

APPENDICES

Modernizing The Investigative Process

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 style.

Engineering and Geoscience Professions Act

1 In this Act,

(h) "Investigative Committee" means the Investigative Committee established by the Council pursuant to section 46.

Powers of the Practice Review Board

16(6) The Board may at any time during an inquiry or review under this section recommend to the Investigative Committee that the inquiry or review be conducted by the Investigative Committee pursuant to Part 5.

(7) On receiving a recommendation under subsection (6), the Investigative Committee may proceed with an investigation under Part 5 as if the recommendation were a written complaint.

Part 5 Discipline

Complaints

43(3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.

(5) If a complaint is settled with the assistance of a mediator, any agreement that is reached by the complainant and the person about whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may

(a) approve the agreement, or

(b) proceed with a preliminary investigation in accordance with section 47.

Investigative Committee

46(1) The Council shall establish an Investigative 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 Investigative Committee, the designation of a chair, the appointment of members, acting members and members by virtue of their office and the procedures for filling vacancies in the offices of the chair and the membership, and prescribing their powers, duties and functions.

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

Investigation panel

47 When a complaint is referred to the Investigative Committee under section 43, the Investigative Committee shall appoint an investigation panel from among its members to conduct a preliminary investigation.

Notice of preliminary investigation

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

Evidence for preliminary investigation

49(1) An investigation panel may

- (a) require the investigated person or any other member of the Association to produce any plans, drawings, detailed drawings, specifications, reports, books, papers or other documents or records in that person's possession or control, and
- (b) copy and keep copies for the purposes of this Part of any thing that is produced under clause (a).

(2) An investigation panel may investigate any other matter regarding the conduct of the investigated person that arises in the course of the investigation.

Report to Investigative Committee

50 On concluding a preliminary investigation, the investigation panel shall report its findings to the Investigative Committee.

Termination of investigation

51(1) The Investigative Committee may terminate an investigation at any time if it is of the opinion that

- (a) the complaint is frivolous or vexatious, or
- (b) there is insufficient evidence of unskilled practice of the profession or unprofessional conduct.

(2) On terminating an investigation, the Investigative Committee shall direct the Registrar to serve on the investigated person and on the complainant, if any, a notice in accordance with the bylaws that the investigation has been terminated.

(5) The Appeal Board shall notify the complainant, the investigated person and the Investigative Committee in writing of its decision under subsection (4).

Power of Investigative Committee to recommend an order

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

- (a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or
- (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.

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.

(2) A person whose registration is suspended under subsection (1) may apply to the Court for an order staying the suspension.

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

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.

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.

(2) On the written request of the investigated person or of the investigated person's counsel or agent, the Registrar shall without charge issue and deliver to that person or that person's counsel or agent any notices that that person or that person's counsel or agent may require for the attendance of witnesses or the production of documents or records.

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.

Service of written decision

65(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.

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.

(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.

Time of appeal

68(1) The Appeal Board, on receiving a notice of appeal under section 67, shall serve on the investigated person and the Investigative Committee a notice of hearing of an appeal stating the date, time and place that the Appeal Board will hear the matters appealed.

Powers of the Appeal Board on appeal

69(1) The Appeal Board on an appeal may do any or all of the following:

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

(2) Sections 56 to 62, 65 and 66 apply to the hearing of an appeal by the Appeal Board.

General Regulations

Part 2 Continuing Professional Development Program

Proof of compliance

20(2) Where a professional member or licensee fails to satisfy the Practice Review Board under subsection (1), the Board may

- (b) at any time during a review recommend to the Investigative Committee that the review be conducted by the Investigative Committee under Part 5 of the Act as if the recommendation were a written complaint.

Investigation by Practice Review Board

23(4) If, on receipt of the report, the Board decides that investigation of a specific practice is necessary, it shall

(b) lodge an appropriate complaint with the Investigative Committee if it is of the opinion that further investigation may lead to a finding of unskilled practice of the profession or unprofessional conduct.

Part 6 Discipline

Investigative Committee

32(1) There is hereby established an Investigative Committee consisting of professional members and registered professional technologists (engineering) or engineering technologists appointed by the Council and the member of the public appointed under section 33(1).

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

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

Public member

33(1) The Minister shall appoint one member of the public, from a list of persons nominated by the Council, to the Investigative Committee.

Term of office

34(1) The term of office of each member of the Investigative Committee is 3 years, and members may be reappointed.

(2) Where there is a vacancy in the membership of the Investigative Committee appointed by the Council, the Council may appoint a person to fill the vacancy for the unexpired portion of the term.

(3) Where there is a vacancy in the public membership on the Investigative Committee, the Minister may appoint a person to fill the vacancy for the unexpired portion of the term.

Quorum

35 A quorum of the Investigative Committee consists of the chair or the acting chair and the number of professional members and registered professional technologists (engineering) or engineering technologists determined by the Council.

Assistance in conducting preliminary investigation

44 An investigation panel appointed under section 47 of the Act may employ any technical consultants and legal counsel it considers necessary to conduct a preliminary investigation.

Bylaws

Not applicable to the Investigative Committee.

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

The tables below reference legislation of engineering and geoscience constituent associations in Canada regarding investigations. The relevant legislation are based on the information in Appendix 2A. The text is quoted from legislation and has not been modified to match APEGA's style.

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
Compelling Witnesses and Producing Documents	May issue a subpoena if necessary; Court of Queen's Bench may be used to further compel actions	Can compel witnesses to appear or produce documents	Only through the court system during the Disciplinary Committee procedures	Can compel witnesses to appear or produce documents with remedies available through the court system for non-compliance	May enter businesses to inspect with remedies available through the court system for non-compliance; Can issue fines for obstructing investigators
Complaints Against Former Members	No time limit noted	Two-year limit after cancellation of membership	Two-year limit after cancellation of membership	Two years after receiving complaint	Two-year limit after offence committed
Investigation by Committee or Individual	A non-member may be appointed to the investigation committee	Only Investigative Committee or panel	Only Investigative Committee	Only Investigative Committee or sub-committee	Registrar may appoint one or more people to investigate in certain circumstances. However, the Complaints Committee normally investigates.
Explicit Right to Enter Premises for Investigative Purposes	No	No	Yes (after application granted by the courts)	No	Yes (enforceable through the courts if confronted with non-compliance)

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
Compelling Witnesses and Producing Documents	May enter businesses to inspect with remedies available through the court system for non-compliance; fines for obstructing investigators	Disciplinary Council has all of the powers of the Superior Court to compel witnesses and demand documents	Disciplinary Council has all of the powers of the Superior Court to compel witnesses demand and documents	Can compel witnesses to appear or produce documents with remedies available through the court system for non-compliance.	Can compel witnesses to appear or produce documents; no explicit mention of remedies available through the court system for non-compliance
Complaints Against Former Members	No time limit noted	No time limit noted	No time limit noted	Two-year limit after offence committed	One-year limit after offence committed
Investigation by Committee or Individual	Complaints Committee may appoint an employee	Board of Directors may appoint an employee as an investigator	Board of Directors may appoint an employee as an investigator	Advisors may be appointed to assist Professional Conduct Committee	Only Investigative Committee
Explicit Right to Enter Premises for Investigative Purposes	Yes (enforceable through the courts if confronted with non-compliance)	Yes (only for “property entrusted to the engineer by a customer”)	No	No	No

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
Compelling Witnesses and Producing Documents	Complaints Committee has all of the powers of a commissioner appointed under the <i>Public Inquiries Act</i> to compel witnesses and demand documents	Complaints Committee has all of the powers of a commissioner appointed under the <i>Public Inquiries Act</i> to compel witnesses and demand documents	Complaints Committee has all of the powers of a commissioner appointed under the <i>Public Inquiries Act</i> to compel witnesses and demand documents	Can compel action through the court system	Can compel witnesses to appear or produce documents with remedies available through the court system for non-compliance
Complaints Against Former Members	Five-year limit after offence committed	Two-year limit after offence committed	No time limit noted	Two-year limit after cancellation of membership	Two-year limit after cancellation of membership
Investigation by Staff or Individual	Complaints Committee may appoint an employee to aid investigation	Council can appoint an employee to act as an Enforcement Officer who investigates	Complaints Authorization Committee can investigate themselves or appoint a person to investigate on its behalf	The Discipline Committee or a person appointed by it shall appoint a person to conduct a preliminary investigation with respect to the matter.	Only Investigative Committee
Explicit Right to Enter Premises for Investigative Purposes	No	No	No	No	No

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 investigations. The text is quoted from legislation and has not been modified to match APEGA’s style.

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
Compelling Witnesses and Producing Documents	<p>Act Disciplinary inquiry 32(6) The discipline committee, or any member of the discipline committee, may issue a subpoena for the attendance of a witness at an inquiry and for the production of records by the witness at the inquiry. (7) Failure of a witness to attend or produce the required records makes the witness, on application by the association to the Supreme Court, liable to be committed for contempt as if in breach of an order or a judgment of the Supreme Court.</p>	<p>Act Part 5 Discipline 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. (2) On the written request of the investigated person or of the investigated person’s counsel or agent, the Registrar shall without charge issue and deliver to that person or that person’s counsel or agent any notices that that person or that person’s counsel or agent may require for the attendance of witnesses or the production of documents or records. 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.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
		(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.
Complaints Against Former Members	<p>Act 2014 Extended definitions 28 In sections 29 to 35: "certificate holder" includes a former holder of a certificate of authorization under this Act; "licensee" includes a former licensee, a holder of a limited licence and a former holder of a limited licence; "member" includes a former member, a registered member and a person who holds any grade of membership in the association as specified in the bylaws.</p> <p>29 (1) If the association receives a complaint against a member, licensee or certificate holder, the registrar must (a) designate a member to review the complaint, (b) refer the complaint to the practice review or conduct review committee established under the bylaws to review the complaint, or (c) close the complaint file and give written reasons for the closure to the complainant and the member, licensee or certificate holder against whom the complaint was made. (2) If after the review the member designated under subsection (1) or the practice review or conduct review committee to which a complaint is referred under subsection (1) considers that further investigation is warranted, the member or the committee, as the case may be, must submit a report to the investigation committee recommending further investigation and stating the reasons for the recommendation. (3) If an inquiry under section 32 is not held in response to a complaint, the council must have the complainant, and the member, licensee or certificate holder against whom the complaint was made, informed of the reasons.</p>	<p>Act Part 5 Discipline Complaints 43 (3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.</p>
Investigation by Committee or Individual	<p>Act Investigation committee 30 (1) The council must appoint an investigation committee of at least 5 persons, of whom one may be a non-member of the association, to hold office for a term determined by the council.</p>	<p>Act Part 5 Discipline Investigation panel 47 When a complaint is referred to the Investigative Committee under section 43, the Investigative Committee shall appoint an investigation</p>

