

APPENDICES

AUTHORITY OF THE REGISTRAR

Fall 2015 Consultations

The Engineering and Geoscience Professions Act



The Association of Professional
Engineers and Geoscientists of Alberta

Appendix 1A – Existing Legislation Initiating an Investigation

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

Engineering and Geoscience Professions Act, RSA 2000, c E-11

Part 2 Association 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(1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.

(2) A complaint must be in writing.

(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.

(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.

(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.

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.

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.

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.

Further investigation

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

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

Part 2 Continuing Professional Development Program

Proof of compliance

20(1) On the request of the Practice Review Board, a professional member or licensee must satisfy the Board that that person is complying with the requirements of the Continuing Professional Development Program.

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

(a) conduct a review of the practice of that person in accordance with the Act and this Regulation, and

(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(1) If the Practice Review Board undertakes a review of the practice of a professional member, licensee, permit holder or certificate holder, it shall proceed with the review in accordance with this section.

(2) The Board shall appoint a person to conduct an initial review and report to the Board with respect to the substance of the conclusions on which the Board based its decision to commence an investigation.

(3) If, on receipt of the report, the Board decides that further investigation is not warranted, the Board shall discontinue the review and report its decision to the Council, along with any recommendations the Board considers appropriate.

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

(a) issue notice of investigation to the professional member, licensee, permit holder or certificate holder if it is of the opinion that the matter to be investigated relates to matters other than to unskilled practice of the profession or unprofessional conduct, and proceed with its investigation in the same manner as provided for in a discipline investigation, or

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

Engineering and Geoscience Professions General Regulation, Alta Reg 150/1999

Part 6 Discipline

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.

Engineering and Geoscience Professions Act, RSA 2000, c E-11

Part 4 Registration

Approval by the Board of Examiners

31(1) The Board of Examiners shall approve the registration as a professional member of a person who proves to the satisfaction of the Board that

- (a) the person is of good character and reputation,
- (b) the person is a Canadian citizen or lawfully admitted to Canada for permanent residence, and
- (c) the person meets the requirements of the regulations.

(2) If an applicant for registration as a licensee is not a Canadian citizen or lawfully admitted to Canada for permanent residence but otherwise complies, to the satisfaction of the Board of Examiners, with subsection (1), the Board shall approve the registration.

Engineering and Geoscience Professions General Regulation, Alta Reg 150/1999

Part 1 Membership in the Association

Division 2 Students

Eligibility

6 A person who meets the following requirements and applies to the Registrar for registration is entitled to be enrolled as a student:

- (a) the applicant is of good character and reputation;...

Division 3 Examination Candidates

Eligibility

8 A person who meets the following requirements and applies to the Registrar for registration is entitled to be admitted as an examination candidate:

- (a) the applicant is of good character and reputation;...

Division 4 Members-in-training

Eligibility

10(1) A person who meets the following requirements and applies to the Registrar for registration is entitled to be enrolled as an engineer-in-training or geoscientist-in-training:

- (a) the applicant is of good character and reputation;...

(2) Notwithstanding subsection (1), an applicant is entitled to be enrolled as an engineer-in-training or geoscientist-in-training 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 member-in-training.

Division 5 Professional Members

Eligibility

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;
- (b) the applicant is of good character and reputation; ...

(2) Notwithstanding subsection (1), an applicant is entitled to be registered as a professional member 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 professional member.

Division 6 Licensees

Registration as licensee

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.

Registration as a provisional licensee

14.1(1) The Board of Examiners may approve the registration of a person as a provisional licensee if

- (a) the person is legally entitled to work in Canada, whether or not the person meets the requirements of section 13(1)(a),
- (b) the person meets all of the other requirements of section 13 for registration as a professional member, except the requirement set out in section 13(1)(e),
- (c) the person has academic qualifications and experience in work of an engineering or geoscientific nature that is acceptable to the Board of Examiners, and
- (d) the Board of Examiners considers that it is appropriate to register the person as a provisional licensee.

(1.1) Notwithstanding subsection (1), an applicant is entitled to be registered as a provisional 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 provisional licensee.

Part 10 Professional Licensees

Eligibility

77(1) A person who meets the following requirements and applies to the Registrar for registration is entitled to be registered as a professional licensee:

(a) the applicant is of good character and reputation; ...

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

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

(b) the applicant is registered as a professional licensee or in an equivalent capacity in good standing with a regulated entity in another province that, in the opinion of the Board of Examiners, is equivalent to the Association.

Appendix 1B – Existing Legislation Suspending or Imposing Interim Conditions on Registration on an Expedited Basis in Emergent Circumstances

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

Engineering and Geoscience Professions Act

Part 5 Discipline

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.

Powers of the Discipline Committee

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

(a) reprimand the investigated person;

(b) suspend the registration of the investigated person for a specified period;

(c) suspend the registration of the investigated person either generally or from any field of practice until

(i) the investigated person has completed a specified course of studies or obtained supervised practical experience, or

(ii) the Discipline Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice;

(d) accept in place of a suspension the investigated person's undertaking to limit the investigated person's practice;

(e) impose conditions on the investigated person's entitlement to engage in the practice of the profession generally or in any field of the practice, including the conditions that the investigated person

(i) practise under supervision,

(ii) not engage in sole practice,

(iii) permit periodic inspections by a person authorized by the Discipline Committee, or

(iv) report to the Discipline Committee on specific matters;

(f) direct the investigated person to pass a particular course of study or satisfy the Discipline Committee as to the investigated person's practical competence generally or in a field of practice;

(g) direct the investigated person to satisfy the Discipline Committee that a disability or addiction can be or has been overcome, and suspend the person until the Discipline Committee is so satisfied;

- (h) require the investigated person to take counselling or to obtain any assistance that in the opinion of the Discipline Committee is appropriate;
- (i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Discipline Committee, were not rendered or were improperly rendered;
- (j) cancel the registration of the investigated person;
- (k) any other order that it considers appropriate in the circumstances.

Order to pay costs or a fine

64(2) If the investigated person ordered to pay a fine, costs, or both, under subsection (1) fails to pay the fine, costs, or both, within the time ordered, the Discipline Committee may suspend the registration of that person until the person has paid the fine, costs or both.

Suspension or cancellation pending appeal

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

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

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

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

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

Appendix 1C – Existing Legislation Alternative Dispute-Resolution Mechanisms to Settle Complaints

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

Engineering and Geoscience Professions Act **Complaints**

43(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.

(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.

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

This table summarizes the research on the Registrar’s authority for initiating investigations, suspensions, and alternative dispute-resolution mechanisms. Appendix 2A contains the relevant legislative provisions that form the basis of this summary.

| Professional Association | The Association of Professional Engineers and Geoscientists of British Columbia | The Association of Professional Engineers and Geoscientists of Alberta | The Association of Professional Engineers and Geoscientists of Saskatchewan | The Association of Professional Engineers and Geoscientists of Manitoba | Professional Engineers Ontario |
|--|---|--|---|--|---|
| Authority to Initiate an Investigation or Complaint | Investigation Committee on recommendation of member designated by Registrar to review the complaint, or practice review, or Conduct Review Committee, or whenever it is considered appropriate (Registrar can close file rather than designate member to review or refer to committee) Does not state who can file a complaint. | A person may complain. Practice Review Board can make recommendation to Investigative Committee as if it were a complaint. Registrar refers complaints to Investigative Committee. | A person can file a complaint (not specifically stated but implied). Investigation Committee reviews and investigates complaint at request by the council or when in receipt of a written complaint. | Any person can make a complaint. Registrar forwards complaints to Investigation Committee (IC). IC may initiate an investigation and may file complaint with the registrar following the investigation. Registrar can refer matter to IC when conduct may constitute unskilled practice or professional misconduct. | Complaints Committee considers and investigates complaints made by members of the public or members of the Association. Registrar can initiate investigation and appoint investigator in prescribed circumstances. Registrar reports results of investigation to council or other committee as Registrar considers appropriate. |
| Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry | Discipline Committee (if it considers that a delay in holding an inquiry would be prejudicial to the public interest). | Investigative Committee | Court, on application of the council, pending disposition of a criminal charge when member has applied for a stay of any disciplinary proceedings | Investigation Committee (when there is a question of serious risk to the public, pending outcome of proceedings). | Complaints Committee can take action it considers appropriate in the circumstances, not inconsistent with Act, regulations or bylaws. |
| Alternative Dispute Resolution | Yes, if parties agree to it. | Registrar can designate mediator if parties | Pre-hearing conference with mediator | Yes, prescribed by council; parties must | No* |

| 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 |
|--------------------------|--|--|---|---|--|
| | | agree. | | concur in writing. | |
| Notes | Proposed amendments to legislation include interim suspension or conditions by Investigative Committee and early Alternate Dispute Resolution. | | | | *Mediation regarding fee disputes only, but Complaints Committee can take action it considers appropriate. |

| 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 |
|---|---|---|-------------------------------|--|---|
| Authority to Initiate an Investigation or Complaint | <p>Any person or entity, including the Association, may submit a complaint in writing to the Registrar, who refers it to the chair of the Complaints Committee.</p> <p>Complaints Committee may consider and investigate conduct, and may appoint person to investigate practice.</p> | <p>Does not state who can lodge a complaint.</p> <p>Disciplinary council is responsible for every complaint made against a professional for an offence against the <i>Professional Code</i>, the Act constituting the order of which he is a member (which includes the <i>Engineers Act</i> and the <i>Geologists Acts</i>) or the regulations made under the <i>Professional Code</i> or those Acts.</p> <p>(There is a separate commissioner for complaints concerning professional competence).</p> <p>A syndic must, at the request of the board of directors, lodge any complaint against a professional that appears to be justified. The syndic may also, on his or her initiative, act in this regard.</p> | | <p>Does not state who can complain.</p> <p>Complaints must be referred to the Professional Conduct Committee.</p> <p>Committee considers and investigates complaints.</p> <p>Council may refer to Discipline Committee when complainant applies for a review. Council may, by resolution, direct Committee to hold</p> | <p>Any person may initiate a complaint. ; Complaint is filed with Secretary or referred to Complaints Committee.</p> <p>Secretary may prepare a report for submission to Complaints Committee in absence of a complaint.</p> <p>Complaints Committee investigates complaints.</p> |

| 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 |
|--|---|---|--|--|---|
| | | | | hearing. | |
| Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry | Registrar may suspend registration on grounds set out in the regulations when the conduct of the member or certificate holder exposes, or is likely to expose, the public to harm or injury. Council may revoke in prescribed circumstances. | Board of directors, after giving the person an opportunity to submit observations, in prescribed circumstances | | No one (Discipline Committee may do so but after hearing.)* | Chair of Discipline Committee, upon advice of Complaints Committee, in urgent and compelling circumstances in the interest of the public.* |
| Alternative Dispute Resolution | Complaint settlement if ordered by panel | Syndic can propose conciliation if syndic considers that a settlement could be reached on the facts alleged in support of the request for an inquiry; parties must consent. | | Professional Conduct Committee can take action it considers appropriate to resolve complaint. | Complaints Committee may attempt to resolve the complaint. Joint recommendation can be tendered. |
| Notes | Discipline Committee may request Complaints Committee to appoint investigator on a matter relevant to hearing. | | Regulations under the <i>Geologists Act</i> include a conciliation and arbitration procedure for geologists. | *Professional Conduct Committee can take prescribed steps without a hearing but does not include suspension. | *Complaints Committee imposes conditions, when registrant fails to comply with requirement to submit to examination or inspection/audit, or to produce records. |

| 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 |
|---|--|---|---|--|---|
| Authority to Initiate an Investigation or | Any person may file a complaint with the | Any person may file a complaint, which is | Registrar may, on own motion, make an | Any person may complain to the registrar | A person may file a complaint.* |

| 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 |
|--|---|--|---|--|---|
| Complaint | Registrar, who refers it to Complaints Committee for investigation. *Registrar may prepare a report to Complaints Committee, and it is treated as a complaint. | forwarded to Act Enforcement Committee. *Council may request an investigation by the Act Enforcement Committee, and it is treated as a complaint. | allegation and file it when the registrar is informed of conviction or suspension Complaints authorization committee can refer complaint to registrar to investigate. | about conduct of a member or Engineer-in-Training; Discipline Committee, or person appointed by it, immediately conducts preliminary investigation and reports findings to Discipline Committee. | Executive Director transmits complaint to Discipline Committee.** Executive Director must file written complaint if he or she has evidence of unprofessional conduct. |
| Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry | No one (Discipline Committee may do so but after hearing.) | Council can suspend or revoke certificate of authorization in prescribed circumstances. | Complaints Authorization Committee* (Registration Committee regarding Member-in-Training failure to comply with legislation) | Discipline Committee, until a preliminary investigation or a decision of the Discipline Committee* | No one (Board of Inquiry appointed by Council but only after a hearing) |
| Alternative Dispute Resolution | Act allows Council to appoint mediator who has powers and duties, per bylaws, but the bylaws have no information on this). Arbitration: Executive Committee of Council, or designate, can act as arbiter or negotiator at request of member for matters on professional welfare. | Act Enforcement Committee can take action it considers appropriate in the circumstances to resolve the complaint. | Complaints Authorization Committee may refer the allegation back to the registrar for dispute resolution. Parties must agree to participate in mediation. Registrar may attempt to resolve the matter. | Person designated by registrar as a mediator may assist in settling a complaint if parties agree. Mediator may consult with Registrar, but Registrar cannot assume role of mediator. | Chairperson of Discipline Committee may, at any time before the start of a hearing into a complaint, appoint a referee to conduct an dispute resolution process if Discipline Committee considers it appropriate and parties agree. |
| Notes | *If, in absence of a complaint, the Registrar learns of a situation that may constitute | *If, in absence of a complaint, Council learns of a situation that may constitute grounds | *If there are reasonable grounds to believe that a respondent has engaged in conduct deserving of | *Court can grant stay if satisfied that no public interest and no private interest of a client of the | **For greater certainty, a practitioner, member of the Discipline Committee or council member may |

| 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 |
|--------------------------|---------------------------|-----------------|---|--|---|
| | grounds for discipline. | for discipline. | sanction (allegation considered complaint) | investigated person will be prejudiced by granting the stay. | file a complaint." **Discipline Committee appoints Investigative Committee. |

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

The tables below reference legislation of engineering and geoscience constituent associations in Canada regarding the authority of the Registrar. Text quoted from the legislation has not been modified to match APEGA’s writing style.

| Professional Association | The Association of Professional Engineers and Geoscientists of British Columbia | The Association of Professional Engineers and Geoscientists of Alberta |
|--|---|---|
| <p>Authority to Initiate Investigation or Complaint</p> <p>Good Character and Reputation</p> | <p>Act</p> <p>17(1) The council must cause the examination of all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining registration.</p> <p>(2) The council may require the holder of credentials referred to in subsection (1) to attest, by oath or affidavit, any matter involved in his or her application.</p> <p>29(1) If the association receives a complaint against a member, licensee or certificate holder, the registrar must</p> <p>(a) designate a member to review the complaint,</p> <p>(b) refer the complaint to the practice review or conduct review committee established under the bylaws to review the complaint, or</p> <p>(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.</p> <p>(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.</p> <p>(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>30(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,</p> | <p>Act</p> <p>16(6) The [Practice Review] 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.</p> <p>(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.</p> <p>43(1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.</p> <p>(2) A complaint must be in writing.</p> <p>(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>(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator’s opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.</p> <p>(5) If a complaint is settled with the assistance of a mediator, any agreement that is reached by the complainant and the person about</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of British Columbia | The Association of Professional Engineers and Geoscientists of Alberta |
|--------------------------|--|--|
| | <p>licensee or certificate holder.</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 registrar, investigation committee or subcommittee, as the case may be.</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</p> | <p>whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may</p> <p>(a) approve the agreement, or</p> <p>(b) proceed with a preliminary investigation in accordance with section 47.</p> <p>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>54(1) The Discipline Committee may also investigate and hear any other matter concerning the conduct of the investigated person that arises in the course of the hearing, but in that event the Committee shall declare its intention to investigate and hear the further matter and shall permit the person sufficient opportunity to prepare the person's answer to the further matter.</p> <p>General Regulation</p> <p>20(1) On the request of the Practice Review Board, a professional member or licensee must satisfy the Board that that person is complying with the requirements of the Continuing Professional Development Program.</p> <p>(2) Where a professional member or licensee fails to satisfy the Practice Review Board under subsection (1), the Board may</p> <p>(a) conduct a review of the practice of that person in accordance with the Act and this Regulation, and</p> <p>(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.</p> <p>ASET Regulation</p> <p>30 Despite not receiving a complaint under section 43 of the Act, but subject to section 43(3) of the Act, if the ASET Registrar has</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of British Columbia | The Association of Professional Engineers and Geoscientists of Alberta |
|---|---|---|
| | <p>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>Bylaws</p> <p>7(c)(5) The registration committee may refer an applicant to council for a decision on the applicant's suitability for registration or licensing when, in the opinion of the registration committee, there is a serious concern that the applicant:</p> <ul style="list-style-type: none"> (i) may not be of good character and good repute; or (ii) may have 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>reasonable grounds to believe that the conduct of a regulated member or former member constitutes unprofessional conduct or unskilled practice, the ASET Registrar may treat the information as a complaint and act on it under section 43 of the Act.</p> |
| <p>Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry</p> | <p>Act</p> <p>14.1 (1) In this section, "governing body" means the governing body of professional engineering or professional geoscience in another province of Canada.</p> <p>(2) Despite section 13, the council may enter into an agreement with a governing body to permit an engineer or a geoscientist who is qualified in the province of the governing body to practise professional engineering or professional geoscience, as the case may be, in British Columbia.</p> <p>(3) In permitting a professional engineer or professional geoscientist to practise in British Columbia in accordance with an agreement under subsection (2), the council may</p> <ul style="list-style-type: none"> (a) attach conditions or limitations to the permission, (b) impose a fee, and (c) require the payment of a fine imposed by a governing body. 30 (7) <p>The investigation committee or subcommittee may</p> <ul style="list-style-type: none"> (a) make recommendations to the member, licensee or certificate holder that was investigated (i) following an investigation under subsection (3), or (ii) on receipt of a report under subsection (6), or | <p>Act</p> <p>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.</p> <p>(2) A person whose registration is suspended under subsection (1) may apply to the Court for an order staying the suspension.</p> <p>(3) A copy of an application under subsection (2) must be served on the Registrar.</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of British Columbia | The Association of Professional Engineers and Geoscientists of Alberta |
|--------------------------------|---|---|
| | <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 registrar, investigation committee or subcommittee, as the case may be.</p> <p>31(7) If the discipline committee considers that a delay in holding an inquiry under section 32 concerning a member, licensee or certificate holder would be prejudicial to the public interest, the discipline committee, without giving the member, licensee or certificate holder an opportunity to be heard, may suspend the membership, licence or certificate of authorization, or restrict the scope of practice, of the member, licensee or certificate holder, until an inquiry and decision under section 32.</p> <p>(8) If the discipline committee decides to act under subsection (7), it must give written notice to the member, licensee or certificate holder of its decision, of the reasons for it and of the right of the member, licensee or certificate holder to apply to the Supreme Court to have the suspension or restriction removed.</p> <p>(11) A member, licensee or certificate holder whose membership, licence or certificate of authorization is suspended, or whose scope of practice is restricted, under subsection (7), may apply to the Supreme Court to have the suspension or restriction removed, and the court may make any order respecting the suspension or restriction that it considers appropriate.</p> | |
| Alternative Dispute Resolution | <p>Act</p> <p>32.2 (1) At any time before the commencement of an inquiry under section 32 (2), the person who is the subject of the inquiry, the</p> | <p>Act</p> <p>43(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of British Columbia | The Association of Professional Engineers and Geoscientists of Alberta |
|--------------------------|--|---|
| | <p>registrar and the discipline committee may agree that alternative complaint resolution, as provided in the bylaws, will commence between the person who is the subject of the inquiry and the discipline committee respecting one or more matters to be dealt with at the inquiry.</p> <p>(2) If the discipline committee and the person who is the subject of the inquiry reach an agreement respecting one or more of the matters to be dealt with at the inquiry, a consent order may be made under section 32.1 (2) (b) on the terms set out in the agreement.</p> <p>(3) No further action may be taken under this section and sections 21.2, 29 to 32.1 and 33 with respect to a matter referred to in subsection (1) of this section unless the discipline committee determines that an agreement respecting the matter cannot be reached within a reasonable period of time.</p> <p>(4) If the discipline committee determines that an agreement respecting a matter referred to in subsection (1) cannot be reached within a reasonable period of time,</p> <p>(a) an inquiry under section 32 (2) respecting the matter must proceed,</p> <p>(b) the discipline committee conducting the inquiry must not consider the information disclosed during the alternative complaint resolution process in determining the matter or in making an order under section 33 (2) respecting the matter, and</p> <p>(c) a member of the discipline committee who participated in the alternative complaint resolution process must not participate as a member of the discipline committee in the inquiry concerning the matter.</p> <p>Bylaws</p> <p>18 (a) In this bylaw: “alternative complaint resolution” means a process or processes for the full or partial resolution of one or more matters to be dealt with at a disciplinary inquiry and includes without limitation:</p> <p>(i) negotiation;</p> <p>(ii) mediation;</p> <p>(iii) such other process as the parties agree to; or</p> <p>(iv) a combination of the above; “discipline committee” means the discipline committee created under the Act and includes a panel or</p> | <p>complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator’s opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of British Columbia | The Association of Professional Engineers and Geoscientists of Alberta |
|--------------------------|---|--|
| | <p>representative of a panel; “member or licensee” means the member(s) or licensee(s) who is the subject of the discipline inquiry; and “registrar” means the registrar appointed under the Act and includes his or her delegate.</p> <p>(a) [(b)] If the discipline committee, the member or licensee and the registrar agree to engage in alternative complaint resolution, they will then identify and agree upon which process or processes shall be attempted.</p> <p>(c) The parties to any agreement reached through alternative complaint resolution are the discipline committee and the member or licensee.</p> <p>(d) The association, through the registrar, may attend and participate in any alternative complaint resolution process undertaken for the purpose of presenting the association’s case and position on the matters to be dealt with at the disciplinary inquiry.</p> <p>(e) The costs of alternative complaint resolution, other than legal costs, shall be divided equally between the discipline committee and the member or licensee, unless the parties agree otherwise.</p> <p>(f) Alternative complaint resolution is confidential and without prejudice but any agreement reached by the parties will be published in accordance with the usual practices of the association.</p> | |
| Notes | <p>“Tools to address public safety challenges” in proposed amendments by APEGBC include interim suspension or conditions by the investigation committee, and early alternate dispute resolution.</p> | |

