

APPENDIX 6A

AUTHORITY TO DELEGATE

Appendix 6A – Authority and Duties of Council in Constituent Associations Across Canada

This document contains the authority and duties of Council in the legislation of engineering and geoscience associations across Canada.

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1 British Columbia: The Association of Professional Engineers and Geoscientists of British Columbia (APEGBC)

1.1 Engineers and Geoscientists Act, Revised Statutes of British Columbia 1996, Chapter 116

Membership

5 The membership of the association consists of all members of the association who were in good standing under the former Act at the time of its repeal and all persons admitted to membership by the council under this Act as long as they remain on the register.

6(2) The president, if present, presides at all meetings of the association and the council unless the president requests the meeting to appoint some other person to preside.

(3) The president, or the person appointed in the president's place, votes only when the votes of the members are equally divided.

(4) One or more vice presidents, one of whom must be designated by the council to have all the powers and rights of the president during the president's absence, must be elected annually by the members of the association and holders of limited licences.

Registrar and executive director

7(1) The council must appoint a registrar, who must be a member of the association.

(2) The council must appoint an executive director.

(3) The offices of registrar and executive director are held at the pleasure of the council and may be held by the same person.

Functions of Council

8(1) The powers conferred on the association are to be exercised by the council.

(2) Subject to this Act and the bylaws of the association, the council

(a) must govern, control and administer the affairs of the association,

(b) must exercise all rights and powers vested in it under this Act, and

(c) may pass resolutions necessary for the purposes of paragraphs (a) and (b).

Membership on and appointment to council

9(6) The association must conduct a ballot of members and holders of limited licences each year, in the manner determined by the council, to elect the councillors who are to be elected by the members and holders of limited licences and ...

(7) If no member of a Faculty of Applied Science, Engineering or Geoscience in British Columbia or no professional geoscientist is elected under subsection (6) or section 6 (1) or (4), the council must appoint a member of a Faculty of Applied Science, Engineering or Geoscience in British Columbia or a professional geoscientist to the council for a one year term.

- (8) If a member of the council dies, resigns or is incapable of acting,
- (a) the other members of the council must appoint a member of the association or holder of a limited licence to fill the vacancy if the councillor is an elected member, and
 - (b) the vacancy must be filled by appointment made by the Lieutenant Governor in Council if the councillor is a government appointee.

Bylaws

10(1) The council may pass, alter and amend bylaws, consistent with this Act, for the following:

- (a) the election of the council;
- (b) the government, discipline and honour of the members, licensees and certificate holders of the association, including the establishment of a code of ethics;
 - (b.1) without limiting paragraph (b), the practice and procedure for proceedings before the discipline, practice review or conduct review committee;
 - (b.2) the direct supervision of former members and licensees by members;
- (c) the establishment of quality management programs for members, licensees and certificate holders;
- (d) the establishment by the council of a professional practice review program for members, licensees and certificate holders, including the creation of a practice review committee to conduct practice reviews as directed by the council, as recommended by the investigation committee or subcommittee or as referred by the registrar;
 - (d.1) the establishment by the council of a conduct review program for members, licensees and certificate holders, including the creation of a conduct review committee to perform conduct reviews as directed by the council, as recommended by the investigation committee or subcommittee or as referred by the registrar;
- (e) the circumstances in which members, licensees or certificate holders, or a class of members, licensees or certificate holders, must hold professional liability insurance and the amount and category of professional liability insurance that must be held;
 - (e.1) the establishment and administration of a professional liability insurance program in any category including, without limitation, for providing the council with the power to establish terms, conditions, policies and procedures for categories of professional liability insurance;
 - (e.2) the circumstances and manner in which members, licensees or certificate holders, or a class of members, licensees or certificate holders, must disclose
 - (i) whether professional liability insurance is held, and

- (ii) whether the insurance is applicable to the services in question;
- (f) the management and maintenance of the association and its property, both real and personal, the investment of its funds, banking, the borrowing of money, the appointment of staff and their remuneration and generally for the carrying on of the general business of the association;
- (g) the establishment, levying, payment and remission of
- (i) [Repealed 2010-3-2.]
- (ii) admission fees,
- (iii) application fees,
- (iv) licence fees,
- (v) professional liability insurance fees, and
- (vi) any other fees except, with respect to members, licensees and certificate holders, late fees, annual fees and reinstatement fees, including, without limitation, for providing the council with the power to establish, levy, require payment of, and authorize remission of, those fees;
- (h) [Repealed 2002-35-4.]
- (i) the establishment and regulation of standards of admission to membership and the enrolment and qualifications of candidates for admission to membership;
- (i.1) the establishment of standards of practice or a code of conduct for members and licensees;
- (j) the establishment and enforcement of standards for certificate holders;
- (k) the classification of the different disciplines of professional engineering and professional geoscience and the designation of the different grades of membership in the association and limitation of the rights of members within the different disciplines and grades;
- (k.1) the designation of specialized areas of professional engineering or professional geoscience;
- (k.2) the qualification and certification of members, licensees or certificate holders as specialists in areas of professional engineering or professional geoscience designated under paragraph
- (k.3) the prohibition of members, licensees or certificate holders from holding themselves out as specialists in a designated area of professional engineering or professional geoscience unless the member, licensee or certificate holder is certified under a bylaw made under paragraph (k.2);

(l) the subjects of study, the examinations to be passed and the experience required as a preliminary to or on application for membership in the association, or for a licence issued under this Act;

(m) the establishment and monitoring of compliance with standards of training and experience required for licensees, and the enrolment and qualifications for a limited licensee, including limited licences for applied science technologists;

(m.1) the establishment and enforcement of professional development requirements to assist in promoting and maintaining the competency and proficiency of members and licensees;

(m.2) the establishment of an alternative complaint resolution process to assist, in appropriate circumstances, in the resolution of complaints;

(n) the resignation of members;

(n.1) the establishment of requirements and procedures for the reinstatement of former members, licensees and certificate holders, including, without limitation, the imposition of conditions on reinstatement and direct supervision of former members, licensees and certificate holders;

(o) the calling and conduct of meetings of the association and of the council, the necessary quorums, voting, the appointment of committees and their powers and other matters in that connection;

(p) the assistance, pecuniary or otherwise, to be given to individuals and organizations if, in the opinion of the council, the assistance will be of benefit to the public, the association or its members;

(q) the promotion of better public relations in the manner and by the means the council sees fit, including, without limitation, the publication of books, papers and periodicals;

(r) the creation of divisions, committees and regional groups, and the delegation to them of those powers and authority the council sees fit;

(s) the establishment, development and administration of ancillary bodies and the qualifications for admission to these bodies;

(t) all other purposes reasonably necessary for the management, regulation and well-being of the association.

(1.1) For the purposes of bylaws under subsection (1) (e), (e.1) or (e.2), the council, by bylaw, may

(a) establish classes of members, licensees or certificate holders,

(b) specify different categories of professional liability insurance, and

(c) require that different classes of members, licensees or certificate holders hold different categories of professional liability insurance.

(1.2) The council may make bylaws under subsection (1) establishing standards of practice, a code of conduct or a quality management program that have been developed in concert with the governing body of another profession.

(2) A bylaw does not come into force until

(a) the requirements of section 11 have been met, and

(b) the 45 day period set by section 11 (3) ends.

Meetings of association

12(1) An annual meeting of the association must be held, at the time and place appointed by the council, at least once in every calendar year and not more than 15 months after the preceding annual meeting.

(3) The council, at any time of its own motion, may call a general meeting of the association.

(4) The council, on the written request of 25 members of the association or holders of limited licences or of 5 council members, must call a general meeting of the association.

(5) A meeting called under subsection (4) must be held within 6 weeks after receipt of the request by the executive director.

(7) The council may, and on written request of 25 members of the association or holders of limited licences must, take a vote of the members of the association and the holders of limited licences by ballot in the manner determined by the council on any matter that, under this Act, can be voted on at a general meeting of the association.

Admission to membership

13(1) The council must admit a person to membership in the association if

(a) both of the following apply:

(i) the person is a Canadian citizen or a permanent resident of Canada;

(ii) the person has submitted to the council the evidence referred to in subsection (1.1), or

(b) the person is a person whom the council is obliged under the *Labour Mobility Act* to admit to membership in the association.

(2) Despite subsection (1) or (5), the council may refuse registration or a licence to a person if

(a) the council has reasonable and probable grounds to believe that the person has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing, or

(b) the person has contravened this Act or the bylaws.

(4) A person who is neither a citizen or permanent resident of Canada nor a person referred to in subsection (1) (b), whose qualifications are those required by subsection (1.1) (a) to (d), and who desires to engage temporarily in the practice of professional engineering or professional geoscience in the Province, must first obtain a licence from the council which will entitle him or her to engage in the practice of professional engineering or professional geoscience in respect of a particular work or for a temporary period, or both, as the council decides.

(5) A person to whom subsection (4) applies must be granted the licence referred to in that subsection on

(a) producing evidence satisfactory to the council of his or her qualifications under subsection (4), and

(b) paying the established fees.

(8) The council may, in writing, delegate some or all of its powers and duties under this section to the registrar, on the terms or conditions the council considers advisable.

Issue of certificates of authorization

14(1) The council must issue a certificate of authorization to a corporation, partnership or other legal entity for the practice of professional engineering or for the practice of professional geoscience if the council is satisfied that the corporation, partnership or other legal entity

(a) has on its active staff members or licensees who directly supervise and assume responsibility for the practice of professional engineering or for the practice of professional geoscience undertaken by the corporation, partnership or other legal entity, and

(b) has satisfied the requirements of this section and the bylaws of the association.

(2) An application for a certificate of authorization, on a form provided by the council, must be filed with the registrar, together with the application fee specified by the council, and, to remain valid, the certificate holder must pay all fees specified by the council for certificate holders.

(8) Despite subsection (1), the council may refuse to issue or renew a certificate of authorization if the applicant for the certificate of authorization or the certificate holder, as the case may be, or a member or licensee described in subsection (1) (a),

(a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada and, in the circumstances, renders the person unsuitable for the practice of professional engineering or for the practice of professional geoscience,

(b) has contravened this Act, the bylaws or the code of ethics of the association, or

(c) has demonstrated incompetence, negligence or unprofessional conduct.

Interprovincial agreements to practice

14.1(1) In this section, "governing body" means the governing body of professional engineering or professional geoscience in another province of Canada.

(2) Despite section 13, the council may enter into an agreement with a governing body to permit an engineer or a geoscientist who is qualified in the province of the governing body to practise professional engineering or professional geoscience, as the case may be, in British Columbia.

(3) In permitting a professional engineer or professional geoscientist to practise in British Columbia in accordance with an agreement under subsection (2), the council may

(a) attach conditions or limitations to the permission,

(b) impose a fee, and

(c) require the payment of a fine imposed by a governing body.

Interjurisdictional agreements to practice

14.2(1) In this section, "governing body" means the governing body of professional engineering or professional geoscience, or a profession considered by the council to be equivalent to one or both of those, in a jurisdiction that is outside of Canada.

(2) Despite section 13, the council may enter into an agreement with a governing body to permit an engineer or a geoscientist who is qualified in that jurisdiction to practise professional engineering or professional geoscience, as the case may be, in British Columbia.

(3) An agreement referred to in subsection (2) may specify qualifications that are considered by the council to be equivalent to those required under this Act for admission to membership or the granting of a licence under section 13 and that, if met by the engineer or geoscientist, as the case may be, from the other jurisdiction, satisfy the requirements under section 13 for admission to membership or the granting of a licence

Board of examiners

15(1) The council must

(a) appoint a board of examiners annually, and

(b) fill vacancies in the board as they occur.

(2) The board must examine all candidates for admission to membership when an examination is required under this Act

Examinations

16(1) Regular examinations of candidates for admission must be held in British Columbia at least once in each year at places and times decided by the council.

(2) Special examinations, at the discretion of council, may be held if the candidate or candidates for them deposit in advance with the registrar both a sum sufficient to defray the expenses of the special examinations and the appropriate examination fees established under the bylaws.

(3) The council must establish the scope of and procedure at examinations.

(6) As soon as possible, and not later than 21 days after the close of each examination, the members of the board who have conducted the examination must make and file with the registrar a certificate showing the results of the examination.

(7) On the filing of a certificate under subsection (6), the council must notify the candidate of the result of the examination and of its decision on the candidate's application.

(11) If a candidate has failed an examination 3 times, he or she may only take the examination again with the permission of the council.

Investigation of certificates

17(1) The council must cause the examination of all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining registration.

(2) The council may require the holder of credentials referred to in subsection (1) to attest, by oath or affidavit, any matter involved in his or her application.

Central examining board

18(1) The council may

(a) establish jointly with the council of any other association similarly constituted, in one or more of the other provinces, a central examining board, and

(b) delegate to the central examining board all or any of the powers possessed by the board respecting the examinations of candidates.

(2) Any examination conducted by the central examining board must be held in at least one place in British Columbia if so requested by the council

20(1) The registrar, on direction of the council, must issue

(a) a certificate of registration to each member of the association on registration of that member,
and

(b) a certificate of licence or a certificate of limited licence to each licensee.

Annual fee

21(1) The council, by resolution passed by at least 2/3 of the council members, may

(a) set an annual fee to be paid by members, licensees and certificate holders, and

(b) set the date on or before which the annual fee must be paid.

(2) On or before the date set by the council under subsection (1), every member, licensee and certificate holder must pay to the executive director **or other person authorized by the council** the applicable annual fee set by the council under subsection (1).

(3) If the council does not set a date under subsection (1), the annual fee must be paid on or before January 1 in the year for which it is imposed.

(4) The council, in its sole discretion, may remit the annual fee owing by a person under subsection (2).

Late fees and reinstatement fees

21.1(1) The council may establish late fees and reinstatement fees for members, licensees or certificate holders by a resolution supported by 2/3 of the councillors, and may levy and require payment of those fees.

(2) The council, in its sole discretion, may remit a late fee or reinstatement fee owing by a person under subsection (1).

Failure to pay fees

21.2(1) If a person fails to pay the annual fee or any other fee imposed under this Act, other than a late fee or a reinstatement fee, by the time the fee is required to be paid, the council must provide to the person at his or her last recorded address notice demanding payment of the fee.

(2) Subject to sections 32.1 (5) and 32.2 (3), if a person is still in default 30 days after notice under subsection (1) of this section is sent, the council may do one or both of the following:

(a) require the person to pay a late fee in addition to the unpaid fee;

(b) cancel the person's registration, licence or certificate of authorization without further notice.

Reinstatement or eligibility to renew

21.3(1) If any unpaid fee, late fee and reinstatement fee related to a registration, licence or certificate of authorization cancelled under section 21.2 is remitted or paid,

- (a) the council may reinstate the registration, licence or certificate of authorization, or
- (b) the licensee or certificate holder is eligible to reapply for a licence or certificate of authorization.

Complaints and investigations

29(3) If an inquiry under section 32 is not held in response to a complaint, the council must have the complainant, and the member, licensee or certificate holder against whom the complaint was made, informed of the reasons.

Investigation committee

30(1) The council must appoint an investigation committee of at least 5 persons, of whom one may be a non-member of the association, to hold office for a term determined by the council.

(2) The council may terminate an appointment to the investigation committee and may fill a vacancy on the committee.

(3) The investigation committee or a subcommittee composed of one or more of its members appointed by the investigation committee may, on receipt of a report under section 29 or subsection (7.1) of this section or whenever it considers it appropriate, investigate a member, licensee or certificate holder.

Discipline committee

31(1) The council must appoint a discipline committee of at least 5 members of the association to hold office for a term determined by the council.

(2) The council may terminate an appointment to the discipline committee and may fill a vacancy on the committee

Disciplinary action in other jurisdiction

33.1(1) A member or licensee must inform the council of disciplinary action taken against the member or licensee by a body that governs the practice of professional engineering or professional geoscience in another province of Canada or another jurisdiction outside Canada.

(2) The council may, after becoming aware of disciplinary action against a member or licensee by a body that governs the practice of professional engineering or professional geoscience in another province of Canada, refer the matter to the discipline committee.

Cancellation of certificate of authorization

34.1 The council must inform the Registrar of Companies if a certificate of authorization is cancelled under section 21.2 (2) (b), 33 (2) (c) or 34 (3).

Legal assistance for council

36 For the purpose of carrying out its duties under this Act, the council may employ, at the expense of the association, legal counsel or assistance the council thinks necessary or proper.

Personal liability protection

41(1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against the members of the council, an employee or officer of the association, a member of the association or an individual acting on behalf of the association or under the direction of the council because of anything done or omitted

(a) in the performance or intended performance of any duty under this Act, or

(b) in the exercise or intended exercise of any power under this Act.

Court ordered production

45 On application by the council to the Supreme Court, the Supreme Court may order that a person produce any record or thing to an officer, committee or subcommittee of the association, or to a person designated by the council, if the court is satisfied that it is relevant to and reasonably required by the officer, committee or subcommittee for

- (a) an investigation of the conduct of a current member, licensee or certificate holder, or
- (b) a review of the professional practice of a current member, licensee or certificate holder.

Note: There are no regulations under British Columbia's *Engineers and Geoscientists Act*.

1.2 APEGBC Bylaws

Nominating committee - composition

3(a.1) The immediate past president shall be the chair of the nominating committee. In the event that the immediate past president is unable to act then a chair shall be appointed by council or failing that the chair shall be elected by the members present at the meeting.

No member of council may serve on the nominating committee, except in the capacity of chair.

Members of the committee shall be selected as follows:

- (i) Each year the council shall direct that the duly constituted geographical branches appoint 8 members or limited licensees to the nominating committee.
- (ii) The council shall appoint additional members or limited licensees to the committee to bring the total number of members to 12.
- (iii) The committee will include at least one P.Geol. and one P.Eng.

3(c) In the case of a vacancy in the council due to the incapacity, resignation or death of an elected member of council, the other members of council shall appoint a member or limited licensee of the association to fill the vacancy until the next regular election when the vacancy shall be filled through election by members and limited licensees of the association.

3(j) Ballots shall be counted at least 10 days prior to the annual meeting under the supervision of 3 members or limited licensees appointed by council.

Assistance to individuals and organizations

4 The council may by resolution:

- (a) Provide assistance, pecuniary or otherwise, to individuals and organizations where in the opinion of the council such assistance will be of benefit to the public, the association or its members.
- (b) Create divisions, committees, and regional groups (such groups to be known as "branches"), and delegate to them such powers and authority as the council may see fit.
- (c) Provide for the promotion of better public relations in such manner and by such means as the council may see fit, including, without limiting the generality of the foregoing, the publication of books, papers and periodicals.
- (d) Provide for all other acts reasonably necessary for the management, regulation and well being of the association.

Association funds

- 5(a) The council may retain such portion of the funds of the association as it may from time to time deem to be required for current purposes on deposit in a chartered bank in Canada.
- (b) The council may acquire and hold real property and sell, lease or otherwise dispose of it.
- (c) The council may borrow money for the purposes of the association and mortgage or charge real or personal property of the association or its sources of funds as security.
- (d) The council shall manage and conduct the business and affairs of the association, shall appoint staff and decide their remuneration, and exercise the powers of the association in the name of and on behalf of the association.
- (e) The council shall from time to time invest such of the funds of the association not deemed by council to be required for current purposes in investments and securities approved by council.

Proceedings of Council

6(a) The council of the association may meet together for the dispatch of business, adjourn, and otherwise regulate their meetings, as it sees fit. Questions arising at any meeting shall be decided by a majority of votes. Three councillors may at any time summon a meeting of the council, giving 7 days' notice to all members of the date, hour and place and purpose of such meeting.

(e) The council may delegate any of its powers to committees. Any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the council.

(f) The council may appoint the chair of any committee. If council does not appoint a chair then the committee shall elect one of their number as chair. If at any meeting the chair is not present within 10 minutes after the time appointed for holding the meeting, the members present may choose one of their number to be chair of the meeting.

(h) The council shall cause minutes to be made in books provided for the purpose of recording:

Board of examiners

7(a) As provided in section 15(1) of the Act, the council shall appoint annually from outside their own number a board of examiners with sub-groups of engineering and geoscience in which the sub-groups may operate separately at the discretion of the council. The sub-group for engineering shall include representation for each of the following disciplines: chemical, civil, forest, electrical, mechanical, mining and geological, metallurgical, structural and such other disciplines as council may deem advisable. The sub-group for geoscience shall include representation for each of the following disciplines: geology, geophysics, geochemistry and such other disciplines as council may deem advisable. All such examiners shall be remunerated as the council sees fit, whether basing such remuneration on the number of persons examined or on a daily rate.

Registration Committee

7(c)(1) The registration committee is hereby created.

(3) The registration committee is hereby delegated council's power and authority to:

(i) grant the registration of applicants as registered members in accordance with the Act and bylaws;

(ii) grant enrolment to applicants for other grades of membership in accordance with the Act and bylaws;

(iii) grant a licence or limited licence to an applicant, in accordance with the Act and bylaws;

(iv) assign examinations or coursework to applicants for registered membership, other grades of membership, licence or limited licence; and

(v) publish guidelines for the administration of the registration and licensing processes.

(4) The registration committee will implement the policies of council for the registration and licensing process.

(5) The registration committee may refer an applicant to council for a decision on the applicant's suitability for registration or licensing when, in the opinion of the registration committee, there is a serious concern that the applicant:

(i) may not be of good character and good repute; or

(ii) may have been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing.

Seal of the association

8 The seal of the association shall only be affixed to any instrument by authority of a resolution of the council.

Accounts, financial statements and audit

9(a) The council shall cause true accounts to be kept of the sums of money received and expended by the association and the manner in respect of which such receipt and expenditure takes place, and of the assets and liabilities of the association.

The books of account shall be kept at the office of the association or at such other place or places as the council sees fit and shall always be open to the inspection of the council.

The council shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the association or any of them shall be open to the inspection of members of the association other than councillors, and no member other than a councillor shall have any right to inspect any account or book or document of the association, except as authorized by the council or by the association in General meeting.

(b) The financial year shall be July 1 to June 30. Financial statements shall be drawn up annually for the year ending June 30 and such financial statements, together with the books of the association, shall be audited annually by an accountant appointed by the members and limited licensees. A report duly signed by such auditor shall be presented to the members and limited licensees, and council shall cause such report, together with the financial statements of the association, to be made available to all registered members and limited licensees at least 15 days prior to the annual meeting. These reports shall be accompanied by a report of the executive director as to the state of the affairs of the association.

Fees, application, registration and licence fees

10(a) Every application for a grade of membership or licence set out in section 11 of these bylaws shall be accompanied by an examination of credentials fee as set by council.

When an application referred to in this section is approved by council, an administrative fee as set by council shall be paid.

Non-Practising member

10(c) Council may grant non-practising membership to a member who is in good standing and who commits in writing to Council not to engage in the practice of professional engineering or professional geoscience until released from the commitment by Council in writing.

Members granted non-practising status shall retain voting privileges. Non-practising members who apply for practising status shall be required to pay the applicable fees set by Council and to demonstrate compliance with the current requirements in the Act and bylaws for registration as a member.

Life membership or licensure

10(c.1) Council, in its discretion, may upon application, confer life membership or licensure in the association upon any member or limited licensee.

Honorary life membership or licensure

10(c.2) Council, in its discretion, may confer honorary life membership or licensure in the association upon any member or limited licensee

(i) who has served as president of the association, or

(ii) who council deems worthy by virtue of outstanding contributions to the professions of engineering or geoscience who shall be entitled to enjoy the rights and privileges of membership or licensure in the association without further payment of fees.

Honorary membership

10(d) Council, in its discretion, by unanimous vote, may confer honorary membership in the association, without payment of fees, on non-members who have made outstanding contributions to the professions of engineering or geoscience.

Remission of fees

10(e) On written application, and for due and sufficient cause, the council may remit, reduce or defer the payment of the annual fee in accordance with council policy.

Resignation

10(f) If a member desires to resign, notification must be made to the registrar in a manner determined by the council. Upon resignation being accepted by the registrar, membership in the association shall cease.

Engineers-in-training, Geoscientists-in-training

11(c) Status as engineer-in-training or geoscientist-in-training may be granted to any person who has either:

- (1) graduated in any curriculum approved by the council; or
- (2) completed all the examinations required by the council.

Registered members

11(e) Registration as a member of the association shall be granted to an applicant who has satisfied all the requirements in the Act and submitted evidence, in the approved format, satisfactory to the council.

Provisional membership

11(e.1) Any person may be granted provisional membership when the council is satisfied that the applicant is of good character and repute and: ...

Limited licence

11(g) Any person may be granted a limited licence to practice professional engineering or professional geoscience when the council is satisfied that the applicant is of good character and repute and: ...

Designated structural engineer (Struct.Eng.)

11(h) (1) (i) The grade of membership of designated structural engineer (Struct.Eng.) is established. The qualifications that must be demonstrated in order for a member to be designated as a designated structural engineer (Struct.Eng.) shall be as established by council. The council may establish the time period for the holding of such a grade of membership and the annual fees payable by members who hold that grade of membership. Only members who are designated as a designated structural engineer (Struct.Eng.) may hold themselves out to be so designated.

(ii) A member may apply to the council to be designated as a designated structural engineer (Struct.Eng.). The council, on being satisfied that the member has demonstrated the requisite qualifications for that grade of membership, shall designate the member as having that grade of membership. Upon being designated, the member may be held out as having that grade of membership for the period of time determined by council.

(iii) The powers and authority under this section are delegated to such committee, committees, board or boards, as may be created by council for the purpose of performing such duties as council may decide.

11(h) (2) A licence holder may apply to council to be designated a designated structural engineer (Struct.Eng.) in the same manner and on the same terms and conditions as set out in section (1).

Change of bylaws

13(a) The introduction of new bylaws and the amendment or repeal of existing bylaws shall be effected in the manner prescribed in sections 10 and 11 of the Act.

(b) Any request by a member or members or limited licensee or limited licensees of the association for the introduction of a new bylaw, or the amendment or repeal of an existing bylaw, shall be given in writing to the registrar and shall be considered by the council within 60 days of the receipt of such request. If necessary a ballot shall be taken as provided in section 12 of the Act, and if the proposed new bylaw, amendment or repeal of existing bylaw is approved by a two-thirds majority of the votes cast, such action shall be considered as a mandate to the council.

Practice review

14(c) By means of a practice review process, the details and implementation of which shall be authorized by council, council may cause the professional practice of members and licensees to be reviewed.

Interpretation

15 In the event of any dispute as to the meaning or intent of these bylaws, the interpretation of the council shall be final, subject to the right of appeal as contained in section 39 of the Act.

Liability insurance

17(c) The council may:

(i) establish the terms, conditions, policies and procedures applicable to the secondary professional liability insurance program;

(ii) require that the secondary professional liability insurance program, subject to the terms and conditions of the policy, provide coverage to members, licensees, engineers-in-training, geoscientists-in-training, and provisional members who would otherwise have no professional liability insurance coverage for claims against them;

(iii) establish, from time to time, the fees to be paid by members, licensees, engineers-in-training, geoscientists-in-training and provisional members for the secondary professional liability insurance program.

2 Alberta: The Association of Professional Engineers and Geoscientists of Alberta

Appendix 1 summarizes Council's authority in *The Engineering and Geoscience Professions Act* in Alberta.

3 Saskatchewan: The Association of Professional Engineers and Geoscientists of Saskatchewan (APEGS)

3.1 The Engineering and Geoscience Professions Act, Statutes of Saskatchewan 1996, Chapter E-9.3

Insurance

7(1) If authorized by the bylaws to do so, the association may enter into a contract or contracts, in accordance with the bylaws, to provide all or any of its members with insurance with respect to professional liability claims.

(2) If authorized by the bylaws to do so, the council may establish, administer, maintain and operate a professional liability insurance scheme in accordance with the bylaws.

Meetings

8(1) An annual meeting of the association is to be held at the time and place that is determined by the council in accordance with the bylaws.

(2) A special meeting of the association for the transaction of the business that is specified in the resolution or demand is to be held:

(a) on a resolution of the council; or

(b) on the demand, in writing, of the number of members specified in the bylaws.

Council

9(1) The council shall govern the affairs and business of the association.

Public appointees

10(1) The Lieutenant Governor in Council may, after consultation with the association, appoint two Saskatchewan residents as councillors.

(5) An appointed councillor may exercise rights and serve as a member of committees to the same extent as other councillors, but is not eligible to be an officer of the association.

(6) One councillor appointed pursuant to subsection (1) shall be a member of any investigation committee and one councillor appointed pursuant to subsection (1) shall be a member of any discipline committee.

(7) The absence or inability to act as a member of an investigation committee or discipline committee by an appointed councillor or the failure to appoint a councillor pursuant to this section does not impair the ability of the other members of a committee to act.

Vacancy

12(1) When a vacancy occurs in the elected membership of the council, the remaining councillors may appoint another member to fill the vacancy until the earlier of:

(a) the expiry of the term of office of the elected councillor who ceased to be a member of the council; or

(b) the date on which a member is elected to fill the vacancy in accordance with this Act and the bylaws.

(2) A vacancy in the membership of the council does not impair the power of the remaining councillors to act.

(3) If a member serving as a councillor is suspended from the association, the member's powers and duties as a councillor are suspended for the same period.

(4) If a member serving as a councillor is expelled from the association, the member ceases to be a councillor on the day the member is expelled.

Officers and employees

13(2) The council shall appoint a registrar.

(3) The council may engage any employees that it considers necessary to carry out the duties and functions of the association.

(4) Subject to this Act and the bylaws, the council shall determine the duties, responsibilities and remuneration of employees of the association.

Committees

14(1) The council may establish any committees that are provided for by the bylaws or that it considers necessary.

(2) The council shall appoint persons to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).

(3) Subject to this Act and the bylaws, the council, on any terms or conditions that it may determine, may delegate any of its powers or duties to a committee provided for by this Act, the bylaws or established pursuant to subsection (1).

(4) The exercise of a delegated power by a committee is deemed to be an exercise of that power by the council.

(5) The council shall not delegate the power to make bylaws.

Procedures

15(1) The council, with the approval of not less than three-quarters of the councillors, may make bylaws for any purpose set out in section 16.

(2) A bylaw made by the council pursuant to subsection (1) has effect only until the next annual or special meeting of the association and, unless confirmed or varied by the members in accordance with subsection (3), ceases to have any effect after that time.

(3) With the approval of a two-thirds majority of those members who vote at an annual or special meeting, the association may:

(a) make bylaws for any purpose set out in section 16; and

(b) confirm, vary or revoke any bylaw made by the council pursuant to subsection (1).

(8) No regulatory bylaw made by the council or the association comes into force until it is:

(a) approved by the minister pursuant to section 17; and

(b) published in the Gazette.

(9) An administrative bylaw comes into force on the date specified in the bylaw, which may not be prior to the date it is made.

Bylaws

16(1) Subject to this Act, administrative bylaws may be made pursuant to section 15 for the following purposes:

(a) prescribing the location in Saskatchewan for the head office of the association;

(b) prescribing the seal of the association;

(c) providing for the execution of documents by the association;

(d) respecting the banking and financial dealings of the association;

(e) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;

(f) respecting the management of the property of the association;

(g) prescribing the number and terms of office of elected councillors;

(h) prescribing the officers of the association and governing the procedure for the appointment or election of those officers;

(i) prescribing the duties of councillors, officers and employees of the association;

- (j) governing the procedures for the election of elected councillors;
- (k) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (l) respecting the holding and procedures of meetings of the council and annual and special meetings of the association;
- (m) prescribing the amount of registration, licensing and other fees payable to the association, the times of payment and penalties for late payment;
- (n) prescribing the remuneration and reimbursement for expenses for elected councillors and for committee members;
- (o) providing for the receipt, management and investment of contributions, donations or bequests;
- (p) regulating joint participation by the association with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the association;
- (q) establishing any committees, prescribing the manner of election or appointment of committee members and prescribing the duties of committee members;
- (r) establishing and governing awards, scholarships, bursaries and prizes;
- (s) establishing regional sections or chapters of the association and determining the scope of their activities and basis for funding.

(2) Subject to this Act, regulatory bylaws may be made pursuant to section 15 for the following purposes:

(a) prescribing the qualifications, standards, tests of competency and experience requirements for:

(i) the registration of individuals or any category of individuals as members;

(ii) the issuing of licences;

(b) prescribing:

(i) the procedures governing registration of individuals or any category of individuals as members;

(ii) the procedures governing the issuing of licences;

(iii) the terms and conditions of licences;

- (c) setting standards of professional conduct, competency and proficiency of licensees;
- (d) providing for a code of ethics for licensees;
- (e) setting standards regarding the manner and method of practice of licensees;
- (f) prescribing procedures for:
 - (i) the review, investigation and disposition by an investigation committee of complaints alleging that a member or licensee is guilty of professional misconduct or professional incompetence;
 - (ii) hearings by a discipline committee of complaints alleging that a member or licensee is guilty of professional misconduct or professional incompetence;
 - (iii) reviews pursuant to subsections 24(4) and 32(7);
- (g) establishing categories of membership in the association and prescribing the rights and privileges of each category;
- (h) prescribing the circumstances under which members or licensees are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
- (i) governing the approval of academic programs for purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
- (j) setting standards for continuing education and the participation of members in continuing education;
- (k) governing the reinstatement of a member who has been expelled;
- (l) setting requirements for maintenance of membership;
- (m) regulating advertising by licensees;
- (n) prescribing the number of members required to demand a special meeting of the association;
- (o) prescribing the minimum amount of liability protection that licensees are required to obtain and maintain;
- (p) prescribing the form, content and maintenance of the register and the information to be provided by members, licensees and holders of certificates of authorization for the purpose of the register;
- (q) respecting the reporting and publication of decisions and reports of the council and committees;
- (r) respecting the types and service of notices that may be served electronically;

(s) prescribing requirements governing the signing and sealing, by licensees and holders of certificates of authorization, of documents and designs and specifying the forms of seals and the conditions for their issuance and ownership;

(t) authorizing the council:

(i) to enter into contracts of insurance on behalf of licensees, on any terms and conditions that are considered appropriate; or

(ii) to establish, administer, maintain and operate a professional liability insurance scheme on any terms and conditions that are considered appropriate;

(u) prescribing any other matters considered necessary for the better carrying out of this Act.

Registration and licensing

18(1) The council, in accordance with this Act and the bylaws, may register individuals as members.

(2) The council, in accordance with this Act and the bylaws, may issue:

(a) an annual licence to a member to practise professional engineering or professional geoscience, as the case may be;

(b) a restricted licence to a member to practise professional engineering or professional geoscience, as the case may be, on any terms and conditions specified in the licence; or

(c) a temporary licence to a person to practise professional engineering or professional geoscience, as the case may be, on any terms and conditions specified in the licence.

Register

19(1) In accordance with the bylaws, the council shall keep a register in which the name and address of every member, licensee and holder of a certificate of authorization is to be recorded.

Requirements for registration

20(1) The council may register a person as a member where the person produces evidence establishing to the satisfaction of the council that he or she:

(a) has paid the prescribed fees;

(b) has complied with the bylaws with respect to registration as a member;

(c) is eligible according to the bylaws to be a member; and

(d) has successfully completed:

(i) in the case of a person who applies for registration as a professional engineer, a bachelor level university program of study in engineering recognized by the council; or

(ii) in the case of a person who applies for registration as a professional geoscientist, a four-year bachelor level university program of study in geoscience recognized by the council.

(1.1) Notwithstanding clause (1)(d), the council may register as a member a person who is a member in good standing, as a professional engineer or geoscientist, of any association of engineers or geoscientists in another jurisdiction within Canada.

(2) Notwithstanding that a person does not comply with the requirements in subsection (1), the council may register the person as a member and issue a restricted licence to the person to practise professional engineering or professional geoscience, as the case may be, where the person produces evidence establishing to the satisfaction of the council that he or she:

(a) is eligible, according to the bylaws, to be a member;

(b) has paid the prescribed fees; and

(c) has complied with the bylaws with respect to registration.

(3) The council may issue a temporary licence to a person to practise professional engineering or professional geoscience, as the case may be, where the person produces evidence establishing to the satisfaction of the council that he or she:

(a) is eligible, according to the bylaws, for a temporary licence;

(b) has paid the prescribed fees; and

(c) has complied with the bylaws with respect to receiving a temporary licence.

22(4) The council shall issue a certificate of authorization to a partnership, association of persons or corporation that submits an application to the registrar in the form prescribed in the bylaws containing:

(a) the names of all licensees, who have annual or temporary licences, who will be in charge of the practice of professional engineering or the practice of professional geoscience, as the case may be, on its behalf; and

(b) the names of the licensees listed in accordance with clause (a) who are its official representatives and whose duty it is to ensure that it complies with this Act and the bylaws.