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
	<p>(2) The council may terminate an appointment to the investigation committee and may fill a vacancy on the committee.</p> <p>(3) The investigation committee or a subcommittee composed of one or more of its members appointed by the investigation committee may, on receipt of a report under section 29 or subsection (7.1) of this section or whenever it considers it appropriate, investigate a member, licensee or certificate holder.</p> <p>(4) A member, licensee or certificate holder being investigated under subsection (3) must</p> <p>(a) provide the committee or subcommittee conducting the investigation with any information or records in the possession or control of the member, licensee or certificate holder that the committee or subcommittee may require,</p> <p>(b) answer, within a reasonable time and in the manner specified by the committee or subcommittee, any inquiries of the committee or subcommittee, and</p> <p>(c) appear, on request, before the committee or subcommittee.</p> <p>(5) A member, licensee or certificate holder must not refuse to comply with this section on the grounds of confidentiality.</p> <p>(6) If the investigation is being conducted by a subcommittee under subsection (3), the subcommittee must prepare a report of its findings and recommendations for the investigation committee.</p> <p>(7) The investigation committee or subcommittee may</p> <p>(a) make recommendations to the member, licensee or certificate holder that was investigated</p> <p>(i) following an investigation under subsection (3), or</p> <p>(ii) on receipt of a report under subsection (6), or</p> <p>(b) refer the matter for review to the practice review or conduct review committee established under the bylaws recommending a practice review or conduct review and stating the reasons for the recommendation.</p> <p>(7.1) On conclusion of a review, the practice review or conduct review committee may, as it considers appropriate,</p> <p>(a) make recommendations to the member, licensee or certificate holder that was the subject of the review, and</p> <p>(b) prepare a report of its findings and recommendations for the</p>	<p>panel from among its members to conduct a preliminary investigation.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
	<p>registrar, investigation committee or subcommittee, as the case may be.</p> <p>(8) The investigation committee or subcommittee may inform the complainant, if any, of the recommendations made under subsection (7) (a) or (7.1) (a).</p> <p>(9) Subject to subsection (10), if the investigation committee has reasonable and probable grounds to believe that a member, licensee or certificate holder</p> <p>(a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing,</p> <p>(b) has contravened this Act or the bylaws or the code of ethics of the association, or</p> <p>(c) has demonstrated incompetence, negligence or unprofessional conduct,</p> <p>the investigation committee must cause its recommendation for an inquiry to be delivered to the discipline committee.</p> <p>(10) If the investigation committee has reasonable and probable grounds to believe that a member, licensee or certificate holder has contravened section 21 or a bylaw made under section 10 (1) (g) or (m.1), the investigation committee may cause its recommendation for an inquiry to be delivered to the discipline committee.</p>	
<p>Right to Enter Premises for Investigative Purposes</p>	<p>Act</p> <p>32(6) The discipline committee, or any member of the discipline committee, may issue a subpoena for the attendance of a witness at an inquiry and for the production of records by the witness at the inquiry.</p> <p>(7) Failure of a witness to attend or produce the required records makes the witness, on application by the association to the Supreme Court, liable to be committed for contempt as if in breach of an order or a judgment of the Supreme Court.</p>	<p>Act</p> <p>Witnesses and documents</p> <p>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.</p> <p>(2) A witness may be examined on oath on all matters relevant to the investigation or hearing and is not to be excused from answering any question on the ground that the answer might</p> <p>(a) tend to incriminate the witness,</p> <p>(b) subject the witness to punishment under this Part, or</p> <p>(c) tend to establish the witness's liability</p>

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
		<p>(i) to a civil proceeding at the instance of the Crown or of any other person, or</p> <p>(ii) to prosecution under any Act or regulations under any Act, but if the answer so given tends to incriminate the witness, subjects the witness to punishment or tends to establish the witness's liability, it shall not be used or received against the witness in any civil proceedings, in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.</p> <p>(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court on an application ex parte by the Association may direct the obtaining of the evidence of the witness in the manner provided under the <i>Alberta Rules of Court</i> for the taking of the evidence of a person outside Alberta.</p> <p>Enforcement of attendance and production of documents</p> <p>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.</p> <p>(2) On the written request of the investigated person or of the investigated person's counsel or agent, the Registrar shall without charge issue and deliver to that person or that person's counsel or agent any notices that that person or that person's counsel or agent may require for the attendance of witnesses or the production of documents or records.</p> <p>(3) A witness other than the investigated person who has been served with a notice to attend or a notice for the production of documents or records under subsection (1) or (2) is entitled to be paid the same fees, expenses and allowances as are payable to witnesses in an action in the Court.</p> <p>Failure to give evidence</p> <p>61(1) Proceedings for civil contempt of court may be brought against a</p>

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
		<p>witness</p> <p>(a) who fails</p> <p>(i) to attend before the Discipline Committee in compliance with a notice to attend,</p> <p>(ii) to produce any books, papers or other documents or records in compliance with a notice to produce them, or</p> <p>(iii) in any way to comply with either notice, or</p> <p>(b) who refuses to be sworn or to answer any question directed to be answered by the Discipline Committee.</p> <p>(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.</p> <p>(3) The Discipline Committee, on proof of service of the notice of investigation on the investigated person and the complainant, if any, may</p> <p>(a) proceed with the investigation in the absence of either or both of those persons, and</p> <p>(b) act on the matter being investigated in the same way as though either or both of those persons were in attendance.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
Compelling Witnesses and Producing Documents	<p>Act</p> <p>Discipline hearing</p> <p>34 (8) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of <i>subpoena ad testificandum</i> or <i>subpoena duces tecum</i> to:</p> <p>(a) a member whose conduct is the subject of a hearing;</p> <p>(b) a member of the investigation committee;</p> <p>(c) a member of the discipline committee.</p> <p>(9) Where a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.</p>	<p>Act</p> <p>Investigated person to produce records</p> <p>33(1) Any person, the investigation committee or sub-committee conducting an investigation may require the investigated person</p> <p>(a) to produce, within 10 days of receipt of the person or committee's request, any records in the possession of or under the control of the investigated person; and</p> <p>(b) to attend at the investigation and provide such information as the person or sub-committee may require to assess the complaint.</p> <p>Failure to produce records</p> <p>33(2) The association may apply ex parte to the court for an order</p> <p>(a) directing the investigated person to produce to the person, investigation committee or sub-committee conducting an investigation any records in his or her possession or under his or her control, if it is shown that the investigated person failed to produce them when required by the person, investigation committee, or sub-committee conducting the investigation; or</p> <p>(b) directing any person to produce to the person, investigation committee or sub-committee conducting an investigation any records that are or may be relevant to the complaint being investigated.</p> <p>Witnesses</p> <p>42 The investigated person and any other person who, in the opinion of the discipline committee or any panel, has knowledge of the complaint or any matter relating to the charge are compellable witnesses in any proceeding under this part.</p>
Complaints Against Former Members	<p>Act</p> <p>Discipline Proceedings against former members</p> <p>28.2(1) No proceedings conducted pursuant to this Act shall be commenced against a former member more than two years after the day he or she became a former member.</p> <p>(2) For the purposes of this section, a proceeding is commenced when the investigation committee, pursuant to subsection 32(1), is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member's conduct constitutes professional misconduct or professional incompetence.</p>	<p>Act</p> <p>Part 10</p> <p>Discipline Extended definitions</p> <p>Complaints against former members "investigated person" means</p> <p>(a) a member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training, or</p> <p>(b) in a case to which subsection 31(3) or 31(4) applies, a former member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training, in respect of whose conduct a complaint has</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
		<p>been received, an investigation is conducted or a hearing is held under this Part;</p> <p>Complaints</p> <p>31(4) If, after any person's certificate of registration, certificate of authorization, temporary license, specified scope of practice license or enrolment as an engineer-in-training or geoscientist-in-training is surrendered, suspended, cancelled or not renewed,</p> <p>(a) a complaint is made about such person; and</p> <p>(b) the complaint relates to conduct occurring before the suspension, cancellation or failure to renew occurred; the complaint may, notwithstanding the surrender, suspension, cancellation or failure to renew, be the subject of a decision under subsection 35(1) within two years following the date of receipt of the complaint as if the surrender, suspension, cancellation or failure to renew had not occurred.</p>
Investigation by Committee or Individual	<p>Act</p> <p>Investigation</p> <p>32(1) Where an investigation committee is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member's conduct constitutes professional misconduct or professional incompetence, the committee shall:</p> <p>(a) review the complaint; and</p> <p>(b) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint.</p> <p>(2) The investigation committee may employ, at the expense of the association, any legal or other assistance that it considers necessary.</p> <p>(3) On completion of its investigation, the investigation committee shall make a written report to the discipline committee recommending:</p> <p>(a) that the discipline committee hear and determine the formal complaint set out in the written report; or</p> <p>(b) that no further action be taken with respect to the matter under investigation.</p> <p>(4) The formal complaint set out in a written report made pursuant to clause (3)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or the investigation conducted pursuant to subsection (1).</p>	<p>Act</p> <p>Referral to investigation committee</p> <p>32The registrar shall</p> <p>(a) if a complaint is made under section 31; or</p> <p>(b) if the registrar has reason to believe that the conduct of any member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training constitutes or may constitute unskilled practice of professional engineering or professional geoscience or professional misconduct; refer the matter to the investigation committee.</p> <p>Decision of investigation committee</p> <p>35(1) The investigation committee may, after review or investigation, take one or more of the following actions:</p> <p>(a) postpone its decision pending the completion of any civil or criminal proceedings arising from the conduct giving rise to the complaint;</p> <p>(b) formulate a charge setting out the particulars of the complaint and direct that the charge be referred to the discipline committee;</p> <p>(c) direct that the complaint be dismissed;</p> <p>(d) accept the voluntary withdrawal by the investigated person of his or her right to practise professional engineering or professional geoscience or his or her enrolment as an engineer-in-training or geoscientist-in-training;</p>

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	<p>(5) A report signed by a majority of the investigation committee is the decision of that committee.</p> <p>(6) The investigation committee shall provide, or cause the registrar to provide, a copy of a written report made pursuant to clause (3)(b) to:</p> <p>(a) the council;</p> <p>(b) the person, if any, who made the complaint mentioned in subsection (1); and</p> <p>(c) the member whose conduct is the subject of the complaint mentioned in subsection (1).</p> <p>(7) A person who made the complaint with respect to which the investigation was conducted may apply to the council to review a recommendation of the investigation committee that no further action be taken.</p> <p>(8) On completion of the review pursuant to subsection (7), the council may:</p> <p>(a) confirm the decision of the investigation committee; or</p> <p>(b) refer the matter back to the investigation committee:</p> <p>(i) to investigate the matter further; or</p> <p>(ii) to prepare a written report recommending that the discipline committee hear and determine a formal complaint.</p>	<p>(e) issue a formal, written caution to the investigated person censuring his or her conduct;</p> <p>(f) with the written consent of the investigated person, formulate a charge, register a conviction and impose any penalty that the discipline committee could have imposed.</p>
Right to Enter Premises for Investigative Purposes	<p>Act</p> <p>43(2) On an ex parte application by the association, a judge of the Provincial Court of Saskatchewan may make an order described in subsection (3) where the judge is satisfied by the sworn evidence of a person designated by the council that the person believes on reasonable grounds that:</p> <p>(a) a member or other person, partnership, association of persons or corporation has failed to comply with a demand made pursuant to subsection (1) within a reasonable time or has refused to comply with a demand made pursuant to subsection (1); and</p> <p>(b) the records or other property that are the subject of the demand pursuant to subsection (1):</p> <p>(i) are required for the purposes of an investigation of a complaint that a member's conduct constitutes professional misconduct or professional incompetence or of an investigation of a contravention of this Act; and</p> <p>(ii) are likely to be found in a specified place.</p>	<p>Act</p> <p>Witnesses</p> <p>42 The investigated person and any other person who, in the opinion of the discipline committee or any panel, has knowledge of the complaint or any matter relating to the charge are compellable witnesses in any proceeding under this part.</p> <p>Notice to attend and produce records</p> <p>43(1) The attendance of witnesses before the discipline committee or any panel and the production of 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 records, if any, that the witness is required to produce.</p> <p>Failure to attend or give evidence</p> <p>44(1) Proceedings for civil contempt of court may be brought against a witness</p> <p>(a) who fails to attend before the discipline committee or any panel in</p>

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	<p>(3) An order made pursuant to subsection (2) authorizes the person named in the order, together with any peace officer that the person may call on for assistance, to enter, at any reasonable time, the place named in the order and every part of the place named in the order and of the premises connected with that place to:</p> <p>(a) examine the place and connected premises; and</p> <p>(b) search for, seize and take possession of the records and other property described in the order..</p> <p>(4) Where any records or other property are produced pursuant to subsection (1) or seized pursuant to an order made pursuant to subsection (2), the person designated by the council to whom the records or other property were produced or by whom they were seized, or a member of the investigation committee, may:</p> <p>(a) make or cause to be made one or more copies of the records or other property produced or seized and return the originals to the person, partnership, association of persons or corporation who produced them or from whom they were seized; or</p> <p>(b) retain any of the records or other property and dispose of them in accordance with the directions of the chairperson of the discipline committee.</p> <p>(5) Every entry and search pursuant to this section is to be made during normal business hours unless the judge who issues the order authorizes the entry and search at another time.</p> <p>(6) A copy or extract of records or other property, certified by the person who made the copy or extract, is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original record or property and its contents without proof of the signature or capacity of the person purporting to have signed the certificate.</p>	<p>compliance with a notice to attend;</p> <p>(b) who fails to produce any records in compliance with a notice to produce them; or</p> <p>(c) who refuses to be sworn or to answer any question he or she is directed to answer by the panel.</p>

