaint Review Committee, the Registration Committee, committees established by the Council and other entities by mail, telephone conference, audiovisual or other electronic means;
- (f.2) subject to Part 2, providing for the amount of expenses and remuneration payable to members of the Council, the Practice Review Board, the Hearing Tribunal, the Complaint Review Committee, the Registration Committee, committees designated by the Council and other entities and by whom the expenses and remuneration are payable;
- (g) respecting the establishment of divisions and sections of the Association and their operation;
- (h) providing for the division of Alberta into electoral districts and prescribing the number of Council members to be elected from each district;
- (i) providing for the appointment of an Acting Registrar who has all of the powers and may perform all of the duties of the Registrar under this Act, the regulations and the bylaws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;
- (j) establishing classes or categories of membership in the Association in addition to registered veterinarians and specialists and prescribing the rights, privileges and obligations of the classes or categories of membership so established;
- (k) providing for the appointment of acting members of the Council and procedures for the election or appointment of registered veterinarians to fill vacancies on the Council;
- (l) prescribing the number of registered veterinarians that constitutes a quorum at meetings of the Association;
- (m) governing the establishment, operation and proceedings of committees, the appointment of members of committees, the appointment of acting members and procedures for filling vacancies on committees and the delegation of any powers or duties of the Council under this Act, the regulations or the bylaws to a committee established by the Council or under this Act;
- (n) governing the establishment of boards or committees of registered veterinarians and respecting the delegation of powers of the Council to those boards or committees or the Practice Review Board;
- (o) prescribing fees and expenses payable to members of the Association for attending to the business of the Association;

- (p) respecting the establishment and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit program that the Council considers appropriate;
 - (q) respecting the fixing of fees, dues and levies payable to the Association;
 - (r) respecting the establishment, content and maintenance of registers of registered veterinarians, specialists and permit holders and of records of other classes or categories of membership to be kept by the Registrar; (s) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws; (t) governing the names under which registered veterinarians and permit holders may engage in the practice of veterinary medicine;
 - (u) requiring registered veterinarians and permit holders to inform the Registrar in writing of their current mailing addresses and of any change of address forthwith after the change occurs;
 - (v) governing the publication of information with respect to the profession including but not limited to the publication of surveys of fees and information described in section 65.2;
 - (w) prescribing the form of a certificate of registration, a permit and an annual certificate.
- (2) The Council may make bylaws respecting the holding of mail votes on any matter relating to the Association, but a bylaw under this subsection does not come into force unless it is approved by a majority of the registered veterinarians present and voting at a general meeting.
- (3) A bylaw under subsection (1) does not come into force unless it is approved by a majority of the registered veterinarians
- (a) present and voting at a general meeting, or
 - (b) voting in a mail vote conducted in accordance with the bylaws.
- (4) The Regulations Act does not apply to bylaws of the Association made under this section.

14.1 Before the Council, by regulation, establishes or amends the academic qualifications of applicants for registration as registered veterinarians, the Council 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.

15 The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register of registered veterinarians and permit holders.

16(1) The Council shall establish a Registration Committee in accordance with the regulations and the bylaws.

(2) The Registration Committee shall consider applications for the registration of applicants as registered veterinarians or specialists in accordance with this Part, the regulations and the bylaws

18(3) An applicant whose application for registration has been refused by the Registration Committee may, within 30 days after receiving a notice of refusal and the reasons for the refusal, request the Council to review the application by serving on the Registrar a written request for review by the Council setting out the reasons why, in the applicant's opinion, the applicant's registration as a registered veterinarian should be approved.

(4) The Council shall, after receipt of a request for review under this section, review the application.

(6) A member of the Registration Committee who is also a member of the Council may participate at a review by the Council under this section but shall not vote in a decision of the Council at a review under this section.

(7) On reviewing an application under this section, the Council may make any decision the Registration Committee may make under this Part.

19(1) The Council may approve the registration as a permit holder of a corporation that has applied to the Council and is eligible under this section and the regulations to be registered to

engage in the practice of veterinary medicine as a permit holder in accordance with the restrictions or conditions set out in the permit.

24(1) The Registrar shall not cancel the registration of a registered veterinarian or permit holder at the registered veterinarian's or permit holder's request unless the request for the cancellation has been approved by the Council.

25(1) The Council may direct the Registrar to cancel the registration of

(a) a registered veterinarian or permit holder who is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or

(b) a permit holder if it no longer complies with the regulations after the expiration of 30 days following the service on the registered veterinarian or permit holder of a written notice by the Council pursuant to subsection (2), unless the registered veterinarian or permit holder on whom the notice is served complies with the notice.

(2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless

(a) the fees, dues or levies are paid as indicated in that notice, or

(b) evidence satisfactory to the Council has been received by it within the time prescribed in the notice indicating that the permit holder has complied with the regulations.

(3) The Council may direct the Registrar to cancel the registration of a registered veterinarian or permit holder that was entered in error in the register.

(5) If a registration has been cancelled pursuant to subsection (1), the Council may direct the Registrar, subject to any conditions that the Council may prescribe, to reinstate that registration in the applicable register and reissue the certificate of registration or permit.

(6) Notwithstanding subsection (5), if an individual applies to the Council to be reinstated more than 5 years after the date on which the individual's registration was cancelled, the Council shall not direct the Registrar to reinstate the individual.

34.1(1) A complainant may apply, in writing with reasons, to the Hearings Director for a review of the dismissal of a complaint within 30 days of being notified of the dismissal under section 28(5) or 34.

(2) On receipt of an application under subsection (1) the Hearings Director must notify the investigated person, give a copy of the application to the committee of the Council designated under subsection (3) and direct the Complaints Director to give a copy of the report made under section 33.1 to the committee of the Council.

(3) Within 60 days of receipt of an application under subsection (1), the Hearings Director must designate a committee of the Council and it must commence a review of the report and the decision to dismiss the complaint.

(4) A committee of the Council may determine whether the submissions to it by the complainant and the investigated person with respect to a review under subsection (3) must be written, oral or both.

(5) The committee of the Council, on complying with subsection (3), must

(a) refer the matter to the Hearings Director for a hearing,

(b) direct the Complaint Review Committee to conduct or appoint an investigator to conduct a further investigation and to prepare a report on the further investigation to be submitted to the committee of the Council for its consideration before it acts under clause (a) or (c), or

(c) confirm that the complaint is dismissed if in the opinion of the committee of the Council

(i) the complaint is trivial or vexatious, or

(ii) there is insufficient or no evidence of unprofessional conduct.

(6) The committee of the Council must give the complainant and the investigated person written notification, with reasons, of any action taken under subsection (5).

36 Any person who has investigated, reviewed, taken part in an alternative complaint resolution process or made a decision on a complaint or matters related to a complaint may not subsequently sit as a member of a committee of the Council, the Council, the Hearing Tribunal or the Complaint Review Committee while it is holding a hearing or a review with respect to the complaint.

43.1(1) A decision of the Hearing Tribunal remains in effect pending an appeal to the Council unless the person or committee designated by the Council, on written application, stays the decision pending the appeal.

(2) The investigated person may make a written submission with respect to an application under subsection (1).

(3) If the person or committee designated by the Council

(a) decides not to stay the decision of the Hearing Tribunal, or

(b) does not make a decision within 10 days, excluding holidays, of the application,

the applicant may apply to the Court of Queen's Bench for a stay of the decision of the Hearing Tribunal pending an appeal to the Council.

(4) A decision of the Council remains in effect pending an appeal to the Court of Appeal unless the Court, on application, stays the decision pending the appeal.

44.1(1) The Council must,

(a) if conditions have been imposed on the annual certificate of the investigated person under section 41.1(1)(c)(i), (ii), (iii) or (iv) or if the registration or annual certificate of the investigated person has been suspended or cancelled under section 41.1(1)(g) or (h), schedule the appeal within 60 days after the date of service of the notice of appeal, and

(b) in all other cases, schedule the appeal within 90 days after the date of service of the notice of appeal.

(2) The Council may, on the written request of the investigated person or the Complaints Director, extend the periods referred to in subsection (1) for one or more additional periods, but

(a) in a case to which subsection (1)(a) applies, no extension may be granted without the consent of the investigated person, and

(b) in a case to which subsection (1)(b) applies, no extension may be granted without the consent of the investigated person and the Complaints Director.

45(1) The Complaints Director and the investigated person may appear and be represented by counsel at an appeal before the Council.

(2) An appeal to the Council must be based on the record of the hearing and the decision of the Hearing Tribunal.

(3) Sections 36, 36.1, 39(a) and (b), 39.1, 40(1) and (5) and 40.1 to 43 apply to proceedings before the Council.

(4) The Council on an appeal may

(a) on hearing an application for leave to introduce new evidence, direct the Hearing Tribunal that held the hearing to hear that evidence and to reconsider its decision and quash, confirm or vary the decision,

(b) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Council, but no adjournment may be granted without the consent of the investigated person if that person's annual permit is suspended or cancelled, and

(c) draw inferences of fact and make a determination or finding that, in its opinion, should have been made by the Hearing Tribunal.

(5) The Council must, within 90 days from the date of the conclusion of the appeal hearing before it, make a decision and may, by order, do any or all of the following:

(a) make any finding that in its opinion should have been made by the Hearing Tribunal,

- (b) quash, vary or confirm any finding or order of the Hearing Tribunal or substitute or make a finding or order of its own,
- (c) refer the matter back to the Hearing Tribunal to receive additional evidence for further consideration in accordance with any direction that the Council may make, or
- (d) refer the matter to the Hearings Director to schedule it for rehearing before another Hearing Tribunal composed of persons who were not members of the Hearing Tribunal that heard the matter.
- (6) Subject to the regulations, the Council may direct the investigated person to pay, within the time set by the Council, all or part of the costs of the appeal in addition to costs referred to in section 41.1(1)(j).

48 The Complaints Director, a person appointed by the Complaints Director to conduct an investigation and any member of the Hearing Tribunal, the Council, a committee of the Council or the Complaint Review Committee is conferred with the powers of a commissioner for oaths under the Commissioners for Oaths Act for the purposes of an investigation, hearing, review or appeal under this Part.