Information to be provided

23(1) Every partnership, association of persons or corporation that engages in the practice of professional engineering or the practice of professional geoscience shall provide the association with any records or property that the council or a person designated by the council requests and that the council or the person designated by the council reasonably believes are required to investigate alleged professional misconduct or professional incompetence or an alleged contravention of this Act.

(2) The requirement to provide records and property applies whether or not the partnership, association of persons or corporation holds a certificate of authorization.

Delegation and appeal

24(1) The council may delegate to the registrar the power to do all or any of the following:

- (a) register persons as members;
- (b) issue licences;
- (c) issue certificates of authorization.

(2) Where a power is delegated pursuant to this section, the exercise of that power by the registrar is deemed to be an exercise of the power by the council.

(3) The council may impose any terms and conditions that it considers appropriate on a delegation of its powers.

(4) A person who is aggrieved by a decision of the registrar made pursuant to a delegated power may apply to the council to review that decision.

(5) On a review pursuant to subsection (4), the council shall hear the review and may:

- (a) direct the registrar to exercise the power in a manner that the council considers appropriate;
- or (b) confirm the registrar's decision.

(6) On a review pursuant to subsection (4), the person aggrieved by the decision of the registrar has the right to appear in person before the council in support of the application.

(7) The council shall cause the applicant to be informed in writing of its decision regarding the review.

Investigation committee

31(1) Subject to subsection (2), the council shall appoint an investigation committee.

(2) The council shall appoint as a member of an investigation committee one of the councillors appointed pursuant to section 10.

(3) No member of the discipline committee and no elected councillor is eligible to be a member of the investigation committee.

Investigation

32(7) A person who made the complaint with respect to which the investigation was conducted may apply to the council to review a recommendation of the investigation committee that no further action be taken.

(8) On completion of the review pursuant to subsection (7), the council may:

(a) confirm the decision of the investigation committee; or

(b) refer the matter back to the investigation committee:

(i) to investigate the matter further; or

(ii) to prepare a written report recommending that the discipline committee hear and determine a formal complaint.

Discipline committee

33(1) The council shall appoint a discipline committee.

(2) The council shall appoint as a member of a discipline committee one of the councillors appointed pursuant to section 10.

(3) No member of the investigation committee and no elected councillor is eligible to be a member of the discipline committee.

(4) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and proceedings.

Suspension

38 A judge of the court, on the application of the council, may direct that a member be suspended pending the disposition of a criminal charge where:

(a) a criminal charge is laid against the member; and

(b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

Reinstatement

42(1) A person who has been expelled as a member may apply to the council for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the council shall:

(a) review the application; and

(b) investigate the application by taking any steps it considers necessary.

(3) On completion of its investigation, the council may:

(a) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the council considers appropriate; or

(b) by order, refuse to reinstate the person.

Immunity

46 No action lies or shall be instituted against:

- (a) the council;
- (b) appointed or elected councillors;
- (c) an investigation committee;
- (d) a discipline committee;
- (e) any member of any committee; or
- (f) any officer, employee or agent;

of the association for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

Limitation of prosecution

48 No prosecution for a contravention of any of the provisions of section 26 or 27 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the council.

Review by Legislative Assembly

50(1) One copy of every bylaw and amendment filed with the Director of Corporations pursuant to section 17 is to be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act* in accordance with section 13 of *The Executive Government Administration Act*.

(2) Where any bylaw or amendment laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, that bylaw or amendment ceases to have any effect and is deemed to have been revoked.

Note: There are no regulations under Saskatchewan's *Engineering and Geoscience Professions Act*.

3.2 APEGS Administrative Bylaws

Audit

8(1) The Council shall appoint a chartered accountant to be the auditor of the Association.

(2) The auditor shall annually, or more frequently as required by the Council, audit the books and accounts of the Association and shall, annually after the completion of the fiscal year, furnish a statement of the Association's financial affairs, which shall be presented at the annual meeting of the Association.

Nominations

13(1) The Council shall appoint a nominating committee consisting of the immediate past-president, who shall chair the committee, and at least two other members of the Association.

Conduct of election

15(1) Council shall prescribe the form of the ballot....

15.1(1) Notwithstanding section 15, a member may vote electronically as prescribed by such terms and conditions established by Council from time to time and such vote shall be received and treated by the Association as having the same force and effect as if sent by letter ballot pursuant to section 15.

Executive Director

19(1) The Council shall appoint an Executive Director.

(2) The Executive Director shall perform the duties imposed on the Executive Director by the Act and the bylaws and shall:

(e) under the direction of the Council, collect and receive, pay out or invest all monies due and payable to and by the Association; ...

(h) furnish any other financial reports that may be requested by Council; and

(i) perform all duties incidental to the office of Executive Director and any others that may be assigned to the office by the Council.

(3) The Executive Director shall, at the expense of the Association, be bonded for the faithful performance of his or her duties with a surety company in an amount satisfactory to the Council.

Council

20(1) The Council shall meet at the call of the president.

Association

21(1) The annual meeting of the Association shall be held in the first six months of each year at a place in Saskatchewan determined by the Council.

Establishment

24 Where the Council establishes committees pursuant to subsection 14(1) of the Act:

- (a) the committees shall perform their duties under the direction of the Council;
- (b) a majority of committee members constitutes a quorum;
- (c) committee members may, in the discretion of the Council, be paid reasonable travelling expenses incurred in the course of their duties.

General

30(5) The Council may, for cause, remit the whole or any portion of any fee or late payment penalty.

3.3 APEGS Regulatory Bylaws

4(2) Registration as a member-in-training expires after seven years, unless, where exceptional circumstances exist in the opinion of the Council, the Council extends that period.

(4) An engineer-in-training or a geoscientist-in-training is required to complete

the engineering or geoscience work required by virtue of clause 10(1)(a) or 11(1)(a) under the direct supervision of a professional engineer or professional geoscientist, or to have a mentor who is a professional engineer or professional geoscientist acceptable to the Council, unless, where exceptional circumstances exist in the opinion of the Council, the Council waives the direct supervision or mentor requirement.

Life Member

6.1(1) A member in good standing who is 65 years of age or more, or who was designated a life member pursuant to *The Engineering Profession Act*, as it existed on March 5, 1997, and who is retired is eligible to be granted life member status by Council.

Registration procedures generally

7(2) The certificate of registration issued to members shall be in the form determined by Council.

Engineering and Geoscience Licensees

9 To qualify for registration as an engineering or geoscience licensee, a person must, in addition to the requirements set out in subsection 20(2) of the Act, in the opinion of the Council, be qualified to practise in a particular field or type of engineering or geoscience, under any terms and conditions that the Council may determine.

Professional engineer

10(1) To qualify for registration as a professional engineer, a person must, in addition to the requirements set out in subsection 20(1) of the Act:

(a) in the case of a person:

(i) who is registered as an engineer-in-training:

(A) on or before December 31, 1997, have two years of experience in engineering work satisfactory to the council; or

(B) after December 31, 1997, have four years of experience in engineering work satisfactory to the Council as set out in Appendix 3;

(ii) who is a former member of the Association or of an association in another jurisdiction recognized by the Council as being comparable to the Association, have four years of experience in engineering work satisfactory to the Council as set out in Appendix 3; and

(b) complete an examination, called "Principles of Professional Practice", which conforms to the required admission standards, secure a grade acceptable to the Council, and pay the required examination fee, or submit evidence satisfactory to the Council that he or she has already passed a similar examination recognized by the Council or was admitted to membership in a Canadian professional association recognized by Council prior to January 1, 1987.

(2) Subsection (1) does not apply to a person who is a member in good standing, as a professional engineer, of an association of engineers in another jurisdiction recognized by the Council as being comparable to the Association.

Professional geoscientist

11(1) To qualify for registration as a professional geoscientist, a person must, in addition to the requirements set out in subsection 20(1) of the Act:

(a) in the case of a person:

(i) who is registered as a geoscientist-in-training:

(A) on or before December 31, 1997, have two years of experience in geoscience work satisfactory to the council; or

(B) after December 31, 1997, have four years of experience in geoscience work satisfactory to the Council as set out in Appendix 4;

(ii) who is a professional engineer or engineer-in-training or a former member of the Association or of an association in another jurisdiction recognized by the Council as being comparable to the Association, have four years of experience in geoscience work satisfactory to the Council as set out in Appendix 4;

(b) complete an examination, called "Principles of Professional Practice", which conforms to the required admission standards, secure a grade acceptable to the Council, and pay the required examination fee or submit evidence satisfactory to the Council that he or she has already passed a similar examination recognized by the Council.

(2) Subsection (1) does not apply to a person who is a member in good standing, as a professional geoscientist, of an association of engineers or geoscientist in another jurisdiction recognized by the Council as being comparable to the Association.

(3) Notwithstanding subsection (1), for the purposes of section 67 of the Act, a person qualifies for registration as a professional geoscientist if the person:

(a) applies for registration as a professional geoscientist within two years after the day on which the Act comes into force;

(b) holds a university degree recognized by the Council in geoscience or a related discipline and has five years of work experience in geoscience satisfactory to the Council, or has 10 years of work experience in geoscience satisfactory to the Council, and, in either case, at least one year of which is work experience in Canada; and

(c) names four geoscientists who are members of a recognized professional institution or learned society acceptable to the Council and who are familiar with the person's work experience who attest to the peer acceptance of the work and ability of the person as a geoscientist.

Licences required

13(2) A member who is retired or is not working in Saskatchewan may apply to the Council to waive the requirement to obtain a licence while the member is retired or not working in Saskatchewan.

Restricted licence

15(1) A restricted licence is available to a limited member whose area of practice is restricted, for any reason, to certain types of work, times or geographical locations.

(2) For the purposes of subsection 20(2) of the Act, the Council may impose appropriate restrictions on the practice of a limited member.

Applications to review decisions of the registrar

19(1) For the purposes of subsection 24(4) of the Act, an application to review a decision of the registrar respecting an application for registration or licensure must be made to the Council, within 30 days after a written copy of the decision is served, by sending or delivering a written request in the form of a letter to the Council, which must be received in the Association's head office within that time, setting out the grounds on which the applicant alleges that the registrar's decision is in error, together with any documentation necessary to support the allegation.

(2) The Council shall provide an applicant for review with an opportunity to make a verbal presentation to the Council, if desired by the applicant, as soon as possible after the application is received.

Applications to review decisions of the investigation committee

23(1) For the purposes of subsection 32(7) of the Act, an application to review a recommendation of the investigation committee that no further action be taken in respect of a complaint concerning the conduct of a member must be made to the Council, within 30 days after a copy of the recommendation is served, by sending or delivering a written request in the form of a letter to the Council, which must be received in the Association's head office within that time, setting out the grounds on which the applicant alleges that the investigation

committee's decision is in error, together with any documentation necessary to support the allegation.

(2) The Council shall provide an applicant for review with an opportunity to make a verbal presentation to the Council, if desired by the applicant, as soon as possible.

Professional Liability Insurance Program

29(1) The Council may enter into a contract or contracts to provide all or any of its members with insurance with respect to professional liability claims.

4 Manitoba: The Association of Professional Engineers and Geoscientists of Manitoba (APEGM)

4.1 The Engineering and Geoscientific Professions Act, Continuing Consolidation of the Statutes of Manitoba, Chapter E120

Effect of absence from meetings

8(4) Where a councillor fails to attend three successive regular meetings of the council, he or she thereupon ceases to be a councillor, unless the absence has been excused by resolution of the council.

Powers of council

9(1) The council shall exercise, in the name and on behalf of the association, any and all of the powers, authority and privileges conferred on the association by this Act or any other Act and, without restricting the generality of the foregoing, the council

(a) shall govern the association and administer its affairs; and

(b) may provide for the appointment of committees and appoint councillors, members of the association or other persons to the committees, and confer upon the committees so appointed power and authority to act for the council in, and in relation to, such matters as it may deem expedient and, fix the quorum of the committees for the transaction of their business.

Delegation of authority

9(2) The council may delegate to a committee any power, authority or duty granted to or imposed upon the council under this Act, including, without limiting the generality of the foregoing, the powers, authority and duties granted to or imposed upon the council under Part 10, and where a committee exercises any power or authority or performs any duty delegated to it under this subsection, the provisions of this Act apply mutatis mutandis to any act or decision of the committee as though it was the act or decision of the council.

Validity of council's acts

10 Notwithstanding that there may be some cause for disqualification or some defect in the election or appointment of any councillor or councillors, all acts of council or any committee shall be as valid as if all had been regularly elected or appointed and were at all times qualified to act.

Establishment of code of ethics

11(1) The council shall prepare and publish from time to time a code of ethics containing standards of conduct pertaining to the practice of professional engineering and of professional geoscience designed for the protection of the public

By-laws

12(1) The association may make, vary or revoke by-laws not inconsistent with this Act

(a) respecting the management of the business and affairs of the association and its property, including the location of the head office of the association, and the appointment of the secretary,

registrar and other staff, the delegation of powers and authority to the secretary, registrar and staff and the setting of their duties and remuneration;

(b) respecting the election of members of the association to council and the filling of vacancies;

(c) regulating the meetings and proceedings of the association and the council and all matters pertaining thereto;

(d) providing for the establishment, dissolution and administration of chapters, regional groups and ancillary bodies and the delegation to them of those powers and authority as the council sees fit;

(e) providing for the establishment of standards and qualifications for enrolment as an engineer-in-training or a geoscientist-in-training;

(f) respecting the establishment of programs of training for an engineer-in-training or a geoscientist-in-training;

(g) respecting the qualification and examination of candidates for registration as professional engineers or as professional geoscientists;

(h) respecting the amounts and terms relating to the posting of cash deposits by persons appealing any decision of the registration committee;

(i) providing for the establishment of standards and qualifications to be met and maintained by temporary licensees and specified scope of practice licensees;

(j) respecting the establishment and maintenance of standards of professional practice and of compulsory continuing development programs for members, temporary licensees, engineers-in-training, geoscientists-in-training and specified scope of practice licensees;

(k) respecting the establishment of procedures for monitoring participation in compulsory continuing development programs by members, temporary licensees, engineers-in-training, geoscientists-in-training and specified scope of practice licensees;

(l) prescribing fines and penalties for failure to participate in compulsory continuing development programs;

(m) establishing classifications of membership and providing for the enrollment and registration of students by the association;

(n) establishing fees and dues to be paid by members, holders of certificates of authorization, temporary licensees, specified scope of practice licensees, engineers-in-training, geoscientists-in-training and applicants to the association;

(o) respecting the election of officers of the association;

(p) respecting the appointment and remuneration of and defining the duties of the officers, councillors, committees, and employees of the association;

- (q) prescribing fines and penalties for default in payment of fees and dues and terms of re-admission to the privileges of the association;
- (r) respecting the government and discipline of members, holders of certificates of authorization, temporary licensees, specified scope of practice licensees, engineers-in-training and geoscientists-in-training including, but not limited to, the reprimand, temporary suspension, indefinite suspension, acceptance of undertakings, imposing of conditions on practice, directing additional study, directing that a disability or addiction be overcome, directing counselling, directing waiver, reduction or repayment of monies, imposition of fines and cancellation of membership, licensing or enrolment of members, holders of certificates of authorization, temporary licensees, specified scope of practice licensees, engineers-in-training and geoscientists-in-training found to be guilty of professional misconduct or unskilled practice of professional engineering or professional geoscience, but subject to any right of appeal given by this Act;
- (s) respecting the establishment and maintenance of the standards of professional conduct and ethics by members, holders of certificates of authorization, temporary licensees, specified scope of practice licensees, engineers-in-training and geoscientists-in-training;
- (t) respecting the procedures for dealing with complaints against members, holders of certificates of authorization, temporary licensees, specified scope of practice licensees, engineers-in-training and geoscientists-in-training;
- (u) respecting the appointment of persons to the investigation committee and the regulation of meetings and proceedings of the investigation committee;
- (v) respecting the appointment of persons to the discipline committee and the regulation of meetings and proceedings of the discipline committee;
- (w) prescribing the circumstances and manner in which members, temporary licensees, engineers-in-training, geoscientists-in-training, specified scope of practice licensees and certificate holders must disclose that errors and omissions insurance is not held or is not applicable;
- (x) prescribing a schedule of suggested professional charges and salaries;
- (y) regulating the group practice of professional engineering and of professional geoscience;
- (z) providing for the electronic validation or sealing and manual impression of the seal on engineering documents;
- (z.1) establishing and governing bursaries, loans, awards and other educational incentives or programs related to engineering and geoscience;
- (z.2) respecting providing financial or other assistance to persons for the purpose of furthering the public interest;
- (z.3) respecting public risk advocacy by the association;

(z.4) regulating the association's participation with others having purposes consistent with those of the association;

(aa) respecting any other matters necessary in the administration of this Act, or in the management and operation of the association.

By-laws may delegate

12(2) All by-laws may delegate to the council the authority to define specific details through policies and procedures.

Policies and procedures

12(3) The council may establish operating policies and procedures not inconsistent with this Act or with any by-law of the Association

(a) providing specific requirements for any aspect of the processes of governing, regulating or advancing the practice of professional engineering or the practice of professional geoscience in the public interest in the Province of Manitoba;

(b) providing details of the processes to be followed in implementing the requirements of this Act, the by-laws of the association or any policy established by council; and

(c) providing any other specific information required for the orderly and efficient conduct of the work of the association.

Registration committee

14(1) The council shall, in accordance with the by-laws, appoint a registration committee to consider and decide upon applications for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrollment as engineers-in-training or geoscientists-in-training.

Criteria and standards

14(2) The council shall establish criteria and standards to be used by the registration committee in

(a) assessing the academic qualifications and engineering work experience;

(b) prescribing confirmatory, exploratory, proficiency and qualifying examinations; and

(c) setting such other requirements as are not inconsistent with this Act and by-laws; for applicants for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrolment as engineers-in-training or geoscientists-in-training.

Reinstatement

15(3) The council upon such grounds as it may deem sufficient and upon such terms as it may deem proper, may reinstate a former member whose registration has been cancelled under subsection 47(1).

Qualifications for certificate of authorization

16(2) No person is entitled to hold a certificate of authorization, unless such person ...

(e) complies with such requirements as the council, taking into account the public interest, may establish from time to time respecting

(i) the amounts, terms and conditions of professional liability insurance coverage to be maintained by a partnership, corporation or other legal entity,

(ii) alternatives to professional liability insurance coverage for a partnership, corporation or other legal entity that provide coverage which is substantially the same or greater than that which would be provided by professional liability insurance for the legal entity, and

(iii) disclosure of the nature and extent of professional liability insurance coverage or any alternative to such coverage maintained by a partnership, corporation or other legal entity, or one or more of its partners, employees or members,

and provides evidence of compliance as required by the council; and

Waiver of insurance requirement

16(2.1) Notwithstanding clause (2)(e), after taking into account the public interest, the council may waive the requirement to maintain professional liability insurance coverage for a partnership, corporation or other legal entity that undertakes to restrict its practice to providing professional geoscience services to the mining exploration industry.

Appeal to council

21(1) A person whose application for a certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training is not approved by the registration committee may, by notice in writing within 30 days of receipt of a notice of refusal, appeal the decision of the registration committee to the council, specifying the reasons for the appeal.

Hearing

21(3) On receipt of a notice of appeal under this section, accompanied by a cash deposit, the council shall schedule a hearing of the applicant's appeal to be held within 90 days after receipt of the notice of appeal by the council.

Decision by council

21(6) On considering an appeal under this section, the council may make any decision the registration committee could have made and shall give notice of its decision to the applicant in writing.

Application not approved by council

21(7) A person whose appeal is refused by the council shall be given, together with the notice referred to in subsection (6) hereof, reasons for council's decision and shall be advised of the applicant's right to appeal the decision of the council to the court.

Deposit to be returned

23 The deposit shall be returned to the applicant at the conclusion of any appeal process unless the council or the court orders that the deposit be forfeited in whole or in part, as it sees fit.

Annual dues

Appeal

24(3) Notwithstanding the provisions of subsection (2), any member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training whose name has been removed from the register, may by notice in writing to the registrar, appeal such action to the council.

Power on appeal

24(4) On an appeal under this section, the council may confirm or reverse the removal from the register, or reinstate the registration of the member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training, or geoscientist-in-training upon such terms as in the opinion of the council are appropriate.

Certificate of authorization

28(2) The registrar shall issue or cause to be issued to each partnership, corporation or other legal entity to whom the council has granted authorization, a certificate of authorization.

Certificate of temporary licence

28(3) The registrar shall issue or cause to be issued, to each natural person to whom the council shall direct, a temporary licence.

Certificate of specified scope of practice licence

28(4) The registrar shall issue or cause to be issued, to each natural person to whom the council shall direct, a specified scope of practice licence.

Signing of certificates

28(5) Each certificate issued under this section shall be signed by the president, or any other person appointed by the council, and the registrar under the seal of the association, and shall remain the property of the association and shall be returned to the association upon the suspension or cancellation or removal from the register of the registration, licence, or certificate of authorization.

Investigation committee

30 The council shall, in accordance with the by-laws, appoint an investigation committee of not fewer than five natural persons consisting of

(a) a chair appointed by the council;

(b) a lay person who shall report to the council on the practices and procedures followed by the investigation committee; and

(c) not fewer than three members of the association, who are not members of the council or the discipline committee.

Powers of committee of council

36(3) Where a committee is selected to consider any appeal by a complainant, the committee has all the authority and powers of the council in respect of such appeals.

Discipline committee

38(1) The council shall, in accordance with the by-laws, appoint a discipline committee of not fewer than 10 natural persons consisting of

(a) a chair appointed by the council; (b) three lay persons; and (c) six members of the association representing various disciplines of engineering and geoscience who are not members of the council.

Witness fees

43(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for production under subsection (1) is entitled to be paid such witness fees as may be decided by the council from time to time.

Stay pending appeal to council

51(1) The decision of the panel remains in effect pending an appeal to the council unless the council, on application, stays the decision pending the appeal.

Stay pending appeal to court

51(2) The decision of the council remains in effect pending an appeal to the court unless the court, on application, stays the decision pending the appeal.

Rules of practice and procedure

52 Subject to the approval of the council, each of the investigation committee, the discipline committee and any panel of the discipline committee shall determine its own rules of practice and procedure.

Appeal to council

53(1) An investigated person or the complainant may appeal to the council a finding or an order, or both, of the panel or the discipline committee.

Powers of council on appeal

53(4) The council shall, within 90 days from the date of the conclusion of all proceedings before it, do any of the following:

- (a) make any finding or order that in its opinion ought to have been made by the panel;
- (b) quash, vary or confirm the finding or order of the panel or any part of the finding or order;
- (c) refer the matter back to the discipline committee for further consideration in accordance with any direction of the council.

Costs

53(5) The council may make an award as to costs payable on the conclusion of an appeal before the council.

Deposit may be returned

54 The deposit shall be returned to the applicant at the conclusion of any appeal process unless the council or the court orders that the deposit be forfeited, in whole or in part, as it sees fit.

No action to lie

56 No action lies against the council, any person participating in any committee of the council, any member, any holder of a certificate of authorization, any temporary licensee, any specified scope of practice licensee or any engineer-in-training or any geoscientist-in-training or any officer or employee of the association, for any action taken under this Act, the by-laws or any policy or procedure of council if the action was taken in good faith.

Information

63 An information for an offence under this Act may be laid by any member of the association or any person appointed by the council.

Determination to be implemented

68(5) A joint determination under subsection (4) [regarding disputes] must be implemented by the council of one or both associations, whichever is necessary to give full effect to the determination.

Note: There are no regulations under Manitoba's *Engineering and Geoscientific Professions Act*.

4.2 APEGM Bylaws under The Engineering and Geoscientific Professions Act

1.1.2 Interpretation

If there is a dispute as to the meaning or intent of any by-law, the interpretation of council shall prevail.

3.1.5 Withdrawal of Nomination

Upon any withdrawal of a nomination: c) after the commencement of the vote, the counting of the votes shall be in accordance with the method approved by council and on file in the association office, taking into account the withdrawal of the nominee or nominees.

3.1.5.1 Letter Ballots

Upon any withdrawal of a nomination: c) after mailing the ballots, the ballots shall be counted in accordance with the method approved by council and on file in the association office, taking into account the withdrawal of the nominee or nominees.

3.1.7 Counting of the Votes

At least 10 days prior to the date of the annual general meeting, the president shall appoint three scrutineers who shall be professional members of the association but not members of council or nominees for election to council. The election shall be decided according to the rules of proportional representation. The method for counting votes shall be that approved by council and on file in the association office.

3.1.8 Vacancies

If a vacancy shall occur among the elected councillors for any reason whatsoever, the council may fill the vacancy by appointing a registered professional member of the association, professional engineer or professional geoscientist as the case may be, to fill the vacancy for the balance of the term.

3.3.1 Registrar

The registrar shall be appointed by the council. The term of office and remuneration of the registrar shall be determined by the council from time to time.

3.3.2 Secretary

The secretary shall be appointed by the council. The term of office and remuneration of the secretary shall be determined by the council from time to time. The offices of registrar and secretary may be combined.

3.3.3 Executive Director

The council may appoint an executive director. The term of office and remuneration of the executive director shall be determined by the council from time to time. The office(s) of registrar and/or secretary may be combined with that of the executive director.

4.1.2 Resignation

An elected councillor may at any time give notice in writing to council of his or her wish to resign, and such resignation shall become effective upon the acceptance of the resignation by the council.

4.1.4 Policies and Procedures

The council shall establish operating policies and procedures for the association in accordance with sub-sections 12 (2) and 12 (3) of the Act. The policies and procedures shall be published and be made available for examination at the association office.

4.2.2.1 Election

The vice-president shall be elected by the council from the elected councillors.

4.2.2.3 Filling a Vacancy

If the office of the vice-president becomes vacant for any reason the council shall elect a replacement whose term of office shall be determined by 4.2.2.2.

4.2.3 Executive Committee Member

Should the council authorize the establishment of an executive committee, a member of the council shall be elected to serve on the committee.

4.2.3.1 Election

The executive committee member shall be an elected member of the council and shall be elected by the council preferably within three months and in no case later than six months after each annual general meeting.

4.2.3.3 Filling a Vacancy

If the office of the executive committee member becomes vacant for any reason the council may elect a replacement whose term of office is determined by 4.2.3.2.

4.2.4.2 Filling a Vacancy

If the office of the past-president becomes vacant for any reason the council may appoint a replacement from among the other past-presidents of the association. His or her term of office shall be determined by 4.2.4.1.

4.3.1.1 Governance

Councillors shall be responsible for ensuring that the council prepares, revises when appropriate, publishes and adheres to a Governance Manual developed for guidance in carrying out its responsibility for the association's overall performance.

4.3.2 President

The president, if present, shall preside at all meetings of the association, of the council, and of the executive committee. He or she shall be responsible for the performance of such duties and exercising of such powers as are set out in these by-laws and as may from time to time be assigned by the council.

4.3.3 Vice-President

The vice-president shall be responsible for the performance of such duties and exercising of such powers as are set out in these by-laws and as may from time to time be assigned by council. In the absence of the president, the vice-president shall assume all the duties and powers of the president.

4.3.4 Executive Committee Member

The executive committee member shall be responsible for the performance of such duties and exercising of such powers as are set out by these by-laws and as may from time to time be assigned by council. In the absence of both the president and the vice-president he or she shall assume their duties and powers.

4.3.5 Registrar

The duties and authority of the registrar, other than as prescribed by the Act and these by-laws, shall be assigned from time to time by the council.

4.3.6 Secretary

The secretary shall perform such other duties as council may from time to time prescribe.

4.3.7 Executive Director

If the council appoints an executive director, his or her duties and authority shall be as assigned from time to time by the council.

4.3.8 Auditor

The Auditor, after receiving the financial records of the association, shall prepare an Auditor's Report and Statement of Financial Position of the association in accordance with generally accepted accounting principles and auditing standards and deliver it to the secretary within the period set out in procedures established by the council.

4.3.9 Member-in-training Representative to Council

The member-in-training representative to council serves to provide a voice to council on behalf of the members-in-training of the Association. He or she shall have all the rights of a member of council except the right to make or second motions, or to vote.

4.4.1 Banking

The council shall ensure that all money received on behalf of the association is deposited in the name of the association in a bank or other deposit-gathering institution that is a member of the Canadian Deposit Insurance Corporation or in a credit union established in such a way as to guarantee the deposits.

4.4.2 Payments

All cheques shall be signed by either:

- a) the secretary and such other staff person as council may by resolution appoint; or
- b) such other staff person as council may by resolution appoint and countersigned by such other member of council as council may by resolution appoint.

4.4.3 Investments

The council shall ensure that when funds of the association are invested they are held secure through means set out in policies and procedures approved by the council.

4.4.4 Insurance

The council shall ensure that the association maintains security arrangements and insurance coverage against loss of funds that the association may sustain resulting from employee dishonesty, destruction, disappearance, wrongful abstraction or forgery.

4.5 Boards and Committees

In addition to the committees established by the Act, the council may, from time to time, appoint boards or committees for the purpose of facilitating the business of the association. Subject to the provisions of the Act appointees to boards and committees may, in addition to professional members, include members-in-training, temporary licensees, specified scope of practice licensees, students and members of the public. When establishing any board or committee, the council shall provide terms of reference for the board or committee which terms shall include:

- a) the purpose for the committee;
- b) the method by which, and by whom, the members are appointed;
- c) the method by which, and by whom, its chair shall be appointed; and
- d) the committee's or board's right to establish its own order of agenda.

4.5.2 Executive Committee

The council may appoint an executive committee consisting of the president, who shall be the chair, the vice-president, the immediate past-president, one member of the council and the association's chief executive officer, if appointed, who shall be an ex-officio member. The

executive committee may, on the authority of the council, attend to matters for which the chief executive officer, or other officer, does not have authority and that require attention between meetings of the council and serve as a finance committee.

4.5.3 Continuing Competency Committee

Council shall maintain a committee, known as the Continuing Competency Committee, whose functions and responsibilities are as defined in the Continuing Professional Development Program.

4.5.4.2 Purpose and Structure

(a) The council shall establish a Committee known as the Public Interest Review Committee (the Committee).

(b) The purpose of the Committee is to identify and assess public interest issues and, when appropriate, provide a recommendation to the Council for facilitating timely implementation of advocacy actions by the association as might be required by section 3 (c) of the Act, and in accordance with the terms of reference and policies established by the Council.

(d) The council shall appoint members, or cause members to be appointed, to the Committee as provided in this By-Law and shall maintain the Committee.

4.5.4.4 Council Policy on Recommendations from the Public Interest Review Committee

Council shall review and consider any recommendation for advocacy action received from the Public Interest Review Committee

(a) In so doing it:

i. shall make provision for a Councillor to declare a conflict of interest and shall proceed in accordance with a conflict of interest policy adopted from time-to-time by the Council; and

ii. shall issue, or cause to be issued, a communiqué to the membership and any proponent prior to taking a public interest advocacy action.

(b) Upon consideration, Council may:

i. accept the recommendation and arrange for the advocacy action to be undertaken by the Committee or otherwise;

ii. decide that no such advocacy action should be undertaken; or

iii. take some advocacy action that varies from the action recommended by the Committee.

(c) In considering any advocacy action recommended by the Public Interest Review Committee, the Council may elect to obtain legal advice or consult the membership.

(d) The Council's decision on the recommendation shall be made available to the Public Interest Review Committee through the applicable meeting minute of the Council's deliberation, which shall include the reason(s) for its decision.

(e) Council's decision with respect to any advocacy action recommended by the Committee shall be final.

4.7 Powers

The council shall carry out the powers of the association granted under section 6 of the Act.

5.0 Distance Conferencing

The council shall prepare and publish policies and procedures for determining when, and between which locations, distance conferencing may be provided by the association at an annual general meeting or a special meeting.

5.1 Annual General Meeting

The annual general meeting of the professional members of the association shall be held in the Province of Manitoba on any date after September 10th, but prior to October 31st, in each year as council may decide.

5.1.4 Resolutions

Resolutions put forward at an annual general meeting must be in writing, signed by the mover and seconder and received by the secretary no less than 48 hours prior to the commencement of the meeting. Either the mover or the seconder must be present in person or by distance conferencing at the meeting for the resolution to be considered. Resolutions adopted at the meeting shall be considered by the council, but are not binding on the council. The council shall report on the disposition of any such resolution at the next annual general meeting.

5.2.1 Purpose

Special meetings of the association shall be held at the call of the president, or the council, or on receipt by the secretary of a requisition signed by not fewer than 20 professional members.

5.8 Meetings of the Council

The president and the council shall establish the frequency, agenda and procedure of meetings of the council. Special meetings of the council shall be held at the call of the president, or by requisition signed by two councillors. At least 24 hours' notice shall be given of all meetings of the council. Meetings of the council or parts thereof not otherwise declared by the council to be in camera shall be open for professional members, licensees, members-in-training and students to be present as observers, provided that they give 24 hours notice of intention.

6.1 Manual of Admissions

The requirements, policies and procedures applicable to the approval of an application for admission to, enrollment with, or licensure by, the association shall be set out in the association's "Manual of Admissions". It shall be authorized by the council and published and available from the office of the association.

6.5.3 Deposits

The amount of the deposit to be made on an appeal under sub-section 21 (2) of the Act shall be determined by the council.

7.1.4 Honorary Life Member

Honorary life membership, may be granted by unanimous decision of council to a professional member who has, in the opinion of council, rendered meritorious service to the association, or the profession, and who has preferably been a registered professional member for not less than 35 years.

7.2 Members on Deferred Dues

Professional members or members-in-training who are: a) unemployed; or b) not working due to illness or disability; or c) attending a full time post-graduate university program relevant to the practice of professional engineering or professional geoscience; or d) experiencing circumstances having equal merit, may be allowed to enter the deferred dues category on terms and conditions established by the council.

7.4 Other

The council shall establish policies and procedures that define the responsibilities, rights and privileges of temporary licensees, specified scope of practice licensees, members-in-training and students.

9.1 Annual Dues

9.1.1 Practising Category

The annual dues to be paid by a professional member for any given year shall be dictated by the financial needs of the association, and shall be established by the council during the preceding year.

Note: There are similar provisions with respect to other categories of membership. Council also sets various fees.

9.1.8 Dues Relief

The council may, at its discretion, defer, reduce or waive the annual dues of professional members, members-in-training, or members in the retired category. The annual dues to be paid

by a professional member or member-in-training in the deferred dues category for any given year shall be a percentage, determined annually by the council, of the annual dues payable by practising professional members. Waiver of the annual dues of a professional member, member-in-training, or member in the retired category shall be made only on the basis of circumstances deemed by the registrar to be more onerous than those for eligibility for entry to the deferred dues category.

9.2.10 Insurance

The Association may, in discretion of the Council, participate in any program providing professional liability insurance to any or all members, members-in training or licensees and the Council may establish fees payable by such members, members-in training or licensees in respect of any such program.

11.3 Compliance to Practise

The Continuing Professional Development Program, approved by the council on June 15, 2011, is hereby adopted as the Continuing Professional Development Program of the Association.

13.0 Code of Ethics

The Code of Ethics approved by the council on May 9, 2000, is hereby adopted as the Code of Ethics of the association.

14.1.1 Terms and Conditions

In establishing the amounts, terms and conditions of the professional liability insurance, or alternatives thereto, required of the holder of a Certificate of Authorization under section 16 (2) of the Act, the Council shall provide for terms, exclusions and conditions consistent with normal insurance industry practice.

15.2 Investigation Committee

15.2.1 The council shall appoint the members of the investigation committee in accordance with the Act to hold office for a term established from time to time by council and the council may at any time revoke the appointment of any person or persons or fill any vacancy or vacancies or appoint an additional person or persons to the investigation committee.

15.3.1.1 The investigation committee may undertake to resolve the matter or matters at issue through an alternative dispute resolution process prior to assessing whether an investigation is warranted or in conjunction with an investigation. The alternative dispute resolution process is:

a) subject to obtaining the written concurrence of both the complainant and the investigated person, b) prescribed by the council, and c) not to exceed 30 days in duration.

15.3.2 If the investigation committee dismisses a complaint, either before or after an investigation or alternative dispute resolution process, the chair of the investigation committee shall direct the registrar to so notify the investigated person and the complainant and to notify the complainant of the complainant's right to appeal such dismissal to the council.

15.4 Appeal of Dismissal of Complaint to Council

15.4.1 The registrar shall not accept any appeal made under sub section 36(1) of the Act unless such appeal is accompanied by the complainant's reasons in writing specifying the errors alleged to have been made by the investigation committee.

