

# APPENDIX 2

## *AUTHORITY TO DELEGATE*

## APPENDIX 2 – Authority and Duties of APEGA’s Registrar

The following are paraphrased excerpts from *The Engineering and Geoscience Professions Act, Regulations and By-laws* regarding the powers and duties of the APEGA Registrar. Bolded text is for emphasis and not in the original legislation. Each item references its location within the legislation.

### Maintain Registers and Records

**Shall maintain registers**, in accordance with the bylaws and subject to direction of Council, **for professional engineers and geoscientists, licensees, permit holders, joint firms and restricted practitioners** (*The EGP Act*, Section. 21(1))

**Shall maintain register**, in accordance with the bylaws and subject to direction of Council, **for each category of professional licensee** (*The EGP Act*, Section 83.5(1))

**Shall maintain**, in accordance with the bylaws and subject to direction of Council, **a membership record** for each class or category established under *Regulations* and bylaws (*The EGP Act*, Section 21(3))

**Shall keep records and registers of students, examination candidates and members-in-training** for purposes of Part 1 of the *Regulations* (*Regulations*, Section 5)

**Shall be responsible for maintaining an up-to-date register providing a record of** ... (all of the different categories) (*By-laws*, Section 31(1))

**Receive** from all categories of membership **current mailing addresses and** written advice (notice) **of any change in address** (*By-laws*, Section 32)

**Maintain and permit any person to inspect** during regular office hours a **list of all registrants** in good standing (*The EGP Act*, Section 28)

**Make any necessary changes and take all necessary action** to revise or create registers and records and issue certificates, licences, permits and other documentation **to implement the transitional provisions** (*The EGP Act*, Section 101(7))

### Enter Memoranda of Suspension or Cancellation

**Shall enter a memorandum of suspension** of a registration **in the appropriate register** indicating duration of and reason for the suspension (*The EGP Act*, Section 27(2))

**Shall enter a memorandum of cancellation** of registration **in the appropriate register** (*The EGP Act*, Section 27(4))

**Shall not remove Section 27 memoranda** from registers except in accordance with the bylaws  
(*The EGP Act*, Section 27(5))

**Shall be responsible for entering any memoranda in the register related to cancellations and suspensions** and any subsequent modifications to such memoranda (*By-laws*, Section 31(2))

**Advise the next regular meeting of the Council of any memoranda entered or modified** (*By-laws*, Section 31(2))

## Receive Applications

**Receive applications for registration** in a form acceptable to the Board of Examiners, and fully completed and accompanied by all required supporting documentation and any fees prescribed by Council (*Regulations*, Section 2(1))

**Shall refer application to the Board of Examiners if application meets the requirements in (1) and Registrar is satisfied that the applicant meets the eligibility requirements** for one of the categories of membership (*Regulations*, Section 2(2))

**Receive application** from a partnership, corporation or other entity **for a permit to practice** in its own name (*Regulations*, Section 48(1))

**Receive advice (notice) from a professional member or licensee related to partnership, corporation or other entity holding a permit to practice** of change of circumstances (i.e., if the professional member or licensee ceases to be the person accepting responsibility under Section 48 or is no longer able to provide the certification referred to in Section 48(1)(d)) (*Regulations*, Section 50(2))

**Receive applications to become registered as a professional licensee** (*The EGP Act*, Section 83.6)

**Receive applications for registration as a professional licensee** in a form acceptable to the Board of Examiners, and fully completed and accompanied by all required supporting documentation and any fees prescribed by Council (*Regulations*, Section 74(1))

**Shall refer application to the Board of Examiners if the application meets the requirements in (1) and the Registrar is satisfied that the applicant meets the eligibility requirements** for registration in Section 77 (*Regulations*, Section 74(2))