65(1) No action lies against

(a) any person conducting a preliminary investigation or a complaint resolution process, a member of the Complaint Review Committee, the Hearing Tribunal, a committee of the Council, the Practice Review Board, the Council or the Registration Committee, the Registrar, the Hearings Director, the Complaints Director, the Association or any person acting on the instructions of any of them, or

(b) any member, officer or employee of the Association for anything done by the person in good faith and in purporting to act under this Act, the regulations or a bylaw that relates to or is incidental to a professional matter or a matter of public interest that is or may be the subject of a regulation under section 13.

(2) No action for defamation may be founded on a communication that consists of or pertains to a complaint regarding the conduct of a registered veterinarian, permit holder or student, if the communication is published to or by

(a) the Association,

(b) a member of the Council, a committee of the Council, the Complaint Review Committee, the Hearing Tribunal, the Practice Review Board or the Registration Committee,

(c) a person conducting a preliminary investigation or a complaint resolution process,

(d) an officer or employee of the Association, or

(e) a person acting on the instructions of any of them

in good faith in the course of investigating the complaint or in the course of any proceedings under Part 5 relating to the complaint.

65.1(1) If the Complaints Director or the Complaint Review Committee has grounds to believe that a registered veterinarian is incapacitated, whether or not a complaint has been made or deemed to have been made under section 27, the Complaints Director or Complaint Review Committee may refer the matter to a committee designated or established by the Council.

65.6(2) The Association, the Council or a board, committee, tribunal, the President, the Registrar, the Complaints Director or the Hearings Director of the Association or any officer, investigator or person engaged by the Association may, on the recommendation of the Ombudsman,

(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.

66(1) A person whose registration as a registered veterinarian or permit holder is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of veterinary medicine or directly or indirectly associate himself, herself or itself in the practice of veterinary medicine with any other registered veterinarian or permit holder.

(2) No registered veterinarian or permit holder shall, except with the consent of the Council, associate in the practice of veterinary medicine directly or indirectly with or employ in connection with the registered veterinarian's or permit holder's practice a person whose registration has been cancelled or suspended under this Act.

(3) The Council may permit a registered veterinarian or permit holder to employ in connection with the registered veterinarian's or permit holder's practice a person whose registration has been cancelled or suspended under this Act, but the employment shall be in the capacity and subject to the terms and conditions that are prescribed by the Council.

(I) Veterinary Profession General Regulation, Alberta Regulation 44/1986

3(1) The Registration Committee may approve an applicant for registration as a registered veterinarian if the applicant has been issued a Certificate of Qualification by the National Examining Board.

(2) If an applicant has not been issued a Certificate of Qualification referred to in subsection (1) and section 3.1 does not apply, the Registration Committee may, after reviewing the applicant's academic qualifications, approve the applicant for registration and may impose any limitations or restrictions that it considers appropriate on the registration.

(3) In determining whether to approve an applicant for registration under subsection (2) whether to impose limitations or restrictions on the registration, the Registration Committee shall follow any guidelines established by the Council.

3.1(1) If the Certificate of Qualification program of the National Examining Board ceases to exist or the Council ceases to recognize a Certificate of Qualification as satisfactory evidence of a person's competence to practise veterinary medicine, the Council shall establish, in writing, a procedure for the evaluation of applicants for registration as a registered veterinarian.

5.1 A veterinarian shall not be approved for registration as a specialist in a category of veterinary medicine unless the veterinarian is an unrestricted veterinarian and the veterinarian provides the Registration Committee with

(a) a certificate of specialization in that category of veterinary medicine and the certificate is recognized by the Council, or

(b) evidence satisfactory to the Registration Committee of

(i) post-graduate training in that category of veterinary medicine at an institution satisfactory to the Committee,

(ii) 5 years of experience in that category of veterinary medicine, and

(iii) successful completion of an examination that the Council considers to be equivalent to an examination set by a college or other body recognized by the Council on Education of the American Veterinary Medical Association for that category of veterinary medicine.

6(7) The Registrar shall cancel the registration of any person registered as a temporary registered veterinarian when directed to do so by the Council.

6.1(1) The Registration Committee may approve the registration of an applicant for a short-term period if the applicant

- (a) is a veterinarian in good standing with a professional regulatory organization that is established under the legislation of another jurisdiction and that is recognized by the Council, and
- (b) is applying for the short-term registration at the request of an unrestricted veterinarian.

8(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register of technologists.

10(1) A technologist shall not practise veterinary medicine unless the technologist has in-person communication with the registered veterinarian who directs or controls the technologist at least once during each day that the technologist practises.

(2) The Council may establish, for the purposes of subsection (1), an interval between each in-person communication that is less frequent than once during each day that the technologist practises if

- (a) the Council has received a request to establish a less frequent interval in respect of a technologist operating in a practice area and the Council is satisfied that there is substantial public support for the request in the practice area,
- (b) the Council is satisfied that local authorities or others have made reasonable attempts to have a registered veterinarian move to the practice area for the purpose of practising veterinary medicine and that these attempts have failed,
- (c) the Council is satisfied that the location of the nearest practising registered veterinarian to the practice area precludes adequate emergency care in the practice area by the veterinarian, and
- (d) other criteria established by the Council are met.

(3) An interval established under subsection (2) ceases to have effect on the date specified by Council.

(4) An interval established under subsection (2) is subject to the condition that reasonable attempts to have a registered veterinarian move to the practice area for the purpose of practising veterinary medicine will continue and the Council may cancel the interval established under subsection (2) if satisfied that no reasonable attempts by local authorities or others are being made.

11(1) No corporation shall be approved for registration as a permit holder by the Council unless it provides evidence satisfactory to the Council that

- (a) the corporation is registered under or established by an Act of Alberta, and
- (b) subject to subsection (1.1), the majority of the issued shares of the corporation having voting rights are beneficially owned by an unrestricted veterinarian.

(1.1) A corporation that does not meet the requirements of subsection (1)(b) may be approved for registration as a permit holder by the Council if the corporation does not offer veterinary services to the public or engage in the practice of veterinary medicine for the benefit of individual members of the public except in accordance with an authorization given under subsection (1.2).

(1.2) The Council may authorize a corporation that is registered under subsection (1.1) to provide a veterinary service to an individual member of the public or to engage in the practice of veterinary medicine for the benefit of an individual member of the public if, in the opinion of the Council, the service or practice is likely to benefit the public generally.

13(1) If the Council, the Hearing Tribunal, the Complaint Review Committee or the Practice Review Board makes an order under the Act for the payment of all or part of the costs of an investigation, inquiry, hearing or appeal, those costs may include all or any of the following: ...

(2) Notwithstanding subsection (1), the Council, the Hearing Tribunal, the Complaint Review Committee or the Practice Review Board, when ordering costs, may order a specific sum to be paid as costs.

14 The Council may, on the recommendation of the Hearing Tribunal or the Complaint Review Committee or on its own accord, cause to be published the details of any finding or order made under Part 5 of the Act.

15 The Council may constitute itself as a Committee of Inquiry to consider any application for reinstatement of a person whose registration under the Act has been cancelled, and may

- (a) reinstate the applicant as a registered veterinarian or permit holder,
- (b) refuse to reinstate the applicant as a registered veterinarian or permit holder,
- (c) require the applicant to take further specified training prior to reinstatement,
- (d) require the applicant to take such examinations as may be prescribed by the Council prior to reinstatement,
- (e) impose any limits or conditions on the practice of the registered veterinarian or permit holder as the Council may decide, or
- (f) do any one or more of the above.

28(1) The Council may establish rules governing advertising by registered veterinarians and permit holders.

48 Without the written permission of the Council, no member or employee of the Association shall use the name of the Association in connection with the promotion or advertising of any commercial product or service, or in any way that would imply the endorsement by the Association of a product or service.

50.1(1) The Practice Review Board is responsible for making recommendations to the Council about standards of continuing education for registered veterinarians and specialists and any other matter related to continuing education that is referred to it by Council.

(2) The Council may, after considering the recommendations of the Practice Review Board or on its own initiative, establish a continuing education program for registered veterinarians and specialists.

56(1) The Council, on the advice of the Practice Inspection and Practice Standards Committee, shall from time to time determine the standards of facility and service that are required of each category of veterinary practice.

(m) Alberta Veterinary Medical Association Bylaws

3.1 The Council is established by s.7(1) of the Act as the governing body of the Association. Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name of and on behalf of the Association.

3.2 Council shall consist of eight Registered Veterinarians who shall be elected in accordance with the provisions of the Bylaws, and two members of the public appointed pursuant to s.8(1) of the Act. In addition, Council may appoint to Council such non-voting ex officio members as it deems appropriate.

3.3.2 No later than four months prior to the next scheduled Annual General Meeting, Council shall in writing call for nominations from the membership of the Association to fill the terms of

Council members whose terms are scheduled to end at the conclusion of the next Annual General Meeting. Such call for nominations shall be made to the Voting Members of the Association by mail, facsimile, electronic means, publication in the Association's newsletter or such other means as Council may deem appropriate.

3.3.11 A member's vote is valid and will be counted if and only if it is properly marked in accordance with the instructions provided by Council and is received by the Association office no later than the deadline set for receipt of ballots.

3.3.13 Council shall retain the ballots cast for no less than 60 days following counting of the ballots.

3.3.14 Council may establish such further additional procedures with respect to the conduct of an election, as it in its discretion deems appropriate.

3.5 Council shall elect annually from the members of Council, a President, a Vice President, and such other Officers as Council deems advisable for the efficient administration of the Association.

3.9.1 Council shall hold at least four Council meetings in each calendar year. Council meetings shall be held by order of the President or at the request of a majority of Council members.

3.9.2 Council meetings shall be held at such time and place as may be directed by Council and, in the absence of such direction, at such time and place as the President shall designate. In addition to in-person meetings, Council meetings may be held by telephone or other electronic means, by order of the President or at the request of a majority of Council members.

3.9.3 The rules of order and procedure at Council meetings shall be the most current edition of Robert's Rules of Order governing meetings of a like nature, except where inconsistent with these Bylaws or any special rules of order that Council may adopt.

4.1 The Council shall establish such Legislated Committees as are required from time to time by the Act or Regulations. Without limiting the generality of the foregoing, Council shall establish the following Legislated Committees:

4.1.1 the Registration Committee;

4.1.2 the Practice Review Board;

4.1.3 the Complaint Review Committee;

4.1.4 the Hearing Tribunal; and

4.1.5 the Practice Inspection and Practice Standards Committee.