Professional Association	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
Compelling Witnesses and Producing Documents	<p>Act</p> <p>Powers of investigator</p> <p>33(2) For purposes relevant to the subject matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of authorization, temporary licence, provisional licence or limited licence in respect of whom the investigation is being made and, upon production of his or her appointment, may enter at any reasonable time the business premises of the member or holder and examine books, records, documents and things relevant to the subject matter of the investigation.</p> <p>Order by provincial judge</p> <p>33. (4) Where a provincial judge is satisfied on evidence upon oath, (a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and (b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of authorization, a temporary license, a provisional license or a limited license whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them.</p> <p>Offence, obstruction of investigation</p> <p>40(4) Any person who obstructs a person appointed to make an investigation under section 33 in the course of his or her duties is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.</p>	<p>Act</p> <p>Requirements for warrant to issue</p> <p>22. (3) An investigator shall not conduct an investigation under this section unless he or she believes that it is in the public interest to do so and does so in good faith.</p> <p>Powers of entry</p> <p>(4) An investigator may enter lands or business premises, other than a private dwelling, without the consent of the owner or occupier and without a warrant if the entry is for the purpose of an investigation under this section, or with a warrant issued under subsection (6).</p> <p>Entry to dwelling</p> <p>(5) An investigator shall not enter a private dwelling unless the investigator has obtained,</p> <p>(a) the consent of the owner of the dwelling and, if the occupier of the dwelling is not the owner, the consent of the occupier;</p> <p>(b) the authority of a warrant issued under subsection (6).</p> <p>Requirements for warrant to issue</p> <p>(7) A warrant may be issued under subsection (6) if the justice of the peace is satisfied on information under oath that,</p> <p>(a) an investigator has been prevented from doing anything permitted under subsection (2) or there are reasonable grounds to believe that the investigator may be prevented from doing any of those things; or</p> <p>(b) it is necessary that a private dwelling be entered for the purposes of conducting the investigation or there is in the private dwelling a document or thing that there are reasonable grounds to believe is relevant to the investigation.</p> <p>(8) Subject to subsection (9), the power to enter lands or business premises may be exercised at any reasonable time.</p> <p>Notice</p> <p>(9) In the absence of a warrant under subsection (6), the power to enter lands or business premises shall not be exercised unless reasonable notice of the entry has been given to the owner of the property and, if the occupier of the property is not the owner, to the occupier.</p>

Professional Association	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
		<p>Prohibition, obstruction, etc. 23. (1) A person shall not engage in any of the following activities: 1. Obstruct an investigator who is investigating the practice of professional geoscience by a person. 2. Withhold or conceal from an investigator anything that the investigator reasonably considers to be relevant to his or her investigation. 3. Destroy anything that the investigator reasonably considers to be relevant to his or her investigation. Offence (2) A person who contravenes subsection (1) is guilty of an offence and on conviction is liable. (a) to a fine of not more than \$10,000 for a first offence; (b) to a fine of not more than \$20,000 for a subsequent offence</p>
Complaints Against Former Members	<p>Act Limitation 40(7) Proceedings shall not be commenced in respect of an offence under subsection (1), (2), (3), (4), (5) or (6) after two years after the date on which the offence was, or is alleged to have been, committed.</p>	<p>Act 2009 Continuing disciplinary powers 41.(1) Even though an individual ceases to be a member of the Association, disciplinary proceedings may be initiated or continued under this Act with respect to his or her conduct while he or she was a member. (2) Even though a corporation, partnership or other entity ceases to be a certificate holder, disciplinary proceedings may be initiated or continued under this Act with respect to its conduct while it was a certificate holder. (3) For the purposes of subsections (1) and (2), the discipline committee may exercise its powers and perform its duties with respect to an individual who is no longer a member and a corporation, partnership or other entity that is no longer a certificate holder.</p>
Investigation by Committee or Individual	<p>Act Duties of Complaints Committee 24. (1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of a member of the Association or holder of a certificate of authorization, a temporary license, a provisional license or a limited license, but no action shall be taken by the Committee under subsection (2) unless, (a) a written complaint in a form that shall be provided by the</p>	<p>Act 2009 Investigator 22. (1) The complaints committee may appoint an employee of the Association or another person to investigate the practice of professional geoscience by the member or certificate holder. Powers of investigator (2) An investigator has the following powers and duties for the purpose of an investigation under this Act:</p>

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	<p>Association has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member or holder may wish to make concerning the matter; and</p> <p>(b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.</p> <p>(2) The Committee in accordance with the information it receives may,</p> <p>(a) direct that the matter be referred, in whole or in part, to the Discipline Committee;</p> <p>(b) direct that the matter not be referred under clause (a); or</p> <p>(c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.</p> <p>Registrar's investigation</p> <p>33. (1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of authorization, a temporary license, provisional license or limited license has committed an act of professional misconduct or incompetence or that there is cause to refuse to issue or to suspend or revoke a certificate of authorization, the Registrar by order may appoint one or more persons to investigate whether such act has occurred or there is such cause, and the person or persons appointed shall report the result of the investigation to the Registrar.</p>	<ol style="list-style-type: none"> 1. Upon request, the investigator shall produce evidence of his or her appointment. 2. The investigator may examine a document, record or other thing that he or she believes to be relevant to the investigation. 3. The investigator may demand that a document, record or other thing be produced for inspection if he or she believes it to be relevant to the investigation. 4. The investigator may remove a document, record or other thing for review and copying if he or she believes it to be relevant to the investigation. The investigator shall return it within a reasonable time. 5. In order to produce a record in readable form, the investigator may use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place in which he or she is conducting the investigation. 6. The investigator may question any person about matters that the investigator believes to be relevant to the investigation.
<p>Right to Enter Premises for Investigative Purposes</p>	<p>Act</p> <p>Powers of investigator</p> <p>33 (2) For purposes relevant to the subject matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of authorization, temporary licence, provisional licence or limited licence in respect of whom the investigation is being made and, upon production of his or her appointment, may enter at any reasonable time the business premises of the member or holder and examine books, records, documents and things relevant to the subject matter of the investigation.</p> <p>Application of Public Inquiries Act, 2009</p> <p>(2.1) Section 33 of the <i>Public Inquiries Act, 2009</i> applies to the inquiry under subsection (2). Obstruction of investigator</p> <p>(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or her or conceal or destroy any books, records, documents or things relevant to the</p>	<p>Act</p> <p>Powers of entry</p> <p>22(2) An investigator has the following powers and duties for the purpose of an investigation under this Act:</p> <ol style="list-style-type: none"> 1. Upon request, the investigator shall produce evidence of his or her appointment. 2. The investigator may examine a document, record or other thing that he or she believes to be relevant to the investigation. 3. The investigator may demand that a document, record or other thing be produced for inspection if he or she believes it to be relevant to the investigation. 4. The investigator may remove a document, record or other thing for review and copying if he or she believes it to be relevant to the investigation. The investigator shall return it within a reasonable time. 5. In order to produce a record in readable form, the investigator may

Professional Association	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
	<p>subject-matter of the investigation.</p> <p>Order by provincial judge</p> <p>(4) Where a provincial judge is satisfied on evidence upon oath, (a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and (b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them.</p> <p>Public Inquiries Act</p> <p>33. (1) In this section, "inquiry" includes a determination, examination, hearing, inquiry, investigation, review or other activity to which this section is applicable.</p> <p>Standard procedure</p> <p>(2) This section applies where another Act or a regulation confers on a person or body the power to conduct an inquiry in accordance with this section or certain provisions of this section. Power to summon witnesses, papers, etc.</p> <p>(3) The person or body conducting the inquiry may require any person by summons,</p> <p>(a) to give evidence on oath or affirmation at the inquiry; or</p> <p>(b) to produce in evidence at the inquiry such documents and things as the person or body conducting the inquiry may specify, relevant to the subject matter of the inquiry and not inadmissible in evidence under subsection</p> <p>Form and service of summons</p> <p>(4) A summons issued under subsection (3) shall be in either the English or French version of the form prescribed by the regulations and shall be served personally on the person summoned and he or she shall be paid at the time of service the like fees and allowances for attendance as a witness before the person or body conducting the inquiry as are paid for the attendance of a witness summoned to attend before the Superior Court of Justice.</p>	<p>use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place in which he or she is conducting the investigation.</p> <p>6. The investigator may question any person about matters that the investigator believes to be relevant to the investigation.</p> <p>(4) An investigator may enter lands or business premises, other than a private dwelling, without the consent of the owner or occupier and without a warrant if the entry is for the purpose of an investigation under this section, or with a warrant issued under subsection (6).</p> <p>Entry to dwelling</p> <p>(5) An investigator shall not enter a private dwelling unless the investigator has obtained,</p> <p>(a) the consent of the owner of the dwelling and, if the occupier of the dwelling is not the owner, the consent of the occupier;</p> <p>(b) the authority of a warrant issued under subsection (6).</p> <p>Warrant</p> <p>(6) A justice of the peace may issue a warrant authorizing the person named in the warrant to do anything permitted under subsection (2).</p> <p>Requirements for warrant to issue</p> <p>(7) A warrant may be issued under subsection (6) if the justice of the peace is satisfied on information under oath that,</p> <p>(a) an investigator has been prevented from doing anything permitted under subsection (2) or there are reasonable grounds to believe that the investigator may be prevented from doing any of those things; or</p> <p>(b) it is necessary that a private dwelling be entered for the purposes of conducting the investigation or there is in the private dwelling a document or thing that there are reasonable grounds to believe is relevant to the investigation.</p> <p>Same</p> <p>(8) Subject to subsection (9), the power to enter lands or business premises may be exercised at any reasonable time.</p> <p>Notice</p> <p>(9) In the absence of a warrant under subsection (6), the power to enter lands or business premises shall not be exercised unless reasonable notice of the entry has been given to the owner of the property and, if the occupier of the property is not the owner, to the</p>

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	<p>Stated case for contempt for failure to attend hearing, etc. (5) Where any person without lawful excuse, (a) on being duly summoned under subsection (3) as a witness at an inquiry makes default in attending at the inquiry; or (b) being in attendance as a witness at an inquiry, refuses to take an oath or to make an affirmation legally required by the person or body conducting the inquiry to be taken or made, or to produce any document or thing in his or her power or control legally required by the person or body conducting the inquiry to be produced, or to answer any question to which the person or body conducting the inquiry may legally require an answer; or (c) does any other thing that, if the person or body conducting the inquiry had been a court of law having power to commit for contempt, would have been contempt of that court, the person or body conducting the inquiry may state a case to the Divisional Court setting out the facts and that court may, on the application of the person or body conducting the inquiry or of the Attorney General, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he or she had been guilty of contempt of the court.</p> <p>Protection of witnesses (6) A witness at an inquiry shall be deemed to have objected to answer any question asked him or her upon the ground that his or her answer may tend to criminate the witness or may tend to establish his or her liability to civil proceedings at the instance of the Crown or of any person, and no answer given by a witness at an inquiry shall be used or be receivable in evidence against him or her in any trial or other proceedings against him or her thereafter taking place, other than a prosecution for perjury in giving such evidence.</p> <p>Right to object (7) A witness shall be informed by the person or body conducting the inquiry of his or her right to object to answer any question under section 5 of the <i>Canada Evidence Act</i>.</p> <p>No discipline of employees (8) No adverse employment action shall be taken against any employee of any person because the employee, acting in good faith, has made representations as a party or has disclosed information either in evidence or otherwise to a person or body conducting the inquiry under the applicable Act or to the staff of a person or body</p>	<p>occupier.</p>

Professional Association	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
	<p>conducting the inquiry.</p> <p>Offence (9) Any person who, contrary to subsection (8), takes adverse employment action against an employee is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.</p> <p>Application (10) This section applies despite any other Act and the oath of office of a public servant within the meaning of the <i>Public Service of Ontario Act, 2006</i> is not breached where information is disclosed as described in subsection (8).</p>	

