

APPENDICES

Formalizing The Mobility Of Discipline Decisions

Fall 2015 Consultations

The Engineering and Geoscience Professions Act



The Association of Professional
Engineers and Geoscientists of Alberta

Appendix 1 – Existing Legislation

The following text is quoted from the legislation and has not been modified to match APEGA's writing style.

Engineering and Geoscience Professions Act

Definitions

1 In this Act,

(g) "Discipline Committee" means the Discipline Committee established under section 45.

Part 5 Discipline

Definitions

42 In this Part,

(a) "conduct" includes an act or omission;

(b) "investigated person" means a professional member, licensee, permit holder, certificate holder or member-in-training with respect to whose conduct an investigation is held under this Part;

(c) "practice of the profession" means practice of engineering or practice of geoscience, as the case may be.

Determination of unprofessional conduct and unskilled practice

44(1) Any conduct of a professional member, licensee, permit holder, certificate holder or member-in-training that in the opinion of the Discipline Committee or the Appeal Board

(a) is detrimental to the best interests of the public,

(b) contravenes a code of ethics of the profession as established under the regulations,

(c) harms or tends to harm the standing of the profession generally,

(d) displays a lack of knowledge of or lack of skill or judgment in the practice of the profession, or

(e) displays a lack of knowledge of or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession, whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.

(2) If an investigated person fails to comply with or contravenes this Act, the regulations or the bylaws, and the failure or contravention is, in the opinion of the Discipline Committee, of a serious nature, the failure or contravention may be found by the Discipline Committee to be unprofessional conduct whether or not it would be so found under subsection (1).

Discipline Committee

45(1) The Council shall establish a Discipline Committee, the members of which shall be appointed in accordance with the regulations.

(2) The Council shall make regulations governing, subject to this Part, the operation and proceedings of the Discipline Committee, the designation of a chair, the appointment of acting members and the procedures for filling vacancies in the offices of the chair and the membership and the appointment of members by virtue of their office, and prescribing their powers, duties and functions.

(3) The Council may make regulations respecting the hearing of a matter under this Part by a panel of the Discipline Committee.

(4) A regulation made under subsection (2) or (3) does not come into force unless it has been approved by the Lieutenant Governor in Council.

Notice of preliminary investigation

48 The Registrar shall forthwith send notice in writing to the investigated person that a preliminary investigation is being conducted.

Termination of investigation

51(4) On an appeal under subsection (3), the Appeal Board shall

(a) uphold the decision of the Investigative Committee to terminate the investigation if, in the opinion of the Appeal Board,

(i) the complaint is frivolous or vexatious, or

(ii) there is insufficient evidence of unskilled practice of the profession or unprofessional conduct,

or

(b) refer the matter to the Discipline Committee for a formal hearing.

52(1) If an investigation is not terminated under section 51, the Investigative Committee may

(b) refer the matter to the Discipline Committee for a formal hearing.

(2) An order recommended by the Investigative Committee must be provided to a member of the Discipline Committee who has been designated by that Committee to act as a case manager.

(3) If the case manager agrees with the order recommended by the Investigative Committee, the case manager must discuss the order with the investigated person and, if the investigated person agrees with the order, the order has the same force and effect as an order made by the Discipline Committee following a formal hearing.

(4) If the case manager or the investigated person rejects the order recommended by the Investigative Committee, the matter must be referred to the Discipline Committee for a formal hearing.

Duty of Discipline Committee

53(1) On the referral of a matter to the Discipline Committee for a formal hearing, the Discipline Committee shall hold the hearing forthwith.

(2) Notwithstanding subsection (1), if proceedings in respect of the same circumstances or events are commenced in Provincial Court or the Court of Queen's Bench, the Discipline Committee may adjourn the hearing.

(3) The Registrar shall serve on the investigated person and on the complainant, if any, a notice of hearing stating the date, time and place at which the Discipline Committee will hold the hearing and giving reasonable particulars of the conduct or complaint in respect of which the hearing will be held.

Further investigation

54(1) The Discipline Committee may also investigate and hear any other matter concerning the conduct of the investigated person that arises in the course of the hearing, but in that event the Committee shall declare its intention to investigate and hear the further matter and shall permit the person sufficient opportunity to prepare the person's answer to the further matter.

(2) Sections 56 to 62 apply to an investigation and hearing of a further matter under subsection (1).

Suspension pending investigation and hearing

55(1) Notwithstanding anything in this Act, the Investigative Committee may suspend the registration of a professional member, licensee, permit holder, certificate holder or member-in-training pending a preliminary investigation or a decision of the Discipline Committee.

Right to counsel and to appearance

56 The Investigative Committee and the investigated person may appear and be represented by counsel at a hearing before the Discipline Committee.

Public hearings

57 All hearings before the Discipline Committee and the Appeal Board under this Part are open to the public unless that Committee or Board orders otherwise.

Evidence

58(1) Evidence may be given before the Discipline Committee in any manner that the Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) For the purposes of an investigation, hearing or review under this Act, any member of the Appeal Board, the Discipline Committee or the Practice Review Board is conferred with the power of a commissioner for oaths under the *Commissioners for Oaths Act*.

Witnesses and documents

59(1) The investigated person and any other person who in the opinion of the Discipline Committee has knowledge of the complaint or any conduct being investigated are compellable witnesses in any proceeding under this Part.

Enforcement of attendance and production of documents

60(1) The attendance of witnesses before the Discipline Committee and the production of plans, drawings, detail drawings, specifications, reports, books, papers and other documents or records may be enforced by a notice issued by the Registrar requiring the witness to attend and stating the date, time and place at which the witness is to attend and the plans, drawings, detail drawings, specifications, reports, books, papers and other documents or records, if any, the witness is required to produce.

Failure to give evidence

61(1) Proceedings for civil contempt of court may be brought against a witness

(a) who fails

(i) to attend before the Discipline Committee in compliance with a notice to attend,

(ii) to produce any books, papers or other documents or records in compliance with a notice to produce them, or

(iii) in any way to comply with either notice, or

(b) who refuses to be sworn or to answer any question directed to be answered by the Discipline Committee.

(2) If the witness referred to in subsection (1) is the investigated person, the witness's failure or refusal may be held to be unprofessional conduct.

(3) The Discipline Committee, on proof of service of the notice of investigation on the investigated person and the complainant, if any, may

- (a) proceed with the investigation in the absence of either or both of those persons, and
- (b) act on the matter being investigated in the same way as though either or both of those persons were in attendance.

Finding by the Discipline Committee

62(1) The Discipline Committee may find that the conduct of an investigated person constitutes neither unskilled practice of the profession nor unprofessional conduct.

(2) The Discipline Committee may find that the conduct of an investigated person constitutes unskilled practice of the profession or unprofessional conduct, or both, and shall deal with the investigated person in accordance with this Part.

Powers of the Discipline Committee

63 If the Discipline Committee finds that the conduct of the investigated person is unprofessional conduct or unskilled practice of the profession, or both, the Discipline Committee may make any one or more of the following orders:

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

Order to pay costs or a fine

64(1) The Discipline Committee may, in addition to or instead of dealing with the investigated person in accordance with section 63, order that the investigated person pay

- (a) all or part of the costs of the hearing in accordance with the bylaws,
 - (b) a fine not exceeding \$10 000 to the Association, or
 - (c) both the costs under clause (a) and a fine under clause (b),
within the time fixed by the order.
- (2) If the investigated person ordered to pay a fine, costs, or both, under subsection (1) fails to pay the fine, costs, or both, within the time ordered, the Discipline Committee may suspend the registration of that person until the person has paid the fine, costs or both.
- (3) A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.