**Receive applications to become registered as a professional licensee** (*Regulations*, Section 77(1))

**Receive applications for enrolment as a student** (*Regulations*, Section 6)

**Receive applications for admission as an exam candidate** (*Regulations*, Section 8)

**Receive applications for enrolment as a member-in-training** (*Regulations*, Section 10)

**Receive applications for registration as a professional member** (*Regulations*, Section 13)

If the decision made by the Board is to refuse or defer registration of the applicant, **written reasons for the decision must be sent to the applicant** (*The EGP Act*, Section 32(2))

**Shall publish a notice of approval of registration** per the bylaws, if the Board of Examiners decides to approve the registration (*The EGP Act*, Section 32(3))

## **Enter Names in Registers**

**Shall enter in the appropriate register** the name of the person who paid the prescribed fee (per the bylaws) and whose registration has been **approved by the Board of Examiners** (for P.Eng., P.Geo. or licensee) **or Council** (for permit holder or joint firm, or restricted practitioner on recommendation of the Joint Board) (*The EGP Act*, Section 21(2))

**Shall enter in the appropriate register** the name of the person who paid the prescribed fee (per the bylaws) and whose registration to engage in practice of engineering or geoscience as a **professional licensee** has been **approved by the Board of Examiners** (*The EGP Act*, Section 83.5(2))

## Issue Evidence of Registration

When **P.Eng. or P.Geo.** is entered in the register, **shall issue** to them a **certificate of registration and a stamp or seal** engraved per the bylaws (*The EGP Act*, Section 25(1))

**Shall issue to each professional member a certificate** in a form prescribed by the Council **signed by the president and Registrar showing the date of registration and the professional category** in which the member is registered (*By-laws*, Section 34(1))

When **licensee** is entered in the register, **shall issue** to them a **licence and a stamp or seal** engraved per the bylaws (*The EGP Act*, Section 25(2))

**Shall issue to each licensee a license certificate** in a form prescribed by the Council **signed by the president and Registrar showing the date of registration and the professional category** of the licensee (*By-laws*, Section 34(2))

The stamp or seal cannot be acquired from any source other than the Registrar (*Regulations*, Section 54(5)).

**Give approval to professional member or licensee to apply a computer-generated facsimile of the stamp or seal** if that person otherwise meets the requirements of the Act and Regulations (*Regulations*, Section 54(8))

When a **permit holder** is entered in the register, **shall issue** to them a **permit and a permit number** per the bylaws (*The EGP Act*, Section 25(3))

**Shall issue to each permit holder a certificate** in a form prescribed by the Council **signed by the president and Registrar showing the permit number and the professional category** in which the permit holder is entitled to practice (*By-laws*, Section 34(3))

When a **joint firm** is entered in the register, **shall issue** to it a **certificate of authorization and a permit number** per the bylaws (*The EGP Act*, Section 25(4))

Stamps issued to joint firms shall be in a form prescribed by the Council and shall show the designation "Engineers and Architects" or "Architects and Engineers" (*Bylaws*, Section 33(4))

When a **restricted practitioner** is entered in the register, **shall issue a certificate of authorization** (*The EGP Act*, Section 25(5))

**Shall issue to each restricted practitioner a certificate** in a form prescribed by the Council **signed by the president and Registrar showing the date of registration and the restricted area of practice** in which the certificate holder may engage (*By-laws*, Section 34(4))

When a **professional licensee** is entered in the register, **shall issue** to them a **certificate of registration** to engage in the practice of engineering or geoscience within the scope of practice

specified by the Board of Examiners, **and a stamp or seal** engraved per the bylaws (*The EGP Act*, Section 84)

**Shall issue to each professional licensee a certificate** in a form prescribed by Council **signed by the president and Registrar showing the date of registration and the area of practice in which the professional licensee may engage** (Bylaws, Section 34(5))

**Make any necessary changes and take all necessary action** to revise or create registers and records and issue certificates, licences, permits and other documentation **to implement the transitional provisions** (*The EGP Act*, Section 101(7))

## **Issue Annual Certificates**

**Shall issue an annual certificate** per the bylaws to a professional member, licensee, permit holder or certificate holder whose registration is not under suspension and who has paid the annual fee (*The EGP Act*, Section 26(2))