Professional Association	Ordre des Ingénieurs du Québec	The Association of Professional Engineers and Geoscientists of New Brunswick
Compelling Witnesses and Producing Documents	<p>Professional Code</p> <p>146. The disciplinary council shall summon such witnesses and require the production of such documents as it or either party considers useful by ordinary summons over the signature of the secretary.</p> <p>147. The disciplinary council shall have all the powers of the Superior Court to compel witnesses to appear and answer, and to punish them in case of refusal, except the power to order imprisonment; for such purpose the respondent shall be deemed to be a witness.</p>	<p>Act</p> <p>17(7) The Professional Conduct Committee shall consider and investigate complaints regarding the conduct of any member, licensee, or holder of a certificate of authorization, but no action shall be taken by the Committee under subsection (10) unless, (a) a written complaint has been filed with the Committee and the person whose conduct is being investigated has been notified by prepaid first class mail of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the person may wish to make concerning the matter; and (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.</p> <p>17(9) A person complained against may be requested to appear before the Professional Conduct Committee to respond to the complaint. If the person fails to appear the Committee may proceed to deal with the complaint in accordance with subsection (10).</p> <p>17(10) The Professional Conduct Committee, in accordance with the information it has received, may</p> <ul style="list-style-type: none"> (a) direct that the matter be referred, in whole or in part, to the Discipline Committee, (b) direct that the matter not be referred under paragraph (a), or (c) take such action as it considers appropriate in the circumstances to resolve the complaint as long as such is not inconsistent with this Act or the by-laws. <p>18(18) The Discipline Committee, or someone designated by it to act on its behalf, may by summons in a form prescribed by by-law, require the attendance before it of any person whose evidence may be material to the subject matter of the hearing and may order any person to produce such records, reports or other documents as appear necessary for the purpose of the hearing.</p> <p>18(19) A person served with a summons shall attend and answer all questions concerning matters being inquired into at the hearing and shall produce to the Discipline Committee all records, reports or other documents that are in that person's custody or control.</p>

Professional Association	Ordre des Ingénieurs du Québec	The Association of Professional Engineers and Geoscientists of New Brunswick
Complaints Against Former Members	<p>Professional Code DIVISION VII Discipline, Appeal and Publication of Decisions § 1.1. — Disciplinary councils 116. A disciplinary council is constituted within each order. The disciplinary council shall be seized of every complaint made against a professional for an offence against this Code, the Act constituting the order of which he is a member or the regulations made under this Code or that Act. The disciplinary council shall also be seized of every complaint made against a former member of an order for an offence referred to in the second paragraph that was disciplinary council while he was a member of the order. In such a case, every reference to a professional or a member of the order in the provisions of this Code, the Act constituting the order of which he was a member or a regulation under this Code or the said Act shall be a reference to the former member. A complaint made against a person who exercises a function under this Code or under an Act constituting an order, including a syndic or a member of a disciplinary council, by reason of acts engaged in in the exercise of that function is inadmissible.</p>	<p>Act Limitation Of Actions 20(10) No proceedings shall be commenced for an offence under this section after two years from the date of commission of the offence. 28(1) No action or other proceeding shall be commenced against an engineer or geoscientist or the holder of a certificate of authorization arising out of the practice of engineering or geoscience after two years from the date on which the service was, or ought to have been performed, or from the date the cause of the damage became known or ought to have become known.</p>
Investigation by Committee or Individual	<p>Engineers Act DIVISION VI Miscellaneous Provisions 24. (3) Any investigator designated by the board of directors may at any reasonable hour enter on the premises where works contemplated in section 2 are carried out for the purpose of verifying whether the provisions of subsection 1 of this section are respected and obtain all the pertinent plans and specifications of engineering works. Such investigator must, if it is requested of him, show a certificate signed by the secretary of the Order, certifying his capacity. Professional Code 2013 190.1. No search may be carried out on behalf of a professional order unless authorized by a warrant. Only the secretary of the order, a syndic, an inspector of the professional inspection committee or an investigator charged with investigating cases of unlawful practice or unauthorized use of a title may, if specifically designated by name in</p>	<p>Act 17(7) The Professional Conduct Committee shall consider and investigate complaints regarding the conduct of any member, licensee, or holder of a certificate of authorization, but no action shall be taken by the Committee under subsection (10) unless, (a) a written complaint has been filed with the Committee and the person whose conduct is being investigated has been notified by prepaid first class mail of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the person may wish to make concerning the matter; and (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.</p> <p>Bylaws 9.3.2 The committee may engage advisors or appoint additional</p>

Professional Association	Ordre des Ingénieurs du Québec	The Association of Professional Engineers and Geoscientists of New Brunswick
	<p>each case by the board of directors or the executive committee, apply for a search warrant on behalf of the order.</p>	<p>members, having applicable experience or expertise, for purposes of any particular matter being considered by the committee. In the event that a particular matter involves a geoscientist or geoscience, the committee shall ensure that it includes a minimum of two geoscientists on the committee.</p> <p>9.3.3 The professional conduct committee shall consider and investigate</p> <p>(a) all complaints regarding the conduct of any member, member-in-training, licensee or holder of a certificate of authorization; and</p> <p>(b) any suspected violations of the Engineering and Geoscience Professions Act or by-laws.</p>
<p>Right to Enter Premises for Investigative Purposes</p>	<p>Regulation respecting the professional inspection committee of the Ordre des ingénieurs du Québec, CQLR c I-9, r 7</p> <p>SECTION V</p> <p>SPECIAL INQUIRY INTO THE PROFESSIONAL COMPETENCE OF A MEMBER</p> <p>19. The member of the committee who, of his own initiative to a special inquiry into the professional competence of an engineer indicates in the professional record the reasons for such an investigation.</p> <p>20. At least 5 clear days before the date of the special inquiry, the committee, through its secretary, send to the engineer, by registered or certified mail, a notice in the form prescribed in Schedule II. In case the transmission of the notice could jeopardize the objectives pursued by the holding of the special inquiry, the committee may conduct the inquiry without notice.</p> <p>21. The committee may order the engineer, his employer, his mandatary or his employee to give it access to the records, books, registers and to any property entrusted to the engineer by a customer.</p> <p>Regulation respecting the professional inspection committee of the Order of Geologists of Québec, RLRQ c G-1.01, r 3</p> <p>SECTION IV</p> <p>General Supervision of the Practice of the Profession</p> <p>15. The committee member or inspector conducting an inspection shall, on request, produce a certificate of designation signed by the committee secretary.</p>	<p>Act</p> <p>18(18) The Discipline Committee, or someone designated by it to act on its behalf, may by summons in a form prescribed by by-law, require the attendance before it of any person whose evidence may be material to the subject matter of the hearing and may order any person to produce such records, reports or other documents as appear necessary for the purpose of the hearing.</p> <p>18(19) A person served with a summons shall attend and answer all questions concerning matters being inquired into at the hearing and shall produce to the Discipline Committee all records, reports or other documents that are in that person's custody or control.</p> <p>18(20) The testimony of any witness may be taken under oath or affirmation which may be administered by the Chairperson of the Discipline Committee or any person designated to do so on the Chairperson's behalf.</p> <p>18(21) If a person on whom a summons has been served, either personally or by leaving a copy of the summons with some adult person at that person's last or most usual place of residence or business, fails to appear before the Discipline Committee, or upon appearing refuses to be sworn or refuses without sufficient cause to answer any question relevant to the hearing, the Committee may by application to a Judge of the Court of Queen's Bench of New Brunswick, cause the person to be cited for contempt under the provisions of the Rules of Court in the same manner and to the same extent as if the alleged contempt took place in proceedings before the Court of Queen's Bench.</p>

Professional Association	Ordre des Ingénieurs du Québec	The Association of Professional Engineers and Geoscientists of New Brunswick
	<p>16. The geologist who is the subject of an inspection shall be present or be represented by an agent.</p> <p>17. When the records are held by a third party, the geologist shall, upon request of the committee, allow the latter to take cognizance or a copy.</p> <p>SECTION V Special Inquiry into the Professional Competence of a Geologist</p> <p>20. At least 5 clear days before the date of the special inquiry, the committee sent the geologist referred, by registered or certified mail, a notice in the form set out in Schedule II. In case the transmission of such notice could jeopardize the objectives pursued by the holding of the special inquiry, the committee may conduct the inquiry without notice.</p> <p>21. The committee, a member or an investigator may request a person to swear a statement it made him relative to an inquiry.</p> <p>22. If the geologist refuses to cooperate with the investigation committee shall notify the trustee immediately.</p>	

Professional Association	Engineers Nova Scotia	Geoscientists Nova Scotia
Compelling Witnesses and Producing Documents	<p>Act</p> <p>17D(3) The Complaints Committee may require a registrant to</p> <p>(a) submit to physical or mental examinations by such qualified persons as the Committee designates;</p> <p>(b) submit to an inspection or audit of the registrant's work, products of service and practice by such qualified persons as the Committee designates;</p> <p>(c) undergo such examinations of engineering and allied skills, knowledge and professional practice as the Committee directs to assess the registrant's competency to practise engineering;</p> <p>(d) produce records and accounts kept with respect to the registrant's practice.</p> <p>(4) Where a registrant fails to comply with subsection (3), the Complaints Committee may suspend or restrict the registration or licence to practise until the member, person licensed to practise or engineer-in-training complies.</p>	<p>Act</p> <p>Complaints Committee and Discipline Committee</p> <p>20 (1) The Council shall, in the manner provided by the by-laws, establish a Complaints Committee and appoint the members of the Committee.</p> <p>(2) There shall be a Discipline Committee of the Association the members of which shall be elected in the manner provided by the by-laws from a list of candidates who are considered qualified by the Council.</p> <p>(4) Without limiting the generality of subsection (9), the committees referred to in subsections (1) and (2) including, for greater certainty, panels of the committees established under the by-laws may, to the extent provided by the by-laws, have and exercise the following powers:</p> <p>(a) in the case of the Complaints Committee, power to investigate, report on, refer, dismiss or otherwise dispose of complaints;</p> <p>20(6) The Complaints Committee and the Discipline Committee have all the powers, privileges and immunities of commissioners appointed under the Public Inquiries Act including, but not limited to, the same powers of taking evidence, compelling the attendance of witnesses and the production of books, papers and documents and of punishing for contempt for the failure to comply with orders of the committee.</p>
Complaints Against Former Members	<p>Act</p> <p>29 No proceeding shall be commenced for any violation of this Act after one year from the date of the committing of the violation.</p>	<p>Act</p> <p>32 No summary conviction proceeding shall be commenced for any violation of this Act after five years from the date of the committing of the violation.</p>
Investigation by Committee or Individual	<p>Act</p> <p>17D (1) The Complaints Committee shall investigate complaints regarding disciplinary matters concerning a registrant and upon doing so may</p> <p>(a) obtain additional information, orally or in writing from the member, the complainant or any other person;</p> <p>(b) interview the registrant, the complainant or any other person;</p> <p>(c) obtain outside assistance to further the investigation;</p> <p>(d) employ such experts as the Committee considers necessary;</p>	<p>Act 2002</p> <p>Complaints Committee and Discipline Committee</p> <p>20(4) Without limiting the generality of subsection (9), the committees referred to in subsections (1) and (2) including, for greater certainty, panels of the committees established under the by-laws may, to the extent provided by the by-laws, have and exercise the following powers:</p> <p>(a) in the case of the Complaints Committee, power to investigate, report on, refer, dismiss or otherwise dispose of complaints</p>