| Professional Association | The Association of Professional Engineers and Geoscientists of Saskatchewan | The Association of Professional Engineers and Geoscientists of Manitoba |
|--|--|---|
| <p>Authority to Initiate Investigation or Complaint</p> <p>Good Character and Reputation</p> | <p>Act</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>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>(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>(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);</p> <p>and</p> | <p>Act</p> <p>31(1) Any person may make a complaint in writing to the registrar about the conduct of a current or former member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training and the complaint shall be dealt with in accordance with this part and the by-laws.</p> <p>31(2) The investigation committee may initiate an investigation and following such investigation may cause a complaint to be filed with the registrar.</p> <p>31(4) If, after any person's certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence 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;</p> <p>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> <p>32 The 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;</p> <p>refer the matter to the 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</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Saskatchewan | The Association of Professional Engineers and Geoscientists of Manitoba |
|--------------------------|--|--|
| | <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>Regulatory Bylaws</p> <p>21(2) The Investigation Committee shall:</p> <p>(a) advise the member that a complaint has been received and of the nature of the complaint and invite comments from the member in reply;</p> <p>(b) provide the member with a copy of the Committee's investigation procedures;</p> <p>(c) review and investigate the complaint in accordance with the Act; and</p> <p>(d) provide for a report that no further action be taken with respect to a matter under investigation where the Committee has been able to resolve the complaint through mediation in accordance with section 21.1.</p> | <p>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> <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> <p>35(2) The investigation committee is not required to hold a hearing or to afford to any person an opportunity to appear or to make oral submissions before making a decision, formulating a charge or giving a direction under this section, except that the committee shall not issue a caution under clause (1)(e) without first meeting with the investigated person.</p> <p>47(3) The panel may make any ancillary order that is appropriate or required in connection with an order mentioned in subsection (1) or may make any other order that it considers appropriate in the circumstances, including that</p> <p>(a) a further or new investigation be held into any matter; or</p> <p>(b) the discipline committee be convened to hear a complaint without an investigation.</p> <p>Bylaws</p> <p>15.1.1 The registrar shall forward any complaint meeting the requirements of the Act to the chair of the investigation committee who shall call a meeting of the investigation committee to consider such complaint.</p> <p>15.2.4 The chair of the investigation committee may appoint one or more of the members of the committee as a sub-committee to review</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Saskatchewan | The Association of Professional Engineers and Geoscientists of Manitoba |
|---|---|--|
| | | <p>and investigate any complaint referred to the investigation committee and such sub-committee has all of the authority and power of the investigation committee to review and investigate a complaint, except to the extent that the exercise of any such authority or power by a sub-committee is expressly limited by any other provision of these by-laws and all references in these by-laws to the investigation committee shall mean and include any sub-committee of the investigation committee unless the context indicates the contrary.</p> <p>15.2.8 The investigation committee may review and investigate any other matters related to professional conduct or the skill in practice of the investigated person which come to the attention of the investigation committee in the course of the investigation of the complaint.</p> <p>15.3.1 The investigation committee shall meet and consider complaints referred by the registrar and shall assess whether an investigation is warranted. In so doing it:</p> <p>a) shall, if an investigation is not warranted, dismiss the complaint; or</p> <p>b) shall, if an investigation is warranted, investigate the complaint.</p> <p>15.3.12 Where in the opinion of the registrar an investigated person has failed to perform in accordance with the terms of any formal written caution issued by the investigation committee, the registrar shall refer the matter to the chair or the investigation committee and such referral shall constitute a new complaint.</p> |
| <p>Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry</p> | <p>38 A judge of the court, on the application of the council, may direct that a member be suspended pending the disposition of a criminal charge where:</p> <p>(a) a criminal charge is laid against the member; and</p> <p>(b) the member has applied to the court for a stay of any disciplinary proceedings against the member.</p> | <p>37(1) Notwithstanding anything in this Act the investigation committee may, when there is a question of serious risk to the public, suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of the investigated person pending the outcome of proceedings under this part.</p> <p>37(2) The investigated person may, by filing an application with the court and serving a copy on the registrar, apply for an order of the court staying a decision of the investigation committee under subsection (1).</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Saskatchewan | The Association of Professional Engineers and Geoscientists of Manitoba |
|--------------------------------|---|---|
| | | |
| Alternative Dispute Resolution | <p>Regulatory Bylaws</p> <p>21.1(1) Following the investigation of a complaint and prior to the Discipline Committee hearing and determining a formal complaint, the Investigation Committee shall inform the Registrar who shall arrange for a pre-hearing conference before an independent mediator, and the parties including the member and a member of the Investigation Committee or its designate shall attend the pre-hearing conference before taking any further steps in the matter.</p> <p>(2) After a pre-hearing conference:</p> <p>(a) the matter may go back to the Investigation Committee which will prepare a report pursuant to section 32(3)(b) of the Act; or</p> <p>(b) the parties may continue with the conference; or</p> <p>(c) the Investigation Committee shall refer the complaint to the Discipline Committee to hear and determine the formal complaint set out in the written report of the Investigation Committee.</p> <p>(3) Any party attending the pre-hearing conference may be accompanied by legal counsel.</p> <p>21.2 A member, licensee, temporary licensee or holder of a certificate of authorization whose conduct is being investigated shall be afforded the right to be heard and to examine, at or before the mediation session, any written or documentary evidence relevant to the complaint.</p> | <p>Bylaws</p> <p>15.3.1.1 The investigation committee may undertake to resolve the matter or matters at issue through an alternative dispute resolution process prior to assessing whether an investigation is warranted or in conjunction with an investigation. The alternative dispute resolution process is:</p> <p>a) subject to obtaining the written concurrence of both the complainant and the investigated person,</p> <p>b) prescribed by the council, and</p> <p>c) not to exceed 30 days in duration.</p> |

| Professional Association | Professional Engineers Ontario | The Association of Professional Geoscientists of Ontario |
|--|---|---|
| <p>Authority to Initiate Investigation or Complaint</p> <p>Good Character and Reputation</p> | <p>Act</p> <p>14.(2) The Registrar may refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity.</p> <p>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 licence, a provisional licence or a limited licence, but no action shall be taken by the Committee under subsection (2) unless,</p> <p>(a) a written complaint in a form that shall be provided by the 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>(5) The Committee is not required to hold a hearing or to afford to 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.</p> | <p>Act</p> <p>21. The complaints committee may consider and investigate the conduct of a member or certificate holder with respect to the practice of professional geoscience and it may,</p> <p>(a) direct that a matter be referred, in whole or in part, to the discipline committee;</p> <p>(b) direct that a matter not be referred to the discipline committee; or</p> <p>(c) take such other action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.</p> <p>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.</p> <p>Disciplinary Matters Regulation 258/02</p> <p>1. (1) Any person or entity, including the Association, may submit a complaint in writing to the Registrar respecting the conduct of a member or certificate holder or, as is provided under section 41 of the Act, respecting the conduct of a former member or certificate holder.</p> <p>(2) The Registrar shall, by notice in writing,</p> <p>(a) acknowledge receipt of the complaint to the complainant and set out the nature of the complaint and the particular steps to be taken with respect to it; and</p> <p>(b) inform the person or entity complained about of the complaint and set out the nature of the complaint and the particular steps to be taken with respect to it.</p> <p>(3) The person or entity complained about may make written submissions in response to the complaint within the time specified in the notice given by the Registrar.</p> <p>(4) The person or entity complained about and the Association are parties to all proceedings before the complaints committee and its panels and before the discipline committee, but the complainant is not a party.</p> <p>(5) The Association may be represented at the proceedings</p> |

| Professional Association | Professional Engineers Ontario | The Association of Professional Geoscientists of Ontario |
|--------------------------|--|--|
| | <p>28. (1) The Discipline Committee shall,</p> <p>(a) when so directed by the Council, the Executive Committee or the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence;</p> <p>(b) hear and determine matters referred to it under section 24, 27.1 or 37; and</p> <p>(c) perform such other duties as are assigned to it by the Council.</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 licence, provisional licence or limited licence 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> <p>(10) The Registrar shall report the results of the investigation to the Council or such committee as the Registrar considers appropriate.</p> | <p>referred to in subsection (4) by a representative chosen by it, including the Registrar.</p> <p>(6) Any action or step that a panel of the complaints committee may take under the complaints process may be taken by the complaints committee.</p> <p>2. (1) The complaints committee shall establish one or more preliminary review panels, each composed of one member of the committee, to conduct a preliminary review of a complaint.</p> <p>(2) On receipt of a complaint, the Registrar shall refer it to the chair of the complaints committee who, in turn, shall refer it to a preliminary review panel; however, if the chair is of the opinion that the matter deserves special consideration, the chair may refer the matter to a panel consisting of not less than three members of the complaints committee appointed by the chair, in which case the three member panel shall review the matter and may exercise any of the powers set out in subsection 3 (5).</p> <p>(3) On reviewing the complaint, the preliminary review panel may,</p> <p>(a) act in accordance with section 3;</p> <p>(b) direct that the parties participate in complaint settlement;</p> <p>(c) appoint an investigator;</p> <p>(d) refer the complaint, in whole or in part, to the discipline committee;</p> <p>(e) request clarification or further information from the complainant or the person or entity complained about; or</p> <p>(f) take such other action as it considers appropriate in the circumstances.</p> <p>5. (1) Where, at any time during the complaints process, a panel or the complaints committee appoints an investigator, the panel or committee may,</p> <p>(a) terminate the investigation as it considers appropriate; or</p> <p>(b) require the investigator to make a report on his or her findings and review the report.</p> <p>(2) Where the panel or complaints committee acts under clause (1) (a) or (b), it may,</p> |

| Professional Association | Professional Engineers Ontario | The Association of Professional Geoscientists of Ontario |
|---|--|---|
| | | <p>(a) require the investigator to investigate further; or (b) do one or more of the following: (i) direct that the parties participate in complaint settlement, (ii) appoint another investigator, (iii) refer the complaint, in whole or in part, to the discipline committee, (iv) dismiss the complaint, (v) request clarification or further information from the complainant or the person or entity complained about, (vi) take such other action as it considers appropriate in the circumstances.</p> <p>14.(1) If, at any time during a hearing, the discipline committee is of the opinion that it is appropriate to do so, it may request the complaints committee to appoint an investigator to conduct an investigation on a matter relevant to the hearing, and the complaints committee shall comply with the request.</p> |
| <p>Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry</p> | <p>Act 24.(2) The [Complaints] Committee in accordance with the information it receives may, (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 clause (a); or (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. (5) The Committee is not required to hold a hearing or to afford to 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.</p> | <p>Act 12.(1) The Registrar may suspend the registration of a member on any of the grounds set out in the regulations.</p> <p>13. The council may revoke the registration of a member, (a) if he or she is convicted of an offence that, if committed in Ontario, would be an offence under the laws of Canada or of Ontario and that relates to his or her professional integrity and renders the individual unsuitable to be a member; (b) if he or she fails to comply with this Act or a regulation made under it; (c) if he or she has demonstrated professional misconduct, negligence or incompetence; or (d) in such other circumstances as may be prescribed.</p> <p>14(3) A member whose registration has been revoked under section 13 may appeal the decision to the Divisional Court.</p> |

| Professional Association | Professional Engineers Ontario | The Association of Professional Geoscientists of Ontario |
|--------------------------|--------------------------------|--|
| | | <p>18. (1) The Registrar may suspend a certificate of authorization on any of the grounds set out in the regulations.</p> <p>21. The complaints committee may consider and investigate the conduct of a member or certificate holder with respect to the practice of professional geoscience and it may,</p> <ul style="list-style-type: none"> (a) direct that a matter be referred, in whole or in part, to the discipline committee; (b) direct that a matter not be referred to the discipline committee; or (c) take such other action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws. <p>Disciplinary Matters Regulation 258/02</p> <p>2(3) On reviewing the complaint, the preliminary review panel may,</p> <ul style="list-style-type: none"> (a) act in accordance with section 3; (b) direct that the parties participate in complaint settlement; (c) appoint an investigator; (d) refer the complaint, in whole or in part, to the discipline committee; (e) request clarification or further information from the complainant or the person or entity complained about; or (f) take such other action as it considers appropriate in the circumstances. <p>5. (1) Where, at any time during the complaints process, a panel or the complaints committee appoints an investigator, the panel or committee may,</p> <ul style="list-style-type: none"> (a) terminate the investigation as it considers appropriate; or (b) require the investigator to make a report on his or her findings and review the report. <p>(2) Where the panel or complaints committee acts under clause (1) (a) or (b), it may,</p> <ul style="list-style-type: none"> (a) or (b), it may, (b) do one or more of the following: |

| Professional Association | Professional Engineers Ontario | The Association of Professional Geoscientists of Ontario |
|--------------------------------|---|--|
| | | <p>(vi) take such other action as it considers appropriate in the circumstances.</p> <p>13. (1) The Registrar may suspend a member's registration or a certificate of authorization on an interim basis for at most 90 days under subsection 12 (1) or 18 (1) of the Act where,</p> <p>(a) a matter is the subject of a proceeding before the discipline committee and that matter has not yet been determined; and</p> <p>(b) the discipline committee makes a preliminary finding that the conduct of the member or certificate holder exposes or is likely to expose the public to harm or injury.</p> <p>(2) The Registrar may grant an extension of an interim suspension once, for an additional period of up to 90 days, where,</p> <p>(a) the matter before the discipline committee has not yet been determined; and</p> <p>(b) the discipline committee continues to find that the conduct of the member or certificate holder exposes or is likely to expose the public to harm or injury.</p> <p>(3) If the Registrar suspends a registration or certificate of authorization on an interim basis or grants an extension of the suspension, the discipline committee shall make every effort to deal with the matter as expeditiously as possible and shall, where possible, give it precedence over any matter in relation to which no such order or extension has been made.</p> |
| Alternative Dispute Resolution | <p>Act</p> <p>24(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>32 (2) The Fees Mediation Committee,</p> | <p>Disciplinary Matters Regulation 258/02</p> <p>2(3) On reviewing the complaint, the preliminary review panel may,</p> <p>(b) direct that the parties participate in complaint settlement;</p> <p>(f) take such other action as it considers appropriate in the circumstances.</p> <p>4. (1) If a preliminary review panel or a three member panel orders that the parties participate in complaint settlement, the relevant panel may designate a person to act as mediator for the purpose of helping to resolve any or all matters raised by the complaint.</p> <p>(2) At the Association's discretion, the complainant may take part in</p> |