4.2 The following provisions apply to each Legislated Committee established by the Act or Council:

4.2.1 Registered Veterinarian members shall be appointed by Council; ...

4.2.7 Council may remove any member of such Committee for sufficient cause, including, but not limited to, repeated absences from meetings;

4.2.9 each Committee shall report to Council upon its request.

4.7.7 The Practice Inspection and Practice Standards Committee may from time to time nominate persons to conduct inspections of veterinary practices. The practice inspectors shall be appointed by Council following nomination by the Practice Inspection and Practice Standards Committee. Where possible, practice inspectors shall be familiar with the type of practice to be inspected.

4.8.3 Council may from time to time develop and publish such guidelines with respect to the naming of the veterinary practices as it deems appropriate.

5.1.1 Council may establish such Non-Legislated Committees as it deems appropriate.
5.1.2 The terms of reference for each Non-Legislated Committee shall be set by Council. A Non-Legislated Committee is responsible and accountable to Council.
5.1.3 Council may request a Non-Legislated Committee to provide reports to it from time to time and to provide a report to the membership at the Annual General Meeting.

5.2.1 Council may appoint such members of the Association as it deems appropriate to a Committee. Council shall appoint a chair and vice-chair for each Committee.
5.2.2 Council may in its discretion appoint one or more members of the public to a Committee as it deems appropriate.
5.2.3 Members of Non-Legislated Committees shall be appointed for a term of three years and may serve a maximum of two consecutive terms. Council may in its discretion establish such other term for members of a Non-Legislated Committee as it deems appropriate in the circumstances.
5.2.4 Council may appoint one or more members of Council to be a member of a Committee. Such Council member may, in the discretion of Council, be appointed as Chair or Vice-Chair of a Committee.
5.2.5 A person appointed to a Committee established by Council shall serve in accordance with the Committee's Terms of Reference and related Association policies.
5.2.6 A Committee member may be removed from a Committee by Council.

6.1.1 An Annual General Meeting of the Voting Members of the Association shall be held at least once every calendar year not later than the last day of June.
6.1.2 Subject to 6.1.1, the time and place of the Annual General Meeting shall be determined by Council.
6.1.3 Voting Members of the Association in good standing are entitled to receive notice of, attend and vote at an Annual General Meeting. In addition, Council may in its discretion invite such guests as it deems appropriate to the Annual General Meeting, but such guests shall not be entitled to vote at the Annual General Meeting.

6.2.1 Upon receipt of a request in writing signed by 5% of the total Registered Veterinarian members, Council shall conduct a mail vote of the Voting Members to determine whether or not a Special General Meeting of the Association shall be convened.
6.2.2 If a majority of the Voting Members responding to the mail vote, vote in favour of a Special General Meeting, then such Special General Meeting shall be convened within such reasonable time as Council deems appropriate.
6.2.3 In addition to the process set out in paragraphs 6.2.1 and 6.2.2 hereof, Council may in its discretion call a Special General Meeting.

6.4.1 Council, upon being satisfied that such a vote can be held without adversely affecting the integrity of any voting results, may conduct a vote of the Voting Members by electronic means or through its website.
6.4.2 Council shall, at least two months prior to the conduct of such vote, publish to the Voting Members of the Association the process to be followed in the conduct of such vote.

7.2.3 Limited Practice Licencee – a Limited Practice Licencee is a Registered Veterinarian who does not qualify as a General Practice Licencee because he or she does not possess a Certificate of Qualification, yet demonstrates appropriate credentials to qualify to practise in a limited scope of veterinary medicine. This person is licensed to practice veterinary medicine pursuant to s. 3 of the General Regulation with such limitations and on such terms as Council deems appropriate notwithstanding that the applicant has not been issued a Certificate of

Qualification. A Limited Practice Licence shall only practise veterinary medicine in accordance with the limitations and terms imposed by Council.

7.5.2 Council may from time to time establish such additional categories of membership for Other Members as it deems appropriate.

7.6.4 A Non-Practicing Member may be reinstated as Registered Veterinarian upon such terms and conditions as stipulated by Council.

7.7.2 Upon acceptance of his or her registration, a final year student member may practice veterinary medicine under the direct daily supervision of an unrestricted veterinarian in accordance with the General Regulation and the Council Guidelines.

7.8.3 A student whose registration has been approved by the Registrar in this category may participate in veterinary practice for the purpose of receiving instruction as outlined in the Council Guidelines, but may not practice veterinary medicine.

7.9 Council may grant Honorary Life Memberships to members of the Association or other persons who have made outstanding contributions to Association affairs, or outstanding achievements in the field of veterinary science. Petitions for Honorary Life Recognition shall be signed by five members of the Association and submitted to Council. Recognition is granted upon unanimous approval of such a petition by Council.

7.11 Council shall determine the annual fees for all categories of membership. Annual fees shall be due on the first day of January each year.

7.12 Council may direct the cancellation of the registration of any member or permit holder who fails to pay any fee, due or levy within the time set out in s. 25 of the Act.

7.13 Council may determine such fees for reinstatement of membership as it deems appropriate.

8.1 Council may establish, manage, arrange for or approve courses of instruction and training in the science and practice of veterinary medicine.

8.2 Council may assess charges and tuition fees to persons who are participants at any course of training or instruction of veterinary medicine in order to recover all or a part of the costs of any such course.

9.1.1 Council shall appoint a Registrar, Secretary-Treasurer, Complaints Director, Hearings Director, and such other personnel as it from time to time deems appropriate for the efficient operation of the Association.

9.1.2 Council may appoint such persons as it deems appropriate to discharge the duties of such persons appointed pursuant to 9.1.1 during the absence, disability, or vacancy in the office of such person. Such persons shall be designated the "Acting" or "Deputy" of the said position.

9.1.3 The salary, benefits and terms of office of the Registrar and Secretary-Treasurer shall be established by Council and shall be reviewed annually in conjunction with a formal performance appraisal.

9.2 The separate duties of Registrar and of Secretary-Treasurer may, at Council's discretion, be carried out from time to time by one person assuming the duties of both positions.

9.3 The Registrar/Secretary-Treasurer as Registrar shall:

9.3.6 perform such duties as may be from time to time assigned by Council.

9.4 The Registrar/Secretary-Treasurer as Secretary shall:

9.4.2 keep in safe custody and have charge of all of the records of the Association together with copies of all reports by the Association, Council or committees thereof and such other books and papers as Council may direct.

9.4.4 perform such other duties as pertaining to the office of Secretary-Treasurer as may be required by Council.

9.5 The Registrar/Secretary-Treasurer as Treasurer shall:

9.5.2 deposit all money and other valuable effects of the Association in the name of and to the credit of the Association in such banks or other depositories as Council may from time to time designate by resolution.

9.5.3 render to Council whenever directed by Council an account of the financial condition of the Association and all transactions as Treasurer as soon as possible after the end of each fiscal year.

9.5.7 perform such other duties as are incidental to the office of Treasurer as requested by Council.

9.7.1 A seal for the Association shall be approved by the Council.

9.8 The Association's authorized signing authorities shall be the President, Vice President, immediate past President, Secretary-Treasurer, Registrar, Deputy Registrar and any other person designated in writing by Council.

9.9 Council shall establish and maintain such accounts with one or more Canadian banks, trust companies, or Province of Alberta Treasury Branches, as Council determines appropriate from time to time.

9.11 Council shall on an annual basis adopt or approve Financial Guidelines for the keeping of the Association's books and records, depositing of funds, recording purchases and expenditures, registering its capital assets, budgeting, investment policy, and such other matters as Council deems appropriate to include in its Financial Guidelines.

9.12 The Council may raise money or guarantee or secure the payment of money in the name of the Association, in any manner determined by the Council, in order to carry out the purposes of the Association.

9.13 Council may invest or reinvest funds of the Association not immediately required in:

9.14 The Council shall appoint an accountant to provide audited financial statements of the Association.

(n) Accountants

Under the legislation currently in force in Alberta, there are three types of accountants governed by the *Regulated Accounting Profession Act*: Certified General Accountants, Certified Management Accountants, and Chartered Accountants. Summarized here are Council's powers under the Act, as well as the regulations and bylaws pertaining to chartered accountants only. Also included are the relevant provisions of the Bill 7, the *Chartered Professional Accountants Act*.

(o) Regulated Accounting Profession Act, Revised Statutes of Alberta 2000, Chapter R-12

1(cc) “governing body” means the Council of the Institute of Chartered Accountants of Alberta, the Board of Directors of the Society of Management Accountants of Alberta and the Board of Governors of the Certified General Accountants’ Association of Alberta, or any of them, as the case may be;

11(2) A governing body’s functions are

- (a) to govern the business and affairs of the accounting organization,
- (b) to fulfil the purposes of this Act, and
- (c) to exercise the accounting organization’s powers in the name of and on behalf of the accounting organization.

12(1) When an accounting organization is given a power, duty or function, it is to be carried out by its governing body or the individual, committee or other body prescribed by the governing body, and the delegated power, duty or function may be subdelegated, unless the governing body otherwise prescribes.

(2) If an individual, committee or other body is not designated by this Act or prescribed by a governing body to perform a power, duty or function of the accounting organization, the chief elected officer or a designate of the chief elected officer may perform it.

(3) Any person, on request, is entitled to receive from an accounting organization relevant information about the individual, committee or body that may perform any power, duty or function under this Act, the regulations or the bylaws.

13(1) A governing body may fulfil the purposes of this Act and exercise its powers, duties and functions by regulation, bylaw, resolution, rule of professional conduct or practice standard unless this Act provides that a power, duty or function is to be exercised in a particular way.

(2) A governing body may not delegate its authority to make regulations, bylaws, resolutions, rules of professional conduct or practice standards, but may delegate authority to act under or in accordance with a regulation, bylaw, resolution, rule of professional conduct or practice standard.