Professional Association	Engineers Nova Scotia	Geoscientists Nova Scotia
	(e) undertake such other steps as the Committee determines are required for a thorough investigation.	<p>Bylaws</p> <p>The Role of the APGNS Complaints Committee</p> <p>24B(5) The role of the APGNS Complaints Committee is to review both the complaint and the response of the practitioner to the complaint. The Committee shall:</p> <p>(a) refer the complaint in whole or in part to the APGNS Discipline Committee; or</p> <p>(b) dismiss the complaint, or</p> <p>(c) direct staff to obtain more information, pursuant to subsection (6), and re-submit the complaint for review by the Committee.</p> <p>(6) The written decision of the Complaints Committee shall be submitted to the complainant and the practitioner in question.</p>
Right to Enter Premises for Investigative Purposes	<p>Act</p> <p>Investigation</p> <p>17D (1) The Complaints Committee shall investigate complaints regarding disciplinary matters concerning a registrant and upon doing so may</p> <p>(a) obtain additional information, orally or in writing from the member, the complainant or any other person;</p> <p>(b) interview the registrant, the complainant or any other person;</p> <p>(c) obtain outside assistance to further the investigation;</p> <p>(d) employ such experts as the Committee considers necessary;</p> <p>(e) undertake such other steps as the Committee determines are required for a thorough investigation.</p> <p>(2) The Complaints Committee is not required to hold a hearing or to afford any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this Section or Section 17E.</p> <p>(3) The Complaints Committee may require a registrant to</p> <p>(a) submit to physical or mental examinations by such qualified persons as the Committee designates;</p> <p>(b) submit to an inspection or audit of the registrant's work, products of service and practice by such qualified persons as the Committee designates;</p> <p>(c) undergo such examinations of engineering and allied skills, knowledge and professional practice as the Committee directs to</p>	<p>Act</p> <p>Complaints Committee and Discipline Committee</p> <p>20 (6) The Complaints Committee and the Discipline Committee have all the powers, privileges and immunities of commissioners appointed under the Public Inquiries Act including, but not limited to, the same powers of taking evidence, compelling the attendance of witnesses and the production of books, papers and documents and of punishing for contempt for the failure to comply with orders of the committee.</p> <p>Public Inquires Act</p> <p>Commissioner</p> <p>3 In case such inquiry is not regulated by any special law, the Governor in Council may appoint a person or persons as a commissioner or commissioners to inquire into and concerning such matter.</p> <p>Witnesses and evidence</p> <p>4 The commissioner or commissioners shall have the power of summoning before him or them any persons as witnesses and of requiring them to give evidence on oath orally or in writing, or on solemn affirmation if they are entitled to affirm in civil matters, and to produce such documents and things as the commissioner or commissioners deem requisite to the full investigation of the matters into which he or they are appointed to inquire.</p> <p>Powers, privileges, immunities</p> <p>5 The commissioner or commissioners shall have the same power to</p>

Professional Association	Engineers Nova Scotia	Geoscientists Nova Scotia
	<p>assess the registrant's competency to practise engineering;</p> <p>(d) produce records and accounts kept with respect to the registrant's practice.</p> <p>(4) Where a registrant fails to comply with subsection (3), the Complaints Committee may suspend or restrict the registration or licence to practise until the member, person licensed to practise or engineer-in-training complies.</p> <p>(5) Where the Complaints Committee has required a registrant to submit to examinations or submit to inspection or audit of the registrant's practice by a qualified person designated by the Committee, the Committee shall provide the member with a copy of any report it receives from the designated qualified person.</p>	<p>enforce the attendance of persons as witnesses and to compel them to give evidence and produce documents and things as is vested in the Supreme Court or a judge thereof in civil cases, and the same privileges and immunities as a judge of the Supreme Court.</p>

Professional Association	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador
Compelling Witnesses and Producing Documents	<p>Act</p> <p>17P (1) A disciplinary panel has the same powers of taking evidence, compelling the attendance of witnesses, compelling the production of books, paper and documents, and of punishing for contempt or the failure to comply with the orders of the disciplinary panel, as a commissioner appointed under the Public Inquiries Act.</p>	<p>Act</p> <p>Complaints and disciplinary panel</p> <p>21. (9) The complaints authorization committee and an adjudication tribunal appointed under section 25 and a person appointed by either of them may summon witnesses and require those witnesses to give evidence, orally or in writing, upon oath or affirmation, and produce the documents and things that either of them considers necessary to the full investigation and hearing of an allegation or complaint and have the powers, privileges and immunities that are conferred on a commissioner appointed under the Public Inquiries Act, 2006.</p>
Complaints Against Former Members	<p>Act</p> <p>LIMITATION OF ACTIONS</p> <p>24. (1) No action or other proceeding shall be commenced against a member, licensee, engineer-in-training or holder of a certificate of authorization for any violation of this Act after two years from the date the violation became known or ought to have become known.</p>	
Investigation by Committee or Individual	<p>Act 2004</p> <p>Act Enforcement Officer</p> <p>15. (1) The Council shall appoint annually an Act Enforcement Officer whose qualifications, procedures, powers of investigation and remuneration shall be as prescribed in the bylaws.</p> <p>(2) The Act Enforcement Officer shall be by virtue of his office a member of the Act Enforcement Committee and shall investigate complaints against a member, licensee, engineer-in-training, holder of certificate of authorization or any other person, partnership or corporation who is alleged to have violated any provision of this Act or bylaws.</p>	<p>Act</p> <p>Complaints authorization committee</p> <p>24. (1) Where an allegation has been submitted to the complaints authorization committee, the committee may exercise one or more of the following powers:</p> <p>(b) conduct an investigation itself or appoint a person to conduct an investigation on its behalf.</p>
Right to Enter Premises for Investigative Purposes	<p>Act</p> <p>20 (9) The Discipline Committee, or someone designated by it to act on its behalf, may by summons in a form prescribed in the bylaws, require the attendance before it of any person whose evidence may be material to the subject matter of the hearing and may order any person to produce such records, reports or other documents as appear necessary for the purpose of the hearing.</p> <p>(10) A person served with a summons shall attend and answer all questions concerning matters being inquired into at the hearing and</p>	<p>Act</p> <p>Complaints authorization committee</p> <p>24. (5) A person conducting an investigation under subsection (1) may</p> <p>(a) require a respondent to</p> <p>(i) undergo an examination he or she considers necessary and as arranged by the registrar, and</p> <p>(ii) permit the registrar or a member of the complaints authorization committee or a person appointed by the complaints authorization committee to inspect and copy the records of the respondent and other</p>

Professional Association	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador
	<p>shall produce to the Discipline Committee all records, reports or other documents that are under his custody or control.</p>	<p>documents relating to the subject matter of the investigation; and (b) require another person to permit the registrar or a member of the complaints authorization committee or another person appointed by the complaints authorization committee to inspect and copy records and other documents relating to the subject matter of the investigation held by that person, and the respondent or other person shall comply. (6) Where the registrar, a member of the complaints authorization committee or a person appointed by the complaints authorization committee requests that a respondent or another person provide information under subsection (5), that information shall be provided within 7 days of receipt of the request or a different period as specified in the request. (7) An action for damages does not lie against a member or permit holder or another person to whom a request is made solely because he or she provides information requested of him or her under subsection (5).</p>

Professional Association	The Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
Compelling Witnesses and Producing Documents	<p>Act Witnesses and documents 31(1) A person conducting a preliminary investigation may (a) require the investigated person to produce to them any plans, drawings, detailed drawings, specifications, reports, books, papers or other documents or records in the investigated person's possession or control; and (b) copy and keep copies for the purposes of this Part of any of the documents or records that are produced to them. (2) A person conducting a preliminary investigation into the conduct of a professional engineer, holder of a limited licence, permit holder, or engineer-in-training may investigate any other matter regarding the conduct of the investigated person that arises in the course of the investigation. (3) A person conducting a preliminary investigation may apply to the Supreme Court for the issuance of a subpoena for the attendance of any witness, and for the production of books, papers, or other documents or records at the hearing similar in form and effect to subpoenas issued pursuant to the Rules of Court in civil proceedings and the procedure for issuing and serving the subpoena shall be governed by those rules.</p> <p>Witnesses and documents 40(1) The investigated person and any other person who has knowledge of the complaint or any conduct being investigated is a compellable witness in any proceeding under this Part.</p> <p>Compelling witnesses and documents 41(1) The attendance of witnesses before the Discipline Committee and the production of plans, 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, books, papers, and other documents or records, if any, that they are required to produce.</p>	<p>Act Compellable witness 41. (1) The practitioner whose conduct is the subject of inquiry, and any other person the Board of Inquiry considers to have knowledge relevant to a complaint, is a compellable witness at a hearing inquiring into that complaint.</p> <p>Civil contempt (3) Proceedings for civil contempt may, on application to the Supreme Court in accordance with the Rules of the Supreme Court, be brought against a witness (a) who fails (i) to attend before a meeting of the Board of Inquiry after receiving a notice to attend, (ii) to produce materials as required by a notice for production, or (iii) in any way to comply with a notice referred to in subparagraph (i) or (ii); or (b) who refuses to answer any question allowed by the Board of Inquiry.</p>

Professional Association	The Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
Complaints Against Former Members	<p>Act Complaints</p> <p>26 (2) A complaint respecting the conduct of a professional engineer, holder of a limited licence, or permit holder whose registration was cancelled pursuant to this Act may, despite the cancellation, be dealt with within two years following the date of cancellation of the registration as if the cancellation had not occurred.</p>	<p>Act Complaints Continuing Jurisdiction</p> <p>32(3) A complaint respecting the conduct of a practitioner who is no longer registered may be dealt with under this Part if it is filed under subsection (1) within two years after the day on which the practitioner ceased to be registered.</p>
Investigation by Committee or Individual	<p>Act Preliminary investigation</p> <p>29 The Discipline Committee or a person appointed by it shall immediately on the receipt of a complaint appoint a person to conduct a preliminary investigation with respect to the matter.</p>	<p>Act Preliminary Investigation</p> <p>33. The Discipline Committee shall appoint an Investigative Committee comprised of one or more of its members to conduct a preliminary investigation of the complaint on behalf of the Discipline Committee.</p>
Right to Enter Premises for Investigative Purposes	<p>Act Witnesses and documents</p> <p>40(1) The investigated person and any other person who has knowledge of the complaint or any conduct being investigated is a compellable witness in any proceeding under this Part.</p> <p>Compelling witnesses and documents</p> <p>41(1) The attendance of witnesses before the Discipline Committee and the production of plans, 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, books, papers, and other documents or records, if any, that they are required to produce.</p> <p>(2) On the written request of the investigated person or of their counsel or agent, the registrar shall without charge issue and deliver to that person or their counsel or agent any notices that the registrar may require for the attendance of witnesses or the production of documents or records.</p> <p>(3) A witness other than the investigated person who has been served with a notice to attend or a notice for the production of documents or records under subsection (1) or (2) is entitled to be paid the same fees</p>	<p>Act</p> <p>40. (1) The attendance of a witness before a hearing and the production of materials may be directed by a notice issued by the Executive Director requiring the witness to attend at the time and place stated and specifying the materials, if any, that the witness is required to produce.</p> <p>(2) On the written request of the practitioner whose conduct is the subject of inquiry, or of his or her lawyer or agent, the Executive Director shall, without charge, issue and deliver the notices that the practitioner may require for the attendance of witnesses or for the production of materials.</p> <p>(3) For the purpose of obtaining the testimony of a witness who is outside the Northwest Territories, the Supreme Court, on application ex parte by the Executive Director or the practitioner, may direct the issuing of a commission for obtaining the evidence of the witness under the Rules of the Supreme Court.</p> <p>(4) Hearings must be conducted in accordance with the rules of natural justice.</p> <p>(5) A Board of Inquiry is not bound by the rules of evidence pertaining to actions and proceedings in courts of justice, and may proceed to ascertain the facts in the manner that it considers appropriate.</p>

Professional Association	The Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
	as are payable to witnesses in civil proceedings in the Supreme Court.	<p>41. (1) The practitioner whose conduct is the subject of inquiry, and any other person the Board of Inquiry considers to have knowledge relevant to a complaint, is a compellable witness at a hearing inquiring into that complaint.</p> <p>(2) A witness at a hearing may be examined on oath or affirmation on all matters relevant to the inquiry, and is not excused from answering a question on grounds that the answer might</p> <ul style="list-style-type: none"> (a) tend to incriminate the witness, (b) subject the witness to punishment under this Part, or (c) tend to establish the liability of the witness <ul style="list-style-type: none"> (i) in a civil proceeding at the instance of a person or the Government of the Northwest Territories, or (ii) to prosecution under any Act, but an answer so given may not be used or received against the witness in any civil proceedings or in any proceedings under any other Act of the Northwest Territories, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

Appendix 3 – Summary and Analysis of Alberta Professional Associations

The tables below reference legislation regarding investigations. The relevant legislation are based on the information in Appendix 3A. The text is quoted from legislation and has not been modified to match APEGA's style.

