

2022 Bill 23

---

Third Session, 30th Legislature, 71 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 23**

## **PROFESSIONAL GOVERNANCE ACT**

---

---

THE MINISTER OF LABOUR AND IMMIGRATION

---

---

First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

---

---



## **BILL 23**

2022

### **PROFESSIONAL GOVERNANCE ACT**

*(Assented to , 2022)*

#### *Table of Contents*

##### **Part 1 Definitions and Purpose**

- 1 Definitions
- 2 Purposes of this Act

##### **Part 2 Continuance, Designation of and Changes to Professional Regulatory Organizations**

###### **Division 1 Continuation of Professional Regulatory Organizations and Application of this Act**

- 3 Application of this Act

###### **Division 2 Establishment of Regulatory Models**

- 4 Regulatory models
- 5 Regulatory models for professional regulatory organizations continued under this Act
- 6 General characteristics of regulatory models
- 7 Designation of professional governance officers
- 8 Regulatory models applicable to new, existing and amalgamated professions

**Division 3  
Designation of Professional Regulatory Organizations  
and Changes to the Regulatory Model**

- 9 Applications
- 10 Application process
- 11 Review of application
- 12 Advice re application
- 13 Ministerial recommendation regarding applications for designation
- 14 Approval of application for designation as a professional regulatory organization
- 15 Response to application for change in regulatory model or name

**Division 4  
Inspections, Administrators and Designation Review**

- 16 Inspections
- 17 Designation review
- 18 Appointment of administrator
- 19 Minister's recommendation re revocation of designation
- 20 Revocation of designation
- 21 Judicial review

**Part 3  
Amalgamation**

- 22 Definitions
- 23 Eligibility to apply
- 24 Application for amalgamation
- 25 Minister may propose amalgamation
- 26 Review by professional governance officer
- 27 Advice re amalgamation
- 28 Ministerial recommendation re amalgamation
- 29 Approval of amalgamation
- 30 Effect of amalgamation

## **Part 4 Governance and Accountability**

### **Division 1 General Duties and Responsibilities**

- 31 General duties and responsibilities of a professional regulatory organization
- 32 Prohibition re professional fees
- 33 Prohibition re bargaining agents and regulations re advocacy
- 34 General duties and responsibilities of a governing body
- 35 General duties and responsibilities of registrants
- 36 General duties and responsibilities of public members

### **Division 2 Governing Body, Committees and Tribunals**

- 37 Governing body established
- 38 Committees
- 39 Committee membership
- 40 Complaints inquiry committees
- 41 Non-registrant members
- 42 Expert members
- 43 Powers, duties and functions of committees
- 44 Tribunal list
- 45 Discipline tribunal
- 46 Appeal tribunal
- 47 Quorum
- 48 Appointment of secretaries
- 49 Joint committees and joint tribunals
- 50 Panels and task forces
- 51 Terms and continuing to serve beyond expiry
- 52 Vacancies and absences
- 53 Death or inability of members to continue
- 54 Carrying out the professional regulatory organization's functions
- 55 Governing body delegation
- 56 Individual and committee delegation

### **Division 3 Public Members and Public Accountability**

- 57 Appointments and the public member roster

- 58 Eligibility
- 59 Term length and term limits
- 60 Remuneration

**Division 4  
Administration and Administrative Matters**

- 61 Annual report
- 62 Directory of officials

**Division 5  
Rules of Professional Conduct, Code of Ethics  
and Practice Standards**

- 63 Establishment of rules, code of ethics and practice standards

**Part 5  
Registration**

**Division 1  
Categories and Classes of Registrants**

- 64 Categories and classes of registrants and consideration of applications

**Division 2  
Registration of Individual and Temporary Registrants**

- 65 Types of applications
- 66 Application for registration
- 67 Consideration of application
- 68 Decision on application
- 69 Steps after registration approval
- 70 Evidence of registration
- 71 Evidence of professional practice
- 72 Temporary registrants

**Division 3  
Business Registration**

- 73 Business registrants

**Division 4  
Continuing Registration**

- 74 Continuing registration

**Division 5  
Reinstatement**

- 75 Reinstatement following a non-disciplinary cancellation
- 76 Reinstatement following a disciplinary cancellation
- 77 Revocation of disciplinary suspension
- 78 Cancellation on death

**Division 6  
Maintaining the Register and Related Records**

- 79 Maintaining the register
- 80 Additional registrant information
- 81 Access to registrant information
- 82 Return of evidence of registration and evidence of professional practice

**Division 7  
Appeals**

- 83 Appeal to appeal tribunal

**Part 6  
Competence and Continuing Competence**

- 84 Continuing competence program
- 85 Role of a competence committee
- 86 Referral to the complaints inquiry committee

**Part 7  
Practice Review**

- 87 Purpose of practice review
- 88 Practice review committee duties and responsibilities
- 89 Practice reviewer powers
- 90 Conduct of practice review
- 91 Decision
- 92 Appeal to appeal tribunal

## **Part 8 Complaints Inquiry Process**

### **Division 1**

#### **Purpose**

- 93 Purpose

### **Division 2**

#### **Complaints, Reviews and Mediation**

- 94 Complaints
- 95 Jurisdiction over former registrants
- 96 Initial review of complaints
- 97 Particulars and response
- 98 Voluntary communication encouraged
- 99 Alternative complaint resolution
- 100 Settlement
- 101 Withdrawal
- 102 Sanction agreements
- 103 Voluntary resignation

### **Division 3**

#### **Processing Complaints**

- 104 Duty of the CIC chair
- 105 Investigator's power re other conduct
- 106 Investigation powers and duties
- 107 Disclosure to other professional regulators
- 108 Duty of the complaints inquiry committee
- 109 Appeal from decision to take no further action

### **Division 4**

#### **Discipline Tribunal Proceedings**

- 110 Discipline tribunal hearing
- 111 Bias prevention
- 112 Representation before discipline tribunal
- 113 Notice of hearing and particulars of allegation
- 114 Amending or deleting allegations of unprofessional conduct
- 115 Other matters of unprofessional conduct
- 116 Evidence and procedure



- 117 Compellable witnesses
- 118 Notice to attend and produce records, information, substances or things
- 119 Commission evidence
- 120 Communication to discipline tribunal
- 121 Civil contempt proceedings
- 122 Proceedings in the absence of investigated party
- 123 Unprofessional conduct
- 124 Discipline tribunal findings
- 125 Discipline tribunal orders
- 126 Costs
- 127 Failure to pay
- 128 Written decisions and dissents
- 129 Publication of decisions
- 130 Ability to rehear
- 131 Hearing records to be retained
- 132 Failure to comply with orders and undertakings

**Division 5**  
**Appeal Rights, Disciplinary Proceedings**  
**Outside Alberta and Circulating Decisions**

- 133 Appeal to appeal tribunal
- 134 Disciplinary proceedings outside Alberta
- 135 Stay pending appeal
- 136 Circulation of decisions

**Division 6**  
**Additional Suspension and Cancellation Powers**

- 137 Temporary suspension
- 138 Charges and convictions for indictable offences
- 139 Falsely obtained registration

**Part 9**  
**Assessing Incapacity**

- 140 Assessing incapacity

## **Part 10 Appeals and Court Enforcement of Decisions**

### **Division 1 Appeals to Appeal Tribunal**

- 141 Notice of appeal
- 142 Review of the notice of appeal
- 143 Representation before appeal tribunal
- 144 Appeal is based on the record of proceedings
- 145 Communication to appeal tribunal
- 146 Appeal tribunal decisions
- 147 Publication of decisions
- 148 Appeal records to be retained
- 149 Stay pending appeal
- 150 Ability to rehear
- 151 Finality of appeal tribunal decisions

### **Division 2 Appeal to a Court of Appeal**

- 152 Appeal to a Court of Appeal
- 153 Appeal on record
- 154 Power of Court of Appeal

### **Division 3 Court Enforcement of Decisions**

- 155 Court enforcement of decisions

## **Part 11 Other Matters**

- 156 Confidentiality
- 157 Commissioners for oaths
- 158 Public and private proceedings
- 159 Records, information, substances or things obtained in the course of proceedings
- 160 Duty to report
- 161 Reporting by registrants
- 162 Complaints to Ombudsman
- 163 Protection against compulsory testimony

- 164 Protection from legal proceedings
- 165 Prohibition on municipal licences
- 166 Restrictions on non-regulated membership
- 167 Writing includes electronic means
- 168 Electronic delivery of notices
- 169 Maintenance of records through electronic means
- 170 Virtual meetings
- 171 Service of documents
- 172 Records retention
- 173 Website

## **Part 12 Offences and Penalties**

- 174 Offences and penalties
- 175 Burden of proof

## **Part 13 Practice and Business Arrangements**

- 176 Practice arrangements
- 177 Authority respecting business arrangements

## **Part 14 Practice Prohibitions and Restricted Titles**

### **Division 1 Practice Prohibitions**

- 178 General prohibition of practice
- 179 Prohibited use of stamp or seal
- 180 Practice prohibition while suspended or cancelled
- 181 Obstruction

### **Division 2 Restricted Titles and Misrepresentation**

- 182 Use of restricted titles
- 183 Specialist
- 184 Student
- 185 Misrepresenting as a professional  
regulatory organization
- 186 Misrepresentation of registrant status

187 Misrepresentation

188 Injunction

## **Part 15**

### **Ministerial and Regulation-making Authorities**

189 Costs

190 Profession-specific bylaws

191 Minister disallowance of bylaws, rules of professional conduct, code of ethics or practice standards

192 Ministerial oversight

#### **Ministerial Regulations**

193 General regulations

194 Ministerial regulations re definitions

195 Ministerial regulations re applications, inspections and designation reviews

196 Ministerial regulations re governance and accountability

197 Ministerial regulations re registration, registrants and registrant information

198 Ministerial regulations re practice review

199 Ministerial regulations re complaints inquiry process

200 Ministerial regulations re assessing incapacity

201 Ministerial regulations re business entities, practice in association, practice arrangements and custodial orders

202 Ministerial regulations re non-regulated members and specialists

## **Part 16**

### **Bylaw-making Authorities**

203 Consultation with Ministers required

204 Bylaws re governance and accountability

205 Bylaws re categories and classes of registrants and non-regulated members

206 Bylaws re applications for registration

207 Bylaws re continuing registration and reinstatement

208 Bylaws re temporary registration

209 Bylaws re business registrants

210 Bylaws re fees and costs for registration and reinstatement applications

- 211 Bylaws re information management
- 212 Bylaws re other registrants and supervision of registrants
- 213 Bylaws re specialists
- 214 Bylaws re competence and continuing competence
- 215 Bylaws re practice review
- 216 Bylaws re complaints inquiry processes and proceedings
- 217 Bylaws re custodial orders
- 218 Bylaws re appeal tribunal decisions
- 219 Bylaws re business arrangements
- 220 Bylaws re restricted titles
- 221 Bylaws re other matters
- 222 Bylaws re Alberta Land Surveyors' Association
- 223 Bylaws re joint tribunals
- 224 Bylaws re Alberta Veterinary Medical Association
- 225 Adoption of bylaws and coming into force
- 226 Copies of bylaws
- 227 Non-application of the Regulations Act
- 228 Regulations supersede bylaws

**Part 17**  
**Transitional and Related Provisions,**  
**Consequential and Related Amendments,**  
**Repeals and Coming into Force**

**Division 1**  
**Transitional and Related Provisions**

- 229 Transitional — definitions and interpretation
- 230 Transitional — continuing entities
- 231 Transitional — regulated profession
- 232 Transitional — initial governing body
- 233 Transitional — committees and tribunals
- 234 Transitional — public members
- 235 Transitional — regulations
- 236 Transitional — bylaws
- 237 Transitional — rules, codes and standards
- 238 Transitional — registrants
- 239 Transitional — registration applications
- 240 Transitional — complaints, investigations and discipline proceedings

- 241 Transitional — appeals
- 242 Transitional — orders, undertakings, conditions and restrictions
- 243 Exercise of authority prior to commencement
- 244 Transitional regulations

**Division 2**  
**Consequential Amendments and Related Amendments**

- 245-266 Consequential and related amendments

**Division 3**  
**Repeals and Coming into Force**

- 267 Repeals
- 268 Coming into force

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

**Part 1**  
**Definitions and Purpose**

**Definitions**

- 1** In this Act,
- (a) “alternative complaint resolution process” means a process established under section 99 to assist in resolution of a complaint made under section 94;
  - (b) “appeal tribunal” means an appeal tribunal convened under section 46;
  - (c) “appeal tribunal list chair” means an individual appointed under section 44(2) as appeal tribunal list chair and includes the appeal tribunal list vice-chair, if any;
  - (d) “appeal tribunal secretary” means an individual appointed under section 48(1) as appeal tribunal secretary and includes an individual designated by an appeal tribunal secretary to act on behalf of the appeal tribunal secretary;
  - (e) “applicant” means a person who applies

- (i) to become a registrant of a professional regulatory organization, or
  - (ii) for reinstatement as a registrant of a professional regulatory organization;
- (f) “business entity” means
  - (i) a partnership,
  - (ii) a limited liability partnership,
  - (iii) a corporation,
  - (iv) a professional corporation, and
  - (v) any other entity defined in the regulations as a business entity;
- (g) “business registrant” means a business entity that is registered under Part 5 or whose registration under a former Act is continued under this Act;
- (h) “bylaw” means a bylaw made by the governing body of a professional regulatory organization;
- (i) “chair of the governing body” means a chair selected under section 37;
- (j) “CIC chair” means the individual designated by the governing body of a professional regulatory organization as chair of its complaints inquiry committee under section 40;
- (k) “CIC secretary” means an individual appointed as CIC secretary under section 48(1) and includes an individual designated by a CIC secretary to act on behalf of the CIC secretary;
- (l) “code of ethics” means the code of ethics established by the governing body of a professional regulatory organization under section 63;
- (m) “committee” means any or all of the following, as the case may be:
  - (i) registration committee;

- (ii) complaints inquiry committee;
- (iii) competence committee;
- (iv) practice review committee;
- (v) a joint review committee that serves the function of a committee referenced in subclauses (i) to (iv);
- (n) “competence” means the combined education, experience, knowledge, skills, proficiency, attitudes and judgment required by a registrant to provide professional services;
- (o) “competence committee” means the competence committee, if any, established by a governing body under section 38(2);
- (p) “complaints inquiry committee” means the complaints inquiry committee of a professional regulatory organization established under section 38(1);
- (q) “conduct” includes an act or omission, whether or not the conduct relates to the professional activities of a registrant or former registrant;
- (r) “continuing competence program” means the program established by a governing body under section 84;
- (s) “department” means the department administered by the Minister;
- (t) “designation review” means an investigation and review by a professional governance officer under section 17;
- (u) “discipline tribunal” means a discipline tribunal convened under section 45;
- (v) “discipline tribunal list chair” means an individual appointed under section 44(2) as discipline tribunal list chair and includes a discipline tribunal list vice-chair, if any;
- (w) “discipline tribunal secretary” means an individual appointed as discipline tribunal secretary under section 48(1) or an individual designated by a discipline tribunal secretary to act on behalf of the discipline tribunal secretary;



- (x) “domestic trade agreement” means a domestic trade agreement as defined in Schedule 6 to the *Government Organization Act*;
- (y) “evidence of professional practice” means a practice permit or other similar type of document or thing issued by a professional regulatory organization under section 71;
- (z) “evidence of registration” includes any document or thing that is provided by a professional regulatory organization as evidence of registration or continuing registration;
- (aa) “exclusive scope of practice” means a scope of practice of a regulated profession in which only registrants of that professional regulatory organization, or a specific category or class of registrant of that professional regulatory organization, are authorized to engage in the provision of services, unless otherwise provided by the regulations;
- (bb) “former Act” means an Act listed in section 267 or an Act that regulated a profession or occupation before it was designated as a professional regulatory organization under section 14 or amalgamated under section 29;
- (cc) “former registrant” means a person who was but is no longer registered under this Act or a former Act;
- (dd) “good standing” when used in reference to a registrant means that the registrant’s registration is not suspended or cancelled;
- (ee) “governing body” means the governing body of a professional regulatory organization established under section 37;
- (ff) “incapacitated” means suffering from a physical, mental or emotional condition or disorder or an addiction to alcohol or a drug as defined in the *Pharmacy and Drug Act* or other chemicals that impairs the ability of a registrant to provide professional services in a safe and competent manner;
- (gg) “individual” means a human being;

- (hh) “individual registrant” means an individual who is registered by a professional regulatory organization under Part 5 or whose registration under a former Act is continued under this Act;
- (ii) “international treaty” means an international treaty recognized by order of the Minister that a professional regulatory organization is required to comply with;
- (jj) “investigated party” means
  - (i) a registrant investigated under Part 8, or
  - (ii) a former registrant investigated under Part 8 in respect of conduct occurring when the person was registered under this Act or a former Act;
- (kk) “investigator” means a person appointed under Part 8 to conduct an investigation;
- (ll) “life” means all living things;
- (mm) “Minister” means the Minister responsible for this Act under section 16 of the *Government Organization Act*;
- (nn) “non-regulated member” means a person that is enrolled as a member of a professional regulatory organization under a bylaw of that professional regulatory organization but is not a registrant;
- (oo) “Ombudsman” means the Ombudsman appointed under the *Ombudsman Act*;
- (pp) “person” means an individual or a business entity;
- (qq) “practice arrangement” means an arrangement under which a registrant may provide professional services and includes providing professional services as, in relationship to, or on behalf of
  - (i) a business entity,
  - (ii) a self-employed individual,
  - (iii) an employee,
  - (iv) an employer,

- (v) a partner,
  - (vi) a shareholder,
  - (vii) a director,
  - (viii) a joint venture,
  - (ix) a practice in association, and
  - (x) any other practice arrangement specified by the Minister by regulation;
- (rr) “practice in association” means the provision of professional services conducted in cooperation with another person, other than in a business entity, where one or more of the following occur:
- (i) joint advertising;
  - (ii) shared office telephone number;
  - (iii) combined client billing for services provided by more than one person;
  - (iv) shared office reception area;
  - (v) shared office or work space expenses;
  - (vi) shared administrative functions or expenses;
  - (vii) shared ownership or use of premises, equipment, furnishings or other property;
  - (viii) shared employees;
  - (ix) other circumstances that constitute practice in association under the regulations made under section 201;
- (ss) “practice review” means a review of the practice of a registrant under Part 7;
- (tt) “practice review committee” means a practice review committee, if any, established by a governing body under section 38(2);

- (uu) “practice standards” means the practice standards established by a governing body under section 63;
- (vv) “profession” means a pursuit, calling, or area of expertise, including an occupation, which is characterized by a generally accepted requirement that persons who engage in it must exhibit integrity and competence;
- (ww) “professional association” means a society under the *Societies Act*, a company registered under Part 9 of the *Companies Act* or any other corporation or group of persons that has members who work in a profession that is not regulated as a profession under this Act or any other similar enactment;
- (xx) “professional fee” means a fee charged by an individual registrant, a temporary registrant or a business registrant for a professional service, and includes a fee charged by or through
  - (i) a business entity that is not a registrant, or
  - (ii) another practice arrangement
 for professional services of a registrant;
- (yy) “professional governance officer” means an employee of the public service of Alberta designated under section 7(1);
- (zz) “professional regulator” means an organization that regulates a profession but is not subject to this Act, and includes such an organization outside Alberta;
- (aaa) “professional regulatory organization” means a professional regulatory organization continued or designated under Part 2 of this Act or established by an amalgamation under Part 3 of this Act;
- (bbb) “professional regulatory organization’s regulatory model” means the regulatory model applied to a regulated profession under this Act and the regulations;
- (ccc) “professional service” means a service that comes within the scope of practice of a regulated profession;

- (ddd) “public member” means an individual who is appointed by the Minister as a public member in accordance with section 57;
- (eee) “record of proceedings” means
- (i) with respect to proceedings before a tribunal,
    - (A) records, information, substances or things received as evidence at the proceedings, and
    - (B) the transcript of the proceedings, if a transcript is created,
  - and
  - (ii) with respect to proceedings where a right of appeal exists under this Act, other than proceedings before a tribunal,
    - (A) records, information, substances or things considered by the decision-maker, and
    - (B) the transcript of the proceedings, if a transcript is created;
- (fff) “records” mean a record of information in any form, including
- (i) notes, plans, drawings, images, letters, tapes, audiovisual recordings, emails, images, books, vouchers, papers, photographs, x-rays, spread sheets and any other information that is written, photographed, recorded or stored in any manner, and
  - (ii) the result of the recording of details of electronic data processing systems and programs to illustrate what the systems and programs do and how they operate;
- (ggg) “register” means the register of the registrants of a professional regulatory organization that is required to be established and maintained under section 79;
- (hhh) “registrant” means a person who is registered by a professional regulatory organization as an individual registrant, a temporary registrant, a business registrant or a registrant in a category prescribed by the regulations;

- (iii) “registrar” means the individual appointed as the registrar of a professional regulatory organization under section 34;
- (jjj) “registration committee” means the registration committee of a professional regulatory organization established under section 38(1);
- (kkk) “regulated profession” means a profession that is regulated under this Act;
- (lll) “regulatory model” means the combination of one or more characteristics set out in Part 2, Division 2 that is the foundation for the terms under which the registrants of a professional regulatory organization will engage in the practice of the profession under this Act;
- (mmm) “restricted title” means a title, alone or in combination with any other title, name, description, abbreviation, initials, letter or symbol, that the registrants of a regulated profession are authorized to use under this Act and that other persons are prohibited from using, unless otherwise provided by the regulations;
- (nnn) “rules of professional conduct” means rules of professional conduct established by a governing body under section 63;
- (ooo) “temporary registrant” means an individual who is registered by a professional regulatory organization under section 72 or whose registration as temporary registrant under a former Act is continued under this Act;
- (ppp) “tribunal” means any or all of the following: a discipline tribunal, an appeal tribunal or a joint tribunal prescribed in the regulations.

**Purposes of this Act**

**2** The purposes of this Act are

- (a) to protect the public interest and the interest of public safety by safeguarding
  - (i) life, health and the environment, and
  - (ii) the property and economic interests of the public,

- (b) to protect the integrity of professions governed by this Act,
  - (c) to promote and increase the competence of registrants,
  - (d) to regulate the conduct of registrants,
  - (e) to ensure that, subject to defined exceptions,
    - (i) only persons authorized under this Act can use a restricted title, engage in a restricted activity or practice within an exclusive scope of practice,
    - (ii) persons who are subject to mandatory registration register in a professional regulatory organization under this Act, and
    - (iii) where a person is required to voluntarily register to use a restricted title or engage in an activity, only persons who have voluntarily registered use the title or engage in the activity,
- and
- (f) to ensure that each professional regulatory organization administers its affairs and regulates its registrants in a manner that protects the public interest and the interest of public safety.

## **Part 2 Continuance, Designation of and Changes to Professional Regulatory Organizations**

### **Division 1 Continuation of Professional Regulatory Organizations and Application of this Act**

#### **Application of this Act**

**3(1)** This Act applies to

- (a) a professional regulatory organization that is established under this Act,

- (b) a person who becomes a registrant of a professional regulatory organization under this Act,
- (c) a professional regulatory organization that is continued under this Act, and
- (d) a person who was a registrant, or who had similar status, in a professional regulatory organization that is continued under this Act.

**(2)** The following professional regulatory organizations are continued as a professional regulatory organization under this Act, and have the capacity and, subject to this Act, the rights, powers and privileges of a natural person:

- (a) Alberta Assessor's Association;
- (b) Alberta Association of Architects;
- (c) Alberta Association of Landscape Architects;
- (d) Alberta Human Ecology and Home Economics Association;
- (e) Alberta Institute of Agrologists;
- (f) Alberta Land Surveyors' Association;
- (g) Alberta Professional Planners' Institute;
- (h) Alberta Shorthand Reporters' Association;
- (i) Alberta Society of Professional Biologists;
- (j) Alberta Veterinary Medical Association;
- (k) Association of Alberta Forest Management Professionals;
- (l) Association of Professional Engineers and Geoscientists of Alberta;
- (m) Association of Science and Engineering Technology Professionals of Alberta;
- (n) Association of School of Business Officials;
- (o) Association of the Chemical Profession of Alberta;
- (p) Canadian Information Processing Society of Alberta;
- (q) Chartered Professional Accountants of Alberta;
- (r) Consulting Engineers of Alberta;
- (s) Electrical Contractors Association of Alberta;
- (t) Institute of Certified Management Consultants of Alberta;
- (u) Society of Local Government Managers of Alberta;
- (v) Supply Chain Management Association of Alberta.



## **Division 2**

### **Establishment of Regulatory Models**

#### **Regulatory models**

**4(1)** The Minister shall establish a regulatory model for each professional regulatory organization governed by this Act.

**(2)** In establishing a regulatory model for a professional regulatory organization, the Minister may make regulations

- (a) establishing the scope of the profession and practice governed by the professional regulatory organization;
- (b) imposing mandatory registration requirements for a person to provide a professional service to the public that is within the scope of professional practice of the professional regulatory organization;
- (c) providing for voluntary registration and restrictions on the use of a restricted title or other activities by those who do not voluntarily register;
- (d) imposing conditions or restrictions on registrants of the professional regulatory organization;
- (e) authorizing the use of a restricted title, alone or in combination with any other title, name, description, abbreviation, initials, letter or symbol, in such a way as to represent expressly or by implication that a person is a registrant or member of a professional regulatory organization or a certain class or category of registrant or member;
- (f) authorizing registrants or a class or category of registrants to engage in a restricted activity or the provision of services that are part of an exclusive scope of practice;
- (g) respecting the practice of a profession, practice prohibitions and restricted titles generally;
- (h) respecting any other matters the Minister considers necessary for the purposes of this Act in relation to the professional regulatory organization's regulatory model.

**(3)** When establishing a regulatory model for a professional regulatory organization, the Minister shall consider the

characteristics described in section 6 and may use those or other characteristics to establish the regulatory model.

**(4)** Each professional regulatory organization must govern the profession to which it relates in accordance with the regulatory model established under this Act.

**Regulatory models for professional regulatory organizations continued under this Act**

**5(1)** A professional regulatory organization that is continued under this Act will continue with the same rules relating to

- (a) registration requirements to be eligible to engage in the profession,
- (b) restricted activities,
- (c) exclusive scopes of practice, and
- (d) restricted titles

that applied immediately prior to the coming into force of this Act until a regulation is made under subsection (2) that governs those things.

**(2)** The Minister may make regulations respecting the regulatory model that will apply to a professional regulatory organization that is continued under this Act.

**General characteristics of regulatory models**

**6** A professional regulatory organization's regulatory model may have one or more of the following characteristics:

- (a) voluntary registration, in which a person is not required to be registered to provide a professional service to the public but, if that person chooses to use a restricted title or engage in specified activities, the person must register in the professional regulatory organization;
- (b) mandatory registration, in which a person who meets the requirements for registration under this Act must register with a professional regulatory organization before providing a professional service to the public that is

within the scope of the profession of the professional regulatory organization;

- (c) restricted activities, in which only a registrant, or a category or class of registrant, is authorized to engage in certain activities in providing professional services to the public that are designated as restricted activities under this Act;
- (d) an exclusive scope of practice, in which only a registrant, or a specific category or class of registrant, is authorized to engage in the provision of services within a scope of practice established under this Act;
- (e) a restricted title, in which only a registrant, or a category or class of registrant, may use a restricted title.

#### **Designation of professional governance officers**

**7(1)** The Minister may designate employees of the public service of Alberta who meet the criteria set out in the regulations as professional governance officers for the purpose of this Act.

**(2)** A professional governance officer has the powers and performs the duties and functions prescribed by this Act and the regulations.

#### **Regulatory models applicable to new, existing and amalgamated professions**

**8(1)** If

- (a) a professional association applies to become a professional regulatory organization,
- (b) a professional regulatory organization applies for a change in the regulatory model to which the professional regulatory organization is subject, or
- (c) 2 or more professional regulatory organizations, or one or more professional regulatory organizations and one or more professional associations, apply to be amalgamated,

a professional governance officer must provide the Minister with written advice on the regulatory model that should apply to the professional regulatory organization.

(2) In providing advice under this section, a professional governance officer must consider the characteristics described in section 6 and may recommend the use of other characteristics for a regulatory model

- (a) for a new professional regulatory organization,
- (b) for a change to the regulatory model to which a professional regulatory organization is subject, or
- (c) for an amalgamated professional regulatory organization under Part 3.

### **Division 3 Designation of Professional Regulatory Organizations and Changes to the Regulatory Model**

#### **Applications**

**9(1)** Subject to subsection (2), a professional association may apply in accordance with section 10 to become a professional regulatory organization.

(2) A professional association that is regulated or that is eligible to be regulated under the *Health Professions Act* or the *Apprenticeship and Industry Training Act* is not eligible to apply to become a professional regulatory organization under this Act.