14(1) A governing body may make regulations

- (a) specifying the period of time during which an accounting organization must maintain information about applicants for registration and its registrants and former registrants;
- (b) respecting the provision of information under section 28(5);
- (c) respecting requirements for and applications for registration as a chartered accountant, certified general accountant, certified management accountant or student, including but not restricted to
 - (i) education, experience, enrolment in programs of studies, successful completion of examinations and holding of certificates, diplomas or degrees,
 - (ii) recognizing professions in other jurisdictions for the purpose of section 35(2)(b),
 - (iii) additional requirements for the purpose of section 35(2)(b),
 - (iv) providing evidence of being a Canadian citizen or a person lawfully permitted to work or study in Canada, (v) providing evidence of having good character and reputation,
 - (vi) providing evidence respecting standards of language proficiency, and
 - (vii) for the purposes of section 35(2)(c), the procedures for determining the combination of education, experience, practice and other qualifications that demonstrates the competence required for registration;
- (d) respecting the registration of a public accounting firm or a professional corporation;

- (e) respecting requirements for and applications for registration as a registrant within the meaning of section 1(ss)(viii);
 - (f) respecting the registration of professional service providers;
 - (g) respecting and establishing continuing competence programs;
 - (h) respecting applications for reinstatement of registration following cancellation of registration under Part 5 or Part 6;
 - (i) respecting the requirements for continuing registration under this Act and the conditions to be met and maintained;
 - (j) respecting and establishing categories of registrants;
 - (k) respecting conditions or restrictions on categories of registrants;
 - (l) respecting the use of titles, abbreviations and initials, within the meaning of the schedules to this Act, by a registrant or category of registrant;
 - (m) respecting the use of the title “certified public accountant” and the abbreviation or initials “CPA” or either of them;
 - (n) respecting gross revenue threshold amounts for members of accounting organizations, professional corporations or partnerships under section 46(3);
 - (o) respecting an application for an exemption from registration as a public accounting firm under section 46(3)(b) and the procedures governing that application;
 - (p) respecting any other matter or thing not provided for in this Act or insufficiently provided for in this Act as is considered advisable by the Minister to carry out the intent of this Act.
- (2) A regulation under subsection (1)(m) may be made only by the governing body of the Institute of Chartered Accountants of Alberta.
- (3) A regulation must be approved in principle by a majority of the members of the accounting organization present and voting
- (a) at a special meeting called for that purpose,
 - (b) by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or
 - (c) at the annual general meeting following the governing body’s adoption of the regulation.
- (4) A governing body may change the text of a regulation that was approved in principle under subsection (3) if the change
- (a) is consistent with the approval in principle, and
 - (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.
- (5) A regulation under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.

15(1) A governing body may make bylaws

- (a) respecting the election, term of office, geographical representation and number of governing body members;
- (b) respecting the votes of members or other persons about any matter specified by an accounting organization;
- (c) respecting the holding of meetings of an accounting organization simultaneously at more than one location;
- (d) providing for the appointment of an individual as an acting registrar or acting executive head who has all of the powers and performs all of the duties of the registrar or executive head, as the case may be, under this Act, the regulations and the bylaws when the registrar or executive head is absent or unable to act or when there is a vacancy in the office;
- (e) respecting the appointment of individuals to bodies established or continued under this Act or the regulations;
- (f) respecting suspension, cancellation and resignation of registration except under Part 5;
- (g) respecting categories of non-regulated members, including honorary members;

- (h) respecting the suspension or cancellation of registration, practice restrictions on registration and the imposition of penalties for failing to meet the requirements of section 51, including the nature and amount of those penalties;
 - (i) respecting and establishing practice standards for public accounting practice, including incorporation by reference of international or national practice standards;
 - (j) respecting forms and notices;
 - (k) respecting which matters, if any, may be appealed to an appeal tribunal from a decision of the registration committee, practice review committee or other body or person, in addition to the appeal rights specified in this Act, and any conditions related to an appeal;
 - (l) respecting requirements for registrants to carry professional liability insurance and the minimum amount of that insurance;
 - (m) establishing practice standards for the areas of practice referred to in sections 48 and 49 and the regulations;
 - (n) respecting the evaluation of, and establishing or designating the entity that may evaluate, the education, training, experience, practice and competence required of applicants for registration as a registrant;
 - (o) respecting requirements for registrants to train students and training standards generally;
 - (p) respecting whether a registrant or category of registrants may provide an audit engagement or review engagement, or both;
 - (q) respecting the conditions governing the provision of an audit engagement or review engagement;
 - (r) respecting how registrants referred to in clause (p) may supervise others who provide an audit engagement or review engagement;
 - (s) respecting practice reviews, including specifying which practice areas of public accounting firms and professional service providers are subject to practice review;
 - (t) respecting the information to be maintained about a registrant or former registrant when there has been a finding of unprofessional conduct, an agreement under section 74 or a resignation under section 75;
 - (u) respecting the publication, posting or notification of resignations under section 75 and decisions of discipline tribunals and appeal tribunals;
 - (v) respecting information to be kept and maintained about a registrant or former registrant;
 - (w) respecting 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;
 - (x) respecting the disposal of decisions and records of proceedings received by the discipline tribunal secretary and the appeal tribunal secretary;
 - (y) establishing specialties for registrants or categories of registrants and the requirements to be met by registrants or categories of registrants in order to hold themselves out as a specialist;
 - (z) designating the specialty names, initials or abbreviations that may be used by registrants who have met the requirements for a specialty pursuant to clause (y);
 - (aa) prohibiting a registrant from holding out that the registrant is entitled to engage in a specialty unless the registrant has met the requirements for the specialty pursuant to clause (y).
- (2) A bylaw may be made specifying that all or any of the matters referred to in subsection (1) are no longer to be subject to the bylaws, in which case the matter may then be dealt with in the manner specified in the bylaw made under this subsection.
- (3) Any power, duty or function under the bylaws may be delegated and subdelegated.
- (4) A bylaw is effective from the date it is passed by the governing body or any later date specified in the bylaw.
- (5) A bylaw must be ratified by a majority of the members of the accounting organization present and voting
- (a) at a special meeting called for that purpose,
 - (b) by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or

- (c) at the annual general meeting following the governing body's adoption of the bylaw.
- (6) If a bylaw is not ratified pursuant to subsection (5), the bylaw ceases to have any effect.

15.1 Before a governing body, by regulation, establishes or amends the academic requirements for registration as a chartered accountant, certified general accountant, certified management accountant or student, the 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.

16(1) A governing body

- (a) shall make regulations respecting the type and amount of liability insurance or other protection against professional liability that a partnership must have for the purposes of registration as a limited liability partnership under Part 3 of the Partnership Act, and
 - (b) may make bylaws governing eligibility requirements that a partnership must meet in order to be registered as a limited liability partnership under Part 3 of the Partnership Act.
- (7) A governing body may make a bylaw providing that, notwithstanding Part 3 of the Partnership Act, no person may engage in a public accounting practice in a limited liability partnership under that Act.

17 A governing body may make resolutions

- (a) recognizing, for the purposes of sections 4 and 102, organizations outside Alberta that regulate accounting;
- (b) respecting reasonable fees, levies and assessments to be paid and the time for payment of those fees, levies and assessments by registrants for continuance of registration and by applicants for registration;
- (c) respecting the establishment of committees and task forces;
- (d) respecting the governance of the accounting organization and the management and conduct of its affairs;
- (e) respecting processes concerning dispute resolution, practice review, registration or any administrative matter not dealt with in section 15;
- (f) respecting any other matter not required by this Act to be dealt with in regulations, bylaws, practice standards or rules of professional conduct.

18(1) Subject to subsection (3), a governing body may make or adopt rules of professional conduct for registrants, including

- (a) ethical and professional standards of conduct;
 - (b) rules regulating the maintenance and administration of trust funds;
 - (c) rules respecting the professional names or titles that registrants may use;
 - (d) rules respecting the organization and conduct of a professional practice, including restrictions on practice arrangements and practice associations.
- (2) The governing body must provide, for review and comment, a copy of the proposed rules of professional conduct to
- (a) the Minister, and
 - (b) any other person the governing body considers advisable.
- (3) A governing body may adopt rules of professional conduct after it has reviewed and considered the comments from a review described in subsection (2).
- (4) A governing body must make copies of its rules of professional conduct readily available to the public and registrants, and the copies may be published in the manner directed by the governing body.

22(1) The powers and duties of a governing body are not affected by

- (a) the failure of a public member to attend a meeting, or

(b) a vacancy in the office of a public member.

29 A governing body must appoint an individual as registrar of the accounting organization for the purposes of this Act.

24(1) The governing body of an accounting organization may appoint as a member of its registration committee, complaints inquiry committee and any other committee or task force an individual who is not a registrant or former registrant of the accounting organization, whether or not such a committee or task force member is required to be appointed under this Act.

30(1) The governing body of an accounting organization

(a) may establish a registration committee composed of at least 3 members of the accounting organization, and

(b) if a registration committee is established, may include at least one person who is not a member of an accounting organization appointed by the governing body in accordance with section 24.

(2) The registration committee may, in the manner prescribed by the governing body, delegate any of its functions, powers or duties.

31 The registrar or registration committee must consider and decide on applications for registration under this Part, including the imposition of conditions on a registration, and must undertake any other functions and duties prescribed by the governing body.

53(1) A practice review committee is established for each accounting organization.

(2) Members of a practice review committee must be appointed in the manner prescribed by the governing body.

54(1) The purpose of practice review is to promote high standards of practice in public accounting firms and professional service providers and, generally, to maintain and improve the competence of the profession.

(2) A practice review committee may do anything, subject to the bylaws, to meet the purpose of practice review or perform any other function prescribed by a governing body.

59(1) The Practice Review Policy Board is established.

(2) The board is composed of

(a) the chair of the practice review committee of each accounting organization,

(b) one member of each accounting organization, appointed by the governing body, and

(c) the executive head of each accounting organization or that person's designate.

121(1) A complaints inquiry committee is established for each accounting organization.

(2) A complaints inquiry committee is composed of

(a) not fewer than 5 members of the accounting organization appointed by the governing body, one of whom is designated as CIC chair, and

(b) any person appointed by the governing body under section 24.

122(1) A governing body must establish

(a) a roster of members of the accounting organization who are eligible to be appointed to a discipline tribunal, and

(b) a roster of members of the accounting organization who are eligible to be appointed to an appeal tribunal

(2) A governing body

(a) must appoint a member of the accounting organization as discipline tribunal roster chair and may appoint a member of the accounting organization as discipline tribunal roster vice-chair, and

(b) must appoint a member of the accounting organization as appeal tribunal roster chair and may appoint a member of the accounting organization as appeal tribunal roster vice-chair.

(3) A member of an accounting organization may be appointed to one or both rosters.

125 A governing body must appoint one or more individuals as

(a) CIC secretary,

(b) discipline tribunal secretary, and

(c) appeal tribunal secretary.