Upon renewal (professional member), shall issue an annual certificate (*By-laws*, Section 34(1))

Upon renewal of the licence, shall issue an annual certificate in the form of a licence renewal card (*By-laws*, Section 34(2))

Upon renewal of the permit, shall issue an annual certificate in the form of a permit renewal card (*By-laws*, Section 34(3))

Upon renewal of registration as a restricted practitioner, shall issue an annual certificate in the form of a restricted practice renewal card (*By-laws*, Section 34(4))

**Shall issue an annual licence** per the bylaws **to a professional licensee** whose registration is not under suspension and who has paid the annual fee (*The EGP Act*, Section 86.1(2))

Upon renewal of registration as a professional licensee, shall issue an annual certificate in the form of a renewal card (*By-laws*, Section 34(5))

## **Strike Names from the Register or Record**

**At the direction of Council, strike the name of a person from a record or register if the person fails to pay a prescribed fee** (*Regulations*, Section 4)

**At the direction of Council, strike the name of a person from a register of professional licences if the person fails to pay a prescribed fee** (*Regulations*, Section 76)

**At the direction of Council, strike from the register of professional members or licensees the name of a person who fails to comply with a notice served on him or her and direct him or her to comply with Section 19** (written records related to CPDP) within 30 days of service of notice (*Regulations*, Section 19.1)

**At the direction of Council, strike the name of a student from the record if ...** (*Regulations*, Section 7)

*Note: In practice, this is a staff function. Council is not involved.*

**At the direction of Council, strike the name of an examination candidate from the record if ...** (*Regulations*, Section 9)

*Note: In practice, this is a staff function. Council is not involved.*



## **Cancel Registration and Receive Surrendered Evidence of Registration**

Shall not cancel a registration at registrant's request unless approved by Council (*The EGP Act*, Section 29(1))

**When a request for cancellation of registration is approved by Council, shall cancel that registration.** Upon being notified of the approval, registrant must immediately surrender to the Registrar the evidence of registration or cease using the permit number in the case of a permit holder (*The EGP Act*, Section 29(2))

**At direction of Council, cancel registration** of a professional member, licensee or permit holder in default of fees, dues or levies, or permit holder if it no longer has employees in compliance, 30 days after written notice by Council is served unless they comply with the notice (*The EGP Act*, Section 39(1))

Notice must state that the Registrar may cancel the registration unless the fees, dues, or levies are paid, or Council receives satisfactory evidence within the time prescribed indicating that the permit holder has employees in compliance (*The EGP Act*, Section 39(2))

**At direction of Council, cancel registration entered in error** in the register (*The EGP Act*, Section 39(3))

If registration of a professional member or licensee has been cancelled under Section 39, evidence of registration must be surrendered forthwith to the Registrar (*The EGP Act*, Section 39(4))

If registration of a permit holder has been cancelled under Section 39, permit must be surrendered immediately to the Registrar, and the permit holder must cease to use the permit number (*The EGP Act*, Section 39(5))

**At direction of Council, cancel the registration** of a joint firm that is in default of fees, dues, or levies, or ceases to have at least one professional engineer and at least one registered architect to take the responsibility as referred to in Section 34(2)(b), one month after written notice is served that Council intends to cancel the registration, unless they comply with the notice (*The EGP Act*, Section 40(1))

Notice must state that the Registrar may cancel the registration unless the fees, dues, or levies are paid, or the joint firm has at least one professional engineer and at least one registered architect to take the responsibility referred to in Section 34(2)(b) (*The EGP Act*, Section 40(2))

If registration of a joint firm has been cancelled under this section, the evidence of registration must be surrendered forthwith to the Registrar (*The EGP Act*, Section 40(3))

**At direction of Council, cancel registration** of a restricted practitioner who is in default of fees, dues, or levies, or who is not a registered architect in good standing under the *Architects*