(3) A professional regulatory organization may apply for a change in the regulatory model to which the professional regulatory organization is subject by submitting an application in accordance with section 10.

(4) A professional regulatory organization may apply in accordance with section 10 for a change of name.

#### **Application process**

**10(1)** An application must

- (a) be in the form provided by the Minister,
- (b) include the information required by the Minister, and
- (c) include the fee set by the Minister by order.

**(2)** The Minister shall publish the application form, the information required to be included in the application and the fee amount on the department's website.

**(3)** After an application is received under section 9(1), (3) or (4), a professional governance officer may require the professional association or the professional regulatory organization to provide, within the time period determined by the professional governance officer, any additional information that the professional governance officer requires for the purposes of reviewing the application under section 11.

**(4)** The professional governance officer may reject an application where

- (a) the application does not meet the requirements of subsection (1), or
- (b) the professional association or professional regulatory organization that made the application does not cooperate and provide the information required under subsection (3).

#### **Review of application**

**11(1)** Subject to section 10(4), when the professional governance officer is satisfied that an application is complete, any information required under section 10(1)(b) has been received and the fee set by the Minister under section 10(1)(c) has been received, the professional governance officer must within a reasonable time

- (a) advise the professional association or the professional regulatory organization that the application is complete, and
- (b) review the application to determine
  - (i) if the professional association should be designated as a professional regulatory organization and, if so, the regulatory model that should apply to the professional regulatory organization,
  - (ii) if the regulatory model that currently applies to the professional regulatory organization should be changed to a new model, or

- (iii) if the name of the professional regulatory organization should be changed.

(2) In reviewing an application, the professional governance officer must consider whether the proposed professional regulatory organization, proposed change to the regulatory model of an existing professional regulatory organization or proposed change to the name of a professional regulatory organization would

- (a) serve to protect the public interest and the interest of public safety by safeguarding
  - (i) life, health and the environment, and
  - (ii) the property and economic interests of the public,
- (b) meet any other criteria established by regulation under section 195, and
- (c) otherwise be consistent with this Act.

(3) The professional governance officer may communicate with other professional regulatory organizations and other persons or take any other steps that the professional governance officer considers necessary in reviewing the application.

#### **Advice re application**

**12** After reviewing an application made under section 10, the professional governance officer must provide written advice to the Minister

- (a) on whether the professional association should be designated as a professional regulatory organization and, if so, on the regulatory model that should apply to the professional regulatory organization,
- (b) on whether the regulatory model that currently applies to the professional regulatory organization should be changed to a new model,
- (c) on whether the name of the professional regulatory organization should be changed, and
- (d) on any other matter the professional governance officer considers necessary or that the Minister has sought advice on.

**Ministerial recommendation regarding applications for designation**

**13** On receipt of the professional governance officer's advice under section 12, the Minister may recommend, in writing, that the Lieutenant Governor in Council issue an order designating a professional association as a professional regulatory organization if the Minister believes that doing so would serve the public interest and the interest of public safety.

**Approval of application for designation as a professional regulatory organization**

**14(1)** On the recommendation of the Minister under section 13, the Lieutenant Governor in Council may issue an order designating a professional association as a professional regulatory organization under this Act with the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

**(2)** If the Lieutenant Governor in Council has designated a professional association as a professional regulatory organization, the Minister may make regulations

- (a) prescribing the name of the professional regulatory organization and any description of or abbreviation, initials, letter or symbol for the professional regulatory organization;
- (b) establishing a regulatory model for the professional regulatory organization;
- (c) respecting the establishment of the initial governing body, bylaws, registrants, register or any other matter necessary to effectively establish the professional regulatory organization.

**(3)** On the making of an order under subsection (1), a professional governance officer must provide a copy of the order to

- (a) the professional association that applied under section 10, and
- (b) the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Post-secondary Learning Act*.

**Response to application for change  
in regulatory model or name**

**15** If the Minister accepts the advice of the professional governance officer under section 12, the Minister may make regulations changing the name of a professional regulatory organization or the regulatory model that applies to a professional regulatory organization.

**Division 4  
Inspections, Administrators and  
Designation Review**

**Inspections**

**16(1)** A professional governance officer may make any inquiries the professional governance officer requires for the purposes of determining whether or not a professional regulatory organization is complying with this Act and the regulations, including whether the professional regulatory organization

- (a) is governing itself and the professional regulatory organization's registrants appropriately having regard for the purposes of this Act,
- (b) is conducting itself in a manner that maintains the confidence of the public with respect to its activities and those of its registrants,
- (c) has adopted effective rules of professional conduct, an effective code of ethics and effective practice standards,
- (d) is meeting the requirements set out in this Act, the regulations and the bylaws of the professional regulatory organization respecting competence and continuing competence of the professional regulatory organization's registrants,
- (e) has taken the appropriate measures to
  - (i) avoid and detect professional practices or actions by registrants that are considered to be unprofessional conduct or that otherwise contravene the professional regulatory organization's rules of professional conduct, code of ethics or practice standards, and



- (ii) ensure that registrants are held accountable for the consequences of such practices or actions,

and

- (f) has paid any fees or costs required under this Act within the time period permitted.

**(2)** If the professional governance officer determines based on the professional governance officer's inquiries that a professional regulatory organization has failed to comply with any of the matters set out in subsection (1), the professional governance officer may issue a direction to the professional regulatory organization to comply with the specific matters identified in the direction and the professional regulatory organization must comply with the direction.

#### **Designation review**

**17(1)** The Minister may direct a professional governance officer to conduct a designation review of a professional regulatory organization to determine whether or not the professional regulatory organization continues to serve the public interest and the interest of public safety, and is complying with this Act, the regulations and the bylaws of the professional regulatory organization.

**(2)** In addition to a designation review directed under subsection (1), a professional governance officer may conduct a designation review of a professional regulatory organization if

- (a) the governing body passes a resolution that it no longer wishes to be a professional regulatory organization, or
- (b) the professional governance officer has reasonable grounds for believing that
  - (i) the long-term economic viability of the professional regulatory organization may be at risk, or
  - (ii) the professional regulatory organization may not be performing its powers, duties and functions in accordance with this Act.

**(3)** In conducting a designation review, the professional governance officer must

- (a) give notice to the professional regulatory organization that the professional governance officer is conducting a designation review under this section, and
- (b) consider whether the professional regulatory organization continues to
  - (i) serve to protect the public interest and the interest of public safety by safeguarding
    - (A) life, health and the environment, and
    - (B) the property and economic interests of the public,
  - (ii) meet any other criteria established in the regulations, and
  - (iii) otherwise conduct itself consistently with this Act, the regulations and the bylaws of the professional regulatory organization.

**(4)** In addition to the matters under subsection (3)(b), the professional governance officer may consider any other matters the professional governance officer deems necessary for the purpose of assessing whether or not the professional regulatory organization continues to serve the public interest and the interest of public safety and is otherwise meeting the requirements of this Act, the regulations and the bylaws of the professional regulatory organization.

**(5)** The professional governance officer may

- (a) require the professional regulatory organization to provide, within the time period required by the professional governance officer, any information that the professional governance officer deems necessary for the purposes of the designation review, and
- (b) consult with
  - (i) any person engaged in the practice of the profession or occupation,
  - (ii) any professional association,

- (iii) any person that has as one of its objects the advancement or promotion of the practice of the profession or occupation, or
- (iv) any member of the professional regulatory organization.

**(6)** The professional governance officer must provide the professional regulatory organization an opportunity to provide information to the professional governance officer before the professional governance officer provides advice to the Minister under subsection (7).

**(7)** The professional governance officer must provide written advice on the findings of the designation review to the Minister.

**(8)** On receipt of the professional governance officer's written advice, the Minister may provide the professional regulatory organization with a copy or summary of the professional governance officer's findings and may provide the professional regulatory organization with an opportunity to make submissions to the Minister within the time period specified by the Minister.

**(9)** After a time period specified by the Minister, the Minister shall

- (a) determine that no further action is required,
- (b) direct the professional regulatory organization to comply with any matter the Minister identifies to ensure the professional regulatory organization complies with this Act, the regulations or the bylaws of the professional regulatory organization,
- (c) recommend the appointment of an administrator under section 18, or
- (d) recommend that the Lieutenant Governor in Council issue an order revoking the designation of the professional regulatory organization in accordance with section 19.

#### **Appointment of administrator**

**18(1)** The Minister may recommend that the Lieutenant Governor in Council make an order under subsection (2) if

- (a) in the opinion of the Minister

- (i) it is warranted as a result of a designation review,
- (ii) a professional regulatory organization requires support to carry out its powers, duties and functions under this Act, or
- (iii) the public interest or interest of public safety otherwise requires it,

or

- (b) a professional regulatory organization has made a request to the Minister that an administrator be appointed.

**(2)** On the recommendation of the Minister, the Lieutenant Governor in Council may, by order, with respect to a professional regulatory organization

- (a) provide for the appointment of an administrator of that professional regulatory organization,
- (b) authorize the person appointed as an administrator to carry out any of the powers, duties and functions of the professional regulatory organization as specified in the order,
- (c) prescribe the term of office of the person appointed as an administrator,
- (d) authorize the payment of remuneration and expenses to the person appointed as an administrator,
- (e) establish who will be required to pay for the remuneration and expenses of the administrator, and
- (f) make any other direction required to facilitate the exercise of the powers, duties or functions of the professional regulatory organization, including removing the authority of the governing body, any committee, tribunal or other body, or any official of the professional regulatory body under this Act, in whole or in part, for any period deemed necessary by the Lieutenant Governor in Council.

**(3)** Subject to the terms of an order under subsection (2), an administrator has the powers, duties and functions of the professional regulatory organization.

(4) The Lieutenant Governor in Council may, by order, address any matter relating to the expiry of the administrator's term and the transition of any power, duty or function from the administrator to any body or person.

#### **Minister's recommendation re revocation of designation**

**19** The Minister may make a recommendation to the Lieutenant Governor in Council to revoke the designation of a professional regulatory organization if the Minister considers that the continuation of the professional regulatory organization is not in the public interest and the interest of public safety, or not otherwise consistent with this Act.

#### **Revocation of designation**

**20(1)** The Lieutenant Governor in Council may, on the recommendation of the Minister, issue an order revoking the designation of a professional regulatory organization as of a specified date.

(2) If the Lieutenant Governor in Council issues an order under subsection (1), the Minister may make any regulations the Minister considers appropriate, including regulations respecting any matter arising from the revocation of the designation of the professional regulatory organization.

(3) On the effective date of the revocation, the professional regulatory organization ceases to be a professional regulatory organization under this Act.

(4) On the making of an order under subsection (1), a professional governance officer must provide a copy of the order to

- (a) the professional regulatory organization that is the subject of the order, and
- (b) the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Post-secondary Learning Act*.

#### **Judicial review**

**21** A professional regulatory organization that is the subject of

- (a) a direction under section 16(2) or 17(9)(b),

- (b) an order providing for the appointment of an administrator under section 18(2) or relating to the expiry of the administrator's term under section 18(4),
- (c) an order revoking the designation of a professional regulatory organization under section 20(1), or
- (d) a refusal by the Minister under section 28(1)(c)

may file an application for judicial review with the Court of Queen's Bench within 30 days after receiving the direction, order or refusal, as the case may be.

### **Part 3 Amalgamation**

#### **Definitions**

**22** In this Part,

- (a) "amalgamated professional regulatory organization" means the professional regulatory organization that results from an amalgamation order under this Part;
- (b) "amalgamation applicant" means a professional regulatory organization or a professional association that is eligible to apply to amalgamate under section 23;
- (c) "former professional regulatory organization" means a professional regulatory organization or professional association, if any, that has been amalgamated under this Part.

#### **Eligibility to apply**

**23(1)** Two or more professional regulatory organizations may apply to amalgamate in accordance with this Part.

**(2)** One or more professional regulatory organizations may apply jointly with one or more professional associations to amalgamate in accordance with this Part.

**(3)** If a professional regulatory organization referred to in subsection (1) or (2) is regulated by another enactment, that professional regulatory organization must obtain the consent of the Minister responsible under the *Government Organization Act* for

that other enactment to be eligible to apply to amalgamate under this Part.

(4) A professional association that is regulated or that is eligible to be regulated under the *Health Professions Act* or the *Apprenticeship and Industry Training Act* is not eligible to apply to amalgamate under this Act.

#### **Application for amalgamation**

**24(1)** Two or more amalgamation applicants may apply jointly for approval to amalgamate.

(2) An application under subsection (1) must

- (a) be in the form provided by the Minister,
- (b) include the information required by the Minister,
- (c) include the fee set by the Minister by order, and
- (d) meet any other requirements prescribed in the regulations.

(3) The Minister shall publish the application form, the information required to be included in the application and the fee amount on the department's website.

(4) After an application is received under this section, a professional governance officer may require the amalgamation applicants to provide, within the time period determined by the professional governance officer, any additional information that the professional governance officer requires for the purposes of reviewing an application under section 26.

(5) The professional governance officer may reject an application where

- (a) the application does not meet the requirements of subsection (2), or
- (b) the amalgamation applicants do not cooperate and provide the information required under subsection (4).

(6) Subject to subsection (5), when the professional governance officer is satisfied that an application is complete, any information required under subsection (2)(b) has been received and the fee set by the Minister under subsection (2)(c) has been received, the

professional governance officer must within a reasonable time advise the amalgamation applicants and the Minister that the application is complete.

**Minister may propose amalgamation**

**25(1)** Despite not receiving an application under section 24 the Minister may, on the Minister's own initiative, propose the amalgamation of 2 or more professional regulatory organizations.

**(2)** If the Minister proposes an amalgamation under subsection (1), the Minister shall provide notice of the proposal to each of the professional regulatory organizations that the Minister proposes be amalgamated.

**Review by professional governance officer**

**26(1)** The Minister may direct a professional governance officer to review an amalgamation application or an amalgamation proposed by the Minister and provide written advice to the Minister.

**(2)** If directed to review an amalgamation application or proposal, the professional governance officer must review the amalgamation application or proposal within a reasonable time to assess whether the amalgamation should proceed.

**(3)** In reviewing an application, the professional governance officer must consider whether the amalgamation would

- (a) serve to protect the public interest and the interest of public safety by safeguarding
  - (i) life, health and the environment, and
  - (ii) the property and economic interests of the public,
- (b) meet any other criteria established in the regulations, and
- (c) otherwise be consistent with this Act.

**(4)** The professional governance officer may take any steps that the professional governance officer considers necessary in reviewing the amalgamation application or proposal, including

- (a) communicating with



- (i) a registrant or member of the professional regulatory organization or organizations or the professional association or associations, if any, that are involved in the amalgamation application or proposal, or
  - (ii) another professional regulatory organization or professional association or any other person who may be affected by or interested in the amalgamation,
- (b) seeking advice from another department if a professional regulatory organization that is a party to the amalgamation application is subject to another enactment that regulates the profession, and
  - (c) taking any other steps that the professional governance officer considers necessary in reviewing the amalgamation application or proposal.

#### **Advice re amalgamation**

**27** After reviewing the amalgamation application or proposal, the professional governance officer shall provide written advice to the Minister on whether the professional regulatory organization or organizations and the professional association or associations, if any, should be amalgamated, and may provide other information that the professional governance officer considers necessary for the Minister to consider the matter and make a recommendation, if any, under section 28.

#### **Ministerial recommendation re amalgamation**

**28(1)** On receipt of the professional governance officer's recommendation under section 27, the Minister may

- (a) recommend, in writing, that the Lieutenant Governor in Council issue an order under section 29 if the Minister believes that to do so would serve to protect the public interest and the interest of public safety, satisfy any criteria established by the regulations and otherwise be consistent with this Act,
- (b) direct that the professional governance officer undertake a further review or provide further information to the Minister, or

- (c) if the Minister is not satisfied that the amalgamation
  - (i) would serve to protect the public interest and the interest of public safety,
  - (ii) would satisfy any criteria established by the regulations, and
  - (iii) would otherwise be consistent with this Act,refuse to make a recommendation to the Lieutenant Governor in Council.

**(2)** If the Minister refuses to make a recommendation under subsection (1)(c), the Minister shall advise the amalgamation applicants, if any, or the professional regulatory organizations given notice under section 25(2) of the Minister's decision.

#### **Approval of amalgamation**

**29(1)** On the recommendation of the Minister under section 28, the Lieutenant Governor in Council may issue an order authorizing the Minister to amalgamate

- (a) 2 or more professional regulatory organizations, or
- (b) one or more professional regulatory organizations and one or more professional associations

into one amalgamated professional regulatory organization with the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

**(2)** If the Lieutenant Governor in Council has authorized the Minister to amalgamate 2 or more professional regulatory organizations or one or more professional regulatory organizations and one or more professional associations, the Minister may make regulations

- (a) amalgamating 2 or more professional regulatory organizations or one or more professional regulatory organizations and one or more professional associations;
- (b) prescribing the name of, and any description of or abbreviation, initials, letter or symbol for, the amalgamated professional regulatory organization;

- (c) prescribing the regulatory model applicable to the amalgamated professional regulatory organization;
  - (d) prescribing the effective date of the amalgamation;
  - (e) respecting anything else deemed necessary to facilitate the amalgamation, including directions respecting transitional matters.
- (3)** On the making of an order under subsection (1), a professional governance officer must provide a copy of the order to
- (a) the professional regulatory organization or organizations and professional association or associations, if any, that are amalgamated under the order,
  - (b) the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Post-secondary Learning Act*, and
  - (c) if a professional regulatory organization that is amalgamated under the order is subject to another enactment that regulates the profession, the Minister responsible for that enactment.

**Effect of amalgamation**

**30** Subject to the regulations, on the effective date of an amalgamation,

- (a) the former professional regulatory organizations become an amalgamated professional regulatory organization under this Act with all the powers, duties and functions of a professional regulatory organization under this Act,
- (b) the property, assets, rights, privileges and benefits of each of the former professional regulatory organizations become the property, assets, rights, privileges and benefits of the amalgamated professional regulatory organization,
- (c) the documents, records and other information of each of the former professional regulatory organizations become the documents, records and other information of the amalgamated professional regulatory organization,

- (d) any bequest, legacy, devise or other gift made before or after the effective date of the amalgamation in the name of or for the benefit of a former professional regulatory organization is, unless the terms of the bequest, legacy, devise or other gift expressly state otherwise, continued and, in furtherance of the bequest, legacy, devise or other gift, deemed to have been made to and for the benefit of the amalgamated professional regulatory organization,
- (e) the amalgamated professional regulatory organization is liable for the debts, obligations and liabilities, contractual or otherwise, of the former professional regulatory organizations,
- (f) any existing causes of action, claims or liabilities by or against a former professional regulatory organization are unaffected except that they may be continued by or against the amalgamated professional regulatory organization,
- (g) a civil, criminal or administrative action or proceeding pending by or against a former professional regulatory organization may be continued by or against the amalgamated professional regulatory organization, and
- (h) a conviction against, or a ruling, order or judgment in favour of or against, a former professional regulatory organization may be enforced by or against the amalgamated professional regulatory organization.

## **Part 4 Governance and Accountability**

### **Division 1 General Duties and Responsibilities**

#### **General duties and responsibilities of a professional regulatory organization**

**31(1)** A professional regulatory organization must

- (a) establish education, training, experience, competence and other requirements for the registration of registrants,

- (b) establish, maintain and enforce rules of professional conduct, a code of ethics and practice standards for registrants,
- (c) establish, maintain and enforce requirements for continuing competence in the practice of the profession,
- (d) establish, maintain and enforce a mandatory continuing competence program for registrants,
- (e) safeguard against the unlawful use of any restricted title that may be used by registrants of the professional regulatory organization and the unlawful practice of any restricted activity or exclusive scope of practice that registrants may engage in,
- (f) establish registration, continuing competence, complaints, discipline and appeal procedures and requirements that are transparent, objective, impartial and procedurally fair,
- (g) generally carry on the activities of a professional regulatory organization and perform other powers, duties and functions that are incidental to the powers, duties and functions conferred by or under this Act,
- (h) in the course of exercising its powers and performing its powers, duties and functions, promote and enhance
  - (i) collaboration with other professional regulatory organizations, post-secondary institutions and government,
  - (ii) inter-professional collaborative practice between its registrants and persons practicing other professions, and
  - (iii) the ability of its registrants to respond and adapt to changes in practice environments, advances in technology and other emerging issues,
- (i) exercise its powers, discharge its duties and carry out its functions in a manner that protects and serves the public interest and the interest of public safety by safeguarding
  - (i) life, health and the environment, and
  - (ii) the property and economic interests of the public,

- (j) comply with
  - (i) this Act, the regulations and the bylaws of the professional regulatory organization,
  - (ii) domestic trade agreements to which Alberta is a signatory, and
  - (iii) an international treaty in accordance with any order of the Minister,

and

- (k) exercise any power and perform any other duty or function prescribed by the regulations.

**(2)** A professional regulatory organization must cooperate with the Minister and a professional governance officer in the exercise of the Minister's or the professional governance officer's powers, duties and functions under this Act.

#### **Prohibition re professional fees**

**32** No professional regulatory organization, governing body, committee, tribunal or other body created under the authority of this Act may set or negotiate professional fees on behalf of any or all of the registrants of the professional regulatory organization.

#### **Prohibition re bargaining agents and regulations re advocacy**

**33(1)** No professional regulatory organization, governing body, committee, tribunal or other body created under the authority of this Act may act as a certified bargaining agent as defined in the *Labour Relations Code*.

**(2)** The Minister may make regulations respecting the advocacy roles that a professional regulatory organization may engage in.

#### **General duties and responsibilities of a governing body**

**34** A governing body must

- (a) manage and conduct the business and affairs of the professional regulatory organization,

- (b) exercise the powers and carry out the duties and functions of a governing body under this Act,
- (c) establish bylaws setting out the powers, duties and functions of the chair of the governing body and the chair of each committee and tribunal of the professional regulatory organization,
- (d) select a chair of the governing body, and
- (e) appoint an individual as registrar.

**General duties and responsibilities  
of registrants**

**35** All registrants must

- (a) comply with this Act, the regulations and the bylaws of the professional regulatory organization the registrant is registered with,
- (b) comply with the rules of professional conduct, code of ethics and practice standards of the professional regulatory organization,
- (c) maintain continuing competence as a registrant, including by complying with the professional regulatory organization's continuing competence program,
- (d) cooperate with the professional regulatory organization, and
- (e) perform any other duties or functions prescribed by the regulations.

**General duties and responsibilities  
of public members**

**36(1)** A public member who is appointed to a governing body, committee or tribunal of a professional regulatory organization, including a joint committee or joint tribunal, must

- (a) act as an objective and full participant in the professional regulatory organization's governing activities in accordance with the position to which they have been

appointed and within the scope of their role as a public member, and

- (b) ensure, within the scope of their appointment and public member role, that the professional regulatory organization is protecting and serving the public interest and the interest of public safety by
  - (i) representing the values and interests of Albertans,
  - (ii) monitoring the professional regulatory organization's ability to act fairly and transparently in adhering to its statutory requirements, and
  - (iii) performing any other powers, duties or functions prescribed by the regulations.

**(2)** A public member appointed to a governing body, committee or tribunal may not

- (a) act as chair or vice-chair of the governing body, committee or tribunal, or
- (b) provide a service, advice or guidance to the professional regulatory organization outside the scope and duties of their appointment and public member role.

## **Division 2 Governing Body, Committees and Tribunals**

### **Governing body established**

**37** Each professional regulatory organization must establish a governing body consisting of

- (a) a chair of the governing body, selected in accordance with the bylaws,
- (b) the number and type of registrants, as set out in the bylaws, each of whom must be selected by the membership of the professional regulatory organization in accordance with the bylaws,
- (c) the non-voting members, if any, provided for in the bylaws, and



- (d) the public members appointed by the Minister.

#### **Committees**

**38(1)** The governing body must establish

- (a) a registration committee, and
- (b) a complaints inquiry committee.

**(2)** The governing body may establish

- (a) a competence committee, and
- (b) a practice review committee.

#### **Committee membership**

**39(1)** A committee must, unless otherwise specified by this Act or the bylaws,

- (a) include at least 3 registrants appointed by the governing body, who must form the majority of a committee, and
- (b) designate a registrant to act as chair in accordance with the bylaws.

**(2)** A committee may include an individual appointed under section 41 or 42.

#### **Complaints inquiry committees**

**40** A complaints inquiry committee must consist of

- (a) not fewer than 5 registrants appointed by the governing body, one of whom is designated as CIC chair, and
- (b) any individual appointed by the governing body under section 41 or 42.

#### **Non-registrant members**

**41** A governing body may appoint as a member of a committee, panel or task force an individual who is not a registrant or former registrant, whether or not such a member is required to be appointed under this Act.

### **Expert members**

**42** A governing body or a committee may appoint an individual who has technical expertise or other relevant knowledge to inquire into and report to the governing body or committee with respect to any matter related to any power, duty or function of the governing body or committee.

### **Powers, duties and functions of committees**

**43(1)** A governing body must set out the powers, duties and functions of each committee established under section 38 in the bylaws, including

- (a) any requirement to refer matters to the governing body or a different committee, and
- (b) any procedure for appealing a decision of the committee.

**(2)** A governing body must, in the bylaws, set the terms of reference for each committee established under section 38.

### **Tribunal list**

**44(1)** A governing body must establish a list of registrants who are eligible to be appointed to a discipline tribunal or an appeal tribunal.

**(2)** A governing body must appoint

- (a) an individual as discipline tribunal list chair and may appoint an individual as discipline tribunal list vice-chair, and
- (b) an individual as appeal tribunal list chair and may appoint an individual as appeal tribunal list vice-chair.

### **Discipline tribunal**

**45(1)** As circumstances require, a discipline tribunal list chair must convene a discipline tribunal as soon as practicable after the need arises by appointing at least 3 individuals to the tribunal so that the composition of the tribunal is

- (a) no more than 75% members appointed from the tribunal list established under section 44, and

(b) at least 25% public members appointed from the public member roster established under section 57(1)(d).

(2) The discipline tribunal list chair must designate a tribunal chair for each discipline tribunal hearing in accordance with the bylaws.

(3) Prior to the commencement of a discipline tribunal hearing or, at the request of the discipline tribunal, prior to the discipline tribunal hearing evidence, the discipline tribunal list chair may, if the discipline tribunal list chair considers it fair and reasonable in the circumstances to do so,

(a) revoke the appointment of a member of the discipline tribunal and appoint a replacement member from the same list, or

(b) appoint an additional member or members to the discipline tribunal in accordance with subsection (1).

#### **Appeal tribunal**

**46(1)** As circumstances require, an appeal tribunal list chair must convene an appeal tribunal as soon as practicable after the need arises by appointing at least 3 individuals to the tribunal so that the composition of the tribunal is

(a) no more than 75% members appointed from the tribunal list established under section 44, and

(b) at least 25% public members appointed from the public member roster established under section 57(1)(d).

(2) An appeal tribunal list chair must designate a tribunal chair for each appeal tribunal hearing in accordance with the bylaws.

(3) Prior to the commencement of the appeal tribunal hearing or, at the request of the appeal tribunal, prior to the appeal tribunal hearing evidence, the appeal tribunal list chair may, if the appeal tribunal list chair considers it fair and appropriate in the circumstances to do so,

(a) revoke the appointment of a member of the appeal tribunal and appoint a replacement member from the same list, or

- (b) appoint an additional member to the appeal tribunal in accordance with subsection (1).

#### **Quorum**

**47** A governing body must establish rules respecting quorum for the governing body and each committee, tribunal, panel or task force of the professional regulatory organization in its bylaws.

#### **Appointment of secretaries**

**48(1)** Subject to subsection (2), a governing body must appoint one or more individuals as

- (a) a CIC secretary,
- (b) a discipline tribunal secretary, and
- (c) an appeal tribunal secretary.

**(2)** The same individual may be appointed as a discipline tribunal secretary and an appeal tribunal secretary, but an individual appointed as a CIC secretary may not be appointed as a discipline tribunal secretary or as an appeal tribunal secretary.

#### **Joint committees and joint tribunals**

**49(1)** The Minister may make regulations establishing a joint committee or a joint tribunal for 2 or more professional regulatory organizations, and the regulations will govern to the extent of any inconsistency with anything in this Division.

**(2)** Notwithstanding anything to the contrary in this Division, each joint committee and each joint tribunal must be composed of

- (a) an equal number of appointees from each professional regulatory organization's governing body,
- (b) the number of public members prescribed by the regulations, and
- (c) any other members prescribed by the regulations.

**(3)** The Minister may make regulations respecting

- (a) the composition of each joint committee or tribunal, the processes for selecting and removing members from the committee or tribunal and the filling of vacancies on the committee or tribunal;
- (b) the powers, duties and functions of each joint committee or joint tribunal;
- (c) the powers, duties and functions of the chair of each joint committee or joint tribunal, and the process for selecting and removing a chair;
- (d) the procedures and quorum for each joint committee or joint tribunal;
- (e) requirements for the making of bylaws respecting a joint committee or joint tribunal;
- (f) any other matter relating to the joint committee or joint tribunal that the Minister considers necessary or advisable.