| Professional Association | Professional Engineers Ontario | The Association of Professional Geoscientists of Ontario |
|--------------------------|--|---|
| | <p>(a) shall, unless the Committee considers it inappropriate to do so, mediate any written complaint by a client of a member of the Association or of a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence in respect of a fee charged for professional engineering services provided to the client; and</p> <p>(b) shall perform such other duties as are assigned to it by the Council. (3) The Fees Mediation Committee, with the written consent of all parties to the dispute, may arbitrate a dispute in respect of a fee between a client and a member of the Association or a holder of a certificate of authorization, temporary licence, provisional licence or limited licence and in that case the decision of the Fees Mediation Committee is final and binding on all parties to the dispute.</p> <p>General Regulation</p> <p>30 (3) Where a written complaint is received under section 32 of the Act, the Registrar shall select not less than three and not more than four eligible Members to serve on the Fees Mediation Committee with respect to such complaint.</p> <p>(4) The [Fees Mediation] Committee shall review the complaint and determine whether it is appropriate to mediate the complaint, and if so, whether the mediation should be conducted by one, two, three or four members of the Committee so selected and which of the members should conduct the mediation, which number and members shall then constitute the Committee.</p> <p>31.(1) Where, pursuant to subsection 32 (3) of the Act, all parties to a dispute consent to arbitration by the Fees Mediation Committee by filing with the Registrar a consent in writing signed by all of the parties to the dispute, this section shall apply.</p> <p>(2) Each of the parties to the dispute shall prepare and submit to the Registrar a brief written outline of the dispute within ten days following the date of the filing of the consent referred to in subsection (1) or such longer period as may be determined by the Registrar.</p> | <p>complaint settlement.</p> <p>5. (1) Where, at any time during the complaints process, a panel or the complaints committee appoints an investigator, the panel or committee may,</p> <p>(a) terminate the investigation as it considers appropriate; or</p> <p>(b) require the investigator to make a report on his or her findings and review the report.</p> <p>(2) Where the panel or complaints committee acts under clause (1) (a) or (b), it may,</p> <p>(b) do one or more of the following:</p> <p>(i) direct that the parties participate in complaint settlement,</p> |

| Professional Association | Ordre des Ingénieurs du Québec and Ordre des Géologues du Québec | The Association of Professional Engineers and Geoscientists of New Brunswick |
|--|--|--|
| <p>Authority to Initiate Investigation or Complaint</p> <p>Good Character and Reputation</p> | <p>Professional Code</p> <p>48. The board of directors of an order may order the medical examination of a person who is a member of such order, who applies for entry on the roll or who makes another application preceding admission to the profession where it has reason to believe his physical or mental condition is incompatible with the practice of his profession.</p> <p>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.</p> <p>123. A syndic shall inform any person who requested the holding of an inquiry, in writing, of his decision to lodge or not to lodge a complaint with the disciplinary council as a result of the request, or of his decision to forward the request to the professional inspection committee.</p> <p>123.3. A review committee shall be established within every order. The function of the committee is to give, on request, to a person who requested the holding of an inquiry, its opinion regarding any decision of a syndic not to lodge a complaint.</p> <p>126. Every complaint lodged against a professional shall be</p> | <p>Act</p> <p>17(6) Upon receipt by the Association of a complaint alleging that any member, licensee, or holder of a certificate of authorization has</p> <ul style="list-style-type: none"> (a) violated any provision of this Act or a by-law; (b) been guilty of professional misconduct, including negligence in the performance of that person's professional duty, or incompetence; (c) been convicted of a criminal or quasicriminal offence in Canada, or any other jurisdiction; (d) obtained registration as a member, licensee, or holder of a certificate of authorization in the Association by reason of misrepresentation or any improper means; or (e) engaged in other conduct of such a nature as the Council considers should be investigated; <p>it shall be referred to the Professional Conduct Committee.</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,</p> <ul style="list-style-type: none"> (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>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, |

| Professional Association | Ordre des Ingénieurs du Québec and Ordre des Géologues du Québec | The Association of Professional Engineers and Geoscientists of New Brunswick |
|--|--|--|
| | <p>received by the secretary of the disciplinary council. The disciplinary council is seized of a complaint on the date of its receipt by the secretary.</p> <p>127. The complaint must be made in writing and supported by the oath of the complainant. The secretary of the disciplinary council may not refuse to receive a complaint on the sole ground that it was not made using the form proposed pursuant to subparagraph 9 of the third paragraph of section 12.</p> <p>128. A syndic must, at the request of the board of directors, lodge any complaint against a professional which appears to be justified; he may also, on his own initiative, act in this regard. A complaint may also be lodged by any other person. Such a person may not be prosecuted by reason of acts engaged in good faith in the exercise of that power.</p> <p>129. The complaint must state summarily the nature, time and place of the offence with which the professional is charged.</p> <p>130. The complaint may demand the immediate provisional striking off the roll of the respondent or the immediate provisional restriction of the respondent's right to engage in professional activities</p> <p>Engineers Act 12. The board of directors may, in the course of its duties, (a) decide as to any court action or defence proceedings to be taken by and in the name of the Order, or with its authorization; (b) generally represent the Order for all legitimate purposes; (c) conduct, either directly or through committees or members specially designated for such purpose, any investigation or study deemed useful on any matter of concern to the profession;</p> | <p>(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> <p>17(13) A complainant who is not satisfied with the disposition of the complaint by the Professional Conduct Committee may apply to the Council for a review of the treatment of the complaint, which the Council may refer to the Discipline Committee under subsection 18(6).</p> <p>18(6) In addition to a complaint under subsection 17(13) the Council, by resolution, may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member, licensee, or the holder of a certificate of authorization.</p> <p>Bylaws 9.3.3 The professional conduct committee shall consider and investigate (a) all complaints regarding the conduct of any member, member-in-training, licensee or holder of a certificate of authorization; and (b) any suspected violations of the <i>Engineering and Geoscience Professions Act</i> or bylaws.</p> |
| Authority to Suspend Licence or Impose | <p>Professional Code 45.1. The board of directors may, after giving an applicant an opportunity to submit observations, enter the applicant on the roll,</p> | <p>Act 17(8) Notwithstanding subsection (9), the Professional Conduct Committee is not required to hold a hearing or to give any person an</p> |

| Professional Association | Ordre des Ingénieurs du Québec and Ordre des Géologues du Québec | The Association of Professional Engineers and Geoscientists of New Brunswick |
|---------------------------------------|--|--|
| Conditions Pending Hearing or Inquiry | <p>but restrict or suspend his right to engage in professional activities if the applicant</p> <p>(1) is the subject of a disciplinary decision made in Québec by the disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the restriction or suspension of his right to engage in professional activities;</p> <p>(2) is the subject of a disciplinary decision made outside Québec which, if made in Québec, would have had the effect of a restriction or suspension of the right to engage in professional activities imposed by the disciplinary council of an order;</p> <p>(3) is or has been, as the case may be, the subject of a decision described in section 45.</p> <p>A decision to restrict or suspend the right to engage in professional activities shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.</p> <p>55.1. The board of directors may, after giving the professional concerned an opportunity to submit observations, provisionally strike the professional off the roll or provisionally restrict or suspend his right to engage in professional activities if the professional has been the subject of a judicial decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45.</p> <p>The board of directors shall inform a syndic of any decision, which serves as a request under section 128.</p> <p>The decision is valid</p> <p>(1) until a syndic decides not to lodge a complaint;</p> <p>(2) until the disciplinary council or the Professions Tribunal renders a final, enforceable decision on a complaint lodged by a syndic; or</p> <p>(3) until the decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45 is quashed in appeal, if applicable.</p> <p>55.4. A decision made by the board of directors under section 55.1, 55.2 or 55.3 must be served on the professional immediately, in accordance with the Code of Civil Procedure (chapter C-25); the</p> | <p>opportunity for a hearing, or an opportunity to make oral submissions, before making a decision or giving directions under this section.</p> <p>17(10) The Professional Conduct Committee, in accordance with the information it has received, 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 paragraph (a), or</p> <p>(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> |

| Professional Association | Ordre des Ingénieurs du Québec and Ordre des Géologues du Québec | The Association of Professional Engineers and Geoscientists of New Brunswick |
|--------------------------------|---|--|
| | decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV. | |
| Alternative Dispute Resolution | <p>Professional Code</p> <p>123.6. A syndic who considers that a settlement could be reached on the facts alleged in support of the request for an inquiry may propose conciliation to the person who made the request and the professional at any time before the complaint against the professional is lodged with the disciplinary council.</p> <p>If the person who requested an inquiry and the professional consent to conciliation, the syndic who proposed conciliation shall take all reasonable steps, having regard to all the circumstances, to attempt to conciliate the parties.</p> <p>Before proposing conciliation, a syndic must consider such factors as the gravity of the prejudice sustained and any previous conviction of the professional under this division for an offence in connection with facts similar to those alleged in support of the request for an inquiry.</p> <p>However, a syndic may not propose conciliation if he considers that the facts alleged in support of the request for an inquiry</p> <p>(1) are such that the public could be at risk or public trust in the members of the order could be compromised if the disciplinary council were not seized of the complaint; or</p> <p>(2) indicate that the professional may have engaged in a derogatory act within the meaning of section 59.1.</p> <p>123.7. Any settlement resulting from conciliation must be recorded in writing, approved by the syndic who acted as conciliator and signed by the person who requested the holding of an inquiry and by the professional. The request for the holding of an inquiry is deemed to have been withdrawn once the settlement is completed.</p> | 17(10) The Professional Conduct Committee, in accordance with the information it has received, may (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. |
| Notes | The legislation also includes remedies aimed specifically at situations of incapacity, where the board of directors has reason to believe a person's physical or mental condition is incompatible with the practice of his profession. See sections 48 to 52.2 of the | |

| Professional Association | Ordre des Ingénieurs du Québec and Ordre des Géologues du Québec | The Association of Professional Engineers and Geoscientists of New Brunswick |
|--------------------------|--|---|
| | Professional Code. Regulations under the <i>Geologists Act</i> include a conciliation and arbitration procedure for accounts of geologists. | |

| Professional Association | Engineers Nova Scotia | Geoscientists Nova Scotia |
|---|--|--|
| Authority to Initiate Investigation or Complaint Good Character and Reputation | Act 17 (1) A complaint against a registrant may be initiated by any person. (2) A complaint must be in writing and filed with the Secretary. (9) The Secretary or the Secretary's designate shall refer the complaint to the Complaints Committee, together with any written responses from the registrant complained against and the complainant ... 17A (1) Where, in the absence of a complaint, circumstances come to the notice of the Secretary that, in the Secretary's opinion, may constitute grounds for discipline pursuant to this Act, the Secretary may prepare a report thereon in writing for submission to the Complaints Committee. (2) The Secretary shall (a) forward a copy of the report forthwith after its preparation to the registrant who is the subject of the report; and | Act 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: (a) in the case of the Complaints Committee, power to investigate, report on, refer, dismiss or otherwise dispose of complaints; (b) in the case of the Discipline Committee, power to hear, make findings respecting, adjudicate, dismiss or otherwise dispose of complaints... (7) Notwithstanding anything contained in this Act, the jurisdiction and authority of the Complaints Committee and the Discipline Committee continues notwithstanding that the person who is the subject of a complaint ceases to be registered as a member of the Association, |

| Professional Association | Engineers Nova Scotia | Geoscientists Nova Scotia |
|--------------------------|---|--|
| | <p>(b) advise the registrant who is the subject of the report that the registrant has the opportunity to provide the Secretary with a written response concerning the report within fourteen days of its being forwarded by the Secretary.</p> <p>(3) After the expiration of fourteen days, the Secretary or the Secretary's designate shall refer the report to the Complaints Committee together with any written response from the registrant who is the subject of the report.</p> <p>(4) The Complaints Committee shall deal with such a report as if it were a complaint, and the report must be treated for purpose of this Act and by-laws in the same manner as a complaint.</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>17E (1) The Complaints Committee may</p> <p>(a) dismiss a complaint if it determines that the complaint is frivolous or vexatious or not advanced in good faith or advanced for an extraneous or improper purpose as identified in Section 17B;</p> <p>(b) dismiss a complaint if it finds that there are not reasonable or probable grounds to believe that the registrant complained against has breached the Act or by-laws or is guilty of unprofessional conduct, negligence or misconduct in the execution of the duties of the registrant's office;</p> <p>(c) attempt to resolve the complaint if, in the opinion of the Committee, the complaint may be satisfactorily resolved and the resolution of the complaint would properly balance the protection of the public and the rights of the registrant complained against;</p> | <p>licensed to practise or enrolled as a member-in-training, as the case may be.</p> <p>Bylaws</p> <p>24B (2) A complaint in writing shall be filed with the Registrar, and may be filed by any person (the "complainant"). Upon the filing of the complaint, the Registrar shall forthwith advise the person complained of (the "practitioner"), by written notice, that the complaint has been made by: written notice [sic]</p> <p>(a) enclosing a copy of the complaint; and</p> <p>(b) advising the practitioner that he/she has the opportunity to provide the Registrar with written comments concerning the complaint within fourteen days of the date that a copy of the complaint was sent.</p> <p>(3) After the expiration of fourteen days, or if the complainant is of the opinion that a complaint should go forward, the Registrar shall refer the complaint to the Complaints Committee, together with any written comments of the practitioner which have been provided pursuant to subsection (2).</p> <p>(4) If, in the absence of a complaint, circumstances shall come to the notice of the Registrar which, in his/her opinion, may constitute grounds for discipline pursuant to the Act, the Registrar may, pursuant to subsections (2) and (3), prepare a report thereon in writing to the Complaints Committee. The Committee shall deal with such a report as if it were a complaint, and the report shall be treated for purposes of the Act and by-laws in the same manner as a complaint.</p> <p>(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>24C (2) Upon referral of a complaint to it, the Discipline Committee shall set a time and place for the holding of a hearing by the</p> |

| Professional Association | Engineers Nova Scotia | Geoscientists Nova Scotia |
|---|--|--|
| | <p>(d) refer a complaint to the Discipline Committee if it finds that there are probable and reasonable grounds to believe that the registrant complained against has breached the Act or by-laws or is guilty of unprofessional conduct, negligence or misconduct in execution of the duties of the registrant's office;</p> <p>(e) refer a complaint to the Discipline Committee if it finds that a registrant has been convicted of a criminal offence by any court of competent jurisdiction.</p> <p>17G (7) The Discipline Committee shall receive and process all complaints referred by the Complaints Committee and all appeals from decisions of the Complaints Committee and such other or additional duties as may be assigned it by the Council.</p> | <p>Committee to deal with the complaint. Notice of the time and place of the hearing.</p> <p>(6) The role of the Discipline Committee is to formally hear complaints and determine whether or not the practitioner is guilty of misconduct or incompetence and, where necessary, set an appropriate penalty.</p> |
| <p>Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry</p> | <p>Act</p> <p>17D (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. <i>(see above)</i></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 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>17O (4) The disciplinary panel may require a registrant to</p> <p>(a) submit to physical or mental examinations by such qualified</p> | <p>Act</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>(b) in the case of the Discipline Committee, power to hear, make findings respecting, adjudicate, dismiss or otherwise dispose of complaints, power to make orders and directions related thereto and, where the Discipline Committee makes a finding that a member of the Association or person licensed to practise is guilty of either unprofessional conduct or incompetence, or both, power to order the imposition of sanctions, penalties and remedial measures, which sanctions, penalties and remedial measures may include, but are not</p> |

| Professional Association | Engineers Nova Scotia | Geoscientists Nova Scotia |
|--------------------------|---|--|
| | <p>persons as the Disciplinary 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 Disciplinary Committee designates;</p> <p>(c) undergo such examinations of engineering and allied skills, knowledge and professional practice as the disciplinary panel 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>(5) Where a registrant fails to comply with subsection (4), the disciplinary panel may suspend or restrict the registrant's registration or licence to practise until the registrant complies.</p> <p>17R (1) Notwithstanding any other provision of this Act, in urgent and compelling circumstances the Chair of the Discipline Committee, upon the advice of the Complaints Committee, may, without a hearing, in the interest of the public, immediately suspend the licence of a registrant or immediately impose restrictions on a temporary basis on the registration of a registrant.</p> <p>(2) Where the registration of a registrant has been suspended or subjected to restrictions pursuant to subsection (1), the Secretary or the Secretary's designate shall, forthwith, cause written notice of the suspension or restriction to be transmitted to the registrant.</p> <p>(5) The Complaints Committee shall, upon receipt of the request from the registrant, provide an opportunity for a meeting within ten days of the receipt of the written request and the Committee shall within seven days after the meeting confirm, vary or terminate the suspension or restrictions imposed pursuant to subsection (1) in writing and transmit its decision as quickly as practicable to the Secretary.</p> <p>(7) Where the Complaints Committee confirms or varies the suspension or restriction, the matter must be referred to the Chair of the Discipline Committee who shall appoint a disciplinary panel and the panel shall commence a hearing to inquire into the suspension, or restriction and the conduct of the registrant giving rise to the suspension or restriction within thirty days, unless the registrant requests a hearing date that is more than thirty days after the referral</p> | <p>limited to, any one or more of the following:</p> <p>(i) cancellation of the certificate of registration of a member of the Association, the licence of a person licensed to practise or the enrolment of a member-in-training,</p> <p>(ii) suspension, for a fixed period, of the certificate of registration of a member of the Association, the licence of a person licensed to practise or the enrolment of a member-in-training,</p> <p>(iii) suspension of the certificate of registration of a member of the Association, the licence of a person licensed to practise or the enrolment of a member-in-training until the fulfilment of such conditions as may be specified by the Discipline Committee including, but not limited to, payment to the Association or any fine or costs, or both, as may be imposed by the Discipline Committee,</p> <p>(iv) a direction that the imposition of a sanction or remedial measure be suspended or postponed for such period and upon such terms or for such purpose as the Discipline Committee considers appropriate,</p> <p>(vii) the imposition of terms, conditions or limitations on the entitlement of a member of the Association or a person licensed to practise to carry on the practice of professional geoscience or to provide services within the practice of professional geoscience to the public, or both, including, but not limited to, the successful completion of a course of study, as specified by the Discipline Committee,</p> |

| Professional Association | Engineers Nova Scotia | Geoscientists Nova Scotia |
|--------------------------------|--|---|
| | <p>of the matter to the Chair of the Discipline Committee.</p> <p>(8) Where a decision is made pursuant to subsection (1) and the registrant does not request a meeting with the Complaints Committee within ten days of receiving notice of the decision made pursuant to subsection (1), the matter must be referred to the Chair of the Discipline Committee who shall appoint a disciplinary panel and the panel shall hold a hearing within forty days of the date of the decision made pursuant to subsection (1) unless the registrant requests a hearing date that is more than forty days after the decision made pursuant to subsection (1).</p> | |
| Alternative Dispute Resolution | <p>Act</p> <p>17E (1) The Complaints Committee may</p> <p>(c) attempt to resolve the complaint if, in the opinion of the Committee, the complaint may be satisfactorily resolved and the resolution of the complaint would properly balance the protection of the public and the rights of the registrant complained against;</p> <p>17I (1) At any time prior to the commencement of the disciplinary hearing, the Secretary may, together with the registrant complained against, tender a written joint recommendation for the disposition of the complaint.</p> <p>17J (1) Where a disciplinary panel accepts a joint recommendation for the disposition of a complaint, the panel shall confirm such acceptance by issuing an order that incorporates a joint statement of facts and the joint recommendation for the disposition of the complaint.</p> <p>(2) The disciplinary panel's acceptance of a joint statement of facts and a joint recommendation for the disposition of the complaint is final and binding on the registrant complained against.</p> <p>17K (1) Where a disciplinary panel rejects a joint recommendation for the disposition of a complaint, the chair of the disciplinary panel shall refer the complaint back to the Chair of the Discipline Committee who shall appoint not more than five members of the discipline committee to serve as a disciplinary panel for the complaint and shall set a date and time for the commencement of a disciplinary hearing.</p> | <p>Act</p> <p>20(8) The Council may, in the manner provided by the by-laws, appoint a mediator who has those powers and duties conferred or imposed by the by-laws respecting the investigation, mediation, settlement and referral of complaints, allegations or other reports or information respecting unprofessional conduct or incompetence on the part of a member of the Association, person licensed to practise or member-in-training.</p> <p>Bylaws</p> <p>20 The Executive Committee of the Council, upon the written request from a member or member-in-training in the form of a statutory declaration filed with the Secretary setting forth the terms and conditions of the issue involved, may act itself or designate a member or members of the Association to act as arbiter between members or members-in-training or as negotiator on behalf of the member or member-in-training respecting any matter pertaining to his/her professional welfare. Any action taken hereunder shall be deemed as having been taken by the Association.</p> |