*Act*, one month after written notice is served that Council intends to cancel the registration, unless he or she complies with the notice (*The EGP Act*, Section 41(1))

Notice must state that the Registrar may cancel the registration unless the fees, dues, or levies are paid, or the registered architect is in good standing under the *Architects Act* (*The EGP Act*, Section 41(2))

If registration of a restricted practitioner has been cancelled under this section, the evidence of registration must be surrendered forthwith to the Registrar (*The EGP Act*, Section 41(3))

*Note: In practice, the authority to carry out this administrative function (cancelling registrations under prescribed circumstances) has been delegated to the Registrar and/or other APEGA staff.*

**Receive surrendered certificate, stamp or seal** from a professional member, licensee or restricted practitioner whose registration has been cancelled or suspended under Part 5 (*The EGP Act*, Section 75(1))

**Receive surrendered permit or certificate of authorization** from a permit holder or joint firm whose registration has been cancelled or suspended under Part 5 (*The EGP Act*, Section 75(2))

**Receive surrendered seals, stamps and certificates** that have been issued if temporary withdrawal from practice of the profession for a period estimated to exceed 1 year, resignation, suspension or cancellation (*By-laws*, Section 35)

### **Reinstate Registration**

**At direction of Council** (if not more than 7 years after cancellation), **reinstate** in the applicable register **a registration** that was cancelled under Section 29 subject to any conditions that Council may prescribe. **At direction of Council, reissue the evidence of registration.** (*The EGP Act*, Section 29(3))

(If more than 7 years after cancellation, application for reinstatement must be referred to the Board of Examiners (*The EGP Act*, Section 29(4))

**At direction of Council**, subject to any conditions prescribed by Council (if not more than 7 years after cancellation), **reinstate** in the applicable register **a registration cancelled pursuant to Section 39(1) and to reissue the evidence of registration** (*The EGP Act*, Section 39(6))

**At direction of Council**, subject to any conditions prescribed by Council, **reinstate** the joint firm in the applicable register **and to reissue the certificate of authorization and the stamp** (*The EGP Act*, Section 40(4))

**At direction of Council**, subject to any conditions prescribed by Council, **reinstate** the restricted practitioner in the applicable register **and reissue the certificate of authorization and the stamp** (*The EGP Act*, Section 41(4)).

**May participate in proceedings of Council** under this section (*The EGP Act*, Section 75(5))

*Note: Internal policy at APEGA is as follows:*

- *If a reinstatement request is made less than 7 years after cancellation, the request goes through the Practice Review Board*
- *If it has been more than 7 years, the request goes to the Board of Examiners (*The EGP Act*, Section 39(7))*
- *If the request is made within 2 years of cancellation, the registration is automatically reinstated by staff*  
*(There is an implied authority for Council to delegate this administrative function, in this case to the Practice Review Board and to APEGA staff.)*

### **Receive Complaints and Provide Notice Regarding Investigations**

**Receive complaints** about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training. Complaint must be dealt with in accordance with this Part and the *Regulations* section (a person can also be authorized in writing by the Registrar to receive complaints (*The EGP Act*, Section 43(1)))

Complaints must be in writing (*The EGP Act*, Section 43(2))

A complaint about someone whose registration was cancelled can be dealt with within 2 years after the cancellation if the cancellation has not occurred (*The EGP Act*, Section 43(3))

The Practice Review Board may at any time during an inquiry or review recommend to the Investigative Committee that the inquiry or review be conducted by the Investigative Committee pursuant to Part 5 of *The EGP Act*. On receiving such a recommendation, the Investigative Committee may proceed with an investigation under Part 5 as if the recommendation were a written complaint (*The EGP Act*, Section 16(6) and (7))

When a professional member or licensee fails to satisfy the Practice Review Board that he or she is complying with the requirements of the continuing professional development program, the Practice Review Board may (a) conduct a review ... (b) at any time during a review recommend to the Investigative Committee that the review be conducted by the Investigative Committee under Part 5 of *The EGP Act* as if the recommendation were a written complaint (*Regulations*, Section 20)