**Panels and task forces**

**50** A governing body or committee may establish a panel or a task force for the effective operation of the professional regulatory organization, its governing body, a committee or other body.

**Terms and continuing to serve beyond expiry**

**51(1)** The governing body of each professional regulatory organization must make bylaws prescribing

- (a) the term of the following members of the governing body and each committee of the professional regulatory organization:
  - (i) registrant members;
  - (ii) members appointed under section 41;
  - (iii) non-voting members appointed under section 42,

and

- (b) the term for which a person may be included on the tribunal list established under section 44.

**(2)** If the term of a public member or registrant who is

- (a) a member of a discipline tribunal convened under section 45,
- (b) a member of an appeal tribunal convened under section 46, or
- (c) a member of a panel of a complaints inquiry committee considering a sanction agreement under section 102

expires, the member may continue to carry out the member's powers, duties and functions until the proceeding in respect of which the member was appointed is finally concluded.

#### **Vacancies and absences**

**52** Except as otherwise provided in this Act, and subject to applicable bylaws prescribing quorum, the powers, duties and functions of a governing body, committee, panel or task force are not affected by

- (a) the failure of a public member, registrant member or other appointee to attend a meeting,
- (b) a vacancy in the office of a public member, registrant member or other appointee, or
- (c) the inability of a public member, registrant member or other appointee to attend or act for any reason.

#### **Death or inability of members to continue**

**53(1)** If one or more members of a governing body, committee, tribunal, panel or task force die or become unable to act, the remaining members of the governing body, committee, tribunal, panel or task force may continue to act and to decide any matter.

**(2)** If a tribunal determines that it will not continue to act, the remaining members of the tribunal must refer the matter back to the discipline tribunal list chair or appeal tribunal list chair, as the case may be, to convene a new tribunal.

**Carrying out the professional regulatory organization's functions**

**54** If no individual, committee, tribunal or other body is designated by this Act or prescribed by the regulations, bylaws or governing body to perform a power, duty or function of the professional regulatory organization, the chair of the governing body or a designate of the chair of the governing body may perform it.

**Governing body delegation**

**55(1)** A governing body may delegate any of its powers, duties or functions to an individual or committee except the power to make bylaws, rules of professional conduct, a code of ethics and practice standards.

**(2)** A governing body may impose conditions on a delegation under subsection (1).

**(3)** When a governing body delegates a power, duty or function, it may authorize the individual or committee to further delegate the power, duty or function, subject to any conditions imposed by the governing body.

**(4)** Any reference in this Act or any other enactment to a governing body or committee is deemed to also be a reference to a delegate and to a delegate of the delegate under this section.

**Individual and committee delegation**

**56(1)** Subject to the bylaws, an individual or committee to whom a power, duty or function is given under this Act may delegate the power, duty or function to one or more individuals, panels or task forces.

**(2)** An individual or committee making a delegation under subsection (1) may impose conditions on the delegation.

**(3)** Notwithstanding subsection (1),

- (a)** a complaints inquiry committee, discipline tribunal or appeal tribunal may not delegate the committee's or tribunal's powers, duties or functions with respect to a review, hearing or appeal, and

- (b) the powers, duties and functions of the CIC chair and a CIC secretary may not be delegated to the same individual.

(4) Any reference in this Act or any other enactment to a committee is deemed to also be a reference to a delegate of the committee under this section.

### **Division 3 Public Members and Public Accountability**

#### **Appointments and the public member roster**

**57(1)** The Minister may, following consultation with a governing body or, in the case of a joint committee or joint tribunal, with both governing bodies, appoint or revoke the appointment of public members to

- (a) the governing body,
- (b) the joint committee,
- (c) the joint tribunal, or
- (d) a roster of public members who can be selected
  - (i) by the CIC chair for the purposes of considering a sanction agreement under section 102,
  - (ii) by a discipline tribunal list chair to serve on a discipline tribunal, or
  - (iii) by an appeal tribunal list chair to serve on an appeal tribunal.

(2) A public member may be appointed to more than one governing body, joint committee or joint tribunal under this Act as long as the public member does not serve on

- (a) a joint committee that a professional regulatory organization is a member of and a joint tribunal that the same professional regulatory organization is a member of, or



(b) a joint committee or joint tribunal that a professional regulatory organization is a member of and the governing body of that professional regulatory organization.

**(3)** Unless it would cause a conflict of interest, a public member appointed to the roster of public members under subsection (1)(d) may also be appointed to a governing body, joint committee or joint tribunal, but the public member may not be selected

(a) by the CIC chair under section 102,

(b) by a discipline tribunal list chair, or

(c) by an appeal tribunal list chair

of a professional regulatory organization if the public member has been appointed as a member of the governing body of that professional regulatory organization or has been appointed as a member of a joint committee or joint tribunal that the professional regulatory organization is a member of.

**(4)** A public member may not serve on more than one of a panel established under section 102, a discipline tribunal or an appeal tribunal respecting the same matter.

**(5)** The Minister may appoint any number of public members to a governing body, joint committee, joint tribunal or public member roster that the Minister deems appropriate to protect and serve the public interest and the interest of public safety.

### **Eligibility**

**58(1)** An individual shall not be appointed as a public member if the individual is not ordinarily resident in Alberta.

**(2)** The following persons are not eligible to be appointed as a public member to the governing body or a committee of a professional regulatory organization, by the CIC chair for the purposes of reviewing a sanction agreement or to a tribunal:

(a) a registrant or former registrant of the professional regulatory organization;

(b) an individual who is or was a registrant, or who holds or held a similar status, in a professional association or other

entity outside of Alberta that regulates the profession that the professional regulatory organization regulates;

- (c) an individual who met or meets the requirements to be a registrant of the professional regulatory organization;
- (d) an individual who represents or is normally engaged in representing a group of employees who are registrants of the professional regulatory organization in the negotiation of collective bargaining agreements or in any proceedings under a collective bargaining agreement with respect to the registrants of the professional regulatory organization;
- (e) an employer or an employer's representative engaged in the negotiation of collective bargaining agreements with a group of employees who are registrants of the professional regulatory organization, or in any proceedings under a collective bargaining agreement with respect to employees who are registrants of the professional regulatory organization;
- (f) an individual who negotiates or sets professional fees on behalf of the registrants of the professional regulatory organization;
- (g) an individual who negotiates or sets professional fees on behalf of an employer of registrants of the professional regulatory organization.

**(3)** An individual described in subsection (2) is not prohibited from being appointed as a public member with respect to a different professional regulatory organization.

#### **Term length and term limits**

**59(1)** A public member appointed under this Act must be appointed for a fixed term of not more than 3 years.

**(2)** A public member may be reappointed for one or more additional terms, but no individual shall be appointed as a public member for a total term length of more than

- (a) 12 consecutive years on the public member roster established under section 57(1)(d) or as a public member of a joint complaints inquiry committee or joint tribunal, or

(b) 10 consecutive years, in any other case.

(3) A break of service of less than 2 years shall be disregarded in determining the number of consecutive years under subsection (2).

(4) A public member who has served for the maximum period set out in subsection (2) is eligible to be reappointed as a public member if at least 2 years have elapsed since the person's last term expired.

(5) Notwithstanding subsection (2) if, in the opinion of the Minister, it is necessary to ensure the effective operation of a professional regulatory organization, the Minister may order that subsection (2) does not apply in respect of a specified appointment.

#### **Remuneration**

**60** The Minister may authorize remuneration for a public member of a governing body, committee or tribunal, or for a public member selected by the CIC chair for the purposes of reviewing a sanction agreement, at a rate prescribed by the Lieutenant Governor in Council, and may pay reasonable living and travelling expenses incurred in the course of an individual's duties as a public member.

### **Division 4 Administration and Administrative Matters**

#### **Annual report**

**61(1)** Each professional regulatory organization must

- (a) submit an annual report on its operations and functions to the Minister, and
- (b) publish the annual report

in accordance with the regulations.

(2) An annual report must be in a form acceptable to the Minister and must contain the information prescribed in the regulations.

(3) The Minister may, to ensure the requirements of this Act are met, require a professional regulatory organization to submit reports to the Minister in addition to the report required under subsection (1).

(4) Within 30 days of the receipt of a report required under subsection (1), the Minister shall lay a copy of the report before the Legislative Assembly if it is sitting or, if the Legislative Assembly is not sitting, within 30 days of the commencement of the next sitting.

#### **Directory of officials**

**62(1)** A professional regulatory organization must establish and maintain a directory that contains the names and contact information of the officials of the professional regulatory organization.

(2) The Minister may make regulations prescribing any person that must be included in a professional regulatory organization's directory.

(3) The information in the directory must be

- (a) published on the professional regulatory organization's website,
- (b) made available to the public during regular business hours, and
- (c) provided to the Minister on request.

(4) Subject to this Act, the *Freedom of Information and Protection of Privacy Act*, the *Personal Information Protection Act* and any other applicable privacy legislation, an individual is entitled, on request, to receive from a professional regulatory organization information about a position, governing body, committee, tribunal or other body that may perform any power, duty or function under this Act, the regulations or the bylaws.

### **Division 5**

#### **Rules of Professional Conduct, Code of Ethics and Practice Standards**

##### **Establishment of rules, code of ethics and practice standards**

**63(1)** A governing body must establish rules of professional conduct, a code of ethics and practice standards for registrants in accordance with the regulations.

(2) A governing body must make available, on request, for review and comment, a copy of any proposed rules of professional conduct, code of ethics or practice standards to

- (a) the Minister,
- (b) the professional regulatory organization's registrants, and
- (c) any other person the governing body considers advisable.

(3) A governing body may adopt rules of professional conduct, a code of ethics or practice standards only after it has reviewed and considered the comments from a review described in subsection (2).

(4) A governing body must make copies of its rules of professional conduct, code of ethics and practice standards available to the public and to registrants on request, and must publish these documents on the professional regulatory organization's website.

## **Part 5 Registration**

### **Division 1 Categories and Classes of Registrants**

#### **Categories and classes of registrants and consideration of applications**

**64(1)** A professional regulatory organization must provide for

- (a) the registration of registrants in the following categories:
  - (i) individual registrants;
  - (ii) temporary registrants;
  - (iii) business registrants, if authorized under section 201;
  - (iv) any other category prescribed by the regulations, which may include student, pupil, member in training, candidate or other categories,

and

- (b) one or more classes of registration within each of the categories referred to in clause (a)

in accordance with this Part.

(2) A professional regulatory organization may make a bylaw providing for non-regulated membership, including categories or classes of non-regulated members.

(3) The registrar or registration committee must consider and decide on an application for registration, including whether any conditions or restrictions should be imposed on a registrant's registration, and must undertake any other powers, duties or functions prescribed by the bylaws.

## **Division 2 Registration of Individual and Temporary Registrants**

### **Types of applications**

**65(1)** An individual may apply

- (a) for registration in accordance with this Division, or
- (b) for membership as a non-regulated member in accordance with the bylaws.

(2) A professional regulatory organization may use separate forms of application for registration and non-regulated membership or a single form of application that identifies the nature of the application.

### **Application for registration**

**66(1)** An individual may apply in accordance with this section to be registered in a category and class of registrant that has been established under this Act for a professional regulatory organization.

(2) An application for registration must be in the form required by the bylaws of the professional regulatory organization that the applicant is applying to be registered with, and must be given to the registrar by the applicant together with

- (a) evidence of meeting the requirements for competence in the practice of the profession established under subsection (3),
  - (b) evidence of having the required amount and type of professional liability insurance, if professional liability insurance is required by the bylaws,
  - (c) evidence of being a Canadian citizen or an individual permitted to work under the *Immigration and Refugee Protection Act* (Canada), including the regulations under that Act,
  - (d) evidence of having good character and reputation, if required by the bylaws,
  - (e) evidence of meeting standards of language proficiency, if required by the bylaws,
  - (f) any other information required by the registrar or registration committee for the purposes of assessing the application,
  - (g) any application fees provided for by the bylaws, and
  - (h) any other information required to be provided under the bylaws.
- (3)** An applicant may meet the requirements for competence in the practice of the profession
- (a) by fulfilling one or more of the following as required by the regulations and the bylaws:
    - (i) education requirements, that may include being enrolled in or having completed an educational course or program of study;
    - (ii) training, experience or practice requirements;
    - (iii) the successful completion of an examination or examinations;
    - (iv) holding a specified degree, certificate or diploma,
  - (b) by being registered with a professional regulator that regulates the practice of the profession in a province or

territory that is a signatory to one or more domestic trade agreements that are in force in Alberta at the time the application is made, or

- (c) by being registered in a manner that meets the criteria set out in the bylaws with an organization outside Canada that regulates the profession and is recognized by the governing body in accordance with the bylaws as having substantially equivalent competence, experience and practice requirements, and by fulfilling any additional requirements specified by the bylaws relating to the organization.

(4) An application for registration must be dealt with in a manner consistent with

- (a) the *Fair Registration Practices Act*, and
- (b) the *Labour Mobility Act*.

(5) If an applicant is already registered or was previously registered in another jurisdiction in Canada or an organization outside Canada that regulates the profession, the applicant must, in addition to providing the information required under subsection (2), provide a certificate, letter or other evidence from the professional regulator in each province or territory or organization outside Canada in which they are currently registered or were previously registered, confirming the standing of any current or former registration in that jurisdiction.

(6) Subject to the regulations, a person is not eligible to be registered in a professional regulatory organization unless the person is a Canadian citizen or an individual permitted to work under the *Immigration and Refugee Protection Act (Canada)*, including the regulations under that Act.

(7) The Minister may, by regulation, waive the requirement under subsection (6) to permit the registration of persons who are not Canadian citizens or permitted to work in Canada under the *Immigration and Refugee Protection Act (Canada)* in one or more professional regulatory organizations.

#### **Consideration of application**

**67(1)** The registrar must, within 30 days after receipt of an application, give notice to the applicant that the application has



been received, whether it is complete and, if it is not complete, how it is not complete.

(2) When an incomplete application is made complete by the applicant, the registrar must, as soon as reasonably possible, give notice to the applicant that a complete application has been received.

(3) The registrar or registration committee must, within 120 days after the receipt by the registrar of a complete application, consider the application, make a decision under section 68 and notify the applicant of the decision.

(4) The registrar or registration committee may refer an application for registration to the competence committee, if there is one, for input and recommendations respecting the application and any conditions or restrictions that should be imposed relating to competency.

(5) If the registrar or registration committee does not notify the applicant of the decision about the application within the time period prescribed in subsection (3), the application for registration is deemed to be refused and the applicant may appeal under section 83.

#### **Decision on application**

**68(1)** On considering an application for registration, the registrar or registration committee must make a decision and

- (a) approve the application if the requirements for registration are met, with or without conditions or restrictions on the applicant's registration that, in the opinion of the registrar or registration committee, are in the public interest or the interest of public safety,
- (b) defer the registration of the applicant for a period not exceeding one year if, in the opinion of the registrar or registration committee, it is in the public interest or the interest of public safety to defer the registration of the applicant until the applicant complies with conditions imposed by the registrar or registration committee, or
- (c) refuse the application.

**(2)** If the registrar or registration committee defers an application under subsection (1)(b), the registrar or registration committee may require an applicant

- (a) to pass one or more examinations, obtain more experience of a kind satisfactory to the registrar or registration committee and for a time period set by the registrar or registration committee, or comply with any other condition that the registrar or registration committee may deem appropriate within any time period specified by the registrar or registration committee, and
- (b) to become a non-regulated member for the time period that the application is deferred, if that is permitted by the bylaws.

**(3)** If an applicant whose registration is deferred under subsection (1)(b) provides evidence that the applicant has

- (a) passed the examination or examinations the applicant was required to pass,
- (b) obtained the experience the applicant was required to obtain, and
- (c) complied with any other condition imposed by the registrar or registration committee,

and done so within the time period specified and to the satisfaction of the registrar or registration committee, the registrar or registration committee must approve the application, with or without conditions or restrictions on the applicant's registration that, in the opinion of the registrar or registration committee, are in the public interest or the interest of public safety.

**(4)** If the registrar or registration committee defers an application under subsection (1)(b) and the applicant fails to

- (a) pass the examination or examinations the applicant was required to pass,
- (b) obtain the experience the applicant was required to obtain, or
- (c) comply with any other condition imposed by the registrar or registration committee

within the time period specified and to the satisfaction of the registrar or registration committee, the registrar or registration committee may refuse the application.

**(5)** An applicant whose application is refused under subsection (1) or (4) may reapply for registration subject to any restrictions or conditions on re-application specified in the bylaws.

**(6)** On making a decision under subsection (1), (3) or (4), the registrar or registration committee must

- (a) give notice of the decision to the applicant,
- (b) in the case of a decision by the registration committee, give notice of the decision to the registrar,
- (c) in the case of a decision to approve an application, notify the registrant and register the applicant in accordance with section 69, and
- (d) in the case of a decision to impose conditions or restrictions on an approval to register the applicant, to defer a registration or to refuse an application,
  - (i) provide reasons for the decision, and
  - (ii) notify the applicant of how the applicant may appeal the decision under section 83.

#### **Steps after registration approval**

**69** If an application for registration has been approved, the registrar must

- (a) register the registrant by entering the registrant's name in the applicable register,
- (b) assign the registrant a unique registration number and enter the information required by section 79 in the appropriate register, and
- (c) on entering the name of the registrant in the register, issue to the registrant all applicable evidence of registration.

#### **Evidence of registration**

**70(1)** Documents issued as evidence of registration must include

- (a) the name of the registrant,
- (b) the registrant's unique registration number,
- (c) the name of the professional regulatory organization,
- (d) a statement that the evidence of registration is issued by the professional regulatory organization pursuant to this Act,
- (e) any conditions or restrictions imposed on the registrant's registration,
- (f) the category and class of registration,
- (g) the expiry date and renewal date, if applicable, of the evidence of registration, and
- (h) any other information prescribed in the regulations.

**(2)** Notwithstanding subsection (1), the registrar may issue other documents and things, including stamps or seals, to the registrant evidencing registration and evidence of professional practice, if applicable, where permitted in the regulations.

#### **Evidence of professional practice**

**71(1)** A professional regulatory organization may issue evidence of professional practice to registrants in addition to evidence of registration if the professional regulatory organization

- (a) was permitted to issue practice permits or other similar documents or things to registrants under a former Act immediately before the coming into force of this Act, or
- (b) is authorized to do so by the Minister by the regulations.

**(2)** A professional regulatory organization may apply to the Minister for authorization to issue evidence of professional practice under subsection (1)(b) in the form required by the Minister and accompanied by the information required by the Minister.

**(3)** Where an application is made under subsection (2), the Minister may, by regulation,

- (a) authorize a professional regulatory organization to issue evidence of professional practice to registrants, and

(b) prescribe the type, form, contents and requirements for issuing or receiving the evidence of professional practice.

**(4)** If a professional regulatory organization is authorized to issue evidence of professional practice under this section, the evidence of professional practice must

(a) include any conditions or restrictions imposed on the registration of the registrant receiving the evidence of professional practice, and

(b) state that it is not evidence of registration.

**(5)** If a professional regulatory organization issues evidence of professional practice, the evidence of registration issued by that professional regulatory organization must state that it is not evidence of professional practice.

**(6)** If a registrant's registration is cancelled or suspended, the registrant's evidence of professional practice is automatically cancelled or suspended.

**(7)** If a professional regulatory organization is authorized to issue evidence of professional practice under this section, the governing body must make bylaws respecting the evidence of professional practice, including

(a) the process for applying for evidence of professional practice,

(b) any criteria that must be met to receive evidence of professional practice,

(c) the process for considering and approving applications for evidence of professional practice,

(d) any conditions that may be imposed on the issuing or receiving of evidence of professional practice in addition to those prescribed under subsections (4) and (5),

(e) the form and content of evidence of professional practice,

(f) the processes and procedures for issuing evidence of professional practice,

- (g) the utilization of evidence of professional practice, including the duty, if any, to display or produce the evidence of professional practice,
- (h) conditions or restrictions that apply to a person who holds evidence of professional practice, including respecting the operations and activities of that person,
- (i) the process for cancelling or suspending evidence of professional practice, and for reinstating, returning or reissuing evidence of professional practice,
- (j) the expiry date and renewal date, if applicable, for the evidence of professional practice, and
- (k) any other matter required by the regulations.

#### **Temporary registrants**

**72(1)** An applicant who is registered in good standing in another jurisdiction may apply for temporary registration in a professional regulatory organization for a specific project or scope of work.

**(2)** An applicant for temporary registration must satisfy the registrar or registration committee that

- (a) the project or scope of work is appropriate for temporary registration, and
- (b) the applicant is registered in good standing and entitled to practice their profession in another jurisdiction in Canada.

**(3)** Registration as a temporary registrant is valid for a time period not to exceed one year, as determined and specified by the registrar or registration committee in accordance with the bylaws.

**(4)** On application by a temporary registrant, the registrar or registration committee may renew the temporary registration for the temporary registrant on one or more occasions in accordance with the bylaws.

**(5)** A temporary registrant's registration is subject to

- (a) a condition that the temporary registrant must remain registered in good standing in the jurisdiction in which the person was registered at the time of the person's application for registration as a temporary registrant, and

if their registration in the other jurisdiction is suspended or cancelled, their temporary registration is cancelled,

- (b) the same conditions and restrictions imposed on the temporary registrant's registration in the jurisdiction where the temporary registrant was registered at the time of application for temporary registration, and
- (c) any additional conditions or restrictions imposed by the registrar or registration committee.

### **Division 3 Business Registration**

#### **Business registrants**

**73** The requirements of and process applicable to applications for registration, consideration of those applications and the registration and continuing registration of business registrants must be provided for by the regulations and bylaws referred to in Part 13.

### **Division 4 Continuing Registration**

#### **Continuing registration**

**74(1)** A professional regulatory organization must, on a periodic basis, as provided for in the bylaws, review the registration of each registrant to confirm that each registrant meets the requirements for continuing registration.

**(2)** A registrant's registration continues in effect if the registrant applies for continuing registration by submitting the following information to the registrar or registration committee in accordance with the bylaws:

- (a) satisfactory evidence of completing any continuing competence or education requirements in accordance with the bylaws;
- (b) satisfactory evidence that the registrant is maintaining professional liability insurance, if required by the bylaws;
- (c) satisfactory evidence of having complied with any conditions or restrictions on the registrant's registration or practice;

- (d) any changes to the information required to be provided to the registrar under this Act, the regulations and the bylaws;
- (e) satisfactory evidence that the registrant has paid all fees, fines and costs due to the professional regulatory organization;
- (f) any other information required by this Act, the regulations or the bylaws.

**(3)** The registrar or registration committee must review the information submitted under subsection (2) within the time period set by the bylaws to determine whether the registrant has complied with subsection (2).

**(4)** If a registrant has complied with subsection (2),

- (a) the registrar or registration committee must confirm that the registrant's registration continues in effect for the time period specified by the bylaws, and
- (b) the registrar must issue evidence of continuing registration and evidence of professional practice, if any, to the registrant in accordance with any requirements established in the regulations and bylaws.

**(5)** If a registrant fails to satisfy the registrar or registration committee that the registrant has complied with subsection (2), the registrar or registration committee may

- (a) suspend or cancel the registration of the registrant in accordance with the regulations and bylaws,
- (b) impose conditions or restrictions on the registration of the registrant in accordance with the regulations and bylaws,
- (c) require the registrant to give an undertaking to the professional regulatory organization with respect to the registrant's practice,
- (d) impose a financial penalty in accordance with the regulations or bylaws, or
- (e) make a complaint under Part 8 about the conduct of the registrant.



**(6)** If the registrar or registration committee takes any action under subsection (5)(a), (b) or (c), the registrar or registration committee must

- (a) give notice of the decision to the registrant,
- (b) in the case of the registration committee taking the action, give notice of the decision to the registrar, and
- (c) provide reasons for the decision and notify the registrant of how the registrant may appeal the decision under section 83.

## **Division 5 Reinstatement**

### **Reinstatement following a non-disciplinary cancellation**

**75(1)** An applicant for reinstatement of registration must

- (a) provide satisfactory evidence to the registrar of meeting the requirements for registration as a registrant of the professional regulatory organization,
- (b) provide satisfactory evidence of meeting any education or experience requirements specified by the registrar,
- (c) provide satisfactory evidence of good character and reputation in accordance with the bylaws,
- (d) provide satisfactory evidence that the applicant has paid all fees, fines and costs that are due or payable under this Act, the regulations or the bylaws,
- (e) pay a reinstatement fee if prescribed by the bylaws, and
- (f) satisfy any other terms or conditions specified by the registrar.

**(2)** The registrar may reinstate registration for an applicant under subsection (1) if the registrar is satisfied the applicant has complied with subsection (1).

**(3)** Sections 66, 67, 68 and 83 apply with all necessary changes to applications for reinstatement under this section.

**(4)** This section does not apply to an application for reinstatement if the registration was cancelled as a result of

- (a) a disciplinary process under Part 8 or any appeal in respect of the disciplinary process, or
- (b) a disciplinary process or appeal from a disciplinary process under a former Act.

**Reinstatement following a disciplinary cancellation**

**76(1)** Unless otherwise provided in the bylaws, a former registrant whose resignation was accepted or whose registration was cancelled as a result of

- (a) a disciplinary process under Part 8 or any appeal in respect of a disciplinary process, or
- (b) a disciplinary process or appeal from a disciplinary process under a former Act

may apply to the registration committee for reinstatement in accordance with this section.

**(2)** A governing body may make bylaws

- (a) providing that no application for reinstatement may be made for a specified period from the date of the resignation or the cancellation of the registration, and
- (b) respecting the time period after which a person is no longer eligible to apply for reinstatement.

**(3)** An applicant for reinstatement must

- (a) provide satisfactory evidence to the registration committee that the registrant has complied with all orders and any conditions or restrictions imposed on the applicant in relation to the applicant's resignation or cancellation,
- (b) provide satisfactory evidence to the registration committee of meeting the requirements for registration as a registrant of the professional regulatory organization,

- (c) provide satisfactory evidence to the registration committee of meeting any education or experience requirements specified by the registration committee,
- (d) provide satisfactory evidence to the registration committee of good character and reputation in accordance with the bylaws,
- (e) provide satisfactory evidence to the registration committee of steps taken to overcome, and evidence that the applicant has overcome, any competence or ethical issues,
- (f) provide satisfactory evidence to the registration committee that the applicant has paid all fees, fines and costs that are due or payable under this Act, the regulations or the bylaws,
- (g) pay a reinstatement fee as provided for by the bylaws, and
- (h) satisfy any other terms or conditions specified by the registration committee.

(4) The registration committee may reinstate the registration of an applicant on any terms that the registration committee considers appropriate.

(5) Sections 66, 67, 68 and 83 apply, with all necessary modifications, to applications for reinstatement under this section.

#### **Revocation of disciplinary suspension**

**77** Unless otherwise provided in the regulations or bylaws, if a registrant's registration is suspended as a result of

- (a) a disciplinary process under Part 8 or any appeal in respect of the disciplinary process, or
- (b) a disciplinary process or appeal from a disciplinary process under a former Act,

the suspension must be revoked when the registrant has satisfied the discipline tribunal secretary that the registrant has complied with the order governing the suspension and any evidence of registration and evidence of professional practice, if applicable, must be reissued or returned.

**Cancellation on death**

**78** The registrar must cancel the registration, including evidence of registration and evidence of professional practice, if applicable, of a registrant on receiving proof satisfactory to the registrar that the registrant is deceased.

**Division 6  
Maintaining the Register and Related  
Records****Maintaining the register**

**79(1)** The registrar must establish and maintain a register that identifies the category and class of each registrant in accordance with the bylaws.

**(2)** The registrar must enter the information required by the regulations for each registrant in the appropriate category or class of the register.

**(3)** The register must be publicly available, both in person and published on a professional regulatory organization's website, and the registrar must permit any person to inspect the register during regular business hours.

**Additional registrant information**

**80(1)** In addition to the register, a professional regulatory organization must establish and maintain a record with the information about each registrant required by the regulations.

**(2)** A registrant must provide the information required by the regulations to the professional regulatory organization on registration and must, if there is any change in the information, notify the professional regulatory organization within the time period set out in the bylaws.

**(3)** A member of the public may, during regular business hours, request the information about a registrant that is included in the record referred to in subsection (1) and the professional regulatory organization must provide the information.