15.4.2 Decisions of the committee of the council appointed pursuant to sub-section 36(2) of the Act shall be by majority vote of those members of the committee present in person at a duly constituted meeting.

15.4.4 Any appeal to the committee of the council pursuant to sub-section 36(2) of the Act shall be an appeal on the record of the proceedings before the investigation committee and any action taken by the investigation committee under sub-section 35(1) of the Act.

15.5 Discipline Committee

15.5.1 The council shall appoint the members of the discipline committee in accordance with the Act to hold office for a term established from time to time by the council and the council may at any time revoke the appointment of any person or persons or fill any vacancy or vacancies or appoint an additional person or persons to the discipline committee.

15.5.2 Upon the expiry of the term of any member of the discipline committee, such member shall be eligible for appointment to a subsequent term or terms in the discretion of the council.

15.7 Appeal of Hearing Decisions and Orders

15.7.6.4 The council on hearing the appeal may: a) grant adjournments and reconvene the proceedings from time to time or reserve the determination of the matters before it for a future meeting of the council; and b) on granting special leave for that purpose, receive further evidence; and c) draw inferences of fact and make any determination or finding that, in its opinion, ought to have been made by the discipline committee.

5 Ontario: Professional Engineers of Ontario (PEO)

5.1 Professional Engineers Act, Revised Statutes of Ontario 1990, Chapter P.28

[Council of Association](#)

[3\(1\)](#) The Council of the Association is continued and shall be the governing body and board of directors of the Association and shall manage and administer its affairs.

Registrar and staff

(8) The Council shall appoint during pleasure a Registrar, who shall be a member of the Association, and may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association.

Vacancies

(10) Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than a quorum.

Filling of vacancy

(11) A vacancy on the Council caused by the death, resignation, removal or incapacity to act of an elected member of the Council shall be filled as soon as practicable by a member of the Association,

(a) where a quorum of the Council remains in office, appointed by the majority of the Council, and the member so appointed shall be deemed to be an elected member of the Council.

Meetings of Council

[\(12\)](#) The Council shall meet at least four times a year.

Regulations (Bylaws)

[7\(1\)](#) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

1. fixing the number of members to be elected to the Council under clause 3 (2) (a) and defining constituencies, and prescribing the number of representatives;
2. respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and controverted elections;
3. prescribing the conditions disqualifying members of the Council from sitting and governing the filling of vacancies on the Council;
4. prescribing positions of officers of the Association and providing for their election or appointment;
5. respecting the composition of the committees required by this Act, other than the Complaints Committee, the Discipline Committee and the Registration Committee, the mechanism of the appointment of members of the committees and procedures ancillary to those specified in this Act in respect of any committee;
6. respecting matters of practice and procedure before committees required under this Act that do not conflict with the *Statutory Powers Procedure Act*;
7. prescribing the quorums of the committees required by this Act other than the Complaints Committee, the Discipline Committee and the Registration Committee;
8. prescribing classes of persons whose interests are related to those of the Association and the privileges of members of the classes in relation to the Association;

9. respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences, certificates of authorization, temporary licences, provisional licences and limited licences, including but not limited to regulations respecting,
- i. the scope, standards and conduct of any examination set or approved by the Council as a licensing requirement,
 - ii. the curricula and standards of professional training programs offered by the Council,
 - iii. the academic, experience and other requirements for admission into professional training programs,
 - iv. classes of licences,
 - v. the academic, experience and other requirements for the issuance of a licence or any class of licence,
 - v.1 the circumstances in which the Registrar shall refer an application for a licence to a committee for the purposes of clause 14 (4) (b),
 - v.2 the establishment of an engineering technologist class of limited licence, including prescribing requirements and qualifications for the issuance of an engineering technologist class of limited licence and terms and conditions that shall apply to the engineering technologist class of limited licence, and
 - vi. other classes of certificates of authorization, temporary licences, provisional licences and limited licences, including prescribing requirements and qualifications for the issuance of specified classes of certificates of authorization, temporary licences, provisional licences and limited licences, and terms and conditions that shall apply to specified classes of certificates of authorization, temporary licences, provisional licences and limited licences;
10. prescribing forms of applications for licences, certificates of authorization, temporary licences, provisional licences and limited licences and requiring their use;
11. requiring the making of returns of information in respect of the holdings of shares and the officers and directors of corporations that apply for or hold certificates of authorization and in respect of the interests of partners that apply for or hold certificates of authorization and prescribing and requiring the use of forms of such returns;
12. requiring and governing the signing and sealing of documents and designs by members of the Association, holders of temporary licences and holders of limited licences, specifying the forms of seals and respecting the issuance and ownership of seals;
13. requiring the making of returns of information by members of the Association and holders of certificates of authorization, temporary licences, provisional licences and limited licences in respect of names, addresses, telephone numbers, professional associates, partners, employees and professional liability insurance, and prescribing and requiring the use of forms of such returns;

14. requiring and governing the disclosure of the identity of holders of certificates of authorization on documents and designs involving the practice of professional engineering issued by such holders and specifying the form and manner of such disclosure;
15. governing the use of names and designations in the practice of professional engineering by members of the Association and holders of certificates of authorization, temporary licences, provisional licences and limited licences;
16. providing for the maintenance and inspection of registers of members of the Association, holders of temporary licences, holders of limited licences, holders of provisional licences and holders of certificates of authorization;
17. respecting and governing standards of practice and performance standards for the profession;
18. providing for the setting of schedules of suggested fees for professional engineering services and for the publication of the schedules;
19. respecting the advertising of the practice of professional engineering;
20. prescribing a code of ethics;
21. defining professional misconduct for the purposes of this Act;
22. providing for the designation of members of the Association and holders of temporary licences as specialists, prescribing the qualifications and requirements for designation as a specialist, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;
23. providing for the designation of members of the Association as consulting engineers, prescribing the qualifications and requirements for designation as a consulting engineer, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;
24. prescribing the minimum requirements for professional liability insurance, requiring the delivery to the Registrar of proof of such insurance and prescribing the form of such proof and the manner and time of the delivery;
25. prescribing the amount of and requiring the payment of annual fees by holders of certificates of authorization, temporary, provisional and limited licences and by students and members of related classes recognized by the Association, and fees for temporary licences, provisional licences, limited licences, certification, registration, designations, examinations and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;

26. providing for the entering into of arrangements by the Association for its members and holders of certificates of authorization, temporary licences, provisional and limited licences respecting indemnity for professional liability and requiring the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members and holders of certificates of authorization, temporary licences, provisional and limited licences in respect of such indemnity for professional liability;
27. providing for continuing education of members;
28. respecting the duties and authority of the Registrar;
29. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, certificate of authorization, temporary licence or limited licence that was cancelled by the Registrar;
30. classifying and exempting any class of holders of licences, certificates of authorization, temporary licences or limited licences from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable;
31. exempting any act within the practice of professional engineering from the application of this Act;
32. specifying acts within the practice of professional engineering that are exempt from the application of this Act when performed or provided by a member of a prescribed class of persons, and prescribing classes of persons for the purpose of the exemption;
33. Repealed

By-laws

8. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the Association not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

1. prescribing the seal and other insignia of the Association and providing for their use;
2. providing for the execution of documents by the Association;
3. respecting banking and finance;
4. fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;
5. respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
6. providing for meetings of the Council and committees, except in a proceeding in respect of a membership, certificate of authorization, temporary licence, provisional licence or limited licence, by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a member of the Council or committee participating in a meeting in accordance with such by-law shall be deemed to be present in person at the meeting;
7. providing that the Council or a committee may act upon a resolution consented to by the signatures of all members of the Council or the committee except in a proceeding in respect of a licence, certificate of authorization, temporary licence, provisional licence or limited licence, and a resolution so consented to in accordance with such a by-law is as valid and effective as if passed at a meeting of the Council or the committee duly called, constituted and held for that purpose;
8. respecting the calling, holding and conducting of meetings of the membership of the Association;
9. authorizing voting by mail by the general membership of the Association on any of the business of the Association and prescribing procedures for such voting;
10. prescribing the duties of officers of the Association;
11. prescribing forms and providing for their use;
12. providing procedures for the making, amending and revoking of the by-laws;
13. respecting management of the property of the Association;
14. providing for the appointment, composition, powers, duties and quorums of additional or special committees;

15. respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
16. prescribing the amount and requiring the payment of annual fees by members of the Association;
17. respecting the borrowing of money by the Association and the giving of security therefor;
18. respecting membership of the Association in other organizations the objects of which are not inconsistent with and are complementary to those of the Association, the payment of annual assessments and provision for representatives at meetings;
19. providing for the establishment and dissolution and governing the operation of groups of members of the Association and respecting grants by the Association to any such groups;
20. authorizing the making of grants for any purpose that may tend to advance knowledge of professional engineering education, or maintain or improve the standards of practice in professional engineering or support and encourage public information and interest in the past and present role of professional engineering in society;
21. respecting scholarships, bursaries and prizes related to the study of professional engineering;
22. respecting the establishment and operation and use of publications of the Association;
23. providing for an employment advisory service and for the continuance of the retirement savings plans in which members of the Association may participate on a voluntary basis;
24. regarding such other matters as are entailed in carrying on the business of the Association and are not included in section 7.

By-laws effective

(2) Subject to subsection (3), a by-law made by the Council is effective when it is passed.

Confirmation

(3) A by-law passed by the Council is not effective until it is confirmed, in the manner specified by the Council, by a majority of the members of the Association, if the by-law so specifies.

Official publication

9. The Council shall establish and designate an official publication of the Association.

Establishment of committees

10(1) The Council shall establish and appoint the following committees:

- (a) Executive Committee;
- (b) Academic Requirements Committee;
- (c) Experience Requirements Committee;
- (d) Registration Committee;
- (e) Complaints Committee;
- (f) Discipline Committee;
- (g) Fees Mediation Committee,

and may establish such other committees as the Council from time to time considers necessary.

Executive Committee

11 The Council may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Council other than to make, amend or revoke a regulation or a by-law.

Issuance of licence

14(1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and

(c) has complied with the academic requirements specified in the regulations for the issuance of the licence, including passing such examinations as the Council sets or approves in accordance with the regulations, or is exempted by the Council from complying with the requirements.

Issuance of licence or certificate of authorization on direction of Council

16 The Registrar shall issue a licence or a certificate of authorization upon a direction of the Council made in accordance with a recommendation by the Joint Practice Board.

Registration Committee

19.1(1) The Registration Committee is continued and shall be composed of the following persons appointed by the Council:

1. At least two persons, each of whom is either,
 - i. a member of the Council appointed by the Lieutenant Governor in Council, or
 - ii. a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General.
2. At least three members of the Association.

Complaints Committee

23(1) The Complaints Committee is continued and shall be composed of the following persons appointed by the Council:

1. At least one person who is either,
 - i. a member of the Council appointed by the Lieutenant Governor in Council, or
 - ii. a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General.
2. At least two members of the Association.

Chair

(3) The Council shall name one member of the Complaints Committee to be chair.

Complaints Review Councillor

25(1) There shall be a Complaints Review Councillor who shall be appointed by Council and shall be,

- (a) a member of the Council appointed by the Lieutenant Governor in Council under clause 3 (2) (c); or
- (b) a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General.

Office accommodation

(7) The Council shall provide to the Complaints Review Councillor such accommodation and support staff in the offices of the Association as are necessary to the performance of the powers and duties of the Complaints Review Councillor.

Consideration of report by Council

(17) The Council shall consider every report, and any recommendations included in the report, that it receives from the Complaints Review Councillor, and shall notify the Complaints Review Councillor of any action it takes as a result.

Discipline Committee

27(1) The Discipline Committee is continued and shall be composed of the following persons appointed by the Council:

1. At least one elected member of the Council.
2. At least one member of the Association who is,
 - i. a member of the Council appointed by the Lieutenant Governor in Council, or
 - ii. not a member of the Council, and approved by the Attorney General.
3. At least one person who is,
 - i. a member of the Council appointed by the Lieutenant Governor in Council under clause 3 (2) (c), or
 - ii. neither a member of the Council nor a member of the Association, and approved by the Attorney General.
4. At least three members of the Association each of whom has at least 10 years experience in the practice of professional engineering.

Reference by Council or Executive Committee

27.1 The Council or the Executive Committee may, by resolution, refer to the Discipline Committee for hearing and determination any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence specified in the resolution.

28(1) The Discipline Committee shall,

(a) when so directed by the Council, the Executive Committee or the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence;

(b) hear and determine matters referred to it under section 24, 27.1 or 37; and

(c) perform such other duties as are assigned to it by the Council.

Duties of Fees Mediation Committee

32(2)(b) The Fees Mediation Committee shall perform such other duties as are assigned to it by the Council.

Immunity of Association

45(1) No action or other proceeding for damages shall be instituted against the Association, a committee of the Association or a member of the Association or committee of the Association, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Joint Practice Board

47(1) The Council shall appoint to the Joint Practice Board (composed of the chair, three members representing the Ontario Association of Architects and three members representing the Association of Professional Engineers of Ontario) the three members of the Joint Practice Board representing the Association and shall prescribe the term of each appointment.

Recommendation

(2) The Joint Practice Board may recommend to the Council that the Council direct the Registrar to issue a licence or a certificate of authorization to a holder of a certificate of practice issued under the *Architects Act*.

Direction by Council

(3) The Council, upon the recommendation of the Joint Practice Board, may direct the Registrar to issue a licence or a certificate of authorization to a holder of a certificate of practice under the *Architects Act* and, if the Council does not direct the issuance of the licence or the certificate of authorization, the Council shall give its reasons therefor in writing to the Joint Practice Board and to the applicant for the licence or the certificate of authorization.

Annual report

48. (1) The Council shall make a report annually to the Minister containing such information as the Minister requires.

5.2 General, Revised Regulations of Ontario 1990, Regulation 941

Note: There is also a *Performance Standards* regulation under Ontario's *Professional Engineers Act* that is not relevant here.

3(1) There shall be the following additional officers of the Association:

2 A vice-president, who shall be appointed annually by Council from among its members elected or appointed under clause 3 (2) (a) or 3 (2) (b) of the Act at a meeting of Council to be held after the close of business and on the day of the annual meeting of Members or within thirty days thereafter.

(2) If the president is incapacitated or resigns, the office of president shall be filled by the president elect, failing that by the vice-president elected by the members, failing that by the vice-president appointed by the Council, or failing that by a member of the Council who the Council shall appoint.

9(1) A regional councillor ceases to be qualified for his or her office when the regional councillor ceases to reside within the Region in which he or she was elected, in which event Council may appoint a Member who resides in the Region to serve the balance of the term of the regional councillor.

11 The Council shall determine in each year whether the voting for the election of members to the Council for that year shall be by ballot cast by mail, by electronic means or by either mail or electronic means.

11.1 The Council shall appoint in each year a Chief Elections Officer, who shall for that year,

(a) oversee the nomination of Members for election to the Council and the election of and voting for members to the Council; and

(b) ensure that nomination, election and voting are conducted in accordance with the procedures established under the Act.

12(1) The Council shall appoint a Central Election and Search Committee each year composed of,

- (a) the penultimate past-president;
- (b) the immediate past-president;
- (c) the president; and
- (d) two other Members.

(2) The penultimate past-president shall act as chair, unless he or she is unable or unwilling to act, in which event another member of the Central Election and Search Committee designated by the Council shall act as chair.

(4) Meetings of the Central Election and Search Committee shall be convened by the chair from time to time or as directed by Council.

(7) The Council may remove a member of the Central Election and Search Committee from his or her position if,

- (a) the member is unable or unwilling to fulfil his or her duties or functions as a member of the Committee; or
- (b) the member consents to being nominated for election to the Council in contravention of subsection (6).

(8) If a vacancy occurs on the Central Election and Search Committee by reason of the death, resignation or removal under subsection (7) of a member of the Committee, the Council may designate a member of the Council to fill the vacancy for the remainder of the unexpired term.

(9) To be valid, a motion under subsection (7) or (8) must be approved by the votes of at least two-thirds of the members of the Council present and voting on the motion.

13(1) The Council shall in each year appoint a Regional Election and Search Committee for each Region composed of the chair of each Chapter in the Region.

(4.1) Meetings of a Regional Election and Search Committee shall be convened by the chair from time to time or as directed by Council.

15.1(1) Where no Member is nominated for election as president-elect, vice-president or councillor-at-large or for election as a regional councillor in any Region, the office of president-elect, vice-president, councillor-at-large or regional councillor, as the case may be, shall be filled by a Member appointed by a majority of the Council.

18 The Registrar, or in his or her absence the general secretary, shall send to each Member entitled to vote in respect of an election a ballot and a list of Members, if any, appointed to office by a majority of the Council or elected to office by acclamation.

24 (1) The Council may close the register of Members for a period of time not exceeding twenty-one days, exclusive of Sundays and holidays, immediately preceding,

(a) a meeting of Members; or

(b) the date upon which ballots for an election are sent to Members.

28(1) The Executive Committee shall consist of,

(a) the president;

(b) the president-elect;

(c) the immediate past-president;

(d) the two vice-presidents; and

(e) one or more other members of the Council from time to time appointed by the Council.

(1.1) The Council shall ensure that at least one member appointed to the Council by the Lieutenant Governor in Council is appointed under clause (1) (e) at any given time.

29 The Executive Committee,

(a) may act on behalf of the Council with respect to urgent matters arising between regular meetings of the Council but shall report to the Council with respect to such actions;

(b) may consult with other committees of the Council;

(c) shall act upon or report upon matters that are referred to it by the Council;

(d) may advise the Registrar or any other officer or official of the Association on matters of policy;

(e) may make periodic reviews, forecasts, plans and recommendations to the Council concerning the future organization and operation of the Association;

(f) may advise the Council on matters pertaining to the Canadian Council of Professional Engineers; and

(g) may advise the Council on all financial matters, including, without limitation, investments, budgets, capital requirements, income, expenditures, salaries, reserves and contingencies or extraordinary expenses, both for current and future operations.

30(1) The Fees Mediation Committee is continued.

(2) The Council shall, from time to time, designate Members as eligible to act as members of the Fees Mediation Committee.

32.1(3) Members of the engineering intern class have the following privileges: ...

3. A member of the class may be appointed to a committee established by the Council, except as otherwise provided in the Act, this Regulation or the by-laws.

32.2(2) The Registrar shall accept as a member of the engineer student class any person who registers for membership on-line through the Association's website in the form provided by the Association for the purpose and is enrolled in,

(a) the Association's student's program; and

(b) an engineering program offered by a Canadian university and accredited to the Council's satisfaction or for which accreditation from the Canadian Engineering Accreditation Board is being sought.

33(1) Each applicant for a licence shall comply with the following rules:

1. The applicant shall demonstrate that he or she has obtained,

i. a bachelor's degree in an engineering program from a Canadian university that is accredited to the Council's satisfaction, or

ii. equivalent engineering educational qualifications recognized by the Council.

2. The applicant shall demonstrate that he or she has had 48 months of experience in the practice of professional engineering that, in the Council's opinion, provides sufficient experience to enable him or her to meet the generally accepted standards of practical skill required to engage in the practice of professional engineering.

(2) Experience acquired outside Canada satisfies the requirements of paragraph 4 of subsection (1) (b) if in the Council's opinion, the experience provides the applicant with,

- (i) the necessary practical skill for the practice of professional engineering, and
- (ii) sufficient familiarity with the applicable Canadian codes, regulations and standards for the practice of professional engineering.

34 Examinations required by the Academic Requirements Committee shall be held prior to the 1st day of June in each year and at such other times, if any, and at such place or places, as the Council may from time to time determine.

38(1) All examinations, other than the Professional Practice Examination, shall be marked on a percentage basis by examiners appointed by the Registrar in accordance with policies established from time to time by the Council.

(3) The Professional Practice Examination may be marked on a pass or fail basis and shall be marked by examiners appointed by the Registrar in accordance with policies established from time to time by the Council.

40(1) The Academic Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council and three members of the Committee constitute a quorum.

41(1) The Experience Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council, and three members of the Committee constitute a quorum.

46 The requirements and qualifications for the issuance of a limited licence are:

1 One or more of the following:

- i. A three-year diploma in engineering technology or a Bachelor of Technology degree in engineering technology from an institution approved by the Council.
- ii. A four-year honours science degree in a discipline and from a university approved by the Council.
- iii. Academic qualifications accepted by the Council as equivalent to a diploma or degree mentioned in subparagraph i or ii.

2 Thirteen years of experience in engineering work acceptable to the Council, including...

52(1) Every Member shall have a seal of a design approved by the Council

Note: There are similar provisions for other types of membership.

56(1) The Council shall designate as a consulting engineer every applicant for the designation who,

(a) is a Member;

(b) is currently engaged, and has been continuously engaged, for not less than two years or such lesser period as may be approved by the Council, in the independent practice of professional engineering in Canada;

(c) has, since becoming a Member, had five or more years of professional engineering experience that is satisfactory to the Council;

(d) has passed the examinations prescribed by the Council or has been exempted therefrom, pursuant to subsection (2).

(2) The Council may exempt an applicant from any of the examinations mentioned in clause (1) (d) where the Council is of the opinion that the applicant has appropriate qualifications.

57(1) Designation as a consulting engineer expires five years from the date of issuance of notice of the designation.

(2) The Council shall redesignate as a consulting engineer every applicant who,

(a) is a Member;

(b) is currently engaged in the independent practice of professional engineering in Canada; and

(c) has during the five years since the date of issue of the applicant's most recent designation as a consulting engineer had professional engineering experience satisfactory to the Council.

59 A Member who has been designated or redesignated as a consulting engineer may use the title "consulting engineer" or a variation thereof approved by Council from time to time so long as the Member is in the independent practice of professional engineering and the designation or redesignation is valid.

62(1) The Consulting Engineer Designation Committee shall consist of a chair, vice-chair and such other Members as are appointed by the Council.

64(1) Where the Council has refused an application for designation as a consulting engineer, the applicant may, within thirty days of the date of receipt of notice of the refusal, request that the Council reconsider the application together with such additional information as is submitted by the applicant.

(2) Upon receipt of a request from an applicant pursuant to subsection (1), the Council shall reconsider the application, taking into account the additional information, if any, submitted by the applicant with the request.

(3) Upon the reconsideration, the Council may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent persons in the conduct of their own affairs and may refer the matter to and accept recommendations from such holders of licences or committee of holders of licences as it considers appropriate in the circumstances.

67 Only a Member designated by the Council may use the title “consulting engineer” or a variation thereof approved by the Council from time to time.

68 A holder of a certificate of authorization who is primarily engaged in offering to the public services within the practice of professional engineering and who satisfies the Council that the practice of professional engineering by the holder is and will be carried on under the responsibility and supervision of a designated consulting engineer named in the application for the certificate of authorization or in a related notice of change filed with the Registrar may use the title “consulting engineers” or a variation approved by Council from time to time.

69 A holder of a certificate of authorization ceases to be entitled to use the title “consulting engineer” or a variation thereof approved by the Council when there ceases to be a designated consulting engineer who assumes responsibility for and supervises the practice of professional engineering provided by the holder of the certificate of authorization or when the holder ceases to be primarily engaged in offering to the public services within the practice of professional engineering.

71 The Council may cause to be published from time to time a listing of Members designated as consulting engineers and of holders of certificates of authorization entitled to use the title “consulting engineers” or a variation thereof.

76(1) Where the Council establishes a committee to prepare or assigns to a committee the preparation of a schedule of suggested fees, the committee must be composed of approximately equal numbers of Members involved in providing engineering services to the public and Members involved in purchasing such services.

(2) The committee shall prepare and recommend to the Council a schedule of suggested fees for professional engineering services.

(3) A schedule of suggested fees that is approved by the Council shall be published by the Association.

(4) A schedule of suggested fees that is approved by the Council shall be reviewed annually by the committee and amendments to the schedule that are recommended by the committee and approved by the Council shall be published by the Association.

(5) The committee shall receive and consider recommendations submitted to it by Members and by the public and may consider salary surveys conducted from time to time by the Association or others.

79 In the event of an interruption in postal service or electronic communication, the Council may take such steps as it considers appropriate including, without limitation, circumstances, of any time periods set forth in this Regulation; and

(b) the use of such alternate means of communication as it considers appropriate in the circumstances.

87 The Council may from time to time determine and establish the dates on which fees payable to the Association are due.

5.3 PEO ByLaw No. 1 relating to its Administrative and Domestic Affairs

4 The council may from time to time:

- (a) establish chapters in addition to those referred to in Section 3 and define the boundaries of the areas of such chapters;
- (b) alter the boundaries of the areas of chapters heretofore or hereafter established;
- (c) direct that two or more chapters shall be combined and continued as one chapter and define the boundaries of such continuing chapter;
- (d) declare any chapter inactive and suspend its operation or dissolve any chapter and provide for the transfer of the members and assets of any such chapter to another chapter or chapters.

6 The Council may establish from time to time standard rules and procedures governing the operating of chapters and the conduct of their affairs.

9 If a chapter shall be dissolved or shall cease to exist for any other reason or shall be declared inactive by the Council, all assets of that chapter, unless otherwise directed by the Council, shall revert to the association and shall be delivered over by the governing body of the chapter to the treasurer of the association forthwith on demand.

10 The Council may establish, in each region, a committee of chapters to be known as the "Regional Congress", and, in connection with the establishment of a Regional Congress, may provide standard rules and procedures governing the operations of the Regional Congress and the conduct of its affairs.

11 There shall be not less than four meetings of the Council in each year.

12 Meetings of the Council may be called by the president, the Executive Committee or, subject to section 13.1, by members of Council.

13.1 Upon the written request to the Registrar by no fewer than two-thirds of the members of Council, the Registrar shall call a meeting of Council by giving notice to all members of Council no less than 28 days before the meeting is to take place.

17 An annual general meeting of the members of the association shall be called by Council and shall be held at such place and at such time as shall be determined by Council for the purpose of laying before the members the reports of the Council and committees of the association and of informing members of matters relating to the affairs of the association and for the purpose of ascertaining the views of the members present at the meeting on such matters, and other general meetings of the members of the association may be held for the same purposes.

18 Election of those officers and councillors to be elected by the members shall be conducted by letter ballot or electronic means as provided in the regulations and the Council may submit other matters to the members to be voted upon by letter ballot or electronic means in order to secure the approval of or an expression of opinion on such matters.

19 Other general meetings of the association may be called by the Council and shall be held at such place and at such time as shall be determined by the Council.

26 Council or any properly constituted committee of Council (with the exception of the Registration Committee, the Complaints Committee, the Discipline Committee, the Academic Requirements Committee or the Experience Requirements Committee or any other committee in a proceeding in respect of a licence, certificate of authorization, temporary licence, limited licence, or provisional licence) may hold meetings with the prior consent of a majority of the Council members or Committee members, by means of telephone conference, electronic or other communications facilities provided all persons participating in the meeting can communicate adequately with each other.

27 Council or any properly constituted committee thereof (with the exception of the Registration Committee, the Complaints Committee, the Discipline Committee, the Academic Requirements Committee or the Experience Requirements Committee or any other committee in a proceeding in respect of a licence, certificate of authorization, temporary licence, provisional licence or limited licence) may take action by a signed resolution of all the members of the Council or Committee, as the case may be.

28 All elected members of the Council and all appointed members of the Council shall comply with the provisions of the Act, the regulations and the by-laws and shall exercise the powers and discharge the duties of their offices honestly in good faith and in furtherance of the objects of the association in order that the public interest may be served and protected. All elected members of the Council and all appointed members of the Council shall:

- (a) endeavour to take part in the committee work of the association and serve actively during their terms of office on any committees to which they have been appointed;
- (b) endeavour to take part in chapter affairs including appearance before chapters during their terms of office as a panelist, speaker or representative of the Council;
- (c) endeavour to be present at and participate in the annual meeting of the members of the association;
- (d) perform such duties on behalf of the officers of the association as may be requested, including attendance at local functions as representatives of the association;
- (e) serve on the committees which the Council may appoint under the provisions of the Act with respect to hearings on membership and disciplinary matters;
- (f) ensure that confidential matters coming to their attention as members of the Council are not disclosed by them except as required for the performance of their duties or as may be directed by the Council or by the president; and
- (g) disclose any interest they may have, other than as members of Council, in any matter coming before Council and shall not be counted in the quorum in respect of such matter.

29 All elected members of the Council and all appointed members of the Council shall familiarize themselves with the Act, the regulations, the by-laws and code of ethics and with such other records and documents as may be necessary as background knowledge for the purpose of performance of the duties of their office.

30(1) In addition to the committees prescribed by the Act, the Council may also from time to time appoint such other committees as it considers desirable to assist it in the management of the affairs of the association including, but not limited to: (a) Legislation Committee; (b) Professional Standards Committee; (c) Finance Committee.

(2) The membership of all committees appointed under this Section 30 may include one or more members of the Council and such members of the association as the Council shall consider desirable (having regard to the need for continuity in the affairs of the association) and each committee shall perform such duties as Council may from time to time prescribe.

31 No member of the Council, whether elected or appointed, shall receive any remuneration from the association for acting as such, but members of the Council may receive reimbursement for expenses as provided in Section 32.

34 The registrar, any deputy registrars, the treasurer and such other officials as may be appointed by the Council under Section 3(8) of the Act shall have such duties as the Council may determine from time to time and shall hold office in accordance with the terms of any contract of service between the association and such official approved by the Council or in the absence of such contract shall hold office at the pleasure of the Council.

35 The Council may employ, or may authorize the registrar or other officials of the association to employ, such other persons as may be considered necessary or desirable for the carrying out of the operations of the association and the conduct of its affairs.

36 The association may enter into contracts of employment with any official appointed by the Council providing for such remuneration, such term of employment and such other matters as may be approved by the Council and may enter into such contracts of employment with other employees of the association as shall be approved by the Council or, if authorized for such purpose by the Council, as shall be approved by the registrar or by such other official as shall be designated by the Council.

38 The Council may authorize participation by the association in the activities of the Canadian Council of Professional Engineers as a constituent association thereof, the Ontario Society of Professional Engineers, or other organizations with functions that are not inconsistent with and are complementary to those of the association.

39(3) The Council may determine from time to time the dates on which the fees provided for under subsection (1) shall be due and for the purpose of establishing such dates may prorate any fees over a part of a year.

(4) The Council may approve, authorize or provide for the remission of all or any part of the annual fee of any member who may be retired, incapacitated by reason of health or for such other reason as the Council may from time to time determine.

40 The Council may approve, or may authorize or provide for the application of the funds of the association in payment of all expenses properly incurred in the conduct of the affairs of the association including, without limiting the generality of the foregoing: ...

44 Without in any way derogating from the powers otherwise conferred upon the Council, the Council is expressly empowered from time to time to purchase, lease or otherwise acquire, sell,

exchange or otherwise dispose of shares, stocks, rights, warrants, options and other securities, lands, buildings and other property, moveable or immoveable, real or personal, or any interest therein owned by the association for such consideration and upon such terms and conditions as the Council may deem advisable.

47 The Council may from time to time:

(a) borrow money upon the credit of the association by obtaining loans or advances or by way of overdraft or otherwise;

(b) sell or pledge any securities owned by the association, including bonds, debentures or debenture stock, for such sums on such terms and at such prices as they may deem expedient;

(c) assign, transfer, convey, hypothecate, mortgage, pledge, charge or give security in any manner, upon all or any of the real or personal, moveable or immoveable property, rights, powers, choses in action, or other assets, present or future, of the association to secure any such securities or other securities of the association, or any money borrowed or to be borrowed or any obligations or liabilities as aforesaid or otherwise of the association heretofore, now or hereafter made or incurred directly or indirectly, or otherwise.

48 Any or all of the powers set forth in Section 47 may from time to time be delegated by the Council to any two or more of the councillors, officers or officials of the association.

51 The Council shall lay before each Annual Meeting of the members a financial statement prepared in accordance with generally accepted accounting principles for the previous fiscal year of the association (made up of a balance sheet as at the end of such fiscal year and statements of revenue and expenditure and Members' Equity for such fiscal year) together with the report of the association's auditors on the financial statement. The financial statement with (a summary of) the auditor's report shall be published in the official publication of the association after its approval by the Council.

54 The seal of the association shall be of such design as approved by Council and, when used on official documents, shall be authenticated by the signature of the president, the president-elect or the past president and the registrar or the treasurer. A printed facsimile of the seal may be used to designate official pronouncements or decisions of Council when such is authorized by the registrar.

55 Council may adopt other insignia from time to time and provide for their use.

56 The regulations may be altered or revoked and new regulations may be passed by the Council from time to time in accordance with and subject to the provisions of section 7 of the Act.

57 The by-laws may be altered or revoked and new by-laws may be passed by the Council from time to time in accordance with and subject to the provisions of section 8 of the Act.

58 In accordance with section 8(3) of the Act, Council shall determine the manner in which a by-law is to be confirmed by a majority of the members of the association.

59 Council shall seek confirmation by the members of the association of a by-law passed by the Council pursuant to the Act pertaining only to annual fees for licence holders.

60 Proposals for alteration of the regulations or by-laws may,

(a) originate in the Council,

(b) be submitted to the Council in writing by a majority in number of the chapters, or

(c) be submitted to the Council in writing by a petition signed by not fewer than 50 members.

The Council shall consider all petitions received as provided in clauses (b) and (c) and, if the Council does not pass regulations and by-laws or amendments thereto giving effect to such proposals, the Council shall return the proposals to the petitioners with a statement of the Council's reasons for rejection.

6 The Association of Professional Geoscientists of Ontario (APGO)

6.1 Professional Geoscientists Act, 2000, Statutes of Ontario 2000, Chapter 13

Note: The three regulations under this Act contain no provisions particularly relevant to Council's powers.

Revocation of registration

13 The council may revoke the registration of a member,

- (a) if he or she is convicted of an offence that, if committed in Ontario, would be an offence under the laws of Canada or of Ontario and that relates to his or her professional integrity and renders the individual unsuitable to be a member;
- (b) if he or she fails to comply with this Act or a regulation made under it;
- (c) if he or she has demonstrated professional misconduct, negligence or incompetence; or
- (d) in such other circumstances as may be prescribed.

Appeal of decisions

14(1) The applicant or member, as the case may be, and the Association may appeal a decision of the registration committee with respect to the applicant or member to the council.

Revocation of certificate

19 The council may revoke a certificate of authorization of a corporation, partnership or other entity,

- (a) if it is convicted of an offence that, if committed in Ontario, would be an offence under the laws of Canada or of Ontario and that relates to its professional integrity and renders the certificate holder unsuitable to hold a certificate;
- (b) if it fails to comply with this Act or a regulation made under it;
- (c) if it has demonstrated professional misconduct, negligence or incompetence; or
- (d) in such other circumstances as may be prescribed.

Appeal of decisions

20(1) The applicant or certificate holder, as the case may be, and the Association may appeal a decision of the registration committee with respect to the applicant or certificate holder to the council.

Objects

28(1) The following are the objects of the Association:

9. To undertake such other activities relating to the practice of professional geoscience as the council considers appropriate.

Council

30(1) The affairs of the Association shall be managed by its council.

Committees

31(1) The council shall establish and maintain the following committees and may establish such other committees as it considers appropriate:

1. A registration committee.
2. A complaints committee.
3. A discipline committee.

Panels

(2) The council may authorize the registration committee, the complaints committee and the discipline committee to sit in panels for the purpose of exercising the committee's powers and performing the committee's duties under this Act, if any, and for any other purpose.

Same

(3) A decision of a panel of a committee constitutes the decision of the committee.

Powers of first council

(4) Until the first council establishes each of the committees required by subsection (1), the first council may exercise the powers and shall perform the duties of the applicable committee under this Act.

Registrar

32(1) The council shall appoint a Registrar from among the employees of the Association.

By-laws and fees

33 The Council may make by-laws relating to the administrative and internal affairs of the Association and, without limiting the generality of the foregoing, may make by-laws establishing fees, specifying the amount of such fees, requiring members and persons applying to become members to pay such fees and exempting persons from paying fees.

Annual report

34(1) Each year, the council shall give a report to the Minister containing such information as he or she requires.

Powers of the Minister

35(1) The Minister may review the activities of the council and ask the council to undertake activities that, in his or her opinion, are necessary and advisable to carry out the intent of this Act.

Same

(2) The Minister may advise the council with respect to the implementation of this Act and the regulations and with respect to the methods that the council uses or proposes to use to enforce the regulations and to implement its policies.

Confidentiality of information

36(1) Every councillor, member of a committee established by the Association or employee of the Association shall keep confidential any information obtained in the course of his or her duties performed under this Act.