| Professional Association | Engineers Nova Scotia | Geoscientists Nova Scotia |
|--------------------------|---|--|
| | <p>(2) The disciplinary hearing of a complaint must proceed without reference to the proposed joint statement of facts and joint recommendation for the disposition of the complaint.</p> <p>Bylaws (Reg 8/46) 20 The Executive Committee of the Council, upon the written request from a member or engineer-in-training in the form of a statutory declaration filed with the Secretary setting forth the terms and conditions of the issue involved, may act itself or designate a member or members of the Association to act as arbiter between members or engineers-in-training or as negotiator on behalf of the member or engineer-in-training respecting any matter pertaining to his professional welfare. Any action taken hereunder shall be deemed as having been taken by the Association.</p> | |
| Notes | | There is nothing in the bylaws pertaining to the appointment of a mediator contemplated in section 20(8) of the Act. |

| Professional Association | Engineers PEI | Professional Engineers and Geoscientists of Newfoundland and Labrador |
|--|---|---|
| <p>Authority to Initiate Investigation or Complaint</p> <p>Good Character and Reputation</p> | <p>Act</p> <p>15(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>16.(1) All complaints alleging non-compliance with this Act and the bylaws, professional misconduct or incompetence shall be forwarded to the Act Enforcement Committee.</p> <p>(2) Upon receipt by the Act Enforcement Committee of a complaint alleging that</p> <p>(a) any person other than a member, licensee, or engineer-in-training has violated any provision of this Act or a bylaw; or</p> <p>(b) a member, licensee, engineer-in-training or holder of certificate of authorization has</p> <p>(i) violated any provision of this Act or a bylaw,</p> <p>(ii) been guilty of professional misconduct, including negligence in the performance of his professional duty, or incompetence,</p> <p>(iii) been convicted in Canada or elsewhere of any offence that, if committed in Canada, would be punishable under the Criminal Code with imprisonment for two years or more,</p> <p>(iv) obtained registration as a member, licensee, engineer-in-training or holder of a certificate of authorization in the Association by reason of misrepresentation or any improper means, or</p> <p>(v) engaged in other conduct of such a nature as the Council considers should be investigated,</p> <p>the Committee shall cause an inquiry into the complaint in accordance with the procedure set out in subsection (3).</p> <p>(3) The Act Enforcement Committee shall require the complaint to be made in writing and signed by the complainant, and upon the filing of a complaint by any person, the Committee shall transfer the complaint to the Act Enforcement Officer who shall</p> <p>(a) forthwith by written notice advise the person complained of that the complaint has been made by</p> | <p>Act</p> <p>21. (1) The board shall appoint at least 3 of its members, at least one of whom is a member appointed under section 5, to constitute a complaints authorization committee.</p> <p>(4) The board shall appoint at least 12 members who are not members of the board, one of whom shall be appointed to serve as chairperson, and the minister shall appoint at least 4 persons who are not members to represent the public interest, who shall together constitute a disciplinary panel.</p> <p>22. (1) An allegation shall be in writing and signed by the complainant or his or her solicitor, and filed with the registrar.</p> <p>(2) The registrar may on his or her own motion make an allegation and file it, and the allegation has the same effect as an allegation referred to in subsection (1).</p> <p>(3) Where the registrar has been informed that a professional member or permit holder has been convicted of an offence under the provisions of the <i>Criminal Code</i> or a similar penal statute of another country or has been suspended by a governing body of professional members and permit holders in another province or territory of Canada or another territory or country for reason of professional misconduct, conduct unbecoming a professional member or permit holder, or professional incompetence, the information shall be dealt with by the registrar as an allegation.</p> <p>(4) For the purpose of subsection (3), a certified copy of the record of a conviction or findings made or the action taken by an external regulatory body constitutes proof, in the absence of evidence to the contrary, of the conviction or findings made or the action taken by that body, without proof of the signature of the convicting justice or person purporting to have signed on behalf of that body.</p> <p>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>(a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations;</p> |

| Professional Association | Engineers PEI | Professional Engineers and Geoscientists of Newfoundland and Labrador |
|--------------------------|--|---|
| | <p>(i) enclosing a copy of the complaint, and (ii) advising the person complained of that he has the opportunity to provide the Act Enforcement Officer with his written comments concerning the complaint within fourteen days of the date that a copy of the complaint was sent to him; (b) after the expiration of fourteen days, convey to the Committee any written comments of the person complained of which have been provided pursuant to clause (a); (c) undertake any investigations requested by the Committee and convey any findings of such investigations to the Committee. (4) If, in the absence of a written complaint, circumstances come to the notice of the Council which, in its opinion, may constitute grounds for discipline pursuant to the Act, the Council may request in writing an investigation by the Act Enforcement Committee and the written request shall indicate the circumstances which have come to the notice of the Council. (5) A copy of the written request from the Council shall after its receipt by the Act Enforcement Committee be forwarded to the Act Enforcement Officer who shall proceed in the manner set out in subsection (3). (6) The Committee shall deal with such a request as if it were a complaint and the request shall be treated for purposes of the Act and bylaws in the same manner as a complaint. (7) The Act Enforcement Committee in accordance with the information it has received, may (a) dismiss the complaint; (b) refer the matter in whole or in part to the Discipline Committee; (c) take such action as it considers appropriate in the circumstances to resolve the complaint; (d) recommend to the Council to have the matter heard by a court of competent jurisdiction in Prince Edward Island.</p> <p>19. (1) Upon referral of a complaint to it, the Discipline Committee shall set a time and place for the holding of a hearing by the Committee to deal with the complaint...</p> | <p>(b) conduct an investigation itself or appoint a person to conduct an investigation on its behalf; and (c) conduct a practice review into the respondent's practice; and (d) require the respondent to appear before it. (2) Where the complaints authorization committee is of the opinion there are no reasonable grounds to believe the respondent has engaged in conduct deserving of sanction, the committee shall dismiss the allegation and give notice in writing of the dismissal to the complainant.</p> <p>25. (1) For the purpose of dealing with complaints referred to the disciplinary panel, the chairperson of the disciplinary panel shall appoint from it an adjudication tribunal consisting of 3 persons, of whom 2 shall be members and one shall be a person appointed by the minister under subsection 21(4).</p> <p>26. (1) Where a complaint has been referred under paragraph 24 (3)(b), an adjudication tribunal shall hear the complaint.</p> <p>Regulation</p> <p>28. (4) The chairperson of the complaints authorization committee shall inform the respondent and the complainant within 120 days of receipt of the allegation whether the committee intends to conduct an investigation of the allegation under section 24 of the Act.</p> <p>Regulation</p> <p>2(g) "professional good standing" means (i) evidence of the applicant's professional good character satisfactory to the registration committee, which evidence may include letters of reference from employers and other persons familiar with the professional practice of an applicant,</p> |

| Professional Association | Engineers PEI | Professional Engineers and Geoscientists of Newfoundland and Labrador |
|---|---|---|
| <p>Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry</p> | <p>Act 6(7) If the Council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section, or has been guilty of conduct that would, in the case of a member or licensee be professional misconduct or incompetence, the Council may reprimand the holder, or suspend or revoke its certificate of authorization.</p> | <p>Act 24.(3) Where the complaints authorization committee is of the opinion that there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction, the allegation is considered to constitute a complaint, and the committee may (a) counsel or caution the respondent; or (b) instruct the registrar to file the complaint against the respondent and refer it to the disciplinary panel; and (c) suspend or restrict the respondent's registration. (4) Where the complaints authorization committee suspends a respondent's registration under subsection (3), the committee shall give notice of the suspension to the public as required by the regulations.</p> <p>Regulations 17. The registration committee may, upon notice, suspend or cancel the registration of a member-in-training for failure to comply with the Act, regulations or by-laws.</p> <p>28.(5) Where the complaints authorization committee suspends the registration of a respondent under subsection 24(4) of the Act, the committee shall publish a notice of the suspension in a newspaper of general circulation in or near the community where the respondent practices. (6) In addition to the notice given under subsection (5) the committee may also give notice to those persons or by another means the committee considers appropriate.</p> |
| <p>Alternative Dispute Resolution</p> | <p>Act 16(7) The Act Enforcement Committee in accordance with the information it has received, may (c) take such action as it considers appropriate in the circumstances to resolve the complaint;</p> | <p>Act 23. (1) Where it appears to the registrar after notifying the respondent of the allegation that the allegation may be resolved satisfactorily and where the complainant and the respondent consent, the registrar may attempt to resolve the matter. (2) Where the allegation is not satisfactorily resolved by the registrar under subsection (1), he or she shall refer the allegation and all other allegations to the complaints authorization committee. (3) The registrar shall inform a complainant and a respondent of the</p> |

| Professional Association | Engineers PEI | Professional Engineers and Geoscientists of Newfoundland and Labrador |
|--------------------------|---------------|--|
| | | <p>referral of the allegation to the 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>(a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations;</p> <p>Regulations</p> <p>29. (1) Where the complaints authorization committee refers an allegation back to the registrar for mediation under paragraph 24(1)(a) of the Act, the registrar shall take the steps required for the mediation to take place.</p> <p>(2) The complainant and the respondent must agree to participate in the mediation and to accept the result.</p> <p>(3) The mediator shall conduct the mediation in accordance with a mediation agreement acceptable to the complainant, the respondent and the complaints authorization committee.</p> <p>(4) Where the complaints authorization committee, the complainant and the respondent accept the result of the mediation, the disciplinary process is concluded.</p> <p>(5) Where the complaints authorization committee does not accept the result of the mediation, it may exercise one or more of the powers given it under section 24 of the Act.</p> <p>(6) Where a mediation has not been concluded within 3 months of its commencement or, where, during the 3 month period, the mediator concludes there is no reasonable prospect that the mediation will be concluded satisfactorily, the mediator shall refer the allegation back to the complaints authorization committee and, in that case, the committee may exercise one or more of the powers given it under section 24 of the Act.</p> <p>(7) The association shall bear the costs of the mediator and the place where the mediation is conducted, and the complainant and the respondent shall bear their costs.</p> |

| Professional Association | Association of Professional Engineers of Yukon | Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists |
|--|---|---|
| <p>Authority to Initiate Investigation or Complaint</p> <p>Good Character and Reputation</p> | <p>Act</p> <p>26(1) Any person may complain to the registrar about the conduct of a professional engineer, holder of a limited licence, holder, or engineer-in-training, 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 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>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>31(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.</p> <p>32 The person conducting a preliminary investigation shall, immediately on concluding the preliminary investigation, report their findings to the Discipline Committee.</p> <p>34(1) If the investigation is not terminated under section 33, the Discipline Committee shall hold a hearing into the complaint immediately.</p> <p>35(1) The Discipline Committee may also investigate and hear any other matter concerning the conduct of the investigated person that arises in the course of the hearing, but in that event the Committee shall declare its intention to investigate and hear the further matter and shall permit the person sufficient opportunity to prepare their answer to the further matter.</p> | <p>Act</p> <p>32. (1) A person who wishes to make a complaint that an act or omission of a practitioner constitutes unprofessional conduct may file a complaint with the Executive Director.</p> <p>(2) For greater certainty, a practitioner, member of the Discipline Committee or council member may file a complaint under subsection (1).</p> <p>(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> <p>(4) A complaint filed under subsection (1) must be in writing and must include the complainant's name and postal address.</p> <p>(5) The Executive Director shall transmit a copy of each complaint filed under subsection (1) to the chairperson of the Discipline Committee.</p> <p>(6) If the Executive Director has evidence, in the absence of a complaint under subsection (1), that the conduct of a practitioner constitutes unprofessional conduct, the Executive Director shall file a written complaint with the chairperson of the Discipline Committee.</p> <p>(7) On receiving a complaint filed under subsection (1) or (6), the chairperson of the Discipline Committee shall give the practitioner notice, including a copy of the complaint.</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> <p>35. (1) On completion of the preliminary investigation, the Investigative Committee shall</p> <p>(a) issue a direction that no further action be taken if it finds that the complaint does not provide a basis for a finding of unprofessional conduct;</p> <p>(b) issue a reprimand to the practitioner, if it finds that the investigated conduct constitutes unprofessional conduct, and if it further finds that the conduct is not of such gravity or importance as to warrant suspension or termination of the practitioner's registration; or</p> |

| Professional Association | Association of Professional Engineers of Yukon | Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists |
|---|--|--|
| | | <p>(c) issue a direction that a hearing be held in respect of the complaint.</p> <p>37. (1) Council shall, on receipt of a direction issued by an Investigative Committee under paragraph 35(1)(c) or by the chairperson of the Discipline Committee under subsection 36(2), appoint a Board of Inquiry comprised of three council members to conduct a hearing to inquire into the complaint.</p> <p>Regulations</p> <p>2(g) "professional good standing" means</p> <p>(i) evidence of the applicant's professional good character satisfactory to the registration committee, which evidence may include letters of reference from employers and other persons familiar with the professional practice of an applicant,</p> |
| <p>Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry</p> | <p>Act</p> <p>6.1(4) If the Board of Examiners considers it necessary to protect the public interest as a result of complaints or disciplinary or criminal proceedings in any other jurisdiction relating to the competency, conduct or character of an individual who applies for registration under this section, the Board of Examiners may</p> <p>(a) impose terms, conditions or restrictions on the applicant's ability to practice;</p> <p>36(1) Despite anything in this Act, the Discipline Committee may suspend the registration of a professional engineer, holder of a limited licence, permit holder, or engineer-in-training until a preliminary investigation or a decision of the Discipline Committee.</p> <p>(2) A person whose registration is suspended under subsection (1) may apply to the Supreme Court for an order staying the suspension and the court may, subject to any conditions that it thinks proper, stay the suspension if satisfied that no public interest and no private interest of a client of the investigated person will be prejudiced by granting the stay.</p> | |

| Professional Association | Association of Professional Engineers of Yukon | Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists |
|--------------------------------|--|---|
| Alternative Dispute Resolution | <p>Act</p> <p>26(3) Despite section 29, a person designated by the registrar as a mediator may assist in settling a complaint if the complainant and the professional engineer, holder of a limited licence, engineer-in-training or permit holder about whose conduct the complaint was made agree, but if within 60 days from the date of receipt of the complaint or a longer period to by those persons a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred immediately by the registrar to the Discipline Committee.</p> <p>Regulations</p> <p>32.(1) The Registrar may designate only a professional member who is not a member of the Discipline Committee or Council as a mediator under section 26(3) of the Act.</p> <p>(2) The mediator may consult with the Registrar, but the Registrar shall not assume the role of mediator.</p> <p>(3) The mediator shall review the complaint in consultation with the complainant and the person about whose conduct the complaint was made.</p> <p>(4) The mediator shall advise the Registrar if, in their opinion, a settlement of the complaint is not likely to occur.</p> | <p>Act</p> <p>46. (1) The chairperson of the Discipline Committee may, at any time before the commencement of a hearing into a complaint, appoint a referee to conduct an alternative dispute resolution process in respect of the complaint if</p> <p>(a) the chairperson considers that an attempt to settle the complaint through the process is appropriate in the circumstances; and</p> <p>(b) the complainant and practitioner agree to attempt to have the complaint settled through an alternative dispute resolution process, and agree to comply with the procedures that will apply to the process.</p> <p>(2) The referee shall terminate the process and refer the complaint back to the chairperson of the Discipline Committee if</p> <p>(a) the complainant or practitioner request a termination of the process; or</p> <p>(b) the referee considers it unlikely that the complaint will be settled through the process.</p> <p>(3) The chairperson of the Discipline Committee shall provide the complainant and practitioner with a written notice of</p> <p>(a) the appointment of a referee to conduct an alternative dispute resolution process in respect of a complaint under subsection (1); or</p> <p>(b) the referee's referral of the complaint back to the chairperson under subsection (2).</p> <p>48. (1) If a complaint is settled through an alternative dispute resolution process, the referee shall provide the chairperson of the Discipline Committee with a copy of the settlement agreement signed by the complainant and practitioner.</p> <p>(2) The chairperson of the Discipline Committee may</p> <p>(a) approve the settlement agreement;</p> <p>(b) with the consent of the complainant and practitioner, amend the terms and conditions of the settlement agreement and then approve it; or</p> <p>(c) refuse to approve the settlement agreement.</p> <p>(3) A settlement of a complaint does not come into effect unless the chairperson of the Discipline Committee approves the settlement agreement under paragraph (2)(a) or (b).</p> |

| Professional Association | Association of Professional Engineers of Yukon | Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists |
|--------------------------|--|---|
| | | <p>(4) The chairperson of the Discipline Committee may deal with a complaint under this Part as if there had been no appointment of a referee to conduct an alternative resolution process if</p> <p>(a) the complaint is referred back to the chairperson under subsection 46(2);</p> <p>(b) the chairperson refuses to approve the settlement agreement under paragraph (2)(c); or</p> <p>(c) the chairperson is satisfied that the practitioner has not complied with the terms and conditions of an approved settlement agreement.</p> <p>(5) The chairperson of the Discipline Committee shall notify Council of the disposition of a complaint referred to an alternative dispute resolution process.</p> |

Appendix 3 – Summary and Analysis of Alberta Professional Associations

This table summarizes the research for the Registrar’s Authority regarding investigating complaints, suspensions, and alternative dispute resolution. Appendix 3A contains the relevant legislative provisions that form the basis of this summary.