**Access to registrant information**

**81** A professional regulatory organization must provide to any person, within a reasonable time of a written request, any of the

following information that it has in its possession regarding a registrant or former registrant:

- (a) the registration status of the registrant or former registrant and any specialty of the registrant or former registrant recognized by the professional regulatory organization;
- (b) information respecting any suspension of the registration and evidence of professional practice, if applicable, of the registrant or former registrant, and any restriction, condition or undertaking affecting the practice of the registrant or former registrant;
- (c) information respecting any hearing or appeal relating to the registrant or former registrant and the status of the hearing or appeal;
- (d) any decision, notice of a decision or summary of a decision made in a discipline tribunal hearing or appeal tribunal hearing regarding a disciplinary matter with respect to the registrant or former registrant, and any order made as a result of that decision;
- (e) a summary of any sanction agreement approved under section 102 or a former Act regarding the registrant or former registrant;
- (f) a summary of any findings of unprofessional conduct made with respect to a registrant or former registrant under this Act or a former Act and any order made as a result of those findings when
  - (i) the registration of the registrant or former registrant was cancelled or suspended as a result of the finding, and
  - (ii) the findings were made by a discipline tribunal, appeal tribunal, governing body, committee, tribunal or joint committee or tribunal of a professional regulatory organization that has ordered that the publication of its findings or orders be made to all registrants on a named basis.

**Return of evidence of registration and evidence of professional practice**

**82** A registrant or former registrant must send any evidence of registration and evidence of professional practice, if applicable, to the registrar on the request of the registrar, including where the registration of the registrant is suspended or cancelled under this Act.

**Division 7  
Appeals**

**Appeal to appeal tribunal**

**83(1)** The following may appeal to the appeal tribunal under Part 10:

- (a) an applicant whose application for registration was deemed to be refused under section 67(5);
- (b) an applicant whose application for registration is approved subject to conditions, deferred or refused under section 68;
- (c) a registrant whose registration is suspended, cancelled or made subject to conditions or restrictions or who is required to give an undertaking under section 74(5);
- (d) an applicant whose application for reinstatement of registration under section 75 or 76 is approved subject to conditions, deferred or refused.

**(2)** The appellant and the registrar or registration committee are the parties to an appeal under this section.

**(3)** In the case of an applicant whose application was deemed to be refused under section 67(5), the appeal tribunal shall make a decision on the application in the place of the registrar or registration committee.

**Part 6  
Competence and  
Continuing Competence**

**Continuing competence program**

**84(1)** A governing body must establish a continuing competence program in accordance with this section.

**(2)** A governing body

- (a) that is continued under this Act and that does not have a continuing competence program on the coming into force of this Act must establish a continuing competence program within 2 years of the date that this Act comes into force,
- (b) that was designated as a professional regulatory organization under section 14 must establish a continuing competence program within 2 years of the professional regulatory organization's designation as a professional regulatory organization, and
- (c) that is established by an amalgamation under section 29 must
  - (i) adopt the continuing competence program of a professional regulatory organization that was amalgamated into the amalgamated professional regulatory organization, or
  - (ii) if no professional regulatory organization that was amalgamated into the amalgamated professional regulatory organization had a continuing competence program, must establish a continuing competence program within 2 years of the effective date of the amalgamation,

unless otherwise specified by the Minister.

**(3)** A continuing competence program must enable individual registrants to

- (a) maintain competence in the profession, and
- (b) enhance their ability to provide professional services.

**(4)** The continuing competence program must be mandatory for all individual registrants and may be applied to other categories of registrants in accordance with the bylaws.

**(5)** The continuing competence program must be administered and maintained by either a governing body, practice review committee or competence committee, or a combination of those bodies, as prescribed by the bylaws.

**(6)** Information related to participation in a continuing competence program is confidential, and any person who has access to or comes into possession of such information shall not publish, release or disclose the information in any manner except as necessary to carry out the person's powers and duties under this Act.

**(7)** Notwithstanding subsection (6), information related to participation in a continuing competence program may be

- (a) published, released or disclosed by the professional regulatory organization in summarized or statistical form if the information is provided or published in such a manner that it is not possible to relate the information to any particular identifiable person,
- (b) used by the professional regulatory organization to disclose to its CIC secretary the name of a registrant and the grounds for a complaint under section 94, or
- (c) released or disclosed to the registrant or the counsel of that registrant in connection with proceedings respecting that registrant under Part 5, 7, 8, 9 or 10.

**(8)** If any person publishes, releases or discloses information in contravention of this section, that information may not be used in proceedings under any other Part of this Act, in any arbitration or inquiry or in any action, matter or proceeding before a court.

#### **Role of a competence committee**

**85** Where a professional regulatory organization has a competence committee, the competence committee must

- (a) make recommendations, on request, to the registrar or registration committee on the competence of the profession, including continuing competence requirements and the assessment of those requirements,
- (b) if the registrar or registration committee has referred an application for registration, evidence of professional practice or continuing registration to the competence committee, assess the application and make a recommendation on whether the application should be approved, with or without conditions or restrictions, based



on the committee's assessment of whether competence requirements have been met, and

- (c) undertake any other power, duty or function given to it under the regulations or bylaws.

#### **Referral to the complaints inquiry committee**

**86** Any individual that performs a duty or function in a continuing competence program or that receives information from such an individual must make a complaint to the applicable CIC secretary under section 94 if the individual is of the opinion that

- (a) a registrant has intentionally provided false or misleading information respecting participation in a continuing competence program,
- (b) the registrant displays a lack of competence in the provision of professional services that has not been remedied by participating in the continuing competence program, or
- (c) the conduct of the registrant constitutes unprofessional conduct that cannot be readily remedied by means of the continuing competence program.

## **Part 7 Practice Review**

#### **Purpose of practice review**

**87** The purpose of practice review is to

- (a) promote high practice standards by registrants, and
- (b) maintain and improve the competence of the profession

through a non-disciplinary process for the review of the practice of a registrant to assist the registrant with complying with professional standards and to address any non-compliance issues.

#### **Practice review committee duties and responsibilities**

**88(1)** Where a professional regulatory organization has established a practice review committee, the committee must

- (a) appoint practice reviewers to conduct or assist in conducting practice reviews,
  - (b) establish and maintain education and experience qualifications to be met by practice reviewers,
  - (c) establish rules setting out how registrants will be selected for practice review,
  - (d) establish procedures for practice reviews,
  - (e) review the practice of registrants in accordance with the practice review rules and procedures, and
  - (f) perform any other powers, duties and functions specified in the bylaws.
- (2)** A practice review committee may, on its own initiative or at the direction of its governing body,
- (a) assess existing education and experience requirements for registration and continuing registration and recommend the development of new requirements to the governing body,
  - (b) evaluate the practice standards of the professional regulatory organization and recommend changes to those practice standards to the governing body,
  - (c) review matters relating to the practice of the profession by registrants and report on those matters to the governing body, and
  - (d) review and report to the governing body on any other matter the committee deems necessary for protecting the public interest or the interest of public safety.
- (3)** Subject to this Act and the bylaws, a practice review committee may take any steps or perform any function to meet the purpose of practice review.

**Practice reviewer powers**

**89** For the purpose of conducting a practice review, a member of a practice review committee or a practice reviewer appointed by the practice review committee to conduct a practice review has the powers, duties and functions of an investigator under section 106 as

those powers relate to conducting a practice review, except for the powers, duties and functions identified in section 106(8) and (9).

#### **Conduct of practice review**

**90(1)** A practice review committee shall appoint a practice reviewer to conduct a practice review in accordance with the practice review rules and procedures established under section 88(1).

**(2)** A practice review committee may, if it considers it to be in the public interest or the interest of public safety, direct that the whole or any portion of a practice review be held in private.

**(3)** A registrant subject to a practice review may be represented by counsel.

**(4)** A practice reviewer must, after the completion of a practice review, prepare a written report setting out the results of the practice review and any recommendations, including reasons for any recommendations.

**(5)** The practice reviewer must provide the report to the practice review committee and to the registrant who is the subject of the practice review.

#### **Decision**

**91(1)** After considering the report of a practice reviewer, the practice review committee must determine if the registrant who is the subject of the practice review has been complying, in whole or in part, with the rules of professional conduct, code of ethics and practice standards of the professional regulatory organization.

**(2)** If the practice review committee determines that the registrant has not been complying, in whole or in part, with the rules of professional conduct, code of ethics and practice standards, the committee may decide to do one or more of the following:

- (a)** recommend practice improvements, practical experience or the engagement of a mentor;
- (b)** direct a follow-up practice review in the manner, at the time and for the purpose specified by the committee;

- (c) direct and work with the registrant to establish and implement a professional development plan or a plan to maintain and improve the registrant's professional standards to the satisfaction of the committee;
  - (d) direct the registrant to take a course, examination, tutorial or other form of professional development or skills training;
  - (e) submit a complaint in accordance with section 94.
- (3)** A practice review decision under subsection (2)(a), (b), (c) or (d) must
- (a) include written reasons for the decision, and
  - (b) be provided to the registrant along with notice of the right to appeal established by section 92.
- (4)** Non-compliance with a decision of the practice review committee may be submitted to a CIC secretary as a complaint under section 94.

**Appeal to appeal tribunal**

**92(1)** A registrant that receives a decision from a practice review committee under section 91(1)(a), (b), (c) or (d) may, within 30 days after receiving a copy of the decision, appeal the decision to an appeal tribunal in accordance with Part 10.

**(2)** The registrant and the practice review committee are the parties to an appeal under this section.

**Part 8  
Complaints Inquiry Process**

**Division 1  
Purpose**

**Purpose**

**93** The purpose of this Part is to protect the public interest and the interest of public safety by

- (a) establishing a process to enforce the rules of professional conduct, code of ethics and practice standards,

- (b) providing a means by which complaints about the conduct of registrants and former registrants can be dealt with in a fair, transparent and expedient way, and
- (c) protecting the integrity of the professional regulatory organizations and the practice of the professions governed by them.

## **Division 2 Complaints, Reviews and Mediation**

### **Complaints**

**94(1)** Any person may submit a complaint to a professional regulatory organization relating to any alleged unprofessional conduct of a registrant or former registrant.

**(2)** A complaint must be submitted in writing by the complainant to the professional regulatory organization of the registrant or former registrant.

**(3)** For the purposes of this Part, a “complaint” includes any alleged unprofessional conduct of a registrant or former registrant that

- (a) comes to the attention of the professional regulatory organization other than by way of a complaint submitted under subsection (1), and
- (b) a CIC secretary determines should be treated as a complaint.

### **Jurisdiction over former registrants**

**95(1)** If the registration of a registrant is cancelled or otherwise terminated, the professional regulatory organization of the former registrant continues to have jurisdiction in respect of a complaint made against that former registrant if the complaint

- (a) was submitted to, or came to the attention of, the professional regulatory organization while the person was a registrant, or
- (b) relates to the person’s conduct while the person was a registrant, and was submitted to, or came to the attention of, the professional regulatory organization within the time period prescribed by the regulations.

(2) In the circumstances described in subsection (1), this Part and Part 10 apply to the former registrant in the same way those Parts would apply if the cancellation or termination of registration had not occurred.

(3) Notwithstanding anything to the contrary in subsection (1), a complaint about a former registrant who was registered under a former Act but has not been a registrant under this Act may proceed under this Part if discipline proceedings under a former Act could be commenced if that Act were still in force.

(4) For greater certainty, a complaint made against a person while that person was a registrant is not affected by the person ceasing to be a registrant before the proceedings with respect to the complaint are completed.

#### **Initial review of complaints**

**96(1)** Every complaint must first be reviewed by a CIC secretary.

(2) No further action shall be taken with respect to a complaint if, after completing their review, the CIC secretary determines that

- (a) the alleged conduct is not within the jurisdiction of the complaints inquiry committee or a discipline tribunal,
- (b) it is not in the public interest or the interest of public safety to proceed with the complaint,
- (c) the alleged conduct in question is trivial,
- (d) the allegation of unprofessional conduct is entirely without merit, or
- (e) the complaint was made in bad faith or for an improper purpose or motive.

(3) If the CIC secretary determines that no further action shall be taken, the CIC secretary

- (a) must, if there is a complainant,
  - (i) notify the complainant of the decision,
  - (ii) provide the complainant with a written explanation of the decision,

(iii) notify the complainant of the right to appeal under section 109,

and

(b) may notify the registrant or former registrant.

(4) Subject to subsection (2), after completing their review, a CIC secretary must refer the complaint and all the information obtained during the course of the review to the CIC chair of the professional regulatory organization for which the CIC secretary is conducting the review.

(5) In conducting their review, a CIC secretary may require a complainant, a registrant or a former registrant to answer any questions or to provide any records or other information that the CIC secretary deems necessary for the purpose of the review, and that person must comply.

(6) If a CIC secretary becomes aware of the involvement of any other registrant or former registrant in the alleged conduct under review or any other conduct the CIC secretary believes may be unprofessional conduct, the CIC secretary may extend the review in whatever manner the CIC secretary considers appropriate.

(7) After completing their review, if the CIC secretary is of the opinion that there are reasonable grounds to believe that the registrant or former registrant whose conduct is the subject of the complaint has committed a criminal offence, the CIC secretary must

(a) advise the Minister of Justice and Solicitor General of the nature of the concerns, and

(b) on request, send a copy of any information obtained during the course of the review to the Minister of Justice and Solicitor General, except information that is subject to solicitor-client privilege.

(8) In performing any function under this Part, a CIC secretary has the powers of an investigator under section 106.

#### **Particulars and response**

**97(1)** A CIC secretary must, within 30 days after receiving or becoming aware of a complaint, provide the complaint or

particulars of the complaint to the registrant or former registrant whose conduct is the subject of the complaint.

**(2)** A registrant or former registrant who receives a complaint or particulars of a complaint under subsection (1) must respond in writing to the complaint or particulars to the CIC secretary within 30 days after receiving the complaint or particulars or within any other period agreed to by the CIC secretary.

**(3)** This section does not apply if the CIC secretary has directed under section 96(2) that no further action be taken.

#### **Voluntary communication encouraged**

**98(1)** A CIC secretary may, at any time before an allegation of unprofessional conduct is referred to the discipline tribunal list chair under section 108(2)(c), encourage the complainant and the registrant or former registrant whose conduct is the subject of the complaint to communicate with each other and resolve the complaint.

**(2)** A 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 registrant or former registrant whose conduct is the subject of the complaint.

#### **Alternative complaint resolution**

**99(1)** At any time before an allegation of unprofessional conduct is referred to the discipline tribunal list chair under section 108(2)(c), a CIC secretary may, with the agreement of the complainant and the registrant or former registrant whose conduct is the subject of the complaint, appoint or facilitate the appointment of a mediator, conciliator or other individual to engage in a complaint resolution process in accordance with this section.

**(2)** The professional regulatory organization of the registrant or former registrant is entitled to participate in any complaint resolution process under this section.

**(3)** Any document prepared or generated for the purposes of a complaint resolution process under this section is confidential.

**(4)** The individual conducting the complaint resolution process may utilize an expert to assess and submit a written report on the



subject-matter of the complaint or matters arising from the complaint resolution process.

(5) If a report has been prepared under subsection (4), the report may only be provided to the individual conducting the complaint resolution process.

(6) 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

(a) without the written consent of the complainant and the registrant or former registrant whose conduct is the subject of the complaint, and

(b) in the case of written evidence, without the written consent of the person who prepared the written evidence, the complainant and the registrant or former registrant whose conduct is the subject of the complaint.

(7) If no resolution is reached within the time period specified by the CIC secretary or as otherwise agreed, the complaint inquiry process continues.

(8) If, during the complaint resolution process, the individual conducting the complaint resolution process becomes aware of information that causes the individual to believe that the circumstances relating to the complaint are substantially different from the allegations in the complaint, the individual must notify the CIC secretary and the CIC secretary must determine whether to continue proceedings under this section.

(9) A 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 registrant or former registrant pursuant to this section.

### **Settlement**

**100(1)** In the course of proceedings under this Part or in the course of an appeal under Part 10, a complainant and the registrant or former registrant whose conduct is the subject of the complaint may settle the complaint.

(2) The CIC chair may continue proceedings under this Act even if the complaint is settled by agreement of the complainant and the registrant or former registrant whose conduct is the subject of the complaint.

#### **Withdrawal**

**101(1)** In the course of proceedings under this Part or in the course of an appeal under Part 10, a complainant may withdraw their complaint.

(2) The CIC chair may continue proceedings under this Act even if a complaint is withdrawn by a complainant.

#### **Sanction agreements**

**102(1)** At any time before a discipline tribunal starts to hear evidence about an allegation of unprofessional conduct, the complaints inquiry committee and the registrant or former registrant whose conduct is the subject of the complaint may enter into a sanction agreement

- (a) setting out the relevant agreed facts, including an admission of the unprofessional conduct by the registrant or former registrant whose conduct is the subject of the complaint, and
- (b) stating the sanction to be imposed on the registrant or former registrant whose conduct is the subject of the complaint, including anything that may be ordered under section 125 or 126.

(2) A sanction agreement does not have effect unless it has been approved in accordance with this section.

(3) If an investigated party has entered into a sanction agreement, the CIC chair of the complaints inquiry committee referred to in subsection (1) must select a panel consisting of 2 members of the complaints inquiry committee, the CIC chair and one public member from the public member roster established under section 57 to review the sanction agreement and determine whether to recommend the approval of the agreement to the complaints inquiry committee.

- (4) 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.
- (5) A member of the panel may not vote as a member of the complaints inquiry committee in any vote taken by the committee with respect to the registrant or former registrant who is the subject of the complaint to which the sanction agreement relates.
- (6) The quorum for a panel is 3 members, which must include the public member.
- (7) Each member of the panel has a vote and the panel may recommend that the complaints inquiry committee approve the sanction agreement by a majority vote of the panel.
- (8) If the panel does not recommend the approval of the sanction agreement, the proceedings under this Part continue.
- (9) If the panel recommends that the sanction agreement be approved, the complaints inquiry committee may
- (a) approve the sanction agreement, or
  - (b) reject the sanction agreement and continue the proceedings under this Part.
- (10) If a sanction agreement is approved under this section,
- (a) each admission of unprofessional conduct is to be treated as a finding of unprofessional conduct made by a discipline tribunal, and
  - (b) the sanction agreement is to be considered and treated as a decision and order of a discipline tribunal.
- (11) The complaints inquiry committee must give the complainant written notification of any sanction agreement approved under this section.
- (12) A sanction agreement approved under this section may not be appealed to an appeal tribunal.
- (13) If the complaints inquiry committee is of the opinion that there are reasonable grounds to believe that the registrant or former registrant whose conduct is the subject of the sanction agreement

has committed a criminal offence, the complaints inquiry committee must

- (a) direct a CIC secretary to send a copy of the sanction agreement approved under this section to the Minister of Justice and Solicitor General, and
- (b) on request, send a copy of any other information related to the sanction agreement to the Minister of Justice and Solicitor General, except information that is subject to solicitor-client privilege.

#### **Voluntary resignation**

**103(1)** If the complaints inquiry committee approves an agreement under section 102 or a discipline tribunal or appeal tribunal makes a finding of unprofessional conduct, the registrant whose conduct is the subject of the agreement or finding may apply to the committee or tribunal for an order accepting the registrant's resignation instead of having the proceedings continue.

**(2)** If the complaints inquiry committee, discipline tribunal or appeal tribunal accepts the application, the committee or tribunal

- (a) may make the order accepting the resignation subject to any conditions that the committee or tribunal considers appropriate in the circumstances,
- (b) may, in the order, specify conditions that must be met by the former registrant before the former registrant becomes entitled to apply for reinstatement of registration,
- (c) may discontinue the proceedings in whole or in part,
- (d) must, in accordance with the bylaws, give directions about what information about the resignation is to be entered in the information maintained by the professional regulatory organization with respect to registrants and former registrants, and
- (e) must, in accordance with the bylaws, give directions about the publication or notification of the finding of unprofessional conduct and the resignation.

### **Division 3 Processing Complaints**

#### **Duty of the CIC chair**

**104(1)** On receipt of a complaint and the information obtained during the course of a CIC secretary's review of the complaint from the CIC secretary, the CIC chair must

- (a) determine that no further action shall be taken if the CIC chair determines that
  - (i) the alleged conduct is not within the jurisdiction of the complaints inquiry committee or a discipline tribunal,
  - (ii) it is not in the public interest or the interest of public safety to proceed with the complaint,
  - (iii) the alleged conduct in question is trivial,
  - (iv) the allegation of unprofessional conduct is entirely without merit, or
  - (v) the complaint was made in bad faith or for an improper purpose or motive,

or

- (b) appoint an investigator to investigate any matter.

**(2)** If the CIC chair determines that no further action shall be taken, the CIC chair

- (a) must provide the complainant and the registrant or former registrant whose conduct is the subject of the complaint with a written explanation for the decision,
- (b) must provide notice to the complainant of the right to appeal under section 109, and
- (c) may make recommendations or provide guidance in respect of the future conduct or practice of the registrant or former registrant whose conduct is the subject of the complaint.

**(3)** If the CIC chair appoints an investigator, the CIC chair must provide a notice of investigation to the investigated party and the

complainant, which must identify the subject-matter of the investigation.

**(4)** An investigator appointed under subsection (1)(b) may also be appointed to investigate a complaint made by any other professional regulatory organization to which the investigated party belongs.

**(5)** The CIC chair may make any order with respect to clerical and administrative matters that the CIC chair considers necessary relating to an investigation to prevent prejudice to the investigated party.

#### **Investigator's power re other conduct**

**105(1)** An investigator to whom a matter is referred for investigation under section 104 or 108 may also investigate any other conduct that comes to the attention of the investigator in the course of the investigation, whether connected with the matter referred to the investigator for investigation or not.

**(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.

#### **Investigation powers and duties**

**106(1)** For the purpose of conducting an investigation, an investigator may, at any reasonable time, order a registrant or former registrant

- (a) to attend meetings with the investigator or others,
- (b) to answer any questions the investigator may have relating to the investigation and to answer the questions under oath, and
- (c) to give to the investigator any record, information, substance or thing that, in the opinion of the investigator, is or may be relevant to the investigation that the registrant or former registrant possesses or has under their control.

**(2)** An investigator may take any record, information, substance or thing that a registrant or former registrant has given the investigator under subsection (1) to copy, examine or perform tests on.

**(3)** If the investigator takes any record, information, substance or thing under subsection (2), the investigator must return the record, information, substance or thing within a reasonable time and, in any case, after any hearing relating to the matter being investigated is completed and any right to an appeal has expired, unless, in the case of a substance or thing, it is not possible to return the substance or thing because that substance or thing has been depleted.

**(4)** For the purposes of conducting an investigation, an investigator may, at any reasonable time, enter and inspect any building where a registrant practices their profession but if the building contains a private dwelling, the investigator may not enter any part of the building designed to be used as and being used as a permanent or temporary private dwelling without a warrant.

**(5)** For the purposes of conducting an investigation, an investigator

- (a) may, at any reasonable time, request a person other than a registrant or former registrant
  - (i) to attend meetings with the investigator or others,
  - (ii) to answer any questions the investigator may have relating to the investigation and to answer the questions under oath, and
  - (iii) to give to the investigator any record, information, substance or thing that, in the opinion of the investigator, is or may be relevant to the investigation and that the person possesses or has under their control,

and

- (b) may request a person to give up possession of any record, information, substance or thing requested under clause (a) to allow the investigator to take them away to copy, examine or perform tests on them, in which case the investigator must return them, within a reasonable time and, in any case, after any hearing relating to the matter being investigated is completed and any right to an appeal

has expired, unless, in the case of a substance or thing, it is not possible to return the substance or thing because that substance or thing has been depleted.

**(6)** All records, information, substances or things received by an investigator under subsection (1)(c) or (5)(a)(iii) are confidential and

- (a) may not be used or disclosed except in accordance with this Part or Part 10 without
  - (i) the written consent of all persons whose interests might reasonably be expected to be affected by the disclosure, or
  - (ii) a court order authorizing the disclosure,

and

- (b) none of the following people may be required to give testimony or produce any document with respect to the record, information, substance or thing, other than in a proceeding under this Act:
  - (i) an investigator;
  - (ii) a member of a complaints inquiry committee, discipline tribunal, appeal tribunal or governing body;
  - (iii) an officer, employee, registrant, member, agent or representative of a professional regulatory organization.

**(7)** The disclosure of records, information, substances or things to an investigator under subsection (1)(c) or (5)(a)(iii) does not negate or constitute a waiver of any privilege, and the privilege continues for all other purposes.

**(8)** A professional regulatory organization, on the request of an investigator or the CIC chair, may apply to the Court of Queen's Bench for

- (a) an order directing a registrant or former registrant to comply with anything in this section,



- (b) an order authorizing the investigator to enter the private dwelling of the registrant or former registrant, or
- (c) an order directing any other person
  - (i) to attend meetings with the investigator to answer any questions the investigator may have relating to the investigation and to answer those questions under oath,
  - (ii) to give to the investigator any record, information, substance or thing that is or may be relevant to the investigation that the person possesses or that is under the control of the person, and
  - (iii) to allow the investigator to copy, examine or perform tests on the record, information, substance or thing referred to in subclause (ii) and return them within a reasonable time unless, in the case of a substance or thing, it is not possible to return the substance or thing because the substance or thing has depleted.

**(9)** Notice of an application for an order under subsection (8) must be given to all affected parties unless the Court of Queen's Bench is satisfied that it is proper to dispense with notice in the circumstances.

**(10)** A person may comply with a request or an order

- (a) to provide a record or information by giving copies of the record or information, and
- (b) if agreed to by the investigator or if permitted by a court order by giving samples of a substance or thing.

**(11)** If a person gives a copy or sample under subsection (10), the person must, on the request of the investigator, allow the investigator to compare the copy or sample with

- (a) the original record or information, or
- (b) other samples of the substance or thing taken by the investigator

at the person's place of business during regular business hours.

**(12)** A person who gives an investigator

- (a) a record, information, substance or thing under subsection (1) or (5) or in response to a Court of Queen's Bench order under subsection (8), or
- (b) a copy of a record or information or a sample of a substance or thing under subsection (10)

is not entitled to any indemnification for the expense of producing the record, information, substance or thing, except for the reasonable costs of copying them or providing them.

#### **Disclosure to other professional regulators**

**107(1)** A CIC secretary may disclose a complaint and the status of a complaint to any organization outside Alberta that regulates a profession in which a registrant or former registrant who is the subject of a complaint is registered, was registered or is seeking registration.

**(2)** Notwithstanding section 106(6)(a), a CIC secretary or, with the consent of a CIC secretary, an investigator may disclose information about an investigation, other than information that is subject to solicitor-client privilege, to any professional regulator with which a registrant or former registrant who is the subject of the investigation is registered, was registered or is seeking registration.

#### **Duty of the complaints inquiry committee**

**108(1)** An investigator must report to the complaints inquiry committee of the CIC chair who appointed the investigator, in writing, on the results of an investigation.

**(2)** Within a reasonable time after receipt of an investigator's report, the complaints inquiry committee must

- (a) direct that a further or other investigation be carried out by the same or another investigator,
- (b) determine that no further action shall be taken if the complaints inquiry committee determines that
  - (i) the conduct is not within the jurisdiction of the complaints inquiry committee or a discipline tribunal,

- (ii) it is not in the public interest or the interest of public safety to proceed with the complaint,
- (iii) the conduct in question is trivial,
- (iv) the allegation of unprofessional conduct is entirely without merit, or
- (v) the complaint was made in bad faith or for an improper purpose or motive,

or

- (c) refer one or more allegations of unprofessional conduct to the discipline tribunal list chair.

**(3)** If the complaints inquiry committee determines that no further action shall be taken, the committee may make recommendations or provide guidance to the investigated party with respect to future conduct.

**(4)** If a member of the complaints inquiry committee conducted the investigation, that member may participate in, but may not vote on, a decision under subsection (2).

**(5)** The complaints inquiry committee must

- (a) notify the investigated party and the complainant of the committee's decision and provide each of them with the reasons for the decision, and
- (b) provide notice to the complainant of the right to appeal established by section 109, if the complaints inquiry committee decides that no further action shall be taken.

**Appeal from decision to take no further action**

**109(1)** Within 30 days after receiving notice that

- (a) a CIC secretary has directed under section 96(2) that no further action be taken,
- (b) the CIC chair has directed under section 104(1)(a) that no further action be taken, or
- (c) the complaints inquiry committee has decided under section 108(2)(b) that no further action be taken,

a complainant may appeal the decision to an appeal tribunal.

(2) The complainant and the complaints inquiry committee are the parties to an appeal made under this section.

## **Division 4 Discipline Tribunal Proceedings**

### **Discipline tribunal hearing**

**110(1)** When an allegation of unprofessional conduct is referred to a discipline tribunal list chair, the chair must, in accordance with section 45, convene a discipline tribunal to conduct a hearing into the allegation.

(2) A discipline tribunal must commence a hearing within 120 days after an allegation of unprofessional conduct is referred to the discipline tribunal list chair or within such other time period as the chair permits.

(3) Before the discipline tribunal list chair convenes a discipline tribunal, the chair may address procedural matters except matters relating to jurisdiction and bias, and the decision of the chair is final.