131(1) No legal action 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 or the regulations, bylaws, resolutions, rules of professional conduct or practice standards: ... (f) a member of a governing body, committee, tribunal or task force established or continued under this Act or the regulations, bylaws or resolutions.

(2) No action for defamation may be founded on a communication regarding the conduct of a registrant or former registrant if the communication is made or published in accordance with this Act by any person or body referred to in subsection (1) in respect of anything done or omitted to be done in good faith under this Act or the regulations, bylaws, resolutions, rules of professional conduct or practice standards.

135(1) Any person may make a complaint in accordance with the Ombudsman Act.

(2) An accounting organization, its governing body, any committee, tribunal, registrar, CIC chair, CIC secretary, discipline tribunal secretary, discipline tribunal chair, appeal tribunal secretary and appeal tribunal chair and any practice reviewer, investigator or person engaged by an accounting organization may, on the recommendation of the Ombudsman,

(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.

(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.

(p) Chartered Accountants Regulation, Alberta Regulation 178/2001

9 A student's registration will be cancelled if the student fails to meet the grade or performance requirements on courses and examinations prescribed by the Chartered Accountants School of Business (CASB) or the Council within the number of attempts determined by CASB or the Council.

10 An application for registration as a member of the Institute by a student who is not registered as a member by another provincial institute or foreign accounting organization must be accompanied by evidence satisfactory to the registrar that the following requirements have been met:

(a) the academic requirements under section 11;

(b) the grade or performance requirements prescribed by CASB or the Council on a national qualifying examination;

(c) the experience requirements under section 12.

12(2) The Council must establish the nature of student experience required with a training office in order to provide practical application of the competencies necessary to be a chartered accountant.

19(2) Each member of the Institute who

(a) resides

(i) in Alberta, or

(ii) outside Alberta and is not a member of a provincial institute or foreign accounting organization recognized by the Council, and

(b) has not been granted an exemption by the registration committee from the continuing professional development requirements imposed by this section

must complete the minimum number of hours of relevant continuing professional development described in this section.

(3) A member of the Institute who has not been granted an exemption must complete the number of hours of continuing professional development prescribed by the Council in the period of time prescribed by the Council or such additional time as is granted by the registration committee.

(4) The hours referred to in subsection (3) must include the minimum number of hours of verifiable learning activities as is prescribed by the Council.

22(2) Only a chartered accountant registered under Part 3 of the Act who has been elected as a Fellow of the Chartered Accountants by the Council in the manner prescribed in the bylaws may use the name “Fellow of the Chartered Accountants” or “Fellow comptable agréé” or the initials “FCA”.

(3) Only a chartered accountant registered under Part 3 of the Act may, with the approval of the Council, use the name “Associate of the Chartered Accountants” or “Associé d’un comptable agréé” or the initials “ACA”.

26 For the purposes of section 47(e) of the Act, an applicant for registration as a public accounting firm must provide to the registrar (h) for each area of public accounting practice that the firm plans to engage in, satisfactory current evidence that a chartered accountant with the firm meets any education and experience requirements prescribed by the Council.

36(1) Only a training office may provide training experience to students.

(2) The Council may establish education and experience requirements to be met by an applicant for approval as a training office.

(3) The registration committee must approve an applicant as a training office if the applicant meets the requirements established by the Council.

(4) If the applicant fails to meet the requirements established by the Council, the registration committee may approve the application subject to conditions or restrictions.

(q) Institute of Chartered Accountants of Alberta, Bylaws under RAPA

200 The annual meeting of the Institute shall be held within 8 months of the Institute’s fiscal year end and at such time and place as the Council shall determine.

201 Special meetings of the Institute may be held whenever the Council considers it expedient for the purpose of dealing with any matter relating to the affairs of the Institute.

202 Any meeting of the Institute may be held at such times and places and in such manner as the Council shall determine, including by means of telephone, electronic or other communication facilities that will permit all persons participating in the meeting to communicate with each other.

203 Council may submit a matter to a membership vote.

220 The Council shall annually appoint a chartered accountant as Chief Scrutineer to oversee votes by the membership. The Chief Scrutineer shall establish such procedures as are necessary for governing any member vote.

235 The Council may establish such procedures as are necessary for governing the holding of a vote on any matter not specified in the Act, regulations or these bylaws.

350 If the required number of members of the Council is not nominated or elected or a vacancy occurs in the number of elected Council members, the remaining or continuing members of the Council may appoint any chartered accountant resident in Alberta to fill the vacancy for the duration of its term.

410 In addition to the information kept and maintained under Section 27 of the Act, the Institute or its designate shall keep and maintain the following information with respect to registrants and former registrants: t) Any other information directed by the Council.

500 If the registrar or the Executive Director is absent or for any reason cannot act, or when there is a vacancy in the office, the Council may appoint any person as acting registrar or Executive Director and that person, while so acting, has the powers and shall perform the duties of the registrar or Executive Director.

510 The Council shall appoint the chairs of, the chartered accountants and other persons, if any, to serve on the Registration Committee, Complaints Inquiry Committee and Practice Review Committee.

600 The Council may elect to life membership in the Institute any chartered accountant who has been: a) a chartered accountant or a member of a provincial institute or a foreign accounting organization recognized by Council for an aggregate period of 40 years and a member of the Institute for the five (5) most recent years; or b) a President of the Institute.

601 Every life member shall be entitled to: a) receive recognition of life membership, in a manner determined by the Council; and b) a remission of such member's annual membership dues.

610 Any chartered accountant who, in the opinion of the Council, has rendered meritorious service to the profession or whose career achievements or achievements in the community have brought honour to the profession, may by resolution of two-thirds of the Council members be elected a Fellow of the Chartered Accountants.

611 Every Fellow of the Chartered Accountants shall be entitled to receive a certificate which shall be in such form as the Council determines and shall, so long as such Fellow remains a chartered accountant, be entitled to hold the said certificate.

612 When a Fellow of the Chartered Accountants has been found guilty of unprofessional conduct or has entered into a sanction agreement with the Complaints Inquiry Committee under section 74 of the Act, Council will review the decision or sanction agreement and determine whether to revoke the designation of Fellow of the Chartered Accountants and, if applicable, a Lifetime Achievement Award. If the designation and/or award is revoked, the individual will be so advised with the reasons.

620 The Council may, by a unanimous resolution, elect to honorary membership in the Institute any person who has rendered distinguished service to the Institute.

1001 The standards of practice for tax engagements are no longer to be subject to the Bylaws but are hereafter to be subject to any resolutions with respect to such standards passed by the Council.

1100 The Council may establish policies and procedures respecting practice reviews.

1300 An employer may apply for approval as a training office by: a) completing an application form containing such information as the Council shall prescribe; and b) providing any other information required by the Registration Committee.

1308 The registration committee may (a) designate any person to make whatever investigation is deemed necessary to determine whether an entity other than a public accounting firm meets the standards prescribed by the Council and is qualified to be a training office; and (b) upon review of a report made by the person pursuant to clause (a) above approve as a training office an entity other than a public accounting firm.

(r) Bill 7 Chartered Professional Accountants Act

This Bill, which received Royal Assent in December 2014 but has not yet been proclaimed in force, will replace the *Registered Accounting Profession Act* and its regulations. A board rather than a council, is the governing body under this new legislation.

11(1) Subject to section 152, the board of the Chartered Professional Accountants of Alberta (CPAA) consists of (a) at least 3 but not more than 15 elected members of the CPAA, and (b) sufficient public members appointed by the Lieutenant Governor in Council under section 23 to comprise at least 25% of the board's voting members.

(2) The board's functions are (a) to govern the business and affairs of the CPAA, (b) to fulfil the purposes of this Act, and (c) to exercise the CPAA's powers in the name of and on behalf of the CPAA.

(3) The board must (a) elect a chair of the board, and (b) establish the role and duties of the chair of the board in accordance with the directives.

12 The board must (a) appoint a chief executive officer of the CPAA, and (b) establish the role and duties of the chief executive officer in accordance with the directives.

13(1) A power, duty or function of the CPAA is to be carried out by the board or the individual, committee or other body prescribed by the board, and the delegated power, duty or function may be subdelegated unless the board otherwise prescribes.

(2) If no individual, committee or other body is designated by this Act or prescribed by the board to perform a power, duty or function of the CPAA, the chair of the board or a designate of the chair of the board may perform it.

14(1) The board may fulfil the purposes of this Act and exercise its powers, duties and functions by regulation, bylaw, directive, resolution, rule of professional conduct or practice standard unless this Act provides that a power, duty or function is to be exercised in a particular way.

(2) The board may not delegate its authority to make regulations, bylaws, directives, resolutions, rules of professional conduct or practice standards, but may delegate authority to act under or in accordance with a regulation, bylaw, directive, resolution, rule of professional conduct or practice standard.

15(1) The board may make regulations

(a) respecting requirements for and applications for registration as a chartered professional accountant or candidate, including but not restricted to (i) education, experience, enrolment in programs of studies, successful completion of examinations and holding of certificates, diplomas or degrees, (ii) the process for recognizing organizations that regulate accounting outside Canada and the process for specifying competence, experience and practice requirements for the purpose of section 38(2)(c), (iii) additional requirements for the purpose of section 38(2)(c) and (d), (iv) providing evidence of being a Canadian citizen or an individual lawfully permitted to work or study in Canada, (v) providing evidence of having good character and reputation, (vi) providing evidence respecting standards of language proficiency, and (vii) for the purposes of section 38(2)(d), the process for determining the combination of education, experience, practice and other qualifications that demonstrates the competence required for registration;

(b) respecting education and experience requirements to be met to register as a professional accounting firm or professional service provider;

(c) respecting requirements for and applications for registration as a registrant within the meaning of section 1(zz)(vi);

(d) respecting and establishing continuing competence programs;

(e) respecting the requirements for continuing registration under this Act and the conditions to be met and maintained;

(f) respecting the use of titles, abbreviations and initials, within the meaning of section 7, by a registrant or category of registrant;

(g) prescribing a title, abbreviation or initial for purposes of section 7(3)(hh);

(h) respecting any other matter or thing not provided for in this Act or insufficiently provided for in this Act as is considered advisable by the Minister to carry out the intent of this Act.