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta	Alberta Association of Architects
Compelling Witnesses and Producing Documents	Yes	Yes	Yes	Yes
Complaints Against Former Members	Two-year limit after cancellation of membership	Six-year limit after cancellation of membership	No time limit noted	One year limit after cancellation, prosecution may be commenced within 2 years after the commission of the alleged offence, but not afterwards
Investigation by Committee or Individual	Only Investigative Committee or panel	Complaints Inquiry Committee Chair appoint an investigator	An investigation may be conducted by an officer or employee of the Society or by a person engaged by or on behalf of the Society for that purpose	Discipline Committee Chair may investigate or appoint an an investigator
Explicit Right to Enter Premises for Investigative Purposes	No	No (can compel people at the workplace to produce materials in support of the investigation)	Yes	Yes (enforceable through the courts if confronted with non-compliance)

Professional Association	Alberta Dental Association and College	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
Compelling Witnesses and Producing Documents	Yes	Yes	Yes
Complaints Against Former Members	Two-year limit after cancellation of membership	Two-year limit after cancellation of membership	Two-year limit after cancellation of membership
Investigation by Committee or Individual	Complaints Committee may appoint an employee	Complaints Committee may appoint an employee	Complaints Director may conduct or appoint an investigator
Explicit Right to Enter Premises for Investigative Purposes	Yes (enforceable through the courts if confronted with non-compliance)	Yes (enforceable through the courts if confronted with non-compliance)	Yes (enforceable through the courts if confronted with non-compliance)

Appendix 3A – Relevant Provisions from Legislation of Alberta Self-Regulatory Associations

The tables below reference legislation regarding investigations. The relevant legislation are based on the information in Appendix 3. The text is quoted from legislation and has not been modified to match APEGA's style.

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
Compelling Witnesses and Producing Documents	<p>Act Part 5 Discipline 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.</p> <p>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</p>	<p>Act Compellable witnesses 87(1) The investigated party and any other person who, in the opinion of the discipline tribunal, has knowledge relevant to the allegations of unprofessional conduct referred to it are compellable witnesses in any proceeding under this Act.</p> <p>Notice to attend and produce records 89(1) The attendance of witnesses before a discipline tribunal and the production of records may be enforced by a notice issued by the discipline tribunal secretary requiring a person to attend as a witness at a date, time and place specified in the notice and to produce the records, if any, that the person is required to produce, and the person must comply.</p>	<p>Act Witness 69(1) A member whose conduct is the subject of a hearing before a Hearing Committee is a compellable witness in proceedings before that Committee. (4) For the purpose of obtaining the testimony in proceedings before a Hearing Committee of a witness who is out of Alberta, the Court of Queen's Bench on an ex parte application by the Society may direct the obtaining of the evidence of the witness in the manner provided under the <i>Alberta Rules of Court</i> for the taking of the evidence of a person outside Alberta. (5) The Executive Director, the Society's counsel, the member whose conduct is the subject of a hearing before a Hearing Committee or the member's counsel may issue a notice to a person requiring that</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
	<p>witness is required to produce. (2) On the written request of the investigated person or of the investigated person's counsel or agent, the Registrar shall without charge issue and deliver to that person or that person's counsel or agent any notices that that person or that person's counsel or agent may require for the attendance of witnesses or the production of documents or records.</p> <p>Failure to give evidence 61(1) Proceedings for civil contempt of court may be brought against a witness</p> <p>(a) who fails</p> <p>(i) to attend before the Discipline Committee in compliance with a notice to attend,</p> <p>(ii) to produce any books, papers or other documents or records in compliance with a notice to produce them, or</p> <p>(iii) in any way to comply with either notice, or</p> <p>(b) who refuses to be sworn or to answer any question directed to be answered by the Discipline Committee.</p> <p>(2) If the witness referred to in subsection (1) is the investigated</p>		<p>person to attend as a witness before the Hearing Committee at the time and place stated in the notice and stating the records, if any, that the person is required to produce at that hearing.</p> <p>(6) A witness, other than the member whose conduct is the subject of a hearing before a Hearing Committee, who has been served with a notice to attend or a notice for the production of records under subsection (5) is entitled to be paid the same fees, expenses and allowances as are payable to witnesses in an action in the Court of Queen's Bench.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
	person, the witness's failure or refusal may be held to be unprofessional conduct.		
Complaints Against Former Members	<p>Act Part 5 Discipline Complaints</p> <p>43 (3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.</p>	<p>Act Part 5 Complaints Inquiry Process Division 1 Purpose and Jurisdiction Jurisdiction over former registrants</p> <p>65(1) If the registration of a registrant is cancelled or otherwise terminated, the CPAA continues to have jurisdiction in respect of that person only if</p> <p>(a) a complaint is made within 6 years after the date of the cancellation or termination, and</p> <p>(b) the complaint relates to conduct while the person was a registrant.</p> <p>(2) In the circumstances described in subsection (1), this Part and Part 7 apply to the former registrant in the same way and to the same extent as they would if the cancellation or termination of registration had not occurred.</p> <p>(3) A complaint against a registrant is not affected by the person about whom the complaint is made ceasing to be a registrant before the</p>	

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>proceedings with respect to the complaint are completed. (4) Notwithstanding subsection (1), a complaint about a former registrant who was registered under a former Act but has not been a registrant under this Act may be made under this Part only if discipline proceedings under a former Act could be commenced if that Act were still in force.</p>	
Investigation by Committee or Individual	<p>Act Part 5 Discipline Investigation panel 47 When a complaint is referred to the Investigative Committee under section 43, the Investigative Committee shall appoint an investigation panel from among its members to conduct a preliminary investigation.</p>	<p>Act 2014 Definitions 1 In this Act, (jj) “investigator” means an investigator appointed under Part 5; Division 3 Processing Complaints Duty of the CIC chair 76(1) On receipt of a complaint and results of a review from the CIC secretary, the CIC chair must (b) appoint an investigator to investigate any matter. (2) An investigator appointed under subsection (1)(b) may also be appointed to investigate a complaint made by any other professional organization to which the investigated party belongs. Investigator’s responsibilities</p>	<p>Act Investigation 55(1) An investigation may be conducted by an officer or employee of the Society or by a person engaged by or on behalf of the Society for that purpose. (2) An investigator may direct the member concerned or any other member (a) to answer any inquiries the investigator may have relating to the investigation, (b) to produce to the investigator any records or other property in the member’s possession or under the member’s control that are or may be related in any way to the investigation, (c) to give up possession of any</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>77(1) An investigator to whom a matter is referred for investigation pursuant to section 76 or 80(1)(a) may also investigate any other conduct that comes to the attention of the investigator in the course of the investigation, whether connected with the matter referred for investigation or not.</p> <p>(2) The investigator may, in addition to investigating the conduct of the investigated party, investigate the conduct of any other registrant or former registrant who may be involved in any conduct that comes to the attention of the investigator.</p> <p>(3) The investigator must report to the complaints inquiry committee, in writing, on the results of an investigation.</p>	<p>record referred to in clause (b) for the purpose of allowing the investigator to take it away, make a copy of it and return it within a reasonable time after receiving it, or (d) to attend before the investigator for the purpose of complying with clause (a), (b) or (c).</p>
Right to Enter Premises for Investigative Purposes	<p>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. (2) A witness may be examined on</p>	<p>Act 78(1) For the purpose of conducting an investigation, an investigator (a) may, at any reasonable time, require a registrant or former registrant (i) to attend meetings with the investigator or others, (ii) to answer any questions the investigator may have relating to the investigation and to answer the questions under oath, and</p>	<p>Act Evidence 68(1) In proceedings under this Division, a Hearing Committee, the Practice Review Committee or the Appeal Committee (a) may hear, receive and examine evidence in any manner it considers proper, and (b) is not bound by any rules of law concerning evidence in judicial proceedings.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
	<p>oath on all matters relevant to the investigation or hearing and is not to be excused from answering any question on the ground that the answer might</p> <p>(a) tend to incriminate the witness,</p> <p>(b) subject the witness to punishment under this Part, or</p> <p>(c) tend to establish the witness's liability</p> <p>(i) to a civil proceeding at the instance of the Crown or of any other person, or</p> <p>(ii) to prosecution under any Act or regulations under any Act, but if the answer so given tends to incriminate the witness, subjects the witness to punishment or tends to establish the witness's liability, it shall not be used or received against the witness in any civil proceedings, in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.</p> <p>(3) For the purpose of obtaining the testimony of a witness who is out of</p>	<p>(iii) to give to the investigator any records, information or things that, in the opinion of the investigator, are or may be relevant to the investigation that the registrant or former registrant possesses or that are under the control of the registrant or former registrant, including any records, information or things that a registrant or former registrant obtained or prepared in order to perform any engagement,</p> <p>And</p> <p>(b) may require a registrant or former registrant to give up possession of any records, information or things described in clause (a) to allow the investigator to take them away to copy, examine or perform tests on them, in which case the investigator must return them within a reasonable time of being given them and must return them after a hearing is completed and any right to an appeal is expired, and the registrant or former registrant must comply.</p> <p>(2) For the purposes of conducting an investigation, an investigator</p> <p>(a) may, at any reasonable time, request a person, other than a registrant or former registrant,</p>	<p>(2) Any member of a Committee referred to in subsection (1) may administer an oath to a witness who is to give evidence before that Committee.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
	<p>Alberta, a judge of the Court on an application ex parte by the Association may direct the obtaining of the evidence of the witness in the manner provided under the <i>Alberta Rules of Court</i> for the taking of the evidence of a person outside Alberta. Enforcement of attendance and production of documents</p> <p>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.</p> <p>(2) On the written request of the investigated person or of the investigated person's counsel or agent, the Registrar shall without</p>	<p>(i) to attend meetings with the investigator or others,</p> <p>(ii) to answer any questions the investigator may have relating to the investigation and to answer the questions under oath, and</p> <p>(iii) to give to the investigator any records, information or things that, in the opinion of the investigator, are or may be relevant to the investigation that the person possesses or that are under the control of the person, including any records, information or things that a registrant or former registrant obtained or prepared in order to perform any engagements, And</p> <p>(b) may request a person to give up possession of any records, information or things described in clause (a) to allow the investigator to take them away to copy, examine or perform tests on them, in which case the investigator must return them within a reasonable time of being given them and must return them after a hearing is completed and any right to an appeal is expired.</p> <p>(3) The investigator may copy and keep copies of any records, information or things given under subsection (1) or (2).</p>	

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
	<p>charge issue and deliver to that person or that person's counsel or agent any notices that that person or that person's counsel or agent may require for the attendance of witnesses or the production of documents or records.</p> <p>(3) A witness other than the investigated person who has been served with a notice to attend or a notice for the production of documents or records under subsection (1) or (2) is entitled to be paid the same fees, expenses and allowances as are payable to witnesses in an action in the Court.</p>	<p>(4) All records, information or things received by an investigator under subsection (1)(a)(iii) or (2)(a)(iii) are confidential and may not be used or disclosed except in accordance with this Part or Part 7 without</p> <p>(a) the written consent of all persons whose interests might reasonably be expected to be affected by the disclosure, or</p> <p>(b) a court order authorizing the disclosure.</p> <p>(5) No investigator, CIC member or member of a discipline or appeal tribunal and no officer, employee, board member, agent or representative of the CPAA shall be required in any proceeding, other than a proceeding under this Act, to give testimony or produce any document with respect to records, information or things provided under subsection (1)(a)(iii) or (2)(a)(iii).</p> <p>(6) Disclosure of records, information or things under subsection (1)(a)(iii) or (2)(a)(iii) does not negate or constitute a waiver of any privilege, and the privilege continues for all other purposes.</p> <p>(7) The CPAA, on the request of an investigator or the CIC chair, may apply to the Court of Queen's Bench</p>	

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>for</p> <p>(a) an order directing a registrant or former registrant to comply with all or part of subsection (1),</p> <p>(b) an order directing any other person</p> <p>(i) to attend meetings with the investigator to answer any questions the investigator may have relating to the investigation and to answer those questions under oath, if the investigator requires, and</p> <p>(ii) to give to the investigator any records, information or things that, in the opinion of the investigator, are or may be relevant to the investigation that the person possesses or that are under the control of the person,</p> <p>And</p> <p>(c) an order directing any person to give up possession of any records, information or things described in clause (b) to allow the investigator to take them away to copy, examine or perform tests on them and return them within a reasonable time of being given them.</p> <p>(8) Notice of an application for an order under subsection (7) must be given to all affected parties unless the Court is satisfied that it is proper to dispense with notice in the</p>	

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		circumstances. (9) A person may comply with a request or an order to give records, information or things by giving copies of the records, information or things.	