### **Bias prevention**

**111** The following persons may not sit as a member of a complaints inquiry committee, discipline tribunal or appeal tribunal that is considering or holding a hearing regarding a complaint:

- (a) an investigator who has investigated the complaint;
- (b) a CIC secretary or the CIC chair, if they have reviewed the complaint;
- (c) a person who has taken part in an alternative complaint resolution process relating to the complaint;
- (d) a person who has participated in the review of a sanction agreement relating to a complaint.

### **Representation before discipline tribunal**

**112(1)** The parties to a discipline tribunal hearing are the investigated party and the complaints inquiry committee, and each is entitled to be represented by counsel.

- (2) If an issue at a discipline tribunal hearing concerns
- (a) a matter of importance to a professional regulatory organization, or
  - (b) the interpretation of this Act or the regulations, bylaws, rules of professional conduct, code of ethics or practice standards,

the professional regulatory organization may be represented by counsel and may present arguments at the hearing.

(3) If a discipline tribunal is receiving legal advice from counsel in the context of a discipline tribunal hearing, that counsel must not present evidence or arguments at the hearing on behalf of the complaints inquiry committee or the professional regulatory organization.

#### **Notice of hearing and particulars of allegation**

**113(1)** Unless an investigated party agrees to a shorter period, a discipline tribunal secretary must give the investigated party, the complaints inquiry committee and any other person entitled to be represented at the hearing at least 30 days' notice of the date, time and place at which the discipline tribunal will hold a hearing into the allegations of unprofessional conduct referred to it.

(2) Unless an investigated party agrees to a shorter period, a CIC secretary must give the investigated party reasonable particulars of the alleged unprofessional conduct referred to the discipline tribunal at least 30 days before the date set for the discipline tribunal's hearing.

(3) A discipline tribunal secretary must publish a notice of hearing in accordance with the bylaws, in advance of the hearing.

#### **Amending or deleting allegations of unprofessional conduct**

**114(1)** The allegations of unprofessional conduct referred to a discipline tribunal may be amended or added to

- (a) before the hearing starts, by a CIC secretary giving to the investigated party and any other person entitled to be represented at the hearing reasonable notice of the amendment or addition, or

- (b) after the hearing starts, by the complaints inquiry committee applying to the discipline tribunal for approval to amend or add to an allegation.

**(2)** An allegation of unprofessional conduct referred to a discipline tribunal may be withdrawn

- (a) before the hearing starts, by a CIC secretary giving notice of the withdrawal to the investigated party and any other person entitled to be represented at the hearing, or
- (b) after the hearing starts, by a CIC secretary giving notice of the withdrawal to the discipline tribunal, the investigated party and any other person entitled to be represented at the hearing.

**(3)** Where an application is made under subsection (1)(b), the discipline tribunal may accept, with or without conditions, the amendment or addition to the allegation of unprofessional conduct or may refuse it.

**(4)** If a discipline tribunal accepts an application under subsection (1)(b) to amend or add to an allegation of unprofessional conduct, the discipline tribunal must grant an adjournment of the hearing for a reasonable time period to enable the investigated party to prepare to answer the amended or additional allegation, unless the investigated party states that no adjournment is necessary.

#### **Other matters of unprofessional conduct**

**115(1)** A discipline tribunal may hear evidence on any other matter that arises in the course of a hearing, but the discipline tribunal must give the investigated party at least 30 days' notice of its intention to hear the evidence and, on the request of the investigated party, must grant an adjournment before hearing the evidence.

**(2)** If the discipline tribunal is of the opinion that a separate hearing is required with respect to a matter described in subsection (1), the discipline tribunal may

- (a) refer the matter to a CIC secretary for consideration as a complaint under section 94(3), or

- (b) refer the matter to the discipline tribunal list chair, who must then convene a discipline tribunal hearing under section 110.

#### **Evidence and procedure**

##### **116(1)** A discipline tribunal

- (a) may hear and inquire into allegations of unprofessional conduct and related matters in any manner it considers appropriate,
- (b) is not bound by the rules of evidence or any other law applicable to judicial proceedings, and
- (c) has the power to determine the admissibility, relevance and weight of any evidence.

**(2)** A discipline tribunal may determine the manner in which evidence is to be admitted.

**(3)** Questions of procedure arising after the discipline tribunal has been convened but before the commencement of the discipline hearing may be decided by the discipline tribunal or the discipline tribunal chair in accordance with the bylaws.

**(4)** Any procedural decision made by the discipline tribunal chair or the discipline tribunal is final.

#### **Compellable witnesses**

**117(1)** The investigated party and any other person who, in the opinion of a discipline tribunal, has knowledge relevant to the allegations of unprofessional conduct before it are compellable witnesses in any proceeding under this Act.

**(2)** A witness may be examined under oath on anything relevant to any matter before a discipline tribunal and is not to be excused from answering any question on the ground that the answer might tend to

- (a) incriminate the witness,
- (b) prove that the witness has committed an offence under this Act, or

- (c) establish liability
  - (i) in a civil proceeding, or
  - (ii) to prosecution under any Act.

**(3)** Answers to questions given by a person before a discipline tribunal that tend

- (a) to incriminate the person,
- (b) to prove that the person committed an offence under this Act, or
- (c) to subject the person to a penalty or establish the person's liability in a civil proceeding or to prosecution under another Act

may not be used or received against the person in any civil proceedings, in a prosecution under section 174 or in any proceedings under any other Act.

**(4)** The protection provided by subsection (3) does not apply in a prosecution for, or proceedings in respect of, perjury or the giving of contradictory evidence under this Act.

**Notice to attend and produce records,  
information, substances or things**

**118(1)** A party to a discipline tribunal hearing may compel the attendance of a witness before the discipline tribunal, and the production of a record, information, substance or thing that is relevant to the allegations of unprofessional conduct being considered by the tribunal, by serving a notice issued by its discipline tribunal secretary on a person requiring the person to attend as a witness at a date, time and place specified in the notice and to produce the record, information, substance or thing specified in the notice, and the person must comply.

**(2)** On the written request of the investigated party or the complaints inquiry committee, the discipline tribunal secretary must issue, without charge, any notices that are required for the attendance of witnesses or the production of records, information, substances or things.



(3) A witness, other than the investigated party, who has been served with a notice to attend or a notice to produce records, information, substances or things is entitled to be paid by the party serving the notice the same fees, expenses and allowances payable to a witness in an action in the Court of Queen's Bench.

(4) A party who requests a notice from a discipline tribunal secretary under this section is responsible for serving the notice and must pay all costs incurred in effecting service.

#### **Commission evidence**

**119** To obtain the evidence of a person outside Alberta, the complaints inquiry committee or an investigated party may apply to a judge of the Court of Queen's Bench, without notice to any person, for an order directing the obtaining of the evidence of the person in the manner provided under the *Alberta Rules of Court* (AR 124/2010) for the taking of the evidence of a person outside Alberta, or as otherwise ordered by the Court of Queen's Bench.

#### **Communication to discipline tribunal**

**120(1)** All written communication to a discipline tribunal must be sent to its discipline tribunal secretary, who must provide copies of the written communication to the other parties and the discipline tribunal members.

(2) Except in accordance with subsection (1), parties, representatives, witnesses and complainants may not communicate with a discipline tribunal or any of its members concerning the subject-matter of a hearing except

- (a) in the presence of all parties or their representatives, or
- (b) as permitted by this Act or the bylaws.

#### **Civil contempt proceedings**

**121(1)** Proceedings for civil contempt of court may be brought against a witness

- (a) who fails
  - (i) to attend before a discipline tribunal in accordance with a notice to attend, or

- (ii) to produce a record, information, substance or thing in accordance with a notice to produce them,
- (b) who refuses to be sworn or affirmed as a witness at the proceedings, or
- (c) who refuses to answer any question that the person is directed to answer by a discipline tribunal.

**(2)** The chair of a discipline tribunal may record the failure or refusal of a witness who is a registrant under subsection (1) and refer the matter to a professional regulatory organization as a complaint.

#### **Proceedings in the absence of investigated party**

**122** A discipline tribunal, on evidence of service of notice of the hearing on an investigated party, may

- (a) proceed with the hearing in the absence of the investigated party, and
- (b) act and decide on the allegations of unprofessional conduct referred to it.

#### **Unprofessional conduct**

**123(1)** A discipline tribunal may find any of the following to be unprofessional conduct:

- (a) conduct that is detrimental to the public interest, the interest of public safety or that harms or tends to harm the integrity of the profession;
- (b) conduct that contravenes this Act, the regulations or the bylaws;
- (c) conduct that contravenes the rules of professional conduct, code of ethics or practice standards;
- (d) conduct that displays a lack of competence;
- (e) the contravention of or failure to comply with
  - (i) an order of a discipline tribunal, an appeal tribunal, the Court of Queen's Bench or the Court of Appeal under this Act or a former Act,

- (ii) an undertaking made under this Act or a former Act,  
or
- (iii) a restriction, condition or undertaking on registration  
or practice made under this Act or a former Act;
- (f) the failure or refusal to abide by a settlement agreement  
entered into under section 100 or under a former Act;
- (g) the failure or refusal to abide by a sanction agreement  
entered into under section 102 or under a former Act;
- (h) the failure or refusal to answer questions, provide records  
or information or otherwise fail to cooperate in a review,  
investigation or proceeding under this Act;
- (i) the failure or refusal to cooperate in a practice review;
- (j) the failure or refusal to comply with an order of, a  
condition or restriction imposed by, or an undertaking  
provided to the governing body or any committee or  
tribunal established or continued under this Act;
- (k) the failure or refusal to undergo an examination directed  
under section 140(1) or to comply with a direction made  
in accordance with section 140(2);
- (l) displaying a lack of knowledge or a lack of skill or  
judgment in the provision of professional services;
- (m) the contravention of another Act that applies to the  
registrant;
- (n) representing or holding out that the person was a  
registrant in good standing while the person's registration  
was suspended or cancelled;
- (o) representing or holding out that the person's registration  
or evidence of professional practice, if any, is not subject  
to conditions, restrictions or an undertaking when it is or  
misrepresenting the conditions, restrictions or  
undertaking;
- (p) the failure to comply with a notice to attend;
- (q) the failure or refusal to comply with the requirements of a  
continuing competence program.

(2) A discipline tribunal may make findings and orders whether or not the conduct occurred in Alberta.

#### **Discipline tribunal findings**

**124(1)** For each allegation of unprofessional conduct before it, a discipline tribunal must determine whether the conduct of the investigated party constitutes unprofessional conduct.

(2) If a discipline tribunal is of the opinion that there are reasonable grounds to believe that the investigated party has committed a criminal offence, the discipline tribunal must

- (a) direct its discipline tribunal secretary to send a copy of the written decision under section 128 to the Minister of Justice and Solicitor General, and
- (b) on request, send a copy of any other information related to the decision of the discipline tribunal to the Minister of Justice and Solicitor General, except information that is subject to solicitor-client privilege.

#### **Discipline tribunal orders**

**125(1)** If a discipline tribunal determines that the conduct of an investigated party constitutes unprofessional conduct, the discipline tribunal may issue a warning or make any orders that the discipline tribunal considers appropriate in the circumstances, which may include orders that

- (a) reprimand the investigated party,
- (b) suspend registration and evidence of professional practice, if any, of the investigated party for a stated period or pending compliance with specified conditions,
- (c) impose conditions or restrictions on the investigated party for a stated time period, pending compliance with specific conditions or until otherwise ordered by the discipline tribunal, or another discipline tribunal, body or individual specified by the discipline tribunal, including that the investigated party
  - (i) shall not engage in sole practice,

- (ii) must practice under supervision in accordance with specified terms,
  - (iii) shall not practice in an area of the practice of a regulated profession until the investigated party has completed a specified course of studies or obtained supervised practical experience of a type described in the order,
  - (iv) shall not practice in an area of practice of a regulated profession,
  - (v) must permit periodic inspections of their practice by an individual authorized by a practice review committee or complaints inquiry committee or a chair of either of those committees,
  - (vi) must undergo counselling, a treatment program or obtain any assistance, in accordance with specified terms that, in the opinion of the discipline tribunal, are appropriate, or
  - (vii) must report on specified matters to a professional regulatory organization, a CIC secretary or a discipline tribunal secretary,
- (d) accept, for a stated time period or pending compliance with specified conditions, a voluntary suspension of the investigated party's registration or an undertaking to restrict practice,
  - (e) accept, in place of a suspension, the investigated party's undertaking to limit that investigated party's practice,
  - (f) direct the investigated party to satisfy a committee, individual or treatment centre specified by the discipline tribunal that a disability or addiction can be or has been overcome, and suspend the investigated party's registration and evidence of professional practice, if any, until the committee, individual or treatment centre is so satisfied,
  - (g) direct that, within the time period set by the order, the investigated party is to successfully complete a particular course of study or examination, or both, obtain supervised practice experience of a type described in the order,

complete training or satisfy a committee or individual specified by the discipline tribunal as to the investigated party's professional competence generally or in a specified area of practice,

- (h) direct a business registrant to develop and implement quality control procedures or professional development policies, to undergo a specific practice review or to increase the amount or change the type of professional liability insurance carried by the business registrant,
- (i) direct the payment of all or part of the costs of complying with an order by the investigated party, including an order to undergo a practice review, competence assessment or capacity assessment,
- (j) prohibit, impose restrictions on or place conditions on the ability of the investigated party to supervise registrants,
- (k) direct the investigated party to waive, reduce or repay the fee for professional services provided by the investigated party that, in the opinion of the discipline tribunal, were not rendered or were improperly rendered,
- (l) where the investigated party is an individual including a temporary registrant, order the investigated party to pay to the professional regulatory organization a fine not exceeding \$100 000 for each finding of unprofessional conduct, within the time period fixed by the order,
- (m) where the investigated party is a business registrant, order the investigated party to pay to the professional regulatory organization a fine not exceeding \$500 000 for each finding of unprofessional conduct, within the time period fixed by the order,
- (n) cancel the registration of the investigated party, including requiring the return of evidence of registration and evidence of professional practice, if any, issued under this Act,
- (o) specify a time period within which an order or any part of it must be complied with and specify the consequences of failing to comply, including suspension or cancellation of the investigated party's registration and evidence of professional practice, if any, or

- (p) make any further or other order that the discipline tribunal considers appropriate in the circumstances.

**(2)** Before making any order under subsection (1), a discipline tribunal is entitled to review, and the professional regulatory organization of the investigated party must provide,

- (a) the past disciplinary record of the investigated party,
- (b) copies of any recommendations or guidance from the CIC chair or the complaints inquiry committee arising from the complaint or a prior complaint, and
- (c) any other information the professional regulatory organization possesses about the investigated party concerning findings of unprofessional conduct against the investigated party in disciplinary proceedings by a professional regulator in Alberta or a professional regulator in another jurisdiction.

#### **Costs**

**126(1)** In accordance with the bylaws, a discipline tribunal may order the investigated party to pay costs to a professional regulatory organization, including all or any part of the costs of

- (a) the review of a complaint,
- (b) the investigation of a complaint,
- (c) the determination of procedural matters including any adjournments,
- (d) the discipline tribunal hearing, and
- (e) any other costs associated with the complaint inquiry process or discipline tribunal hearing.

**(2)** Unless a discipline tribunal orders otherwise, an investigated party must pay to a professional regulatory organization, as part of the costs ordered under subsection (1), all of the reasonable costs for the indemnification of the professional regulatory organization relating to the review of the complaint, the investigation, the determination of procedural matters and the discipline tribunal hearing, including legal expenses and lawyer's fees.

**(3)** The order may specify when and how the costs are to be paid.

(4) If an investigated party does not pay costs in accordance with the order of a discipline tribunal, the registration of a registrant and evidence of professional practice, if any, is immediately cancelled unless a discipline tribunal or an appeal tribunal otherwise directs.

#### **Failure to pay**

**127** Subject to the right of appeal, where a registrant fails to pay the costs or fines ordered by a professional regulatory organization, the professional regulatory organization may file a copy of the order with the clerk of the Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court of Queen's Bench.

#### **Written decisions and dissents**

**128(1)** A discipline tribunal must make its decision within a reasonable time after the conclusion of a hearing.

(2) A decision must be in writing and must contain the reasons for the decision.

(3) A member of a discipline tribunal may issue a written dissent, disagreeing in whole or in part with the decision of the tribunal, and the dissent forms part of the tribunal's decision.

(4) A discipline tribunal secretary must, within a reasonable time after receiving a discipline tribunal's final decision or any interim decisions,

- (a) serve a copy of the decision on the investigated party and, in the case of a final decision, provide notice to the investigated party of the right to appeal under section 133,
- (b) serve a copy of the decision on the CIC chair, and
- (c) send a copy of the decision to the complainant.

#### **Publication of decisions**

**129(1)** If a discipline tribunal

- (a) makes any finding of unprofessional conduct, or
- (b) determines that the conduct of the investigated party does not constitute unprofessional conduct,



a discipline tribunal secretary must publish the decision of the discipline tribunal, or a summary of it, immediately following the decision of the tribunal, and in accordance with the bylaws, along with the status of any appeal that has been commenced under section 133.

(2) If a registrant's registration is cancelled pursuant to section 126(4), a discipline tribunal secretary must publish notice of the cancellation in accordance with the bylaws.

#### **Ability to rehear**

**130** On application by an investigated party, if a discipline hearing has been held and no appeal has been commenced, a discipline tribunal list chair may convene or reconvene a discipline tribunal to rehear a matter if the chair is satisfied that new, relevant and persuasive evidence respecting a matter previously heard by the tribunal requires a partial or full rehearing.

#### **Hearing records to be retained**

**131(1)** A discipline tribunal must send to its discipline tribunal secretary its decision and all exhibits entered as evidence at the proceedings.

(2) The investigated party and the CIC chair may examine and obtain, at their own expense, a copy of the record of proceedings.

(3) A discipline tribunal secretary must take reasonable steps to preserve the confidentiality of any portion of a record of proceedings entered during a private portion of a hearing in accordance with section 158 and any portion of the written decision relating to the closed portion of the hearing.

(4) No decision or record of proceedings received by a discipline tribunal secretary may be disposed of except in accordance with the bylaws.

#### **Failure to comply with orders and undertakings**

**132(1)** If a registrant contravenes or fails to comply with

- (a) a settlement agreement entered into under section 100,
- (b) a sanction agreement entered into under section 102, or

- (c) a professional undertaking or an order issued by
  - (i) a governing body or any committee, tribunal or court under this Act, or
  - (ii) a governing body, board, committee, tribunal, other body or court under a former Act,

and no sanction has been imposed to deal with the contravention or non-compliance, a discipline tribunal list chair may convene a discipline tribunal or reconvene the discipline tribunal that made the original decision to deal with the contravention or non-compliance and, after providing at least 30 days' notice of a hearing, make an order under this Part.

(2) After notice of a hearing has been given to the registrant under subsection (1) and after being satisfied that the undertaking, agreement or order referred to in subsection (1) has been contravened or not complied with, a discipline tribunal may make an order or further order under this Part or amend a previous order.

## **Division 5 Appeal Rights, Disciplinary Proceedings Outside Alberta and Circulating Decisions**

### **Appeal to appeal tribunal**

**133(1)** An investigated party or the complaints inquiry committee may appeal to an appeal tribunal a finding or order of a discipline tribunal under section 124(1), 125 or 126, but only after a final written decision has been issued under section 128.

(2) The investigated party and the complaints inquiry committee are the parties to an appeal under this section.

(3) An appeal to an appeal tribunal must be made in accordance with Part 10.

### **Disciplinary proceedings outside Alberta**

**134(1)** If a finding of unprofessional conduct has been made against a registrant in disciplinary proceedings by, or the registrant has entered into a settlement, sanction or similar agreement with, any organization outside of Alberta that regulates the profession and that is recognized by the governing body in accordance with

the bylaws, the registrant must give notice to their professional regulatory organization of the finding or agreement within 21 days after becoming aware of the finding or entering into the agreement.

(2) After giving the registrant an opportunity to provide information and make representations, the CIC chair of the professional regulatory organization referred to in subsection (1) may refer the matter to the professional regulatory organization's discipline tribunal list chair to convene a discipline tribunal.

(3) A discipline tribunal convened under subsection (2) may issue a notice of hearing and hold a hearing in accordance with this Part and may, after holding a hearing,

- (a) adopt a finding of the other organization that disciplined the registrant,
- (b) make a finding that the conduct is unprofessional conduct, and
- (c) impose one or more orders under this Part.

(4) The complaints inquiry committee or a registrant or former registrant may appeal a decision under subsection (3) to an appeal tribunal in accordance with Part 10 and the complaints inquiry committee and the registrant or former registrant are the parties to the appeal.

(5) A professional regulatory organization may act under this section whether it receives notice under subsection (1) or becomes aware of the finding of unprofessional conduct by other means.

#### **Stay pending appeal**

**135(1)** If a discipline tribunal suspends or cancels the registration and evidence of professional practice, if any, of a registrant or imposes a condition or restriction on a registrant, the decision takes effect immediately.

(2) If a decision referred to in subsection (1) is appealed by the registrant, the decision remains in effect until an appeal tribunal makes a decision on the appeal unless an appeal tribunal issues a stay on application by the appellant.

(3) If a discipline tribunal makes an order other than

- (a) the suspension or cancellation of registration and evidence of professional practice, if any, or
- (b) an order that imposes a condition or restriction on the registrant,

the order takes effect only after all rights of appeal have been exhausted unless the discipline tribunal otherwise directs.

(4) The decision of a discipline tribunal must be published in accordance with section 129 even if one or more orders of the discipline tribunal are stayed pending appeal.

#### **Circulation of decisions**

**136(1)** After the period for appeal has expired or all rights of appeal have been exhausted, a professional regulatory organization may send a decision of a discipline tribunal or appeal tribunal

- (a) to any federal, provincial or territorial minister of the Crown or to any professional regulator or other governmental or regulatory authority as it considers appropriate, and
- (b) to any other person or organization prescribed in the bylaws

together with such part of the record of proceedings or other information as the professional regulatory organization considers appropriate in order to protect the public interest and the interest of public safety.

(2) A professional regulatory organization shall not provide any part of a record of proceedings or other information that relates to the portion of a hearing that is private pursuant to section 158 to any person.

## **Division 6 Additional Suspension and Cancellation Powers**

#### **Temporary suspension**

**137(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,

- (a) suspend the registrant's registration and evidence of professional practice, if any, or impose conditions or restrictions on the registrant pending the conclusion of an investigation or pending the decision of a discipline tribunal, and
  - (b) revoke the suspension, condition or restriction at any time.
- (2) The registrar must, as soon as practicable, give written notice to the registrant of the imposition or revocation of a suspension, condition or restriction under subsection (1).
- (3) A registrant may apply to the Court of Queen's Bench for an order revoking a decision made under subsection (1)(a).
- (4) A copy of an application under subsection (3) must be served on the registrant's professional regulatory organization.
- (5) A decision of the CIC chair under this section must be published in accordance with the bylaws.

#### **Charges and convictions for indictable offences**

- 138(1)** If a registrant is charged or convicted of an indictable offence in any court in Canada or charged or convicted of an offence outside Canada that would be regarded as an indictable offence in Canada, the registrant must give notice of the charge or conviction to any professional regulatory organization with which they are registered within 21 days after its occurrence.
- (2) In the case of a conviction, a discipline tribunal list 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,
- (a) suspend the registrant's registration and evidence of professional practice, if any, or impose conditions or restrictions on the registrant's registration, 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
  - (b) after the appeal period for a conviction has expired or an unsuccessful appeal from the conviction or an unsuccessful proceeding to quash the conviction is

concluded, and whether or not a suspension, condition or restriction has previously been ordered,

- (i) suspend the registrant's registration and evidence of professional practice, if any, or impose conditions or restrictions on the registrant for a stated period or pending compliance with specified conditions, or
- (ii) cancel the registrant's registration and evidence of professional practice, if any.

(3) A suspension, condition or restriction imposed under subsection (2)(a) may be revoked by the same or another discipline tribunal at any time.

(4) A decision of a discipline tribunal list chair under this section is final.

(5) 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 10, and the complaints inquiry committee and the registrant who is the subject of the decision are the parties to the appeal.

(6) This section only applies to a charge or conviction made against a registrant on or after the coming into force of this section.

(7) A professional regulatory organization may act under this section whether it receives notice under subsection (1) or becomes aware of a conviction by other means.

#### **Falsely obtained registration**

**139(1)** If a discipline tribunal is satisfied, after a hearing on the matter, that a registration or evidence of professional practice, if any, issued under this Act was obtained by fraud, deceit or misrepresentation, the discipline tribunal may order the registration and evidence of professional practice, if any, to be cancelled or suspended or the registrant's practice to be restricted.

(2) The complaints inquiry committee or an investigated party who is the subject of a decision of a discipline tribunal under subsection (1) may appeal to an appeal tribunal in accordance with Part 10 and the registrar or registration committee, the complaints inquiry

committee and the person who is the subject of the decision are the parties to the appeal.

## **Part 9 Assessing Incapacity**

### **Assessing incapacity**

**140(1)** In accordance with the regulations, if a CIC secretary has reasonable grounds to believe that a registrant is incapacitated, the CIC secretary must notify the CIC chair, who may decide to

- (a) direct the registrant to submit to specified physical or mental examination by an individual or at a treatment centre specified by the CIC chair, and
- (b) request the individual or facility to report to the CIC chair and the registrant on the results of the examination within a time period specified by the CIC chair.

**(2)** On receipt of the results of the examination, and if recommended by the individual or treatment centre, the CIC chair may decide to direct the registrant to submit to treatment by an individual or at a facility specified by the CIC chair.

**(3)** The CIC chair may request that the individual or treatment centre provide the CIC chair and registrant with the results of the registrant's treatment within the time period specified by the CIC chair.

**(4)** The CIC chair may decide to suspend the registrant's registration or impose a condition or restriction on the registrant's registration or professional practice until

- (a) a report is received under subsection (1), or
- (b) if the registrant is undergoing treatment, until the CIC chair is satisfied that the registrant is no longer incapacitated,

and the CIC chair must direct the CIC secretary to notify the registrant and registrar of the suspension, condition or restriction.

**(5)** If the CIC chair makes a decision

- (a) directing the registrant to submit to a specified physical or mental examination or to treatment,

- (b) suspending the registration of the registrant, or
- (c) imposing conditions or restrictions on the registrant,

the CIC chair must provide a written decision to the registrant.

**(6)** If a business registrant ceases to comply with the bylaws of a professional regulatory organization respecting business registrants because of a suspension or the imposition of conditions or restrictions on the registrant's registration or professional practice under this section, the CIC chair

- (a) may make any determinations that are required under those bylaws or that the CIC chair deems necessary to deal with the affected business registrant, and
- (b) must notify the business registrant, the registrar or any other person that may be affected by the determination.

**(7)** If the CIC chair determines that there are reasonable grounds to believe that the incapacity of the registrant may cause the public to be at risk, the CIC chair may direct the publication of the suspension or the imposition of conditions or restrictions in accordance with the bylaws.

**(8)** If the registrant does not comply with a direction of the CIC chair under subsection (1) or (2) or a suspension, condition or restriction imposed under subsection (4), the CIC chair may refer the non-compliance to the CIC secretary, who must treat the non-compliance as a complaint.

**(9)** The CIC chair may order the registrant to pay any or all of the costs associated with a direction made under this section.

**(10)** The registrant may appeal a decision of the CIC chair under subsection (1), (2), (4) or (9) to an appeal tribunal.

**(11)** The parties to an appeal under subsection (10) are the registrant and the CIC chair.

**(12)** An appeal under subsection (10) must be conducted

- (a) as soon as reasonably practicable,
- (b) in accordance with the appeal provisions under Part 10, and



(c) in private, notwithstanding section 158.

**(13)** If a complaint has been made against the registrant and the CIC chair

- (a) is satisfied that the matter complained of arose because of the incapacity of the registrant,
- (b) has made one or more directions under subsection (1) or (2), and
- (c) is satisfied that the registrant is complying with the directions made under subsection (1) or (2),

the CIC chair may, at any time before the complaint has been referred to a discipline tribunal list chair, stay any proceedings with respect to the complaint for a time period that the CIC chair considers appropriate.

**(14)** If proceedings have been stayed under subsection (13) and the CIC chair is satisfied that the registrant is no longer incapacitated, the CIC chair may decide to stay the proceedings indefinitely, with or without conditions.

**(15)** If the CIC chair stays proceedings under subsection (13) or (14), the CIC chair

- (a) must direct the CIC secretary to notify the registrant and the complainant in writing of the stay, and
- (b) may at any time direct that the proceedings with respect to the complaint be resumed.

**(16)** If the CIC chair makes a direction under subsection (15)(b), the CIC chair must notify the registrant and complainant accordingly.

**(17)** The CIC chair may do anything the CIC chair considers necessary, or direct anything to be done, to keep any records, information, substances or things acquired under this section secure and confidential.

**(18)** The Minister may make regulations prescribing criteria for a CIC secretary to consider when determining whether there are reasonable grounds to believe that a registrant is incapacitated.