Service of written decision

65(1) The Discipline Committee shall, within a reasonable time after the conclusion of a hearing, make a written decision on the matter, in which it shall

- (a) describe each finding made in accordance with this Part,
 - (b) state the reasons for each finding made, and
 - (c) state any order made under this Part.
- (2) The Discipline Committee shall immediately forward to the Registrar
- (a) the decision, and
 - (b) the record of the hearing, consisting of all evidence presented before it, including
 - (i) all exhibits,
 - (ii) all documents and records, and
 - (iii) a transcript of all testimony given before it, whether recorded electronically, mechanically or in handwritten form.
- (3) The Registrar shall, immediately on receiving the decision and the record of the hearing referred to in subsection (2), serve
- (a) a copy of the decision on the investigated person and the Investigative Committee, and
 - (b) a notice of the nature of the decision on the complainant, if any.
- (4) The investigated person or the investigated person's counsel or agent may examine the record or any part of the record of the proceedings and hear any recording or examine any mechanical or handwritten form of record of any testimony.

Suspension or cancellation pending appeal

66(1) Notwithstanding an appeal under this Part, the Discipline Committee may order that its decision remain in effect until the Appeal Board or the Court of Appeal, as the case may be, makes its decision on the appeal.

(2) An investigated person may apply to the Court for an order staying the decision of the Discipline Committee pending the determination of the appeal.

(2.1) A copy of an application under subsection (2) must be served on the Registrar.

(3) The Court may hear an application made under this section not less than 10 days after the application has been served on the Registrar.

(4) On hearing an application made under this section the Court may, subject to any conditions that it considers proper, stay the decision of the Discipline Committee pending the determination of the appeal.

Appeal to Appeal Board

67(1) The Investigative Committee or the investigated person may appeal to the Appeal Board any finding or order of the Discipline Committee.

(2) An appeal under subsection (1) shall be commenced by a written notice of appeal that shall

- (a) describe the finding or order appealed from,
- (b) state the reasons for the appeal, and

(c) be served on the Registrar not more than 30 days after the date that the decision of the Discipline Committee was served on the investigated person.

(3) On receiving a notice of appeal from the Investigative Committee, the Registrar shall forthwith provide a copy to the investigated person and make the record of the hearing available to the investigated person.

(4) On receiving a notice of appeal, the Registrar shall provide a copy to the Appeal Board and make the record of the hearing available to each member of the Appeal Board.

Surrender of certificates

75 (3) If the registration of a professional member, licensee, permit holder or certificate holder has been cancelled under this Part, the registration shall not be reinstated in the register except by order of the Council, the Court or the Court of Appeal.

(4) No order shall be made under subsection (3) within one year after

(a) the date on which the registration was cancelled, or

(b) if an order was granted staying the imposition of a punishment imposed by the Council and the punishment is later confirmed by the Court or the Court of Appeal, the date on which the Court or the Court of Appeal made its order confirming the punishment.

General Regulations 2012

Part 6 Discipline

Discipline Committee

36(1) There is hereby established a Discipline Committee consisting of professional members appointed by the Council and the member of the public appointed under section 37(1).

(2) The Council shall designate one professional member as the chair of the Discipline Committee.

(3) The chair or in the absence of the chair a majority of the members of the Discipline Committee may appoint an acting chair who has all the powers of the chair in the absence of the chair.

Panel of the Discipline Committee

45(1) A panel of the Discipline Committee must consist of at least 3 members of the Discipline Committee who are professional members.

(2) A member of the Discipline Committee who has been designated to act as a case manager under section 52(2) of the Act in respect of a matter must not sit as part of the panel of the Discipline Committee that is hearing the matter under section 53 of the Act.

(3) A panel of the Discipline Committee has all the powers and authority of the Discipline Committee.

Publication

46 The Discipline Committee or the Appeal Board may direct that reports of disciplinary investigations be published.

Reinstatement of disciplined individuals

47(1) A professional member or licensee whose registration has been cancelled or a permit holder whose permit has been revoked under Part 5 of the Act as a result of the disciplinary proceedings may apply to the Council to be reinstated.

(2) An application under subsection (1) may not be made until at least one year after the date on which the registration was cancelled or the permit was revoked, or from the date on which the Court made its order confirming or varying the decision of the Council.

- (3) The Council may establish a Committee of Inquiry to consider the application for reinstatement and make recommendations to the Council.
- (4) The Council may require the former professional member, licensee or permit holder to demonstrate by means prescribed by the Council that that person is competent to re-engage in the practice of engineering or geoscience.
- (5) Where an application for reinstatement is not approved by the Council, no further application may be made by the former professional member, licensee or permit holder until at least one year after the date the Council ruled on the previous application.

Notice of preliminary investigation

48 The Registrar shall forthwith send notice in writing to the investigated person that a preliminary investigation is being conducted.

Service of written decision

65(1) The Discipline Committee shall, within a reasonable time after the conclusion of a hearing, make a written decision on the matter, in which it shall

- (a) describe each finding made in accordance with this Part,
 - (b) state the reasons for each finding made, and
 - (c) state any order made under this Part.
- (2) The Discipline Committee shall immediately forward to the Registrar
- (3) The Registrar shall, immediately on receiving the decision and the record of the hearing referred to in subsection (2), serve
- (a) a copy of the decision on the investigated person and the Investigative Committee, and
 - (b) a notice of the nature of the decision on the complainant, if any.

Appendix 2 – Summary and Analysis of Canadian Engineering and Geoscience Associations

APEGA compared the discipline committees of other engineering and geoscience constituent associations (CAs) to examine trends, best practices, and how the associations handle related factors. The tables below summarize the research pertaining to discipline committees. Appendix 2A contains the relevant legislative provisions that form the basis of this summary.

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba	Professional Engineers Ontario
Mobility of Discipline Decisions	Council may refer a discipline decision made in another jurisdiction to the Discipline Committee Discipline Committee must provide member opportunity to be heard before taking action	None noted	None noted	The Discipline Committee may deem any member guilty who has a discipline order made against him or her by another association of Professional Engineers or Professional Geoscientists	None noted
Notification to Other Jurisdictions	None noted	None noted	None noted	None noted	None noted
Member or Permit Holder Must Disclose	Individual must inform of any discipline received elsewhere. Discipline Committee must provide member opportunity to be heard before taking action	No	No	No	Unclear

Professional Association	The Association of Professional Geoscientists of Ontario	Ordre des Ingénieurs du Québec	Ordre des Géologues du Québec	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia
Mobility of Discipline Decisions	None noted	None noted	None noted	May consider other CA decisions	May consider other CA decisions
Notification to Other Jurisdictions	None noted	Only via right to publish decisions	Only via right to publish decisions	None noted	None noted
Member or Permit Holder Must Disclose	No	No	No	No	No (only prove 'good standing')

Professional Association	Geoscientists Nova Scotia	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
Mobility of Discipline Decisions			May take a discipline finding from another jurisdiction as proof of the conviction or findings	May consider other CA decisions	May consider other CA decisions
Notification to Other Jurisdictions	None noted	None noted	None noted	None noted	None noted
Member or Permit Holder Must Disclose	No	No	No	No	Yes

Appendix 2A – Relevant Provisions from Legislation of Canadian Engineering and Geoscience Associations

The tables below reference legislation of engineering and geoscience constituent associations in Canada regarding discipline committees. The following text is quoted from legislation and has not been modified to match APEGA's writing style. Some sections of legislation are highlighted in bold to highlight sections relevant to the discussion paper.