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta (CPAA) | Law Society of Alberta | Alberta Association of Architects |
|--|---|--|---|--|
| Authority to Initiate an Investigation or Complaint | <p>A person may complain.</p> <p>Registrar refers complaints to Investigative Committee.</p> <p>Practice Review Board can make recommendation to Investigative Committee as if it were a complaint.</p> | <p>Registrar can make complaint if member fails to meet requirements regarding continuing registration.</p> <p>Practice review committee, can after a practice review.</p> <p>A person can file a complaint about the conduct of a member or former member.</p> <p>Complaints inquiry committee (CIC) may treat as a complaint questionable conduct that comes to attention of the CPAA.</p> | <p>Any conduct that comes to the attention of the Society, by complaint or otherwise, must be reviewed by Executive Director, who may direct that the conduct be investigated and then refer it to Practice Review Committee and/or Conduct Committee, which can require further investigation or review, or direct to Hearing Committee.</p> | <p>A person may complain to the Registrar about the conduct of a member (authorized entity)</p> <p>Chair of Complaint Review Committee reviews complaint or conduct (which may include a preliminary investigation) and may refer it to the Committee, which investigates and holds a hearing.</p> |
| Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry | Investigative Committee | <p>CIC chair, after giving member opportunity to provide information and make representations</p> <p>Per the bylaws, if member fails to meet requirements regarding continuing registration</p> <p>Discipline tribunal roster chair, if member convicted of indictable offence</p> | <p>Benchers, at any stage of proceedings, if they consider it warranted in the circumstances, or if member is convicted of indictable offence</p> <p>Practice Review Committee can obtain member’s undertaking respecting restrictions or conditions on practice.</p> | Chair of a review panel pending decision of the review panel |
| Alternative Dispute Resolution | Registrar can designate mediator if parties agree | CIC secretary can appoint mediator, conciliator, or other to assist in resolution, if parties agree | <p>Executive Director may attempt to resolve.</p> <p>Pre-hearing conferences must</p> | A person designated by the Council as a mediator may assist in settling a complaint if parties agree. |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta (CPAA) | Law Society of Alberta | Alberta Association of Architects |
|--------------------------|--|--|---|--|
| | | | be held to consider resolution by alternative measures. | |
| Notes | | CIC secretary reviews complaint or information and refers it to CIC chair, who may appoint an investigator who reports to the CIC. | Executive Director is similar to a Registrar; Benchers are similar to Council. Unauthorized Practice of Law Committee considers complaints of unauthorized practice under Part 6 of the Act. | Reviewer of practice may refer matter to Complaint Review Committee. |

| Professional Association | Alberta Dental Association and College | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|---|--|---|---|
| Authority to Initiate an Investigation or Complaint | <p>A person can make a complaint. Complaints director may treat information as a complaint despite not receiving a complaint. Competence committee, registration committee, or registrar must make a referral to the complaints director if believed that a regulated member has intentionally provided false or misleading information.</p> <p>Competence committee must make a referral to the complaints director if, based on information from a practice visit, it is of the opinion that the member displays lack of competence that has not been remedied by participating in the continuing competence program, member may be incapacitated, or conduct of member constitutes unprofessional conduct that cannot be readily remedied by means of continuing competence program.</p> <p>Registrar must make a referral to the complaints director in prescribed circumstances, on basis of information contained in an inspection report provided by an inspector.</p> <p>Complaints director may conduct or appoint investigator to conduct investigation. Investigator submits report to complaints director.</p> <p>A notice of conduct that employer is required to give to complaints director regarding unprofessional conduct may be treated as a complaint.</p> | | <p>A person may complain to the Complaints Director. Complaints Director may treat information as complaint despite not receiving complaint.</p> <p>At any time during an inquiry or review, Practice Review Board can recommend to Hearing Tribunal, which may proceed as if it were a complaint.</p> <p>Complaints Director may conduct or appoint investigator to conduct investigation – submits report to Complaint Review Committee.</p> <p>Complaints Director may refer complaint to Complaint Review Committee and must do so in prescribed circumstances.</p> |
| Authority to Suspend Licence or Impose Conditions | Person or committee designated by council, on recommendation of complaints director or hearing tribunal. | Person or committee designated by council on recommendation of complaints director or hearing tribunal. | Person or committee designated or established by Council, on recommendation of the Complaint Review Committee, Hearing Tribunal, or |

| Professional Association | Alberta Dental Association and College | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|---------------------------------|---|--|--|
| Pending Hearing or Inquiry | If results of practice visit are unsatisfactory, Competence Committee may direct one or more prescribed actions. | | Complaints Director. |
| Alternative Dispute Resolution | Complaints director may attempt to resolve the complaint, with consent of parties; may make a referral to alternative complaint resolution process, if parties agree, before commencement of hearing by the hearing tribunal. Complaint review committee reviews and ratifies settlements. Complaints director appoints person to conduct the process and establishes procedures and objectives in consultation with the complainant and the investigated person. | | Complaints director may attempt to resolve the complaint, with consent of parties; may make a referral to alternative complaint resolution process if parties agree, before commencement of hearing by the hearing tribunal; parties agree to process set out in writing; Complaint Review Committee reviews and ratifies settlements. |
| Notes | Complaint review committee conducts review of decision to dismiss complaint. | | |

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

This table summarizes the research for a Registrar’s authority regarding investigating complaints, suspensions, and alternative dispute resolution. The following text is quoted from the legislation and has not been modified to match APEGA’s writing style.