(2) A regulation must be approved in principle by a majority of the members of the CPAA present and voting (a) at a special meeting called for that purpose, (b) by a vote authorized by bylaw that is conducted by electronic, telecommunication or any other means as determined by the board, or (c) at the annual general meeting following the board's adoption of the regulation.

(3) The board may change the text of a regulation that was approved in principle under subsection (2) if the change (a) is consistent with the approval in principle, and (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.

(4) A regulation under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.

16 Before the board, by regulation, establishes or amends the academic requirements for registration as a chartered professional accountant or candidate, the board 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.

17(1) The board may make bylaws:

(a) respecting the election, term of office, geographical representation and number of board members;

(b) respecting the votes of members of the CPAA or other individuals about any matter specified by the CPAA;

(c) respecting the holding of meetings simultaneously at more than one location;

(d) respecting the appointment of individuals to bodies established under this Act or the regulations;

(e) respecting the provision of information under section 31(6);

(f) respecting and establishing categories of registrants and conditions or restrictions on categories of registrants;

- (g) respecting suspension, cancellation, resignation and reinstatement of registration and respecting practice restrictions, conditions or undertakings related to registration or practice except under Part 5;
 - (h) respecting the publication of notices respecting the matters listed in clause (g);
 - (i) respecting categories of non-members of the CPAA, including honorary members;
 - (j) respecting the suspension or cancellation of registration, practice restrictions on registration, conditions and the imposition of penalties for failing to meet the requirements of section 54, including the nature and amount of those penalties;
 - (k) respecting the publication of notices respecting the matters listed in clause (j);
 - (l) respecting and establishing practice standards for a professional accounting practice or a public accounting practice, including incorporation by reference of international or national practice standards;
 - (m) respecting which matters, if any, may be appealed to an appeal tribunal from a decision of the registration committee, registrar, practice review committee or other body or individual, in addition to the appeal rights specified in this Act, and any conditions related to an appeal;
 - (n) respecting requirements for registrants to carry professional liability insurance and the minimum amount of that insurance;
 - (o) specifying areas of professional services the providing of which to the public requires registration as a professional service provider, and establishing practice standards for those areas, for the purposes of section 51 and the regulations;
 - (p) respecting the evaluation of the education, training, experience, practice and competence required of applicants for registration as a registrant;
 - (q) respecting requirements to be met by registrants to train candidates and training standards generally;
 - (r) respecting whether a registrant or category of registrants may provide an audit engagement or review engagement, or both;
 - (s) respecting the conditions governing the provision of an audit engagement or review engagement;
 - (t) respecting practice reviews, including specifying which practice areas are subject to practice review;
 - (u) respecting the publication, posting or notification of agreements under section 74, resignations under section 75, upcoming hearings, conditions, undertakings, practice restrictions, suspensions or cancellations and decisions of discipline tribunals and appeal tribunals;
 - (v) respecting 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;
 - (w) establishing specialties for registrants or categories of registrants and the requirements to be met by registrants or categories of registrants in order to hold themselves out as specialists;
 - (x) designating the specialty titles, abbreviations or initials that may be used by registrants who have met the requirements for a specialty pursuant to clause (w);
 - (y) prohibiting a registrant from holding out that the registrant is a specialist unless the registrant has met the requirements for the specialty referred to in clause (w);
 - (z) respecting the supervision of registrants by other registrants.
- (2) A bylaw may be made specifying that all or any of the matters referred to in subsection (1) are no longer to be subject to the bylaws, in which case the matter may then be dealt with in the manner specified in the bylaw made under this subsection.
- (3) Any power, duty or function under the bylaws may be delegated and subdelegated.
- (4) A bylaw is effective from the date it is passed by the board or any later date specified in the bylaw.
- (5) A bylaw must be ratified by a majority of the members of the CPAA present and voting: (a) at a special meeting called for that purpose, (b) by a vote authorized by bylaw that is conducted

by electronic, telecommunication or any other means as determined by the board, or (c) at the annual general meeting following the board's adoption of the bylaw.

(6) If a bylaw is not ratified pursuant to subsection (5), the bylaw ceases to have any effect.

(7) The board must make copies of its bylaws readily available to the public and registrants, and the copies may be published in the manner directed by the board.

18(1) The board

(a) must make regulations respecting the type and amount of liability insurance or other protection against professional liability that a partnership to which this Act applies must have for the purposes of registration as a limited liability partnership under Part 3 of the Partnership Act, and

(b) may make bylaws governing eligibility requirements that a partnership to which this Act applies must meet in order to be registered as a limited liability partnership under Part 3 of the Partnership Act.

(2) Section 15(2), (3) and (4) apply in respect of a regulation made under subsection (1)(a).

(3) Section 21(5) and (6) apply in respect of a bylaw made under subsection (1)(b) or (7).

(4) Where the Minister considers that regulations made under subsection (1)(a) do not provide sufficient protection against professional liability, the Minister may, by notice in writing to the board, request the board to amend the regulations in the manner specified in the notice within the time set out in the notice.

(5) Where the board fails to amend the regulations in accordance with the notice, the Lieutenant Governor in Council may amend the regulations, and in that case the amendments operate as if they had been made in accordance with section 15.

(6) Subsections (1) to (5) do not apply if a bylaw under subsection (7) is in effect.

(7) The board may make a bylaw providing that, notwithstanding Part 3 of the Partnership Act, no person may engage in a professional accounting practice or a public accounting practice in a limited liability partnership under that Act.

19(1) The board may make directives:

(a) specifying the period of time during which the CPAA must maintain information about applicants for registration and its registrants and former registrants;

(b) respecting matters dealing with registration that are not otherwise dealt with by this Act, the regulations, the bylaws or the resolutions;

(c) recognizing organizations for the purposes of section 40(2);

(d) respecting, for the purposes of section 47(2), the providing of information concerning a suspended or cancelled registration to the Registrar of Corporations and shareholders;

(e) respecting the election, role and duties of the chair of the board and the role and duties of the chief executive officer;

(f) providing for the appointment of an individual as an acting registrar or acting chief executive officer who has all of the powers and performs all of the duties of the registrar or chief executive officer, as the case may be, under this Act, the regulations, the bylaws, the directives and the resolutions when the registrar or chief executive officer is absent or unable to act or when there is a vacancy in the office;

(g) respecting the information to be maintained about a registrant or former registrant when there has been a finding of unprofessional conduct, an agreement under section 74 or a resignation under section 75;

(h) respecting information to be kept and maintained about a registrant or former registrant;

(i) respecting the disposal of decisions and records of proceedings received by the discipline tribunal secretary and the appeal tribunal secretary;

(j) respecting, for the purposes of sections 4 and 104, the recognition of organizations outside Alberta that regulate accounting;

(k) respecting the establishment of committees and task forces, including their composition;

(l) respecting processes concerning dispute resolution, practice review, registration, complaints, discipline, appeals or reinstatement.

(2) The board must make copies of its directives readily available to the public and registrants, and the copies may be published in the manner directed by the board.

20(1) The board may make resolutions:

(a) respecting reasonable fees, levies and assessments to be paid and the time for payment of those fees, levies and assessments by applicants for registration, and by registrants for continuance of registration, for practice reviews and for reinstatement;

(b) respecting the governance of the CPAA and the management and conduct of its affairs;

(c) respecting any administrative matter not dealt with under section 17;

(d) respecting any other matter not required by this Act to be dealt with in regulations, bylaws, directives, practice standards or rules of professional conduct;

(e) respecting forms and notices;

(f) prescribing the manner of maintaining certificates, permits, confirmation of registration or other documents as required under section 56.

(2) Where the board is of the view that a matter to be addressed in subsection (1) is a matter of policy, the board may choose to address the matter by directive instead of by resolution.

21(1) Subject to subsection (3), the board may make, adopt or incorporate rules of professional conduct for registrants, including

(a) ethical and professional standards of conduct,

(b) rules regulating the maintenance and administration of trust funds,

(c) rules respecting the professional names or titles that registrants may use, and

(d) rules respecting the organization and conduct of a registrant's practice, including restrictions on practice arrangements and practice associations.

(2) The board must provide, for review and comment, a copy of the proposed rules of professional conduct to (a) the Minister, and (b) any other person the board considers advisable.

(3) The board may make, adopt or incorporate rules of professional conduct only after it has reviewed and considered the comments from a review described in subsection (2).

(4) The board must make copies of its rules of professional conduct readily available to the public and registrants, and the copies may be published in the manner directed by the board.

(5) A rule of professional conduct must be ratified by a majority of the members of the CPAA present and voting (a) at a special meeting called for that purpose, (b) by a vote authorized by bylaw that is conducted by electronic, telecommunication or any other means as determined by the board, or (c) at the annual general meeting following the board's adoption of the rule.

(6) A rule of professional conduct that is ratified under subsection (5) is effective from the date it is ratified or any later date specified in the rule of professional conduct, and it remains in effect until it is amended or repealed in accordance with this section.

25(1) The powers and duties of the board are not affected by (a) the failure of a public member to attend a meeting, or (b) a vacancy in the office of a public member.

(2) The powers and duties of a discipline tribunal and an appeal tribunal are not affected by a vacancy in the office of a public member for up to 2 years from the date that this section comes into force.

27(1) The board may appoint as a member of the registration committee, complaints inquiry committee, practice review committee or any other committee or task force an individual who is not a registrant or former registrant, whether or not such a committee or task force member is required to be appointed under this Act.

32 The board must appoint an individual as registrar of the CPAA for the purposes of this Act.

33(1) The board must (a) establish a registration committee, and (b) set the terms of reference for the registration committee.

(2) The registration committee must consist of at least 3 members of the CPAA, and may also include one or more individuals who are not members of the CPAA appointed by the board under section 27.

(3) The registration committee may, in the manner prescribed by the board, delegate any of its functions, powers or duties.

34 The registrar or the registration committee must consider and decide on applications for registration under this Part, including the imposition of conditions or restrictions on a registration, and must undertake any other functions and duties prescribed by the board in accordance with the regulations, bylaws, directives and resolutions.

60(2) The practice review committee may do anything, subject to the bylaws and the directives, to meet the purpose of practice review or perform any other function prescribed by the board.

126 A complaints inquiry committee is established for the CPAA consisting of

(a) not fewer than 5 members of the CPAA appointed by the board, one of whom is designated as CIC chair, and

(b) any individual appointed by the board under section 27.