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
Mobility of Discipline Decisions	<p>Act</p> <p>Disciplinary action in other jurisdiction</p> <p>33.1 (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.</p> <p>(3) After providing an opportunity to be heard to a member or licensee referred to in subsection (2), the discipline committee may, without causing an inquiry to be held, make one or more of the orders in section 33 (2) that it considers equivalent to the order made in the other province.</p>	None noted
Notification to Other Jurisdictions	None Noted	None noted
Member or Permit Holder Must Disclose	<p>Act</p> <p>Disciplinary action in other jurisdiction</p> <p>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.</p> <p>(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,</p>	

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
	<p>refer the matter to the discipline committee.</p> <p>(3) After providing an opportunity to be heard to a member or licensee referred to in subsection (2), the discipline committee may, without causing an inquiry to be held, make one or more of the orders in section 33 (2) that it considers equivalent to the order made in the other province.</p>	

Professional Association	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
Mobility of Discipline Decisions	<p>Act</p> <p>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:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. <p>(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.</p>	<p>Act</p> <p>Hearing in absence of investigated person</p> <p>45 The panel, on proof of service on the investigated person of the notice of hearing, may</p> <ul style="list-style-type: none"> (a) proceed with the hearing in the absence of the investigated person or the person's agent; and (b) act, decide or report on the matter being heard in the same way as if the investigated person were in attendance. <p>Conviction in another jurisdiction</p> <p>46(3) Where any member, holder of a certificate of authorization, temporary licensee or specified scope of practice licensee is the subject of an order of any other association of professional engineers or association of professional geoscientists, having the same effect as any order made under section 47 or 48, such member, holder of a certificate of authorization, temporary licensee or specified scope of practice licensee may at the discretion of the discipline committee be deemed to be guilty of either unskilled practice of professional engineering or professional geoscience or professional misconduct, whichever the panel finds.</p> <p>Certificate of decision</p> <p>46(4) A copy of the certificate of decision or other like document issued by any other association of professional engineers or association of professional geoscientists and certified by an officer or employee thereof holding a position equivalent to that of the registrar under this Act, shall be conclusive evidence of the facts in such certificate or other like document.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
		<p>Orders of the panel</p> <p>47(1) If the panel finds that the conduct of an investigated person constitutes unskilled practice of professional engineering or professional geoscience, or professional misconduct, or both, the panel may make any one or more of the following orders:</p> <ul style="list-style-type: none"> (a) reprimand the investigated person; (b) suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of the investigated person for a stated period; (c) suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of an investigated person until <ul style="list-style-type: none"> (i) the investigated person has completed a specified course of studies or obtained supervised practical experience, or (ii) the discipline committee is satisfied as to the competence of the investigated person to practice professional engineering or professional geoscience; (d) accept in place of a suspension the investigated person's undertaking to limit his, her or its practice; (e) impose conditions on the investigated person's entitlement to engage in the practice of professional engineering or professional geoscience, including the conditions that he, she, or it <ul style="list-style-type: none"> (i) practice under supervision, (ii) not engage in sole practice,

Professional Association	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
		<p>(iii) not function as a holder of a certificate of authorization for a specified period,</p> <p>(iv) permit periodic inspections by a person authorized by the discipline committee to carry out inspections,</p> <p>(v) permit periodic audits of records, or</p> <p>(vi) report to the discipline committee or the council on specific matters;</p> <p>(f) direct the investigated person to pass a particular course of study or satisfy the discipline committee or the council as to the person's competence;</p> <p>(g) direct the investigated person to satisfy the discipline committee that a disability or addiction can be or has been overcome, and suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of the investigated person until the discipline committee is so satisfied;</p> <p>(h) require the investigated person to take counselling that in the opinion of the panel is appropriate;</p> <p>(i) direct the investigated person to waive, reduce or repay money paid to the investigated person that, in the opinion of the panel was unjustified for any reason;</p> <p>(j) cancel the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of the investigated person.</p> <p>Panel may consider cautions</p> <p>47(2) To assist the panel in making an order under this section, the panel may be advised of any formal,</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
		<p>written caution previously issued to the member under clause 35(1)(e) and the circumstances under which it was issued.</p> <p>Ancillary orders</p> <p>47(3) The panel may make any ancillary order that is appropriate or required in connection with an order mentioned in subsection (1) or may make any other order that it considers appropriate in the circumstances, including that</p> <p>(a) a further or new investigation be held into any matter; or</p> <p>(b) the discipline committee be convened to hear a complaint without an investigation.</p> <p>Contravention of order</p> <p>47(4) If the discipline committee is satisfied that an investigated person has contravened an order under subsection (1), it may, without a further hearing, cancel or suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of the investigated person.</p>
Notification to Other Jurisdictions	None Noted	None Noted
Member or Permit Holder Must Disclose	None Noted	<p>Act</p> <p>Members of other associations</p> <p>1515(1) No person is entitled to be registered as a professional engineer or as a professional geoscientist, unless the person submits to the registration committee an application in the prescribed form and evidence that the applicant</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
		<p>(a) is a natural person at least 18 years of age; (b) is academically qualified; (c) has acquired sufficient relevant professional engineering work experience or relevant professional geoscientific work experience; (2) Documented membership in good standing in an association of engineers and/or professional geoscientists in any other jurisdiction may be accepted by the registration committee as satisfying the requirements of clauses (1)(a), (b) and (c).</p> <p>Qualifications for certificate of authorization 16(2) No person is entitled to hold a certificate of authorization, unless such person (b) submits to the registrar an application in the prescribed form containing (ii) the name or names and addresses of the members or temporary licensees who are designated by the holder of the certificate of authorization as being in charge of the practice of professional engineering or of professional geoscience on its behalf, (iii) the identity of the person or persons whose responsibility it will be to ensure that this Act and the by-laws are complied with by the holder of the certificate of authorization, and</p> <p>Information to be updated 16(4) The holder of a certificate of authorization shall provide to the registrar a current list of the information required under subclauses (2)(b)(ii) and (iii) at least</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
		<p>annually in the manner prescribed in accordance with the by-laws.</p> <p>Bylaws</p> <p>8.3.1 Information</p> <p>The current list of information to be provided by the holder of a Certificate of Authorization under sub-section 16 (4) of the Act shall be submitted to the Association with its application for the annual renewal of the certificate of authorization.</p>

Professional Association	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
Mobility of Discipline Decisions	None Noted	<p>Act</p> <p>Disciplinary proceedings</p> <p>26.(1) A disciplinary proceeding may be initiated against a member or certificate holder by the prescribed persons or entities and in accordance with the prescribed procedures</p> <p>Same</p> <p>(2) A disciplinary proceeding may be initiated if there are reasonable grounds to believe that,</p> <p>(a) the member or certificate holder, as the case may be, has engaged in professional misconduct;</p> <p>(b) the member or certificate holder, as the case may be, has been negligent in the practice of professional geoscience;</p> <p>(c) the member is not competent to practise professional geoscience or to do so without restrictions; or</p> <p>(d) the certificate holder is not competent to engage in the business of offering or providing services to the public that constitute the practice of professional geoscience or to do so without restrictions.</p> <p>Objects</p> <p>28. (1) The following are the objects of the Association:</p> <ol style="list-style-type: none"> 1. To regulate the practice of professional geoscience. 2. To govern its members and certificate holders in accordance with this Act and the regulations and by-laws made under it. 3. To establish, maintain and develop standards of knowledge and skill among its members and certificate holders.

Professional Association	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
		<p>4. To establish, maintain and develop standards of qualification and standards of practice for the practice of professional geoscience.</p> <p>5. To establish, maintain and develop standards of professional ethics among its members and certificate holders.</p> <p>6. To promote public awareness of the role of the Association.</p> <p>7. To promote the mobility and transferability of membership in comparable associations in other jurisdictions.</p> <p>8. To exercise such other powers as may be conferred, and to perform such other duties as may be imposed, under this or any other Act.</p> <p>9. To undertake such other activities relating to the practice of professional geoscience as the council considers appropriate.</p>
Notification to Other Jurisdictions	None Noted	None Noted
Member or Permit Holder Must Disclose	None Noted	<p>Registration Regulation</p> <p>Registration requirements for all classes</p> <p>6(2) The following factors shall be considered in determining whether an applicant is to be issued a certificate of registration:</p> <ol style="list-style-type: none"> 1. Whether the applicant has been found guilty of a criminal offence. 2. Whether the applicant has been the subject of a finding of professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction. 3. Whether the applicant is currently the subject of proceedings for professional misconduct, incompetence or

Professional Association	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
		<p>incapacity, whether in Ontario or in another jurisdiction. 4. Whether the applicant has been refused registration as a member of a profession governed by law in another jurisdiction.</p> <p>Condition of certificates of all classes 7. It is a term and condition of a certificate of registration of any class that the member provide the Association with details of any of the following that relate to the member and that occur or arise after the initial registration:</p> <ol style="list-style-type: none"> 1. A finding of guilt for a criminal offence. 2. A finding of professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction. 3. A proceeding for professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction.