If Practice Review Board decides that investigation of a specific practice is necessary, it shall (a) issue notice... or (b) lodge an appropriate complaint with the Investigative Committee if it is of the opinion that further investigation may lead to a finding of unskilled practice of the profession or unprofessional conduct (*Regulations*, Section 23(4))

**Person designated by Registrar as a mediator** may assist in settling a complaint if complainant and person who is subject of the complaint agree but if a settlement doesn't occur within 30 days or a longer period agreed to by those persons, or in the mediator's opinion is not

likely to occur, **Registrar must refer the complaint forthwith to the Investigative Committee** (*The EGP Act*, Section 43(4))

If a complaint is settled with the assistance of a mediator, any agreement must be reviewed by the Investigative Committee (*The EGP Act*, Section 43(5))

**Shall forthwith send notice in writing to the investigated person that a preliminary investigation is being conducted** (*The EGP Act*, Section 48)

On the Investigative Committee terminating an investigation, **at direction of the Investigative Committee, serve** on the investigated party, and the complainant (if any), a **notice** per the bylaws **that the investigation has been terminated** (*The EGP Act*, Section 51(2))

### **Duties Related to a Hearing by the Discipline Committee**

**Shall serve** on the investigated person, and on the complainant (if any), a **notice of Discipline Committee hearing** (of matter referred to Discipline Committee for formal hearing) stating date, time and place and giving reasonable particulars of the conduct or complaint in respect of which the hearing will be held (*The EGP Act*, Section 53(3))

**Receive** from person whose registration is suspended under (1) **service of application to the Court for an order staying a suspension** pending preliminary investigation or decision of the Discipline Committee (*The EGP Act*, Section 55(3))

**Issue notice requiring witness to attend before the Discipline Committee** and stating which documents or records that witness is required to produce (*The EGP Act*, Section 60(1))

On written request of the investigated person (or counsel or agent), **issue and deliver** to that person (without charge) **any notices that that person may require** for the attendance of witnesses or the production of documents or records (*The EGP Act*, Section 60(2))

Immediately after the Discipline Committee makes written decision after conclusion of hearing, **receive from the Discipline Committee the decision and the record of the hearing** consisting of all evidence presented before the Discipline Committee (exhibits, documents, records, transcript of testimony) (*The EGP Act*, Section 65(2))

Immediately after receiving a decision and record from the Discipline Committee, **shall serve a copy of the decision on the investigated person and the Investigative Committee, and serve a notice of the nature of the decision on the complainant** (if any) (*The EGP Act*, Section 65(3))

### **Duties Related to Appeals**

**Receive service of applicant's notice of appeal to the Appeal Board** of the Board of Examiners' decision to refuse application for registration (within 30 days of applicant receiving notice of and reasons for refusal) (*The EGP Act*, Section 32(4))

**Shall set a date, time and place for the hearing of the appeal and notify the appellant** in writing of same (*The EGP Act*, Section 32(5))

**Receive from complainant notice in writing of appeal to the Appeal Board of the Investigative Committee's decision to terminate an investigation** under (2), within 30 days of notice being served (*The EGP Act*, Section 51(3))

**Receive** from investigated person **service of application to the Court for an order staying the decision of the Discipline Committee pending the determination of the appeal** to the Appeal Board or Court of Appeal (*The EGP Act*, Section 66(2.1))

**Receive service of written notice of appeal to the Appeal Board by the Investigative Committee or investigated person** any finding or order of the Discipline Committee, within 30 days after decision of the Discipline Committee was served on the investigated person (*The EGP Act*, s 67(2))

**On receiving notice of appeal from the Investigative Committee, shall provide a copy to the investigated person forthwith and make the record of the hearing available to the investigated person** (*The EGP Act*, Section 67(3))

**On receiving notice of appeal** (from investigated person or Investigative Committee), **shall provide a copy to the Appeal Board and make the record of the hearing available to each member of the Appeal Board** (*The EGP Act*, Section 67(4))