	Alberta Association of Architects	Alberta Dental Association and College
Compelling Witnesses and Producing Documents	<p>Act Witnesses</p> <p>44(1) The investigated person and any other person who, in the opinion of the review panel or, on appeal, of the Council, has knowledge of the complaint or any conduct being investigated are compellable witnesses in a hearing or appeal under this Part.</p> <p>(2) A witness may be examined on oath on all matters relevant to the investigation and is not to be excused from answering any question on the ground that the answer might</p> <p>(a) tend to incriminate the witness,</p> <p>(b) subject the witness to punishment under this Part, or</p> <p>(c) tend to establish the witness's liability</p> <p>(i) to a civil proceeding at the instance of the Crown or of any other person, or</p> <p>(ii) to prosecution under any Act or regulations under any Act,</p> <p>but if the answer so given tends to incriminate the witness, subjects the witness to punishment or tends to establish the witness's liability, it must not be used or received against the witness in any civil proceeding, in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.</p> <p>(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench on an application ex parte by the</p>	<p>Act Division 4</p> <p>Investigated person at hearing</p> <p>72(1) The investigated person must appear, may be compelled to testify and may be represented by counsel at a hearing before the hearing tribunal.</p> <p>74 The complaints director may request that any person, including the complainant and the investigated person, who in the opinion of the complaints director has knowledge of the subject-matter of the hearing be called as a witness and be given, under section 77, a notice to attend or a notice to attend and a notice to produce any document, substance or thing related to the subject-matter of the hearing.</p>

Comment [DJ1]: This section for some reason is repeating itself onto the next page

	Alberta Association of Architects	Alberta Dental Association and College
	<p>Association may direct the obtaining of evidence from the witness in the manner provided under the <i>Alberta Rules of Court</i> for the taking of the evidence of a person outside Alberta.</p> <p>Attendance of witnesses and production of documents</p> <p>45(1) The attendance of witnesses before the review panel or, on appeal, the Council, and the production of plans, drawings, detail drawings, specifications, books, papers and other documents 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, books, papers and other documents, if any, the witness is required to produce.</p> <p>(2) On the written request of the investigated person or of that person's counsel or agent, the Registrar shall without charge issue and deliver to that person or that person's counsel or agent any notices that that person may require for the attendance of witnesses or the production of documents.</p> <p>(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for the production of documents under subsection (1) or (2) is entitled to be paid the same fees, expenses and allowances as are payable to a witness in an action in the Court of Queen's Bench.</p>	

	Alberta Association of Architects	Alberta Dental Association and College
Complaints Against Former Members	<p>Act Complaints 31(1) A person may complain to the Registrar about the conduct of an authorized entity, and the complaint shall be dealt with in accordance with this Part. (2) A complaint respecting the conduct of an authorized entity whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within one year following the date of cancellation of the registration as if the cancellation had not occurred.</p> <p>Penalties 71(1) Every person and every officer, employee or agent of a corporation or firm who contravenes this Act is guilty of an offence and liable (a) for a first offence, to a fine of not more than \$2000, (b) for a 2nd offence, to a fine of not more than \$4000, and (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment. (2) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.</p>	<p>Act Interpretation 1(1) In this Act, (o) “former member” means a person who (i) has had but no longer has a practice permit under this Act, or (ii) has been but has ceased to be a regulated member pursuant to this Act or a member who was regulated under a former Act;</p> <p>Part 4 Professional Conduct Division 1 Complaint Process Making a complaint 54(1) A person who makes a complaint to a complaints director regarding a regulated member or a former member must do so in writing and must sign the written complaint. (2) A complaint under subsection (1) is not affected by the person about whom the complaint is made ceasing to be a regulated member before the proceedings with respect to the complaint are completed. (3) Despite subsection (1)(b), a complaint cannot be made about a former member if 2 years have elapsed since the person became a former member. (4) Despite subsection (1)(b), a complaint about a former member who was a member under a former Act but has not been a regulated member under this Act may be made under this Part only if discipline proceedings under the former Act could be commenced if that Act were still in force.</p>
Investigation	Act	Act

	Alberta Association of Architects	Alberta Dental Association and College
by Committee or Individual	<p>Initial review by Committee chair 32(3) The chair may, at any time during a review under this section, or on a review of conduct when no complaint has been made, conduct a preliminary investigation or appoint a person to conduct a preliminary investigation to ascertain facts relating to the conduct or alleged conduct of an authorized entity.</p> <p>Power to hear complaints 37 The Committee shall, on referral to it of a complaint or conduct under section 33, investigate and hold a hearing into the complaint or conduct.</p>	<p>Division 4 Investigated person at hearing 72(1) The investigated person must appear, may be compelled to testify and may be represented by counsel at a hearing before the hearing tribunal. 74 The complaints director may request that any person, including the complainant and the investigated person, who in the opinion of the complaints director has knowledge of the subject-matter of the hearing be called as a witness and be given, under section 77, a notice to attend or a notice to attend and a notice to produce any document, substance or thing related to the subject-matter of the hearing.</p>
Right to Enter Premises for Investigative Purposes	<p>Act Witnesses 44(1) The investigated person and any other person who, in the opinion of the review panel or, on appeal, of the Council, has knowledge of the complaint or any conduct being investigated are compellable witnesses in a hearing or appeal under this Part. (2) A witness may be examined on oath on all matters relevant to the investigation and is not to be excused from answering any question on the ground that the answer might (a) tend to incriminate the witness, (b) subject the witness to punishment under this Part, or (c) tend to establish the witness's liability (i) to a civil proceeding at the instance of the Crown or of any other person, or (ii) to prosecution under any Act or regulations under</p>	<p>Inspection powers 53.2(1) Subject to the regulations, an inspector (a) may, at any reasonable time, (i) require any person to answer any questions that are relevant to the inspection and direct the person to answer the questions under oath, and (ii) require any person to give to the inspector any document, substance or thing relevant to the inspection that the person possesses or that is under the control of the person, (b) may require any person to give up possession of any document described in clause (a) to allow the inspector to take it away to copy it, in which case the inspector must return it within a reasonable time of being given it, (c) may require any person to give up possession of</p>

	Alberta Association of Architects	Alberta Dental Association and College
	<p>any Act, but if the answer so given tends to incriminate the witness, subjects the witness to punishment or tends to establish the witness's liability, it must not be used or received against the witness in any civil proceeding, in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.</p> <p>(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench on an application ex parte by the Association may direct the obtaining of evidence from the witness in the manner provided under the <i>Alberta Rules of Court</i> for the taking of the evidence of a person outside Alberta.</p> <p>Attendance of witnesses and production of documents</p> <p>45(1) The attendance of witnesses before the review panel or, on appeal, the Council, and the production of plans, drawings, detail drawings, specifications, books, papers and other documents 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, books, papers and other documents, if any, the witness is required to produce.</p> <p>(2) On the written request of the investigated person or of that person's counsel or agent, the Registrar shall without charge issue and deliver to that person or that person's counsel or agent any notices that that person may require for the attendance of witnesses or the production of documents.</p>	<p>any substance and thing described in clause (a) to allow the inspector to take it away to examine it and perform tests on it, in which case the inspector must return it, if appropriate and possible, within a reasonable time of being given it, and</p> <p>(d) subject to subsection (6), may at any reasonable time enter and inspect any place</p> <p>(i) where a regulated member provides professional services,</p> <p>(ii) related to the provision of professional services, or</p> <p>(iii) where documents associated with the provision of professional services are maintained.</p>

	Alberta Association of Architects	Alberta Dental Association and College
	<p>(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for the production of documents under subsection (1) or (2) is entitled to be paid the same fees, expenses and allowances as are payable to a witness in an action in the Court of Queen's Bench.</p> <p>Failure to attend or give evidence 46(1) Proceedings for civil contempt of court may be brought against a witness (a) who fails (i) to attend before a review panel or, on appeal, the Council in compliance with a notice to attend, (ii) to produce any books, papers or other documents 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 chair of the review panel or, on appeal, the Council. (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 as determined by the review panel or, on appeal, the Council.</p> <p>Practice Review Regulation 4(1) On being directed to do so by resolution of the Board, a reviewer shall conduct a practice review in accordance with this Regulation and any direction of the Board. (2) The reviewer shall conduct a practice review in such a manner as is necessary for him to prepare a report in accordance with this Regulation.</p>	

	Alberta Association of Architects	Alberta Dental Association and College
	<p>5(1) In the course of a practice review a reviewer may</p> <p>(a) request the co-operation and assistance of any authorized entity or licensed interior designer, whether or not the authorized entity or licensed interior designer is the subject of the practice review;</p> <p>(b) request the production of, and review any plan, drawing, detail drawing, specification, books, papers and other documents in the possession, custody or control of the authorized entity or licensed interior designer and take such copies of them that are necessary.</p> <p>(2) In the event of a refusal to co-operate, the reviewer shall report the matter to the Board and seek further direction.</p> <p>(3) The Board, on receipt of a report under subsection (2) shall give notice to the authorized entity or licensed interior designer concerned in accordance with section 42 of the Act and at the hearing</p> <p>(a) direct a notice or notices be issued under section 45 of the Act in order that the reviewer may complete his practice review, or</p> <p>(b) order the practice review by the reviewer to be terminated and conduct an inquiry, practice review or hearing itself into the practice of the authorized entity or licensed interior designer concerned in accordance with the Act.</p>	

	College of Physicians and Surgeons of Alberta (Health Professions Act)	Alberta Veterinary Medical Association
Compelling Witnesses and Producing Documents	<p>Act Division 4 Investigated person at hearing</p> <p>72(1) The investigated person must appear, may be compelled to testify and may be represented by counsel at a hearing before the hearing tribunal.</p> <p>74 The complaints director may request that any person, including the complainant and the investigated person, who in the opinion of the complaints director has knowledge of the subject-matter of the hearing be called as a witness and be given, under section 77, a notice to attend or a notice to attend and a notice to produce any document, substance or thing related to the subject-matter of the hearing.</p>	<p>Act Attendance of witnesses and production of documents</p> <p>45(1) The attendance of witnesses before the review panel or, on appeal, the Council, and the production of plans, drawings, detail drawings, specifications, books, papers and other documents 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, books, papers and other documents, if any, the witness is required to produce.</p> <p>(2) On the written request of the investigated person or of that person's counsel or agent, the Registrar shall without charge issue and deliver to that person or that person's counsel or agent any notices that that person may require for the attendance of witnesses or the production of documents.</p> <p>(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for the production of documents under subsection (1) or (2) is entitled to be paid the same fees, expenses and allowances as are payable to a witness in an action in the Court of Queen's Bench.</p>
Complaints Against Former Members	<p>Act Interpretation</p> <p>1(1) In this Act, (o) "former member" means a person who (i) has had but no longer has a practice permit under this Act, or</p>	<p>Act Division 1 Complaint Process Complaints</p> <p>27(1) A person may complain to the Complaints Director in writing about the conduct of a registered veterinarian,</p>

	<p>(ii) has been but has ceased to be a regulated member pursuant to this Act or a member who was regulated under a former Act.</p> <p>Part 4 Professional Conduct Division 1 Complaint Process Making a complaint</p> <p>54(1) A person who makes a complaint to a complaints director regarding a regulated member or a former member must do so in writing and must sign the written complaint.</p> <p>(2) A complaint under subsection (1) is not affected by the person about whom the complaint is made ceasing to be a regulated member before the proceedings with respect to the complaint are completed.</p> <p>(3) Despite subsection (1)(b), a complaint cannot be made about a former member if 2 years have elapsed since the person became a former member.</p> <p>(4) Despite subsection (1)(b), a complaint about a former member who was a member under a former Act but has not been a regulated member under this Act may be made under this Part only if discipline proceedings under the former Act could be commenced if that Act were still in force.</p>	<p>permit holder or student, and the complaint shall be dealt with in accordance with this Part and the regulations.</p> <p>(2) A complaint respecting the conduct of a registered veterinarian, permit holder or student whose registration was cancelled pursuant to this Act may be dealt with, notwithstanding the cancellation, within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.</p> <p>(2.1) If anything referred to in section 27.1 is treated by the Complaints Director as a complaint, it is deemed to be a complaint made under subsection (1) and to have been received on the date the Complaints Director first treats it as a complaint.</p>
Investigation by Committee or Individual	<p>Act Acting on a complaint</p> <p>51(2) The competence committee must make a referral to the complaints director if, on the basis of information obtained from a practice visit, it is of the opinion that</p> <p>(a) the regulated member displays a lack of competence in the provision of professional services that has not been remedied by participating in the continuing competence program,</p> <p>(b) the regulated member may be incapacitated, or</p> <p>(c) the conduct of the regulated member constitutes</p>	<p>Act Acting on a complaint</p> <p>28(2) The Complaints Director</p> <p>(d) may request an expert to assess and provide a written report on the subject-matter of the complaint,</p> <p>(e) may conduct, or appoint an investigator to conduct, an investigation.</p>