127(1) The board must establish (a) a roster of members of the CPAA who are eligible to be appointed to a discipline tribunal, and (b) a roster of members of the CPAA who are eligible to be appointed to an appeal tribunal.

(2) The board (a) must appoint a member of the CPAA as discipline tribunal roster chair and may appoint a member of the CPAA as discipline tribunal roster vice-chair, and (b) must appoint a member of the CPAA as appeal tribunal roster chair and may appoint a member of the CPAA as appeal tribunal roster vice-chair.

(3) A member of the CPAA may be appointed to one or both rosters.

130(1) The board must appoint one or more individuals as (a) CIC secretary, (b) discipline tribunal secretary, and (c) appeal tribunal secretary.

141(1) Any person may make a complaint in respect of matters under this Act in accordance with the Ombudsman Act.

(2) The CPAA, the board, any committee or 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 CPAA may, on the recommendation of the Ombudsman,

(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.

(s) Lawyers

Under the *Legal Profession Act*, the governing body is called the Benchers (rather than

Council). The Benchers have extensive power and duties under the Act and Rules, not all of which are included in the summary below, which is focused primarily on authority to delegate.

(t) Legal Profession Act, Revised Statutes of Alberta 2000, Chapter L-8

5(1) There shall be a governing body of the Society called the Benchers.

(2) The Benchers shall manage and conduct the business and affairs of the Society and exercise the powers of the Society in the name of or on behalf of the Society.

(3) The Benchers shall submit an annual report to the Minister on those matters of the business and affairs of the Society that the Minister may require in a form satisfactory to the Minister.

(4) The Minister shall, on receipt of the annual report of the Society, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

6 The Benchers may by resolution

(a) authorize the Society to enter into any contract that the Society may enter into;

(b) appoint any person as an honorary member of the Society or an honorary Bencher;

(c) establish committees and their powers and duties and provide for appointments to them;

(d) confer any powers or impose any duties on a committee established by this Act or the rules in addition to the powers conferred and the duties imposed on that committee by this Act or the rules;

(e) designate a chair and one or more vice-chairs for a committee established by or pursuant to this Act; **(f) appoint delegates and representatives to appear on behalf of and represent the Society;**

(g) provide for the reporting of legal decisions;

(h) establish and maintain libraries for the use of the members of the Society;

(i) make arrangements with the Minister respecting the contribution of the Society to the cost of the acquisition of books and periodicals for libraries maintained by the Government;

(j) maintain a special fund for the relief of aged, infirm or disabled members or former members of the Society or their dependants and the dependants of deceased members, either by setting aside a portion of the money of the Society or by paying into that fund a portion of the revenues of the Society, and may discontinue the fund in whole or in part;

(k) authorize the Society to enter into group insurance contracts insuring the lives or incomes of members or any class of members or insuring against any risks incurred by members or any class of members that are related to practising as a barrister or solicitor;

(l) authorize or establish a code of ethical standards for members and students-at-law and provide for its publication;

(m) establish and prescribe a course called the "bar admission course" for persons required to pass a bar admission examination;

(n) take any action and incur any expenses the Benchers consider necessary for the promotion, protection, interest or welfare of the Society.

7(1) The Benchers may make rules for the government of the Society, for the management and conduct of its business and affairs and for the exercise or carrying out of the powers and duties conferred or imposed on the Society or the Benchers under this or any other Act.

(2) Without restricting the generality of subsection (1), the Benchers may make rules

(a) prescribing the manner of proof as to matters required to be proven by applicants for admission as students-at-law or for enrolment as members;

(b) respecting the requirements to be met by applicants for enrolment as members of the Society or for admission to the Society as students-at-law;

(c) respecting the waiving of or exceptions to the requirements referred to in clause (b);

(d) respecting the waiving of or exceptions to the requirements set out in section 42(2)(d);

- (e) respecting the evaluation and monitoring of active members for the purpose of determining suitability to act as principal to a student-at-law;
- (f) fixing the fees payable to the Society for the admission of students-at-law or the enrolment of members, the fees payable annually by members and any other fees incidental to the conduct of the business and affairs of the Society;
- (f.1) respecting the publicizing of information entered in the roll or in the register of students-at-law;
- (g) respecting the imposition of a pecuniary penalty on a member or student-at-law or the suspension of the membership of a member or the registration of a student-at-law, without notice or hearing, if the member or student-at-law does not pay a fee or assessment, file a document or do any other act by the time specified by or determined in accordance with the rules;
- (h) providing for the striking off the roll of the name of a member whose membership has been suspended for a period of at least 2 years pursuant to the rules made under clause (g);
- (i) respecting the reinstatement of
 - (i) a former member as a member,
 - (ii) an inactive member as an active member, or
 - (iii) a former student-at-law as a student-at-law, and respecting the terms and conditions on which reinstatement may be granted;
- (j) respecting the termination of a suspension of the membership of a member or of the registration of a student-at-law, and respecting the conditions on which a termination may be granted;
- (k) governing matters related to the operation of bar admission courses and prescribing fees for enrolment in those courses;
- (l) respecting the powers and duties of the Executive Director under section 38(3);
- (m) repealed
- (n) respecting the duties of members, professional corporations or law firms in relation to property, other than money, entrusted to or received by them in their capacity as barristers and solicitors;
- (o) respecting the exemption of any class of active members from the operation of section 126(1);
- (p) respecting the maintenance and regulation of records of members, professional corporations or law firms in respect of money entrusted to them or received, held or paid by them for or on account of their clients or others, in their capacity as barristers and solicitors;
- (q) respecting the examination, review or audit of records referred to in clause (p) by officers, employees, auditors or agents of the Society and the recovery by the Society of the costs of those examinations, reviews or audits from those who are required to keep and maintain the records if the rules under clause (p) have not been complied with;
- (r) respecting the rights and duties of law firms;
- (s) defining “law firm” for any purpose under the rules or for the purpose of section 126;
- (t) providing for the administration of the special relief fund referred to in section 6(j);
- (u) governing the use of libraries maintained wholly or partly by funds of the Society and providing for the levying of assessments against the membership of the Society or the members in any area for the purpose of recovering the cost of lost books;
- (v) respecting the information required to be furnished to the Society by members or students-at-law or by persons acting for them;
- (w) respecting the keeping and maintaining of the records referred to in section 30 and the confidentiality of any classes of information forming part of those records, and regulating the disclosure pursuant to section 30(3) of information forming part of those records;
- (x) respecting the certification of active members as specialists in particular fields of law and the rights and duties of members holding certificates as specialists;

- (y) respecting the registration of persons admitted to the Society as students-at-law and the maintenance of the register of students-at-law referred to in section 30(1);
- (z) prescribing the methods by which a notice or other document may be served, given or furnished under this Act or the rules on or to a member, student-at-law or professional corporation otherwise than by personal service;
- (aa) respecting the establishment, composition and manner of appointment of committees for any purpose under the rules and the powers and duties of a committee so established, and respecting additional powers and duties of a committee established by this Act;
- (bb) subject to section 78, respecting the persons authorized or permitted to attend or participate in a hearing or meeting of the Benchers or of a committee established by or under this Act, other than Benchers or the members of the committee, as the case may be;
- (cc) respecting the quorum required for a committee established by this Act and the circumstances under which and the conditions on which such a committee may sit in panels;
- (dd) respecting the conduct of general and special meetings of the Society and the notice to be given of those meetings;
- (ee) respecting the rights and duties of students-at-law and the circumstances in which they may act as counsel in proceedings before the courts and judges referred to in section 105;
- (ff) respecting the licensing or regulation of persons holding professional legal qualifications obtained in a country other than Canada in relation to services provided in Alberta by those persons in giving legal advice respecting the laws of that country;
- (gg) respecting the establishment of standards governing the collection and dissemination by the Society of information relating to any person or group of persons, including members, students-at-law, professional corporations and law firms.

8(1) The Benchers

- (a) shall make rules respecting the type and amount of liability insurance or other protection against professional liability that a partnership must have for the purposes of registration as a limited liability partnership under Part 3 of the Partnership Act, and
- (b) may make rules governing eligibility requirements that a partnership must meet in order to be registered as a limited liability partnership under Part 3 of the Partnership Act.

19 If the required number of Benchers is not elected or a vacancy occurs in the number of Benchers on account of the death or resignation of a Bencher or otherwise, the remaining or continuing Benchers may, in accordance with the rules, appoint any active member to fill the vacancy until the first meeting of the Benchers in the year following the year in which the next regular election of Benchers is held.

25(1) The Executive Director, the Deputy Executive Directors, the Deputy Secretaries and the Treasurer shall be appointed by the Benchers.

- (2) Unless otherwise expressly provided in the rules or by a resolution of the Benchers, a Deputy Executive Director or a Deputy Secretary may exercise and perform any powers, functions and duties of the Executive Director.
- (3) The President may appoint any person as Acting Executive Director if the Executive Director is absent or unable to act, and that person, while Acting Executive Director, has the powers and shall perform the duties of the Executive Director.
- (4) The Benchers may, by resolution or by the rules, delegate any powers or duties of the Executive Director under this Act to the Treasurer, the holder of an office established under section 24(1) or an employee of the Society and prescribe the circumstances in which or the conditions on which the delegation is to apply.
- (5) A delegation made under subsection (4) does not affect the ability of the Executive Director to exercise or perform the power or duty so delegated.

26(1) The Benchers at their first meeting in each year shall appoint an auditor for the Society.

32(1) No member may resign from the Society unless the member's resignation is submitted to and approved by the Benchers or a committee of the Benchers.

(2) If the resignation is approved, the member's name shall be struck off the roll.

37(1) The following matters are under the control of the Society:

(a) evaluation of the academic qualifications of applicants for enrolment as members of the Society or for admission to the Society as students-at-law;

(b) bar admission courses and bar admission examinations;

(c) special examinations to be taken by an applicant for enrolment as a member of the Society or for admission to the Society as a student-at-law;

(d) the period and conditions of articles to be served before an applicant's enrolment as a member;

(e) other examinations to be taken or requirements to be fulfilled by applicants for enrolment as members of the Society or for admission to the Society as students-at-law.

(2) The Benchers may make rules dealing with any of the matters referred to in subsection (1).

(3) The Benchers may retain one or more third parties to carry out any of the responsibilities referred to in subsection (1) and may make rules in that regard.