Professional Association	Ordre des Ingénieurs du Québec	Ordre des Géologues du Québec
Mobility of Discipline Decisions	None Noted	None Noted
Notification to Other Jurisdictions	<p>Professional Code 2013 DIVISION V.1 ACCESS TO DOCUMENTS AND PROTECTION OF PERSONAL INFORMATION 108.7. The information contained in the following documents of an order is also public information: (1) a resolution striking a member off the roll or limiting or suspending the member's right to engage in professional activities, except any medical information or information concerning a third person that it may contain; (5) the record of a disciplinary council, from the date on which the hearing is held, subject to any order banning disclosure, access to or the publication or release of information or documents issued by the disciplinary council or the Professions Tribunal under section 142 or 173. The name of a member against whom a complaint has been made and the subject of the complaint is also public information as of service of the complaint by the secretary of the disciplinary council. 108.10. A professional order may, without the consent of the person concerned, release personal information it holds on that person, or information it holds on a company or partnership referred to in Chapter VI.3, or on another group of professionals: (1) to a person or committee referred to in</p>	<p>Professional Code 2012 DIVISION V.1 ACCESS TO DOCUMENTS AND PROTECTION OF PERSONAL INFORMATION 108.7. The information contained in the following documents of an order is also public information: (1) a resolution striking a member off the roll or limiting or suspending the member's right to engage in professional activities, except any medical information or information concerning a third person that it may contain; (5) the record of a disciplinary council, from the date on which the hearing is held, subject to any order banning disclosure, access to or the publication or release of information or documents issued by the disciplinary council or the Professions Tribunal under section 142 or 173. The name of a member against whom a complaint has been made and the subject of the complaint is also public information as of service of the complaint by the secretary of the disciplinary council. 108.10. A professional order may, without the consent of the person concerned, release personal information it holds on that person, or information it holds on a company or partnership referred to in Chapter VI.3, or on another group of professionals: (1) to a person or committee referred to in section 192 or to the Professions Tribunal when it is necessary for the exercise of their functions; (2) to another professional order to which this Code applies or to a body exercising similar or complementary functions for the protection of the public, when the release is</p>

Professional Association	Ordre des Ingénieurs du Québec	Ordre des Géologues du Québec
	<p>section 192 or to the Professions Tribunal when it is necessary for the exercise of their functions;</p> <p>(2) to another professional order to which this Code applies or to a body exercising similar or complementary functions for the protection of the public, when the release is necessary for an investigation or inspection or the issue of a permit;</p> <p>(3) to the Office for the exercise of its functions; and</p> <p>(4) to any other person by way of a press release, a notice or by any other means, when the information relates to professional activities or other similar activities of the person concerned that could endanger the life, health or safety of others.</p> <p>133. The disciplinary council must, on rendering a decision imposing provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities, decide whether a notice of the decision must be published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practiced or could practice. If the council orders the publication of a notice, it must, in addition, decide whether the publication expenses are to be paid by the professional or by the order, or apportioned between them. The secretary of the council shall choose the</p>	<p>necessary for an investigation or inspection or the issue of a permit;</p> <p>(3) to the Office for the exercise of its functions; and</p> <p>(4) to any other person by way of a press release, a notice or by any other means, when the information relates to professional activities or other similar activities of the person concerned that could endanger the life, health or safety of others.</p> <p>133. The disciplinary council must, on rendering a decision imposing provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities, decide whether a notice of the decision must be published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practiced or could practice. If the council orders the publication of a notice, it must, in addition, decide whether the publication expenses are to be paid by the professional or by the order, or apportioned between them. The secretary of the council shall choose the newspaper most likely to be read by the professional's clientele.</p> <p>A notice shall include the name of the respondent, the place of his professional domicile, the name of the order of which he is a member, his specialty, if any, the date and nature of the facts with which he is charged and the date and a summary of the decision.</p>

Professional Association	Ordre des Ingénieurs du Québec	Ordre des Géologues du Québec
	<p>newspaper most likely to be read by the professional's clientele.</p> <p>A notice shall include the name of the respondent, the place of his professional domicile, the name of the order of which he is a member, his specialty, if any, the date and nature of the facts with which he is charged and the date and a summary of the decision.</p>	
Member or Permit Holder Must Disclose	None Noted	None Noted

Professional Association	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia	Geoscientists Nova Scotia
Mobility of Discipline Decisions	<p>Act 17(6) Upon receipt by the Association of a complaint alleging that any member, licensee, or holder of a certificate of authorization has (a) violated any provision of this Act or a by-law; (b) been guilty of professional misconduct, including negligence in the performance of that person's professional duty, or incompetence; (c) been convicted of a criminal or quasicriminal offence in Canada, or any other jurisdiction; (d) obtained registration as a member, licensee, or holder of a certificate of authorization in the Association by reason of misrepresentation or any improper means; or (e) engaged in other conduct of such a nature as the Council considers should be</p>	<p>Act Decision of complaints committee 17E (1) The Complaints Committee may (a) dismiss a complaint if it determines that the complaint is frivolous or vexatious or not advanced in good faith or advanced for an extraneous or improper purpose as identified in Section 17B; (b) dismiss a complaint if it finds that there are not reasonable or probable grounds to believe that the registrant complained against has breached the Act or by-laws or is guilty of unprofessional conduct, negligence or misconduct in the execution of the duties of the registrant's office; (c) attempt to resolve the complaint if, in the opinion of the Committee, the complaint may be satisfactorily resolved and the resolution of the complaint would properly balance the protection of the public and the rights of the registrant complained against; (d) refer a complaint to the Discipline Committee if it finds that there are</p>	<p>Act 2004 QUALIFICATIONS FOR REGISTRATION, LICENSE, ENROLLMENT 5.(8) Any applicant for license to practice 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;</p>

Professional Association	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia	Geoscientists Nova Scotia
	investigated; it shall be referred to the Professional Conduct Committee.	<p>probable and reasonable grounds to believe that the registrant complained against has breached the Act or by-laws or is guilty of unprofessional conduct, negligence or misconduct in execution of the duties of the registrant's office;</p> <p>(e) refer a complaint to the Discipline Committee if it finds that a registrant has been convicted of a criminal offence by any court of competent jurisdiction.</p> <p>(2) A referral pursuant to clause (1)(d) or (e) must include a written report containing a summary of the investigation and identification of the issues that the Discipline Committee may wish to determine.</p> <p>(3) The Complaints Committee shall provide a copy of its report to Discipline Committee to the registrant complained against.</p> <p>(4) The Secretary shall advise, in writing, the registrant and the complainant of the disposition of a complaint by the Complaints Committee.</p>	

Professional Association	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia	Geoscientists Nova Scotia
		<p>Disciplinary panel order</p> <p>17S (1) Upon completion of a disciplinary hearing, the disciplinary panel may, where it finds that the registrant is not guilty, dismiss the complaint.</p> <p>(2) Where a disciplinary panel finds any registrant guilty of</p> <p>(a) unprofessional conduct, negligence or misconduct in the execution of the duties of registrant's office; or</p> <p>(b) any breach of this Act or of the by-laws,</p> <p>or finds that a registrant has been convicted of a criminal offence by any court of competent jurisdiction, the disciplinary panel may by order</p> <p>(c) cancel or suspend the certificate of registration, licence to practise or enrolment of any engineer-in-training;</p> <p>(d) impose terms, restrictions, conditions or limitations on the certificate of registration;</p> <p>(e) reprimand and censure the registrant and, where warranted,</p>	

