

## **Increase to Discipline-Related Fines** *Improved Public Interest*

It is in the public interest that APEGA Members and Permit Holders not engage in unskilled practice or unprofessional conduct. Discipline-related fines should appropriately punish and significantly deter unskilled practice or unprofessional conduct by APEGA Members and Permit Holders. The current maximum fines are too low and should be increased significantly.

### Background

- Currently, under the *Engineering and Geosciences Professions Act*, the Discipline Committee may order that an offender pay all or part of the costs of a hearing, a fine not exceeding \$10,000, or both costs and a fine.

### Why this is important

- A fine punishes an offender and should be proportional to the risk the offending action posed to the public. It should also deter the offender from reoffending and deter other Members and Permit Holders from offending.
- The current maximum fine is too low and no longer acts as a sufficient punishment or deterrent. To better protect the public, APEGA must have the ability to impose much larger fines on offending Members and Permit Holders.
- The fine structure and amounts are unchanged since the early 1980s. At the time, the fines represented a significant penalty, but that is no longer the case because of inflation. Furthermore, there is an increased expectation from the public that companies and individuals be punished appropriately for conduct that has put public safety or interest at risk.

### Proposed legislative change

- Increase discipline-related fines for Members to a maximum of \$100,000.
- Increase discipline-related fines for Permit Holders to a maximum of \$500,000.

Effect of the  
proposed  
change

- It will better protect the public because it will authorize APEGA to impose fines proportional to the risk the offending action posed to the public. The fine should vary depending on the severity of the offence, which is not the case with the current maximum.
- The amount of the fines will be based on criteria established in policy.
- In severe cases, the maximum fine will represent a penalty that will impose a significant, financial hardship on the Member or Permit Holder, which will punish the offender appropriately.
- It will better protect the public because the increased fines will deter Members and Permit Holders from engaging in unskilled or unprofessional conduct and will deter offenders from reoffending.
- It will send a message to the public and the government that APEGA takes its responsibility to regulate its Members and Permit Holders seriously.
- It aligns the legislation with other modern, self-regulatory associations in Alberta and Canada.