## **Part 10 Appeals and Court Enforcement of Decisions**

### **Division 1 Appeals to Appeal Tribunal**

#### **Notice of appeal**

**141(1)** When a person has a right to appeal to an appeal tribunal under this Act, that person may commence the appeal by submitting to the professional regulatory organization a written notice of appeal within 30 days of being served with or otherwise provided with the decision being appealed.

**(2)** The notice of appeal must explain

- (a) what is being appealed,
- (b) the basis of the appeal, and
- (c) what results are sought from the appeal.

#### **Review of the notice of appeal**

**142(1)** When a professional regulatory organization receives notice of an appeal, an appeal tribunal secretary must decide if the notice of appeal meets the requirements for a notice of appeal under section 141.

**(2)** If the notice of appeal meets the requirements of section 141, the appeal tribunal secretary must

- (a) refer the appeal to the appeal tribunal list chair, who must then convene an appeal tribunal in accordance with section 46 to hear the appeal and set a hearing date for the appeal in accordance with subsection (4),
- (b) send a copy of the notice of appeal to the parties to the appeal, other than the appellant,
- (c) serve the appellant and everyone entitled to be represented at the appeal with at least 30 days' notice of the date, time and place of the appeal hearing and send a copy of the notice to the complainant, if applicable, and

- (d) publish notice of the appeal hearing on the professional regulatory organization's website in advance of the appeal hearing.

**(3)** If the notice of appeal does not meet the requirements of section 141, the appeal tribunal secretary must

- (a) advise the appellant why the notice of appeal is deficient and set an additional time period for the appellant to correct the deficiency, and
- (b) if
  - (i) the deficiency is corrected and the requirements of section 141 have been met before the additional time period has expired, proceed in accordance with subsection (2), or
  - (ii) the deficiency is not corrected, the additional time period has expired and the notice of appeal still does not meet the requirements of section 141, dismiss the appeal by serving written notice on the appellant, with an explanation for the dismissal.

**(4)** Unless an appeal has been dismissed under subsection (3)(b)(ii), an appeal tribunal must commence an appeal hearing within 120 days after the matter is referred to the appeal tribunal list chair by an appeal tribunal secretary or within such other time period as the chair permits.

**(5)** Before an appeal tribunal list chair convenes an appeal tribunal, the chair may address procedural matters except matters relating to jurisdiction and bias, and the decision of the chair is final.

#### **Representation before appeal tribunal**

**143(1)** The parties to an appeal before an appeal tribunal are each entitled to be represented by counsel.

**(2)** If an issue at an appeal concerns

- (a) a matter of importance to a professional regulatory organization, or

- (b) the interpretation of this Act or the regulations, bylaws, rules of professional conduct, code of ethics or practice standards,

the professional regulatory organization may be represented by counsel and may present argument at the appeal.

(3) If an appeal tribunal is receiving legal advice from counsel in the context of an appeal, that counsel must not present evidence or arguments at the appeal on behalf of the professional regulatory organization.

(4) The appeal tribunal may, after considering submissions from the parties to an appeal, direct that the appeal or any part of an appeal proceed by way of written or oral submissions, or both.

#### **Appeal is based on the record of proceedings**

**144(1)** Unless the parties to the appeal otherwise agree, an appeal must be based on

- (a) the decision of the individual or body from which the appeal is made,
- (b) the record of proceedings before that individual or body, and
- (c) any further evidence that the appeal tribunal agrees to receive.

(2) An appeal tribunal secretary must arrange for the preparation of a record of proceedings, and where the appellant is a registrant, the preparation of the record of proceedings is at the expense of the appellant.

(3) At the conclusion of the appeal hearing, if the appellant is successful in whole or in part, the appeal tribunal may make an award reimbursing the appellant for a portion or all of the costs of preparing the record of proceedings referred to in subsection (2).

(4) In proceedings under this Part,

- (a) an appeal tribunal, in addition to the authority it has under this Part, has the authority of a discipline tribunal under Part 8, and

- (b) without limiting clause (a), if an appeal tribunal agrees to receive further evidence,
  - (i) the appeal tribunal has the same authority as a discipline tribunal under section 116,
  - (ii) an appeal tribunal secretary has the same authority to issue notices to attend and produce records, information, substances or things as a discipline tribunal secretary under section 118 and may issue those notices at the request of any party to the appeal,
  - (iii) the provisions that apply under Part 8 respecting the compellability of witnesses, the protection provided to them, the proceedings that may be taken for civil contempt, confidentiality and inadmissibility of disclosure provided in the course of a hearing also apply to proceedings under this Part, and
  - (iv) the complaints inquiry committee or an investigated party may make an application under section 119.

**(5)** Questions of procedure arising after an appeal tribunal has been convened but before the commencement of an appeal hearing may be decided by the appeal tribunal or the appeal tribunal chair, as determined by the appeal tribunal after considering any process established by the bylaws.

**(6)** For the purposes of subsection (5), both the determination of who will decide the question of procedure and the decision respecting the question of procedure are final.

**(7)** All questions of procedure arising in the course of an appeal hearing are to be determined by the appeal tribunal chair after considering any process established by the bylaws, and the decision of the appeal tribunal chair is final.

#### **Communication to appeal tribunal**

**145(1)** All written communication to an appeal tribunal must be sent to its appeal tribunal secretary, who must provide copies of the written communication to the other parties and the appeal tribunal members.

**(2)** Except in accordance with subsection (1), parties, representatives, witnesses and complainants may not communicate

with an appeal tribunal or any of its members concerning the subject-matter of a hearing except

- (a) in the presence of all parties or their representatives, or
- (b) as permitted by this Act or the bylaws.

#### **Appeal tribunal decisions**

**146(1)** An appeal tribunal may quash, confirm, vary or reverse all or any part of a decision of the individual or body from which the appeal was made, make any finding, decision or order that in its opinion the individual or body ought to have made or refer the matter back to the same or another individual or body, with or without directions.

**(2)** Within a reasonable time after the conclusion of proceedings before it, an appeal tribunal must make a written decision on the appeal, giving reasons for its decision.

**(3)** A member of an appeal tribunal may issue a written dissent disagreeing in whole or in part with a decision of the tribunal, and the dissent forms part of the tribunal's decision.

**(4)** If an appeal tribunal decides that an appeal of a decision referred to in section 109 that is filed by a registrant is

- (a) trivial,
- (b) entirely without merit, or
- (c) was made in bad faith for an improper purpose or motive,

the appeal tribunal may order that registrant to pay to a professional regulatory organization any or all of the costs for the indemnification of the professional regulatory organization relating to the review of the complaint, any investigation, the proceedings under this Part and any other costs associated with the complaint inquiry process or appeal tribunal hearing, including legal expenses and lawyer's fees.

**(5)** In the case of an appeal arising out of Part 5 or Part 7, if the appellant is a registrant and the appeal tribunal confirms the decision under appeal, in whole or in part, the appeal tribunal may make an award of costs for the indemnification of the professional

regulatory organization, including legal expenses and lawyer's fees, in accordance with the bylaws.

**(6)** In the case of an appeal by an investigated party, unless the investigated party is successful in all aspects of the appeal, the appeal tribunal may order the investigated party to pay all or any part of the reasonable costs for the indemnification of the professional regulatory organization for the costs relating to the appeal by the investigated party, including legal expenses and lawyer's fees, in accordance with the bylaws.

**(7)** If an adjournment is sought, the appeal tribunal may order the party seeking the adjournment to pay costs of the adjournment in accordance with the bylaws, unless the party seeking the adjournment is the CIC chair, the registrar or a committee of a professional regulatory organization.

**(8)** An appeal tribunal secretary must, within a reasonable time after receiving an appeal tribunal's final decision or any interim decisions,

- (a) serve a copy of the decision on the parties and every other person represented at the appeal hearing and, in the case of a final decision, provide notice to the investigated party of the right to appeal, if any, under section 152,
- (b) serve a copy of the decision on the CIC chair, and
- (c) send a copy of the decision to the complainant, if applicable.

#### **Publication of decisions**

**147(1)** When an appeal tribunal makes a final decision arising from the decision of a discipline tribunal, an appeal tribunal secretary must publish the final decision, or a summary of it, in accordance with the bylaws, to provide notice of the final decision to any person to which notice of the decision of the discipline tribunal was provided in accordance with section 128.

**(2)** A decision of an appeal tribunal, or a summary of it, must be published immediately following the decision of the appeal tribunal, along with the status of any appeal if an appeal has been commenced in accordance with section 152.

### **Appeal records to be retained**

**148(1)** An appeal tribunal must send to an appeal tribunal secretary its decision and all exhibits entered as evidence at the proceedings.

**(2)** An investigated party and the CIC chair may examine and obtain, at their own expense, a copy of a record of proceedings.

**(3)** An appeal tribunal secretary must take reasonable steps to preserve the confidentiality of the portion of a record of proceedings entered during a portion of an appeal hearing that is private in accordance with section 156 and any portion of the written decision relating to a private portion of an appeal hearing.

**(4)** No decision or record of proceedings received by an appeal tribunal secretary may be disposed of except in accordance with the bylaws.

### **Stay pending appeal**

**149(1)** If an appeal tribunal suspends or cancels the registration or evidence of professional practice, if any, of a registrant or imposes a condition or restriction on the registrant, the decision takes effect immediately.

**(2)** If a decision referred to in subsection (1) is appealed to the Court of Appeal, the decision remains in effect until the Court of Appeal makes a decision on the appeal unless a judge of the Court of Appeal stays the decision.

**(3)** If an appeal tribunal makes an order other than

- (a) the suspension or cancellation of registration and evidence of professional practice, if any, or
- (b) an order that imposes a condition or restriction on the registrant,

the order takes effect only after all rights of appeal have been exhausted unless the appeal tribunal otherwise directs, but subject to any direction of a judge of the Court of Appeal.

**(4)** If an appeal tribunal decision comes into effect immediately, the appellant, after commencing an appeal to the Court of Appeal, may apply to a judge of the Court of Appeal for a stay of the order for the period and on the conditions specified by the judge.



(5) The decision of an appeal tribunal must be published in accordance with section 147 even if an order of the appeal tribunal is stayed pending appeal.

**Ability to rehear**

**150** On application by an investigated party or a complaints inquiry committee, an appeal tribunal list chair may convene or reconvene an appeal tribunal to rehear a matter appealed under section 133 if the chair is satisfied that new, relevant and persuasive evidence respecting a matter previously heard by the tribunal requires a partial or full rehearing.

**Finality of appeal tribunal decisions**

**151** Except as otherwise provided in section 152,

- (a) the decision of an appeal tribunal is final, and
- (b) no decision of an appeal tribunal may be questioned, reviewed, restrained or removed by prohibition, injunction, certiorari or any other process or proceeding in a court.

**Division 2  
Appeal to the Court of Appeal**

**Appeal to the Court of Appeal**

**152(1)** An appeal from an appeal tribunal's final written decision regarding

- (a) a decision of a discipline tribunal, or
- (b) a decision of the CIC chair under Part 9

lies to the Court of Appeal.

(2) An appeal under subsection (1)(a) may be made only by the complaints inquiry committee or an investigated party, and they are the parties to the appeal.

(3) An appeal under subsection (1)(b) may be made only by the CIC chair or a registrant who is the subject of a decision of an appeal tribunal, and they are the parties to the appeal.

(4) An appeal to the Court of Appeal must

- (a) be commenced within 30 days after service on the appellant of a decision of an appeal tribunal, and
- (b) be commenced by
  - (i) filing a copy of a notice of appeal with the Registrar of the Court of Appeal, and
  - (ii) serving a copy of the notice on
    - (A) the professional regulatory organization of the appeal tribunal, or
    - (B) the investigated party or the registrant that a decision of the CIC chair under Part 9 relates to, as the case requires.

**Appeal on record**

**153(1)** Unless otherwise agreed to by the parties, an appeal to the Court of Appeal must be based on

- (a) in the case of an appeal in respect of a discipline hearing, the record of proceedings before the discipline tribunal and the appeal tribunal and the decisions of the discipline tribunal and the appeal tribunal, or
- (b) in the case of an appeal relating to a decision made under Part 9, the record of proceedings before the CIC chair and the appeal tribunal and the decisions of the CIC chair and the appeal tribunal,

all of which must be certified by an appeal tribunal secretary.

**(2)** An appeal tribunal secretary, at the expense of an appellant, must arrange for the preparation of the record of proceedings referred to in subsection (1).

**(3)** If part of any proceedings before a discipline tribunal or appeal tribunal was held in private, an appeal tribunal secretary must ensure that the portion of the record of proceedings that relates to that part of the proceedings is sealed.

**(4)** The part of a record of proceedings that is sealed under subsection (3) may be reviewed by the Court of Appeal, and the

Court of Appeal may direct that it remain sealed or that it be unsealed in whole or in part.

**Power of Court of Appeal**

**154(1)** The Court of Appeal on hearing an appeal may

- (a) make any finding that in its opinion should have been made,
- (b) quash, confirm or vary any finding, decision or order of an appeal tribunal or any part of it, or
- (c) refer the matter back,
  - (i) in the case of an appeal relating to the decision of a discipline tribunal, to a discipline tribunal or an appeal tribunal, or
  - (ii) in the case of a decision by the CIC chair under Part 9, to the CIC chair or an appeal tribunal

for further consideration in accordance with any direction of the Court of Appeal.

**(2)** The Court of Appeal may make any costs award that it considers appropriate.

**Division 3  
Court Enforcement of Decisions**

**Court enforcement of decisions**

**155(1)** A professional regulatory organization may apply to the Court of Queen's Bench to enforce a decision made

- (a) by a discipline tribunal or appeal tribunal, or
- (b) by the CIC chair under Part 9.

**(2)** The application may be made only after notice has been served on the person against whom enforcement of the decision is sought in accordance with the *Alberta Rules of Court* (AR 124/2010) and must be accompanied with the original decision or a certified copy of it.

**(3)** The Court of Queen’s Bench must give a judgment enforcing the decision unless

- (a) the period for commencing an appeal has not yet expired, or
- (b) an appeal is pending.

**(4)** In giving a judgment under subsection (3), the Court of Queen’s Bench may

- (a) vary any order, direction, condition or restriction contained in the decision, or
- (b) make such further order that the Court of Queen’s Bench considers necessary

to ensure that effect is given to the decision.

**(5)** The Court of Queen’s Bench has the same powers with respect to the enforcement of decisions of discipline tribunals, appeal tribunals or CIC chairs as it has with respect to the enforcement of its own judgments.

## **Part 11 Other Matters**

### **Confidentiality**

**156(1)** Except as otherwise provided in this Act, the regulations, bylaws, rules of professional conduct, codes of ethics or practice standards or an order of a court, any information acquired by a professional regulatory organization under Parts 5 and 7 to 10 respecting a registrant or former registrant, the client of a registrant or former registrant or any other person is confidential information.

**(2)** A person exercising a power, performing a duty or fulfilling a function under this Act who receives or has knowledge of confidential information shall not publish, release or disclose, and may not be required to publish, release or disclose, that information except

- (a) as authorized by this Act or the regulations, bylaws, rules of professional conduct, code of ethics or practice standards applicable to the professional regulatory organization or an order of a court, or

(b) with the consent of the person to whom the information relates.

(3) Notwithstanding subsection (2), a person exercising a power, performing a duty or fulfilling a function under this Act who receives or has knowledge of confidential information may disclose the confidential information within a professional regulatory organization for the proper administration of the person's powers, duties or functions.

(4) Where information subject to a solicitor-client privilege is voluntarily disclosed under this Act, the disclosure of that privileged information does not waive or negate any privilege attached to that information, and the privilege continues for all other purposes.

#### **Commissioners for oaths**

**157** The following individuals have the power of a commissioner for oaths under the *Notaries and Commissioners Act* in the course of administering or conducting proceedings or performing their duties under this Act:

- (a) investigators;
- (b) members of complaints inquiry committees;
- (c) members of discipline tribunals and appeal tribunals;
- (d) members of practice review committees;
- (e) practice reviewers;
- (f) registrars;
- (g) members of registration committees;
- (h) CIC secretaries, discipline tribunal secretaries and appeal tribunal secretaries;
- (i) professional governance officers.

#### **Public and private proceedings**

**158(1)** Meetings of complaints inquiry committees must be held in private.

**(2)** Subject to subsection (3),

- (a) all meetings of a governing body are open to registrants and non-regulated members of its professional regulatory organization, and
- (b) all hearings before a discipline tribunal or an appeal tribunal are open to the public.

**(3)** If a governing body, registration committee, practice review committee, discipline tribunal or appeal tribunal considers that

- (a) a matter involves public security,
- (b) a matter involves records, information, substances or things that are the subject of solicitor-client privilege, or
- (c) it is necessary to prevent the disclosure of intimate financial, personal, commercial or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open meeting or hearing or a public record of proceedings,

then the body concerned

- (d) must conduct all or any part of the meetings or hearings in private, and
- (e) may do anything it considers necessary or direct anything to be done
  - (i) to keep a decision or record of proceedings secure and confidential, and
  - (ii) to protect confidentiality and preserve privilege in a decision or record of proceedings.

**(4)** Nothing in subsection (3) prevents a professional regulatory organization from disclosing or publishing or posting the name of a registrant where the meeting or hearing is held wholly or partly in private.

**(5)** Subject to subsection (3), a complainant is entitled to observe the hearing of a discipline tribunal or appeal tribunal dealing with the complainant's complaint but is not entitled to participate, except as a witness if so called, and in that event is permitted to

observe the hearing only after giving evidence unless the tribunal otherwise directs.

**Records, information, substances or things obtained in the course of proceedings**

**159** Any records, information, substances or things provided in the course of proceedings to a complainant, registrant, former registrant or witness are confidential and may not be used by the complainant, registrant, former registrant or witness in any action, matter or proceeding other than under this Act

- (a) without the written consent of the person who provided the records, information, substances or things, the registrant or former registrant the proceedings relate to and the complainant, or
- (b) in accordance with a court order.

**Duty to report**

**160** A registrant who has reasonable grounds to believe that another registrant of the same professional regulatory organization

- (a) is engaged in unprofessional conduct,
- (b) is engaged in the practice of the regulated profession in a manner that may pose a risk of significant harm to life, health, the environment, the property or economic interests of the public or the health or safety of the public, or
- (c) has been charged with or convicted of an indictable offence

must promptly report their belief and the grounds for their belief to a CIC secretary of the professional regulatory organization.

**Reporting by registrants**

**161(1)** If a person is a registrant of more than one professional regulatory organization and a professional regulatory organization makes a finding that a registrant has engaged in unprofessional conduct, the registrant must, as soon as reasonably possible, report that finding and provide a copy of the decision containing the

finding, if any, to a CIC secretary of any other professional regulatory organization of which the person is a registrant.

(2) A registrant must report any finding of unprofessional conduct made against the registrant to a CIC secretary referred to in subsection (1) in writing as soon as reasonably possible after the finding is made.

### **Complaints to Ombudsman**

**162(1)** Any person may make a complaint in respect of matters under this Act in accordance with the *Ombudsman Act*.

(2) A professional regulatory organization, governing body, committee, registrar or other person appointed by a professional regulatory organization under this Act may, on the recommendation of the Ombudsman,

- (a) rehear any matter and reconsider any decision or recommendation made by that person or body, and
- (b) quash, confirm or vary the decision or recommendation or any part of it

and may, in its decision or otherwise, explain the reason for rehearing the matter or reconsidering the decision and quashing, confirming or varying the decision or recommendation.

(3) If a matter is reheard or reconsidered under subsection (2), the provisions of this Act governing the original hearing or consideration apply to the rehearing or reconsideration.

### **Protection against compulsory testimony**

**163(1)** Subject to subsection (2), the Minister, a professional governance officer or a person acting on behalf of or under the direction of the Minister or a professional governance officer shall not be compelled to give evidence or to produce documents in any court or action about the reasons of the Minister or professional governance officer for reaching a conclusion or making a decision in the performance of the powers, duties and functions of the Minister or the professional governance officer under this Act.

(2) The Minister, a professional governance officer or a person acting on behalf of or under the direction of the Minister or a professional governance officer shall comply with the requirements



of the *Alberta Rules of Court* (AR 124/2010) respecting a Notice to Obtain Record of Proceedings in judicial review.

(3) In this section, “action” and “court” have the same meaning as in the *Alberta Evidence Act*.

### **Protection from legal proceedings**

**164(1)** No legal proceeding may be brought or maintained against any of the following in respect of anything done or omitted to be done in good faith under this Act, the regulations, a bylaw, rules of professional conduct, a code of ethics, practice standards or any direction of a governing body:

- (a) a professional regulatory organization or a person who is or was an officer, employee or agent of a professional regulatory organization;
- (b) a governing body, committee, tribunal, joint committee, joint tribunal, panel or task force, or a person who is or was a member of a governing body, committee, tribunal, joint committee, joint tribunal, panel or task force;
- (c) any person exercising powers or duties under Part 8 or 10, including a CIC secretary, CIC chair, discipline tribunal secretary, discipline tribunal list chair, discipline tribunal chair, appeal tribunal secretary, appeal tribunal list chair, appeal tribunal chair and members of the complaints inquiry committee, of a discipline tribunal or of an appeal tribunal;
- (d) a mediator or any other person who is conducting or who has conducted an alternative complaint resolution process under this Act or who is assisting or has assisted in the resolution of a complaint under section 99;
- (e) an investigator, or any person who is conducting or who has conducted an investigation under this Act;
- (f) the registrar or member of the registration committee;
- (g) a practice reviewer or member of a practice review committee;

- (h) a member of a competence committee, or a person who performs a role relating to a continuing competence program;
- (i) a person who acts on the instructions of or under the supervision of a person referred to in clauses (a) to (h).

**(2)** No action for defamation may be founded on a communication regarding the conduct of a registrant or a former registrant if the communication is made or published in good faith in accordance with this Act or the regulations, bylaws, rules of professional conduct, code of ethics or practice standards by a person or body referred to in subsection (1).

**(3)** Notwithstanding any other Act or law, no person who is or was within any of the classes of person referred to in subsection (1) may be required in any action or proceedings other than proceedings under this Act or a prosecution under this Act to give evidence relating to any matter that arose in any proceedings under this Act, or to produce any records, information, substances or things adduced in evidence in proceedings under this Act or forming part of the records of a professional regulatory organization that relate to the conduct of a registrant or former registrant.

**(4)** No action or other proceeding may be commenced against

- (a) the Minister,
- (b) a professional governance officer, or
- (c) a person acting under the authority of the Minister or a professional governance officer

in respect of anything done or omitted to be done in good faith in the exercise or purported exercise of a power or the performance or purported performance of a power, duty or function under this Act.

**(5)** Any protection from liability or from giving evidence under any former Act continues as if that Act had not been repealed.

**(6)** Subsections (1) to (5) do not operate to restrict or abrogate from any immunity or protection that is otherwise provided by law to a person within any of the classes of person referred to in subsections (1) to (5) or to any other person.

#### **Prohibition on municipal licences**

**165** No municipality or Metis settlement has the power to require a registrant to obtain a licence or other authorization from the municipality or Metis settlement to engage in or carry on practice in a profession regulated under this Act.

#### **Restrictions on non-regulated membership**

**166(1)** A non-regulated member of a professional regulatory organization has no right by virtue of that membership to

- (a) use a restricted title reserved for registrants,
- (b) engage in a restricted activity reserved for registrants, or
- (c) engage in any activity that falls within the exclusive scope of practice reserved for registrants,

unless otherwise prescribed in the regulations.

**(2)** If an individual is required to register in a professional regulatory organization under a provision in the regulations, non-regulated membership does not fulfill that requirement.

#### **Writing includes electronic means**

**167(1)** Subject to subsection (2), if anything in this Act, the regulations or the bylaws is required

- (a) to be “written”, or “in writing” or similar words, it may be done by way of electronic means, and
- (b) to be signed, it may be signed by electronic signature,

in accordance with the *Electronic Transactions Act*.

**(2)** If the bylaws, rules of professional conduct, code of ethics or practice standards of a professional regulatory organization prohibit the use of electronic means or an electronic signature entirely or in certain circumstances, subsection (1) does not apply to that professional regulatory organization in those circumstances.

#### **Electronic delivery of notices**

**168(1)** Subject to subsection (2), a notice or document required to be sent or delivered under this Act, the regulations or the bylaws,

rules of professional conduct, code of ethics or practice standards of a professional regulatory organization may be sent by electronic means in accordance with the provisions of the *Electronic Transactions Act*.

(2) If the regulations or the bylaws, rules of professional conduct, code of ethics or practice standards of a professional regulatory organization prohibit the sending or delivery of a notice or document electronically entirely or in certain circumstances, subsection (1) does not apply to that professional regulatory organization in those circumstances.

#### **Maintenance of records through electronic means**

**169(1)** Subject to subsection (2), where this Act, the regulations or the bylaws, rules of professional conduct, code of ethics or practice standards of a professional regulatory organization authorize or require that the professional regulatory organization create, collect, receive, use, store, transfer, disclose, distribute, publish or otherwise deal with information and records, it has the power to do so electronically in accordance with the *Electronic Transactions Act*.

(2) If the regulations or the bylaws, rules of professional conduct, code of ethics or practice standards of a professional regulatory organization prohibit the use of electronic means for any or all of the actions referred to in subsection (1), that action must be done in accordance with the regulations, bylaws, rules of professional conduct, code of ethics or practice standards of the professional regulatory organization, as the case may be.

#### **Virtual meetings**

**170(1)** A meeting of a governing body, committee, tribunal, joint committee, joint tribunal, panel, task force or any other body of a professional regulatory organization may be conducted by means of electronic or other communication methods if the methods enable all the meeting's participants to watch or hear each other.

(2) Any notice required to be given of a meeting held by electronic or other communication methods must state the electronic or other communication methods by which the meeting is to be held and give the information necessary for the participants and observers, if any are permitted, to access the meeting.

**(3)** A hearing of a discipline tribunal under Part 8 or an appeal tribunal under Part 10 may be held by electronic or other communication methods if

- (a) the parties consent, or
- (b) if, in the opinion of the discipline tribunal list chair or appeal tribunal list chair, as the case may be, the hearing can be held effectively by electronic or other communication methods and holding such a hearing would not give rise to unfairness for any of the parties to a discipline tribunal hearing or an appeal tribunal hearing.

**(4)** Despite a consent under subsection (3)(a) or a determination of a discipline tribunal list chair or appeal tribunal list chair under subsection (3)(b), the chair of a discipline tribunal or appeal tribunal may, at any time after notice of a discipline tribunal hearing or notice of appeal tribunal hearing is issued, determine that the whole or part of the hearing is to be held in person if it is necessary to ensure an effective and fair hearing.

**(5)** A professional regulatory organization must make and adopt bylaws respecting the holding of meetings and hearings by electronic or other communication methods.

#### **Service of documents**

**171(1)** When this Act, the regulations or the bylaws require that a document or notice be served on any person, the document or notice is properly served

- (a) if it is served
  - (i) personally on that person or sent by registered mail or courier to the address last shown for that person on the information or records maintained by the applicable professional regulatory organization,
  - (ii) in accordance with any written agreement made with that person, which may include such methods as service by email or other electronic means, or
  - (iii) on the person's legal representative,

or

- (b) when service under clause (a) is not reasonably possible, by
  - (i) publishing the document on the website of the professional regulatory organization, or
  - (ii) serving the person by email or other electronic means if the sender has proof of having electronically sent the document or notice to the person.

**(2)** The Court of Queen’s Bench, on application, may dispense with any notice or the service of any document or specify an alternative method of service if it considers it appropriate to do so.

#### **Records retention**

**172(1)** A professional regulatory organization must keep, for at least 10 years, records relating to

- (a) registration applications, including the results of those applications,
- (b) competence, including records relating to
  - (i) a registrant meeting or failing to meet competence requirements or continuing competence requirements, and
  - (ii) the participation of a registrant in a continuing competence program,
- (c) practice reviews and the results of a practice review,
- (d) complaints inquiry processes and the results of those processes,
- (e) settlement agreements, sanction agreements and admissions of unprofessional conduct,
- (f) incapacity assessments and related reports and decisions,
- (g) discipline and appeal proceedings and hearings, including related court matters, and
- (h) any other information required by the regulations or bylaws.

(2) Without limiting the generality of subsection (1), a professional regulatory organization must maintain complete applications for registration for the time period prescribed by the bylaws.

#### **Website**

**173(1)** A professional regulatory organization must establish, maintain and administer a website that is accessible by registrants and the public at no charge.

(2) A professional regulatory organization must post information on the website as required under this Act, the regulations and the bylaws.

(3) A professional regulatory organization must have a process to correct or remove any registrant information on its website that is not accurate or that is incomplete.

(4) A professional regulatory organization may disregard a request for a correction or removal of information from the website if, in the opinion of the professional regulatory organization, the request is made to harass the professional regulatory organization or any other person or impede the professional regulatory organization's operations.