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--|---|--|--|
| <p>Authority to Initiate Investigation or Complaint</p> <p>Good Character and Reputation</p> | <p>Act</p> <p>16(6) The [Practice Review] 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.</p> <p>(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.</p> <p>43(1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in</p> | <p>Act</p> <p>54(1) A registrant’s registration continues in effect if the registrant</p> <p>(a) completes any applicable continuing competence or education requirements in accordance with the regulations or bylaws,</p> <p>(b) provides satisfactory evidence to the registrar that the registrant is maintaining professional liability insurance as required by the bylaws or, in the case of limited liability partnerships, as required by the regulations,</p> <p>(c) provides information to the CPAA in accordance with this Act or the regulations,</p> <p>(d) pays registration fees in the amounts and at the times provided for by resolution,</p> <p>(e) provides satisfactory evidence to the registrar of having complied with any conditions or restrictions on the registrant’s registration or</p> | <p>Act</p> <p>53(1) Any conduct of a member that comes to the attention of the Society, whether by way of a complaint or otherwise, shall first be reviewed by the Executive Director.</p> <p>(2) If the conduct that comes to the attention of the Society under subsection (1) involves a dispute between the member and another person, the Executive Director,</p> <p>(a) before commencing a review of the matter pursuant to subsection (1), may attempt to resolve the dispute, and</p> <p>(b) if the dispute is resolved to the satisfaction of the member and the other person, may direct that no further proceedings be taken under this Part in respect of the matter.</p> <p>(3) The Executive Director, in the course of a review under subsection (1), may do either or both of the following:</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|---|---|--|
| | <p>accordance with this Part and the regulations.</p> <p>(2) A complaint must be in writing.</p> <p>(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>(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.</p> | <p>practice,</p> <p>(f) provides to the registrar in a timely manner any changes to the information required to be provided to the registrar under this Act and the regulations, bylaws and directives, and</p> <p>(g) provides any further information required by the directives.</p> <p>(2) If a registrant fails to meet the requirements set out in subsection (1),</p> <p>(c) the registrar may make a complaint under section 66 about the conduct of the registrant.</p> <p>62(1) After each practice review, the practice review committee may determine whether the professional accounting practice or the public accounting practice that is the subject of the practice review complies in whole or in part with the rules of professional conduct and practice standards and may do one or more of the following:</p> <p>(e) make a complaint under section 66.</p> | <p>(a) require the complainant or the member concerned to answer any inquiries or to furnish any records that the Executive Director considers relevant for the purpose of the review;</p> <p>(b) direct that the conduct be investigated.</p> <p>(4) On the completion of a review under subsection (1), the Executive Director shall either</p> <p>(a) direct that the matter be dismissed, or</p> <p>(b) refer the matter, together with the Executive Director's report respecting the review,</p> <p>(i) to the Practice Review Committee,</p> <p>(ii) to the Conduct Committee, or</p> <p>(iii) to both Committees.</p> <p>(5) If the conduct of a member comes to the attention of the Society by way of a complaint, the Executive Director shall endeavour to resolve the complaint but shall perform the duties under subsections (1) to (4) whether the complaint is resolved or not.</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|---|--|---|
| | <p>(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</p> <p>(a) approve the agreement, or</p> <p>(b) proceed with a preliminary investigation in accordance with section 47.</p> <p>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>54(1) The Discipline Committee may also investigate and hear any other matter concerning the conduct of the investigated person that arises in the course of the hearing, but in that event the Committee shall declare its intention to investigate and hear the</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>66(1) Any person may make a complaint to the CPAA about the conduct of a registrant or former registrant.</p> <p>(2) A complaint must be in writing and signed by the complainant.</p> <p>(3) The CIC secretary may treat as a complaint any questionable conduct of a registrant or former registrant that comes to the attention of the CPAA other than by way of a complaint, including any information given to the CPAA by</p> <p>(a) a registrant respecting conduct or an event about which a registrant is required to give notice, whether in</p> | <p>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.</p> <p>(6) An investigator may investigate any other conduct of the member concerned that arises in the course of the investigation.</p> <p>(7) An investigator shall make a report respecting the investigation to whoever directed that the investigation be made.</p> <p>56(1) The Conduct Committee shall review any conduct of a member referred to it under section 53, 54 or 57.</p> <p>(2) The Conduct Committee, in the course of its review under subsection (1), may do either or both of the following:</p> <p>(a) require the complainant or the member concerned to answer any inquiries or to produce any records that the Committee considers relevant for the purpose of the</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|---|--|---|
| | <p>further matter and shall permit the person sufficient opportunity to prepare the person's answer to the further matter.</p> <p>General Regulation</p> <p>20(1) On the request of the Practice Review Board, a professional member or licensee must satisfy the Board that that person is complying with the requirements of the Continuing Professional Development Program.</p> <p>(2) Where a professional member or licensee fails to satisfy the Practice Review Board under subsection (1), the Board may</p> <p>(a) conduct a review of the practice of that person in accordance with the Act and this Regulation, and</p> <p>(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.</p> | <p>respect of the registrant's own conduct or the conduct of another registrant or former registrant,</p> <p>(b) a professional organization in Alberta or another jurisdiction respecting the conduct of a registrant or former registrant,</p> <p>(c) a governmental or regulatory official or body concerning the conduct of a registrant or former registrant,</p> <p>(d) the registrar acting under section 54(2)(c), or</p> <p>(e) the practice review committee acting under section 62(1)(e).</p> <p>67 If a complaint relates to a professional accounting firm, the complaint may be made in respect of the firm itself or any one or more of the registrants in or associated with the professional accounting firm, or both the firm and any one or more of the registrants.</p> <p>68(1) Any conduct of a registrant or former registrant that comes to the attention of the CPAA under section</p> | <p>review;</p> <p>(b) direct that the conduct be investigated or further investigated.</p> <p>58(1) The Conduct Committee, at any time during or after a review by it under section 56 of a member's conduct, may direct the Practice Review Committee to carry out a general review and assessment of the member's conduct in addition to the review under section 56.</p> <p>(7) On receiving a report of the Practice Review Committee, the Conduct Committee may, with respect to any conduct of the member that is mentioned in the report,</p> <p>(a) direct that an investigation be made into the conduct and, on receiving the report of the investigator, direct that the conduct be dealt with by a Hearing Committee, or</p> <p>(b) direct that the conduct be dealt with by a Hearing Committee.</p> <p>Rules</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|---|---|
| | <p>ASET Regulation</p> <p>30 Despite not receiving a complaint under section 43 of the Act, but subject to section 43(3) of the Act, if the ASET Registrar has reasonable grounds to believe that the conduct of a regulated member or former member constitutes unprofessional conduct or unskilled practice, the ASET Registrar may treat the information as a complaint and act on it under section 43 of the Act.</p> | <p>66 must first be reviewed by the CIC secretary.</p> <p>(2) On receipt of a complaint, the CIC secretary must direct that no further action be taken if the CIC secretary determines that the conduct is not within the jurisdiction of the complaints inquiry committee or a discipline tribunal.</p> <p>(3) If the CIC secretary directs under subsection (2) that no further action be taken, the CIC secretary</p> <p>(a) must</p> <p>(i) notify the complainant of the decision,</p> <p>(ii) provide the complainant with a written explanation of the decision, and</p> <p>(iii) provide notice to the complainant of the right to appeal under section 81, and</p> <p>(b) may notify the registrant or former registrant.</p> <p>(4) The CIC secretary, in the course of a review under subsection (1), may require the complainant or a registrant or former registrant to answer any inquiries or to provide</p> | <p>30 (1) The Unauthorized Practice of Law Committee is established.</p> <p>(2) The Unauthorized Practice of Law Committee shall;</p> <p>(a) consider any complaints of unauthorized practice under Part 6 of the Act and take such action with respect to any complaint as it considers necessary, and</p> <p>(b) consider and make recommendations to the Benchers relating to the activities of paralegals and legal assistants.</p> <p>48.1 (1) Executive Director shall review each application.</p> <p>(2) In the course of a review under this part the Executive Director may do any of the following:</p> <p>(a) require the applicant to answer any inquiries or to furnish any records that the Executive Director considers relevant for the purpose of the review; and</p> <p>(b) direct an investigation of the matter.</p> <p>(4) The investigator shall provide a</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|--|--|
| | | <p>any records or other information that the CIC secretary considers relevant for the purpose of the review, and that person must comply.</p> <p>(5) If the CIC secretary, in the course of a review under subsection (1) or later, becomes aware of the involvement of any other registrant or former registrant in the conduct under review, or any other questionable conduct, the CIC secretary may extend the review in whatever manner the CIC secretary considers appropriate.</p> <p>(6) In performing any function under this Part, the CIC secretary has the powers of an investigator under section 78.</p> <p>(7) On completing a review under this Part, the CIC secretary must refer the complaint and all the information obtained during the course of the review to the CIC chair.</p> <p>(8) After completing a review under this Part, if the CIC secretary is of the opinion that there are reasonable and probable grounds to believe that the investigated party has committed</p> | <p>written report to the Executive Director containing the findings of the investigation.</p> <p>(5) Prior to making a determination the Executive Director shall provide the applicant with a copy of the investigation report and an opportunity to respond to the report in writing.</p> <p>48.2 (1) The Executive Director's review and determination shall be based entirely on documentary information, including the investigation report and response by the applicant, and evidence. Where the Executive Director determines that viva voce evidence or oral submissions are required in order to properly assess the matter, the Executive Director shall refer the matter to a panel.</p> <p>(2) Where the Executive Director decides a matter, the Executive Director shall advise the applicant in writing of the decision made, of the reasons for that decision, and, in cases where a right of appeal is</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|---|---|
| | | <p>a criminal offence, the CIC secretary may</p> <p>(a) advise the Minister of Justice and Solicitor General of the nature of the concerns, and</p> <p>(b) on request, send a copy of information related to the concerns to the Minister of Justice and Solicitor General, except information that is subject to solicitor-client privilege.</p> <p>76(1) On receipt of a complaint and results of a review from the CIC secretary, the CIC chair must</p> <p>(a) direct that no further action be taken regarding the complaint if the CIC chair is of the view that</p> <p>(i) the conduct is not unprofessional conduct,</p> <p>(ii) the conduct is not within the jurisdiction of the complaints inquiry committee or a discipline tribunal, or</p> <p>(iii) the conduct complained about is too minor to warrant any sanction or further investigation, or</p> <p>(b) appoint an investigator to investigate any matter.</p> <p>(2) An investigator appointed under</p> | <p>provided, the entitlement to appeal the decision to the Committee.</p> <p>51 (1) An applicant for admission as a student-at-law under section 40(1) of the Act shall furnish to the Executive Director the following:</p> <p>(a) an application in Form 2-1;</p> <p>(b) 2 certificates of character and reputation in Form 2-4;</p> <p>51.1 (1) If the applicant does not establish he or she is of good character and reputation, the Executive Director shall refuse the application.</p> <p>(2) In determining whether an applicant has established he or she is of good character and reputation, the Executive Director shall not be bound by certificates of character or good standing.</p> <p>85 (1) Any matter regarding the conduct of a member that comes to the attention of the Society, whether by way of a complaint or otherwise, shall be delivered to or otherwise</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|---|---|
| | | <p>subsection (1)(b) may also be appointed to investigate a complaint made by any other professional organization to which the investigated party belongs.</p> <p>(3) If the CIC chair directs that no further action be taken, the CIC chair</p> <p>(a) must notify the investigated party and the complainant of the decision and give them a written explanation of it,</p> <p>(b) must provide notice to the complainant of the right to appeal under section 81, and</p> <p>(c) may make recommendations or provide guidance in respect of the future conduct or practice of the investigated party.</p> <p>(4) If the CIC chair appoints an investigator, the CIC chair must provide a notice of investigation to the investigated party and the complainant.</p> <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</p> | <p>brought to the attention of the Executive Director to enable the Executive Director to conduct a review of the matter under section 53 of the Act.</p> <p>(2) If a complaint or other information brought to the attention of the Executive Director under subrule (1) is not then in writing, the Executive Director shall</p> <p>(a) in the case of a complaint, attempt to obtain the complaint in writing and, if the attempt fails, prepare a memorandum summarizing the complaint as accurately as possible on the basis of the complainant's oral statements and any records submitted by the complainant,</p> <p>(b) in the case of other information, prepare a memorandum summarizing the other information on the basis of the oral statements or records received by the Executive Director, and</p> <p>(c) subject to subrule (3), furnish to the member a copy of the complaint or memorandum.</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|---|--|
| | | <p>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>80(1) Within a reasonable time after receipt of an investigator's report, the complaints inquiry committee must</p> <p>(a) direct that a further or other investigation be carried out under section 77 by the same or another investigator,</p> <p>(b) decide that no further action be taken, in which case the complaints inquiry committee may also make recommendations or provide</p> | <p>88(6) (a) Notwithstanding subrules (3) to (5), if it comes to the attention of the Conduct Committee in the course of a review under section 56 of the Act that the practice of the member concerned, or of the law firm with which that member is associated in practice, is being conducted in a manner which may not be in the best interests of the public or the legal profession or both, the Conduct Committee</p> <p>(i) may, as part of an investigation or further investigation directed under that section, direct the Executive Director to require the member concerned, with or without any other members practising with that law firm, to appear at a private meeting with one or more Benchers appointed by the Committee for the purpose of carrying out a review of and an informal inquiry into the practice of the member or the law firm, as the case may be, with a view to giving advice and directions respecting the conduct of that</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|--|--|
| | | <p>guidance in respect of future conduct or practice, or</p> <p>(c) refer one or more allegations of unprofessional conduct to the discipline tribunal roster chair.</p> <p>(2) A member of the complaints inquiry committee who conducted the investigation may participate in, but may not vote on, a decision under subsection (1).</p> <p>(3) The complaints inquiry committee must</p> <p>(a) notify the investigated party and the complainant of its decision and provide to each of them a written explanation for it, and</p> <p>(b) provide notice to the complainant of the right to appeal under section 81, if the complaints inquiry committee decides pursuant to subsection (1)(b) that no further action be taken.</p> <p>Regulations</p> <p>2(1) Each applicant for registration as a candidate or member of the CPAA must provide satisfactory</p> | <p>practice, and</p> <p>(ii) shall consider the report of the Benchers who carried out the review and inquiry under clause (a) before the Committee makes its decision under section 56(3) of the Act with respect to the conduct of the member concerned.</p> <p>108(5) Before making a report under Rule 110 [regarding reinstatement], the Executive Director may conduct an investigation respecting the application or any information provided by the applicant to the Executive Director in connection with the application, and in the course of the investigation the Executive Director may:...</p> <p>111(2) The hearing before the Committee of Inquiry of an application for reinstatement shall be governed by the following provisions:</p> <p>(e) at any time in the course of the hearing the Committee may direct any investigation it considers appropriate with respect to the</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|--|---|
| | | <p>evidence to the registrar of being</p> <p>(a) a Canadian citizen or an individual lawfully permitted to work or study in Canada, and</p> <p>(b) of having good character and reputation.</p> <p>(2) In determining whether an applicant is of good character and reputation, the registration committee must consider whether the applicant</p> <p>(a) has had a finding of unprofessional conduct or similar finding made against the applicant by any professional organization, or has entered into an agreement with any professional organization regarding the applicant's conduct, and any orders made in consequence of any such finding or agreement,</p> <p>(b) has any outstanding complaints or discipline matters with any professional organization with which the applicant is or has been registered,</p> <p>(c) has been convicted of a criminal offence in any jurisdiction,</p> <p>(d) has any outstanding charges under the criminal law of any</p> | <p>application or of any materials submitted by the applicant or others.</p> <p>112 (4) Before deciding the application, the Benchers may do one or more of the following:</p> <p>(a) refer the application and the report of the Committee of Inquiry back to that Committee with directions as to the actions to be taken by the Committee in further consideration of the application;</p> <p>(b) direct any further investigation the Benchers consider appropriate; or</p> <p>(c) receive fresh evidence respecting the application.</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|--|------------------------|
| | | <p>jurisdiction,</p> <p>(e) has, in any jurisdiction, been found guilty of contravening a section of securities regulatory legislation, or has entered into a settlement agreement, or similar agreement, with a securities regulator,</p> <p>(f) has been found guilty of an offence under any tax legislation that involves, explicitly or implicitly, dishonesty on the part of the applicant, or having entered into a settlement agreement with respect to such conduct,</p> <p>(g) has been subject to any of the provisions of the Bankruptcy and Insolvency Act (Canada), or similar legislation in any jurisdiction, or</p> <p>(h) has been found guilty of a breach of a code of conduct or an academic infraction at any post-secondary education institution or from any professional education program.</p> <p>(3) In addition to the matters referred to in subsections (1) and (2), the registration committee must consider</p> <p>(a) any character references,</p> | |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--|--|--|--|
| | | (b) information on steps taken to overcome and evidence that the applicant has overcome any competence or ethical issues related to subsection (1) or (2), and (c) any mitigating factors provided by the applicant. | |
| Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry | <p>Act 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.</p> <p>(2) A person whose registration is suspended under subsection (1) may apply to the Court for an order staying the suspension.</p> <p>(3) A copy of an application under subsection (2) must be served on the Registrar.</p> | <p>54(2) If a registrant fails to meet the requirements set out in subsection (1) [see above],</p> <p>(a) the registrant's registration may be suspended, cancelled or made subject to practice restrictions in accordance with the bylaws,</p> <p>(3) The registrar must notify the registrant in writing of a suspension or cancellation of registration or the imposition of practice restrictions under this section.</p> <p>(4) A registrant whose registration is suspended, cancelled or made subject to practice restrictions pursuant to this section may, within 30 days after being notified by the registrar under subsection (3), appeal to an appeal tribunal in accordance with Part 7.</p> <p>(5) The appellant and the registrar or</p> | <p>Act 58(1) The Conduct Committee, at any time during or after a review by it under section 56 of a member's conduct, may direct the Practice Review Committee to carry out a general review and assessment of the member's conduct in addition to the review under section 56.</p> <p>(2) On being directed to carry out a review and assessment under this section, the Practice Review Committee may delegate the carrying out of any aspect of the review and assessment to a subcommittee consisting of one or more persons, whether they are members of the Practice Review Committee or of the Society or not, and in that case, the subcommittee shall submit a written report</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|--|--|
| | | <p>registration committee are parties to an appeal under this section.</p> <p>107(1) Notwithstanding anything in this Act, the CIC chair, after giving a registrant an opportunity to provide information and make representations, may, by written direction to the registrar,</p> <p>(a) suspend the registrant's registration or impose restrictions on the registrant's practice pending the conclusion of an investigation or pending the decision of a discipline tribunal, and</p> <p>(b) revoke the suspension or restriction at any time.</p> <p>(3) A registrant may apply to the Court of Queen's Bench for an order revoking a direction under subsection (1)(a).</p> <p>108(1) If a registrant is convicted of an indictable offence in any court in Canada or convicted of an offence outside Canada that would be regarded as an indictable offence in Canada, the registrant must give</p> | <p>containing its findings and recommendations to the Practice Review Committee.</p> <p>(3) The Practice Review Committee, in the course of a review and assessment carried out under this section, may require the member concerned to answer any inquiries or produce any records or other property that the Committee considers relevant for the purposes of the review and assessment.</p> <p>(4) After concluding its review and assessment, the Practice Review Committee may</p> <p>(a) make recommendations to the member concerned that it considers will, if followed, improve the conduct of the member in relation to the member's practice as a barrister and solicitor;</p> <p>(b) obtain the member's undertaking respecting restrictions on the member's practice as a barrister and solicitor or the conditions on which the member's practice as a barrister and solicitor will be carried on.</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|---|--|
| | | <p>notice of the conviction, within 21 days after its occurrence, to the CPAA.</p> <p>(2) The CPAA may act under this section whether it receives notice under subsection (1) or becomes aware of the conviction by other means.</p> <p>(3) The discipline tribunal roster chair must consider the nature and seriousness of the offence and may convene a discipline tribunal, which may, after providing the registrant with an opportunity to provide information and make representations,</p> <p>(a) cancel or suspend the registrant's registration or impose restrictions or place conditions on the registrant's practice pending the expiry of the appeal period or pending the determination of an appeal from the conviction or a proceeding to have the conviction quashed, or</p> <p>(b) after the appeal period has expired or an unsuccessful appeal from the conviction or an</p> | <p>63(1) If the conduct of a member is the subject of proceedings under this Division, the Benchers, without prior notice or hearing, may order the suspension of the membership of the member at any stage of those proceedings if the Benchers consider the suspension warranted in the circumstances having regard to the nature of the conduct.</p> <p>(2) An order of suspension under subsection (1)</p> <p>(a) may be terminated by the Benchers at any time on application or on their own motion;</p> <p>(b) may be terminated by a Hearing Committee on application or on its own motion if it considers the continuation of the suspension unwarranted in the circumstances or when it makes a finding under section 71(1) that the conduct of the member is not conduct deserving of sanction;</p> <p>(c) terminates on the discontinuance of the proceedings against the member under section</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|--|--|
| | | <p>unsuccessful proceeding to quash the conviction is concluded, and whether or not a cancellation, suspension, restriction or condition has previously been ordered,</p> <p>(i) suspend the registrant's registration or restrict the registrant's practice for a stated period or pending compliance with specified conditions, or</p> <p>(ii) cancel the registrant's registration.</p> <p>(4) A cancellation, suspension, restriction or condition under subsection (3)(a) may be revoked by the same or another discipline tribunal at any time.</p> <p>(5) A decision of the discipline tribunal roster chair under this section is final.</p> <p>(6) The complaints inquiry committee or a registrant who is the subject of a decision of a discipline tribunal under this section may appeal the decision of the discipline tribunal to an appeal tribunal in accordance with Part 7, and the complaints inquiry committee and the</p> | <p>62(1) or (2) unless it has been sooner terminated under clause (a) or (b) of this subsection.</p> <p>(3) If a Hearing Committee is directed to deal with a member's conduct and considers it warranted in the circumstances to do so having regard to the nature of the conduct, the Hearing Committee, at any time after the direction is made and without prior notice or hearing, may order the suspension of the membership of the member pending the making of the Committee's decision under section 71(1) and, if the Committee finds the member guilty of conduct deserving of sanction, pending the making of the Committee's order under section 72.</p> <p>(4) An order of suspension under subsection (3)</p> <p>(a) may be terminated by the Hearing Committee that made it or by the Benchers, on application or on the Committee's or the Benchers' own motion;</p> <p>(b) terminates on the discontinuance of the proceedings</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|---|---|
| | | <p>registrant who is the subject of the decision are the parties to the appeal.</p> | <p>against the member under section 62(1) or (2) unless it has been sooner terminated under clause (a) of this subsection.</p> <p>(5) A termination of a suspension by or under subsection (2) or (4) does not preclude the making of another order under this section for the suspension of the membership of the same member in respect of the same conduct.</p> <p>(6) The Benchers or a Hearing Committee may, instead of suspension under subsection (1) or (3), impose one or more conditions respecting the conduct of a member referred to in this section and may suspend the membership of the member in accordance with subsection (1) or (3) if the member fails to fulfil the condition or conditions.</p> <p>(7) Notwithstanding section 20(5)(b), where under section 20(5) the President directs that a vote under this section be taken by the polling of the Benchers by mail, telegram, telephone or other mode of</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|---|---|
| | | | <p>communication or by any combination of those modes, and</p> <p>(a) the resolution is agreed to by at least 2/3 of the Benchers so voting, and</p> <p>(b) the Benchers so voting constitute a quorum of the Benchers under this Part,</p> <p>the resolution is as valid as if the vote were taken at a properly constituted meeting of the Benchers.</p> <p>83(2) If a member is convicted of an indictable offence, the Benchers, without any other proceedings under this Part and before the expiration of the appeal period relating to the conviction, may order the suspension of the membership of the member whether or not an appeal is commenced.</p> <p>Rules</p> <p>93 (2) If the membership of a member is suspended pursuant to section 63(1) or (3) of the Act, the member may apply for the</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------------|---|---|--|
| | | | <p>termination of the suspension</p> <p>(a) to the Hearing Committee in person, if the application is made during its hearing respecting the member's conduct, or</p> <p>(b) in any other case, by filing a written application with the Executive Director.</p> <p>(3) If the membership of a member is suspended pursuant to section 63 of the Act, the member may apply to the chair of the Conduct Committee to expedite the hearing of the matter(s) leading to the suspension.</p> |
| Alternative Dispute Resolution | <p>Act</p> <p>43(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred</p> | <p>Act</p> <p>71(1) At any time before an allegation of unprofessional conduct is referred to the discipline tribunal roster chair under section 80(1)(c), the CIC secretary may, with the agreement of the parties, appoint or facilitate the appointment of a mediator, conciliator or other individual who may be able to assist in resolution of the complaint.</p> <p>(2) The CPAA is entitled to participate in any complaint resolution process under this section.</p> | <p>Act</p> <p>53(1) Any conduct of a member that comes to the attention of the Society, whether by way of a complaint or otherwise, shall first be reviewed by the Executive Director.</p> <p>(2) If the conduct that comes to the attention of the Society under subsection (1) involves a dispute between the member and another person, the Executive Director,</p> <p>(a) before commencing a review of the matter pursuant to subsection (1), may attempt to resolve the</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|--|---|
| | forthwith by the Registrar to the Investigative Committee. | <p>(3) Any document prepared or generated for the purposes of a complaint resolution process under this section is confidential.</p> <p>(4) Any communication and evidence arising from anything said, evidence of anything said or evidence of an admission or communication made in the course of a complaint resolution process under this section is confidential and not admissible in any proceedings under this or any other Act or in any action, matter or proceeding before a court</p> <p>(a) without the written consent of the investigated party and the complainant, and</p> <p>(b) in the case of written evidence, without the written consent of the person who prepared the written evidence, the investigated party and the complainant.</p> <p>(5) If no resolution under subsection (1) is reached within the time specified by the CIC secretary or as otherwise agreed, the CIC secretary must complete the review and refer</p> | <p>dispute, and</p> <p>(b) if the dispute is resolved to the satisfaction of the member and the other person, may direct that no further proceedings be taken under this Part in respect of the matter.</p> <p>(5) If the conduct of a member comes to the attention of the Society by way of a complaint, the Executive Director shall endeavour to resolve the complaint but shall perform the duties under subsections (1) to (4) whether the complaint is resolved or not.</p> <p>Rules</p> <p>90.1 (1) Pre-hearing conferences must be held.</p> <p>(2) The purpose of the pre-hearing conference is to consider the resolution of matters by alternative measures and otherwise to resolve issues for the fair and efficient conduct of proposed hearings and appeals and move matters towards hearings or appeals in a timely manner.</p> <p>(5.1) The chair of the pre-hearing</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|---|---|
| | | <p>the complaint to the CIC chair under section 68(7).</p> <p>(6) If during the complaint resolution process information is introduced that causes the individual conducting the complaint resolution process to believe that the matter is substantially different from the original complaint, the individual must notify the CIC secretary and the CIC secretary must determine whether to continue proceedings under this section.</p> <p>(7) The CIC secretary or the CIC chair may continue to take any steps under this Part even if the complaint is resolved as between the complainant and the investigated party pursuant to this section.</p> <p>72(1) In the course of proceedings under this Part or in the course of an appeal under Part 7, a complainant and the investigated party may settle the complaint.</p> <p>(2) The CIC chair may continue proceedings under this Act even if the complaint is settled by agreement</p> | <p>conference may, for the fair and efficient conduct of a proposed hearing or appeal:</p> <p>(a) make directions as to material to be prepared in advance of the proposed hearing and appeal for delivery to the hearing or appeal panel,</p> <p>(b) set the date for the hearing or appeal unless the hearing or appeal has commenced,</p> <p>(c) grant adjournments of hearings and appeals which have not commenced,</p> <p>(d) permit or direct amendments or withdrawal of citations where the amendments or withdrawal does not result in discontinuance of conduct proceedings referred to a hearing before a hearing committee,</p> <p>(e) permit or direct particulars or issues lists,</p> <p>(f) permit or direct severance or consolidation of citations,</p> <p>(g) make interim directions as to the publication of citations pending consideration of the issue by the Benchers of whether the citation</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|--|--|
| | | <p>of the complainant and the investigated party.</p> <p>74(1) At any time before a discipline tribunal starts to hear evidence about an allegation of unprofessional conduct, the complaints inquiry committee and the investigated party may, in accordance with this section, enter into an agreement</p> <ul style="list-style-type: none"> (a) setting out the relevant agreed facts, (b) admitting the unprofessional conduct of the investigated party, and (c) stating the sanction to be imposed on the investigated party, including any one or more of the matters described in sections 95, 96 and 98. <p>(2) The CIC chair must select a panel consisting of 2 members of the complaints inquiry committee, the CIC chair and one public member from the public members roster established under section 23(1)(b) to recommend an agreement to the complaints inquiry committee.</p> | <p>should not be published,</p> <ul style="list-style-type: none"> (h) set a plan and schedule for completion of pre-hearing preparedness, including deadlines for delivering proposed witness lists or expert disclosure, and for making applications relating to pre-hearing readiness including disputes concerning particulars or disclosure, (i) make directions for mediation between the Law Society and the member, (j) determine disputes over records disclosure in the proceeding, (k) determine applications to abey hearings of citations, and (l) make any other direction contemplated to be made by the pre-hearing chair in the pre-hearing or appeal guide in force from time to time. <p>(6) The chair of the pre-hearing conference may participate in a later hearing or appeal unless either the member, the member's counsel, or counsel for the Law Society objects to such participation.</p> <p>(7) Whether or not a pre-hearing conference has been held, the</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|---|--|
| | | <p>(3) If a panel of the complaints inquiry committee is unable to recommend an agreement under subsection (2), the proceedings under this Part continue.</p> <p>(4) A member of the panel may not vote as a member of the complaints inquiry committee.</p> <p>(5) The CIC chair may appoint a chair for a panel, but if the CIC chair does not do so, the members of a panel must choose a chair from among themselves.</p> <p>(6) The quorum for a panel is 3 members, which must include the public member.</p> <p>(7) Each member of the panel has a vote and the agreement recommended by the panel must be approved by a majority vote.</p> <p>(8) On receipt of the agreement recommended by the panel, the complaints inquiry committee may</p> <ul style="list-style-type: none"> (a) approve the agreement, or (b) reject the agreement and continue the proceedings under this Part. <p>(9) If an agreement is made under</p> | <p>hearing committee or the appeal panel of the Benchers may proceed with the hearing or appeal.</p> |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|--|------------------------|
| | | <p>this section,</p> <p>(a) each admission of unprofessional conduct is to be considered and treated, for all purposes, as a finding of unprofessional conduct made by a discipline tribunal, and</p> <p>(b) the agreement is to be considered and treated, for all purposes, as a decision and order of a discipline tribunal.</p> <p>(10) The complaints inquiry committee must give the complainant written notification of any agreement made under this section.</p> <p>(11) An agreement made under this section may not be appealed to an appeal tribunal.</p> <p>(12) If the complaints inquiry committee is of the opinion that there are reasonable and probable grounds to believe that the investigated party has committed a criminal offence, the complaints inquiry committee must</p> <p>(a) direct the CIC secretary to send a copy of the agreement made under this section to the Minister of Justice</p> | |