Professional Association	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia	Geoscientists Nova Scotia
		<p>direct that the fact of the reprimand or censure be recorded in the register for a prescribed or indefinite period of time;</p> <p>(f) in respect of orders of revocation or suspension, direct that the finding and the order of the disciplinary panel be published in detail or in summary and either with or without including the name of the registrant in the official publication of the Association and in such other manner or medium as the disciplinary panel considers appropriate in the particular case;</p> <p>(g) impose such fine as the disciplinary panel considers appropriate to a maximum of five thousand dollars to be paid by the registrant to the Minister of Finance for payment into the Consolidated Fund;</p> <p>(h) require that a registrant undergo such treatment, testing or assessment as is deemed appropriate;</p> <p>(i) impose such other disposition as it</p>	

Professional Association	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia	Geoscientists Nova Scotia
		<p>considers appropriate.</p> <p>(3) A decision of a disciplinary panel has effect immediately upon service on the member or from such time as the panel may direct.</p> <p>(4) A witness in any legal proceeding, whether a party to the proceeding or not, is excused from answering any question as to any proceedings of the Complaints Committee, the Discipline Committee or a disciplinary panel, and is excused from producing any report, statement, memorandum, recommendation, document or information prepared for the purpose of the complaint process, including any information gathered in the course of an investigation or produced for the Complaints Committee, the Discipline Committee or a disciplinary panel.</p> <p>(5) Subsection (4) does not apply to documents or records that have been made available to the public by the Association.</p> <p>(6) Unless otherwise determined by a</p>	

Professional Association	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia	Geoscientists Nova Scotia
		court of competent jurisdiction, a decision of the Complaints Committee or a disciplinary panel is not admissible in a civil proceeding other than an appeal or a review pursuant to this Act.	
Notification to Other Jurisdictions	<p>Act</p> <p>10(4) Any non-resident of New Brunswick who is a registered member of an association of engineers or geoscientists in any other province or territory of Canada, with a constitution or act of incorporation similar to that of the Association, may obtain from the Registrar a registration to practise as a professional engineer or geoscientist in New Brunswick, provided the person is qualified under paragraph (1)(c) and upon production of satisfactory evidence of registration in good standing in such other</p>	<p>Act</p> <p>Qualifications of member</p> <p>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</p> <p>(a) has obtained a degree in engineering from a school, college or university, which degree is approved by the Council, and has had four</p>	<p>Bylaws</p> <p>24C(10) Where no appeal has been taken pursuant to the Act within the time prescribed for the filing of notices of appeal;</p> <p>(a) the Discipline Committee may cause notice of any resolution reprimanding and censuring a practitioner to be given to members of the Association by publication in such form and in such manner as the Discipline Committee shall determine; or</p> <p>(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</p>

Professional Association	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia	Geoscientists Nova Scotia
	<p>association, and on payment of such fee as may be fixed by the by-laws.</p>	<p>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;</p> <p>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</p>	<p>form and in such manner as the Committee shall determine, and the Committee may give such further public notice as it shall decide.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia	Geoscientists Nova Scotia
		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.	
Member or Permit Holder Must Disclose	None Noted	None Noted	

Professional Association	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador
Mobility of Discipline Decisions	<p>Act</p> <p>5(8) Any applicant for license to practise who satisfies the Council that he</p> <ul style="list-style-type: none"> (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. <p>(9) Any applicant for a license to practise who satisfies the Council that</p> <ul style="list-style-type: none"> (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. 	<p>Act 2008</p> <p>Allegation</p> <p>22. (3) Where the registrar has been informed that a professional member or permit holder has been convicted of an offence under the provisions of the <i>Criminal Code</i> or a similar penal statute of another country or has been suspended by a governing body of professional members and permit holders in another province or territory of Canada or another territory or country for reason of professional misconduct, conduct unbecoming a professional member or permit holder, or professional incompetence, the information shall be dealt with by the registrar as an allegation.</p> <p>(4) For the purpose of subsection (3), a certified copy of the record of a conviction or findings made or the action taken by an external regulatory body constitutes proof, in the absence of evidence to the contrary, of the conviction or findings made or the action taken by that body, without proof of the signature of the convicting justice or person purporting to have signed on behalf of that body.</p> <p>Regulations 2011</p> <p>Regulations</p> <p>2. In these regulations (g) "professional good standing" means</p> <ul style="list-style-type: none"> (iii) the applicant is not subject to discipline actions or sanctions in a jurisdiction where he or she has practiced or held registration

Professional Association	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador
Notification to Other Jurisdictions	<p>Act</p> <p>5(9) Any applicant for a license to practise who satisfies the Council that he</p> <ul style="list-style-type: none"> (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. <p>Bylaws</p> <p>(10) Where no appeal has been taken pursuant to the Act within the time prescribed for the filing of notices of appeal;</p> <ul style="list-style-type: none"> (a) the Discipline Committee may cause notice of any resolution reprimanding and censuring a practitioner to be given to members of the Association by publication in such form and in such manner as the Discipline Committee shall determine; or (b) Council shall cause notice of any resolution suspending or cancelling the certificate of registration or licence to practise or enrolment as 	None Noted

Professional Association	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador
	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.	
Member or Permit Holder Must Disclose	None Noted	None Noted

Professional Association	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
Mobility of Discipline Decisions	<p>Act</p> <p>6.1 (1) Notwithstanding section 6, an individual is entitled to be registered as a professional member if the individual:</p> <p>(a) holds a certificate as a professional engineer issued by a regulatory authority in another Canadian jurisdiction that is a party to the Agreement on Internal Trade; and</p> <p>(b) is in good standing with the regulatory authority that issued the certificate.</p> <p>(4) If the Board of Examiners considers it necessary to protect the public interest as a result of complaints or disciplinary or criminal proceedings in any other jurisdiction relating to the competency, conduct or character of an individual who applies for registration under this section, the Board of Examiners may</p> <p>(a) impose terms, conditions or restrictions on the applicant's ability to practice; or</p> <p>(b) refuse to register the individual.</p>	<p>Act</p> <p>49 (2) A bijurisdictional member shall, without delay, notify the Executive Director where proceedings are initiated in respect of the bijurisdictional member by an extraterritorial disciplinary body</p> <p>(3) Council may appoint a Board of Inquiry comprised of three council members where proceedings have been initiated in respect of the bijurisdictional member by an extraterritorial disciplinary body.</p> <p>4) The Board of Inquiry may make an order against a bijurisdictional member if</p> <p>(a) an extraterritorial disciplinary body, in disciplinary proceedings against the bijurisdictional member, makes</p> <p>(i) an order for the suspension of the bijurisdictional member's registration in the extraterritorial professional association, or</p> <p>(ii) an order having the effect of terminating the bijurisdictional member's registration in the extraterritorial professional association; or</p> <p>(b) the bijurisdictional member resigns as a member of the equivalent extraterritorial professional association with the result that disciplinary proceedings initiated by an extraterritorial disciplinary body do not continue against the bijurisdictional member.</p> <p>(5) An order made against a bijurisdictional member by the Board of Inquiry under subsection (4) shall be either</p> <p>(a) an order for the suspension of the bijurisdictional</p>