Exception

(2) An individual described in subsection (1) may disclose confidential information for the purposes of the administration and enforcement of this Act.

Testimony in civil proceedings

37(1) A councillor, member of a committee established by the Association or employee of the Association cannot be compelled to testify in a civil proceeding with respect to information obtained in the course of his or her duties performed under this Act.

Exception

(2) Subsection (1) does not apply with respect to a proceeding to enforce this Act.

Immunity

38(1) No action or other proceeding for damages shall be instituted against the Association, a councillor, member of a committee of the Association or employee or agent of the Association, including an investigator appointed under subsection 22 (1), for any act done in good faith in the performance or intended performance of a duty or in the exercise or intended exercise of a

power under this or any other Act or for any alleged neglect or default in the performance or exercise in good faith of such a duty or power.

Regulations

43(1) Subject to the approval of the Minister, the council may make regulations,

(a) respecting eligibility for membership, standards relating to the practice of the profession, including education requirements for members, and the discipline of members and certificate holders, including what constitutes professional misconduct;

(b) prescribing such things as this Act requires or permits to be prescribed or to be done by regulation;

(c) prescribing classes of individuals who are exempt from subsections 3 (1) and (2) (prohibitions re practice of professional geoscience), prescribing classes of membership and certificates of authorization and imposing terms, conditions and limitations on any class;

(d) setting out criteria for determining what constitutes qualifying work experience for the purposes of subsection 9 (2) (eligibility for membership);

(e) prescribing circumstances in which an individual is not eligible to be a member or a corporation, partnership or other entity is not eligible to hold a certificate of authorization;

(f) prescribing information to be included in the public register maintained by the Registrar;

(g) making any provision of the *Corporations Act* and *Corporations Information Act* applicable to the Association, with such modifications as the Council considers necessary or advisable;

(h) prescribing any matter that is necessary for furthering the Association's objects and is in the public interest.

Same, Minister

(2) The Minister, acting alone, may make any regulation that the council (subject to the Minister's approval) has the authority to make under subsection (1).

Same

(3) A regulation made by the Minister under subsection (2) prevails over a regulation made under subsection (1), and may amend or revoke a regulation made under subsection (1).

6.2 APGO Bylaws

There are 11 bylaws approved by APGO Council:

Bylaw No. 1 - Business

Bylaw No. 2 - Fees and Dues

Bylaw No. 3 - Certificate of Registration New

Bylaw No. 4 - Certificate of Authorization

Bylaw No. 5 - Additional Designations

Bylaw No. 6 - Registration Committee

Bylaw No. 7 - Standing Committees of Council

Bylaw No. 8 - Elections

Bylaw No. 9 - Complaints Committee

Bylaw No. 10 - Discipline Committee

Bylaw No. 11 - Mobility Agreement with Ordre des Géologues du Québec

Some examples of the powers and duties of Council found in the APGO by-laws are provided below.

Bylaw No. 5 – Additional Designations

HONORARY MEMBER

2. Council may grant the designation of Honorary member to a non-member of the Association who has provided exceptional service to the profession of geoscience.

5. The Honorary Member Committee shall submit nominations to Council for consideration.

6. Council may revoke the designation of Honorary member to an individual who has brought discredit on himself or herself or on the geoscience profession.

9. No person may remain in the record as a geoscientist-in-training for more than six (6) years.

10. Notwithstanding Section 9, in particular cases, Council may extend the period to not more than eight (8) years.

12. The Council may direct the Registrar to remove the name of a geoscientist-in-training from the register if the Council determines that the geoscientist-in-training has engaged in behaviour that constitutes unprofessional conduct.

15. The Council may direct the Registrar to remove the name of a student from the register if the Council determines that the student has engaged in behaviour that constitutes unprofessional conduct.

Bylaw No. 6 – Registration Committee

APPOINTMENT OF COMMITTEE

1. Council shall appoint the Registration Committee (the “Committee”), as set out in the Act and Regulations. All members of the Committee shall serve at the discretion of Council for a term of not less than three (3) years and may be reappointed.

7 Quebec: Ordre des Ingénieurs du Québec (OIQ)

7.1 Professional Code, Civil Code of Québec, Chapter C-26

20. The Interprofessional Council shall consist of the professional orders; each order shall be represented thereon by its president or by another member designated by the board of directors.

40. The board of directors of an order shall issue a permit or a specialist's certificate to any person who meets the conditions prescribed by this Code, the Act constituting such order and the regulations made under this Code or the said Act.

41. The board of directors of an order may issue, on the conditions it determines, to any person legally authorized to practise outside Québec the same profession as the members of such order a temporary permit valid for a period of one year and renewable.

42.1. The board of directors of an order may issue a temporary restrictive permit to a person seeking admission to a profession who is in either of the following situations:

(1) after examining an application for equivalence submitted under a regulation made under paragraph c of section 93 or paragraph i of section 94, the order informed the person of the training needed to obtain the equivalence;

(1.1) in addition to having the professional competence required, the person must meet one of the conditions set out in a regulation made under paragraph c.2 of section 93 to obtain a permit issued under paragraph 2.1 of section 42; or

(2) the person must meet one of the conditions set out in a regulation under paragraph q or r of section 94 to obtain a permit issued under paragraph 3 of section 42 or section 42.2.

The board of directors must determine, from among the professional activities the members of the order may engage in, those that may be engaged in by the holder of the permit, and the conditions the holder must meet to engage in those activities.

The permit is valid for one year and may be renewed.

42.2. The board of directors of an order may issue a special permit for certain professional activities to a person who holds a legal authorization to practise the profession outside Québec, in accordance with a regulation under paragraph r of section 94.

42.4. Despite sections 32, 36 and 37.2, the board of directors may issue a special authorization granting a person legally authorized to practise the profession outside Québec the right to use a title reserved for members of the order in Québec or to engage in Québec in professional activities reserved to them in Québec.

A special authorization is valid only for the activities or the title it specifies. Moreover, it must specify the person or group of persons for whom the activities may be engaged in, as well as any other applicable condition or restriction. It is valid for a period not exceeding one year and is renewable.

The board of directors may delegate to the president of the order the power to issue or renew a special authorization, in accordance with the conditions it determines.

45. The board of directors may refuse to issue a permit or to enter an applicant on the roll, or refuse any other application preceding admission to the profession, if the applicant

(1) has been the subject of a decision of a Canadian court finding him guilty of a criminal offence which, in the reasoned opinion of the board of directors, is related to the practice of the profession, unless he has obtained a pardon;

(2) has been the subject of a decision of a foreign court finding him guilty of an offence which, if committed in Canada, could have led to criminal proceedings and which, in the reasoned opinion of the board of directors, is related to the practice of the profession, unless he has obtained a pardon;

(3) has been the subject of a disciplinary decision made in Québec by the disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the revocation of a permit or a striking off the roll, including a provisional striking off the roll;

(4) has been the subject of a disciplinary decision made outside Québec which, if made in Québec, would have had the effect of a revocation of permit or a striking off the roll, including a provisional striking off the roll imposed by an order's disciplinary council;

(5) has been the subject of a decision made in Québec finding the applicant guilty of an offence under section 188 or an offence under a provision of an Act of Québec or a federal Act identified for the purposes of this subparagraph in the order's code of ethics; or

(6) has been the subject of a decision made outside Québec finding the applicant guilty of an offence which, if committed in Québec, could have resulted in penal proceedings under section 188 or penal proceedings under a provision of a Québec or a federal Act identified for the purposes of this subparagraph in the order's code of ethics.

Before making a decision under this section, the board of directors must give the person concerned an opportunity to submit observations.

A decision refusing to issue a permit or to enter an applicant on the roll, or refusing any other application preceding admission to the profession shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.

Within three years after a decision is made under this section, no new application for a permit or for entry on the roll or new application preceding admission to the profession may be presented to the board of directors that made the decision unless there are new facts that may warrant a different decision.

45.1. The board of directors may, after giving an applicant an opportunity to submit observations, enter the applicant on the roll, but restrict or suspend his right to engage in professional activities if the applicant

(1) is the subject of a disciplinary decision made in Québec by the disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the restriction or suspension of his right to engage in professional activities;

(2) is the subject of a disciplinary decision made outside Québec which, if made in Québec, would have had the effect of a restriction or suspension of the right to engage in professional activities imposed by the disciplinary council of an order;

(3) is or has been, as the case may be, the subject of a decision described in section 45.

A decision to restrict or suspend the right to engage in professional activities shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

45.2. A person must, in an application for a permit or for entry on the roll or in any other document that is filled out for the purpose of admission to a profession, inform the board of directors that the person is or has been the subject of a judicial or disciplinary decision described in section 45 or 45.1.

A certified copy of a judicial or disciplinary decision described in section 45 or 45.1 that was rendered in Canada constitutes proof that the offence was committed and that any facts reported in the decision are true.

The board of directors may require the person to provide any information or document it considers necessary for the purposes of section 45 or 45.1. The board of directors may refuse to examine the application until the information or document is provided to it.

45.3. The board of directors may assess the competence of an applicant for a permit described in section 42 when the applicant has satisfied the conditions set out in that section for a number of years greater than that prescribed by a regulation under paragraph j of section 94.

The board of directors may also assess the competence of an applicant for entry on the roll when the applicant has held a permit without being entered on the roll for a number of years greater than that prescribed by a regulation under paragraph j of section 94.

Based on the results of an assessment under the first or the second paragraph, the board of directors may, after giving the applicant an opportunity to submit observations,

(1) refuse to issue a permit to or enter on the roll the applicant whose knowledge or skills are not equivalent to those of the members of the order;

(2) enter the applicant on the roll but limit or restrict his right to engage in professional activities until successful completion of a period of refresher training or a refresher course, or both; in the case of repeated failure to successfully complete a required period of refresher training or a required course, the third paragraph of section 55 applies.

A decision under the third paragraph shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.

No new application may be presented to the board of directors after it has made a decision under this section unless there are new facts that may warrant a different decision.

46. Every person who applies therefor to the secretary of an order shall be entered on the roll of the order if he satisfies the following conditions:

(1) he holds a permit issued by the board of directors of the order.

46.0.1. A professional who has been struck off the roll of an order must, even on the expiry of a provisional striking off the roll, comply with the conditions and formalities set out in section 46 in order to be again entered on the roll.

Unless the board of directors decides otherwise, entry on the roll entails the resumption of any supervision measure to which the professional was subject on ceasing to be a member of the order and which therefore ceased to be applied at that time.

48. The board of directors of an order may order the medical examination of a person who is a member of such order, who applies for entry on the roll or who makes another application preceding admission to the profession where it has reason to believe his physical or mental condition is incompatible with the practice of his profession.

49. The physical examination required by the board of directors shall be carried out by three physicians; one of these shall be designated by the board of directors, another, by the person concerned and the third, by the first two.

49.1. Despite section 49, the medical examination may be carried out by a single physician if the board of directors and the person concerned give their consent.

51. Where the person concerned refuses to submit to the medical examination or where, according to the report of the three physicians, his physical or mental condition is incompatible with the practice of his profession, the board of directors may, after giving him an opportunity to submit observations,

(a) if such person is a member of the order, strike him off the roll or restrict or suspend his right to engage in professional activities;

(b) if such person is not a member of the order, refuse to enter him on the roll, allow him to be entered on the roll but restrict or suspend his right to engage in professional activities, or refuse any other application he makes preceding admission to the profession.

Every decision under the first paragraph must be served forthwith, in accordance with the Code of Civil Procedure (chapter C-25), on the person concerned.

52. The situation of a person who is the subject of a decision under section 51 may be reassessed on an application in writing by the person.

The board of directors shall decide the application on the basis of the medical report furnished to it by the person concerned on the compatibility of his physical or mental condition, as the case may be, with the practice of the profession.

Where the report does not establish, to the satisfaction of the board of directors, the compatibility of the physical and mental condition of the person concerned with the practice of the profession, the board of directors may order another medical examination, and sections 49 to 51 apply.

52.1. The board of directors may, when it considers that the physical or mental condition of a professional requires immediate action to protect the public, provisionally strike the professional off the roll or restrict or suspend his right to engage in professional activities until a decision is rendered following the medical examination ordered under section 48.

However, the board of directors may not render a provisional decision under the first paragraph before informing the professional of the facts brought to its attention and giving the professional an opportunity to submit observations in the manner and within the time limit it indicates.

52.2. When the board of directors delegates its powers under section 52.1 to a committee created under paragraph 1 of section 62.1, its powers under sections 48 to 50 are also delegated to the committee.

55. The board of directors of an order may, on the recommendation of the professional inspection committee or the disciplinary council or in the cases determined by a regulation under paragraph j of section 94, require any member of the order to successfully complete a period of refresher training or a refresher course, or both such training and course. It may also impose on the member any other requirement provided for in a regulation under section 90 that is recommended by the professional inspection committee.

Where the board of directors of an order imposes a requirement described in the first paragraph on a member of the order, the board of directors may, on the recommendation of the professional inspection committee or the disciplinary council or in the cases determined by a regulation under paragraph j of section 94, restrict or suspend the member's right to engage in professional activities until that requirement is met.

In case of repeated failure to meet a requirement imposed under the first paragraph accompanied by a restriction or suspension, the board of directors may, after giving the professional concerned the opportunity to make representations, strike the professional off the roll, or permanently restrict the professional's right to engage in professional activities reserved for members of the order. The decision of the board of directors shall be served on the professional in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

55.0.1. In addition to the other cases provided for in this Code or the Act constituting the order, the board of directors may restrict a member's right to engage in professional activities if the member consents to it.

The board of directors may reassess the situation of the member concerned on an application in writing by the member, after obtaining the recommendations of the professional inspection committee.

55.1. The board of directors may, after giving the professional concerned an opportunity to submit observations, provisionally strike the professional off the roll or provisionally restrict or suspend his right to engage in professional activities if the professional has been the subject of a judicial decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45.

The board of directors shall inform a syndic of any decision, which serves as a request under section 128.

55.2. The board of directors may, after giving the professional an opportunity to submit observations, apply the disciplinary penalty handed down

(1) in Québec by a disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the revocation of the professional's permit or specialist certificate, a striking off the roll, including a provisional striking off the roll, a restriction, including a provisional restriction, or a suspension of the right to engage in professional activities; or

(2) outside Québec which, if handed down in Québec, would have had the effect of a penalty described in subparagraph 1, with the necessary modifications.

The penalty imposed by the council ends on the expiry date of the disciplinary penalty described in subparagraph 1 or 2 of the first paragraph.

55.3. A certified copy of a judicial or disciplinary decision described in section 55.1 or 55.2 that was rendered in Canada constitutes proof that the offence was committed and that any facts reported in the decision are true.

The board of directors may require the professional to provide any information or document it considers necessary for the purposes of section 55.1 or 55.2. The board of directors may strike the professional off the roll until the information or document is provided to it.

55.5. For the purposes of section 55.1, the board of directors may send to the Director of Criminal and Penal Prosecutions a list of criminal and penal offences that may be related to the

practice of the profession and for which the order wishes to be informed of any charge brought against a member. The order and the Director may enter into an agreement to determine the manner in which this information is to be sent.

56. When the board of directors of an order is informed or has reason to believe that the holder of a permit or specialist's certificate has been guilty of fraud in obtaining such permit or certificate, it may request that an inquiry be made into the matter in accordance with Division VII.

If the fraud charged is maintained against the respondent, the disciplinary council shall revoke his permit or certificate, whether or not he is entered on the roll at that time.

61. An order shall be administered by a board of directors consisting of a president and a number of directors to be determined in a regulation under paragraph e of section 93.

62. The board of directors shall have the general administration of the affairs of the order and shall see to the application of this Code, the Act or the letters patent constituting the order, the amalgamation or integration order and the regulations made under this Code or such Act. It shall exercise all the rights, powers and prerogatives of the order, except those within the competence of the members of the order in general meeting. Unless otherwise provided by this Code or such Act, it shall exercise them by resolution.

The board of directors shall, in particular,

(1) appoint the secretary of the order;

(2) require its members and the employees of the order to take an oath of discretion, and determine the form of the oath; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;

(3) make sure that activities, refresher courses or training periods are offered to the members of the order;

(4) give any advice it considers expedient to the Minister, the Office, the Interprofessional Council, educational institutions or any other person or body it sees fit;

(5) cooperate with the authorities of the educational institutions concerned in Québec, in accordance with the terms and conditions set under the second paragraph of section 184, in the development and review of programs of study leading to diplomas giving access to a permit or a specialist's certificate, of the standards that the board of directors must prescribe by a regulation under paragraph c of section 93 and, where applicable, of the other terms and conditions that the board of directors may determine by a regulation under paragraph i of section 94, together with standards of equivalence for those terms and conditions that the board of directors may prescribe in that regulation.

62.1. The board of directors may

- (1) delegate to a committee it creates for that purpose the power to decide any application preceding admission to the profession as well as its powers under sections 45 to 45.3, 46.0.1, 48 to 52.1 and 55 to 55.3; the members of such a committee shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;
- (2) establish rules for the carrying on of its business, including the number of meetings and the intervals at which they are to be held, and rules concerning the administration of the order's property;
- (3) determine the means of communication through which members of the board of directors or the executive committee who are not present or physically in attendance at the place where a meeting of the board or the committee is being held may express their opinion with a view to the making of a decision, determine conditions for the use of such means of communication and, for the purposes of the fourth paragraph of section 79, the second paragraph of section 84 and the second paragraph of section 99, determine what constitutes a failure to express one's opinion or an impediment, as the case may be;
- (4) choose to hold an election to elect the president and other directors by a technological means, which must ensure the security, secrecy and integrity of the ballot.

63.1. The board of directors must, to hold an election to elect the president and other directors by a technological means, determine the particulars of the election process in a regulation made under paragraph b of section 93. The regulation may adapt the provisions of this Code to allow the implementation of the election.

65. To ensure adequate regional representation on the board of directors of the order, the board of directors shall, by regulation, determine the number of regions, delimit them and establish how each such region is to be represented in terms of the number of elected directors on the board of directors of the order. Such regions shall be delimited with reference to the description and map of the boundaries in Schedule I to the Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1).

If the number of members of the order is not sufficient to justify dividing the territory of Québec into regions, the board of directors may prescribe by regulation that all of such territory shall constitute a single region.

74. Within ten days following the date of the closing of the poll, the secretary of the order shall proceed to the counting of the votes in the presence of the scrutineers designated by the board

of directors; the number of such scrutineers must be three or such greater number as the board of directors may fix in a regulation under paragraph b of section 93.

79. Any vacancy in the office of an elected director shall be filled by an election by secret ballot held among the elected members of the board of directors or according to another mode of election determined by a regulation under paragraph b of section 93. The term of office of the person so elected shall end upon the expiry of that of the person whom he replaces.

81. If the office of president becomes vacant, the president shall be replaced for the unexpired portion of his term by one of the elected directors designated by the board of directors or in another way determined by regulation under paragraph b of section 93.

If the president is unable to act, the board of directors may designate an elected director to exercise the president's functions for the duration of the inability to act.

82. The members of the board of directors shall hold the number of meetings required to carry out the functions and exercise all the rights, powers and prerogatives that section 62 confers on the board of directors. However, they must meet at least three times a year.

83. Special meetings of the board of directors shall be held at the request of the president or one-quarter of the members of the board of directors.

85. Despite any inconsistent provision, a two-thirds majority vote of the members of the board of directors is required to dismiss the secretary of the order, a syndic or a person to whom a regulation under paragraph a of section 94 applies.

The board of directors may dismiss a syndic only if a written notice to attend is sent to him at least 30 days before the date of the meeting of the board of directors at which the resolution proposing the dismissal is to be presented. The notice shall set out the reasons for the proposed dismissal and inform the syndic of his right to be heard by the board of directors.

The board of directors shall notify the Office of the reasons for the dismissal of a syndic within 30 days of its decision.

The order's power to dismiss a person under this section may not be limited by a contract of employment or a collective agreement.

85.1. The board of directors shall determine the annual assessment and any supplementary or special assessment to be paid by the members of the order or certain classes of members on the basis of the professional activities in which they engage, and the date by which the assessment must be paid.

To come into force, a resolution passed by the board of directors under the first paragraph must be approved by a majority of the members of the order who vote on the matter, except in the case of a resolution proposing a supplementary assessment that has become necessary for the order to satisfy its obligations under a regulation of the Office under subparagraph 6 of the third paragraph of section 12 or a regulation of the Government under section 184, to pay expenses resulting from the payment of compensation or expenses related to the procedure for recognizing the equivalence of diplomas issued outside Québec or the equivalence of training, or related to the carrying out of the provisions of this Code that pertain to professional discipline or inspection.

A resolution determining an annual assessment is applicable for the year for which the assessment has been determined and it remains applicable, so long as it is not amended, for each subsequent year. A resolution determining a supplementary or special assessment is applicable for the specific purposes and the duration it specifies.

85.2. The board of directors shall compute, in accordance with the regulations made under paragraphs d and g of section 93, the amount required to defray the operating cost of the group plan or the professional liability insurance fund, apportion that amount among all the members of the order or certain classes of them or, if so provided by the regulation under paragraph g of section 93, solely among the members who carry on their professional activities within a partnership or a company in accordance with section 187.11, and determine when and where that amount must be paid, the whole in accordance with the conditions and procedures it determines.

85.3. The board of directors shall strike off the roll a member who

(1) fails to pay the assessments and the contribution referred to in paragraph 2 of section 46 within the period specified;

(2) fails to furnish the security or pay the amount referred to in paragraph 3 of section 46 within the period specified;

(3) fails to comply with the terms of the agreement referred to in paragraphs 4 and 4.1 of section 46; or

(4) fails to pay the fees referred to in paragraph 5 of section 46.

86.0.1. The board of directors may, in particular,

- (1) publish any periodical, leaflet or information concerning the activities of the order or its members;
- (2) form committees, determine their powers and fix the salary, fees or indemnities of their members;
- (3) establish a benevolent fund or a pension plan, in accordance with the Supplemental Pension Plans Act (chapter R-15.1), for the benefit of the members or employees of the order;
- (4) establish and administer a retirement fund for the members of the order and organize group insurance plans on their behalf;
- (5) establish and administer a contingency fund, the assets of which are invested in accordance with articles 1339 to 1344 of the Civil Code, for the benefit of members of the order in need;
- (6) establish and administer a fund to promote training, information, the quality of professional services and research;
- (7) enter into an agreement with any body to facilitate mutual recognition of the qualifications required for the issue of permits, specialist certificates or special authorizations;
- (8) prescribe the formalities and administration costs payable for requests addressed to the order by the members or by applicants for admission to the profession;
- (9) (paragraph replaced);
- (10) require any person applying for a permit or for entry on the roll to take the oath in the form established by the board of directors;
- (11) prescribe that fees in the amount fixed by the Office pursuant to paragraph 2 of section 12.3, shall be charged to a person who requests an opinion from the review committee in accordance with section 123.4;
- (12) suggest a tariff of professional fees that the members of the order may apply in respect of the professional services they render.

86.1. The board of directors may set up a professional liability insurance fund and administer it in accordance with the Act respecting insurance (chapter A-32).

87. The board of directors must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity. Such code must contain, inter alia:

- (1) provisions to prevent conflict of interest situations;

- (2) provisions defining, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the dignity or practice of the profession;
- (3) provisions to preserve the secrecy of confidential information that becomes known to the members of the order in the practice of their profession, and provisions setting out the conditions on which a professional may, in accordance with the third paragraph of section 60.4, communicate the information described in that paragraph and the procedure applicable;
- (4) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6, and provisions concerning a professional's obligation to release documents to his client;
- (5) provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the order;
- (6) provisions identifying offences, if any, for the purposes of subparagraphs 5 and 6 of the first paragraph of section 45 or of the first paragraph of section 55.1.

88. The board of directors of an order whose members charge fees must establish, by regulation, an accounts conciliation and arbitration procedure that may be used by persons to whom fees are charged.

89. The members of an order may not, in the practice of their profession, hold funds or property, including advances on fees, on behalf of a client or another person, unless it is expressly authorized by the board of directors by regulation.

If it authorizes the members of the order to hold such funds or property, the board of directors must, subject to the Unclaimed Property Act (chapter B-5.1), determine by regulation

- (1) procedures and standards for holding and disposing of such funds or property; and
- (2) procedures and standards for keeping and auditing members' books and registers and, if applicable, for holding and auditing a trust account.

89.1. A board of directors that makes a regulation under section 89 authorizing the members of the order to hold funds or property must compensate a claimant if a member uses such funds or property for purposes other than those for which they were entrusted to the member in the practice of his profession. The board of directors may not, however, compensate a claimant who entrusted funds or property to a member for illicit purposes or who knew or ought to have known that the funds or property would be used inappropriately.

The board of directors must determine by regulation

- (1) the compensation procedure; and

(2) if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund.

The regulation may prescribe the maximum compensation payable, in particular, the maximum amount that may be paid to a claimant in respect of a member and the maximum amount that may be paid to all claimants who have filed a claim in respect of a member.

If two or more claims are filed in respect of a member and the total amount claimed, after application of the limit prescribed for each claimant, exceeds the limit prescribed for all claimants, the amount of compensation is set by the board of directors and paid in proportion to the amount of each claim.

A person, a committee or a committee member designated by the board of directors for the purposes of this section may conduct an inquiry and report to the board of directors on any claim. Section 114 applies to the inquiry, with the necessary modifications. The board of directors may also delegate the power to decide a claim to such a committee.

The person or the committee members referred to in the fourth paragraph shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public.

If it compensates a claimant, the board of directors is subrogated to the claimant's rights, and prescription only runs from the day the compensation is paid.

90. The board of directors must determine, by regulation, the composition, the number of members and the procedure of the professional inspection committee of the order.

The board of directors may, in the regulation, determine a procedure for appointing inspectors or experts to assist the committee, and determine the requirements the committee may recommend in addition to the recommendations regarding refresher courses or periods of refresher training it may make under section 113.

The board of directors may also, in the regulation, provide for the appointment by the board of directors of a person to be responsible for professional inspection, delegate the powers of the committee or the committee members under sections 55, 112 and 113 to that person, and then delegate the powers of the board of directors under those sections to the committee.

91. The board of directors must, by regulation, determine standards concerning the keeping, holding and maintenance by a professional in the practice of his profession of records, books, registers, medications, poisons, products, substances, apparatus and equipment as well as property entrusted to him by a client or another person.

It must also, in the regulation, determine the rules, terms, conditions and formalities for the preservation, use, management, administration, transfer, assignment, provisional custody and destruction of the records, books, registers, medications, poisons, products, substances, apparatus and equipment of a professional, and the rules, terms, conditions and formalities for the preservation, use, management, administration and provisional custody of property entrusted to him by a client or another person, applicable in the event of his death or his being struck off the roll or ceasing to practise, or in the event of his right to practise being restricted or suspended, his permit being revoked or his accepting an office which prevents him from completing the mandates that have been entrusted to him.

The board of directors may, in the regulation, determine standards for the operation of a consulting room and other offices by a professional.

In cases described in the second paragraph, the board of directors may take possession of the records and the property held by the professional or require their delivery to an assignee or provisional custodian. In such a case, the board of directors shall determine by resolution the remuneration and the responsibilities and powers of the assignee or the custodian and the procedure for the recovery, from the professional or his successors, of expenses incurred or fees paid by the board of directors, the assignee or the custodian.

93. The board of directors must, by regulation,

(a) fix the quorum for general meetings of the members of the order and the manner of calling such meetings;

(b) fix the date of and procedure for the election of the president and the elected directors, the date and the time they take office and their term of office; the regulation may set a limit on the number of consecutive terms for which they may be appointed;

(c) prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

(c.1) determine a procedure for recognizing an equivalence, standards for which are established in a regulation under paragraph c of this section or paragraph i of section 94, stipulating that a decision must be reviewed by persons other than those who made it;

(c.2) determine the terms and conditions for issuing a permit or a specialist's certificate that are required to give effect to an agreement entered into by the order under an agreement for mutual recognition of professional competence entered into between the Government and another government; the board of directors must also, in the regulation, stipulate that a decision refusing to recognize that one of those conditions, other than professional competence, has been fulfilled must be reviewed by persons other than those who made it;

(d) impose on the members of the order the obligation to furnish and maintain security, by means of an insurance contract or a surety bond or by any other means determined by the regulation, to cover liability for any fault committed in the practice of their profession, or the obligation to join a group plan contract entered into by the order or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1. The coverage must extend to any claim filed against a member during the five years following the year he no longer is required to maintain security to cover his liability or following the year he ceases to be a member of the order or during a longer period determined by the order in the regulation. The regulation must prescribe the minimum amount of coverage and may prescribe special rules or exemptions based, in particular, on the professional activities engaged in by the members and the risk they represent;

(e) fix, in accordance with section 61, the number of directors of the board of directors;

(f) determine the location of the head office of the order;

(g) pursuant to paragraph 2 of section 187.11, impose on the members referred to therein, on the basis of the risk they represent, the obligation to furnish and maintain coverage, on behalf of the partnership or company, by means of an insurance or suretyship contract or by any other means determined by the regulation, against liabilities of the partnership or company arising from fault in the practice of their profession, or the obligation to join a group plan contract entered into by the order or to contribute to a professional liability insurance fund established for

such purposes in accordance with section 86.1; the regulation shall also determine the minimum amount of coverage and prescribe specific rules according to such factors as the nature of the professional activities carried on and the number of members of the order in the partnership or company; the coverage must extend to any claim filed against the partnership or company during the five years following the year the members cease to maintain the coverage, or during a longer period determined by the board of directors in the regulation;

(h) fix the conditions and procedure applicable to a declaration pursuant to paragraph 3 of section 187.11.

94. The board of directors may, by regulation:

(a) establish rules for the remuneration of elected directors, determine the positions within the order whose incumbents may not be dismissed except in accordance with section 85, and the procedure applicable to such a dismissal, and to the dismissal of a syndic or of the secretary of the order, in addition to what is provided in section 85;

(e) define the different classes of specialization within the profession and, where applicable, the conditions of practice;

(h) determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph i, and the terms and conditions on which such persons may engage in such activities; the regulation may determine, from among the regulatory standards applicable to members, those that are applicable to persons who are not members of an order; unless it is for the purpose of authorizing persons registered in a program giving access to a permit issued by the order or serving a period of professional training to engage in a professional activity, the board of directors must, before adopting a regulation under this paragraph, consult any order whose members engage in a professional activity described in the regulation;

(i) determine the other terms and conditions for issuing permits or specialist's certificates, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein; if it requires periods of professional training, the board of directors may in addition determine, from among the regulatory standards applicable to members, those that are applicable to persons who serve those periods of training, provide for special supervisory procedures for those persons, including inquiry and complaint procedures, and determine the penalties that may be imposed by the board of directors in the case of non-compliance;

(j) determine cases in which section 55 may apply; the regulation may also determine a number of years for the purposes of section 45.3;

- (m) determine categories of permits on the basis of the professional activities that the members may engage in or the titles they may use, and the conditions and restrictions to which members must submit when engaging in such activities or using such titles;
- (n) determine what is acceptable in lieu of a document required for the purposes of section 42 or paragraph i of section 94 of this Code, and the conditions applicable;
- (o) determine the continuing education requirements, or the framework for those requirements, with which the members or a class of members of the order must comply, in accordance with the conditions set by resolution of the board of directors; the regulation must include the methods for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply with them and, if applicable, possible exemptions from the requirements;
- (p) authorize the members of the order to carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions. If the board of directors authorizes the members to carry on their professional activities within a joint-stock company, the regulation may, in particular,
- (1) determine standards with regard to the name of the company;
 - (2) fix, according to whether or not the shares of the company are listed on a stock exchange, the proportion of voting shares that must be held by members of the order;
 - (3) fix, according to whether or not the shares of the company are listed on a stock exchange, the proportion or number of directors of the company who must be members of the order;
 - (4) determine, according to whether or not the shares of the company are listed on a stock exchange, conditions governing the transfer of shares, or shares of certain classes, and the exercise of the voting rights of a shareholder whose right to engage in professional activities has been restricted or suspended or who is no longer a member of the order, and, as appropriate, the applicable procedures and restrictions; and
 - (5) define, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the status of employee, shareholder or director of the company;
- (q) determine which legal authorizations to practise a profession outside Québec give access to a permit or a specialist's certificate, and the conditions for the issue of the permit or the specialist's certificate that are applicable to the holders of the legal authorizations;
- (r) establish special permits; the regulation must contain the reasons justifying the issue of a special permit, the conditions for the issue of the permit, the title, abbreviation and initials its holder may use, the activities the holder may engage in and the conditions the holder must meet to engage in those activities.

94.1. The board of directors may, in a regulation that it is authorized to make under this Code or under an Act constituting the professional order, make compulsory a standard established by a government or body. It may provide that reference to such a standard includes any subsequent amendment made to it.

95.3. No regulation may be adopted by the board of directors under section 87, 88, 89, 90 or 91, paragraph d or g of section 93 or paragraph j, o or p of section 94 unless the secretary of the order has sent a draft of it to every member of the order at least 30 days before its adoption by the board of directors.

95.4. All regulations made by the board of directors or made by the Government under section 183 and that are in force shall be distributed to the members of the order and the appointed directors by the secretary of the order.

96.1. The executive committee shall see to the day-to-day administration of the order's affairs and may exercise all the powers delegated to it by the board of directors.

However, the power to make regulations, to establish operating rules for the board of directors or the executive committee, to appoint a syndic or to designate the members of the disciplinary council, or the powers conferred by section 85.2 and the first and third paragraphs of section 86.1 may not be delegated to the executive committee by the board of directors.

97. The board of directors shall determine the number of members of the executive committee. That number must be at least five when the forming of a committee is compulsory, and at least three when the forming of a committee is optional, but in all cases, less than half the number of directors on the board.

100. The board of directors shall establish operating rules for the executive committee, including rules for the holding of meetings and quorum rules, and the procedure for keeping the board of directors informed of the activities of the executive committee.

103. The annual general meeting of the members of an order shall be held within eight months after the end of the fiscal year of such order.

The board of directors shall set the date, time and place of the meeting.

106. A special general meeting of the members of an order shall be held at the request of the president of the order, at the request of the board of directors or at the written request of the number of members required to constitute a quorum at such meeting. Such request shall be addressed to the secretary, who must then call the meeting in accordance with section 102 at least five days before the date fixed for the meeting.

109. A professional inspection committee is established within each order.

Such committee shall consist of not less than three members appointed by the board of directors which shall designate a chair from among them.

Three members, or such greater number as the board of directors may fix by regulation, including the chair, shall be a quorum of the committee. If there is a sufficient number of members on the committee, it may sit in divisions of three members, including the chair or another member of the committee designated by the chair to act as chair of a division.

112. The committee shall supervise the professional practice of the members of the order. Its functions include inspecting their records, books, registers, medications, poisons, products, substances, apparatus and equipment relating to their professional practice, and inspecting the property entrusted to them by their clients or other persons.

At the request of the board of directors, the committee or a committee member shall inspect the professional competence of a member of the order; the committee or a committee member may also act on its or his own initiative in this regard.

117. The disciplinary council shall consist of at least three members, including a chair who shall be appointed by the Government, after consultation with the Barreau du Québec, from among the advocates who have at least 10 years' practice; the Government shall fix the duration of the chair's term, which must be at least three years. At least two other members shall be designated by the board of directors of the order from among the members of the order; the board of directors shall fix the duration of their terms, which must be at least three years.

120. The board of directors of every order shall appoint the secretary of the disciplinary council of the order.

121. The board of directors of each order shall appoint, from among the members of the order, the syndic and, if need be, assistant syndics and corresponding syndics. These persons form the office of the syndic of the order.

121.1. The board of directors must take steps to preserve the independence of the office of the syndic at all times so that the persons who form the office of the syndic may exercise their functions.

121.3. The board of directors may appoint a syndic ad hoc on the suggestion of the review committee, at the request of the syndic or, in exceptional circumstances that it must set out in the resolution of appointment, on its own initiative.

A syndic ad hoc has the rights, powers and obligations of a syndic except that he does not have authority over an assistant syndic and may not be assisted by a corresponding syndic.

The board must take steps to preserve the independence of a syndic ad hoc at all times.

123.3. A review committee shall be established within every order.

The function of the committee is to give, on request, to a person who requested the holding of an inquiry, its opinion regarding any decision of a syndic not to lodge a complaint.

The board of directors shall appoint three or more persons to the committee and designate the committee chair from among their number.

128. A syndic must, at the request of the board of directors, lodge any complaint against a professional which appears to be justified; he may also, on his own initiative, act in this regard.