| Professional Association | The Association of Professional Engineers and Geoscientists of Alberta | Chartered Professional Accountants of Alberta | Law Society of Alberta |
|--------------------------|--|---|------------------------|
| | | and Solicitor General, and (b) on request, send a copy of any other information related to the agreement to the Minister of Justice and Solicitor General, except information that is subject to solicitor-client privilege. | |
| Notes | | | |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--|--|---|
| <p>Authority to Initiate Investigation or Complaint</p> <p>Good Character and Reputation</p> | <p>Act</p> <p>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.</p> <p>(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>32(1) The chair [of the Complaint Review Committee] shall review the conduct of an authorized entity within 30 days from the date on which a complaint respecting that conduct</p> <p>(a) is brought to the chair's attention by a complainant or any other person, or</p> <p>(b) when section 31(3) applies, is referred to the chair by a mediator.</p> <p>(2) The Council may at the request of the chair extend the 30-day period mentioned in subsection (1).</p> <p>(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</p> | <p>Act</p> <p>17(1) A hearing tribunal's powers and duties include holding hearings under this Act.</p> <p>(2) A complaint review committee's powers and duties include reviewing and ratifying settlements under section 60 and conducting reviews under section 68.</p> <p>51(5) Within 90 days after completing a practice visit the competence committee must</p> <p>(a) give a report to the regulated member setting out the findings of the visit;</p> <p>(b) decide and advise the regulated member and the registrar whether</p> <p>(i) the results from the practice visit were satisfactory,</p> <p>(ii) the regulated member must comply with directions imposed in accordance with the regulations, or</p> <p>(iii) in accordance with this Part, the information obtained from the practice visit has been referred to the complaints director.</p> <p>51.1(1) The competence committee, registration committee or registrar must make a referral to the complaints director if, on the basis of information obtained from a practice visit or continuing competence program, the competence committee, registration committee or registrar is of the opinion that a regulated member has intentionally provided false or misleading information under this Part.</p> <p>(2) The competence committee must make a referral to the complaints director if, on the basis of information obtained</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------|--|---|
| | <p>entity.</p> <p>33(1) The chair shall immediately on the conclusion of a review of a complaint made in writing</p> <p>(a) direct that no further action be taken if the chair is of the opinion that</p> <p>(i) the complaint is frivolous or vexatious, or</p> <p>(ii) there is insufficient evidence of unskilled practice of architecture or unprofessional conduct, or</p> <p>(b) refer the complaint to the Committee, if the chair is of the opinion that the conduct should be considered by the Committee.</p> <p>(2) On the conclusion of any other investigation or review, the chair may in writing refer to the Committee any conduct that the chair concludes should be considered by the Committee.</p> <p>37 The [Complaint Review] 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>39(1) The [Practice Review] Board</p> <p>(a) shall, on its own initiative or at the request of the Council, inquire into and report to and advise the Council in respect of</p> <p>(iv) the practice of architecture by authorized entities generally,</p> <p>and</p> | <p>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 unprofessional conduct that cannot be readily remedied by means of the continuing competence program.</p> <p>53.4(1) Within 90 days after completing an inspection the inspector who conducted the inspection must give a report setting out the findings of the inspection to the regulated member and the registrar.</p> <p>(2) The registrar must make a referral to the complaints director if, on the basis of information contained in the inspection report, the registrar is of the opinion that</p> <p>(a) a regulated member has failed or refused to co-operate with an inspector conducting an inspection under this Part,</p> <p>(b) a regulated member has provided false or misleading information under this Part,</p> <p>(c) a regulated member has failed or refused to comply with a direction made by the registrar under subsection (3),</p> <p>(d) a regulated member may be incapacitated, or</p> <p>(e) a regulated member's conduct constitutes other unprofessional conduct.</p> <p>(3) Despite subsection (2)(e), if the registrar is of the opinion that the conduct of the regulated member constitutes unprofessional conduct that was minor in nature, the</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------|---|---|
| | <p>(b) may conduct a review of the practice of an authorized entity in accordance with this Act and the regulations.</p> <p>(3) The Board shall after each inquiry under this section make a written report to the Council on the inquiry and may make any recommendations to the Council that the Board considers appropriate in connection with the matter inquired into, with reasons for the recommendations.</p> <p>Regulations</p> <p>51 On receipt of a written complaint the Registrar shall, or on receipt of an anonymous complaint or other information, the Registrar may</p> <p>a) notify the complainant, if known, in writing that</p> <p>(i) if the complaint is capable of being the subject of mediation that it will be referred to a mediator if both parties so agree in accordance with section 31(3) of the Act, or</p> <p>(ii) the complaint has been referred to the chair or a vice-chair of the Complaint Review Committee under section 32(1) of the Act, and send the complainant a copy of the relevant sections of the Act and this Regulation that pertain to complaints and complaint review proceedings, and</p> <p>(b) notify in writing the authorized entity that the complaint has been made and the action that will be taken if both parties agree under clause (a)(i) or that</p> | <p>registrar may direct the regulated member to take specified actions instead of making a referral under subsection (2)(e).</p> <p>(4) Information respecting a regulated member that is obtained under this Part may be provided to the complaints director if the registrar makes a referral to the complaints director in respect of that regulated member under this section.</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>(5) If information, a notice or non-compliance is treated as a complaint under section 56 and acted on under section 55, the information, notice or non-compliance is deemed to be a complaint.</p> <p>55(1) Within 30 days after being given a complaint or</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------|---|---|
| | <p>the matter has been referred to the chair or a vice-chair of the Complaint Review Committee.</p> <p>52 If a complaint is made or comes to the attention of the chair or vice-chair of the Complaint Review Committee under section 32(1)(a) of the Act and the complaint is in writing, the chair or vice-chair must notify the authorized entity concerned that a complaint has been made and that it will be reviewed.</p> <p>53 If a person other than the chair of the Complaint Review Committee conducts a preliminary investigation, that person must forthwith, on concluding the investigation, report in writing to the chair of the Complaint Review Committee.</p> <p>60(1) On completion of a review of the practice of an authorized entity, the reviewer</p> <p>(a) must prepare a report in the form established under the bylaws, and</p> <p>(b) may refer to the Complaint Review Committee for investigation any matter of a sufficiently serious nature, including</p> <p>(i) the lack of co-operation of an authorized entity in the course of a practice review or a follow-up review,</p> | <p>treating information as a complaint, the complaints director must give notice to the complainant of the action taken with respect to it.</p> <p>(2) The complaints director</p> <p>(a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,</p> <p>(a.1) may, with the consent of the complainant and the investigated person, attempt to resolve the complaint,</p> <p>(b) may make a referral to an alternative complaint resolution process under Division 2,</p> <p>(c) may request an expert to assess and provide a written report on the subject-matter of the complaint,</p> <p>(d) may conduct, or appoint an investigator to conduct, an investigation,</p> <p>(e) if satisfied that the complaint is trivial or vexatious, may dismiss the complaint,</p> <p>(f) if satisfied that there is insufficient or no evidence of unprofessional conduct, may dismiss the complaint, and</p> <p>(g) may make a direction under section 118.</p> <p>56 Despite not receiving a complaint under section 54, but subject to section 54(3) and (4), if the complaints director has reasonable grounds to believe that the conduct of a regulated member or former member constitutes unprofessional conduct, receives a referral under Part 3, Part 3.1, Schedule 7 or Schedule 21, is given notice under section 57, is given information orally or is aware of non-compliance with a direction under section 118, the</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------|--|---|
| | <p>(ii) a failure to comply with the Act, this Regulation or the bylaws,</p> <p>(iii) a failure to adopt and implement the recommendations respecting desired improvements in the practice of the entity concerned, and</p> <p>(iv) any apparent fraud, negligence or misrepresentation, or any disregard of the generally accepted standards of practice.</p> | <p>complaints director may treat the information, notice or non-compliance as a complaint and act on it under section 55.</p> <p>57(1) If, because of conduct that in the opinion of the employer is unprofessional conduct, the employment of a regulated member is terminated or suspended or the regulated member resigns, the employer must give notice of that conduct to the complaints director.</p> <p>(2) On being given notice under subsection (1), the complaints director must</p> <p>(a) treat the employer as a complainant,</p> <p>(b) despite not receiving a complaint under section 54, treat the notice as a complaint in accordance with section 56, and</p> <p>(c) notify the employer and the regulated member accordingly.</p> <p>62(1) An investigator may investigate a complaint.</p> <p>(2) In the course of an investigation under subsection (1), an investigator may investigate matters that are related to the conduct of the investigated person that could give rise to a finding of unprofessional conduct.</p> <p>66(1) When an investigator concludes an investigation, the investigator must make a report within a reasonable time and, if the investigator is not the complaints director, submit the report to the complaints director.</p> <p>(2) If, on reviewing a report made under this section, the complaints director determines that the report is not</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------|-----------------------------------|---|
| | | <p>complete or that the investigation was not properly conducted, the complaints director</p> <p>(a) must direct the investigator, or appoint another investigator, to undertake further investigation and make a report and submit it to the complaints director, and</p> <p>(b) may request an expert to assess and prepare a written report on the subject-matter of the complaint or matters arising from the investigation of the complaint.</p> <p>(3) If, on reviewing a report prepared under this section, the complaints director determines that the investigation is concluded, the complaints director must</p> <p>(a) refer the matter to the hearings director for a hearing, or</p> <p>(b) dismiss the complaint, if in the opinion of the complaints director</p> <p>(i) the complaint is trivial or vexatious, or</p> <p>(ii) there is insufficient or no evidence of unprofessional conduct.</p> <p>Dentists Profession Regulation</p> <p>8 All applicants for registration as regulated members must provide evidence of having good character and reputation by submitting any of the following on the request of the Registrar:</p> <p>(a) written references from colleagues and, where applicable, from another jurisdiction in which they are currently registered;</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|---|---|--|
| | | <p>(b) a statement by the applicant as to whether the applicant is currently undergoing an unprofessional conduct process or has previously been disciplined by another regulatory body responsible for the regulation of dentistry or of another profession;</p> <p>(c) a statement as to whether the applicant has ever been convicted of a criminal offence;</p> <p>(d) any other evidence as requested.</p> |
| <p>Authority to Suspend Licence or Impose Conditions Pending Hearing or Inquiry</p> | <p>Act</p> <p>40 Notwithstanding anything in this Act, the chair of a review panel may suspend the registration of an authorized entity pending the decision of the review panel with respect to the conduct of the authorized entity.</p> | <p>Act</p> <p>65(1) On the recommendation of the complaints director or the hearing tribunal, a person or committee designated by the council may</p> <p>(a) impose conditions on an investigated person's practice permit generally or with respect to any area of the practice of that regulated profession, including the condition that the investigated person</p> <p>(i) practise under supervision, or</p> <p>(ii) practise with one or more other regulated members, or</p> <p>(b) suspend the practice permit of an investigated person, until the completion of proceedings under this Part.</p> <p>(2) An investigated person may apply to the Court of Queen's Bench for an order staying a decision by a person or committee under subsection (1).</p> <p>(3) A copy of an application under subsection (2) must be given to the registrar.</p> <p>Dentists Profession Regulation</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------------|--|--|
| | | <p>20 If the results of a practice visit are unsatisfactory, the Competence Committee may direct a regulated member or a group of regulated members to undertake one or more of the following actions:</p> <ul style="list-style-type: none"> (a) completion of specific continuing competence requirements or professional development activities within a specified time; (b) completion of any examinations, testing, assessment, training, education or counselling; (c) a requirement to practice under the supervision of another regulated member for a specified period of time; (d) a requirement that the regulated member or group of regulated members limit their practice to specified procedures or practice settings; (e) a requirement for the regulated member or group of regulated members to report to the committee on specified matters on specified dates; (f) that the regulated member or group of regulated members be prohibited from supervising other dentists or dental students; (g) that the regulated member or group of regulated members correct any problems identified in the practice visit. |
| Alternative Dispute Resolution | <p>Act 31(3) A person designated by the Council as a mediator may assist in settling a complaint made to the Registrar if the complainant and the person about whose conduct the complaint was made so agree, but if within 30 days from the date of receipt of the</p> | <p>Act 17(2) A complaint review committee's powers and duties include reviewing and ratifying settlements under section 60 and conducting reviews under section 68. 55(1) Within 30 days after being given a complaint or</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------|---|--|
| | <p>complaint or a longer period agreed to by those persons a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall, if it is in writing, be referred forthwith by the mediator to the chair.</p> <p>32(1) The chair shall review the conduct of an authorized entity within 30 days from the date on which a complaint respecting that conduct</p> <p>(a) is brought to the chair's attention by a complainant or any other person, or</p> <p>(b) when section 31(3) applies, is referred to the chair by a mediator.</p> <p>Regulation</p> <p>51 On receipt of a written complaint the Registrar shall, or on receipt of an anonymous complaint or other information, the Registrar may</p> <p>(a) notify the complainant, if known, in writing that</p> <p>(i) if the complaint is capable of being the subject of mediation that it will be referred to a mediator if both parties so agree in accordance with section 31(3) of the Act, or</p> <p>(ii) the complaint has been referred to the chair or a vice-chair of the Complaint Review Committee under section 32(1) of the Act, and send the complainant a copy of the relevant sections of the Act and this Regulation that pertain to complaints and complaint</p> | <p>treating information as a complaint, the complaints director must give notice to the complainant of the action taken with respect to it.</p> <p>(2) The complaints director</p> <p>(a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,</p> <p>(a.1) may, with the consent of the complainant and the investigated person, attempt to resolve the complaint,</p> <p>(b) may make a referral to an alternative complaint resolution process under Division 2,</p> <p>58(1) The complaints director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process provided for in the regulations at any time before the commencement of a hearing by the hearing tribunal.</p> <p>(2) If the complaints director makes a referral under subsection (1), a member of the college must participate in or conduct the alternative complaint resolution process.</p> <p>(3) The person who conducts an alternative complaint resolution process must be impartial and must act impartially.</p> <p>(4) If a report has been prepared under section 55(2)(c) with respect to the complaint, the complaints director must submit a copy of the report to the person conducting the alternative complaint resolution process.</p> <p>(5) If a report has not been prepared by an expert, the person conducting the alternative complaint resolution</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------|---|---|
| | <p>review proceedings, and</p> <p>(b) notify in writing the authorized entity that the complaint has been made and the action that will be taken if both parties agree under clause (a)(i) or that the matter has been referred to the chair or a vice-chair of the Complaint Review Committee.</p> | <p>process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</p> <p>(6) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if in the opinion of that person a settlement is not likely to be agreed to, the person must notify the complaints director.</p> <p>(7) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the complaints director and the complaints director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (8).</p> <p>(8) On being notified under subsection (6) or section 60(7)(b) or on deciding under subsection (7) to process a matter under this subsection, the complaints director must</p> <p>(a) if an investigation has not been commenced, commence an investigation under Division 3,</p> <p>(b) if an investigation has been commenced but no report of the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report,</p> <p>(c) dismiss the complaint, or</p> <p>(d) in all other cases, refer the matter to the hearings director for a hearing.</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------|-----------------------------------|---|
| | | <p>60(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the complaint review committee.</p> <p>(1.1) As part of the review of a proposed settlement reported to the complaint review committee under subsection (1), the complaint review committee may</p> <ul style="list-style-type: none"> (a) review the records and proposed settlement it received pursuant to section 59(1)(a), and (b) require any of the following to appear before it to answer questions regarding the proposed settlement: <ul style="list-style-type: none"> (i) the complainant; (ii) the investigated person; (iii) the member of the college who participated in or conducted the alternative complaint resolution process. <p>(2) The complaint review committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <ul style="list-style-type: none"> (a) ratify the settlement, (b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or (c) refuse to ratify the settlement. <p>(3) The complaint review committee must notify the complaints director of its actions under subsection (2).</p> <p>(4) On being aware that a ratified settlement is not complied with, the complaints director may</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------|-----------------------------------|---|
| | | <p>(a) treat it as information and act on it under section 55, or</p> <p>(b) treat it as a complaint and refer it to the hearings director for a hearing.</p> <p>(5) If the complaints director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the complaints director must notify the complainant and the investigated person.</p> <p>(6) The college must retain a copy of the ratified settlement and must release information related to the complaint, investigated person and ratified settlement as required by this Act and</p> <p>(a) may publish, in accordance with the bylaws, information respecting a complaint and a ratified settlement, and</p> <p>(b) may reveal the identity of the investigated person or the complainant, or both, if it is authorized to do so by the ratified settlement.</p> <p>(7) Subject to subsections (4) and (6), if a ratified settlement</p> <p>(a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or</p> <p>(b) relates to only part of the matters complained of or that arose during the alternative complaint resolution process, the person who conducted the alternative complaint resolution process must notify the complaints director of the matters that do not form part of the ratified settlement and the complaints director must act on it under section 58(8).</p> <p>64 If during the investigation the complaints director refers</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|--------------------------|-----------------------------------|--|
| | | <p>the complainant and the investigated person to an alternative complaint resolution process in accordance with this Part, the investigation and hearing must not proceed unless the complaints director is notified as described in section 58(6) or makes a decision under section 58(7).</p> <p>Dentists Profession Regulations</p> <p>21 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.</p> <p>22 The person conducting the alternative complaint resolution process must in consultation with the complainant and the investigated person establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.</p> <p>23 The complainant and the investigated person must, subject to section 59 of the Act, agree to treat all information shared during the process as confidential.</p> <p>24 The complainant and the investigated person may withdraw from the alternative complaint resolution process at any time.</p> |