Professional Association	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
		<p>member's registration in the Association for a period co-extensive with the period of suspension ordered by the extraterritorial disciplinary body; or</p> <p>(b) an order having the effect of terminating the bijurisdictional member's registration in the Association.</p> <p>(6) The Board of Inquiry shall not make any order under subsection (4) until the bijurisdictional member concerned has been given</p> <p>(a) notice of the intention of the Board of Inquiry to consider making an order under that subsection; and</p> <p>(b) a reasonable opportunity to make oral or written representations to the Board of Inquiry</p>
Notification to Other Jurisdictions	N/A	N/A
Member or Permit Holder Must Disclose	<p>Registration of Canadian engineers</p> <p>6.1(4) If the Board of Examiners considers it necessary to protect the public interest as a result of complaints or disciplinary or criminal proceedings in any other jurisdiction relating to the competency, conduct or character of an individual who applies for registration under this section, the Board of Examiners may</p> <p>(a) impose terms, conditions or restrictions on the applicant's ability to practice; or</p> <p>(b) refuse to register the individual.</p>	<p>Act</p> <p>49(2) A bijurisdictional member shall, without delay, notify the Executive Director where proceedings are initiated in respect of the bijurisdictional member by an extraterritorial disciplinary body.</p>

Appendix 3 – Summary and Analysis of Alberta Professional Associations

APEGA compared the discipline committees of Alberta’s other professional associations to examine trends, practices, and how the associations handle related factors. The tables below summarize the research for discipline committees. Appendix 3A contains the relevant legislative provisions that form the basis of this summary

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta	Alberta Association of Architects
Mobility of Discipline Decisions	None noted	May make orders even if conduct did not occur in Alberta but still requires a hearing	Still requires a proceeding to the benchers	None noted
Notification to Other Jurisdictions	None noted	May share the decision with other jurisdictions as it considers appropriate.	Shall send a note to the secretaries of other law societies in Canada	None noted
Member or Permit Holder Must Disclose	No	Yes	No	No

Professional Association	Alberta Dental Association and College	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
Mobility of Discipline Decisions	No notations except for notification to other jurisdictions	No notations except for notification to other jurisdictions; visiting physicians can have licences suspended	No notations except for notification to other jurisdictions
Notification to Other Jurisdictions	Must provide notice to other college if the member is a member of that college; must provide information to other jurisdictions	Must provide notice to other college if the member is a member of that college; must provide information to other jurisdictions	Must provide information to the governing bodies in other provinces
Member or Permit Holder Must Disclose	No	No	No

Appendix 3A – Relevant Provisions from Legislation of Other Alberta Professional Associations

APEGA reviewed the different models for discipline committees of Alberta’s other self-regulatory associations to examine trends, practices, and how the associations handle related factors.

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
Mobility of Discipline Decisions	None Noted	<p>Act Division 4 Discipline Tribunal Proceedings Unprofessional conduct 93(1) A discipline tribunal may find any of the following to be unprofessional conduct: (2) A discipline tribunal may make findings and orders whether or not the conduct occurred in Alberta.</p> <p>Division 5 Appeal Rights, Disciplinary Proceedings Outside Alberta and Circulating Decisions Disciplinary proceedings outside Alberta 104(1) If a finding of unprofessional conduct has been made against a registrant in disciplinary proceedings by, or the registrant has entered into a settlement agreement with, any organization outside Alberta that regulates accounting and that is recognized by the board in accordance with the directives, the registrant must give notice to the CPAA of the finding or settlement agreement within 21 days after becoming aware of the decision or</p>	<p>Act Division 2 General Extra-provincial disciplinary acts 84(1) In this section, (a) “Alberta member” means a member of the Society who is also a member of an extra-provincial law society or who ceased to be a member of that society by reason of an order referred to in subsection (3)(a); (b) “disciplinary body”, in relation to an extra-provincial law society, means the governing body of that society or any person or group of persons having powers to impose disciplinary sanctions on the members of that society by way of suspension or termination of membership in that society; (c) “extra-provincial law society” means a law society or other body in a jurisdiction other than Alberta, membership in which is, under the laws of that jurisdiction, a requirement for practicing law in that jurisdiction. (2) If the disciplinary body of an extra-provincial law society orders the suspension of the membership of an Alberta member in that society pending an</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>entering into the settlement agreement, as the case may be.</p> <p>(2) The CPAA may act under this section whether it receives notice under subsection (1) or becomes aware of the finding of unprofessional conduct by other means.</p> <p>(3) After giving the registrant an opportunity to provide information and make representations, the CIC chair may refer the matter to the discipline tribunal roster chair to convene a discipline tribunal.</p> <p>(4) A discipline tribunal to whom a matter is referred under subsection (3), after giving notice of a hearing to the registrant and holding a hearing, may</p> <ul style="list-style-type: none"> (a) adopt a finding of the other organization that disciplined the registrant, (b) make a finding that the conduct is unprofessional conduct, and (c) impose one or more orders under this Part. <p>(5) The complaints inquiry committee or the registrant or former registrant may appeal the decision under subsection (4) to an appeal tribunal in accordance with Part 7, and the complaints inquiry committee and the registrant or former registrant are the parties to the appeal.</p> <p>Stay pending appeal</p> <p>105(1) If a discipline tribunal suspends or cancels the registration or imposes a restriction on the practice of a registrant</p>	<p>investigation relating to the Alberta member or pending the outcome of any disciplinary proceedings against the Alberta member, the Benchers, without any other proceedings under this Part, may order the suspension of the Alberta member's membership in the Society for a period co-extensive with the remainder of the period of suspension ordered by the disciplinary body.</p> <p>(3) The Benchers, whether or not a suspension is ordered under subsection (2), may make an order against an Alberta member if</p> <ul style="list-style-type: none"> (a) a disciplinary body of an extra-provincial law society, in disciplinary proceedings against the Alberta member, makes <ul style="list-style-type: none"> (i) an order for the suspension of the Alberta member's membership in that extra-provincial law society for a fixed period, or (ii) an order having the effect of terminating the Alberta member's membership in that society, or (b) the Alberta member resigns as a member of that extra-provincial society instead of having disciplinary proceedings by a disciplinary body of that society continue against the Alberta member. <p>(4) An order made against an Alberta member under subsection (3) shall be either</p> <ul style="list-style-type: none"> (a) an order for the suspension of the Alberta member's membership in the