159. The board of directors of the order may, upon motion, suspend a striking off made under this section, provided that the professional struck off undertakes in writing to reimburse fully the amount that he owes, within a fixed time.

193. The following persons or bodies cannot be prosecuted by reason of acts engaged in in good faith in the performance of their duties or functions:

(6) the board of directors, a member of the board of directors or the secretary of the order.

7.2 Engineers Act, Civil Code of Québec, Chapter I-9 (OIQ)

9. The Order shall be administered by a board of directors called the “board of directors of the Ordre des ingénieurs du Québec.”

The board of directors shall consist of a president elected, 20 directors elected and four directors appointed by the Office des professions du Québec, in the manner provided in the Professional Code (chapter C-26).

12. The board of directors may, in the course of its duties,

(a) decide as to any court action or defence proceedings to be taken by and in the name of the Order, or with its authorization;

(b) generally represent the Order for all legitimate purposes;

(c) conduct, either directly or through committees or members specially designated for such purpose, any investigation or study deemed useful on any matter of concern to the profession;

(d) establish scholarships, prizes and medals.

16. The board of directors, in all cases and notwithstanding the method of admission provided, may refuse admission to any candidate who cannot provide evidence of good character to the board of directors' satisfaction.

A decision by the board of directors to refuse admission on the ground provided for in the first paragraph shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV of the Professional Code (chapter C-26).

18. The board of directors, on payment of a fee not exceeding the amount of the annual assessment of the members, may grant a temporary licence for a specific project to any person domiciled in Canada who is a member of a Canadian association of engineers authorized to govern the practice of the engineering profession, upon presentation by such person of his credentials.

19. (1) The board of directors, on payment of the fees fixed by it, may grant to any person who does not qualify under section 18 but who holds a diploma in engineering, a degree of bachelor of applied sciences, or an equivalent diploma from a school or university recognized by the board of directors, or who is a member of an engineering association recognized by the board of

directors, a temporary licence for a specific project as the collaborator of a member of the Order who shall sign and seal the plans and specifications with him.

(2) Exceptionally, and subject to the conditions described in the preceding subsection, the board of directors, if it feels that such action is warranted by special circumstances, may grant to such person a temporary licence to practise, not as a collaborator but directly as the engineer in charge of the project, provided that such person be assisted by a member of the Order.

(3) In both cases, the member of the Order must participate in the supervision of the work.

20. The board of directors may accept as a member a person who has not been legally admitted to Canada as a permanent resident but who is qualified and whose services as a specialist are required in Québec. Such member must be admitted for specific employment and shall not practise except for the purposes of that employment.

24. (3) Any investigator designated by the board of directors may at any reasonable hour enter on the premises where works contemplated in section 2 are carried out for the purpose of verifying whether the provisions of subsection 1 of this section are respected and obtain all the pertinent plans and specifications of engineering works. Such investigator must, if it is requested of him, show a certificate signed by the secretary of the Order, certifying his capacity.

Note: Excerpts of relevant provisions from regulations available in English are included here. *Where regulations are available in French only, actual excerpts are not provided but the relevant provisions are summarized and shown italics. These are not official translations.*

7.3 Règlement sur les Assemblées Générales, la Rémunération des Administrateurs et Déterminant l'endroit du Siège de L'Ordre des Ingénieurs du Québec, Recueil des Lois et des Règlements du Québec, Chapter I-9, r 1.1

(Translation: Regulation on General Meetings, the Remuneration of Directors and Determining the Location of the OIQ Headquarters)

Section 4. Remuneration and reimbursement for expenses for persons who are required to attend meetings are determined by the board of directors.

Section 5. Remuneration and reimbursement for expenses for the president, for the execution of his/her functions, are determined by the board of directors.

7.4 Regulation Respecting Other Terms and Conditions for the Issuance of Permits by the Ordre des Ingénieurs du Québec, Civil Code of Quebec, Chapter I-9, r. 4

1. The board of directors of the Order shall issue a junior engineer's permit to persons who meet all of the following conditions:

(1) they have sent an application to the secretary of the Order and have enclosed:

(a) a certified copy of their act of birth;

(b) a recent passport-size photograph (5 cm x 7 cm) certified under the person's signature as being of himself;

(2) they have demonstrated that they hold a degree recognized by the Government under the first paragraph of section 184 of the Professional Code (chapter C-26) as giving access to an engineer's permit or a degree considered equivalent by the board of directors, or they have training considered equivalent by the board of directors under paragraph c of section 93 of the Professional Code;

(3) they have paid all fees and costs relating to the issuance of the junior engineer's permit that are required under paragraph 8 of section 86.0.1 of the Professional Code.

5. The board of directors of the Order shall issue an engineer's permit to persons who also meet the following conditions, in addition to the conditions stated in section 1:

(1) they have acquired engineering experience in accordance with Division II;

(2) they have successfully completed the sponsorship activities in accordance with Division III, as applicable;

(3) they have passed the professional examination in accordance with Division IV;

(4) they have demonstrated that they have appropriate knowledge of the official language of Québec for practising the profession of engineer in accordance with the provisions of the Charter of the French language (chapter C-11);

(5) they have paid all fees and costs relating to the issuance of the engineer's permit required under paragraph 8 of section 86.0.1 of the Professional Code (chapter C-26).

9. In order to be recognized, the engineering experience must have been acquired:

(1) after the end of a program of studies leading to a degree recognized by the Government as giving access to an engineer's permit;

(2) after the end of a program of studies leading to a degree considered equivalent by the board of directors;

(3) after the end of a program of studies leading to an engineering degree, if the candidate passes the confirmatory examinations prescribed by the committee of examiners; or

(4) after the candidate passes the qualifying examinations prescribed by the committee of examiners, as applicable.

10. Notwithstanding section 9, a person shall receive an engineering experience credit equal to the period of relevant engineering experience acquired during the second half of a program of study:

(1) leading to a degree recognized by the Government as giving access to an engineer's permit; or

(2) leading to a degree considered equivalent by the board of directors.

Such engineering experience credit may not exceed 4 months.

17. The board of directors shall appoint from among the members of the Order an evaluator of engineering experience, and determine his duties and functions.

29. The board of directors shall appoint a sponsorship evaluator and determine his duties and functions.

40. The board of directors shall appoint an examination director to be in charge of organizing and administering the professional examination, and determine his duties and functions.

41. Examination sessions shall be held at the times and places determined by resolution of the board of directors.

7.5 Regulation Respecting the Professional Inspection Committee of the Ordre des Ingénieurs du Québec, Civil Code of Quebec, Chapter I-9, r. 7

Section 2. The professional inspection committee is made up of 15 members appointed by the board of directors from among members who have practiced for at least 5 years.

Section 4. The board of directors appoints the secretary of the committee.

Section 11. The committee supervises the practice of the profession following the program that it establishes and the board of directors approves.

Section 12. Every year, the board of directors distributes to the membership the general supervision program of the committee.

7.6 Regulation Respecting Elections to the Board of Directors of the Ordre des Ingénieurs du Québec, Recueil des Lois et des Règlements du Québec, Chapter I-9, r. 8

Section 7. The board of directors appoints scrutineers who are members not employed by l'Ordre and not members of the board of directors.

7.7 Règlement sur la Formation Continue Obligatoire des Ingénieurs, Recueil des Lois et des Règlements du Québec, Chapter I-9, r. 9

(Translation: Regulation on Mandatory Continuing Education for Engineers)

Section 4. The board of directors can require members to take certain courses/training regarding professional development

Section 20. The striking from the roll of l'Ordre is effective until the member provides l'Ordre proof that he/she has satisfied the requirements of section 16 [regarding continuous development] and until it has been lifted by the board of directors.

7.8 Regulation Respecting the Standards for Equivalence of Diplomas and Training for the Issue of a Permit by the Ordre des Ingénieurs du Québec, Civil Code of Quebec, Chapter I-9, r. 10

1. The secretary of the Ordre des ingénieurs du Québec shall forward a copy of this Regulation to a candidate wishing to obtain recognition of equivalence of a diploma or training.

In this Regulation:

(1) "diploma equivalence" means the recognition by the board of directors of the Ordre des ingénieurs du Québec that a diploma issued by an educational institution outside Québec certifies that a candidate's level of knowledge is equivalent to the level attained by the holder of a diploma recognized as meeting permit requirements, in conformity with the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2), under section 184 of the Professional Code (chapter C-26);

(2) "training equivalence" means the recognition by the board of directors of the Ordre des ingénieurs du Québec that the candidate's training indicates that he has acquired a level of knowledge equivalent to the level attained by the holder of a diploma recognized as meeting permit requirements;

3. The secretary of the Order shall forward the documents described in section 2 to the committee of examiners formed by the board of directors.

6. Candidates who disagree with the notice of the committee of examiners or have new elements to present are entitled to request a file review. The committee of examiners shall review its notice at the next meeting after the candidate's request.

Candidates who disagree with the revised notice are entitled to be heard by a committee formed for this purpose by the board of directors.

7. The committee formed by the board of directors to hear the candidate shall do so within 90 days of the date of receipt of the application. To this end, the secretary shall convene the candidate by means of a notice in writing sent by registered mail at least 10 days before the date of the hearing. Within 10 days of the date of the hearing, that committee shall make its recommendation to the committee of examiners, which shall send it to the board of directors with its notice.

8. At the first meeting following receipt of the notice of the committee of examiners, the board of directors shall decide, in accordance with this Regulation, whether or not to grant the equivalence and, in the latter case, indicate, where applicable, which examinations or courses the candidate must pass in order to obtain equivalence; the board of directors shall notify the candidate in writing within 15 days following its decision.

14. To sign up for the examinations, candidates must:

(1) apply in writing to the secretary of the committee of examiners at least 60 days before the scheduled examination date;

(2) pay the dues required by the board of directors.

15. Within 30 days following receipt of a notice of failure of an examination, candidates may ask the secretary of the committee of examiners in writing to have the correction of the examination reviewed, upon payment of the dues required by the board of directors.

7.9 Regulation Respecting Refresher Training Periods of Engineers, Civil Code of Quebec,
Chapter I-9, r. 12

2.01. The board of directors may, if it considers that an engineer's level of competence does not meet the standards required for the protection of the public, oblige that engineer to serve a refresher training period when:

(a) his name is entered on the roll more than 5 years after he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of a permit;

(b) his name is re-entered on the roll after failing to have it entered thereon for more than 5 years;

(c) his name is re-entered on the roll after having been struck off for more than 5 years;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the disciplinary council pursuant to section 113 or 160 of the Professional Code (chapter C-26);

(e) he has served a training period considered, pursuant to section 2.10, not in conformity with the objectives and the terms and conditions determined by the board of directors.

2.03. The decision of the board of directors to oblige an engineer to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

2.06. The board of directors shall determine where and when the training period must be held and, where necessary, shall designate one or several tutors.

2.07. A tutor shall submit a report to the Order within 10 working days after completion of his mandate stating, with reasons in support thereof, whether the engineer serving a training period acted, while under his supervision, in conformity with the objectives and the terms and conditions determined by the board of directors.

2.08. The engineer serving a training period or his tutor may be required to submit additional reports to the board of directors on the dates determined by the latter.

2.10. After studying each of the reports required under sections 2.07 and 2.08, the board of directors shall decide, at its first meeting following receipt of the reports, whether the training period is in conformity with the objectives and the terms and conditions it has determined.

3.01. The board of directors may, if it so considers necessary for the protection of the public, limit the right of the engineer in question to practise during all or part of the training period, in particular in one or several of the following ways:

(a) by determining when and where he is authorized or he is not authorized to practise;

(b) by determining the professional acts which he is authorized or he is not authorized to perform;

(c) by requiring that the professional acts that he is authorized to perform, or that certain of them, be performed under the supervision of another engineer or group of engineers.

3.02. The board of director's decision to limit the right to practise of an engineer serving a training period must be sent to his employer as soon as possible, after the engineer has been notified.

4.01. Before imposing a training period or limiting an engineer's right to practise, the board of directors must give the member concerned the opportunity to be heard. For such purpose, the board of directors must give him written notice of at least 10 days from the date of the hearing.

4.04. During the training period, the board of directors may, upon a duly motivated request by the engineer serving a training period communicated to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the engineer's right to practise.

8 Ordre des Géologues du Québec

8.1 Professional Code, Civil Code of Quebec, Chapter C-26

See above under Ordre des ingénieurs du Québec.

8.2 Geologists Act, Civil Code of Quebec, Chapter G-1.01

3. The Order shall be governed by a board of directors constituted as prescribed in the Professional Code (chapter C-26).

4. The board of directors shall, in addition to the regulations it is required to make under the Professional Code (chapter C-26), fix the terms and conditions relating to the seal of the Order, in particular its form and content, and the conditions and obligations attached to the use of the seal.

Section 95.2 of the Professional Code applies to the regulation.

Note: Excerpts of relevant provisions from regulations available in English are included here. *Where regulations are available in French only, actual excerpts are not provided but the relevant provisions are summarized and shown italics. These are not official translations.*

8.3 Regulation Respecting the Internal Business of the Ordre des Géologues du Québec,
Recueil des Lois et des Règlements du Québec, Chapter G-1.01, r. 1

Section 2. The president fixes the date, time, location and agenda for regular meetings of the board of directors. The adopted agenda of a regular meeting can only be modified with the consent of all of the members of the board of directors present at the meeting.

Section 3. Special meetings of the board of directors are held at the request of the president or of 2 members of the board of directors. The secretary fixed the date, time and location.

Section 8. The president chairs meetings of the board of directors. The board of directors appoints one of its members to chair the meeting if the president is absent or if the president is chairing the meeting and wants to take part in a debate or ...

Section 21. The board of directors appoints 3 scrutineers from among the membership who are not members of the board of directors or member of l'Ordre.

Section 46. General meetings are held on the date and time, and at the location that the board of directors determines.

Section 50. The draft agenda for the general meeting is approved by the board of directors.

8.4 Regulation Respecting the Professional Inspection Committee of the Ordre des Géologues
du Québec, Recueil des Lois et des Règlements du Québec, Chapter G-1.01, r. 3

Section 2. The professional inspection committee of l'Ordre is composed of 5 members appointed for a term of 3 years by the board of directors from among geologists who have practice for at least 5 years.

Section 4. The board of directors appoints a secretary of the committee, who is not a member.

Section 10. The committee supervises the practice of the profession following the program that it establishes and the board of directors approves.

Section 12. Every year, the board of directors distributes to all geologists the general supervision program of the committee.

8.5 Regulation Respecting the Conditions and Procedures for the Issuance of Permits by the
Ordre des Géologues du Québec, Recueil des Lois et des Règlements du Québec, Chapter
G-1.01, r. 3.001.01

Section 1. The board of directors of l'Ordre des géologues du Québec issues a permit

Section 2. The committee of examiners, established by the board of directors in accordance with paragraph 2 of section 86.0.1 of the Professional Code (Chapter c-26) and composed of people who are not members of the board of directors, studies permit applications and makes recommendations to the board of directors within 90 days of receiving them.

*Section 3. The board of director decides on all permit applications within 60 days of receiving recommendations from the committee of examiners.
The decision of the board of directors is final and must give reasons and be provided in writing to the applicant within 30 days of the date the decision was made.*

Section 14. A person who is informed of a decision of the committee of examiners that is unfavourable may request a review by submitting in writing to the secretary of l'Ordre an application to this effect within 45 days of receiving the decision.

The board of directors decides on the application for review within 60 days of receiving it. Before making its decision, it gives the applicant the opportunity to make submissions.

The decision of the board of directors is final and must be provided in writing to the applicant within 30 days of the date the decision was rendered.

Section 17. Examination sittings are held at locations and at times fixed by the board of directors. At least two sitting are held each year.

Section 20. A person who fails the examination may, within 30 days of receiving notice of the failure, request review of the marking to the secretary of l'Ordre. The committee formed for this purpose by the board of directors review the examination within 30 days of the request.

8.6 Regulation Respecting the Compensation Fund of the Ordre des Géologues du Québec,
Civil Code of Quebec, Chapter G-1.01, r 3.002

1. The board of directors of the Ordre des géologues du Québec is to set up a compensation fund to compensate a claimant if a geologist uses funds or property for purposes other than those for which they were entrusted by the claimant to the geologist in the practice of the profession.

2. The fund is a minimum amount of \$100,000, less administrative costs, and consists of

(1) sums already allocated for compensation on 31 May 2012;

(2) sums allocated to the fund by the board of directors.

3. The board of directors of the Order manages the compensation fund. It is authorized to enter into any insurance or reinsurance contract for the purposes of the fund and to pay the premiums out of the fund.

5. The board of directors of the Order invest the sums making up the fund as follows:

(1) the portion of the sums that it anticipates using in the short term is deposited in a financial institution governed by the Act respecting trust companies and savings companies (chapter S-29.01), the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (chapter C-67.3) or the Trust and Loan Companies Act (S.C. 1991, c. 45); and

(2) the other portion is invested in accordance with article 1339 of the Civil Code.

9. The board of directors may relieve a claimant from the consequences of the claimant's failure to comply with the time limit provided for in section 8 if the claimant shows that, for reasons beyond the claimant's control, the claimant was unable to file the claim within that time.

11. The board of directors decides on a timely basis whether it is expedient to grant the claim in whole or in part and, where applicable, fixes the compensation. Its decision is final. Where the decision grants the claim, the compensation is paid to the claimant within 60 days of the decision.

13. The maximum compensation payable from the fund for the period covering the fiscal year of the Order is \$100,000 for all claims in respect of a geologist.

Where the board of directors has reasonable grounds to believe that claims in excess of that amount may be filed in respect of the same geologist, it may have an inventory drawn up of the funds and property kept in trust by the geologist and notify in writing the persons likely to file a claim. It may also suspend the payment of compensation until it has reviewed all claims concerning the geologist.

The maximum compensation is reviewed every 5 years from 31 May 2012.

8.7 Regulation Respecting the Mandatory Continuing Education of Geologists, Recueil des Lois et des Règlements du Québec, Chapter G-1.01, r. 3.01

Section 4. The board of directors of l'Ordre may, if it considers that a change or a shortcoming in the practice of the profession of geology warrants it, require its members or a class of them to take particular training. ...

Section 10. The board of directors of l'Ordre decides on all requests related to sections 8 and 9 [regarding reduced or equivalent professional development hours/activities] and provides its decisions to the geologist within 60 days of the request.

This decision indicates, if appropriate, the conditions that apply.

Section 14. If the geologist does not remedy his/her default in the period prescribed, the board of directors strikes him/her from the roll of l'Ordre. L'Ordre gives written notice to the geologist of the sanction that has been imposed. In order for the sanction to be lifted, the person must provide to the board of directors proof that he/she has remedied the default indicated in the notice provided under section 12.

8.8 Regulation Respecting the Equivalence of Diplomas and Training for the Issuance of Permits by the Ordre des Géologues du Québec, Recueil des Lois et des Règlements du Québec, Chapter G-1.01, r 3.1

Section 9. A person informed of a refusal by the committee, in whole or in part, of the equivalence requested may request that the decision be reviewed by the board of directors. This request must be in writing to the secretary within 30 days or receipt of the decision.

Section 10. The board of directors considers the request for review within 60 days of receiving it. Before making a decision, it gives the requestor the opportunity to make submissions.

The decision of the board of directors is final and must be provided in writing to the person concerned within 30 days after the meeting at which the decision was made.

8.9 Regulation Respecting the Conciliation and Arbitration Procedure for the Accounts of Geologists, Civil Code of Quebec, Chapter G-1.01, r. 4

16. The board of directors shall appoint the member or members of the council of arbitration from among the members of the Order. If the council consists of 3 arbitrators, the board of directors shall appoint the chair and secretary.

18. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure (chapter C-25), except paragraph 7 of that article. It must be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receiving the notice provided for in section 17 or of the day on which the reason for the request becomes known.

The board of directors shall rule on such request and, where required, shall see that the recused arbitrator is replaced.

26. In the event of an arbitrator's death or inability to act, the other arbitrators shall see the matter to its completion. If that arbitrator is the chair of the council of arbitration, the board of directors shall designate one of the other 2 members to act as chair.

If the council of arbitration consists of a single arbitrator, that arbitrator shall be replaced by a new arbitrator appointed by the board of directors and the dispute shall be reheard.

9 Newfoundland: Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL)

9.1 Engineers and Geoscientists Act, 2008, Statutes of Newfoundland and Labrador 2008, Chapter E-12.1

3 (3) The powers of the association shall be exercised in the name of and on behalf of the association by the board of directors referred to in section 4.

Board

4. (1) The association shall be governed by a board of directors which shall consist of
- (a) 9 professional members elected from and by members of the association in accordance with the by-laws; and
 - (b) 3 members appointed under section 5 who are not members of the association.
- (2) The association shall elect one of the elected members as the chairperson of the board.
- (4) The chairperson, or an elected member designated by him or her, shall chair the meetings of the board.
- (8) Where an elected member resigns, dies or becomes incapable of performing his or her duties, the remaining members shall appoint a replacement to serve until the expiry of the term of that elected member.
- (10) Elected members shall serve without payment for their services, but their travel and other expenses associated with their duties as members may be paid by the board, in accordance with the by-laws.
- (11) The board shall appoint a chief executive officer of the association.
- 7 (2) At the annual general meeting the association shall appoint an auditor to audit the accounts of the association and report on the financial statement prepared by the board.
- (3) The board may in its by-laws provide for voting at a meeting of the board and the association or in an election of members by mail or electronic means.

Fees

8. (1) In prescribing the fees payable under this Act, the board shall, so far as it is practicable, ensure that the amount of fees is sufficient to enable the association to exercise its powers under this Act.

By-laws

9. (1) The board may make by-laws not inconsistent with this Act respecting
- (a) the holding and procedure of its and the association's meetings;
 - (b) the appointment of committees of the members of the board comprising representatives of elected and appointed members and the duties and responsibilities of those committees and the delegation of some or all of the board's powers to them;**
 - (c) the election of members of the board under subsection 4(1) and setting the terms of office;

- (d) the election of the chairperson of the board under subsection 4(2);
 - (e) the payment of travel and other expenses of elected members of the board;
 - (f) the employment and remuneration of staff and consultants of the association;
 - (g) a code of ethics which shall include
 - (i) a definition of "professional misconduct" and "conduct unbecoming" for the purposes of sections 20 to 37,
 - (ii) provisions respecting conflict of interest, and
 - (iii) rules respecting methods of advertising;
 - (h) the remuneration and payment of travel expenses of members of adjudication tribunals;
 - (i) the participation of members at a meeting of the association or board by telephone or other telecommunications device under section 6; and
 - (j) voting by members of the association and the board by mail or electronic means.
- (2) A by-law may be made, amended or repealed at a meeting of the board provided that 30 days notice, in writing, of the making, amendment or repeal of the by-law and of the meeting are given to members of the board.

Annual report

10. (1) The board shall prepare and submit to the minister not later than 6 months after the end of its financial year
- (a) a report on the activities of the association in the previous year; and
 - (b) the association's audited financial statements for the previous financial year.
- (2) The minister shall table a copy of the annual report and the audited financial statement in the House of Assembly within 15 days of receiving it if the house is sitting and if the house is not sitting within 15 days after it next begins to sit.
- (3) Where the board fails to comply with subsection (1), the board is guilty of an offence and on summary conviction may be fined \$1,000.

Registration

11. A person who
- (a) has met the requirements for registration that may be prescribed by the board; and

(b) pays the fees set by the association,

is entitled to be registered as a professional engineer or geoscientist.

Permit holders

12. (1) A professional member, partnership, corporation or other association of persons that proposes to provide the services of a professional member directly to the public shall apply to the board for a permit to provide those services.

(2) An applicant for a permit under subsection (1) shall pay the fee set by the association for the permit.

(3) As a condition of receiving a permit, a professional member, partnership, corporation or association of persons shall provide proof that he or she has obtained professional liability insurance coverage in a form and amount satisfactory to the board.

Requirement for permit

18. (1) A professional member shall not offer or provide professional services directly to the public unless the member has a permit issued under section 12.

(2) A permit issued under section 12 may contain those restrictions on the practice of engineering or geoscience that the board considers appropriate.

21. (1) The board shall appoint at least 3 of its members, at least one of whom is a member appointed under section 5, to constitute a complaints authorization committee.

(3) The board shall appoint the chairperson and vice-chairperson of the complaints authorization committee from the persons appointed under subsection (1).

(4) The board shall appoint at least 12 members who are not members of the board, one of whom shall be appointed to serve as chairperson, and the minister shall appoint at least 4 persons who are not members to represent the public interest, who shall together constitute a disciplinary panel.

(8) Members of the disciplinary panel shall serve on the panel without payment for their services, but may be remunerated for service as a member of an adjudication tribunal and paid their travel and other expenses associated with the work of that tribunal by the board, in accordance with and at the rates set by the by-laws.

Hearing

26. (1) Where a complaint has been referred under paragraph 24 (3)(b), an adjudication tribunal shall hear the complaint.

(2) The parties to a hearing are the board and the respondent and a party may be represented by his or her counsel at a hearing.

Failure to comply

32. (1) On application by the board to the disciplinary panel, an adjudication tribunal may make an order suspending the rights and privileges of a respondent where it determines that the respondent has failed to comply with a decision or an order under subsection 28 (2) or 29 (3).

(2) The parties to the application are the board and the respondent.

Costs of association

34. (1) Where a person who was ordered to pay the costs of the board under paragraph 28 (2)(e) or 29 (3)(e) fails to pay in the time required, the board may suspend the registration or permit of that person until the costs are paid.

Collection of fine

35. (1) Where an order is made under section 28 or 29 imposing a fine on a respondent, the board may issue a certificate stating the amount of the fine due and remaining unpaid and the name of the person by whom it is payable, and file the certificate with the Trial Division.

Appeal to Trial Division

36. (1) The board or the respondent may, within 30 days after receiving notice of the decision or order of an adjudication tribunal under this Act, appeal the decision or order to the Trial Division by filing a notice of appeal with the Registrar of the Supreme Court.

37. An action for damages shall not lie against the association, the board, disciplinary panel, an adjudication tribunal or the individual members of those bodies, a person appointed to conduct an investigation under subsection 24(1)(b), the registrar, or an officer or employee of the board for

- (a) an act or failure to act, or a proceeding initiated or carried out in good faith under this Act, or carrying out their duties or obligations as an officer, employee or member under this Act; or
- (b) for a decision or order made or enforced in good faith under this Act.

Regulations

38. (1) The board may, with the approval of the minister, make regulations

- (a) respecting the establishment of categories of and conditions respecting the registration of engineers-in-training, geoscientists-in-training, candidates for examination and students;
- (b) respecting the academic qualifications and experience required of applicants for registration as professional engineers or geoscientists;
- (c) governing the evaluation by the board or a committee of the board, of the academic qualifications and experience requirements of applicants for registration to engage in the practice of engineering or geoscience and the examination of the applicants with respect to those qualifications or requirements;
- (d) respecting providing notice to the public under subsection 24(4);
- (e) respecting the eligibility of applicants generally for registration to engage in the practice of engineering or geoscience;
- (f) prescribing performance standards for the practice of the professions;
- (g) governing the names which members and permit holders may use in the practice of the professions;
- (h) respecting the establishment by the board of both compulsory and optional continuing education programs for members;
- (i) establishing categories of professional engineers or geoscientists or permit holders and prescribing the restrictions of practice and the privileges and obligations of the categories;
- (j) respecting the use of stamps and seals;
- (k) governing the eligibility for registration of persons, firms, partnerships and other associations of persons as permit holders;
- (l) respecting eligibility to form limited liability partnerships;
- (m) respecting alternative dispute resolution for the purposes of sections 20 to 36 and the procedure for that resolution; and
- (n) prescribing time limits for events in the disciplinary process in sections 20 to 37, including time limits for:

- (i) the filing of an allegation,
- (ii) the resolution of an allegation by the registrar,
- (iii) the conduct of an investigation under section 24,
- (iv) consideration of an allegation by the complaints authorization committee following completion of an investigation,
- (v) responding to a complainant and respondent at each stage of the process,
- (vi) the conduct of a practice review under paragraph 24(1)(c),
- (vii) the appointment of an adjudication panel under section 25, and
- (viii) the conduct of a hearing and the filing of a decision or order by an adjudication panel following completion of the hearing.

(2) Notwithstanding subsection (1), the minister may make regulations to prescribe time limits for events in the disciplinary process under sections 20 to 37 where the board does not do so in a time period the minister considers reasonable.

Practice prohibitions

42. (1) A person whose registration as an engineer, geoscientist or permit holder is cancelled or suspended under this Act shall not, without the consent of the board, engage in the practice of engineering or of geoscience or directly or indirectly associate in the practice of engineering or of geoscience with another member or permit holder.

(2) A professional engineer, geoscientist or permit holder shall not, except with the consent of the board, associate in the practice of engineering or of geoscience directly or indirectly with or employ a person whose registration has been cancelled or suspended under this Act.

(3) The board may permit a member or permit holder to employ in connection with the practice of engineering or of geoscience a person whose registration has been cancelled or suspended under this Act, in the capacity and subject to the terms and conditions that are prescribed by the board.

9.2 Engineers and Geoscientists Regulations, 2011, Newfoundland and Labrador Regulation 43/11

Conditions for continuing registration of professional members

7. (1) The registration of a professional member shall expire annually on December 31.

- (2) The registrar shall annually renew the registration of a professional member who ...
- (c) meets the requirements of the professional development program established by the board.

Requirements for registration of permit holders

9. (1) To be eligible for registration as a permit holder, a sole proprietor shall, in addition to other applicable requirements of the Act, the regulations and the by-laws.

(d) provide proof to the registrar of professional liability insurance coverage in the form and amount prescribed and published by the board.

Conditions for continuing registration of members-in-training

16. (2)(c) The registrar shall annually renew the registration of a member-in-training who meets the requirements of the professional development program established by the board.

24. (1) The board shall establish a registration committee and appoint members to the committee.

(2) The registration committee shall consist of

(a) not fewer than 5 professional members; and

(b) those other persons that the board considers necessary.

(3) The executive committee of the registration committee shall consist of

(a) a chairperson, who shall also serve as chairperson of the registration committee, appointed by the board from among the members of the registration committee;

(b) 2 vice-chairpersons appointed by the board from among the members of the registration committee; and

(c) those other members of the registration committee that the executive committee considers necessary to consider specific applications.

25. (3) The registration committee may, with the approval of the board, delegate to the registrar the approval of applicants for registration in circumstances where the evaluation of academic qualifications and experience requirements of applicants is not required.

26. The registration committee shall meet when necessary to consider applications for registration and at least twice annually to consider matters of policy, significant changes in procedure, examination results and other matters referred to it by its executive committee or the board.

27. (6) The board or a committee of the board, other than the registration committee or a member of that committee, shall, after receipt of a request for review under this section, review the application.

(9) On hearing a review under this section, the board or committee of board may make a decision which the registration committee is authorized to make under this Part.

33. (4) The board or the registration committee may direct the registrar to cancel a registration or revoke a permit which was entered or issued in error.

(5) The registration of a professional member, permit holder, member-in-training or examination candidate under the Act and the regulations may, on notice, be suspended, cancelled or its renewal withheld by the board or the registration committee for failure of the professional member, the permit holder, the professional member in responsible charge of a permit holder, member-in-training or examination candidate to meet the requirements set out in the Act or the regulations for continuing registration.

(6) The registrar, upon direction from the board, may give notice to the profession and to the public of an action taken under this section.

34. (1) A professional member or member in training shall comply with the requirements of the association's professional development program policies established by the board.

(4) Notwithstanding subsections (1) and (2), the board may, in the association's professional development program policies, establish circumstances other than those set out in subsection (3) under which a professional member or member in training would be exempt from the requirements of subsection (1).

(5) An exemption under this section is only effective for the calendar year in which a declaration is filed under subsection (3) or an exemption granted under subsection (4) but may be renewed annually by the registrar for additional yearly periods where renewal is in accordance with the professional development program policies established by the board.

35. Where reference is made to the registrar in these regulations, and where the registrar is temporarily unable to fulfil the functions contemplated by these regulations due to

illness or other reason, those functions may be carried out by another person designated by the board.

9.3 APEGNL Bylaws

Note: There are four APEGNL bylaws:

Bylaw No. 1 Administrative

Bylaw No. 2 Professional Liability Insurance

Bylaw No. 3 Code of Ethics

Bylaw No. 4 Board of Directors Election

The relevant provisions from Bylaw No. 1 are included here.

Bylaw No. 1 made under The Engineers and Geoscientists Act, 2008 -- PEGNL Administrative By-Law

4.1.1 The board shall meet on at least six occasions during each year at such times and at such places as the chairperson shall decide.

4.1.2 Seven (7) members of the board, one of whom shall be the chairperson or the chair-elect and one of whom is a director appointed by the Minister, shall constitute a quorum. At any meeting of the board where the chairperson is not present, the chair-elect shall fulfill the functions and responsibilities of the chairperson for the purposes of that meeting.

4.1.3 There is nothing in this by-law to prohibit the board from meeting by teleconference or other telecommunications systems where the majority of the board consent as contemplated by subsection 6(2) of the Act.

4.2.1 The annual general meeting of PEGNL shall be held at the time and place set by the board, provided that the board shall not allow more than fifteen (15) months to elapse between annual general meetings.² The meetings will be conducted in accordance with parliamentary procedure and in case of procedural dispute Robert's Rules of Order will be the authority.

4.2.2 Special meetings of PEGNL shall be held in accordance with the following:

(a) The board may call a special meeting at any time.

(b) The board shall call a special meeting within 60 days of receipt of a written request from 30 or more members, specifying the reason the meeting is requested. Time and place shall be set by board.

4.2.4 Motions made and passed by a majority of members at an annual general meeting or a special meeting of PEGNL are advisory to the board only, and are only binding if adopted by the board.

5.2 Responsibilities of Chapters

5.2.1 With specific approval from the board, District organizations may form Chapters in areas of the District where this seems desirable.

5.2.2 The Chapters of each District shall be responsible for the organization of technical and social activities in their own area.

5.3 Limitations of Chapter Responsibilities

The District Chapters may not, in any way, take action which infringes on the responsibilities of the board. This includes, but is not limited to: registration, discipline, professional conduct.

6.1 Terms of Reference

The Standing Committees may be established by the board from time to time, and shall proceed in accordance with the terms of reference and procedures designated by the board at the time of appointment.

6.2 Appointments

The board shall appoint the chairpersons and members of the following Standing Committees, and others as required: (a) the Linkages Committee (b) the Nominating Committee

8.1 Setting of Fees

Consistent with Section 8(1) of the Act, all required fees payable to PEGNL shall be as prescribed and published by the board from time to time. Publication of prescribed fees shall be made by mailed notice to all members and by posting on the PEGNL website.

10.1 Professional Members

On initial registration, the registrar shall issue to each professional member a certificate in a form prescribed by the board, signed by the chairperson and registrar, showing the date of registration and the professional category of the professional member, and annually a certificate in the form of a membership card.

11.1 Honorary Members

(a) Honorary Membership in PEGNL may be granted by the board to a uniquely distinguished person who is not a member of PEGNL.

(b) Honorary Members shall not be required to pay fees and shall have no voting rights in PEGNL.

11.2 Life Members

(a) Life Membership in PEGNL will be granted to any member who has been a member of PEGNL for at least twenty (20) years, who is at least 60 years of age and retired (has no professional income).

(b) Life Members shall be entitled to the rights and privileges of members of PEGNL, but shall have no right to engage in professional practice.

(c) Payment of membership fees by Life Members shall be voluntary.

Administration

12.1 The affairs and business of PEGNL shall be governed by the board and administered by the chief executive officer/registrars in accordance with the Act, the Regulations, By-Laws and policies adopted by the board.

12.2 The chief executive officer (CEO)

12.2.1 The CEO of PEGNL shall be appointed by the board and shall hold office at the board's discretion.

12.2.2 The employment of the CEO of PEGNL shall be terminated if a majority of the members of the board (not including the chairperson of the meeting who has no vote) each vote in favor of such termination.

12.2.3 The CEO is authorized to employ the management and staff required, in the CEO's judgment to conduct the affairs of PEGNL.

12.2.4 The CEO shall be responsible for the preparation of the annual report to be presented at the annual general meeting.

12.3 Borrowing

The board shall have authority to borrow funds on behalf of PEGNL up to a maximum of one-half the revenue from current membership fees.

12.5.2 The board may prescribe remuneration for members of adjudication tribunals for time spent in preparation for and attendance at hearings.