	<p>unprofessional conduct that cannot be readily remedied by means of the continuing competence program.</p> <p>55(2) The complaints director (d) may conduct, or appoint an investigator to conduct, an investigation.</p>	
<p>Right to Enter Premises for Investigative Purposes</p>	<p>Health Professions Act</p> <p>Inspection powers</p> <p>53.2(1) Subject to the regulations, an inspector</p> <p>(a) may, at any reasonable time,</p> <p>(i) require any person to answer any questions that are relevant to the inspection and direct the person to answer the questions under oath, and</p> <p>(ii) require any person to give to the inspector any document, substance or thing relevant to the inspection that the person possesses or that is under the control of the person,</p> <p>(b) may require any person to give up possession of any document described in clause (a) to allow the inspector to take it away to copy it, in which case the inspector must return it within a reasonable time of being given it,</p> <p>(c) may require any person to give up possession of any substance and thing described in clause (a) to allow the inspector to take it away to examine it and perform tests on it, in which case the inspector must return it, if appropriate and possible, within a reasonable time of being given it, and</p> <p>(d) subject to subsection (6), may at any reasonable time enter and inspect any place</p>	<p>Act</p> <p>Investigation powers</p> <p>32(1) An investigator</p> <p>(a) may, at any reasonable time,</p> <p>(i) require any person to answer any relevant questions and direct the person to answer the questions under oath, and</p> <p>(ii) require any person to give to the investigator any document, substance or thing relevant to the investigation that the person possesses or that is under the control of the person,</p> <p>(b) may require any person to give up possession of any document described in clause (a) to allow the investigator to take it away to copy it, in which case the investigator must return it within a reasonable time of being given it but must return it no later than after a hearing is completed,</p> <p>(c) may require any person to give up possession of any substance or thing described in clause (a) to allow the investigator to take it away to examine it and perform tests on it, in which case the investigator must return it, if possible, within a reasonable time of being given it but must return it, if possible, no later than after a hearing is completed, and</p> <p>(d) subject to subsection (7), may at any reasonable time enter and inspect any building where a registered veterinarian practises veterinary medicine, but if the building contains a private dwelling place may not enter</p>

	<p>(i) where a regulated member provides professional services,</p> <p>(ii) related to the provision of professional services, or</p> <p>(iii) where documents associated with the provision of professional services are maintained.</p> <p>(6) No inspector may enter</p> <p>(a) a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except</p> <p>(i) with the consent of the occupant of the dwelling place, or</p> <p>(ii) pursuant to an order of the Court of Queen's Bench;</p> <p>(b) a publicly funded facility as defined in section 51(1), except</p> <p>(i) with the consent and agreement of the person who controls or operates the publicly funded facility to the carrying out of one or more of the powers and duties under subsection (1), or</p> <p>(ii) pursuant to an order of the Court of Queen's Bench.</p>	<p>any part of the building designed to be used as and being used as a permanent or temporary private dwelling place.</p> <p>(2) The investigator may copy and keep copies of anything given under subsection (1).</p> <p>(3) The Complaints Director, on the request of an investigator or without a request if the Complaints Director is the investigator, may apply to the Court of Queen's Bench for</p> <p>(a) an order directing any person</p> <p>(i) to produce to the investigator any documents, substances or things relevant to the investigation in the person's possession or under the person's control,</p> <p>(ii) to give up possession of any document described in subclause (i) to allow the investigator to take it away to copy it, in which case the investigator must return it within a reasonable time after receiving it but return it no later than after a hearing is completed, or</p> <p>(iii) to give up possession of any substance or thing described in subclause (i) to allow the investigator to take it away to examine it and perform tests on it, in which case the investigator must return it, if possible, within a reasonable time of being given it but return it, if possible, no later than after a hearing is completed;</p> <p>(b) an order directing any person to attend before the investigator to answer any relevant questions the investigator may have relating to the investigation.</p> <p>(4) An application for an order under subsection (3) may be made without notice if the Court is satisfied that it is proper to make the order in the circumstances.</p> <p>(5) A person may comply with a request to give documents under subsection (1)(a)(ii) or an order to produce documents under subsection (3)(a)(i) by giving copies of the documents to the investigator.</p> <p>(6) If a person gives copies under subsection (5), the person must on the request of the investigator allow the</p>
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		<p>investigator to compare the copies with the original documents at the person's place of business during regular business hours.</p> <p>(7) An investigator who makes a comparison under subsection (6) may take away the original documents to perform tests on them and must return them within a reasonable time of taking them but must return them no later than after a hearing is completed.</p>
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Appendix 4 – Summary and Analysis for Other Professional Associations – Right to Enter Premises

The tables below reference legislation regarding investigations. The relevant legislation are based on the information in Appendix 4A. The text is quoted from legislation and has not been modified to match APEGA's style

Professional Association	Association of Science and Engineering Technology Professionals of Alberta	Chartered Professional Accountants of Manitoba	Chartered Professional Accountants of Ontario	Chartered Professional Accountants of Prince Edward Island
Explicit Right to Enter Premises for Investigative Purposes	Yes (Practice Review Board may, at any reasonable time and with notice, conduct practice visit by entering and inspecting any place where the regulated member works. The Board can also inspect a member's home with permission of the occupant.)	Yes (investigator may, at any reasonable time and when reasonably required for the purposes of an investigation, enter and inspect any premises or place where the investigated party provides or has provided professional services)	Yes (investigator may, at any reasonable time, enter and inspect the business premises of the individual or firm under investigation (except for any part of the premises used as a dwelling) without the consent of the owner or occupier and without a warrant)	Yes (Practice Inspection Committee or an inspector must give notice of the intention to conduct a practice inspection on a licensee at least 10 days prior to the practice inspection. The Practice Inspection Committee or an inspector may, on reasonable notice and during business hours, enter any premises or part of any premises used by the licensee for the purpose of practicing public accounting.)

Appendix 4A – Relevant Provisions from Legislation for Other Professional Associations - Right to Enter Premises

The tables below reference legislation regarding the right to enter premises. A summary of this information is found in Appendix 4. The text is quoted from legislation and has not been modified to match APEGA’s style.

Professional Association	Association of Science and Engineering Technology Professionals of Alberta	Chartered Professional Accountants of Manitoba	Chartered Professional Accountants of Ontario
Right to Enter Premises for Investigative Purposes	<p>ASET Regulations 24(5) For the purposes of conducting an investigation under this section, any or all of the members of the ASET Practice Review Board may, in order to ensure that continuing competence requirements are met, do one or more of the following:</p> <p>(a) subject to subsection (6), at any reasonable time and on having given notice, conduct a practice visit by entering and inspecting any place where the regulated member works in the profession of applied science, information technology or engineering technology;</p> <p>(b) interview a regulated member about the member’s work in the profession of applied science, information technology or engineering technology;</p> <p>(c) observe the regulated member working in the profession of applied science, information technology or engineering technology;</p> <p>(d) interview or survey clients, co-workers, the regulated member’s</p>	<p>Chartered Professional Accountants Act Investigator's Powers Powers of an investigator 54(1) An investigator may, at any reasonable time and where reasonably required for the purposes of an investigation under this Part,</p> <p>(a) enter and inspect any premises or place where the investigated party provides or has provided professional services;</p> <p>(b) inspect, observe or audit the investigated party's practice;</p> <p>(c) examine any equipment, materials or other thing used by the investigated party;</p> <p>(d) require the investigated party to respond to the complaint in writing;</p> <p>(e) require any person, including the investigated party, to answer any questions, or provide any information, that the investigator considers relevant to the investigation; and</p> <p>(f) require any person, including the investigated party, to give the investigator any document, record or</p>	<p>Chartered Accountants Act, 2010 49. (1) In conducting an investigation under this Act, an investigator may,</p> <p>(a) at any reasonable time, enter and inspect the business premises of the individual or firm under investigation, other than any part of the premises used as a dwelling, without the consent of the owner or occupier and without a warrant;</p> <p>(b) question and require the individual or anyone who works with the individual, or anyone who works in the firm, as the case may be, to provide information that the investigator believes is relevant to the investigation;</p> <p>(c) require the production of and examine any document or thing that the investigator believes is relevant to the investigation, including a client file;</p> <p>(d) on giving a receipt for it, remove any document or thing that the investigator believes is relevant to the investigation for the purposes of making copies or extracts of any document or information, but the</p>

Professional Association	Association of Science and Engineering Technology Professionals of Alberta	Chartered Professional Accountants of Manitoba	Chartered Professional Accountants of Ontario
	<p>employer or the regulated member about the regulated member's work in the profession of applied science, information technology or engineering technology;</p> <p>(e) review documents and examine substances and things that</p> <p>(i) are owned by or under the control of the regulated member, and</p> <p>(ii) are related to the work in the profession of applied science, information technology or engineering technology by the regulated member;</p> <p>(f) assess the safety and condition of equipment and technology used by the regulated member.</p> <p>(6) No member of the ASET Practice Review Board may enter a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except with the consent of the occupant of the dwelling place.</p>	<p>other thing that the investigator considers relevant to the investigation and in the person's possession or under the person's control.</p> <p>An investigator may exercise the powers referred to in clauses (a) to (c) only on the direction of the complaints investigation committee or, if it is necessary to protect the public from exposure to serious risk, on the direction of the chair of that committee.</p>	<p>making of the copies or extracts shall be carried out with reasonable dispatch, taking into account the scope and complexity of the work involved in making the copies or extracts, and the document or thing shall afterwards be returned promptly to the person from whom it was taken; and</p> <p>(e) use any data storage, processing or retrieval device or system used in carrying on business on the premises in order to produce a document in readable form. 2010, c. 6, Sched. C, s. 49 (1).</p>

Professional Association	Chartered Professional Accountants of Prince Edward Island
Right to Enter Premises for Investigative Purposes	<p>Chartered Professional Accountants and Public Accounting Act</p> <p>Practice Inspection</p> <p>43. (1) Subject to subsection (2), the practice inspection committee may, at any time, conduct, or direct an inspector to conduct, a practice inspection of the practice of a licensee.</p> <p>(2) The practice inspection committee or an inspector, as the case may be, shall serve notice of an intention to conduct a practice inspection on the licensee at least ten days prior to commencing the practice inspection.</p> <p>(3) For the purposes of a practice inspection, the practice inspection committee or an inspector may do any of the following:</p> <p>(a) on reasonable notice, during business hours, enter any premises or part of any premises used or intended to be used by the licensee for the purpose of practising public accounting or providing or offering to provide the services of a public accountant;</p> <p>(b) examine, extract information from and make copies of all records, documents and other relevant information required to carry out the practice inspection;</p> <p>(c) request records, documents or other relevant information from, or interview,</p> <p>(i) the individual licensee whose practice is being inspected,</p> <p>(ii) the sole proprietor, partners, officers or directors of an accounting firm or professional accounting corporation whose practice is being inspected or that employs the individual licensee whose practice is being inspected, or</p> <p>(iii) any person employed by a person referred to in subclause (i) or (ii).</p> <p>(4) The persons referred to in subclauses (3)(c)(i) to (iii) shall, for the purposes of a practice inspection,</p> <p>(a) on reasonable notice and during business hours, permit entry of the</p>

Professional Association	Chartered Professional Accountants of Prince Edward Island
	<p>practice inspection committee or inspector;</p> <p>(b) cooperate with the practice inspection committee or inspector; and</p> <p>(c) provide all records, documents or information available to him or her as requested by the practice inspection committee or inspector in connection with the practice inspection.</p> <p>(5) Where a person fails to comply with subsection (4), without reasonable cause, the practice inspection committee or inspector shall report the failure to comply to the Registrar and the failure may be considered professional misconduct. 2014,c.2,s.43.</p>