| Professional Association | Alberta Association of Architects | Alberta Dental Association and College |
|---------------------------------|--|---|
| Notes | | |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--|--|---|
| Authority to Initiate Investigation or Complaint | <p>Act</p> <p>17(1) A hearing tribunal's powers and duties include holding hearings under this Act.</p> <p>(2) A complaint review committee's powers and duties include reviewing and ratifying settlements under section 60 and conducting reviews under section 68.</p> | <p>Act</p> <p>11(1) The Practice Review Board</p> <p>(a) shall, on its own initiative or at the request of the Council, inquire into</p> <p>(i) the assessment of existing and the development of new educational standards and experience requirements that are conditions precedent to obtaining and continuing registration under this Act,</p> <p>(ii) the evaluation of desirable standards of competence of registered veterinarians and permit holders generally,</p> <p>(iii) the practice of veterinary medicine by registered veterinarians generally, and</p> <p>(iv) any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of veterinary medicine under this Act and the regulations, and</p> <p>(b) may, with the approval of the Council, conduct a review of the practice of a registered veterinarian or permit holder in accordance with this Act and the regulations.</p> |
| Good Character and Reputation | <p>51(5) Within 90 days after completing a practice visit the competence committee must</p> <p>(a) give a report to the regulated member setting out the findings of the visit;</p> <p>(b) decide and advise the regulated member and the registrar whether</p> <p>(i) the results from the practice visit were satisfactory,</p> <p>(ii) the regulated member must comply with directions imposed in accordance with the regulations, or</p> <p>(iii) in accordance with this Part, the information obtained from the practice visit has been referred to the complaints director.</p> <p>51.1(1) The competence committee, registration committee or registrar must make a referral to the complaints director if, on the basis of information</p> | |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|--|--|
| | <p>obtained from a practice visit or continuing competence program, the competence committee, registration committee or registrar is of the opinion that a regulated member has intentionally provided false or misleading information under this Part.</p> <p>(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 unprofessional conduct that cannot be readily remedied by means of the continuing competence program.</p> <p>53.4(1) Within 90 days after completing an inspection the inspector who conducted the inspection must give a report setting out the findings of the inspection to the regulated member and the registrar.</p> <p>(2) The registrar must make a referral to the complaints director if, on the basis of information contained in the inspection report, the registrar is of the opinion that</p> <p>(a) a regulated member has failed or refused to co-operate with an inspector conducting an inspection under this Part,</p> <p>(b) a regulated member has provided false or misleading information under this Part,</p> | <p>(6) The Board may at any time during an inquiry or review under this section recommend to the Hearing Tribunal that the inquiry or review be conducted by the Hearing Tribunal pursuant to Part 5.</p> <p>(7) On receiving a recommendation under subsection (6), the Hearing Tribunal may proceed with an investigation and hearing under Part 5 as if the recommendation were a written complaint.</p> <p>27(1) A person may complain to the Complaints Director in writing about the conduct of a registered veterinarian, 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> <p>27.1 Despite not receiving a complaint under section 27(1), if the Complaints Director has information that on reasonable grounds causes the Complaints Director to</p> |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|--|---|
| | <p>(c) a regulated member has failed or refused to comply with a direction made by the registrar under subsection (3),</p> <p>(d) a regulated member may be incapacitated, or</p> <p>(e) a regulated member's conduct constitutes other unprofessional conduct.</p> <p>(3) Despite subsection (2)(e), if the registrar is of the opinion that the conduct of the regulated member constitutes unprofessional conduct that was minor in nature, the registrar may direct the regulated member to take specified actions instead of making a referral under subsection (2)(e).</p> <p>(4) Information respecting a regulated member that is obtained under this Part may be provided to the complaints director if the registrar makes a referral to the complaints director in respect of that regulated member under this section.</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>believe that the conduct of a registered veterinarian constitutes unprofessional conduct or has information that a person has not complied with an order under section 41.1(1) or 45(5) or with a ratified settlement under section 30.1, or if an admission under section 35.1 does not relate to all matters complained of or investigated, the Complaints Director may treat the information as a complaint received under section 27(1).</p> <p>28(1) Within 30 days of being given a complaint, the Complaints Director must give notice to the complainant of the action taken with respect to it.</p> <p>(2) The Complaints Director</p> <p>(a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,</p> <p>(b) may, with the consent of the complainant and investigated person, attempt to resolve the complaint,</p> <p>(c) may make a referral to an alternative complaint resolution process under Division 2,</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>(f) may make a referral in accordance with section 65.1(1),</p> <p>(g) if satisfied that the complaint is trivial or vexatious, may refer the complaint to the Complaint Review Committee, and</p> |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|---|--|
| | <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>(5) If information, a notice or non-compliance is treated as a complaint under section 56 and acted on under section 55, the information, notice or non-compliance is deemed to be a complaint.</p> <p>55(1) Within 30 days after being given a complaint or treating information as a complaint, the complaints director must give notice to the complainant of the action taken with respect to it.</p> <p>(2) The complaints director</p> <p>(a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,</p> <p>(a.1) may, with the consent of the complainant and the investigated person, attempt to resolve the complaint,</p> <p>(b) may make a referral to an alternative complaint resolution process under Division 2,</p> <p>(c) may request an expert to assess and provide a written report on the subject-matter of the complaint,</p> <p>(d) may conduct, or appoint an investigator to conduct, an investigation,</p> <p>(e) if satisfied that the complaint is trivial or vexatious,</p> | <p>(h) if satisfied that there is insufficient or no evidence of unprofessional conduct, may refer the complaint to the Complaint Review Committee.</p> <p>(3) The Complaints Director must refer a complaint to the Complaint Review Committee if</p> <p>(a) the complaint is not resolved under subsection (2)(a) or (b), or</p> <p>(b) the settlement with regards to all matters is not ratified pursuant to a referral to an alternative complaint resolution process.</p> <p>(4) The Complaint Review Committee must review a referral under subsection (2) or (3) within 30 days of receiving it and may</p> <p>(a) dismiss the complaint, if in the opinion of the Complaint Review Committee</p> <p>(i) the complaint is trivial or vexatious, or</p> <p>(ii) there is insufficient or no evidence of unprofessional conduct,</p> <p>(b) direct the Complaints Director to conduct or appoint an investigator to conduct an investigation and to prepare a report on the investigation and submit it to the Complaint Review Committee for its consideration before acting under clause (a) or referring the matter to the Hearings Director for a hearing, or</p> <p>(c) make a referral in accordance with section 65.1.</p> <p>(5) The Complaint Review Committee must, within 30 days from making a decision under subsection (4),</p> <p>(a) give the complainant and, subject to section 31(1)(b), give the investigated person written notification,</p> |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|---|--|
| | <p>may dismiss the complaint,</p> <p>(f) if satisfied that there is insufficient or no evidence of unprofessional conduct, may dismiss the complaint, and</p> <p>(g) may make a direction under section 118.</p> <p>56 Despite not receiving a complaint under section 54, but subject to section 54(3) and (4), if the complaints director has reasonable grounds to believe that the conduct of a regulated member or former member constitutes unprofessional conduct, receives a referral under Part 3, Part 3.1, Schedule 7 or Schedule 21, is given notice under section 57, is given information orally or is aware of non-compliance with a direction under section 118, the complaints director may treat the information, notice or non-compliance as a complaint and act on it under section 55.</p> <p>57(1) If, because of conduct that in the opinion of the employer is unprofessional conduct, the employment of a regulated member is terminated or suspended or the regulated member resigns, the employer must give notice of that conduct to the complaints director.</p> <p>(2) On being given notice under subsection (1), the complaints director must</p> <p>(a) treat the employer as a complainant,</p> <p>(b) despite not receiving a complaint under section 54, treat the notice as a complaint in accordance with section 56, and</p> <p>(c) notify the employer and the regulated member</p> | <p>with reasons, of the decision under subsection (4), and</p> <p>(b) if the complaint is dismissed, give the complainant written notification of the right to apply to the Hearings Director for a review under section 34.1.</p> <p>30.1 (4) On being aware that a ratified settlement is not complied with, the Complaints Director may</p> <p>(a) treat the non-compliance as information under section 27.1 and act on the information in accordance with section 27.1, or</p> <p>(b) treat the non-compliance as a complaint and refer it to the Complaint Review Committee to determine whether it should be referred to the Hearings Director for a hearing.</p> <p>(5) If the Complaints Director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the Complaints Director must notify the complainant and the investigated person.</p> <p>31.1(1) An investigator may investigate a complaint.</p> <p>(2) In the course of an investigation under subsection (1), an investigator may investigate matters that are related to the conduct of the investigated person that could give rise to a finding of unprofessional conduct.</p> <p>33.1(1) When an investigator concludes an investigation, the investigator must make a report within a reasonable time and submit the report to the Complaint Review Committee.</p> |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|--|--|
| | <p>accordingly.</p> <p>62(1) An investigator may investigate a complaint. (2) In the course of an investigation under subsection (1), an investigator may investigate matters that are related to the conduct of the investigated person that could give rise to a finding of unprofessional conduct.</p> <p>66(1) When an investigator concludes an investigation, the investigator must make a report within a reasonable time and, if the investigator is not the complaints director, submit the report to the complaints director. (2) If, on reviewing a report made under this section, the complaints director determines that the report is not complete or that the investigation was not properly conducted, the complaints director (a) must direct the investigator, or appoint another investigator, to undertake further investigation and make a report and submit it to the complaints director, and (b) may request an expert to assess and prepare a written report on the subject-matter of the complaint or matters arising from the investigation of the complaint. (3) If, on reviewing a report prepared under this section, the complaints director determines that the investigation is concluded, the complaints director must (a) refer the matter to the hearings director for a hearing, or (b) dismiss the complaint, if in the opinion of the complaints director</p> | <p>(2) If, on reviewing a report made under this section, the Complaint Review Committee determines that the report is not complete or that the investigation was not properly conducted, the Complaint Review Committee (a) must direct the investigator, or appoint another investigator, to undertake further investigation and make a report and submit it to the Complaint Review Committee, and (b) may request an expert to assess and prepare a written report on the subject-matter of the complaint or matters arising from the investigation of the complaint. (3) If, on reviewing a report prepared under this section or section 34.1(5)(b), the Complaint Review Committee determines that the investigation is concluded, the Complaint Review Committee must (a) refer the matter to the Hearings Director for a hearing, or (b) dismiss the complaint, if in the opinion of the Complaint Review Committee (i) the complaint is trivial or vexatious, or (ii) there is insufficient or no evidence of unprofessional conduct.</p> |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|---|--|
| | <p>(i) the complaint is trivial or vexatious, or (ii) there is insufficient or no evidence of unprofessional conduct.</p> <p>Physicians, Surgeons and Osteopaths Regulations</p> <p>12(1) An applicant for registration as a regulated member in any category of the regulated members register must provide evidence satisfactory to the Registrar of having good character and reputation.</p> <p>(2) To comply with subsection (1), an applicant must submit one or more of the following, on the request of the Registrar:</p> <p>(a) a written statement by the applicant as to whether the applicant is currently undergoing an investigation or is subject to an unprofessional conduct process or has previously been disciplined by another regulatory body responsible for the regulation of physicians, surgeons or osteopaths, as the case may be, or of another profession;</p> <p>(b) a written statement by the applicant as to whether an application for registration as a health professional by the applicant in any other jurisdiction was ever previously rejected;</p> <p>(c) the results of a current criminal records check;</p> <p>(d) a written statement by the applicant as to whether the applicant has ever been charged, pleaded guilty or has been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside</p> | |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--|---|--|
| | <p>Canada for which the applicant has not been pardoned;</p> <p>(e) a written statement by the applicant as to whether the applicant's hospital privileges or the applicant's privileges to any other related facility are currently or have previously been voluntarily or involuntarily limited, suspended or revoked;</p> <p>(f) a written statement by the applicant as to whether there has ever been a judgment against the applicant's practice in a civil suit;</p> <p>(g) any other relevant evidence as required by the Registrar.</p> <p>(3) If an applicant has engaged in an activity that has, in the opinion of the Registrar, undermined the applicant's good character and reputation in the past, the applicant may provide evidence satisfactory to the Registrar of rehabilitation.</p> <p>(4) The Registrar may also consider information other than that provided by the applicant in determining whether the applicant is of good character and reputation, but if the Registrar considers that information, the Registrar must give the applicant sufficient particulars of that information to allow the applicant to respond to that information.</p> | |
| <p>Authority to Suspend Licence or Impose Conditions Pending</p> | <p>Act</p> <p>65(1) On the recommendation of the complaints director or the hearing tribunal, a person or committee designated by the council may</p> <p>(a) impose conditions on an investigated person's practice permit generally or with respect to any area of</p> | <p>Act</p> <p>33(1) On the recommendation of the Complaint Review Committee, the Hearing Tribunal or the Complaints Director, a person designated by or a committee designated or established by the Council may</p> <p>(a) impose conditions on an investigated person's</p> |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|---------------------------------|---|---|
| Hearing or Inquiry | <p>the practice of that regulated profession, including the condition that the investigated person</p> <ul style="list-style-type: none"> (i) practise under supervision, or (ii) practise with one or more other regulated members, <p>or</p> <ul style="list-style-type: none"> (b) suspend the practice permit of an investigated person, <p>until the completion of proceedings under this Part.</p> <p>(2) An investigated person may apply to the Court of Queen’s Bench for an order staying a decision by a person or committee under subsection (1).</p> <p>(3) A copy of an application under subsection (2) must be given to the registrar.</p> | <p>annual certificate generally or with respect to any area of the practice of veterinary medicine, including the condition that the investigated person</p> <ul style="list-style-type: none"> (i) practise under supervision, or (ii) practise with one or more registered veterinarians, <p>Or</p> <ul style="list-style-type: none"> (b) suspend the annual certificate of an investigated person, <p>until the completion of proceedings under this Part.</p> <p>(2) The investigated person may apply for an order of the Court of Queen’s Bench to stay a decision by a person or committee under subsection (1).</p> <p>35.1(1) At any time after a complaint has been made but before the Hearing Tribunal has made a decision as to whether unprofessional conduct has occurred, an investigated person may submit a written admission of unprofessional conduct to the Hearings Director.</p> <p>(2) An admission under subsection (1) may not be acted on unless it is accepted in whole or in part by the Hearing Tribunal.</p> <p>(3) If an admission under subsection (1) is accepted in whole or in part by the Hearing Tribunal, any investigation of the complaint and any alternative complaint resolution process with respect to the complaint are suspended, and the Hearing Tribunal may hold a hearing to decide</p> <ul style="list-style-type: none"> (a) whether the admitted conduct is unprofessional conduct, and |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------------|---|---|
| | | <p>(b) whether any orders are to be made under section 41.1(1).</p> <p>(4) Despite subsection (3), if an admission under subsection (1) does not relate to all the matters complained of or investigated, the remaining matters may be submitted to the Complaints Director for referral under section 27.1.</p> |
| Alternative Dispute Resolution | <p>Act</p> <p>17(2) A complaint review committee's powers and duties include reviewing and ratifying settlements under section 60 and conducting reviews under section 68.</p> <p>55(1) Within 30 days after being given a complaint or treating information as a complaint, the complaints director must give notice to the complainant of the action taken with respect to it.</p> <p>(2) The complaints director</p> <p>(a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,</p> <p>(a.1) may, with the consent of the complainant and the investigated person, attempt to resolve the complaint,</p> <p>(b) may make a referral to an alternative complaint resolution process under Division 2,</p> <p>58(1) The complaints director may, with the agreement of the complainant and the investigated person, refer the</p> | <p>Act</p> <p>28 (2) The Complaints Director</p> <p>(a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,</p> <p>(b) may, with the consent of the complainant and investigated person, attempt to resolve the complaint,</p> <p>(c) may make a referral to an alternative complaint resolution process under Division 2,</p> <p>29(1) The Complaints Director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process at any time before the commencement of a hearing by the Hearing Tribunal.</p> <p>(2) If the Complaints Director makes a referral under subsection (1), a member of the Association must participate in or conduct the alternative complaint resolution process.</p> |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|---|---|
| | <p>complainant and the investigated person to an alternative complaint resolution process provided for in the regulations at any time before the commencement of a hearing by the hearing tribunal.</p> <p>(2) If the complaints director makes a referral under subsection (1), a member of the college must participate in or conduct the alternative complaint resolution process.</p> <p>(3) The person who conducts an alternative complaint resolution process must be impartial and must act impartially.</p> <p>(4) If a report has been prepared under section 55(2)(c) with respect to the complaint, the complaints director must submit a copy of the report to the person conducting the alternative complaint resolution process.</p> <p>(5) If a report has not been prepared by an expert, the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</p> <p>(6) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if in the opinion of that person a settlement is not likely to be agreed to, the person must notify the complaints director.</p> <p>(7) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process</p> | <p>(3) The person who conducts the alternative complaint resolution process must set out the process in writing and include a statement that the investigated person or the complainant or both may cease participating in the alternative complaint resolution process at any time.</p> <p>(4) The complainant and the investigated person must agree to the process as written under subsection (3) before the alternative complaint resolution process may begin.</p> <p>(5) A person who conducts an alternative complaint resolution process must be impartial and must act impartially.</p> <p>(6) If a report has been prepared under section 28(2)(d) with respect to the subject-matter of the complaint, the Complaints Director must submit a copy of the report to the person conducting the alternative complaint resolution process.</p> <p>(7) If a report has not been prepared under section 28(2)(d), the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</p> <p>(8) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if</p> <p>(a) in the opinion of that person, a settlement is not likely to occur, or</p> <p>(b) the Complaint Review Committee does not ratify</p> |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|---|--|
| | <p>to believe that the matter is substantially different from the original complaint, the person must notify the complaints director and the complaints director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (8).</p> <p>(8) On being notified under subsection (6) or section 60(7)(b) or on deciding under subsection (7) to process a matter under this subsection, the complaints director must</p> <ul style="list-style-type: none"> (a) if an investigation has not been commenced, commence an investigation under Division 3, (b) if an investigation has been commenced but no report of the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report, (c) dismiss the complaint, or (d) in all other cases, refer the matter to the hearings director for a hearing. <p>60(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the complaint review committee.</p> <p>(1.1) As part of the review of a proposed settlement reported to the complaint review committee under</p> | <p>the settlement under section 30.1, the person must notify the Complaints Director.</p> <p>(9) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the Complaints Director, and the Complaints Director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (10).</p> <p>(10) On being notified under subsection (8) or section 30.1(3) that a settlement has not been ratified or under section 30.1(8)(b) of the matters that do not form part of a ratified settlement, or on deciding under subsection (9) to process a matter under this subsection, the Complaints Director must</p> <ul style="list-style-type: none"> (a) if an investigation has not been commenced, commence an investigation under Division 3, (b) if an investigation has been commenced but no report on the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report, or (c) refer the matter to the Complaint Review Committee to determine whether the complaint should be dismissed or referred to the Hearings Director for a hearing. |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|---|--|
| | <p>subsection (1), the complaint review committee may</p> <ul style="list-style-type: none"> (a) review the records and proposed settlement it received pursuant to section 59(1)(a), and (b) require any of the following to appear before it to answer questions regarding the proposed settlement: <ul style="list-style-type: none"> (i) the complainant; (ii) the investigated person; (iii) the member of the college who participated in or conducted the alternative complaint resolution process. <p>(2) The complaint review committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <ul style="list-style-type: none"> (a) ratify the settlement, (b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or (c) refuse to ratify the settlement. <p>(3) The complaint review committee must notify the complaints director of its actions under subsection (2).</p> <p>(4) On being aware that a ratified settlement is not complied with, the complaints director may</p> <ul style="list-style-type: none"> (a) treat it as information and act on it under section 55, or (b) treat it as a complaint and refer it to the hearings director for a hearing. <p>(5) If the complaints director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the complaints director must notify the complainant and the investigated person.</p> | <p>30.1(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the Complaint Review Committee.</p> <p>(2) The Complaint Review Committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <ul style="list-style-type: none"> (a) ratify the settlement, (b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or (c) refuse to ratify the settlement. <p>(3) The Complaint Review Committee must notify the Complaints Director of its actions under subsection (2) and if the settlement was not ratified the Complaints Director must act under section 29(10).</p> <p>(4) On being aware that a ratified settlement is not complied with, the Complaints Director may</p> <ul style="list-style-type: none"> (a) treat the non-compliance as information under section 27.1 and act on the information in accordance with section 27.1, or (b) treat the non-compliance as a complaint and refer it to the Complaint Review Committee to determine whether it should be referred to the Hearings Director for a hearing. <p>(5) If the Complaints Director makes a referral under subsection (4)(b), the information is deemed to be a</p> |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|--|---|
| | <p>(6) The college must retain a copy of the ratified settlement and must release information related to the complaint, investigated person and ratified settlement as required by this Act and</p> <p>(a) may publish, in accordance with the bylaws, information respecting a complaint and a ratified settlement, and</p> <p>(b) may reveal the identity of the investigated person or the complainant, or both, if it is authorized to do so by the ratified settlement.</p> <p>(7) Subject to subsections (4) and (6), if a ratified settlement</p> <p>(a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or</p> <p>(b) relates to only part of the matters complained of or that arose during the alternative complaint resolution process, the person who conducted the alternative complaint resolution process must notify the complaints director of the matters that do not form part of the ratified settlement and the complaints director must act on it under section 58(8).</p> <p>64 If during the investigation the complaints director refers the complainant and the investigated person to an alternative complaint resolution process in accordance with this Part, the investigation and hearing must not proceed unless the complaints director is notified as</p> | <p>complaint and the Complaints Director must notify the complainant and the investigated person.</p> <p>(6) On a settlement being ratified, the Association may publish, in accordance with the bylaws, information respecting the complaint and the ratified settlement as authorized by the ratified settlement.</p> <p>(7) The Association must retain a copy of the ratified settlement.</p> <p>(8) Subject to subsections (4) and (6), if a ratified settlement</p> <p>(a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or</p> <p>(b) relates to only some of the matters complained of or that arose during the alternative complaint resolution process, the person who conducted the alternative complaint resolution process must notify the Complaints Director of the matters that do not form part of the ratified settlement and on being notified the Complaints Director must act under section 29(10).</p> |

| Professional Association | College of Physicians and Surgeons of Alberta | Alberta Veterinary Medical Association |
|--------------------------|---|--|
| | <p>described in section 58(6) or makes a decision under section 58(7).</p> <p>Physicians, Surgeons and Osteopaths Regulations</p> <p>31 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.</p> <p>32 The person conducting the alternative complaint resolution process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.</p> <p>33 The complainant and the investigated person must, subject to sections 59 and 60 of the Act, agree to treat all information shared during the process as confidential.</p> <p>34 The complainant or the investigated person may withdraw from the alternative complaint resolution process at any time.</p> | |
| Notes | . | |