10 Prince Edward Island: Engineers PEI

10.1 Engineering Profession Act, Revised Statutes of Prince Edward Island 1988, Chapter E-8.1

4. The Association is empowered

(d) to establish out of its funds, scholarships and prizes for students of engineering in attendance at such schools of engineering as the Council may select, and to determine the value of such scholarships or prizes, the conditions governing their award and the duration of their tenure; ...

5. (2) Any applicant for a certificate of registration who satisfies Council that he

(a) is a resident or is coming to reside in Prince Edward Island;

(b) is a graduate in engineering or applied science of an academic or technical institution recognized by the Council;

(c) has fulfilled the requirements of approved engineering experience as prescribed in the bylaws;

(d) has successfully completed any examinations that may be prescribed by Council;

(e) has provided evidence of good character; and

(f) has paid the fees as prescribed in the bylaws,

shall be entitled to become registered as a member of the Association.

(3) Any applicant for certificate of eng'ineer-in-training who satisfies the Council that he meets all the requirements of subsection (2), except clause (c), shall be entitled to be enrolled with the Association as an engineer-in-training.

(4) An engineer-in-training shall be subject to the control of the Council in the manner provided by this Act and bylaws.

(7) A member ceases to be a member of the Association when ...

(c) the Council revokes or suspends the member's certificate of registration; ...

(8) Any applicant for license to practise who satisfies the Council that he

(a) is not a resident;

(b) has provided evidence of being a registered member in good standing in another association of engineers in any other province which has similar membership requirements to that of the Association;

(c) has successfully completed any examinations that may be prescribed by the Council;

(d) has paid the fees as prescribed in the bylaws,

shall be entitled to a license to practise.

(9) Any applicant for a license to practise who satisfies the Council that he

(a) is not a resident of Canada;

(b) is a member in good standing in any engineering or technical organization or society of standing recognized by the Council;

(c) has filed with the Registrar satisfactory proof that such person is qualified to practise professional engineering;

(d) has successfully completed any examinations that may be prescribed by the Council; and

(e) has paid the fees as prescribed in the bylaws,

shall be entitled to a license to practise.

(11) The Council may refuse to issue a license to practise to an applicant where the Council is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of professional engineering in accordance with the law and in a manner consistent with the provision of good service to the public.

6. (5) If the provisions of subsection (3) are met, and upon payment of fees as prescribed in the bylaws, the applicant shall upon approval of the Council, be entitled to a certificate of authorization and if the applicant does not have a functioning office in Prince Edward Island under the direct supervision of an engineer, non-resident status shall be indicated on the certificate of authorization.

(7) If the Council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section, or has been guilty of conduct that would, in the case of a member or licensee be professional misconduct or incompetence, the Council may reprimand the holder, or suspend or revoke its certificate of authorization.

7. (1) The Registrar shall keep a register provided by the Council and enroll therein in the manner provided by the bylaws the names and addresses of all persons who are members, licensed to practise, engineers-in-training and holders of certificates of authorization.

(2) The register shall be open for public inspection at all reasonable times without charge.

(3) The Registrar upon resolution of the Council and receipt of the fee prescribed in the bylaws shall issue a certificate of registration, license to practise or certificate of engineer-in-training to the person accepted for membership, licensed to practise, or accepted as an engineer-in-training.

(4) The Registrar upon resolution of the Council and receipt of the fee prescribed by the bylaws shall issue a certificate of authorization to the partnership, association of persons, or corporation which has been approved to receive such certificate.

(5) The form of the certificate or license shall be as prescribed in the bylaws.

11. (1) There shall be a Council of the Association consisting of the President, immediate Past-President, Vice-President and a minimum of four additional councillors.

(2) The President, Vice-President and councillors shall be elected in the manner and for the term of office as prescribed in the bylaws.

(3) The Council shall be responsible for the administration of this Act and general management of the affairs and business of the Association and shall carry on and transact the same in accordance with the Act and bylaws.

(4) The President shall act as presiding officer at the meetings of the Council and of the Association, and shall vote only when the votes are evenly divided.

(5) The Vice-President shall have all the powers of the President in the absence of the President.

(6) The Council shall appoint a Registrar, a secretary and a treasurer, whose qualifications, duties and respective terms of office shall be as prescribed by the bylaws and the Council may appoint one person to one or more of these offices.

(7) The Council shall appoint such other officers as may be necessary for carrying out the provisions of this Act and bylaws.

(8) The members of the Council, officers and examiners appointed under the provisions of this Act and bylaws shall be paid such fees and expenses as are prescribed in the bylaws.

(9) A majority of the members of the Council shall constitute a quorum for the transaction of business.

(10) The elected members of the Council and other elected or appointed officers shall hold office until their successors are elected or appointed in accordance with this Act and the bylaws.

(11) Where a vacancy in the Council occurs, the remaining members of the Council may appoint a member of the Association to fill the vacancy until the next regular election.

(12) A member elected to fill a vacancy in the Council shall be elected only for the unexpired term of the Councillor whose place he is to fill.

(13) All officers and officials of the Association whether elected or appointed shall exercise such powers and perform such duties as may be prescribed in the Act and the bylaws.

(14) The Association may obtain such professional advice as it considers necessary in order to carry out the affairs and business of the Association.

12. (1) The Council shall, in the manner provided by the bylaws, appoint an Engineering Qualifications Committee.

(2) The Committee shall in the manner provided in the bylaws

(a) examine and report to the Council on all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining a certificate of registration, license to practise, enrollment as an engineer-in-training or certificate of authorization;

(b) prescribe and conduct any examinations required of candidates for certificate of registration, license to practise, or engineer-in-training and as soon as possible after the completion of such examinations file with the secretary the results thereof, whereupon the Council shall notify each candidate of the result of his examination and of its decision upon his application.

(3) The scope of the examinations, the method and procedure shall be as prescribed in the bylaws.

(4) A candidate failing an examination may be examined again after an interval established at the discretion of the Council.

(5) The fees payable by candidates for examination shall be as prescribed in the bylaws.

(6) The Council shall have power to establish jointly with any council of any association similarly constituted in one or more of the provinces of Canada, a central examining board, and to delegate to the central examining board all or any of the powers possessed by the Association in respect of the examination of candidates for membership, license to practise or engineer-in-training.

12.1 The Council may, in conjunction with the Council of the Architects Association of Prince Edward Island, establish a Joint Practice Committee

(a) to examine matters of mutual interest to professional engineers and architects;

(b) to promote a harmonious professional relationship between professional engineers and architects;

(c) to develop joint rules of practice governing the responsibilities of professional engineers and architects; and

(d) to resolve complaints regarding professional activities pursuant to the respective Acts.

14. (1) The Council shall appoint an Act Enforcement Committee composed of three members of the Association and such additional members as prescribed in the bylaws.

(2) No member of the Association shall be eligible to be a member of the Committee while holding office as a member of the Council.

(3) Members of the Committee shall be appointed for a term of three years unless the Council otherwise determines and where there is a vacancy in the Committee, the President may appoint another member of the Association to fill the vacancy and to complete the term of the vacating member.

(4) The Council shall appoint one member of the Committee to be chairman.

15. (1) The Council shall appoint annually an Act Enforcement Officer whose qualifications, procedures, powers of investigation and remuneration shall be as prescribed in the bylaws.

16. (4) If, in the absence of a written complaint, circumstances come to the notice of the Council which, in its opinion, may constitute grounds for discipline pursuant to the Act, the Council may request in writing an investigation by the Act Enforcement Committee and the written request shall indicate the circumstances which have come to the notice of the Council.

(9) A complainant or person complained of who is not satisfied with the disposition of the complaint by the Act Enforcement Committee may request the Council for a review of the treatment of the complaint.

(10) Upon receipt of the recommendation referred to in clause (7)(d), the Council shall decide on its disposition and may

(a) refer the matter back to the Act Enforcement Committee with instructions for further investigation and reporting back to the Council;

(b) decide not to take any further action;

(c) instruct the Act Enforcement Officer to lay an information with respect to breach of the provisions of this Act or any bylaws made hereunder so as to have the matter heard by a court of competent jurisdiction in Prince Edward Island.

(11) In addition to the duties imposed under this section, the Act Enforcement Committee shall perform such other duties as are assigned to it by the Council or as prescribed in the bylaws.

Procedure Following Hearing

17. (1) The Council shall appoint a Discipline Committee composed of

(a) five members of the Council, namely, the President, immediate Past-President, Vice-President and two other members of the Council with seniority as set out in the bylaws; and

(b) one lay person who is not an engineer.

(2) Any member of the Discipline Committee shall remove himself from a hearing if he knows of or if it is shown that a conflict of interest exists.

(3) Any member of the Committee removed under subsection (2) may be replaced by any other member of the Council and if there is an insufficient number of councillors available to meet the number required to form a Discipline Committee, then the necessary members shall be selected at random from a list of Past-Presidents who are members of the Association.

(4) The Council shall name the chairman of the Committee as well as any additional members of the Committee.

(6) Where no appeal has been taken pursuant to section 21 within the time prescribed for the filing of notices of appeal, the Council

(a) may cause notice of any resolution reprimanding and censuring a person complained of to be given to members of the Association by publication in such form and in such manner as Council shall determine;

(b) shall cause notice of any resolution suspending or cancelling a certificate of registration, license to practise, enrollment as an engineer-in-training or certificate of authorization of a person complained of, to be given to the members of the Association by publication in such form and in such manner as Council shall determine, and Council may give such further notice as it shall decide.

(9) The Council or its designate may in the execution of its duties regarding Act enforcement employ at the expense of the Association such legal or other assistance as it thinks necessary.

(10) The Council may direct that the person, partnership, association of persons or corporation, whose conduct is the subject of inquiry shall reimburse the Association for expenses incurred by it under subsection (9) if during the course of inquiry that person, partnership, association of persons or corporation is proven guilty of the offence alleged in the complaint, and if the finding of the inquiry is confirmed as the result of any subsequent appeal.

Appeals

21. (3) An appeal under this section may be on questions of law or fact or both, and the court may

(a) affirm, vary or rescind the decision of the Discipline Committee;

(b) direct the Council to take any action which it has the power to take; or

(c) refer the matter back to the Council for rehearing in whole or in part, in accordance with such directions as the court considers proper.

Penalties

23. (7) Any information for the prosecution of any person, partnership, association of persons or corporation under this Act may be laid by any member, licensee, engineer-in-training or holder or any person appointed by the Council.

24. (2) No action or other proceedings shall be brought against the Council or any committee, officer, member, employee, agent or appointee of the Association for anything done in good faith under the provisions of this Act and the bylaws, or for any neglect or default in the performance or exercise in good faith of duty or power under this Act.

25. (1) The Association shall have a corporate seal.

(2) Every member shall have a seal of a design approved by the Council, the impression of which shall contain the name of the member and the words "Professional Engineer, Province of Prince Edward Island".

(3) Every person granted a license to practise by the Association shall have a seal of a design approved by the Council, the impression of which shall contain the name of the licensee, and the words "Licensed Professional Engineer, Province of Prince Edward Island".

28. (1) The Association may make bylaws relating to the administrative and domestic affairs of the Association consistent with the provisions of this Act for...

(e) calling, holding and conducting of meetings of the Council and the duties of members of the Council;

Note: There are no regulations under Prince Edward Island's *Engineering Profession Act*.

10.2 Engineers PEI Bylaws and Code of Ethics

2.1.1 Members shall be persons registered as members of the Association. To be eligible for registration applicants shall fulfil the academic and experience requirements of the *Engineering Profession Act* and these By-laws and shall demonstrate, in a manner satisfactory to Council, a knowledge of professional practice, the *Engineering Profession Act* and these By-laws.

2.1.2 Honorary Life Members shall be persons who are eminent in the engineering profession and who have provided outstanding service to the profession and have been elected to honorary life membership by unanimous vote of Council.

2.1.3 (a) Non-Practising Membership in the Association may be granted by the Council to an engineer who has satisfied the qualifications for registration under the Act, and who satisfies Council that he or she does not engage in the practice of engineering and further undertakes to refrain from engaging in the practice of engineering at any time while registered as a Non-Practising Member.

2.1.4 (a) Retired Membership in the Association may be granted by the Council to any Member who has retired from and has undertaken not to engage in the practice of engineering and has no employment income from any source. Members must make written application for Retired Member status.

2.2.1 Application for registration as a Member or enrolment as an Engineer-in-Training shall be made to the Registrar on a form prescribed by the Council and shall be accompanied by the credentials, fees and dues as prescribed by this Act and By-laws.

2.2.2 The application shall be presented by the Registrar to the Engineering Qualifications Committee. The Committee shall deal with the application in the manner provided by Section 9.5 hereof, and shall submit its findings to the Council which shall dispose of the applications by resolution.

2.2.6 Applicants may, at the discretion of Council, be required to write any examination deemed necessary to confirm the candidates' abilities in engineering theory and professional practice.

2.3.2 Registration applicants who are graduates of an accredited engineering program shall have completed at least four years of engineering experience acceptable to Council, of which at

least one year shall have been gained in a Canadian environment, and shall have passed the National Professional Practice Examination. Any other applicants shall have completed at least five years of engineering experience acceptable to Council, of which at least one year shall have been gained in a Canadian environment, and shall have passed the National Professional Practice Examination.

2.3.4 An Engineer-in-Training who has completed the required period of engineering work experience may apply for registration. Council shall have the authority to limit the period of time for which a person may remain enrolled as an Engineer-in-Training.

2.3.6 Qualifications Committee to have satisfied the requirements for registration other than the one year of experience in a Canadian environment and the passing of the National Professional Practice Examination may, at the discretion of Council, be granted Provisional Membership of the Association.

3.1 Application for a licence to practise shall be in the form prescribed by Council and shall include fees and dues as prescribed by the By-laws.

3.6 An applicant for a licence to practise engineering who has been adjudged by the Engineering Qualifications Committee to have satisfied the requirements for licensing other than the one year of experience in a Canadian environment and the passing of the National Professional Practice Examination may, at the discretion of Council, be granted a Provisional Licence and shall be known as a Provisional Licensee.

4.1 Application for a Certificate of Authorization shall be in the form prescribed by Council and shall include fees and dues as prescribed by the By-laws.

4.2 Prior to issuing a certificate of authorization, Council shall be satisfied that the applicant has a Member or Licensee who is in charge of the practice of engineering on its behalf.

4.3 Prior to undertaking the practice of engineering in any calendar year any holder of a certificate of authorization shall submit to the Registrar, in the form prescribed by Council, current information updating that contained in its original application. Annual dues shall accompany the submission. Upon approval of the submission by Council, the Association shall issue evidence of validation which shall be attached to the certificate of authorization.

5.1 Fees and annual dues shall be established by the Council annually on or before October 31 of each year, and shall take effect when approved by a two-thirds majority of the Members present at the Annual Meeting of that year or at a special meeting of Members called for the purpose of such approval. In the absence of approval at the Annual Meeting or special meeting of the fees and dues established by Council, the fees and annual dues payable for the preceding year shall continue to apply until an amendment is approved.

5.9 Council may abate the dues for Members or Engineers-in- Training

(a) who are not practising and are registered as full-time students in a program leading to an advanced degree; or

(b) who are incapacitated and thus do not intend to practise; or

(c) who are unemployed; or

(d) who are on parental leave and are not practising.

5.10 Council may waive the dues, for the year of transfer, of an applicant for registration by transfer, provided the fee for transfer of membership is paid.

5.11 Those whose names have been removed from the Register or enrolment list because of arrears in dues or failure to comply with the requirements of the Professional Development Program and who are permitted by Council in accordance with Section 2.2.5 to reapply for registration or enrollment will be required to comply with any applicable conditions imposed by the Professional Development Program and may be required to pass the National Professional Practice examination and shall be assessed fees and dues consisting of:

(a) dues in arrears for the year of removal; (b) dues for the current year; and (c) fee for registration as a new member.

5.12 A licence to practise or a certificate of authorization which is not renewed for the year by the last day of January shall be deemed to have lapsed and application for a new licence or certificate as the case may be, together with fees and dues in accordance with Sections 5.2 and 5.3, shall be required for reinstatement.

5.13 Assessments of Members for payments, other than annual dues, required to cover ordinary, special or extraordinary expenditures necessary to further any of the objects of the Association, may be made after approval by two-thirds majority of the Members voting by letter ballot following the passing of a resolution for such assessment by the Association or Council.

6.1.1 The affairs of the Association shall be administered by Council in accordance with the *Engineering Profession Act* and these By-laws.

6.1.4 The Secretary, Treasurer, and Registrar shall be appointed by Council. The services of the Secretary, Treasurer, or Registrar may be terminated by a majority vote of the Members of Council present at a meeting of Council called for the purpose of considering such termination. Notice of the meeting shall be sent to members of Council at least fourteen days prior to the date of the meeting.

6.1.5 The Executive Director shall be appointed by Council for such term and conditions as may be agreed upon between the parties. The Agreement shall be in writing and signed by both parties. The services of the Executive Director may be terminated by a majority vote of the members of Council present at a meeting of Council called for the purpose of considering such termination. Notice of the meeting shall be sent to members of Council at least fourteen days prior to the date of such meeting.

6.1.6 Council shall establish the remuneration for each office at the beginning of each year, or from time to time as deemed in the best interests of the Association.

6.1.7 Council may authorize the payment of expenses for appointed officers or members of Council or any committee for travel, accommodations and such other items as may be deemed in the best interests of the Association.

6.1.8 Council shall obtain, equip and furnish offices as necessary to carry on the business of the Association.

6.2.3 The Secretary, Treasurer, Registrar and Executive Director shall be responsible to Council for the duties assigned by the *Engineering Profession Act* and these By-laws and such other duties as may be assigned to them by Council. The Secretary, Treasurer, Registrar and

Executive Director shall not be eligible to vote at meetings of Council unless they are elected members of Council.

6.2.8 The Treasurer, if deemed necessary by the Council, shall be bonded by an approved surety company to the satisfaction of the Council and at the expense of the Association.

6.3.1 All money received on behalf of the Association shall be deposited to the credit of the Association in a chartered bank or trust company approved by Council. All payments shall be made by cheque duly signed by the authorized signing officers as designated by Council.

6.3.2 The purchase or sale of investments of the Association shall be approved by Council. Investment in securities shall be registered in the name of the Association or trustee appointed by Council, and shall be kept in a safety deposit box in a chartered bank or trust company.

6.3.3 The purchase of real estate or capital equipment to the value of \$10,000 may be undertaken in any year on the authority of Council, provided that such expenditure has not previously been rejected at an annual or special meeting of the Association. Expenditures on real estate or capital equipment in excess of \$10,000 in any year must have prior approval at an annual or special meeting of the Association.

6.3.4 Council shall have the authority to borrow money on behalf of the Association up to the amount of \$10,000. Any motion to borrow money in excess of \$10,000 shall be approved by a two-thirds affirmative vote of the Members at an annual or special meeting, or shall be sent out for letter ballot to all Members of the Association. Authority to borrow in excess of \$10,000 shall become effective only if at least two-thirds of those voting cast their ballots in the affirmative.

7.1.1 At least four regular meetings of the Council shall be held in each fiscal year at such time and place in Prince Edward Island as the President shall determine.

7.1.2 Special meetings of the Council shall be called by the Secretary on the written requisition of any four members of the Council at such time and place within Prince Edward Island as is designated in the requisition.

7.1.7 A resolution assented to and adopted in writing by a majority of members of the Council, although not passed at a Council Meeting, shall be of the same force and effect as if it had been duly passed at a Council Meeting.

7.2.1 The annual meeting of the Association shall be held at such time and place as may be fixed by the Council. The length of time between meetings shall not be longer than (15) fifteen months.

7.2.2 Council may call a special meeting of the Association at any time, and shall call a special meeting within sixty days of receipt of a written request to do so from ten or more members. The notice of special meeting shall state the specific objects thereof.

8.1.7 At the first Council meeting after the receipt thereof the Secretary shall submit to Council for its approval the list of nominees submitted by the Nominating Committee. If for any reason the nominating committee fails to fulfill properly all or any of the requirements of its office, the Council may complete all or any of these requirements.

8.1.8 Council shall then instruct the Secretary to prepare an election ballot. The names on the ballot shall include those nominees as approved by Council in accordance with Section 8.1.7 as well as any nominees submitted by the membership in accordance with Section 8.1.6. The ballot shall be prepared so that Members will be instructed to vote for not more than one Member for President, one Member for Vice-President and two Members for Councillors.

8.1.10 All valid ballots received from Members shall be handed by the Secretary to the three scrutineers appointed by Council. The scrutineers shall analyze the vote and notify the candidates in camera, not less than one day before the annual meeting. The ballots shall be filed with the Secretary who shall retain them until their disposal is authorized by motion of the annual meeting.

8.1.14 Notwithstanding subsections (8.1.9-12), the voting referred to in subsection (8.1.9-12), may be conducted by electronic or other alternative means or combination of means authorized by resolution of the Council, in which event all other requirements of this Section shall apply with necessary adaptations.

8.2.3 A vacancy in the office of Vice-President may be filled by appointment by Council. The appointment shall be for the remainder of that term of office for which the Vice-President had been elected. The appointment of a Council Member to the office of Vice-President shall constitute a vacancy in the Council.

8.2.4 Vacancies in the office of Councillors shall be filled by appointment by Council. The appointed Council Member(s) shall hold office until the next regular election of Council Members. Where the term of office so filled would have extended beyond the date of the next regular election of Council Members, the office shall be filled by election at the next regular election of Council Members for the remainder of that term of office.

9.1.2 Vacancies in the Nominating Committee may be filled by appointment by Council.

9.2.2 The Executive Committee shall (a) deal with matters of Association business arising between regular meetings of Council; (b) select, direct and coordinate other committees of Council; (c) act or report on any matters referred to it by Council; and (d) inform and/or make recommendations to Council concerning matters not included in the scope of activity of other committees.

9.3.1 The Council shall appoint an Act Enforcement Committee consisting of at least three Members and such additional members as deemed necessary by Council. Council Members are not eligible to be members of this Committee.

9.3.4 Council shall appoint a person to be known as Act Enforcement Officer which person shall: (a) act as Secretary to the Committee, including keeping minutes thereof and conducting the correspondence in accordance with the directives of the Committee;

(b) make such site visits or other inspections as the Committee may direct subject to guidelines established by Council; and

(c) perform such other duties as the Committee, acting within its mandate, may direct.

9.3.6 For the purpose of conducting an investigation pursuant to Sub- Section 15.(2) of the Act, the Act Enforcement Officer may, by an order approved by the Council and issued under the seal of the Association, require the attendance of witnesses and the production of plans, books, papers, documents or things.

9.3.8 The services of the Act Enforcement Officer may be terminated by a majority vote of the Members of Council.

9.4.1 Council shall appoint a Discipline Committee consisting of the President, Past-President, Vice-President and two Members of Council with seniority and one lay person who is not a professional engineer.

9.5.1 Council shall appoint an Engineering Qualifications Committee consisting of at least three Members and shall designate which of the Members is to chair the Committee. The Council may at any time fill any vacancies on the Committee and replace any Member thereof, or add to its number.

9.6.1 Council shall appoint a Professional Development Committee consisting of at least three members, and shall designate which of the members is to be chair of the Committee. The Council may, at any time, fill any vacancies on the Committee, and replace any member thereof or add to its number.

9.7.1 The Council may from time to time appoint from the membership of the Association such other Committees as it deems necessary and may assign to such Committees any of its powers; provided that such Committees shall conform to any regulations imposed upon them by Council.

9.7.3 Each Committee shall elect a chairperson, unless an appointment has been made by Council. In the absence of the chair, the Committee shall appoint an Acting Chair, with all the functions and powers of the chairperson.

11 Council shall be empowered to cooperate and enter into agreements with other Associations or institutes of engineering whose aims and objectives for the promotion of the engineering profession are similar to those of the Association.

11 New Brunswick: The Association of Professional Engineers and Geoscientists of New Brunswick (APEGNB)

11.1 Engineering and Geoscience Professions Act

5(1) The Association is authorized to establish out of its funds, scholarships and prizes for students of engineering or geoscience in attendance at such schools of engineering or geoscience as the Council may, from time to time select, and to determine the value of such scholarships or prizes, the conditions governing their award and the duration of their tenure.

7(1) The Association may make by-laws not inconsistent with the provisions of this Act for the

(a) discipline and honour of the professions of engineering and geoscience, and the discipline and control of their members, licencees, and holders of certificates of authorization;

(b) management of the Association and its property and affairs;

(c) levying and collecting of annual and other fees;

(d) examination and admission of candidates;

(e) filling of vacancies on the Council and the acceptance of resignations therefrom;

(f) regulation of professional advertising;

(g) borrowing of money as provided for in subsection 5(2); and

(h) all other purposes necessary for the exercise of any of the powers conferred by this Act.

7(2) All by-laws and amendments thereto shall become effective only after ratification by two-thirds of the votes received from members of the Association in good standing.

8(1) Only persons who are members of the Association or who have received a licence from the Council as provided in this Act or the by-laws, shall be entitled.

9(1) Every person registered under this Act shall have a seal of a design approved by the Council, the impression of which shall include the name of the engineer or geoscientist and the words "Registered Professional Engineer" or "Registered Professional Geoscientist" and "Province of New Brunswick".

9(2) Every person licenced under this Act shall have a seal of a design approved by the Council, the impression of which shall include the name of the licencee and the words "Licenced Professional Engineer" or "Licenced Professional Geoscientist" and "Province of New Brunswick".

10(1) Any applicant for registration who

(a) is resident in Canada, or is enrolled as an engineer-in-training or a geoscientist-in-training in the Association;

(b) is the age of legal majority;

(c) is a graduate in engineering or geoscience of an accredited university or other academic or technical institution recognized by the Council;

(d) has fulfilled the requirements of approved engineering or geoscience experience prescribed by the by-laws and satisfactory to the Council;

(e) provides satisfactory evidence of good character; and

(f) pays the fees prescribed by the bylaws;

upon approval of the Council, shall be entitled to become registered.

10(2) Any person residing in Canada not qualified under paragraph (1)(c) who desires to become registered as a member of the Association, may make application to the Council and shall submit to such examination as the Council may require, or shall submit such other proof of qualification in lieu of an examination as the Council may decide, and such person shall be registered as a member of the Association on payment of the prescribed fees, after the Board has certified in writing that such examination has been satisfactorily passed, or such other proof has been found satisfactory.

10(3) Upon approval of the Council, any person coming to reside in New Brunswick who is, at the time, a duly registered member of an association of engineers or geoscientists of some other province or territory of Canada, with an act of incorporation or a constitution similar to that of the Association may, upon application, and upon payment of such fee as may be prescribed by the by-laws, be registered as a member of the Association; provided the person is qualified under paragraph (1)(c) and provided that such person files with the Council a certificate of membership in good standing in such other association and an application for transfer of registry endorsed by the registrar or other proper officer of such other association.

10(5) Upon submitting to the Council the required evidence, and upon payment of the prescribed fee, any non-resident applicant for registration who is a registered member in good standing of an association of engineers or geoscientists in any other province or territory of Canada with a constitution or an act of incorporation similar to that of the Association, may be entitled to practise as a professional engineer or geoscientist in New Brunswick for a period of three months thereafter, pending the disposition of the application.

10(6) Any person who is not a resident of Canada, but who is a member in good standing of any engineering, geoscientific, or technical organization or society of standing recognized by the Council, may obtain a licence to practise, subject to the qualifications for registration under the provisions of this Act.

10(7) Any non-resident of New Brunswick who is an employee of a federal public service corporation, or federal government department, the work of which is normally carried on both in New Brunswick and in some other province or territory of Canada, and who by reason of such employment is required to practise as a professional engineer or professional geoscientist in New Brunswick, may do so without holding a licence and without payment of any fee provided such person produce, on demand, proof satisfactory to the Council that the person is a registered member of an association of professional engineers or professional geoscientists of such other province or territory of Canada having an act of incorporation or a constitution consistent with that of the Association.

10(9) To obtain a certificate of authorization a partnership, association of persons, or corporation shall submit to the Registrar an application in the form prescribed by the Council containing:

- (a) the names and addresses of all partners, members, officers, and directors;
- (b) the names and addresses of all partners, members, officers, directors or full-time employees, who are members or licencees, and who will be in charge of the practice of

engineering or geoscience on its behalf, and whose duty it will be to ensure that this Act and the by-laws are complied with by the applicant;

(c) the address of its head office and any office in which the practice of engineering or geoscience for application in New Brunswick will be carried out; and

(d) such other information as the Council may require to evaluate the qualifications of the applicant.

10(11) If the provisions of subsections (8) and (9) are met, and the application is approved by the Council, the Registrar shall, upon payment of the fees prescribed by the by-laws issue to the applicant a certificate of authorization. In case the applicant does not have a functioning office in New Brunswick under the direct supervision of an engineer or geoscientist, non-resident status shall be indicated on the certificate of authorization.

11 The Council shall appoint annually a Board of Examiners and may from time to time appoint such other special examiners as it deems necessary.

12 The Board shall, if referred to it by the Council, examine all degrees, diplomas, certificates and other credentials submitted for the purpose of obtaining registration or a licence, and the Board may require the holder of such degree, diploma, certificate or other credential to submit evidence, either verbally or by affidavit, in support of the application.

13(1) Examinations of candidates for registration or licence shall be held at such times and places as the Council may direct.

13(4) The Board, as soon as possible after the completion of such examinations, shall file with the Secretary a certificate stating the results thereof, whereupon the Council shall notify each candidate of the result of the examination and of its decision upon the application.

13(5) A candidate failing an examination may be examined again after an interval established at the discretion of the Council.

14 The Council shall have power, conjointly with the council or appropriate governing body of any like association in any other province or territory of Canada, having objects similar to those

of the Association, to establish a central examining board and to delegate to such central examining board all or any of the powers possessed by the Council respecting the examination of candidates for admission to practise, but any examinations conducted by such central examining board shall be held in at least one place in New Brunswick.

15(4) The Council shall appoint a Secretary and a Registrar, whose qualifications and respective terms of office shall be as prescribed by the by-laws.

15(7) The Council may appoint an Executive Director, a Treasurer and such other administrative officers or officials as may be prescribed by the by-laws.

17(1) There shall be a Professional Conduct Committee, appointed by the Council, composed of not fewer than three members of the Association, or such additional members as provided by by-law.

17(3) The Council shall name one member of the Professional Conduct Committee to be chairperson.

17(6)(e) Upon receipt by the Association of a complaint alleging that any member, licensee, or holder of a certificate of authorization has engaged in other conduct of such a nature as the Council considers should be investigated; it shall be referred to the Professional Conduct Committee.

17(13) A complainant who is not satisfied with the disposition of the complaint by the Professional Conduct Committee may apply to the Council for a review of the treatment of the complaint, which the Council may refer to the Discipline Committee under subsection 18(6).

17(14) In addition to the duties imposed under this section, the Professional Conduct Committee shall perform such other duties as are assigned to it by the Council or as prescribed by by-law.

18(1) There shall be a Discipline Committee appointed by the Council, composed of not fewer than five members of the Association, or such additional members as provided by by-law, one member of which shall be named chairperson.

18(6) In addition to a complaint under subsection 17(13) the Council, by resolution, may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member, licensee, or the holder of a certificate of authorization.

18(7) The Discipline Committee shall,

(a) when so directed by the Council or the Professional Conduct Committee, hear and determine allegations of professional misconduct or incompetence against a member, licensee, or the holder of a certificate of authorization; and

(b) perform such other duties as are assigned to it by the Council.

18(16) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing, other than as a member of the Council considering the referral of the matter to the Committee, or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject matter of the hearing with any person or with any party or the representative of the party except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice.

22(2) Any information for the recovery of any such fine or penalty may be laid by a member appointed by the Council.

24(1) Each person who is registered under this Act shall, on or before the first day of January in each year, pay to the Secretary, or to such other person as shall be authorized by the Council to receive the same, such annual fee for the ensuing year as may be prescribed by the by-laws.

25(2) Any person whose name is struck from the Register under subsection (1) shall be entitled, upon payment of such annual fees and compliance with such other directions as established by Council, to reinstatement of that person's rights and privileges as an engineer or geoscientist.

Architect-Engineer Joint Committee

29(1) There shall be a committee called the "Architect- Engineer Joint Practice Committee" for the purpose of assisting the Association of Professional Engineers and Geoscientists of New

Brunswick and the Architects Association of New Brunswick in the maintenance and development of the professional relationship between the two Associations, including the consideration of questions or complaints relating thereto.

(2) The Committee shall be composed of two members from each Association plus a chairperson appointed by the members.

(3) The Council shall appoint to the Committee two members representing the Association and shall prescribe the term of each appointment.

Note: There are no regulations under New Brunswick's *Engineering and Geoscience Professions Act*.

11.2 APEGNB Bylaws under the Engineering and Geoscience Professions Act

2.1.1 Members shall be persons registered as members of the Association. To be eligible for registration applicants shall fulfill the academic and experience requirements of the *Engineering and Geoscience Professions Act* and these by-laws and shall demonstrate, in a manner satisfactory to Council, knowledge of the *Engineering and Geoscience Professions Act* and these by-laws.

2.1.2 Life members shall be persons who have been members of the Association in good standing, have paid annual dues as practising members of the Association for at least thirty-five years, and have been elected to life membership by a majority vote of Council. Candidates may apply or be proposed for life membership by written submission.

2.1.3 Retired members shall be persons who are members and have declared that they are retired and have applied for dues reduction. Such status shall be recognized upon acceptance of the application by Council.

2.1.4 Honorary members shall be persons who have made some outstanding contribution to the professions and have been elected to honorary membership by unanimous vote of Council. Candidates may be proposed by any member through written submission. Honorary members shall not be entitled to practice unless they are registered or licenced.

2.2.1 Application for registration or enrollment shall be in the form prescribed by Council and shall include fees and dues as prescribed by Council.

2.2.2 Council may cooperate with other provincial and territorial associations in establishing transfer procedures for applicants who are registered with such associations.

2.2.3 Applicants who have been previously registered but have resigned in good standing may reapply in the manner prescribed for new applicants. For such applicants the registration fee required under section 5.3 may be waived at the discretion of Council.

2.2.5 Applicants may, at the discretion of Council, be required to write a Professional Practice examination.

2.3.2 For registration applicants shall have completed, after their "academic requirement completion date", at least four years of engineering or geoscience experience acceptable to Council. All engineering or geoscience experience shall be verified by references from engineers or geoscientists. Relevant work experience prior to the "academic requirement completion date" may be accepted subject to the discretion of Council.

2.3.3 A member-in-training who has obtained the required experience shall apply for registration. A member-in-training shall not remain enrolled as such for more than five years except by special permission of Council.

3.2 Application for a licence to practise shall be in the form prescribed by Council and shall include fees and dues as prescribed by Council.

4 Prior to undertaking the practice of engineering or geoscience in any calendar year any holder of a certificate of authorization shall submit to the Registrar, in the form prescribed by Council, current information updating that contained in the original application. Annual dues shall accompany the submission. Upon approval of the submission by Council the Association shall issue evidence of validation which shall be attached to the certificate of authorization.

5.1 An annual fee, hereinafter referred to as dues, shall be established each year by Council.

5.3.3 Fees for other services or products shall be established by Council at an annual or special meeting of the members and members-in-training.

5.5.1 Council may abate for

- (a) dues in arrears for the year of removal;
- (b) dues for the current year;
- (c) fee for registration as a new member.

5.5.2 Council shall abate the dues for

- (a) life members who are not practicing; and
- (b) honorary members.

5.6 Council may waive the dues, for the year of transfer, of an applicant for registration by transfer, provided the fee for transfer of membership is paid.

5.8 Members discontinuing residence in Canada may, at Council's discretion, retain membership in the Association.

5.9 Persons whose names have been removed from the Register or enrollment list because of arrears in dues and who are permitted by Council in accordance with Section 2.2.4 to reapply for registration shall be assessed fees and dues consisting of:

- (a) dues in arrears for the year of removal;
- (b) dues for the current year;
- (c) fee for registration as a new member.

6.1.1 The affairs of the Association shall be administered by Council in accordance with the *Engineering and Geoscience Professions Act* and these by-laws.

6.1.4 The Secretary, Treasurer, Registrar and Chief Executive Officer shall be appointed by Council. The services of the Secretary, Treasurer, Registrar or Chief Executive Officer may be terminated by a majority vote of Council. For the purpose of such a vote a majority shall equal not less than the majority of the total number of members of Council.

6.1.5 Council shall establish the remuneration for each office at the beginning of each year, or from time to time as deemed in the best interests of the Association.

6.1.6 Council may authorize the payment of expenses for appointed officers or members of Council or any committee for travel, board and lodging and such other purposes as may be deemed in the best interests of the Association.