## **Part 12 Offences and Penalties**

#### **Offences and penalties**

**174(1)** A person who contravenes any of the following is guilty of an offence:

- (a) section 82;
- (b) section 84(6);
- (c) section 156(2);
- (d) section 178;
- (e) section 180;
- (f) section 181;
- (g) section 182;

- (h) section 183;
- (i) section 184;
- (j) section 185;
- (k) section 186.

**(2)** A person who contravenes any mandatory registration requirements prescribed in accordance with this Act or the regulations is guilty of an offence.

**(3)** A person who contravenes or fails to comply with a regulation under this Act, if the regulation specifies that it is an offence to contravene or fail to comply with the regulation, is guilty of an offence.

**(4)** An individual that is guilty of an offence under subsection (1), (2) or (3) is liable

- (a) for a first offence, to a fine of not more than \$5000,
- (b) for a 2nd offence, to a fine of not more than \$10 000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$20 000, or for a term of not more than 6 months' imprisonment, or both.

**(5)** A business entity that is guilty of an offence under subsection (1), (2) or (3) is liable

- (a) for a first offence, to a fine of not more than \$25 000,
- (b) for a 2nd offence, to a fine of not more than \$50 000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$100 000, or for a term of not more than 6 months' imprisonment, or both.

**(6)** A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.



**Burden of proof**

**175** In a prosecution under this Act, any burden of proving that an individual or business entity is a registrant or former registrant is on the accused.

## **Part 13 Practice and Business Arrangements**

**Practice arrangements**

**176(1)** Subject to this Act, the regulations and the bylaws, rules of professional conduct, code of ethics and practice standards of a professional regulatory organization, an individual registrant may provide professional services in or through any practice arrangement.

**(2)** An individual registrant is responsible for how the individual registrant provides professional services and complies with this Act, the regulations and the bylaws, rules of professional conduct, code of ethics and practice standards of a professional regulatory organization and that responsibility is not affected, modified or diminished by the practice arrangement in which the individual registrant practises.

**(3)** Nothing in this Act or the regulations affects, modifies or limits any law or practice applicable to the fiduciary, confidential or ethical relationship between an individual registrant and a person receiving the professional services of the registrant.

**(4)** The relationship between a business entity providing professional services and a person receiving the professional services of the business entity is subject to all applicable law and practice relating to the confidential and ethical relationships between an individual registrant and the person receiving the professional services of an individual registrant.

**(5)** The rights and obligations pertaining to communications made to, or information received by, a registrant apply to the shareholders, partners, directors, officers and employees of a business entity and the participants in a practice in association.

**Authority respecting business arrangements**

**177(1)** A professional regulatory organization has no authority to register business entities as business registrants unless

- (a) the Minister has, by regulation, authorized the professional regulatory organization to register business entities as registrants, and
  - (b) the governing body has made and adopted the bylaws required under sections 209 and 219.
- (2) If a professional regulatory organization is authorized to register business entities as business registrants, it may only register the class or classes of business entities specified in the regulations.
- (3) If a professional regulatory organization is authorized to register professional corporations then, despite anything to the contrary in the *Business Corporations Act*, every voting shareholder of a professional corporation is liable to the same extent and in the same way as if the shareholder were, during that time, carrying on the business of the professional corporation as a partnership or, if there is only one voting shareholder, as an individual conducting the practice of the profession.

## **Part 14 Practice Prohibitions and Restricted Titles**

### **Division 1 Practice Prohibitions**

#### **General prohibition of practice**

**178** Except as otherwise provided in this Act, the regulations or the bylaws, no person shall

- (a) engage in the provision of a service that is part of an exclusive scope of practice, or
- (b) perform a restricted activity.

#### **Prohibited use of stamp or seal**

**179(1)** A professional regulatory organization may not issue a stamp, seal or engraving as evidence of registration or evidence of professional practice unless permitted to do so in accordance with this section.

(2) The Minister may make regulations authorizing and respecting the use of stamps, seals and engravings by registrants of a professional regulatory organization.

(3) If the Minister has authorized the use of stamps, seals and engravings by registrants of a professional regulatory organization, the governing body of that professional regulatory organization may make bylaws respecting the use of stamps, seals and engravings by the registrants of the professional regulatory organization.

(4) A registrant that is granted the authority to use a stamp, seal or engraving shall not use that stamp, seal or engraving, or allow that stamp, seal or engraving to be used, except in accordance with the regulations and bylaws.

**Practice prohibition while suspended or cancelled**

**180(1)** Unless a complaints inquiry committee or a discipline tribunal otherwise permits, no registrant shall engage in the practice of a regulated profession with

- (a) a person whose registration under this Act is suspended, or
- (b) a former registrant whose registration was cancelled because of disciplinary proceedings conducted
  - (i) under this Act or a former Act, or
  - (ii) under legislation governing any organization outside Alberta that regulates the practice of the profession and that is recognized by a governing body in accordance with the bylaws.

(2) Permission under subsection (1) may be made subject to the terms, conditions and restrictions set by the complaints inquiry committee or discipline tribunal.

**Obstruction**

**181** No person shall knowingly

- (a) obstruct or interfere with a registrant's compliance with section 35, or

- (b) request or permit a registrant to contravene or not to comply with section 35 or assist a registrant in contravening or not complying with section 35.

## **Division 2**

### **Restricted Titles and Misrepresentation**

#### **Use of restricted titles**

**182(1)** No person shall use any restricted title, alone or in combination with any name, description, abbreviation, initials, letter or symbol, except in accordance with this Act, the regulations and the bylaws.

**(2)** No person shall use any restricted title, alone or in combination with any name, description, abbreviation, initials, letter or symbol, in a manner that states or implies that the person is authorized to use the restricted title unless they are so authorized by the regulations and bylaws.

#### **Specialist**

**183** No person shall

- (a) use the term “specialist”, or
- (b) hold themselves out to be a specialist

in connection with providing a professional service in a profession regulated under this Act except in accordance with the regulations and bylaws.

#### **Student**

**184** A student who is enrolled in a program that, in the opinion of the registrar or registration committee, is a program to train persons to provide professional services in a profession regulated under this Act may only use a restricted title, alone or in combination with any name, description, abbreviation, initials, letter or symbol, or the word “student”, while undertaking activities related to the regulated profession in accordance with the regulations and bylaws.

#### **Misrepresenting as a professional regulatory organization**

**185(1)** No individual or group of individuals other than a professional regulatory organization shall use the full or

abbreviated name of a professional regulatory organization or a former professional regulatory organization, alone or in combination with other words, in a manner that states or implies that the individual or group of individuals is a professional regulatory organization under this Act or a former Act unless the person or group of persons is the professional regulatory organization.

**(2)** No business entity shall use the name of a professional regulatory organization or a former professional regulatory organization, alone or in combination with other words, in a manner that states or implies that the business entity is a professional regulatory organization under this Act or a former Act unless the business entity is the professional regulatory organization.

**(3)** Without limiting subsections (1) and (2), no person or group of persons shall use the name of a professional regulatory organization, the name of a former professional regulatory organization or the words “registered”, “regulated”, “registered professional”, “regulated professional”, “regulated member”, “regulated business” or “business registrant” alone or in connection with other words in a manner that states or implies that the person or group of persons are either a professional regulatory organization or a former professional regulatory organization under this Act or a former Act unless the person or group of persons is a professional regulatory organization under this Act.

#### **Misrepresentation of registrant status**

**186** No person or group of persons shall represent or imply that they are a registrant or a group of registrants unless they are a registrant or group of registrants under this Act.

#### **Misrepresentation**

**187(1)** A professional regulatory organization may publish, in any manner it considers appropriate, that a person or group of persons

- (a) is not a professional regulatory organization, a registrant or a former professional regulatory organization, or
- (b) is not entitled to use a restricted title, or any name, description, abbreviation, initials, letter or symbol alone or in combination with a restricted title.

(2) A registrant must not engage in advertising that is untruthful, inaccurate or otherwise capable of misleading or misinforming the public.

### **Injunction**

**188(1)** The Court of Queen’s Bench, on application by a professional regulatory organization, may

- (a) grant an injunction prohibiting any person from doing any act that contravenes this Act, even if other proceedings may be taken and sanctions may be imposed for that contravention under this Act,
- (b) grant an injunction enjoining any person from undertaking any activity that constitutes part of an exclusive scope of practice or restricted activity unless and until that person fulfills the registration requirements for engaging in that practice or activity,
- (c) grant an injunction enjoining any person from using a restricted title, alone or in combination with any name, description, abbreviation, initials, letter or symbol, and
- (d) make an order requiring or directing a person to take some action in order to comply with this Act or to rectify any contravention of this Act.

(2) With the permission of the Court of Queen’s Bench, a professional regulatory organization’s application may be made without notice to the person concerned.

(3) A professional regulatory organization may publish, in any manner it considers appropriate, that an injunction or order has been granted under subsection (1).

## **Part 15 Ministerial and Regulation-making Authorities**

### **Costs**

**189** The Minister may make orders respecting the fees and other costs to be paid by a professional regulatory organization, including

- (a) respecting an application to become designated as a professional regulatory organization,
- (b) respecting an application to change the regulatory model of a professional regulatory organization,
- (c) respecting an application to change the name of a professional regulatory organization,
- (d) respecting an application for amalgamation, and
- (e) respecting annual registration.

### **Profession-specific bylaws**

**190** The Minister may make regulations authorizing a professional regulatory organization to make bylaws relating to any matter if the Minister is of the opinion that authorizing the professional regulatory organization to make those bylaws is necessary or appropriate to effectively carry out the purposes of this Act.

### **Minister disallowance of bylaws, rules of professional conduct, codes of ethics or practice standards**

**191** If the Minister considers it necessary or advisable to do so, the Minister may, by order,

- (a) require a professional regulatory organization's governing body to amend a bylaw, the rules of professional conduct, the code of ethics or the practice standards within a specified time period, or

- (b) disallow, in whole or in part, a bylaw, the rules of professional conduct, the code of ethics or the practice standards

to conform with this Act or the regulations.

#### **Ministerial oversight**

**192(1)** If, in the opinion of the Minister, it is in the public interest or in the interest of public safety, the Minister may, after the Minister has consulted with a professional regulatory organization, by order, direct its governing body to do any one or more of the following:

- (a) adopt rules of professional conduct, a code of ethics or practice standards or adopt amendments to rules of professional conduct, a code of ethics or practice standards as set out in the order;
- (b) make, amend or repeal any bylaws that the governing body may make, as set out in the order;
- (c) carry out any power, duty or function of a governing body under this Act or the regulations in the manner set out in the order.

**(2)** Notwithstanding the bylaws of a professional regulatory organization, the Minister may, in an order under subsection (1), provide for the procedure to be followed in developing, proposing, amending, consulting on and reviewing a bylaw, rules of professional conduct, a code of ethics or practice standards.

**(3)** A governing body must, within 30 days of being given a copy of an order under this section, or any other time period set out in the order, comply with an order made under this section.

**(4)** If a professional regulatory organization's governing body does not comply with a Minister's order under subsection (1), the Minister may, by order,

- (a) adopt rules of professional conduct, a code of ethics or practice standards for the professional regulatory organization, or adopt amendments to the rules of professional conduct, code of ethics or practice standards of the professional regulatory organization,



- (b) make, amend or repeal any bylaws that the governing body may make, or
- (c) carry out any power, duty or function of the governing body.

### **Ministerial Regulations**

#### **General regulations**

**193(1)** The Minister may make regulations

- (a) exempting a professional regulatory organization or a category or class of registrants from the application of some or all of the provisions of this Act, with or without conditions;
- (b) respecting any matter or thing not provided for in this Act or insufficiently provided for in this Act as is considered advisable by the Minister to carry out the purposes of this Act.

**(2)** The authority to make a regulation under this Act includes the authority to specify that a contravention of or a failure to comply with the regulation is an offence.

#### **Ministerial regulations re definitions**

**194** The Minister may make regulations

- (a) defining words or expressions used but not defined in this Act;
- (b) defining categories and classes of registrants of a professional regulatory organization.

#### **Ministerial regulations re applications, inspections and designation reviews**

**195** The Minister may make regulations

- (a) respecting the designation of professional governance officers, including the requirements for designation and the powers, duties and functions of the position;
- (b) respecting applications for

- (i) designation as a professional regulatory organization,
- (ii) a change in a professional regulatory organization's regulatory model,
- (iii) a change in a professional regulatory organization's name, and
- (iv) amalgamation,
  - including respecting application processes, application forms and requirements for applications and the publication of such information;
- (c) respecting criteria to evaluate whether
  - (i) a professional association should be designated as a professional regulatory organization,
  - (ii) the regulatory model of a professional regulatory organization should be changed,
  - (iii) one or more amalgamation applicants should be amalgamated into a single professional regulatory organization, or
  - (iv) the name of a professional regulatory organization should be changed;
- (d) respecting inspections under section 16;
- (e) respecting criteria that must be considered in the context of a designation review.

**Ministerial regulations re governance and accountability**

**196** The Minister may make regulations

- (a) prescribing general powers, duties and functions for professional regulatory organizations and governing bodies, and for the registrant and public members of a governing body or a committee or tribunal of the governing body;
- (b) respecting the powers, duties and functions of a competence committee;

- (c) respecting public members of a governing body, committee or tribunal, including respecting their appointment, eligibility requirements and conflicts of interest;
- (d) prescribing criteria for bylaws;
- (e) respecting the form of, content of and other requirements for the rules of professional conduct, code of ethics and practice standards of a professional regulatory organization;
- (f) respecting the form of, content of and other requirements for a professional regulatory organization's annual report;
- (g) prescribing forms for the purposes of this Act;
- (h) respecting a professional regulatory organization's website;
- (i) prescribing and respecting rules, conditions or limits relating to the advocacy role of a professional regulatory organization.

**Ministerial regulations re registration, registrants and registrant information**

**197** The Minister may make regulations

- (a) prescribing and respecting categories and classes of registrants, including the requirements to be eligible to be registered in a category or class of registrant;
- (b) respecting applications for registration, including the combination of education, experience, practice or other qualifications that demonstrates the competence required for registration as a registrant of a professional regulatory organization, and respecting the evidence required to demonstrate that a person meets these requirements;
- (c) respecting evidence of registration;
- (d) respecting the information a registrant is required to provide to a professional regulatory organization on registration or otherwise;

- (e) respecting the establishment, maintenance and administration of registers, including respecting the information and matters to be contained in registers, requirements for retaining information on former registrants and exceptions for registrants who the registrar is not required to include in a register;
- (f) respecting continuing registration, including respecting
  - (i) the cancellation or suspension of registration,
  - (ii) conditions or restrictions that may be imposed, and
  - (iii) financial penalties that may be imposed if continuing registration requirements are not met;
- (g) respecting the record that a professional regulatory organization must establish and maintain with information about each registrant as required by section 80;
- (h) respecting confidential information for the purposes of section 156;
- (i) respecting records that must be retained by a professional regulatory organization for the purposes of section 172.

**Ministerial regulations re practice review**

**198** The Minister may make regulations respecting practice review generally.

**Ministerial regulations re complaints inquiry process**

**199** The Minister may make regulations respecting the time period in which a professional regulatory organization continues to have jurisdiction with respect to a complaint relating to a former registrant whose registration has been cancelled or otherwise terminated.

**Ministerial regulations re assessing incapacity**

**200** The Minister may make regulations respecting incapacity assessments generally.

**Ministerial regulations re business entities, practice in association, practice arrangements and custodial orders**

**201** The Minister may make regulations

- (a) defining other entities as business entities for the purpose of section 1(f)(v);
- (b) specifying other practice arrangements for the purposes of section 1(qq)(x);
- (c) prescribing other circumstances that constitute practice in association for the purposes of section 1(rr)(ix);
- (d) authorizing a professional regulatory organization to register business entities as business registrants and respecting business registrants, including specifying the categories and classes of business entities eligible to be registered;
- (e) regarding the provision of services by an individual registrant through a practice arrangement;
- (f) authorizing and respecting the issuance of custodial orders by a professional regulatory organization;
- (g) respecting practice in association, practice arrangements and business registrants generally.

**Ministerial regulations re non-regulated members and specialists**

**202** The Minister may make regulations

- (a) respecting the rights of non-regulated members of a professional regulatory organization to temporarily, in exceptional circumstances,
  - (i) use a restricted title reserved for registrants,
  - (ii) engage in a restricted activity reserved for registrants, or
  - (iii) engage in any activity that falls within the exclusive scope of practice reserved for registrants;

- (b) establishing and respecting specialties and specialists, including respecting the use of a specialty title, alone or in combination with any name, description, abbreviation, initials, letter or symbol, by registrants who have met the requirements to use the title “specialist”;
- (c) authorizing a professional regulatory organization to
  - (i) establish specialties and designate specialists, and
  - (ii) authorize categories or classes of registrants to use a specialty title, alone or in combination with any name, description, abbreviation, initials, letters or symbol.

## **Part 16**

### **Bylaw-making Authorities**

#### **Consultation with Ministers required**

**203** A governing body must consult with the Minister and the Minister responsible for Parts 1 to 3 of the *Post-secondary Learning Act*, and must consider the comments received from those Ministers, before establishing or amending education or training requirements for registration as a registrant, including any educational course or program of study required for registration.

#### **Bylaws re governance and accountability**

**204(1)** A governing body must make bylaws

- (a) respecting the governance, management, carrying out and conduct of the business affairs and operations of the professional regulatory organization, including respecting the process for the governing body to make resolutions,
- (b) respecting any processes or procedures necessary to carry out the powers, duties and functions of individuals and bodies responsible for
  - (i) assessing applications for registration,
  - (ii) assessing the continuing competence of registrants,
  - (iii) conducting practice reviews,
  - (iv) conducting complaint inquiry processes,

- (v) conducting discipline and appeal tribunal proceedings, and
  - (vi) conducting incapacity assessments
- in accordance with this Act,
- (c) respecting the composition of the governing body and the method of selecting registrant and non-voting members of the governing body, including respecting
    - (i) the number of registrant members on the governing body,
    - (ii) the number of registrant members from any category or class of registrants that must be on the governing body,
    - (iii) non-voting members that may be on the governing body, and
    - (iv) any geographical representation that is required on the governing body,
  - (d) respecting the composition of the committees and tribunals of the professional regulatory organization, including respecting
    - (i) the number of registrant members on a committee or tribunal,
    - (ii) the number of registrant members from any category or class of registrants that must be on a committee or tribunal,
    - (iii) non-registrant members that may be on a committee, and
    - (iv) non-voting members that may be on a committee,
  - (e) respecting the selection, designation or appointment of, and the powers, duties and functions of, the chair, officers and other members of a committee, tribunal or other body, including respecting their terms of office, removal from office and the filling of vacancies,

- (f) respecting requirements for quorum for the governing body, and each committee, tribunal or other body established by the professional regulatory organization, and
  - (g) respecting the powers, duties and functions of the registrar and registration committee, and the division of powers, duties and functions between them.
- (2)** A governing body may make bylaws
- (a) respecting the calling and conduct of meetings of the governing body or a committee or other body of the professional regulatory organization,
  - (b) respecting consultation with registrants and non-regulated members of the professional regulatory organization, including respecting the requirements for holding, the method of holding and the conduct of membership votes,
  - (c) respecting meetings of the members of the professional regulatory organization, including quorum for those meetings,
  - (d) respecting the appointment of acting or alternative members for the governing body, a committee or other body established by the professional regulatory organization,
  - (e) respecting the appointment of non-voting members to report to a governing body, committee or other body,
  - (f) respecting panels and task forces,
  - (g) respecting the delegation of powers, duties or functions by a governing body committee or other body or individual in accordance with this Act,
  - (h) respecting the remuneration and expenses payable to registrants and other members of the governing body or a committee, tribunal, panel or task force,
  - (i) respecting any operational or administrative matter not dealt with in this Act or the regulations, and
  - (j) respecting any other matter not dealt with in this Act or the regulations that a governing body deems necessary or



advisable for the professional regulatory organization to meet the professional regulatory organization's mandate.

**Bylaws re categories and classes of registrants and non-regulated members**

**205** A governing body must make bylaws

- (a) respecting requirements to be registered in a category or class of registrant, and respecting conditions or restrictions that may apply to a person registered in a category or class of registrant, and
- (b) if the professional regulatory organization has made a bylaw providing for non-regulated members, respecting non-regulated members, including how a person may apply for non-regulated membership.

**Bylaws re applications for registration**

**206(1)** A governing body must make bylaws

- (a) respecting the form of application for registration as a registrant of the professional regulatory organization,
- (b) prescribing education requirements for registration as a registrant of the professional regulatory organization, which may include mandatory educational courses or programs of study,
- (c) prescribing the combination of education, training, experience, practice, competence and other qualifications that demonstrates the competence required for registration,
- (d) respecting the process for determining the education, training, experience, practice, competence and other qualifications required of applicants for registration as a registrant,
- (e) respecting conditions or restrictions that the registrar or registration committee may impose on an applicant's registration, and

- (f) respecting restrictions or conditions on applications for registration by an applicant whose application was previously refused.
- (2) A governing body may make bylaws
- (a) respecting evidence of meeting competence requirements for registration,
  - (b) respecting evidence of being a Canadian citizen or an individual permitted to work under the *Immigration and Refugee Protection Act* (Canada),
  - (c) respecting evidence of having good character and reputation,
  - (d) recognizing any organization outside Alberta that regulates the same profession as the governing body,
  - (e) with respect to an organization outside Canada that regulates the same profession as the governing body,
    - (i) recognizing the organization as having substantially equivalent competence, experience and practice requirements,
    - (ii) establishing the criteria for being recognized as a registrant of the organization, and
    - (iii) establishing any additional requirements in relation to the organization for the purposes of section 66(3)(c),
  - (f) respecting requirements to have professional liability insurance and governing the minimum coverage and type of coverage required to be carried by registrants and applicants for registration, which may vary by categories and classes of registrants,
  - (g) prescribing other requirements for registration as a registrant of the professional regulatory organization, including training requirements, residence and age requirements and language proficiency requirements, and
  - (h) respecting evidence of registration and evidence of professional practice, if applicable.

**Bylaws re continuing registration and reinstatement**

**207(1)** A governing body must make bylaws

- (a) respecting the review of the registration of each registrant to confirm that the registrant meets the requirements for continuing registration, including respecting
  - (i) applications for and the requirements for continuing registration, including any continuing competence or education requirements,
  - (ii) how often a review of the registration of each registrant must occur,
  - (iii) the cancellation or suspension of registration if continuing registration requirements are not met,
  - (iv) conditions or restrictions and financial penalties that may be imposed for a contravention of a continuing registration requirement,
  - (v) the time period within which the registrar or registration committee must review the information submitted in accordance with section 74(2),
  - (vi) the time period that a continued registration continues in effect, and
  - (vii) the issuance of evidence of continuing registration and evidence of professional practice, if any,

and

- (b) respecting applications to the registration committee for reinstatement following a disciplinary cancellation or voluntary resignation, including
  - (i) establishing a specified time period where no application for reinstatement may be made,
  - (ii) respecting the time period after which a former registrant is no longer eligible to apply for reinstatement, and
  - (iii) respecting good character and reputation requirements for reinstatement.

(2) A governing body may make bylaws

- (a) prescribing a reinstatement fee, and
- (b) respecting applications to the registrar for the revocation of a disciplinary suspension under section 77.

**Bylaws re temporary registration**

**208** A governing body must make bylaws

- (a) respecting requirements for being registered as a temporary registrant and the processes and procedures for applying for temporary registration,
- (b) specifying the time period for which a temporary registration is valid, and
- (c) respecting the renewal of temporary registration.

**Bylaws re business registrants**

**209** If a professional regulatory organization has been authorized to have business registrants, a governing body must make bylaws respecting business registrants, including respecting

- (a) applications for registration as a business registrant, including the processes for applying for and considering applications for registration,
- (b) the registration of business registrants,
- (c) continuing registration, including
  - (i) conditions for continuing registration, and
  - (ii) the process for the review of the registration of each business registrant to confirm the registrant meets the requirements for continuing registration,

and

- (d) the suspension or cancelation of registration, conditions or restrictions that may be imposed, and the penalties that may be imposed for failing to meet any continuing registration requirements.

**Bylaws re fees and costs for registration and reinstatement applications**

**210** A governing body may make bylaws respecting reasonable fees and other costs to be paid and the time for the payment of those fees or costs by applicants for registration and reinstatement.

**Bylaws re information management**

**211(1)** A governing body must make bylaws

- (a) respecting the establishment and maintenance of a register, including the addition of, amendment to or removal of information from the register,
- (b) respecting confidential information for the purposes of section 156,
- (c) respecting the information to be posted on the professional regulatory organization's website, and
- (d) respecting the time period within which a registrant must notify the professional regulatory organization of any change in any information about the registrant that is required by the regulations or bylaws.

**(2)** A governing body may make bylaws

- (a) respecting information to be provided to the registrar by a registrant and by applicants for registration,
- (b) respecting the information about a hearing or appeal relating to a registrant and the status of the hearing or appeal that must be provided under section 81, and
- (c) respecting information that must be retained in accordance with section 172.

**Bylaws re other registrants and supervision of registrants**

**212** A governing body may make bylaws

- (a) respecting competence and continuing competence requirements for registrants other than individual registrants,

- (b) respecting student, pupil or similar categories of registrants, and
- (c) respecting the supervision by registrants of other registrants or non-regulated members of the professional regulatory organization, including requirements to be eligible to be a supervising registrant.

**Bylaws re specialists**

**213** If the Minister makes a regulation in accordance with section 202, the governing body may make bylaws respecting specialists.

**Bylaws re competence and continuing competence**

**214(1)** A governing body must make bylaws establishing and respecting the maintenance and administration of a continuing competence program, including the requirements of the continuing competence program and categories of registrants to which the program applies.

**(2)** A governing body may make bylaws to facilitate maintaining and enhancing the competence of the profession generally.

**Bylaws re practice review**

**215** If a governing body establishes a practice review committee, the governing body may make bylaws respecting practice reviews and the practice review committee, including bylaws

- (a) establishing the powers, duties and functions of the committee,
- (b) establishing the qualifications that must be met by practice reviewers, and
- (c) specifying which categories or classes of registrants are subject to practice reviews.

**Bylaws re complaints inquiry processes and proceedings**

**216(1)** A governing body must make bylaws

- (a) respecting the publication of
  - (i) a notice of hearing,

- (ii) any decision of a discipline tribunal or an appeal tribunal, or a summary of any decision, and
  - (iii) notice of the cancellation of a registrant's registration,
- (b) respecting the costs to be included and the manner of determining costs for the purposes of an order for costs by a discipline tribunal or appeal tribunal,
  - (c) respecting the retention and disposal of any decision or record of proceedings received by a discipline tribunal secretary in accordance with section 131 or an appeal tribunal secretary in accordance with section 148,
  - (d) respecting the information about a voluntary resignation under section 103 that must be maintained by the professional regulatory organization,
  - (e) respecting the directions that a complaints inquiry committee, discipline tribunal or appeal tribunal must give under section 103(2)(e) about the publication or notification of a finding of unprofessional conduct and a voluntary resignation, and
  - (f) respecting the publication of a direction of the CIC chair temporarily suspending a registrant's registration and evidence of professional practice, if any, or imposing conditions or restrictions on the registrant's practice pending the conclusion of an investigation or the decision of a discipline tribunal under section 137, or in the context of a capacity assessment under section 140.
- (2)** A governing body may make bylaws
- (a) respecting communication between parties, representatives, witnesses or complainants and a discipline tribunal or any of its members as contemplated by section 120(2),
  - (b) respecting communication between parties, representatives, witnesses or complainants and an appeal tribunal or any of its members as contemplated by section 145(2), and

- (c) respecting other persons or organizations who a professional regulatory organization may send a decision of a discipline tribunal or appeal tribunal under section 136.

**Bylaws re custodial orders**

**217** If the Minister has authorized a professional regulatory organization to issue custodial orders, the governing body may make bylaws respecting custodial orders.

**Bylaws re appeal tribunal decisions**

**218** A governing body may make bylaws respecting the publication of a decision, or a summary of a decision, of an appeal tribunal in accordance with section 147.

**Bylaws re business arrangements**

**219(1)** If the regulations authorize a professional regulatory organization to register business entities as business registrants, the governing body of that professional regulatory organization must make bylaws respecting the registration and regulation of business registrants generally, including bylaws

- (a) respecting evidence that a business registrant must provide to demonstrate that it can provide professional services in accordance with the public interest and the interest of public safety,
- (b) respecting the information that must be maintained and updated on the register in respect of business registrants and respecting other information that must be maintained and updated respecting business registrants,
- (c) respecting evidence of registration and evidence of professional practice, if applicable, for business registrants,
- (d) restricting the use of a title, alone or in combination with any name, description, abbreviation, initials, letter or symbol by business registrants or by a class of business registrant,



- (e) establishing prohibitions, conditions or restrictions on business registrants or classes of business registrants as, or in relationship to, a category or class of business entities,
- (f) respecting the type and amount of liability insurance or other protection against professional liability that an applicant for registration as a business registrant must have to be registered, and must maintain to continue to be registered, which may differ between and distinguish between classes of business registrants,
- (g) establishing requirements that individual registrants exercise ownership and control over a business registrant, including
  - (i) requiring a specified number or percentage of individual registrants as directors, officers, shareholders or partners of the business registrant, or
  - (ii) requiring that an individual registrant will personally manage, control and supervise the practice of the profession in and by the business registrant,

and

- (h) if the professional regulatory organization is authorized to register professional corporations, respecting the approval of the articles of a proposed professional corporation for the purposes of section 7(2) of the *Business Corporations Act*.