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>and the decision is appealed, the decision remains in effect until an appeal tribunal makes a decision on the appeal unless an appeal tribunal otherwise directs on application by the appellant.</p> <p>(2) If a discipline tribunal makes an order other than the suspension or cancellation of registration or restriction of practice, the order takes effect only after all rights of appeal have been exhausted unless the discipline tribunal otherwise directs.</p> <p>(3) The decision of a discipline tribunal must be published or posted in accordance with section 98 even if one or more orders of the discipline tribunal are stayed pending appeal.</p>	<p>Society for the period prescribed by the order, or</p> <p>(b) an order disbarring the Alberta member.</p> <p>(5) The Benchers shall not make any order under subsection (3) until the Alberta member concerned has been given</p> <p>(a) notice in accordance with the rules of the intention of the Benchers to consider making an order under that subsection, and</p> <p>(b) a reasonable opportunity to make oral or written representations to the Benchers in that regard.</p> <p>(6) If the Benchers make an order under subsection (3) for the suspension of the membership of an Alberta member who is a Bencher at the time the order is made, the Benchers may also make an order directing that the member is not ineligible for nomination or election as a Bencher by reason of the suspension order.</p> <p>(7) The public may attend and observe proceedings under subsection (5) at which the member is present unless the Benchers, on their own motion or on the application of the member or any other interested party at any time before or during the proceedings, direct that the proceedings are to be held in private.</p> <p>Rules</p> <p>73 (1) The Act, these Rules, and the Code of Conduct apply to and bind a visiting lawyer practising law in Alberta and,</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
			<p>without limiting the foregoing, a visiting lawyer may be disciplined by the Society if the visiting lawyer:</p> <p>(a) wilfully contravenes any of the conditions on which the visiting lawyer has been allowed to practise law in Alberta, or</p> <p>(b) is guilty of any conduct in Alberta that, if committed by a member, would be conduct deserving of sanction under the Act.</p> <p>(2) The provisions of these Rules and the Act dealing with discipline shall apply to the visiting lawyer as though the visiting lawyer were a member and with all other necessary changes in reference.</p> <p>(3) Without limiting the generality of subrule (2),</p> <p>(a) an order of suspension will prevent the visiting lawyer from practising law in Alberta during the period of suspension, and</p> <p>(b) an order of disbarment will prevent the visiting lawyer from practising law in Alberta.</p> <p>(4) The Executive Director may require a visiting lawyer to:</p> <p>(a) account for and verify the number of days spent providing legal services, and</p> <p>(b) verify compliance with any Rules specified by the Executive Director.</p> <p>(5) If a visiting lawyer fails or refuses to comply with a requirement under subrule (4) within 20 calendar days, or such longer time that the Executive Director may permit in writing:</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
			<p>(a) the visiting lawyer is prohibited from providing legal services without a permit; (b) any permit issued to the visiting lawyer under Rule 72.5 is rescinded, and (c) the Executive Director must advise the visiting lawyer's home governing body of the visiting lawyer's failure to comply and the consequences.</p> <p>73.1 (1) A member who practises law in another Canadian jurisdiction shall comply with the applicable legislation, regulations, Rules and the Code of Conduct of that jurisdiction.</p> <p>(2) A fine or costs imposed on a member of the Society by an IJP governing body may be enforced by the Society in accordance with paragraph 7(i) of the IJP, which provides for disciplinary proceedings against a member who fails to pay a fine or costs required to be paid to a host governing body arising out of that member's interprovincial practice, including any penalty which the home governing body (Alberta) considers appropriate.</p>
Notification to Other Jurisdictions	None Noted	<p>Act Division 5 Appeal Rights, Disciplinary Proceedings Outside Alberta and Circulating Decisions Circulation of decisions 106(1) After the period for appeal has expired or all rights of appeal have</p>	<p>Act Division 2 General Notice of suspension or termination 85(1) When a member is disbarred or the membership of a member is suspended, the Executive Director shall send a notice stating that fact to the judges and clerks of</p>

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		<p>been exhausted, the CPAA may send a decision of a discipline tribunal or appeal tribunal (a) to any federal, provincial or territorial minister of the Crown or to any accounting organization, securities commission or other governmental, regulatory or professional association as it considers appropriate, together with such part of the record of proceedings or other information as the CPAA considers appropriate, in order to protect the public interest;</p> <p>(b) to the practice review committee, together with any part of the record of proceedings as the CPAA considers appropriate.</p> <p>(2) The CPAA shall not provide any part of the record of proceedings or other information that relates to the portion of a hearing that is closed pursuant to section 132(3).</p> <p>Disclosure to other accounting organizations</p> <p>79(1) The CIC secretary may disclose a complaint and the status of a complaint to any organization outside Alberta that regulates accounting in which a registrant or former registrant who is the subject of the complaint is registered, was registered or is seeking registration.</p> <p>(2) The CIC secretary, or an investigator appointed under section</p>	<p>the Court of Appeal, the Court of Queen's Bench and the Provincial Court, to the Masters in Chambers, to the active members and students-at-law and to the secretaries of other law societies in Canada.</p> <p>(2) A notice under subsection (1) may, subject to the rules, contain information pertaining to any findings, determinations and orders made in respect of the member.</p> <p>(3) If an order is made against a member under section 72, 77, 82, 83 or 84 or an application is granted under section 61, the Hearing Committee or the Benchers may give directions to the Executive Director in accordance with the rules respecting</p> <p>(a) the publication of the name of the member and of information pertaining to any findings, determinations and orders made in respect of the member or to the member's resignation, as the case may be, and</p> <p>(b) if the member has been disbarred or the membership of the member has been suspended, the posting of notice in the office or other place or places of business of the member relating to the disbarment or suspension.</p> <p>Rules</p> <p>Disclosure of Society Records</p> <p>45 (1) The following records of the Society may be disclosed to any person or may be</p>

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		<p>76(2) with the consent of the CIC secretary, may disclose information about an investigation, other than information that is subject to solicitor-client privilege, to any professional organization with which a registrant or former registrant who is the subject of the investigation is registered, was registered or is seeking registration.</p>	<p>made available for inspection by any person during the normal business hours of the Society:</p> <ul style="list-style-type: none"> (a) subject to subrule (2), the Roll; (b) the register of students-at-law; (c) the register of professional corporations; (c.1) the register of LLPs; (d) authorizations issued under section 48 of the Act; (e) these Rules and the predecessors of these Rules; (f) any code of ethical standards authorized or established pursuant to section 6(l) of the Act; (g) copies of certificates issued under Rule 67(3) or (4); (h) annual reports of the Society submitted to the Minister of Justice and Attorney General under the Act; (i) hearing records of proceedings before Hearing Committees or commissioners under Part 3 of the Act, except to the extent that they relate to proceedings held in private or consist of exhibits made unavailable for inspection by a direction of a Hearing Committee made pursuant to Rule 98(3); (j) summaries of hearing reports furnished to complainants pursuant to section 74(3)(b) of the Act; (k) orders made by Hearing Committees pursuant to section 72 or 73 of the Act; (l) the records of proceedings before panels of Benchers under Part 3 of the

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			<p>Act, including the exhibits entered in evidence at their hearings pursuant to section 76(6)(a) of the Act, to the extent that the records relate to proceedings held in public;</p> <p>(m) summaries of orders of the Benchers prepared under section 77(5) of the Act;</p> <p>(n) orders of the Benchers under section 83 or 84 of the Act;</p> <p>(o) the records of proceedings before the Finance Committee under Part 4 of the Act, to the extent that the records relate to proceedings held in public;</p> <p>(p) notices or other publications of the Society that have been distributed by the Society to all members of the Society or to all active members.</p> <p>(2) Any member or student-at-law information which does not form part of the specific categories identified in Rule 45(1) shall be kept by the Society in a member or student-at-law file.</p> <p>(3) The member file and student-at-law file are confidential and not discloseable without the written consent of the member(s) or student(s)-at-law to whom the disclosure request relates.</p> <p>(4) Notwithstanding subrule (3), the information contained within a member or student-at-law file is discloseable to the Benchers, officers, employees and agents and Committee Members of the Law Society in the course of and for the purpose of the proper administration of the Act, Rules, processes, business and</p>

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			<p>affairs of the Society.</p> <p>(5) The file of a member or student-at-law is the property of the Law Society. It exists to assist the Law Society in performing its statutory obligations, therefore, where a member or student-at-law seeks disclosure of his/her file, that request shall be referred to the Executive Director, the employee holding the position of Information Officer, or any other person designated by the Executive Director, who may refuse to provide disclosure, or limit the disclosure provided and specify reasonable terms under which the disclosure will be provided.</p> <p>(6) Notwithstanding subrule (3), hereof, the Executive Director may disclose, on a confidential basis, a member's file or student-at-law's file</p> <p>(a) to an official of the Government of Canada, the Government of Alberta or the government of any other province or territory of Canada, if the information is, in the Executive Director's opinion, relevant to the fitness of the member or former member for a judicial or other appointment by that government;</p> <p>(b) to an official acting on behalf of an extraprovincial law society, if the information is, in the Executive Director's opinion, relevant to the fitness of the member or former member for membership in that extraprovincial law society;</p> <p>(c) to any other person, with the consent</p>