6.1.7 Council shall obtain, equip and furnish offices as necessary to carry on the business of the Association.

6.1.8 The seal of the Association shall be applied to all certificates of registration or licences, and to all deeds, agreements, or other instruments. Such documents shall be countersigned by the appropriate officers as designated by Council.

6.2.3 The Secretary, Treasurer, Registrar and Chief Executive Officer shall be responsible to Council for the duties assigned by the Engineering and Geoscience Professions Act and these by-laws and such other duties as may be assigned to them by Council.

6.2.7 (b) The duties of the Chief Executive Officer shall include such tasks as may be assigned by Council, including filling the offices of Secretary and Treasurer when Council so directs.

6.3.3 The purchase of real estate or capital equipment to the value of \$25,000 may be undertaken in any year on the authority of Council, provided that such expenditure has not previously been rejected at an annual or special meeting of the Association. Expenditures on real estate or capital equipment in excess of \$25,000 in any year must have prior approval at an annual or special meeting of the Association.

6.3.4 Council shall have the authority to borrow money on behalf of the Association up to the amount of \$25,000. Any motion to borrow money in excess of \$25,000 shall be approved by a

two-thirds affirmative vote of the members and members-in-training at an annual or special meeting.

6.3.5 Signing officers for the Association shall be Treasurer, President, Vice-President and, at Council's discretion, one additional person from the executive committee. The signatures of two signing officers shall be required for negotiable instruments and banking requirements, except for individual cheques to a maximum of \$2500 which may be signed by the Treasurer only. The Treasurer shall be one of the signing officers for all items of expense.

7.1 Council meetings shall be called by the President or at the request of any three members of Council. At least four meetings shall be held each year.

7.2.3 Council may call a special meeting of the Association at any time, and shall call a special meeting within sixty days of receipt of a written request to do so from ten or more members or members-in-training.

8.2.7 In the event the nominating committee and Council are unable to obtain at least two candidates for any office other than the office of President or Vice-President, there will be no election for the office in that year and Council shall appoint a person with the necessary qualifications to the office for a term of up to two years.

8.2.8 Election of Council shall be by secret ballot in accordance with procedures established by Council. Instructions for voting shall be sent to members and members-in-training at least twenty-one calendar days prior to the annual meeting. Voting shall continue in the period established by Council and end at 16:30 local time 7 calendar days prior to the annual meeting.

8.2.9 Counting of ballots shall be done by scrutineers appointed by Council, following which all paper ballots and the scrutineers report shall be delivered to and retained by the Secretary until their disposal is authorized by a motion approved at the annual meeting.

8.2.12 Two persons who reside within the province and who are not eligible to be members of the Association, shall be appointed to Council for a term of two years with one person appointed each year.

8.3.3 A vacancy in the office of Vice-President may be filled by appointment by Council. Such appointment shall be for the remainder of the term of office for which the Vice-President had been elected. The appointment of a Council member to the office of Vice-President shall constitute a vacancy in the Council.

8.3.4 Vacancies in the office of a Council member shall be filled by appointment by Council. Appointments shall be made from members or members-in-training residing in the district for which the vacancy exists. In the case of a vacancy of a geoscience representative, the appointee shall be a geoscientist or geoscientist-in-training. The appointed Council members shall hold office until the next regular election of Council members, but at the discretion of Council, the appointee may hold the office for up to two years.

8.4 Council Appointments

Council shall appoint the CCPE Director and the CCPG Director for terms of not less than 1 year but appointees may be reappointed by Council. At the time of first appointment such appointees shall have been members of Council within the preceding two years or have recent Council experience acceptable to Council.

9.1.1 A nominating committee shall be struck each year to nominate members and members-in-training for election to Council. The Chairman shall be the immediate Past President of the Association. The balance of the committee, to be approved by Council, shall consist of one representative from each district plus two geoscientists at large.

9.1.2 Nominations for nominating committee representatives from each district shall be made by branches and shall be submitted to Council at least ninety days before the next annual meeting of the Association. The nominations shall be accompanied by the written acceptance of the nominees. In the event no nominations are received for any district, Council shall nominate members from such district. Additional nominations shall be accepted from the floor of the annual meeting, provided the nominee accepts.

9.3.1 The professional conduct committee shall consist of at least six members, including a chairman, appointed by Council. The committee shall elect a vice-chairman from among its members. The vice-chairman shall act in the absence of the chairman.

9.3.4 Council shall approve a person to be known as Director of Professional Affairs, who shall act as secretary to the committee and perform such other duties as the committee, or Council, may direct.

9.4.1 Council shall appoint a discipline committee consisting of at least eight members, including two members who are elected members of Council.

9.5 Legislation Committee

Council shall appoint a legislation committee consisting of at least six members.

9.6.1 The board of examiners shall be appointed by Council. Special examiners may be appointed by Council on the recommendation of the board for the conduct of special examinations or for special subjects in the uniform syllabus of examinations, or for examination of geoscience applicants.

9.6.2 For purpose of examinations administered by the board the scope, methods, and procedures shall be as set forth in the document "Policies and Procedures Board of Examiners" as approved by Council.

9.7 Admissions Committee

Council shall appoint an admissions committee of which at least two members shall be members of Council. The admissions committee shall investigate and report to Council on all

matters relating to applications for registration and licencing except for the academic credentials of applicants. The admissions committee shall include at least one geoscientist.

9.8 Other Committees

Council may appoint other committees and assign to them such duties or functions as may be appropriate for the management of the Association.

10.1 Any ten members residing within one district as defined in these by-laws may apply in writing to the Council for the formation of a branch within their district. After approval by Council has been received, proposed by-laws shall be drawn up and submitted to Council for approval. After approval by Council they shall be voted upon by letter ballot or other secure method of voting of members in good standing in that district. A two-thirds affirmative vote of the ballots cast is necessary for approval.

11.1.2 Proposals for amendments to the by-laws may be made by the Council or by any ten members who shall sign such proposals and send them to the Secretary in writing. Members' proposals shall be considered by Council, and the members submitting the proposed amendments shall be notified by Council of acceptance or of suggested changes to their proposed amendments within sixty days of receipt of the proposed amendments. ...

11.2.1 Scholarships or bursaries may be awarded by the Association on approval of Council for undergraduate or graduate studies, annually or from time to time, to students in attendance at New Brunswick institutions that are offering an accredited program in engineering or geoscience.

11.2.2 Council may appoint a committee composed of faculty members of New Brunswick institutions that are offering accredited engineering or geoscience programs to make recommendations to Council of suitable candidates for graduate or undergraduate scholarships or bursaries. All recommendations of the committee shall be subject to Council approval.

11.2.3 Council in its discretion may award prizes to students graduating from high school or to students undertaking studies in an accredited engineering or geoscience program.

11.3 Cooperation with Other Organizations

Council shall be empowered to cooperate and enter into agreement with other associations or institutes whose aims and objectives for the promotion of the engineering and geoscience professions are similar to those of the Association.

11.4 The Association shall save harmless the members of Council, members of committees, officers, employees or appointees of Council from any and all actions, claims demands or suits arising out of the performance of their duties under the Engineering and Geoscience Professions Act and these by-laws.

11.6.1 Members, licencees, and members-in-training shall comply with the requirements of any program established by Council with respect to continuing professional development and manner of practice for the purposes of paragraph 6(b) of the Act.

12.2 Board of Directors

The affairs of the Foundation shall be managed by a board of no less than six directors, each of whom at the time of appointment and throughout the term of office shall be a member of the Association. Each director shall be appointed to hold office until the first annual meeting after appointment or until a successor shall have been duly appointed and qualified. The whole board shall be retired at each annual general meeting, but shall be eligible for re-appointment if otherwise qualified. The directors of the Foundation shall be appointed by Council at the first Council meeting following the annual meeting of the Association. Council may, by resolution passed by at least two-thirds of the votes cast at a meeting of which notice specifying the intention to pass such resolution has been given, remove any director before the expiration of his or her term of office, and may, by majority of the votes cast at that meeting, elect any person for the remainder of the term.

12.3 Vacancies on the board of directors, however caused, may so long as a quorum of directors remains in office, be filled by Council from among the qualified members of the Association, if they see fit to do so. Otherwise such vacancies shall be filled at the first Council meeting following the annual meeting of the Association. If there is not a quorum of directors, Council shall forthwith call a meeting and make an appointment to fill the vacancy.

12 Nova Scotia: Engineers Nova Scotia (ENS)

12.1 Engineering Profession Act, Revised Statutes of Nova Scotia 1989, Chapter 148

6 (1) The Association, in addition to all other powers vested in corporations, is authorized and empowered to

e) fix and collect the fees payable by any person, upon being admitted as a member, licensed to practise or enrolled as an engineer-in-training, and fix and collect the fees payable by any person desiring to write any examination prescribed by the Association with a view to becoming a member, or being enrolled as an engineer-in-training, and fix and collect the annual dues payable by members, persons licensed to practise and engineers-in-training, and exempt any person from the payment of any such fees or dues for such reason and upon such terms and conditions as the Council may from time to time determine and, by by-law, authorize the Council to fix from time to time by resolution the fees and annual dues of the Association in such manner and subject to such limits as are prescribed by by-law;

(k)(a) establish with any other professional association a joint practice board with power to review and make recommendations to the Council on professional practice issues of mutual concern;

(l) make, amend and repeal by-laws relating to the objects and powers of the Association, provided that such by-laws, amendments and repeals thereof shall have no force or effect unless and until approved by the Governor in Council;

(l)(a) by by-law empower the Council to, by resolution, adopt, amend or rescind, in whole or in part, a Code of Ethics.

7 (1) Any person shall be entitled to be registered as a member of the Association upon filing with the Registrar satisfactory proof that such person is a citizen of Canada or is lawfully admitted to Canada for permanent residence, has tendered the fees and dues prescribed by or under the by-laws, has completed the minimal number of professional development hours prescribed by or under the by-laws in the twelve month period before application for registration as a member, and

(a) has obtained a degree in engineering from a school, college or university, which degree is approved by the Council, and has had four years experience in engineering;

(b) has obtained a degree in science, other than engineering, from a school, college or university, which degree is approved by the Council, and has had four years experience in engineering;

(c) is a registered member of an association of engineers, which association in the opinion of the Council is similarly constituted and has similar membership requirements to this Association, and furnishes the Registrar with a certificate of membership in good standing in such other association;

(d) has passed the examinations prescribed by the Council and has had sufficient number of years of experience in engineering to qualify such person in the opinion of the Council to practise professional engineering; or

(e) has had in the opinion of the Council outstanding experience in engineering.

(2) Subject to subsection 7(3), every person, who in the opinion of the Council, expressed by a resolution thereof, has complied with subsection (1), shall be registered as a member.

(3) The Association may by by-law authorize the Council to make resolutions

(c) respecting the right of persons in those classes to be exempted from the requirement that the application for membership of persons in those classes come before either the Board or the Council, or both, for consideration and resolution before being granted membership

7A A registrant may resign his or her registration by filing with the Registrar a resignation in writing and the registration is thereupon cancelled, subject to the continuing jurisdiction of the

Council in respect of any disciplinary action arising out of the person's professional conduct while a registrant.

8 (1) Any person, not resident of the Province, shall be entitled to a licence to practise upon tendering the fees, and dues prescribed by or under the by-laws and filing with the Registrar satisfactory proof that

(a) such person is a registered member in good standing of an association of engineers, which association in the opinion of the Council is similarly constituted and has similar membership requirements to the Association; or

(b) such person is qualified to practise professional engineering, but is a resident of a province, state or country in which there is no association similarly constituted.

(2) Every person, who in the opinion of the Council, expressed by a resolution thereof, has complied with subsection (1) shall be granted a licence to practise.

9 (1) Any person who is a graduate or undergraduate in engineering or science of a school, college, or university approved by the Council or has passed examinations prescribed by the Council, may with the approval of the Council, be enrolled with the Association as an engineer-in-training.

(2) An engineer-in-training shall be subject to the control of the Council in the manner provided by this Act and the by-laws.

10 This Act shall not apply to any person

(b) while waiting decision of the Council on his application for membership or for a licence to practise after having filed the credentials provided for by Sections 7 or 8;

(c) while applying engineering to a project on his own property for the sole use of his domestic establishment, or elsewhere to a project of a value not exceeding five thousand dollars, where in either case that engineering in the opinion of the Council does not involve safety of other persons.

13 (1) There shall be a Council of the Association consisting of the President, immediate Past-president, Vice-president and eight other members, who must be residents of the Province and who shall be elected in the manner provided by the by-laws.

(2) The President shall hold office until his successor is elected and shall act as presiding officer at the meetings of the Council and of the Association voting only when the votes are evenly divided.

(3) The Vice-president shall have all the powers of the President in the absence of the latter.

(4) The Council shall appoint annually a Registrar, a Secretary and a Treasurer, who shall perform the duties assigned to them by this Act and by the by-laws and the Council may appoint one person to any one or more of the offices of Registrar, Secretary and Treasurer.

(5) The Council shall appoint annually such other officers as may be necessary for carrying out the provisions of this Act and the by-laws.

(6) The members of the Council, officers and examiners appointed under this Act and the by-laws shall be paid such fees and expenses as are prescribed by the by-laws.

(7) The Council shall provide for the general management of the affairs and business of the Association and shall carry on and transact the same in accordance with this Act and the by-laws.

14 The Council shall, in the manner provided by the by-laws, appoint annually a Board of Examiners consisting of members who are residing within the Province and may at any time fill any vacancies on the Board, replace any member thereof and add to its number.

16 The Council shall have power to establish jointly with any council of any association similarly constituted in one or more of the provinces of Canada, a Central Examining Board, and to delegate to such Central Examining Board all or any of the powers possessed by the Association in respect of the examination of candidates for membership or enrolment as an engineer-in-training, provided that the examination shall be held within the Province.

17C (1) The Council shall appoint, from among the members of the Association, a Complaints Committee composed of not fewer than five members.

(2) Members of the Complaints Committee shall be appointed for terms up to and including three years, as the Council determines.

(3) In the case of a vacancy in the Complaints Committee, the Council may appoint another member of the Association to fill the vacancy for such term as the Council determines.

(5) The Council shall appoint the Chair and Vice-chair of the Complaints Committee.

17G (1) The Council shall appoint not fewer than ten members of the Association to serve on the Discipline Committee.

(2) The Council may appoint not more than two persons who are not registrants to serve on the Discipline Committee.

(3) The Council shall appoint the Chair and Vice-chair of the Discipline Committee.

(4) Members of the Discipline Committee shall be appointed for terms up to three years, as the Council determines.

(5) In the case of a vacancy in the Discipline Committee, the Council may appoint another member of the Association or a person who is not a registrant, as the case may be, to fill the vacancy for such term as the Council determines.

(6) The Vice-chair of the Discipline Committee may do any act assigned herein for the Chair of the Committee if the Chair is unable or unwilling to act.

(7) The Discipline Committee shall receive and process all complaints referred by the Complaints Committee and all appeals from decisions of the Complaints Committee and such other or additional duties as may be assigned it by the Council.

17U Where no appeal has been taken pursuant to subsection 17V(1) within the time prescribed for the filing of notices of appeal,

(a) the disciplinary panel's decision must be reported either on a named or unnamed basis, to members of the Association by publication in such form and in such manner as the Council considers appropriate;

17W No action for damages lies against the Council, the Secretary, any committee member, officer or employee of the Council

(a) for any act or failure to act, or any proceeding initiated or taken, in good faith under this Act, or in carrying out their duties or obligation as an officer, employee, or committee member under this Act and the regulations; or

(b) for any decision, order or resolution made or enforced in good faith under this Act and the regulations.

18 (1) The Registrar shall keep a register provided by the Council and enrol [enroll] therein in the manner provided by the by-laws the names of all persons who are members, licensed to practise or engineers-in-training and the register shall be open for public inspection at all times without charge.

(2) The Registrar upon resolution of the Council and receipt of the fee prescribed by or under the by-laws shall issue a certificate of registration or licence to practise to a person accepted for membership or licensed to practise and the form of the certificate or licence shall be prescribed in the by-laws.

(4) If the Council refuses to pass a resolution authorizing any person to be registered as a member or licensed to practise, or if the Registrar refuses to register or issue a certificate of registration or licence to practise to such a person, the person aggrieved, upon serving ten days notice thereof upon the Secretary, shall have the right to apply to a judge of the Trial Division of the Supreme Court, who, upon due cause shown, may grant an order directing the Council and the Registrar to register the name of the person as a member of the Association or to issue to the person a licence to practise, or make such other order as may be warranted by the facts, and the Council shall forthwith comply with the order.

19 (1) Every person, who is a member, licensed to practise or engineer-in-training, shall pay on the first day of January in each year to the Treasurer or any person deputed by the Council to receive it, the annual dues prescribed by or under the by-laws, which dues shall be deemed to be a debt due by such person and recoverable with costs in the name of the Association in any court of competent jurisdiction.

19A (1) Every member shall, unless exempted by a resolution of the Council, provide to the Registrar by the first day of January in each year, certification in a form prescribed by the Council, that the member is in compliance with the Association's Continuing Professional Development Guidelines as prescribed or under the by-laws.

25 Any information for the prosecution of any person under this Act may be laid by any member or any person appointed by the Council.

30 No action shall be brought against the Council or any committee, officer, member or complainant for anything bona fide done under this Act and by-laws.

32 (1) A proposed new by-law or the amendment or repeal of an existing by-law shall be presented in writing to the Council signed by at least ten members or approved by resolution of the Association or Council.

(2) The proposed by-law, amendment or repeal shall then be sent by the Secretary without delay in the form of a letter ballot to every member of the Association, and the ballot shall be returnable at a date to be fixed by the Council.

(3) Immediately after such date, scrutineers appointed by the Council shall count the ballots and report the result to the Council.

(3A) Notwithstanding subsections (2) and (3), voting under this Section may be conducted by electronic or other alternative means or combination of means as may be authorized by resolution of the Council, in which case all other requirements of this Section apply with necessary adaptations.

(4) If at least two thirds of the valid ballots affirmatively approve of the proposed by-law, amendment or repeal, the Secretary shall submit the proposed by-law, amendment or repeal to the Governor in Council for approval.

12.2 Bylaws of Engineers Nova Scotia Regulation 8/46

2 (1) The annual meeting of the Association shall be held at such time and place as may be fixed by the Council.

(2) General meetings of the Association for the transaction of general business and the reading of papers or discussion of questions of interest to the professional engineer may be held whenever called by the President or the Council.

(3) Special meetings of the Association shall be held at the call of the President, or of the Secretary upon the receipt by the Secretary of a requisition signed by not less than five members of the Council or by not less than twelve members of the Association.

6 (1) The Council shall, not later than the 30th day of April in each year, appoint a Nominating Committee consisting of five members, to include a Past President, preferably the immediate Past President, one member from Cape Breton, two members from City of Halifax and one member from mainland Nova Scotia, outside the City of Halifax.

(6) Notwithstanding subsection (3), the voting referred to in subsection (3) may be conducted by electronic or other alternative means or combination of means authorized by resolution of the Council, in which event all other requirements of this Section shall apply with necessary adaptations.

9 (1) The Council at its first regular meeting shall appoint the Secretary of the Association.

(3) The Secretary shall hold office until a successor is appointed and shall be subject to removal at pleasure at any time during his term of office by a majority vote of the Council.

10 (1) The Council at its first regular meeting shall appoint the Registrar of the Association.

(2) The Registrar shall perform the duties imposed upon him by the Act and by-laws. He shall receive and present to the Board all applications for membership, licence to practice or enrolment as an engineer-in-training, and keep a full and correct record of such applications and the Council's resolution on each application. He shall maintain the Register and issue all certificates of registration, licences to practise and perform all other duties incidental to his office or which may be assigned to him by the Association or the Council.

11 (1) The Council at its first regular meeting shall appoint the Treasurer of the Association.

(2) The Treasurer shall perform the duties imposed upon him by the Act and by-laws. He shall, under the instructions of the Council, collect and receive, pay out or invest all moneys due to and payable by the Association. He shall keep proper books of account entering therein all moneys received and paid out by the Association, prepare and submit to the annual meeting of the Association the financial statement, duly certified by the Auditor of the Association, of the annual revenues and expenditures of the Association and furnish such other financial reports as may be requested by the Council. He shall perform all other duties incidental to his office or which may be assigned to him by the Association or Council.

12 The Council shall appoint annually a chartered accountant to audit the books of the Association. The Auditor shall examine into the financial condition of the Association, prepare a balance sheet and report thereon. Such balance sheet and report shall be delivered to the Treasurer, who shall submit it to the annual meeting of the Association.

13 (2A) In accordance with subsection 7(2) of the Act, the Council may make resolutions respecting any of the following:

(a) the establishment of different classes of applicants for registration;

(b) the conditions for the entry into membership for persons in a class;

(c) the right of persons in a class to be exempted from the requirement that their application for membership come before either or both the Board of Examiners or Council for consideration and or resolution before being granted membership.

13A (1) The Board of Examiners shall require an engineer-in-training who is a graduate in engineering or science of a school, college or university approved by the Council, or who has passed examinations prescribed by the Council, to report to a member of the Association designated by Council concerning his experience in engineering, during the period in which the

engineer-in-training is engaged in gaining the experience in engineering prerequisite to registration as a member of the Association.

(4) Information returns shall be filed with the Registrar as follows:

(a) every partnership, association of persons or body corporate which is engaged in providing engineering services to the public as of the date that this Section comes into force shall file an information return in prescribed form with the Registrar on or before a date fixed by the Council, which date shall not be less than thirty (30) days or more than ninety (90) days after the coming into force of this Section. Thereafter, every such partnership, association of persons or body corporate shall, for as long as it continues to be engaged in providing engineering services to the public, annually file a further information return with the Registrar on or before January 1st of each year.

14 (1) The Council shall appoint a Board of Examiners consisting of at least four members and shall designate which of the members is to be Chairman of the Board. The Council may at any time fill any vacancies on the Board, replace any member thereof, or add to its number.

(3) The Board, when directed by Council to examine a candidate, may nominate one or more qualified persons acceptable to Council to set and conduct the examination.

(4) The Board, with the approval of Council, may draw up rules and regulations prescribing the scope of and the procedure for conducting the examinations.

(6) As soon as possible and not later than twenty-one days after the close of each examination, the persons who have set and conducted the examination shall make and file with the Board, a certificate showing the results of the examination, a copy of the examination papers, the answers of the candidate thereto, and the marks awarded in each subject. The Board shall submit these documents with its findings as to the qualifications of the applicant to the Council at its next meeting. Thereafter such documents shall remain on file with the Registrar and shall be open to inspection during regular office hours by the candidate or by any person duly authorized in writing on his behalf for a period of at least six months following consideration by Council.

(8) The Council shall prescribe the fee payable by the candidate for the examination, and the fee payable to the persons appointed to set and conduct the examinations.

15 (1) Honorary life membership in the Association shall be granted by the Council,

(2) Life membership in the Association may be granted by the Council.

16 (1) At least four regular meetings of the Council shall be held in each fiscal year at such time and place in Nova Scotia as the President shall determine.

(2) Special meetings of the Council shall be called by the Secretary on the written requisition of any four members of the Council at such time and place within Nova Scotia as is designated in the requisition.

(4) A resolution assented to and adopted in writing by at least three-quarters of the members of the Council, although not passed at a Council meeting, shall be of the same force and effect as if it had been duly passed at a Council meeting.

18 (2) A vacancy on the Council or in any office shall be filled by the Council for the period between the date of such resignation and the next annual meeting of the Association.

19 (1) (a) The Council shall appoint an Executive Committee consisting of the President, Vice-President, immediate Past President, and two other members of the Council residing in the City of Halifax.

(2) The Council may from time to time appoint from the membership of the Association such other committees as it thinks necessary and may delegate to such committees any of its powers; provided that such committees shall conform to any regulations imposed upon them by the Council.

21 (2) (a) The annual dues shall be for the calendar year and are due and payable in advance on or before the first day of January in each year to the Treasurer or some person appointed by the Council to receive them; provided that applicants accepted as members and engineers-in-training after the first day of October in each year shall only pay one-half of the annual dues for that year.

(3) The Council, at its discretion, may:

(a) remit or rebate the fees or dues of any member, who is incapacitated by old age, sickness, infirmity, or for other grievous disability or who resigns as a member and subsequently appears for reinstatement;

(b) without limiting the generality of (a), exempt from the payment of fifty percent of the applicable annual dues for any calendar year those persons who are, in the opinion of the Council:

(i) members retired from the practice of professional engineering;

(ii) members who are unemployed;

- (iii) engineers-in-training who are unemployed;
 - (iv) members who are experiencing or who have experienced extended illness of a serious nature;
 - (v) members who have taken an extended leave of absence from employment or other professional engineering activity due to maternity or paternity leave;
 - (vi) members who are enrolled in a full time university program at the post-graduate level, provided that no exemption may be granted on this ground for more than two calendar years.
- (c) waive the registration fee for an engineer-in-training where the engineer-in-training applies for enrolment within thirty days of graduating from a college, university or school of engineering or science approved by the Council.

21A (1) In this Section, “resolution” means a resolution of the Council fixing the fees and dues of the Association in accordance with this Section.

(2) The Council may by resolution fix the fees and annual dues of the Association in accordance with this Section.

22 (1) All money received on behalf of the Association shall be deposited to the credit of the Association at a chartered bank in Halifax approved by the Council. All payments shall be made by cheque signed by the Treasurer and countersigned by the President, **or other person duly authorized by Council.**

(2) The Funds of the Association may be invested in securities which are eligible for investment under the *Canadian British Insurance Companies Act*. Such securities shall be registered in the name of the Association and placed in a safety deposit box of a chartered bank and subject to access only on the written order of the Treasurer and President or other person authorized by Council. The Council may at its discretion dispose of any or all of the securities.

23 (1) The Council may pay out of the Association funds

(a) all reasonable expenses of members of the Council, of committees and of the Board of Examiners for travelling, board and lodging incurred while attending Council, committee or Board Meetings or while transacting any authorized business on behalf of the Association or Council in places outside of the place of residence of such members;

(b) any expenses incurred for the travelling, reception and entertainment of guests of the Association;

(c) such salaries, wages and fees as may be approved by the Council;

(d) all other expenses which the Council or Association shall consider necessary or advisable for the management of or in the interest of the Association.

24 (1) Members, persons licensed to practise and engineers-in-training shall conduct themselves in accordance with the Code of Ethics appended hereto, and without restricting the meaning of unprofessional conduct, any breach of the Code of Ethics shall be deemed to be a form of unprofessional conduct.

(2) The Council may by resolution adopt, amend or rescind, in whole or in part, a Code of Ethics.

27 The Council may ratify, confirm or do any act or thing purporting to have been done or which should have been done under the provisions of the Act or the by-laws, or may extend the time for completing or perfecting any such act or thing; and the said act or thing when so ratified, confirmed, done, completed or perfected shall have the same effect as if done strictly in accordance with the provisions of the Act or the by-laws.

13 Nova Scotia Geoscientists: The Association of Professional Geoscientists of Nova Scotia (APGNS)

13.1 Geoscience Profession Act, Statutes of Nova Scotia 2002, Chapter 7

7 The Association has all of the powers vested in a company under the *Companies Act* and, in addition, is authorized and empowered to

(e) fix and collect the fees payable by any person upon being admitted as a member of the Association, licensed to practise or enrolled as an member-in-training, fix and collect the fees payable by any person desiring to write any examination prescribed by the Association with a view to becoming a member of the Association or being enrolled as a member-in-training, fix and collect the annual dues payable by members of the Association, persons licensed to practise and members-in-training, and exempt any person from the payment of any fees or dues for such reason and upon such terms and conditions as the Council may from time to time determine;

(n) subject to the approval of the Governor in Council, make, amend and repeal by-laws

(i) relating to the objects or powers of the Association including, but not limited to, matters within or reasonably incidental to any object or power,

(ii) respecting any matter or thing expressly required or authorized by this Act to be the subject of a by-law,

(iii) defining any word or expression used but not defined in this Act or better defining any word or expression defined in this Act,

(iv) generally, as considered necessary or advisable by the Council for the carrying into effect of this Act.

10 (1) Any person is entitled to be registered as a member of the Association upon filing with the Registrar satisfactory proof that the person has tendered the fees and dues prescribed by the by-laws, has met any other conditions or requirements prescribed by the by-laws relating to registration;

(b) has obtained the knowledge requirements as established by the Council and has had, in the opinion of the Council, four years of relevant experience;

(c) is a registered member of an association of geoscientists, which association, in the opinion of the Council, is similarly constituted and has similar membership requirements to the Association, and furnishes the Registrar with a certificate of membership in good standing in the other association and such other documentation as may be required by the by-laws;

(d) has passed examinations prescribed by the Council and has had a sufficient number of years of relevant experience to qualify the person, in the opinion of the Council, to practise professional geoscience; or

(e) has had, in the opinion of the Council, outstanding experience in geoscience.

(2) Every person who, in the opinion of the Council expressed by a resolution of the Council, has complied with subsection (1), shall, in the manner prescribed by this Act and the by-laws, be registered as a member of the Association.

11(1) Any person is entitled to a licence to practise upon tendering the fees and dues prescribed by the by-laws and filing with the Registrar satisfactory proof that any other conditions or requirements prescribed by the by-laws have been met and that

(a) the person is a registered member in good standing of an association of geoscientists which association, in the opinion of the Council, is similarly constituted and has similar membership requirements to the Association; or

(b) the person is qualified to practise professional geoscience but is a resident of a province, state or country in which there is no association similarly constituted.

(2) Every person who, in the opinion of the Council expressed by a resolution of the Council, has complied with subsection (1) shall, in the manner prescribed by this Act and the by-laws, be licensed to practise professional geoscience.

12 (1) Any person who has obtained the knowledge requirements as established by the Council or who has passed examinations prescribed by the Council, may, with the approval of the Council, be enrolled with the Association as a member-in-training.

(2) A person who, in the opinion of the Council, has complied with subsection (1) shall, in the manner prescribed by this Act and the by-laws, be enrolled as a member-in-training.

(3) A member-in-training is subject to the control of the Council in the manner provided by this Act and the by-laws.

14 (3) A partnership, association of persons or body corporate that, in the opinion of the Council expressed by a resolution of the Council, has complied with subsection (2) shall, in the manner prescribed by this Act and the by-laws, be issued a certificate of authorization.

15 (7) The Council shall appoint annually a Registrar, a Secretary and a Treasurer, who shall perform the duties assigned to them by this Act and the by-laws and the Council may appoint one person to any one or more of the offices of Registrar, Secretary and Treasurer.

(8) The Council shall appoint annually such other officers as may be necessary for carrying out this Act and the by-laws.

(10) The Council shall provide for the general management of the affairs and business of the Association in accordance with this Act and the by-laws.

16 (1) A proposed new by-law or the amendment or repeal of an existing by-law shall be presented in writing to the Council signed by at least ten members of the Association or approved by resolution of the Association or Council.

(2) The proposed by-law, amendment or repeal shall then be sent by the Secretary, without delay, in the form of a letter ballot to every member of the Association, and the ballot shall be returnable at a date to be fixed by the Council.

(3) Immediately after the date referred to in subsection (2), scrutineers appointed by the Council shall count the ballots and report the result to the Council.

17 The Council shall, in the manner provided by the by-laws, appoint annually an Admissions Board consisting of members of the Association who are residing within the Province and may, at any time, fill any vacancy on the Board, replace any member of the Board and add to the membership of the Board.

19 (1) The Council may establish joint practice boards or reciprocal arrangements with any similarly constituted association in one or more provinces of Canada or any professional body it considers appropriate to assist in developing and maintaining a professional relationship with that body.

(2) The Council may establish standards and qualifications for the evaluation of knowledge, experience, competence, character, professional practice and continuing education requirements in respect of the examination of candidates for membership or renewal or enrolment as a member-in-training, so long as any examinations are held in the Province.

20 (1) The Council shall, in the manner provided by the by-laws, establish a Complaints Committee and appoint the members of the Committee.

(2) There shall be a Discipline Committee of the Association the members of which shall be elected in the manner provided by the by-laws from a list of candidates who are considered qualified by the Council.

(8) The Council may, in the manner provided by the by-laws, appoint a mediator who has those powers and duties conferred or imposed by the by-laws respecting the investigation, mediation, settlement and referral of complaints, allegations or other reports or information respecting unprofessional conduct or incompetence on the part of a member of the Association, person licensed to practise or member-in-training.

22 (2) Subject to this Act and the by-laws, the Registrar shall issue a certificate of registration or a licence to practise, as the case may be, to a person whose registration as a member of the Association or to a person to whom the granting of a licence to practise, as the case may be, has been approved by resolution of the Council under this Act.

(4) Where the Council refuses to pass a resolution authorizing any person to be registered as a member of the Association or licensed to practise or, where the Registrar refuses to register or issue a certificate of registration or licence to practise to a person, the person aggrieved, upon serving ten days' notice upon the Secretary, has the right to apply to a judge of the Supreme Court of Nova Scotia who, upon due cause shown, may grant an order directing the Council and the Registrar to register the name of the person as a member of the Association or to issue to the person a licence to practise or make such other order as may be warranted by the facts, and the Council shall forthwith comply with the order.

23 (1) Every person who is a member of the Association licensed to practise or a member-in-training, shall pay on January 1st in each year to the Treasurer or **any person deputed by the Council to receive it**, the annual dues prescribed by the by-laws, which dues are deemed to be

a debt due by the person and recoverable, with costs, in the name of the Association in any court of competent jurisdiction.

29 Any information for the prosecution of any person under this Act may be laid by any member of the Association or any person appointed by the Council.

34 No action or other proceeding for damages shall be brought against the Association, the Council or any board, panel or committee of the Association, or against a member of the Association, Council or any board, panel or committee, or against an officer, employee or agent or appointee of the Association, for anything done in good faith for or on behalf of the Association under this Act or the by-laws.

13.2 APGNS Bylaws

2 (1) The annual meeting of the Association shall be held at such time and place as may be fixed by the Council.

(2) General meetings of the Association for the transaction of general business and the reading of papers or discussion of questions of interest to professional geoscientists, may be held whenever called by the President or the Council.

(3) Special meetings of the Association shall be held at the call of the President, or of the Secretary upon the receipt by the Secretary of a requisition signed by not fewer than eight members of the Council or by not fewer than twelve members of the Association.

6 (1) The Council shall, not later than 120 days before the date established by Council for the close of ballots, appoint a Nominating Committee consisting of three members, to include a Past President, preferably the immediate Past President, and, wherever practicable, the Committee will include representation from the Halifax Regional Municipality (HRM) and mainland Nova Scotia, outside the Halifax Regional Municipality

(3) The Secretary shall submit the list of all nominees to the Council at the first Council meeting after receipt thereof, for its approval. If for any reason the Nominating Committee fails to properly fulfil all or any of the requirements of its office, the Council may complete all or any of those requirements. The Council shall then instruct the Secretary to prepare a ballot of the approved list of nominees and send a copy thereof, bearing an impress of the seal of the Association, to each member not later than 60 days before the close of ballots with the request to indicate thereon, his/her choice of officers of the Association and members of the Council and to return the list unsigned to the Secretary not later than 30 days before the close of ballots.

The ballot shall be so prepared that members shall be instructed to vote for not more than one member for President, one member for Vice-President, three members for Councillors.

(4) Not later than 15 days before the annual general meeting, all ballots received from the members shall be handed by the Secretary to three scrutineers appointed by Council.

9 (1) The Council at its first regular meeting shall appoint the Secretary of the Association.

(3) The Secretary shall hold office until a successor is appointed and shall be subject to removal at pleasure at any time during his/her term of office by a majority vote of the Council.

(4) The Secretary shall be paid a salary determined by Council for performing the duties of Secretary.

(5) The Secretary, while performing the duties of Secretary, may, with the approval of the Council and at the expense of the Association, engage the services of clerks or stenographers, on a full time or part time basis.

10 (1) The Council at its first regular meeting shall appoint the Registrar of the Association.

(5) The Registrar may be paid a salary determined by Council for performing the duties of Registrar.

11 (1) The Council at its first regular meeting shall appoint the Treasurer of the Association.

(2) The Treasurer shall perform the duties imposed on him/her by the Act and by-laws. He/She shall, under the instructions of the Council, collect and receive, pay out or invest all monies due to and payable by the Association. He/She shall keep proper books of account entering therein all moneys received and paid out by the Association, prepare and submit to the annual meeting of the Association the financial statement, duly certified by the Auditor of the Association, of the annual revenues and expenditures of the Association and furnish such other financial reports as may be requested by the Council. He/She shall perform all other duties incidental to his/her office or which may be assigned to him/her by the Association or Council.