**Receive service of copy of notice of appeal by investigated person to the Court of Appeal** regarding any finding or order made by the Appeal Board, within 30 days after decision of the Appeal Board was served on the investigated person (*The EGP Act*, Section 70(3))

**Receive notice from appellant**, after commencing an appeal, **to apply** to the Court of Appeal **for an order staying all or any part of the order or decision of the Appeal Board** that is being appealed (*The EGP Act*, Section 71)

**Certify copies of the decision of the Appeal Board and the record of the appeal** before the Appeal Board to support an appeal under Section 70 (to the Court of Appeal) (*The EGP Act*, Section 72(1))

At request of appellant (solicitor or agent), **furnish requested number of copies of documents** mentioned in (1) **to appellant** on being paid any disbursements and expenses in connection with the request (*The EGP Act*, Section 72(2))

## **Miscellaneous**

**Receive advice in writing from a joint firm** of the names of shareholders, directors, officers, employees who are professional engineers or registered architects and any change to this information (*The EGP Act*, Section 36(2))

**Sit on executive committee of the Board of Examiners** (*Regulations*, Section 15(5)(f))

**Serve as Secretary to the Practice Review Board** (*Regulations*, Section 21(3))

**Shall submit report at each regular meeting of the Practice Review Board** re appeals and complaints about rulings of the Board of Examiners, complaints dealt with under Part 5 of *The EGP Act* and their disposition with special emphasis on cases reflecting on the competency of members (*Regulations*, Section 22(1) and (2))

**Receive objections to a mail vote** (in writing at least 3 days before the announced date of the vote from at least 30 professional members) (*Bylaws*, Section 37(2))

### **Designations and Authorizations by the Registrar**

*The EGP Act*, Section 43(2) regarding receiving complaints

*The EGP Act*, Section 43(4) regarding using a mediator to assist in settling complaints

*Regulations*, Section 15(5)(f) regarding role on executive committee of the Board of Examiners

*Regulations*, Section 21(3) regarding acting as Secretary to the Practice Review Board

**The Council may appoint a Deputy Registrar who has all of the powers and can perform all of the duties of the Registrar under the Act, the Regulations and the By-laws when the Registrar is absent or unable to act, or when there is a vacancy in the office of the Registrar** (*By-laws*, Section 22)

### **Other**

*The EGP Act*, Section 13 – Registrar is Appointed by Council

Council can make bylaws for the appointment of a Deputy Registrar who has powers and can perform duties when the Registrar is absent or unable to act or when there is a vacancy in the office of the Registrar (*The EGP Act*, Section 20(1)(i) - see *By-laws*, Section 22)

Council can make bylaws about registers and records to be kept by the Registrar (*The EGP Act*, Section 20(1)(t) - see *By-laws*, Section 31)

Council can make bylaws requiring members to inform the Registrar, in writing, of current mailing address and any change of address (*The EGP Act*, Section 20(1)(v) - see *By-laws*, Section 32)

Certificate purporting to be signed by Registrar (regarding facts specified in the section) shall be admitted in evidence of proof, in absence of evidence to the contrary, of the facts stated in it without proof of the Registrar's appointment or signature (*The EGP Act*, Section 81)

No action lies against ... Registrar ... or any member, officer or employee of the Association for anything done in good faith and in purporting to act under the *Act*, *Regulations* or *By-laws* (*The EGP Act*, Section 82(1))

No action for defamation may be founded on a communication ... an officer or employee of the Association (*The EGP Act*, Section 82(2))

The executive committee of the Board consists of ... the Registrar or the Registrar's delegate (*Regulations*, Section 15(5)(f))

Notice that is required is sufficiently given if ... it is sent by prepaid mail to the person at the latest address provided to the Registrar by the person, or it is sent by email to an email address provided to the Registrar for the purposes of receiving notices that meets the requirements of Council (*Regulations*, Section 61(1))