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			of the member or former member.
Member or Permit Holder Must Disclose		<p>Act Proceedings Outside Alberta and Circulating Decisions Disciplinary proceedings outside Alberta 104(1) If a finding of unprofessional conduct has been made against a registrant in disciplinary proceedings by, or the registrant has entered into a settlement agreement with, any organization outside Alberta that regulates accounting and that is recognized by the board in accordance with the directives, the registrant must give notice to the CPAA of the finding or settlement agreement within 21 days after becoming aware of the decision or entering into the settlement agreement, as the case may be.</p> <p>Complaints 66(3) The CIC secretary may treat as a complaint any questionable conduct of a registrant or former registrant that comes to the attention of the CPAA other than by way of a complaint, including any information given to the CPAA by (a) a registrant respecting conduct or an event about which a registrant is required to give notice, whether in respect of the registrant’s own conduct or the conduct of another registrant or</p>	<p>Rules Permit Application 72.5 (1) A visiting lawyer applying for a permit shall deliver to the Executive Director: (a) a completed permit application in a form acceptable to the Executive Director, including a written consent for the release of relevant information to the Society; (b) any required permit fee or renewal; (c) certificates of standing issued by each governing body of which the visiting lawyer is a member, dated not more than 30 calendar days before the date of the application and in a form acceptable to the Executive Director; (d) proof of professional liability insurance that: (i) is reasonably comparable in coverage and amount to that required of members of the Society, and (ii) extends to the visiting lawyer’s practice in Alberta, and (e) proof that the visiting lawyer has defalcation coverage from a governing body that extends to the visiting lawyer’s practice in Alberta.</p>

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		<p>former registrant, (b) a professional organization in Alberta or another jurisdiction respecting the conduct of a registrant or former registrant, (c) a governmental or regulatory official or body concerning the conduct of a registrant or former registrant, (d) the registrar acting under section 54(2)(c), or (e) the practice review committee acting under section 62(1)(e).</p> <p>Regulations 2(2) In determining whether an applicant is of good character and reputation, the registration committee must consider whether the applicant (a) has had a finding of unprofessional conduct or similar finding made against the applicant by any professional organization, or has entered into an agreement with any professional organization regarding the applicant's conduct, and any orders made in consequence of any such finding or agreement, (b) has any outstanding complaints or discipline matters with any professional organization with which the applicant is or has been registered, (c) has been convicted of a criminal offence in any jurisdiction, (d) has any outstanding charges under the criminal law of any</p>	

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		<p>jurisdiction,</p> <p>(e) has, in any jurisdiction, been found guilty of contravening a section of securities regulatory legislation, or has entered into a settlement agreement, or similar agreement, with a securities regulator,</p> <p>(f) has been found guilty of an offence under any tax legislation that involves, explicitly or implicitly, dishonesty on the part of the applicant, or having entered into a settlement agreement with respect to such conduct,</p> <p>(g) has been subject to any of the provisions of the <i>Bankruptcy and Insolvency Act</i> (Canada), or similar legislation in any jurisdiction, or</p> <p>(h) has been found guilty of a breach of a code of conduct or an academic infraction at any post-secondary education institution or from any professional education program.</p>	

	Architects Association of Alberta	Veterinary Medical Association
Mobility of Discipline Decisions	None Noted	None Noted
Notification to Other Jurisdictions	None Noted	<p>Act</p> <p>Part 6</p> <p>General</p> <p>Access to members information</p> <p>65.2 Access to members information</p> <p>65.2(1) If under Part 5 an annual certificate is suspended or cancelled, or if conditions are imposed on an annual certificate under Part 5 or a direction is made under section 65.1(5), the Registrar</p> <p>(a) must enter the information on the register,</p> <p>(b) must enter the information on the registered veterinarian's annual certificate, and</p> <p>(c) must provide the information to the governing bodies of the veterinary medicine profession in other provinces.</p> <p>(5) If the governing body of a veterinary medicine profession in another jurisdiction requests information as to whether a registered veterinarian or a former registered veterinarian is an investigated person, the Association may provide the information.</p>
Member or Permit Holder Must Disclose	None Noted	None Noted

	College of Physicians and Surgeons	Dental College and Association
Mobility of Discipline Decisions	<p>Regulations Courtesy register 8(1) An applicant who is registered as a physician, surgeon or osteopath in good standing in another jurisdiction who applies for registration in Alberta on a temporary basis for a specified purpose approved by the Registrar and who satisfies the Registrar of the person's competence to provide the services related to the specified purpose may be registered on the courtesy register for a period of time specified by the Registrar. (2) When the Registrar registers a person on the courtesy register, the Registrar must identify on the register any title that the regulated member may use while registered on the courtesy register. (3) It is a condition of registration on the courtesy register that the person must remain registered in good standing in the jurisdiction in which the person was registered at the time of the person's application for registration on the courtesy register and if the registration in the other jurisdiction is suspended or cancelled, the courtesy registration is cancelled.</p>	None Noted
Notification to Other Jurisdictions	<p>Act Notices and Information Access to regulated members' information 119(1) If under Part 2 or Part 4 a regulated member's practice permit is suspended or cancelled, or if conditions are imposed on a regulated member's practice permit or a direction is made under section 118(4), the registrar (d) must provide the information to another college if the registrar knows that the regulated member is also a member of that college, (e) must provide the information to the governing bodies of any similar profession in other provinces or territories, and (5) If the governing body of a similar profession in another jurisdiction requests information as to whether a regulated</p>	<p>Act Notices and Information Access to regulated members' information 119(1) If under Part 2 or Part 4 a regulated member's practice permit is suspended or cancelled, or if conditions are imposed on a regulated member's practice permit or a direction is made under section 118(4), the registrar (d) must provide the information to another college if the registrar knows that the regulated member is also a member of that college, (e) must provide the information to the governing bodies of any similar profession in other provinces or territories, and (5) If the governing body of a similar profession in another jurisdiction requests information as to whether a regulated member or a former member is an investigated person, the college may provide the information.</p>

	College of Physicians and Surgeons	Dental College and Association
	<p>member or a former member is an investigated person, the college may provide the information.</p> <p>Regulations (Physicians, Surgeons and Osteopaths) Registration Courtesy register 8(1) An applicant who is registered as a physician, surgeon or osteopath in good standing in another jurisdiction who applies for registration in Alberta on a temporary basis for a specified purpose approved by the Registrar and who satisfies the Registrar of the person's competence to provide the services related to the specified purpose may be registered on the courtesy register for a period of time specified by the Registrar. (2) When the Registrar registers a person on the courtesy register, the Registrar must identify on the register any title that the regulated member may use while registered on the courtesy register. (3) It is a condition of registration on the courtesy register that the person must remain registered in good standing in the jurisdiction in which the person was registered at the time of the person's application for registration on the courtesy register and if the registration in the other jurisdiction is suspended or cancelled, the courtesy registration is cancelled.</p> <p>Information Providing information 40(1) A regulated member or an applicant for registration must provide the following information in addition to that required under section 33(3) of the Act to the Registrar on the request of the Registrar, on application for registration and when there are changes to the information: (k) names of other jurisdictions in which a regulated member or an applicant for registration is registered as a physician, surgeon or osteopath; (l) any other colleges of a regulated health profession in which a regulated member or an applicant for registration is</p>	<p>Regulations (Dentists) Registration Courtesy register applications 7 An applicant who is registered as a dentist in good standing in another jurisdiction and who requires registration in Alberta on a temporary basis for a specified purpose approved by the Registrar is eligible to be registered on the courtesy register for up to 30 days. Good character, reputation 8 All applicants for registration as regulated members must provide evidence of having good character and reputation by submitting any of the following on the request of the Registrar: (a) written references from colleagues and, where applicable, from another jurisdiction in which they are currently registered; (b) a statement by the applicant as to whether the applicant is currently undergoing an unprofessional conduct process or has previously been disciplined by another regulatory body responsible for the regulation of dentistry or of another profession; (c) a statement as to whether the applicant has ever been convicted of a criminal offence.</p>

	College of Physicians and Surgeons	Dental College and Association
	registered and whether the regulated member or the applicant for registration is a practicing member of that college.	
Member or Permit Holder Must Disclose	None Noted	None Noted