(4) The Benchers may in the case of a particular applicant, if they consider that special circumstances so warrant, waive or modify a requirement imposed in relation to the matters referred to in subsection (1). (5) The Benchers may delegate any of their authority under this section, other than the authority to make rules, to the ED or to the Credentials and Education Committee.

39(1) The Credentials and Education Committee is established.

(2) The Benchers may appoint the members of the Credentials and Education Committee, and the Committee may consist of

(a) Benchers only, or

(b) a majority of Benchers, with a minority consisting of

(i) members of the Society who are not Benchers, or

(ii) deans of the faculties of law of The University of Alberta and The University of Calgary.

43(1) Before making a decision under section 38(3), 40 or 41, the Executive Director may refer the matter to the Credentials and Education Committee, which, with or without consultation with the Benchers, shall direct the Executive Director as to the decision to be made.

(2) A person affected by a decision of the Executive Director under section 38(3), 40, 41 or 42 may appeal to the Benchers, who may confirm the decision or direct the Executive Director to vary or reverse it.

(3) The Benchers may delegate, in whole or in part, to the Credentials and Education Committee their authority to hear and decide an appeal under subsection (2).

45(1) Subject to the rules, the Benchers may by resolution approve the enrolment of a person who proves to their satisfaction that the person

(a) repealed 2009 c7 s7,

(b) is of good character and reputation,

(c) is employed

(i) as a full-time member of the faculty of law of a university in Alberta, having been a full-time member of the faculty of law of a university in Alberta for a continuous period of at least 2 years immediately preceding the date of that person's application for enrolment,

- (ii) as an employee of the Society, having been an employee of the Society for a continuous period of at least 2 years immediately preceding the date of that person's application for enrolment, or
 - (iii) as legal counsel to a court in Alberta other than as a student-at-law,
 - (d) has received a degree in law from a university in Alberta or has otherwise satisfied the academic requirements specified by the rules, and
 - (e) has passed any examinations and satisfied any other requirements specified by the rules.
- (2) The Benchers may, if they consider that special circumstances so warrant, waive or modify the 2-year requirement referred to in subsection (1)(c)(i) and (ii).
- (2.1) The Benchers may delegate any of their authority under subsections (1) and (2) to the Credentials and Education Committee.

- 51(1) The following committees are established:
the Conduct Committee, the members of which are appointed by the Benchers, and which shall consist of
- (i) Benchers only, or
 - (ii) a majority of Benchers and a minority of members of the Society who are not Benchers;
- (b) the Practice Review Committee, the members of which are appointed by the Benchers, and which shall consist of
- (i) Benchers only, or
 - (ii) a majority of Benchers and a minority of members of the Society who are not Benchers;
- (c) the Appeal Committee, consisting of (i) the lay Benchers, and (ii) at least 3 other Benchers appointed by the Benchers.

- 61(1) Subject to the rules, a member whose conduct is the subject of proceedings under this Division may at any time during the proceedings apply to the Benchers for their approval of the member's resignation as a member instead of having the proceedings continue.
- (2) The Benchers may hold a hearing of an application under this section if they consider that a hearing is warranted in the circumstances.
- (3) The Benchers may reject the application or, if they accept it,
- (a) may make their acceptance of the application subject to any conditions the Benchers consider appropriate in the circumstances, and
 - (b) shall give directions as to the information to be entered in the roll in relation to the member's resignation.
- (4) If a person resigns as a member pursuant to this section, then, subject to any conditions prescribed by the Benchers pursuant to subsection (3)(a), proceedings under this Division shall be discontinued in respect of the conduct that was the subject of the proceedings and to which the resignation relates.
- (5) The Benchers may delegate any of their authority under this section to a committee of the Benchers.

- 86(1) If a person is disbarred,
that person shall not be reinstated as a member pursuant to the rules except by an order of the Benchers, and
- (b) no order for that person's reinstatement as a member shall be made within one year after (i) the date on which the person was disbarred,
 - (ii) if the operation of an order of a Hearing Committee to disbar the person was stayed under section 75(7) and the order was confirmed by the Benchers on appeal, the date of the Benchers' confirmation order, or
 - (iii) if the operation of the Benchers' confirmation order referred to in subclause (ii) was stayed under section 80(8) and the Hearing Committee's order was confirmed by the Court of Appeal, the date on which the Court of Appeal made its confirmation order.

(2) A Benchers who is a member of a committee of inquiry appointed pursuant to the rules to consider an application for reinstatement to which subsection (1) applies may participate in or vote at any proceedings of the Benchers pertaining to the application.

Finance Committee

87(1) There is hereby established a committee called the "Finance Committee".

(2) The members of the Finance Committee shall be appointed by the Benchers and shall consist of

(a) Benchers only, or

(b) a majority of Benchers and a minority of members of the Society who are not Benchers.

(3) Notwithstanding subsection (2), at least one member of the Finance Committee shall be a lay Benchers.

101 The Benchers may make rules

(a) respecting the levying on members of assessments, whether at a uniform rate for all members or at differing rates for different classes of members;

(b) respecting the exemption of any class of members from the payment of assessments levied pursuant to clause (a) and the conditions on which any exemptions apply or on which they may be granted;

(c) respecting the establishment, maintenance or administration of the indemnity program, including

(i) the provision of coverage or exclusion from coverage under the indemnity program for members or former members or any class of member or former member,

(ii) limits on the payment of indemnification in respect of claims or any class of claim, and

(iii) amounts to be deducted from payments of indemnification in respect of claims or any class of claim;

(d) respecting the filing, settling, administration or payment of claims under the indemnity program;

(e) respecting the administration of the funds referred to in section 100(1) and of expenditures of those funds;

(f) respecting the payment on behalf of a member or former member of the whole or part of deductible amounts under the indemnity program and recovery of the amounts paid from the member or former member, as the case may be;

(g) respecting the imposition of penalties or other sanctions against members who fail to pay in accordance with the rules

(i) any assessment levied under this Part, or

(ii) any deductible amounts under the indemnity program;

(h) respecting the rights and duties of members or former members in connection with claims or potential claims under the indemnity program;

(i) respecting the powers, rights and duties of a subsidiary corporation under the indemnity program;

(j) respecting the delegation to a subsidiary corporation of any powers, rights or duties of the Society or the Benchers under this Part or under the rules under this Part, other than the power to make rules;

(k) directing that all or any part of the amount of any assessment levied pursuant to clause (a) be paid directly to a subsidiary corporation instead of to the Society and respecting the subsidiary corporation's rights in respect of the amount transferred;

(l) respecting transfers of assets from the funds held by the Society under section 100 to a subsidiary corporation or from a subsidiary corporation to the funds held by the Society under section 100.

(u) Rules of the Law Society of Alberta

17 (1) If the Benchers appoint a member as a Bencher under section 19 of the Act to fill a vacancy in the number of elected Benchers, the Benchers

(a) where the former Bencher was elected as a candidate for a district, shall appoint as a Bencher the candidate for the same district in the preceding election and who received a greater number of votes than any of the other unsuccessful candidates for that district, or
(b) in any other case, shall appoint as a Bencher the candidate in the preceding election who received a greater number of votes than any of the other unsuccessful candidates in that election.

(2) Notwithstanding subrule (1),

(a) the Benchers may waive the application of subrule (1) in any case where they consider that special circumstances exist, and

(b) if a Bencher ceases to hold office as a Bencher on or after May 31 preceding the date for an election of Benchers, the Benchers need not make an appointment pursuant to section 19 of the Act to fill the vacancy unless the former Bencher was elected as a candidate for a district or had been appointed to fill the office of a Bencher elected as a candidate for a district.

29 (1) The Professional Responsibility Committee is established.

(2) The Professional Responsibility Committee

(a) may render an opinion on any question concerning the professional responsibility of members of the Society submitted to the Committee by the Executive Director or a member, and

(b) where it considers it advisable to do so, may submit to the Benchers any matter concerning the professional responsibility of members.

(3) (a) The Professional Responsibility Committee may sit in panels of not less than three (3) members including the chair or the vice chair for the purpose of exercising any of its functions under these Rules. Any opinion to be rendered by the committee through a panel so constituted is to be circulated to the members of the committee forty-eight (48) hours before it is released by the chair or vice chair.

(b) Depending upon the comments received, if any, the chair or vice chair may convene a full meeting or a further panel if they deem it appropriate.

30 (1) The Unauthorized Practice of Law Committee is established.

(2) The Unauthorized Practice of Law Committee shall;

(a) consider any complaints of unauthorized practice under Part 6 of the Act and take such action with respect to any complaint as it considers necessary, and

(b) consider and make recommendations to the Benchers relating to the activities of paralegals and legal assistants.

31 (1) The Communications Committee is established.

(2) The Communications Committee:

(a) shall, by any means it considers expedient, endeavour to advance the good public relations of the legal profession;

(b) is responsible for advancing communication between the Benchers and Society staff and

(i) members of the Society,

(ii) members of the public, and

(iii) governments, including the planning and supervision of publications and programs for the benefit of members and the public.

47.1 The authority of the Benchers is delegated to the Credentials and Education Committee in relation to the following matters:

- (a) an application pursuant to section 37(4) of the Act;
- (b) appeals under section 43(2) of the Act in relation to the following matters:
 - (i) the CPLED program and the old bar admission course;
 - (ii) transfer examinations;
 - (iii) reinstatement examinations;
 - (iv) applications for admission or enrolment; and
 - (v) decisions made by the Executive Director under this Part;
- (c) an application pursuant to section 45 of the Act; and
- (b) application pursuant to Rule 50.2 (5).

50.2(5) At the discretion of the Benchers, an applicant holding a Canadian civil-law degree, rather than having that degree evaluated by the NCA, may be permitted to demonstrate competence in Canadian law by successfully completing a special examination prescribed by the Benchers.

(6) The Benchers may delegate their authority under sub rule (5) to the Committee.

119.33 (1) The Benchers may direct that a person designated by the Benchers examine, review, audit, investigate or complete the financial records and other records of any lawyer or law firm that in any way relate to a lawyer's or the firm's practice of law for the purpose of ascertaining and advising as to whether the provisions of the Act and the Rules have been and are being complied with by a lawyer or law firm.

(2) The powers conferred by sub rule (1) on the Benchers may also be exercised by (a) the President of the Society, (b) the President-Elect of the Society, (c) the chair of the Conduct Committee, (d) the chair of the Trust Safety Committee, (e) the Executive Director, or (f) the Manager, Trust Safety.

