

APPENDIX 1

LICENSEE



Appendix 1 – Existing legislation from *The Engineering and Geoscience Professions Act, Regulations and Bylaws*

Definitions

1(k) “licensee” means an individual who holds a license under this Act but does not include a professional licensee;

Council members

14(1) Subject to subsection (2), the Council shall include the president, 2 vice-presidents, the immediate past-president and at least 12 other professional members, the number of which shall be prescribed by the bylaws, each of whom shall be elected by the professional members at the time, in the manner and for the period provided for in the bylaws

(2) The Council shall consist of

(a) at least 16 professional members among whom there shall be not less than

(i) 2 professional engineers, and

(ii) 2 professional geoscientists, and

19(4) A regulation must be approved in principle by a majority of the professional members

(a) present and voting at a special meeting called for that purpose,

(b) voting by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or

(c) at the annual general meeting following the Council’s adoption of the regulation.

20(3) A bylaw under subsection (1) does not come into force unless it is approved by a majority of the professional members

(a) present and voting at a general meeting, or

(b) voting by a mail vote or vote conducted by electronic, telecommunication or other appropriate means conducted in accordance with the bylaws.

General Regulations

Division 6 Licensees

Registration as licensee

13(1) A person who meets the following requirements and applies to the Registrar for registration is entitled to be registered as a professional member:

(a) the applicant is a Canadian citizen or is lawfully admitted to Canada for permanent residence

14(1) A person who meets all of the requirements of section 13 for registration as a professional member, except the requirement set out in section 13(1)(a), is entitled to be registered as a licensee.

(2) Notwithstanding subsection (1), an applicant is entitled to be registered as a licensee if

(a) the applicant is of good character and reputation, and

(b) the applicant is registered and in good standing with a professional regulatory organization under an Act of another province or territory of Canada to perform an occupation that, in the opinion of the Board of Examiners, is substantially equivalent, in terms of scope of practice and competencies, to that of a licensee.

Part 4 Council

President and Vice-presidents - election and powers

25(1) The President of the Association must be elected annually by the professional members of the Association, and holds office until a successor is elected.

(3) The President may vote at meetings of the Council or the Association only in the event of a tied vote.

(4) The 2 Vice-presidents must be elected annually by the professional members of the Association and must be designated as First Vice-president and Second Vice-president on the basis of the number of votes cast for each of them.

(4.1) The First Vice-president is deemed to be the President Elect and must be the sole nominee for the office of President in the succeeding year.

Election of Council

26(1) The professional members of the Council, other than those mentioned in section 25, must be elected annually by the professional members of the Association.

Vacancy

27(1) Where there is a vacancy in the Council, the remaining members of the Council shall appoint a professional member to fill the vacancy until the next regular election.

(2) Where a vacancy is filled at a regular election, the person elected holds office for the unexpired portion of the term of office of the person being replaced.

Bylaws

Conduct of elections

6(3) Each professional member is entitled to one vote for one candidate for vice-president, and to vote for as many candidates as there are vacancies to be filled for Council, or for a lesser number.

37(3) A vote by mail shall be declared valid if at least 10 percent of the professional members respond and the matter shall be declared carried or defeated on the basis of a simple majority of the votes returned.

38(1) Proposed amendments to by-laws shall be submitted to a properly convened meeting of the Association and shall not be effective unless approved by a majority of the professional members present and voting at the meeting, or shall be submitted to the professional members for a mail vote in accordance with section 37.

Professional Licensees

Application of Act

86.2(1) Sections 14, 15, 16, 17, 19(4), 20(3), 24, 27, 28, 29, 31, 39, 78, 79, 80(2), 81 and 82(2) apply to a professional licensee as if the professional licensee were a professional member

Application of regulations

78 Sections 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 47, 48, 48.1, 49, 50, 51, 53, 54, 59, 60 and the Schedule apply in respect of professional licensees as if they were professional members

Amendments to Bylaws

40 Sections 2, 5, 6, 7, 12(3), 16(3), 18, 19, 20, 37 and 38 of these Bylaws apply to professional licensees (engineering), and professional licensees (geoscience) as if they were professional members.