12 The Council shall appoint annually a chartered accountant to audit the books of the Association. The Auditor shall examine into the financial condition of the Association, prepare a balance sheet and report thereon. Such balance sheet and report shall be delivered to the Treasurer, who shall submit it to the annual meeting of the Association.

13 (1) Application for registration as a member, or for a licence to practise or enrolment as a member-in-training shall be made to the Registrar on a form prescribed by the Council and shall be accompanied by the credentials and fees required by the Act and the by-laws.

(2) The application shall be presented by the Registrar to the Board of Examiners. The Board shall deal with the application in the manner provided by Section 14 hereof, and shall submit its findings to the Council, which shall dispose of the application by resolution.

13A (1) The Admissions Board shall require a member-in-training who is a graduate in geoscience of a school, college or university approved by the Council, or who has passed examinations prescribed by the Council, to report to a member of the Association designated by Council concerning his/her experience in geoscience, during the period in which the member-in-training is engaged in gaining the experience in geoscience prerequisite to registration as a member of the Association. The member so appointed to guide the member-in-training is known as a mentor.

(5) In considering an application by a member-in-training for registration as a member pursuant to Section 13 hereof, the Board of Examiners and the Council shall be entitled to take into account, in addition to all other relevant matters, the reports and submissions which the

member-in-training has made to the mentor pursuant to this Section, and the rules, policies and guidelines made pursuant to subsection (6) hereof, together with the comments of the mentor upon such reports and submissions. If, in the opinion of the Council, the experience in geoscience of the member-in-training has been deficient, Council may prescribe such further period of experience as may be required to ensure that the member-in-training has obtained the nature and extent of experience in geoscience prerequisite to registration as a member of the Association.

(6) The Board of Examiners, with the approval of the Council, may make rules, policies and guidelines consistent with the section concerning the duties and obligations of mentors and members-in-training under this Section, and concerning the administration of this Section generally.

14 (1) The Council shall appoint an Admissions Board consisting of at least four members and shall designate which of the members is to be Chair of the Board. Council shall, wherever practicable, consider representation from industry, academia and government in the composition of the Board. Council may, wherever practicable, consider nominations from industry, academia and government for membership on the Board. The Council may at any time fill any vacancies on the Board, replace any member thereof, or add to its number.

(3) The Board, when directed by Council to examine a candidate, may nominate one or more qualified persons acceptable to Council to set and conduct the examination.

(4) The Board, with the approval of Council, may draw up rules and policies prescribing the scope of and the procedure for conducting the examinations.

(8) The Council shall prescribe the fee payable by the candidate for the examination.

15 (1) Honorary life membership in the Association shall be granted by the Council, on the unanimous vote of all members of the Council given by ballot, to a person eminent in the geoscience profession who has rendered signal service to the Association.

(2) Life membership in the Association may be granted by the Council on written request of the member.

16 (1) At least four regular meetings of the Council shall be held in each fiscal year at such time and place in Nova Scotia as the President shall determine.

(2) Special meetings of the Council shall be called by the Secretary on the written requisition of any five members of the Council at such time and place within Nova Scotia as is designated in the requisition.

17 (4) A resolution assented to and adopted in writing by at least three-quarters of the members of the Council, although not passed at a Council meeting, shall be of the same force and effect as if it had been duly passed at a Council meeting.

18 (2) A vacancy on the Council or in any office may be filled by the Council for the period between the date of such resignation and the next annual meeting of the Association.

19 (1) (a) The Council shall appoint an Executive Committee consisting of the President, Vice-President, immediate Past President, and one other member of the Council residing in the Halifax Regional Municipality.

(2) The Council may from time to time appoint from the membership of the Association such other committees as it determines necessary and may delegate to such committees any of its powers; provided that such committees shall conform to any policies imposed upon them by the Council.

21 (3) The Council, at its discretion, may on receipt of written application:

(a) remit or rebate the fees or dues of any member, who is incapacitated by sickness, infirmity, or for other grievous disability or who resigns as a member and subsequently appears for reinstatement;

(b) without limiting the generality of (a), exempt from the payment of fifty percent of the applicable annual dues for any calendar year those persons who are, in the opinion of the Council: (i) members retired from the practice of professional geoscience; (ii) members who are unemployed; (iii) members-in-training who are unemployed; (iv) members who are experiencing or who have experienced extended illness of a serious nature; (v) members who have taken an extended leave of absence from employment or other professional geoscience activity due to maternity or paternity leave; (vi) members who are enrolled in a full time university program at the post-graduate level, provided that no exemption may be granted on this ground for more than two calendar years.

22 (2) The Funds of the Association may be invested in securities following the guidelines established by Council. Such securities shall be registered in the name of the Association and placed in a safety deposit box of a chartered bank and subject to access only on the written order of the Treasurer and President **or other person authorized by Council**. The Council may at its discretion dispose of any or all of the securities.

23 (1) The Council may pay out of the Association funds (a) all reasonable expenses of members of the Council, of committees and of the Board of Examiners for travel, board and lodging incurred while attending Council, committee or Board Meetings or while transacting any authorized business on behalf of the Association or Council in places outside of the place of residence of such members; (b) any expenses incurred for the travel, reception and entertainment of guests of the Association; (c) such salaries, wages and fees as may be approved by the Council; (d) all other expenses which the Council or Association shall consider necessary or advisable for the management of or in the interest of the Association.

24A The APGNS Complaints Committee

(1) Council shall appoint, from among the members of the Association, a Complaints Committee composed of five members.

24C The APGNS Discipline Committee

(1) The Discipline Committee shall be elected by the members of the Association from a slate of members provided by the Council.

(9)(b) Council shall cause notice of any resolution suspending or cancelling the certificate of registration or licence to practise or enrolment as a member-in-training of a practitioner to be given to the members of the Association by publication in such form and in such manner as the Committee shall determine, and the Committee may give such further public notice as it shall decide.

27 The Council may ratify, confirm or do any act or thing purporting to have been done or which should have been done under the provisions of the Act or the by-laws, or may extend the time for completing or perfecting any such act or thing; and the said act or thing when so ratified, confirmed, done, completed or perfected shall have the same effect as if done strictly in accordance with the provisions of the Act or the by-laws.

14 Northwest Territories: Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists (NAPEG)

14.1 Engineering and Geoscience Professions Act, Statutes of the Northwest Territories
2006, Chapter 16

5. (1) The Association may make bylaws not inconsistent with this Act respecting

(a) the nomination, election and appointment of council members,

(m) the quorum, timing and conduct of meetings of the Association, Council and committees of the Association.

6. (1) Subject to this Act, the bylaws and resolutions passed by the Association at a general meeting, Council is the governing body of the Association.

8. (1) If the office of a councillor becomes vacant, Council may appoint a member to serve as councillor for the unexpired term of the vacated office.

(2) If the office of a lay member becomes vacant, Council shall notify the Minister and may, in that notice, recommend the appointment of a specific person to the vacant office.

(3) If the office of president or first or second vice-president becomes vacant, Council may designate council member to serve as president or first or second vice-president, as the case may be, and the person so designated holds office for the unexpired term of the vacated office.

10. (1) Council shall appoint an Executive Director.

12. (1) Council shall, in accordance with the bylaws, designate a Board of Examiners in Engineering and Geoscience responsible for appraising academic and experience qualifications of applicants for registration under this Act, and for setting and conducting examinations.

15. (1) An applicant for registration who is dissatisfied with the Board of Examiners' appraisal of his or her academic or experience qualifications may appeal to Council.

(3) Council may, on hearing the appeal,

(a) confirm the appraisal by the Board of Examiners; or

(b) request the Board of Examiners to reconsider the application.

16. (1) Council shall register as a member a person, other than a licensee, who

(a) applies in accordance with the bylaws;

(b) pays the required fees; and

(c) satisfies Council that he or she

(i) is a resident of the Northwest Territories or Nunavut,

(ii) is a Canadian citizen or a permanent resident or is otherwise lawfully permitted to work in Canada, and

(iii) either

(2) Council shall register as a licensee a person, other than a member, who ...

(3) Council shall register as a member-in-training a person who ...

(4) Notwithstanding anything in this Act, Council

(a) may require an applicant for registration to write the professional practice examinations Council considers necessary; and

(b) shall refuse to register any person who fails such examinations.

(5) Where an application for registration is rejected, Council shall provide the unsuccessful applicant with a written notice stating the reason for the rejection.

17. Following registration, Council may, on application and with the consent of the Board of Examiners, alter the designated profession in respect of which a member or licensee has been registered on the basis of extensive experience in the other designated profession.

18. (1) Subject to subsection 15(4), a person whose application for registration has been rejected by Council on any ground may appeal to the Supreme Court within 60 days after receiving notice of the rejection.

19. Council shall issue a certificate of registration signed by the president and the Executive Director and bearing the seal of the Association, to a person registered as a member or licensee.

22. (1) Council may require a member or licensee who, for a period exceeding five years, has been inactive in the field of practice in which the member or licensee obtained his or her qualifications for registration within his or her designated profession, to have his or her present qualifications reviewed by the Board of Examiners.

(3) Council may, if the member or licensee does not renew his or her qualifications in accordance with the requirements of the Board of Examiners under subsection (2), terminate the registration of the member or licensee.

23. (3) Council shall register as a permit holder and issue a permit to a firm that (a) files an application in the form provided by Council; (b) pays all the required fees; and (c) appoints at least one member or licensee who is a full-time employee, partner or officer of the firm to serve as its professional representative and to assume responsibility for the professional conduct of the firm.

(4) Where a firm maintains an office in the Northwest Territories or Nunavut, at least one professional representative must be resident in that territory unless Council, in its discretion, dispenses with that requirement.

(5) The registration of a permit holder under this section may be terminated or renewal of the registration may be withheld by Council, if the permit holder fails to observe any of the conditions set out or referred to in this Act governing registration of a permit holder and the issue of a permit.

25. (1) Council shall, in accordance with the bylaws, issue a stamp to a person registered as a member, licensee or permit holder.

27. (1) A registrant or permit holder shall pay in advance to the Association the annual fee fixed under the bylaws.

(2) If a registrant or permit holder does not pay the annual fee within 90 days after the day on which it becomes due, Council may direct the Executive Director to terminate registration.

31. (1) Council shall appoint a Discipline Committee comprised of at least five members or licensees.

(3) Council shall designate one member of the Discipline Committee to be the chairperson.

32. (1) A person who wishes to make a complaint that an act or omission of a practitioner constitutes unprofessional conduct may file a complaint with the Executive Director.

(2) For greater certainty, a practitioner, member of the Discipline Committee or council member may file a complaint under subsection (1).

37. (1) Council shall, on receipt of a direction issued by an Investigative Committee under paragraph 35(1)(c) or by the chairperson of the Discipline Committee under subsection 36(2), appoint a Board of Inquiry comprised of three council members to conduct a hearing to inquire into the complaint.

42. (4) The Board of Inquiry may order that a practitioner whose registration has been terminated under this section must, as a condition for reinstatement by Council, (a) pass examinations set by the Board of Examiners; and (b) pass a particular course of study or obtain experience generally or in a field of practice satisfactory to the Board of Examiners.

(5) Notwithstanding anything in this Act, Council may not register any practitioner whose registration has been terminated under this section, unless Council is satisfied that the practitioner has complied with any order made under subsection (4).

45. (1) Subject to subsection (2), a practitioner whose registration is suspended or terminated shall not practice professional engineering or professional geoscience from the date of the suspension or termination until the suspension ends or the registration is reinstated.

(2) The practitioner may continue to practice with the written approval of Council for the purpose of completing or transferring work started before the suspension or termination of registration.

(3) Council may appoint a Board of Inquiry comprised of three council members where proceedings have been initiated in respect of the jurisdictional member by an extraterritorial disciplinary body.

49. (3) Council may appoint a Board of Inquiry comprised of three council members where proceedings have been initiated in respect of the jurisdictional member by an extraterritorial disciplinary body.

52. Subject to this Act and the bylaws, Council may make rules or guidelines

(a) providing for the composition of the Discipline Committee and the terms of office of its members;

(b) governing proceedings of the Discipline Committee;

(c) governing proceedings of Investigative Committees and Boards of Inquiry in respect of complaints; and

(d) respecting costs of the Association that may be recovered where a Board of Inquiry orders a practitioner to pay costs

53. No action lies against a council member, a member of the Discipline Committee, a referee, the Executive Director, an employee of the Association or a person acting on their instructions, for anything done or not done by that person in good faith and in purporting to act in accordance with this Act or the bylaws.

Note: There are no regulations under the Northwest Territories' *Engineering and Geoscience Professions Act*.

14.2 NAPEG Bylaws Made Pursuant to and Subject to Engineering and Geoscience Professions Act

3. (a) A Nominating Committee shall be appointed by Council prior to the annual meeting to serve for the ensuing year. The committee shall consist of five (5) members of the Association, one of whom shall be the retiring President, who shall be the Chair. Council shall appoint members to fill any vacancies which may occur in the Nominating Committee.

7. In the event of any failure to comply with procedure relating to the election of members of Council, Council shall have the power to take any action it deems necessary to validate the nomination, the counting of the ballots or the election.

8. (a) Council may appoint members to represent the Association on the Canadian Council of Professional Engineers (Engineers Canada) and Canadian Council of Professional Geoscientists (Geoscientists Canada).

(b) Council may appoint members to represent the Association on the Council, governing body, or committees of any other organization or association.

10. (a) Council shall meet at the call of the President or on request in writing to the Executive Director signed by not less than three (3) Councillors.

11. (a) An annual meeting of the Association shall be held in every calendar year with the period between such meetings not to exceed eighteen (18) months. At each annual meeting the Council shall submit a recommendation as to the date and place of the next annual meeting.

12. (a) Special meetings of the Association may be held when considered necessary by the Council or upon written request to the Executive Director signed by not less than ten (10) members of the Association. A special meeting summoned pursuant to the written request of the ten (10) or more members shall be held not more than forty-five (45) days after the request is received by the Executive Director.

13. (a) Division and section meetings of the Association may be held as set out in the terms of reference of the division or section as approved by Council.

(b) Any resolution passed at a division or section meeting shall be considered by Council at its next regular meeting.

17. (a) Application for registration as members, licensees, permit holders, and members-in-training shall be made to the Executive Director on the application forms approved by Council. The appropriate registration fee shall accompany the application.

(e) Applications that have been approved by the Board of Examiners shall be reviewed by the membership committee and forwarded to the Council together with a recommendation for disposition. The list of mobility applicants and permit holders, approved by the Executive Director, shall be forwarded to Council at each Council meeting.

18. (a) The annual fee for a member shall be specified from time to time by Council and shall be payable in advance, on January 1st of each year, subject to such discount as Council may from time to time direct.

19. (a) The annual fee for a licensee shall be fixed by Council from time to time, and shall not be less than the annual fee for a member.

20. (b) Council, upon being satisfied as to the good character of the applicant, and as to his or her intention to qualify for registration as a member and in due course to apply therefore, shall admit the applicant as a Member-in-Training.

(e) Council, in its discretion, for conduct considered unbecoming or for failure to pay the prescribed fees, may strike the name of any Member-in-Training from the record. The person shall no longer be a Member-in-Training.

(f) No person shall remain as a Member-in-Training for more than six (6) years after graduation unless Council, in its discretion, extends this period.

22. (a) Application to become a student of the Association may be made by any person who:

i. has an NWT or Nunavut high school diploma, or in the opinion of the Council, the equivalent, and satisfies Council that he/she is engaged or is about to be engaged in work of some branch of engineering, geology or geophysics, or

ii. is registered as a student with the Board of Examiners or at a University in Canada in a program leading to a degree in engineering, geology or geophysics.

(b) Council, upon being satisfied as to the good character of the applicant, and as to his/her intention to qualify for registration as a member and in due course to apply therefore, may enrol the applicant as a student.

(e) Council, in its discretion, for conduct considered unbecoming, may strike the name of any student from the record of students of the Association and the person shall no longer be a student member of the Association.

23. (a) Council, in its discretion by unanimous vote, may confer Distinguished Life Membership in the Association upon any member who has rendered signal service to the Association.

24. (a) Council, in its discretion by unanimous vote, may confer Honorary Membership in the Association upon persons who have given eminent service to the profession.

25. (a) Council may establish a non-practicing membership category for Members and Licensees who have ceased to practice professional engineering, or professional geoscience in the Northwest Territories and Nunavut but who wish to remain affiliated with the Association. The annual fee for non-practicing members/licensees shall be determined by Council from time to time.

26. (a) There shall be an Executive Committee consisting of the President, the immediate Past President, the two Vice-Presidents and the Executive Director.

(b) In addition to the Discipline Committee, Council may appoint committees on enforcement, membership and such other matters as it considers necessary.

(c) For all committees, except the Discipline Committee and the Nominating Committee, the terms of reference shall be determined by Council.

(d) Council may authorize the establishment of Divisions of the Association based on professional disciplines.

(e) Council may authorize the establishment of Sections of the Association based on geography.

(f) Council shall determine the terms of reference for all Divisions and Sections that are established.

(g) Council approval is required for new and revised policies and guidelines for effective governance of the Association.

27. (d) The procedure for conducting a mail vote shall be established by Council and shall be consistent with the Act and the By-Laws. An electronic vote is considered to be equivalent to a mail vote.

31. When any act or thing under the provision of these by-laws directed to be done within a limited time is not done so, or is not properly or effectually done, then anything actually done prior to such omission or improper, ineffectual act shall not be vitiated. The prior act shall remain in full effect. Council either prior or subsequent to such act not properly or effectually done or omitted, may extend the time for completing or perfecting such act. When completed or perfected, such act shall have the same effect as if done strictly in accordance with the provisions of these by-laws.

15 Yukon: The Association of Professional Engineers of Yukon (APEY)

15.1 Engineering Profession Act, Revised Statutes of the Yukon 2002, Chapter 75

4(1) The Supreme Court, on application by the Council, may grant an injunction enjoining any person from:

(a) doing any act that contravenes this Act; or

(b) retaining, employing, or contracting with someone who is not a member of the Association or a holder of a limited licence for the performance of an act constituting the practice of professional engineering.

9 (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.

10 The Council shall appoint a registrar for the purposes of this Act.

12(1) The Council may make regulations

(a) respecting those things that are to be considered when defining the public interest under this Act;

(b) governing the establishment of boards or committees of Council and respecting the delegation of powers of Council to those boards or committees;

(c) respecting the powers, duties, functions, and procedures of any boards or committees, including but not limited to the referral of matters by those boards or committees to the Council and appeals from decisions of those boards or committees;

(d) governing the evaluation by the Council, or a board or committee established by it, of applications for registration as a member;

(e) respecting the eligibility of applicants for registration as a professional engineer, holder of a limited licence, or permit holder to engage in the practice of engineering;

(f) prescribing the number of members that constitutes a quorum of the Council, or of its boards or committees;

(g) prescribing technical standards for the practice of the profession;

(h) respecting the academic qualifications of and experience required for registration as professional engineers, or as holders of limited licences;

(i) respecting requirements for inspection and supervision during construction, operation, and maintenance of any work or process included as part of the practice of engineering;

(j) respecting the establishment by the Council of a compulsory continuing

education program for professional engineers and holders of limited licences;

(k) establishing and providing for the publication of a code of ethics respecting the practice of the profession, the maintenance of the dignity and honour of the profession and the protection of the public interest;

(l) governing the names under which professional engineers, holders of limited licences, and permit holders may engage in the practice of the profession;

(m) governing the publication of a notice of the suspension or cancellation of the registration of a professional engineer, holder of a limited licence, or permit holder in a form and manner prescribed by the Council;

(n) establishing classes or categories of professional engineers, holders of limited licences, or permit holders, and prescribing the restrictions of practice and the privileges and obligations of the classes or categories so established;

- (o) respecting the control and use of stamps and seals by professional engineers, holders of limited licences, and permit holders;
- (p) governing the eligibility for registration of persons, firms, partnerships, and other entities as permit holders;
- (q) governing the operation of permit holders;
- (r) governing the information to be engraved on stamps and seals for professional engineers, holders of limited licences, and permit holders;
- (s) establishing a category of holder of a limited licence for a limited license to practice professional engineering and prescribing the restrictions of practice and the privileges and obligations of the category so established;
- (t) respecting the scope of work and restrictions of practice of the licensee;
- (u) respecting the corporate structure of technical support required for a limited licence to practice and be maintained;
- (v) respecting the stamp or seal issued to a holder of a limited licence and the circumstances under which it is to be surrendered to the Association;
- (w) respecting activities or works to be exempted from the practice of professional engineering;
- (x) providing for the service of documents that may be served or are required to be served under this Act; and
- (y) respecting application for registration of professional engineers, holders of limited licences, permit holders, or engineers-in-training; the issuing and revoking of certificates, permits, licenses, stamps, and seals; disciplinary matters and the practice of engineering generally.

13(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 establishment of categories of and conditions respecting the enrolment of engineers-in-training, examination candidates and students;
- (d) respecting the calling of and conduct of meetings of the Association and the Council;
- (e) respecting the nomination, election, number and term of office of Council members and officers of the Association and the appointment of individuals as ex officio members of the Council, the Discipline Committee, and any other committee or board established by the Council, and prescribing their powers, duties, functions and procedures;

- (f) respecting the appointment, functions, duties, and powers of an Executive Director of the Association;
- (g) providing for the appointment of a Deputy registrar to have all of the powers and 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 the registrar;
- (h) providing for the appointment of acting members of the Council and procedures for the election or appointment of professional engineers and holders of limited licences to fill vacancies on the Council;
- (i) prescribing the number of members that constitutes a quorum at meetings of the Association;
- (j) governing the establishment, operation, and procedures of boards and committees, the appointment of members of these boards and committees, the appointment of acting members, and procedures for filling vacancies on these boards and committees, and the delegation of any powers or duties of the Council under the Act, regulations, or bylaws to one of these boards and committees established by the Council;
- (k) governing the operation and proceedings of the committees or boards established by Council, 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 any committee or board, and the appointment of ex officio members of any committee or board and prescribing their powers, duties, and functions;
- (l) prescribing fees and expenses payable to persons for attending to the business of the Association;
- (m) 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 for the development of the profession or the members;
- (n) respecting the setting of fees, dues, and special levies payable to the Association;
- (o) respecting the setting of costs to be paid by persons found guilty of unskilled practice or unprofessional conduct or both following a discipline hearing;
- (p) respecting the establishment, content, and maintenance of registers of members, holders of limited licences, and permit holders to be kept by the registrar;
- (q) respecting the removal of entries from the registers and records kept under this Act or the bylaws;
- (r) requiring professional engineers, holders of limited licences, and permit holders to inform the registrar in writing of their current mailing addresses and of any change of address immediately after the change occurs;

(s) prescribing the form of a certificate of registration, a limited license to practice, a permit, an annual certificate, and any other form in relation to the business of the Association;

(t) respecting the holding of mail ballots on any matter relating to the Association.

14(1) The registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register.

19(1) The registrar shall not cancel the registration of a professional engineer, holder of a limited licence, or permit holder at their request unless the request for the cancellation has been approved by the Council.

20(1) The Council shall establish a Board of Examiners in accordance with the regulations.

22(3) An applicant whose application for registration has been refused by the Board of Examiners may, within 30 days of receiving a notice of refusal and the reasons for the refusal, appeal the decision to Council by serving on the Registrar an appeal notice setting out the reasons why their registration as a professional engineer or holder of a limited licence should be approved.

(4) The Council shall, after receipt of notice of appeal under this section, review the application.

23(1) The Council shall approve the registration as a permit holder of a corporation, partnership, or other entity that has applied to the Council and is eligible under this section and the regulations to become registered to engage in the practice of engineering as a permit holder.

24(1) The Council may direct the registrar to cancel the registration of

(a) a professional engineer, holder of a limited licence, or permit holder who is in default of payment of annual fees or any other fees, dues or levies payable under this Act;

(b) a holder of a limited licence who does not comply with the conditions under which the licence was granted; or

(c) a permit holder if it no longer has employees in compliance with this Act after the expiration of 30 days following the service on the professional engineer, holder of a limited licence, or permit holder of a written notice by the Council pursuant to subsection (2), unless the professional engineer, holder of a limited licence, or permit holder on whom the notice is served complies with the notice .

(2) The notice under subsection (1) shall state that the registrar will cancel the registration unless

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

(b) evidence satisfactory to the Council is supplied to the Council within the time prescribed in the notice, indicating that the holder of a limited licence complies with the conditions under which the license of limited right to practice was granted; or

(c) evidence satisfactory to the Council is supplied to the Council, within the time prescribed in the notice, indicating that the permit holder has employees in compliance with this Act.

(4) The Council may direct the registrar to cancel the registration of a professional engineer, holder of a limited licence, or permit holder that was entered in error in the register.

(6) 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 and the stamp or seal.

28(1) The Council shall establish a Discipline Committee the members of which shall be appointed in accordance with the regulations.

(4) The Council, on receiving a notice of appeal under subsection (3), shall serve on the complainant and investigated person a notice of hearing of an appeal, stating the date, time, and place that the Council will hear the appeal.

(5) The Council shall hear an appeal immediately.

33(3) A complainant who is served with a notice under subsection (2) informing them that the investigation has been terminated may, by notice in writing to the registrar within 30 days of receipt of the notice under subsection (2), appeal that decision to the Council.

(4) The Council, on receiving a notice of appeal under subsection (3), shall serve on the complainant and investigated person a notice of hearing of an appeal, stating the date, time, and place that the Council will hear the appeal.

(5) The Council shall hear an appeal immediately.

(6) On an appeal under subsection (3), the Council shall determine whether the complaint should be referred to the Discipline Committee for a hearing in accordance with this Part, and shall notify the complainant, the investigated person and the Discipline Committee in writing of its decision.

(7) Section 49 applies to appeals under subsection (3).

48(1) An investigated person or the registrar may appeal to the Council any finding or order made by a Discipline Committee under section 43 or section 44.

49(1) The Council, on receiving a notice of appeal under section 48, shall serve on the investigated person a notice of hearing of an appeal stating the date, time, and place that the Council will hear the matters appealed.

(2) The Council shall commence its hearing of an appeal within 30 days of receiving the notice of appeal.

50(1) On an appeal the Council may do any or all of the following:

(a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Council;

(b) receive further evidence;

(c) draw inferences of fact and make any determination or finding that in its opinion ought to have been made by the Discipline Committee;

(d) order that the matter be referred back to the Discipline Committee.

(3) The Council shall immediately after the date of the conclusion of all proceedings before it

(a) make any findings as to the conduct of the investigated person that in its opinion ought to have been made by the Discipline Committee; or

(b) quash, vary, or confirm the finding or order of the Discipline Committee or substitute or make a finding or order of its own; or

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

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

55(1) If the Council is satisfied, after a hearing on the matter, that a person or permit holder whose registration is entered in a register obtained registration by any false or fraudulent representation or declaration, either oral or written, the Council shall order that the registration be cancelled.

56(1) If the registration of a professional engineer, holder of a limited licence, or permit holder has been cancelled or suspended under this Part, any certificate, permit, stamp or seal issued shall immediately be surrendered to the registrar.

(2) If the registration of a professional engineer, holder of a limited licence, or permit holder has been cancelled under this Part, the registration shall not be reinstated in the register except by order of the Council or the Supreme Court.

(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 not participate in or vote at any proceedings of the Council under this section. The registrar and the Association's lawyer or agent may participate in those proceedings.

62(1) No action lies against

(a) any person conducting a preliminary investigation, a member of the Discipline Committee, the Council, or the Board of Examiners, the registrar, 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 them in good faith and in purported to be done under this Act, the regulations, or the bylaws.

63(1) A person whose registration as a professional engineer, holder of a limited licence, or permit holder is cancelled or suspended under this Act shall not engage in the practice of engineering with any other professional engineer, holder of a limited licence, or permit holder without the consent of the Council.

(3) The Council may permit a professional engineer, holder of a limited licence, or permit holder to associate with or employ in connection with their 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.

15.2 Engineering Profession Regulation, Yukon Orders in Council 1996/056

Note: There is also a *Labour Mobility Amendments Regulation*.

2. Council shall appoint standing or special committees, task forces or boards as it from time to time may consider necessary to serve the interests of the Association and shall at the time of

the appointment establish terms of reference and delegate any authority it deems necessary for the committee, task force or board to perform its function.

3. Appointment to Boards and Committees established by Council may be made from professional members or licensees of the Association, professional members of other professional engineering associations or other individuals as Council deems appropriate.

7. An applicant for registration as a permit holder shall satisfy Council that ...

10. Any professional member or licensee who has provided outstanding service to the profession in the Yukon Territory may be granted Life Membership by a unanimous vote of Council.

11. Any professional member or licensee who is retired from the practice of the profession and who has been a member of the Association for ten years or more may, upon application, be granted a Retired Membership by unanimous vote of Council.

27. (1) When the Association accepts any person in any class of membership it shall provide the member with a seal engraved in a manner acceptable to Council and which remains the property of the Association and shall be surrendered to it on demand.

28. Any membership in the Association may be revoked or its renewal withheld by the Council for failure of the member to observe any of the conditions set forth in the Act or the Regulations governing the issuance of membership or where the member has been guilty of unprofessional conduct or unskilled practice of the profession.

29. (1) The Board of Examiners shall be appointed by Council and shall serve at the pleasure of Council.

(2) The Board of Examiners shall consist of at least three members of the Association, one of whom shall be the Registrar, plus any additional members of the Association or other professional engineering associations that Council deems appropriate from time to time.

(3) The Board of Examiners shall meet at least quarterly when applications are pending, to consider the applications and other matters of policy, significant changes in procedure, examination results, and other matters referred to it by Council.

(4) The Chair of the Board of Examiners shall be appointed by Council.

30. (1) The Discipline Committee shall consist of at least two members of the Association plus any other individuals Council deems appropriate.

(2) Council shall appoint a Chair and Vice-chair from among the Discipline Committee members.

(3) The term of appointment of each member shall be as prescribed by Council.

34. (1) Any member whose registration has been cancelled as a result of disciplinary proceedings may apply to the Council to be reinstated.

(3) In the case of a member whose registration has been cancelled the Council may require the former member to demonstrate by means prescribed by Council that they are competent to re-engage in the practice of engineering.

(4) In the case of an application for reinstatement which is not approved by Council a further application may be made by the former member but not until at least one year has elapsed from the date Council ruled on the previous application.

36. The Registrar may, at the direction of Council, publish from time to time the current listing of members and any changes to the listing since it was last published.

15.3 Yukon Engineering Profession Act Bylaws

1. The head office of the Association of Professional Engineers of Yukon (APEY) shall be established by Council through consideration of the operational needs of the Association and the convenience of the members.

2. Meetings of Council shall be conducted in accordance with these Bylaws as follows:

(a) Council shall meet not less than once every two months.

(b) The President may at any time convene a meeting of Council. Seven days notice shall be given to all Council members of the date, hour, place and purpose of such a meeting.

(c) The President shall convene a meeting of Council upon receipt by the Secretary-Treasurer of a written request, with state purpose for a meeting from any two members of Council.

(d) Council may meet together for the dispatch of business, adjourn and otherwise regulate meetings as it sees fit. Questions arising at any meeting shall be decided by a majority of votes of the Council members present. In case of an equality of votes, the presiding officer shall cast the deciding vote.

(e) A resolution assented to and adopted in writing under the hands of a majority of Council members, although not voted upon and passed at a Council meeting shall be of the same force and effect as if it had been duly passed at a Council meeting.

(f) If any member of Council is absent from three consecutive meetings without approval of Council, Council may declare the seat to be vacant.

(g) In the case of incapacity, resignation, death or vacancy on Council as a result of Bylaw 2(f), the other members of Council shall appoint an Association member in good standing to fill the vacancy until the next election.

(h) Council may authorize at its discretion the reimbursement of reasonable travel expenses to its own members or to any person required to attend Council meetings.

3 (c) Council shall establish the date of the annual general meeting and give written notice of the date, time and place of the meeting to all members not less than 21 days prior to the meeting date.

4. The Association may hold Special General Meetings as follows:

(a) a special general meeting of the Association may be called at any time by the President, with the consent of Council, and shall be called by the President upon the petition of ten members. The petition shall state the purpose of the meeting.

(b) a special general meeting called at the request of ten members shall be held within sixty days of Council receiving the petition. The only business transacted at the meeting shall be the business stated in the petitioners request.

(c) Council shall give not less than twenty one days written notice to members stating the date, time, place and purpose of the meeting.

6. Council shall rule on procedural matters at general meetings.

7. Nominations for elective positions of the Association shall be carried out as follows:

(a) prior to September 30 in each year, Council shall appoint a Nominating Committee consisting of two Association members who are not members of Council plus the Past President who shall chair the Nominating Committee. If the Past President is not available, Council shall appoint a third member of the Association to act as chair.

(b) the Nominating Committee shall nominate a candidate or candidates for the offices of President, Vice President and for the number of Councillors required to be elected in that year. The written consent of the nominees shall be obtained.

(c) any five members in good standing may nominate a candidate or candidates for any Council position by submitting in writing the names so chosen with the signatures of the five nominators and the written consent of the nominee(s).

8 (g) Council shall rule on any election result challenged in accordance with the procedures detailed in paragraph (f). No election shall be declared invalid by reason of non-compliance with the provisions of these Bylaws, or by reason of any mistake or irregularity, if it appears to Council that the election was conducted in accordance with the principles laid down in these Bylaws and that such non-compliance, mistake or irregularity did not affect the result of the election.

10 Council shall appoint officers as specified in the Act all of whom shall serve at the pleasure of Council.

(a) a Registrar shall be appointed from the membership of the Association at its first regular meeting following each election.

(b) a Secretary-Treasurer shall be appointed from the membership of the Association at its first regular meeting following each election.

(c) Council shall choose to appoint an Executive Director to assist in the management, administration and daily operation of the Association.

(d) Council may at any time, if deemed necessary, appoint a Deputy Registrar. The Deputy Registrar shall assist the Registrar in the performance of the duties required of that position as directed by the Registrar or Council. Procedures for the appointment of the Deputy Registrar shall be determined by Council when required.

(e) Council may appoint such other officers as deemed necessary and define their duties.

11. Procedures for membership on Boards and Committees shall be as follows:

(a) any person appointed by Council to serve on a board or committee shall indicate in writing their acceptance of such appointment.

(b) upon formation of a board or committee Council shall designate a chairperson or designate that the board or committee has the power to choose one of its members as chairperson.

(c) if any board or committee member is absent from three consecutive meetings without approval of the chairperson, the chairperson may request Council to declare the seat to be vacant and appoint another member to fill the position.

(d) any person appointed by Council to serve on a board or committee shall indicate their intention to resign from the board or committee in writing to the chairperson, or in the case of the chairperson to Council.

(e) where any board or committee member has submitted their resignation Council may appoint a person to fill this vacancy.

13. The financial operation of the Association shall be the responsibility of Council.

14. The Association shall establish an annual scholarship to be awarded to a Yukon student attending an accredited engineering program.

(a) the amount of the scholarship shall be determined by Council as part of the annual budget process.

(b) the award of the scholarship, its amount, and the name of the recipient shall be brought to the attention of the members at the Annual General Meeting and may be publicized through other measures at the discretion of Council.

(c) Council may engage in other programs designed to assist and/or support student engineers at its discretion as funds permit.

15. The schedule of fees for Association membership is as follows:

(a) The annual fee for each class of membership shall be as specified from time to time by Council.

(b) Annual fees shall be payable by January 31st of each year, subject to such discount as Council from time to time may direct.

(c) The application fee shall be established by Council from time to time for each class of membership plus any other fees payable with the application.

(d) Special levies, including late payment fees, shall be specified from time to time by Council and become payable according to terms and schedules determined by Council and posted on the APEY web site by the Association.

(e) At its discretion, and for due and sufficient reason, Council may waive, refund, reduce or defer payment of any fee or levy.

17. (d) Registers listing all members of the Association shall be maintained.

The format of all registers shall be determined by the Registrar and approved by Council. Format changes shall be brought forward by the Registrar to Council for approval.

20. All documents required by the Act, Regulations and these Bylaws shall be in a form approved by Council. The Registrar shall be responsible for maintaining a record of all approved documents.

21. Letter ballots may be used according to the following procedures:

(a) letter ballots may be used to decide any matter requiring approval by the membership where: -a motion requiring a letter ballot is made and approved by a majority of the members present at a general meeting; or -Council determines that it is prudent to decide a matter in this way.

(b) where a letter ballot is held Council shall prepare the ballot so as to clearly define the question and shall set the final date for receipt of the completed ballots.