#### **Bylaws re restricted titles**

**220** A governing body may make bylaws respecting the use of a restricted title established by the regulations, alone or in combination with any name, description, abbreviation, initials, letter or symbol, by a category or class of registrants.

#### **Bylaws re other matters**

**221** A governing body may make bylaws

- (a) respecting holding meetings electronically and by means other than in person,
- (b) respecting the use of electronic signatures,

- (c) respecting the use of electronic records,
- (d) establishing requirements for registrants or officers of the professional regulatory organization to take an oath of office,
- (e) respecting the provision of services by an individual registrant in or through any practice arrangement,
- (f) respecting the responsibilities and conduct of registrants, whether a complaint has been filed or not, and
- (g) respecting the designation of officials for the purposes of section 229(g)(vii).

#### **Bylaws re Alberta Land Surveyors' Association**

**222** The governing body of the Alberta Land Surveyors' Association may make bylaws establishing and respecting the articling of pupils, including respecting the transfer and termination of articles, the disciplining of pupils, the period of articles including conditions attached to them, who may take articulated pupils and all other matters relating to articling.

#### **Bylaws re joint tribunals**

**223** The governing bodies of the Association of Professional Engineers and Geoscientists of Alberta and the Association of Science and Engineering Technology Professionals of Alberta may make bylaws respecting procedures necessary to effectively participate in a joint committee or joint tribunal.

#### **Bylaws re Alberta Veterinary Medical Association**

**224** The governing body of the Alberta Veterinary Medical Association may make bylaws respecting the inspection of, and the acceptable standards of, the physical facilities operated by a registrant of the Alberta Veterinary Medical Association.

#### **Adoption of bylaws and coming into force**

**225(1)** A governing body must make bylaws respecting the adoption of bylaws.

**(2)** Before adopting a bylaw, a governing body must provide, for review and comment, a copy of the proposed bylaw to

(a) the registrants of the professional regulatory organization,  
and

(b) any other person the governing body considers advisable.

(3) A governing body may only adopt a bylaw after the governing body has reviewed and considered the comments received from a review described in subsection (2).

(4) A bylaw is effective from the date the bylaw is adopted by a governing body or any later date specified in the bylaw.

#### **Copies of bylaws**

**226** A governing body must make copies of its bylaws readily available to the public and to registrants, and may publish bylaws in a manner determined by the governing body.

#### **Non-application of the Regulations Act**

**227** The *Regulations Act* does not apply to bylaws, resolutions, rules of professional conduct, codes of ethics or practice standards established under this Act.

#### **Regulations supersede bylaws**

**228** The regulations prevail to the extent of any inconsistency between the regulations and the bylaws made under this Act.

## **Part 17 Transitional and Related Provisions, Consequential and Related Amendments, Repeals and Coming into Force**

### **Division 1 Transitional and Related Provisions**

#### **Transitional — definitions and interpretation**

**229** In this Part,

- (a) “appeal body under a former Act” means the council, board, committee, tribunal or similar body responsible for hearing an appeal under the former Act;

- (b) “competence body under a former Act” means the competence committee or any other board, committee or similar body under a former Act that performed duties broadly similar to a competence committee under this Act;
- (c) “complaints investigation body under a former Act” means the complaints inquiry committee or other committee, official or similar body responsible for complaints, the investigation of complaints and referral to a discipline hearing under a former Act;
- (d) “continued professional regulatory organization” means a professional regulatory organization listed in section 3(2);
- (e) “discipline body under a former Act” means a discipline tribunal, discipline committee, hearing tribunal or similar body that was empowered to conduct discipline hearings under a former Act;
- (f) “governing body under a former Act” means the governing body under a former Act listed in section 267;
- (g) “officers under a former Act” means any officers appointed, selected or elected to or for a governing body or appointed, designated or retained for the administration of a continued professional regulatory organization, including any
  - (i) chair, chair of the board of directors, chair of the executive committee and council chair,
  - (ii) vice-chair of any of the above,
  - (iii) treasurer,
  - (iv) secretary,
  - (v) president, vice-president, chief executive officer or executive director,
  - (vi) registrar or deputy registrar, and
  - (vii) any other official designated by regulation or the bylaws for the purposes of this transition;

- (h) “practice review body under a former Act” means the practice review board, practice review committee or any other body under a former Act that performed duties broadly similar to a practice review committee under this Act;
- (i) “registration body under a former Act” means the board of examiners, registration committee or any other body under a former Act that performed duties broadly similar to the duties that may be performed by a registration committee under this Act;
- (j) “rules, codes and standards under a former Act” means rules of professional conduct, codes of ethics, codes of conduct, standards of practice, practice standards or any similar instruments
  - (i) adopted under a former Act, and
  - (ii) that governed the conduct of registrants under a former Act.

**Transitional — continuing entities**

**230** On the coming into force of this Act, each continued professional regulatory organization is continued

- (a) under the same name as set out in section 3(2), and
- (b) as a corporation under this Act.

**Transitional — regulated profession**

**231** On the coming into force of this Act, each continued professional regulatory organization continues to regulate the same regulated profession that it regulated under its former Act.

**Transitional — initial governing body**

**232(1)** On the coming into force of this Act,

- (a) the governing body under a former Act for each continued professional regulatory organization continues as the governing body of that professional regulatory organization under this Act, and

- (b) the officers of a professional regulatory organization under a former Act continue as officers under this Act until
  - (i) the terms they were appointed, selected for or elected to expire or are terminated under this Act, or
  - (ii) their appointments, designations or retainers expire or are terminated under this Act,as the case may be.

**(2)** A governing body continued under subsection (1)(a) may continue with the same members and constitution as under the former Act but must come into conformity with this Act no later than one year after the date of the coming into force of this Act.

**(3)** The Minister may by order, made after a request in writing from a continued professional regulatory organization, continue the members of and constitution of the governing body adopted under a former Act for the period specified in that order.

**(4)** The Minister may make regulations respecting the continuation of any professional regulatory organization under this Act.

#### **Transitional — committees and tribunals**

**233(1)** On the coming into force of this Act,

- (a) if a continued professional regulatory organization had a registration body under a former Act,
  - (i) that registration body is replaced for all matters arising but not completed before the coming into force of this Act by a registration committee under this Act, and
  - (ii) the members of that registration body are replaced with the members of the registration committee appointed under this Act,
- (b) if a continued professional regulatory organization had a practice review body under a former Act,
  - (i) that practice review body is replaced for all matters arising but not completed before the coming into

- force of this Act by a practice review committee under this Act,
- (ii) the members of that practice review body under the former Act are replaced with the members of a practice review committee appointed under this Act,
  - (iii) any practice review commenced under that former Act but not completed must be completed under this Act, and
  - (iv) a practice reviewer appointed to conduct a practice review under that former Act continues as a practice reviewer under this Act with the powers, duties and functions of a practice reviewer under this Act in order to conclude that practice review,
- (c) if a continued professional regulatory organization had a competence body under a former Act,
- (i) that competence body is replaced for all matters arising but not completed before the coming into force of this Act by a continuing competence committee under this Act, and
  - (ii) the members of that competence body are replaced with the members of a continuing competence committee appointed under this Act,
- (d) the registrants on a discipline tribunal roster and the appeal tribunal roster under the *Chartered Professional Accountants Act* become registrants on a tribunal list established under section 44(1) of this Act for the Chartered Professional Accountants of Alberta,
- (e) the members on a membership list for hearing tribunals, complaints inquiry committees and complaint review committees under the *Regulated Forest Management Professions Act* become the registrants on a tribunal list established under section 44(1) of this Act for the Association of Alberta Forest Management Professionals,
- (f) the members on a membership list for complaint review committees and hearing tribunals under the *Agrology Profession Act* become the registrants on a tribunal list

established under section 44(1) of this Act for the Alberta Institute of Agrologists,

- (g) the members on the membership list for hearing tribunals and complaint review committees under the *Veterinary Profession Act* become the registrants on a tribunal list established under section 44(1) of this Act for the Alberta Veterinary Medical Association,
- (h) the Joint Board of Practice under section 1 of Schedule 8 to the *Government Organization Act* ceases to exist and the terms of office of all members are terminated, and
- (i) the joint bodies appointed by the Association of Professional Engineers and Geoscientists of Alberta and the Association of Science and Engineering Technology Professionals of Alberta under the *Engineering and Geoscience Professions Act* are replaced as follows:
  - (i) the Joint Appeal Board is replaced by a joint appeal tribunal convened under this Act for all appeals filed under the former Act where a hearing of an appeal has not commenced before the coming into force of this Act;
  - (ii) the Joint Board of Examiners is replaced by a joint registration committee appointed under this Act for all matters arising but not completed before the coming into force of this Act;
  - (iii) the Joint Discipline Committee is replaced by a joint discipline tribunal convened under this Act for hearings into allegations of unprofessional conduct made under the former Act where a hearing has not commenced before the coming into force of this Act;
  - (iv) the Joint Investigative Committee is replaced by a joint complaints inquiry committee under this Act for all matters arising but not completed before the coming into force of this Act;
  - (v) the Joint Practice Review Board is replaced by a joint practice review committee under this Act for all matters arising but not completed before the coming into force of this Act;



- (vi) the Joint Professional Technologists Regulations Committee is replaced by a joint professional technologist committee under this Act for all matters arising but not completed before the coming into force of this Act.

(2) Notwithstanding the discretion granted under section 49(1), the following joint committees and joint tribunals are established for the Association of Professional Engineers and Geoscientists of Alberta and the Association of Science and Engineering Technology Professionals of Alberta on the coming into force of this Act:

- (a) Joint Appeal Tribunal;
- (b) Joint Complaints Inquiry Committee;
- (c) Joint Discipline Tribunal;
- (d) Joint Practice Review Committee;
- (e) Joint Registration Committee;
- (f) Joint Professional Technologist Committee.

**Transitional — public members**

**234(1)** Any public member appointed under a former Act to a governing body under the former Act continues as a member of the governing body under this Act until the date that their appointment would have concluded under the former Act unless the Minister directs otherwise by order.

(2) Any public member appointed to a registration body under a former Act continues as a member of the registration committee under this Act until the date that their appointment would have concluded under the former Act unless the Minister directs otherwise by order.

(3) If a professional regulatory organization has established a practice review committee, any public member appointed to a practice review body under a former Act continues as a member of the practice review committee under this Act until the date that their appointment would have concluded under the former Act, unless the Minister directs otherwise by order.

(4) If a professional regulatory organization has established a continuing competence committee, any public member appointed to a competence body under a former Act continues as a member of the competence committee under this Act until the date that their appointment would have concluded under the former Act unless the Minister directs otherwise by order.

(5) The appointment of a public member to a complaints investigation body under a former Act continues but as an appointment to the public member roster under this Act.

(6) The appointment of a public member to a discipline body under a former Act or an appeal body under a former Act continues as an appointment to the public member roster under this Act.

#### **Transitional — regulations**

**235** All regulations made by the Lieutenant Governor in Council or the Minister under a former Act are repealed on the coming into force of this Act.

#### **Transitional — bylaws**

**236(1)** Subject to subsections (2) to (4), on the coming into force of this Act any bylaws adopted under a former Act are repealed.

(2) The Minister may by order, made after a request in writing from a continued professional regulatory organization, continue bylaws adopted under a former Act for the period specified in that order.

(3) An order under subsection (2) may be made retroactive to the coming into force of this Act.

(4) For the purposes of this section, bylaws include regulations, directives, resolutions and similar legislative instruments adopted by a governing body or the membership under a former Act, or both, that would fall within the bylaw-making power of a professional regulatory organization under this Act.

(5) A regulation, directive, resolution or similar legislative instrument continued under this section is continued as a bylaw of the professional regulatory organization that made the regulation, directive, resolution or legislative instrument.

### **Transitional — rules, codes and standards**

**237(1)** Subject to subsection (2), on the coming into force of this Act any rules, codes and standards under a former Act are repealed.

**(2)** The Minister may by order, made after a request in writing from a continued professional regulatory organization, continue rules, codes and standards under a former Act for the period specified in that order as rules of professional conduct, a code of ethics and practice standards under this Act for that continued professional regulatory organization.

**(3)** An order under subsection (2) may be made retroactive to the coming into force of this Act.

### **Transitional — registrants**

**238(1)** On the coming into force of this Act,

- (a) an individual who is registered with a continued professional regulatory organization, including an individual whose registration is subject to a suspension, is deemed to be registered as an individual registrant or temporary registrant, as the case may be, with the applicable professional regulatory organization under this Act, and
- (b) a business entity that is registered with a continued professional regulatory organization under a former Act, including a business entity whose registration is subject to a suspension, is deemed to be registered as a business registrant with the applicable professional regulatory organization under this Act.

**(2)** The deemed registrations under subsection (1) continue with the same approvals, conditions, undertakings, restrictions or suspensions that existed on that registration immediately before the coming into force of this Act, subject to the provisions of this Act and the regulations, bylaws, rules of professional conduct, codes of ethics and practice standards under this Act.

**(3)** On the coming into force of this Act, any approvals granted by a continued professional regulatory organization in respect of matters related to registration or a permit, certificate, licence or similar document is continued as evidence of professional practice under this Act, but become subject to the provisions of this Act, the regulations and the bylaws.

### **Transitional — registration applications**

**239(1)** Where an application for registration, continuing registration, reinstatement or evidence of professional practice was made under a former Act but no final decision has been made with respect to that application by the registration body, that application is deemed to be made under this Act and is subject to Part 5 of this Act and must be decided under that Part.

**(2)** Where an application for registration, continuing registration, reinstatement or evidence of professional practice was deferred under a former Act, any matter arising from that deferred application must be dealt with by the registrar or registration committee of the applicable professional regulatory organization under Part 5 of this Act.

### **Transitional — complaints, investigations and discipline proceedings**

**240(1)** Any complaint made on or after the day this Act comes into force that relates to conduct occurring all or partly before the coming into force of this Act must be dealt with under this Act.

**(2)** On the coming into force of this Act, a complaint made under a former Act before the coming into force of this Act and any matters, including any discipline hearings or appeals, arising from the complaint must be concluded in accordance with that Act as if that Act had not been repealed.

**(3)** Subject to subsections (4) and (5), for the purposes of subsection (2), the powers, duties and functions

- (a)** of a complaints or investigation body under a former Act are vested in and may be carried out by a complaints inquiry committee under this Act, and any reference to a complaints or investigation body under a former Act is deemed to be a reference to the applicable complaints inquiry committee under this Act,
- (b)** of a CIC secretary or similar role under a former Act are vested in and may be carried out by a CIC secretary under this Act and any reference to a CIC secretary or similar role under a former Act is deemed to be a reference to a CIC secretary under this Act,
- (c)** of a CIC chair, complaints director or similar role under a former Act are vested in and may be carried out by the

CIC chair under this Act and any reference to the CIC chair, complaints director or similar role under a former Act is deemed to be a reference to the CIC chair under this Act,

- (d) of an investigator under a former Act are vested in and may be carried out by an investigator appointed under this Act, and the investigator has the powers of an investigator under the previous Act as if that Act had not been repealed,
- (e) of a discipline tribunal secretary or similar role under a former Act are vested in and may be carried out by a discipline tribunal secretary under this Act, and any reference to a discipline tribunal secretary or similar role in a former Act is deemed to be a reference to a discipline tribunal secretary under this Act,
- (f) of a discipline tribunal roster chair, hearing director or similar role under a former Act are vested in and may be carried out by a discipline tribunal list chair under this Act, and any reference to a discipline tribunal roster chair in a former Act is deemed to be a reference to a discipline tribunal list chair under this Act, and
- (g) of a discipline body under a former Act are vested in and may be carried out by a discipline tribunal under this Act, and any reference to a discipline body in the previous Act is deemed to be a reference to a discipline tribunal under this Act.

**(4)** On the coming into force of this section, if an investigator has been appointed to conduct an investigation under a former Act and the investigation has not been concluded under that former Act, the investigation must be concluded in accordance with that Act and the investigator has the powers of an investigator under that former Act as if that Act had not been repealed.

**(5)** If a discipline body under a former Act has begun a hearing into the conduct under that former Act and the hearing has not been concluded, that discipline body and the members of that discipline body continue until the hearing concludes and the hearing must be concluded under the former Act as if the former Act had not been repealed.

### **Transitional — appeals**

**241(1)** Subject to subsections (2) and (3), where a right of appeal arose under a former Act before the coming into force of this Act and an appeal is commenced after the coming into force of this Act, that appeal is subject to and must be concluded in accordance with the former Act as if that Act had not been repealed.

**(2)** Subject to subsection (3), the powers, functions and duties

- (a) of an appeal tribunal secretary or similar role under a former Act are vested in and may be carried out by an appeal tribunal secretary under this Act, and any reference to an appeal tribunal secretary or similar role in the former Act is deemed to be a reference to an appeal tribunal secretary under this Act,
- (b) of an appeal tribunal roster chair, hearing director or similar role under a former Act are vested in and may be carried out by an appeal tribunal list chair under this Act, and any reference to an appeal tribunal roster chair, hearing director or similar role in a former Act is deemed to be a reference to an appeal tribunal list chair under this Act, and
- (c) of an appeal body under a former Act are vested in and may be carried out by an appeal tribunal under this Act, and any reference to an appeal board, appeal tribunal or similar hearing tribunal or body in a former Act is deemed to be a reference to an appeal tribunal under this Act.

**(3)** On the coming into force of this section, if an appeal body under a former Act had begun hearing an appeal under that former Act and the appeal has not been concluded, the members of the appeal body continue as members of the appeal body, and the appeal must be concluded in accordance with that former Act as if that Act had not been repealed.

### **Transitional — orders, undertakings, conditions and restrictions**

**242** Any order made under a former Act, undertaking given under a former Act or condition or restriction imposed on a registration or evidence of professional practice under a former Act that is in effect immediately before this Act comes into force is deemed to continue as if made, given or imposed under this Act, with all necessary changes to give it effect under this Act.

### **Exercise of authority prior to commencement**

#### **243** The authority

- (a) to make applications under Part 2, Division 3 and Part 3,
- (b) to make bylaws under this Act,
- (c) to make rules of professional conduct, a code of ethics and practice standards under this Act,
- (d) to establish committees under section 38,
- (e) to designate the CIC chair under section 40,
- (f) to establish tribunal lists under section 44(1),
- (g) to appoint a discipline tribunal list chair and appeal tribunal list chair under section 44(2),
- (h) to appoint secretaries under section 48,
- (i) to establish joint committees and joint tribunals under section 49,
- (j) to select, designate or appoint members of a governing body, committee, tribunal, joint committee or joint tribunal, panel or task force,
- (k) to delegate powers under sections 55 and 56,
- (l) to appoint public members under section 57, including any necessary consultations with a governing body, and
- (m) to appoint an investigator under section 104 or 108

may be exercised before those sections come into force, but the appointments, regulations, bylaws, rules of professional conduct, codes of ethics and practice standards have no effect until this Act comes into force.

### **Transitional regulations**

#### **244(1)** The Minister may make regulations

- (a) respecting the transition to this Act of anything under a former Act;

- (b) remedying any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from a former Act;
  - (c) respecting the interpretation of any transitional provisions in this Act.
- (2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.
- (3) If there is a conflict between a regulation made under subsection (1) and a provision in this Part, the regulation prevails.
- (4) A regulation made under subsection (1) is repealed 5 years after the regulation comes into force or on the date specified in the regulation, whichever is earlier.
- (5) The repeal of a regulation under subsection (4) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.
- (6) A regulation may not be made under subsection (1) extending the 5-year period set out in subsection (4).
- (7) A regulation made under subsection (1) that is in force on or after the repeal of this section remains in force until it is repealed in accordance with subsection (4).
- (8) This section is repealed 2 years after this section comes into force, but the repeal does not affect anything done, incurred or acquired under the authority of a regulation made under subsection (1) before the repeal of this section.

## **Division 2 Consequential Amendments and Related Amendments**

### **Amends SA 2007 cA-40.2**

**245** The *Animal Health Act* is amended in section 1(v) by striking out “*Veterinary Profession Act*” and substituting “*Professional Governance Act*”.



## **Explanatory Notes**

**245** Amends chapter A-40.2 of the Statutes of Alberta, 2007.

Section 1(v) presently reads:

**Amends RSA 2000 cA-41**

**246** The *Animal Protection Act* is amended in section 1(1)(h) by striking out “the *Veterinary Profession Act*” and substituting “regulations made under the *Professional Governance Act*”.

**Amends SA 2017 c18**

**247** The *A Better Deal for Consumers and Businesses Act* is amended by repealing section 2.

*1 In this Act,*

- (v) “registered veterinarian” means a registered veterinarian under the *Veterinary Profession Act*;

**246** Amends chapter A-41 of the Revised Statutes of Alberta 2000.

Section 1(1)(h) presently reads:

*1(1) In this Act,*

- (h) “registered veterinarian” means a registered veterinarian as defined in the *Veterinary Profession Act*.

**247** Amends chapter 18 of the Statutes of Alberta, 2017.

Section 2 presently reads:

*2(1) The Veterinary Profession Act is amended by this section.*

*(2) The following is added after section 48:*

*Part 5.1  
Fees, Authorization for  
Veterinary Medicine*

*48.1(1) A registered veterinarian shall, in accordance with the regulations,*

- (a) *disclose to a client who seeks veterinary medicine services in respect of a domestic cat or dog or other specified type of domestic animal all fees for the prescribed type of veterinary medicine services proposed for the client’s animal, and*
- (b) *obtain the client’s authorization of the fees and the proposed type of veterinary medicine service*

*before a prescribed type of veterinary medicine service is performed with respect to the client’s animal.*

*(2) Subsection (1) does not apply in circumstances prescribed by the regulations.*



*48.2(1) In this section and section 48.3, “advertise” means to use any commercial communication, through any media or other means, that is intended to have or is likely to have the effect of*

- (a) promoting the use of veterinary medicine services offered by a registered veterinarian, a partnership of registered veterinarians or a permit holder, or*
- (b) enhancing the image of, or attracting clients to, a registered veterinarian, a partnership of registered veterinarians or a permit holder.*

*(2) A registered veterinarian, a partnership of registered veterinarians or a permit holder may advertise the prescribed types of veterinary medicine services performed in respect of domestic cats and dogs and prescribed types of domestic animals, and the fees that are charged for the prescribed types of veterinary medicine services, if the information in the advertisement*

- (a) is true and objective,*
- (b) is complete, accurate, factual and verifiable,*
- (c) is not reasonably capable of misleading the recipient or intended recipient, and*
- (d) complies with the requirements, if any, set out in the regulations.*

*(3) A registered veterinarian, a partnership of registered veterinarians or a permit holder may, in compliance with the requirements, if any, set out in the regulations, publish the fees that the veterinarian charges for prescribed types of veterinary medicine services for domestic cats and dogs and other specified types of domestic animals in respect of which the registered veterinarian performs veterinary medicine services.*

*48.3(1) The Lieutenant Governor in Council, after consultation with the Council, may make regulations respecting fees and authorization for veterinary medicine, including, without limitation, regulations*

- (a) specifying types of domestic animals for the purposes of this Part;*
- (b) prescribing types of veterinary medicine services for the purposes of this Part;*

**Amends RSA 2000 cC-22**

**248** The *Condominium Property Act* is amended in section 1(1)

- (a) **in clause (l) by striking out** “, or the holder of a permit issued, under the *Land Surveyors Act*” **and substituting** “under the *Professional Governance Act*”;
- (b) **in clause (t.2) by striking out** “the *Engineering and Geoscience Professions Act*” **and substituting** “regulations made under the *Professional Governance Act*”;

- (c) *respecting the disclosure to a client of fees for prescribed types of veterinary medicine services;*
- (d) *respecting client authorization prior to the performance of prescribed types of veterinary medicine services with respect to domestic cats and dogs and other types of domestic animals;*
- (e) *respecting circumstances referred to in section 48.1(2) under which a registered veterinarian is not required to comply with section 48.1(1);*
- (f) *respecting the advertisement by a registered veterinarian, a partnership of registered veterinarians or a permit holder of prescribed types of veterinary medicine services with respect to domestic cats and dogs and specified types of domestic animals on which a registered veterinarian performs veterinary medicine services or the fees charged in respect of the prescribed types of veterinary medicine services;*
- (g) *respecting the publication by a registered veterinarian, a partnership of registered veterinarians or a permit holder of the fees charged for prescribed types of veterinary medicine services with respect to domestic cats and dogs and specified types of domestic animals;*
- (h) *defining a term that is used but not defined in this Part.*

*(2) If there is a conflict or inconsistency between a regulation made under subsection (1) and a regulation or bylaw made by the Council under section 13 or 14, respectively, the regulation made under subsection (1) prevails to the extent of the conflict or inconsistency.*

**248** Amends chapter C-22 of the Revised Statutes of Alberta 2000.

Section 1(1) presently reads in part:

*1(1) In this Act,*

- (l) *“land surveyor” means an Alberta land surveyor registered, or the holder of a permit issued, under the Land Surveyors Act;*
- (t.2) *“professional engineer” means a professional engineer as defined in the Engineering and Geoscience Professions Act;*

- (c) **in clause (t.3) by striking out** “section 86.4(m) of the *Engineering and Geoscience Professions Act*” **and substituting** “regulations made under the *Professional Governance Act*”;
- (d) **in clause (v.1) by striking out** “the *Architects Act*” **and substituting** “regulations made under the *Professional Governance Act*”.

**Amends RSA 2000 cC-26.3**

**249 The *Consumer Protection Act* is amended by repealing section 103(2)(b) and substituting the following:**

- (b) professions or callings to which the *Apprenticeship and Industry Training Act*, Schedule 2 of the *Health Professions Act*, Schedule 7 of the *Health Professions Act*, *Legal Profession Act*, Schedule 21 of the *Health Professions Act*, Schedule 24 of the *Health Professions Act*, Schedule 17 of the *Health Professions Act*, Schedule 19 of the *Health Professions Act*, the *Real Estate Act* or the *Teaching Profession Act* applies;
- (b.1) professions that are regulated by the following professional regulatory organizations under the *Professional Governance Act*:

Alberta Association of Architects;  
Alberta Land Surveyors’ Association;  
Alberta Veterinary Medical Association;  
Association of Professional Engineers and Geoscientists of Alberta;  
Association of Science and Engineering Technology Professionals of Alberta;  
Chartered Professional Accountants of Alberta.

**Amends SA 2001 cC-28.1**

**250 The *Cooperatives Act* is amended in section 1(1)(x) by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.**



- (t.3) *“professional technologist” means a professional technologist as defined in section 86.4(m) of the Engineering and Geoscience Professions Act;*
- (v.1) *“registered architect” means a registered architect as defined in the Architects Act;*

**249** Amends chapter C-26.3 of the Revised Statutes of Alberta 2000.

Section 103(2)(b) presently reads:

- (2) *The Lieutenant Governor in Council may not designate the following:*
  - (b) *professions or callings to which the Apprenticeship and Industry Training Act, Architects Act, Schedule 2 of the Health Professions Act, Schedule 7 of the Health Professions Act, Engineering and Geoscience Professions Act, Land Surveyors Act, Legal Profession Act, Schedule 21 of the Health Professions Act, Schedule 24 of the Health Professions Act, Schedule 17 of the Health Professions Act, Schedule 19 of the Health Professions Act, Real Estate Act, Chartered Professional Accountants Act, Teaching Profession Act or Veterinary Profession Act applies;*

**250** Amends chapter C-28.1 of the Statutes of Alberta, 2001.

Section 1(1)(x) presently reads:

- 1(1) In this Act,*

**Amends RSA 2000 cD-6**

**251** The *Debtors' Assistance Act* is amended in section 11 by striking out "*Chartered Professional Accountants Act*" and substituting "*Professional Governance Act*".

**Amends SA 2012 cE-0.3**

**252** The *Education Act* is amended in section 137 by striking out "*Chartered Professional Accountants Act*" and substituting "*Professional Governance Act*".

**Amends RSA 2000 cE-2**

**253** The *Election Finances and Contributions Disclosure Act* is amended in section 1(1)(a.02) by striking out "*Chartered Professional Accountants Act*" and substituting "*Professional Governance Act*".

**Amends RSA 2000 cG-10**

**254** The *Government Organization Act* is amended by repealing Schedule 8.

- (x) *“firm of accountants” means a professional accounting firm engaged in a professional accounting practice or public accounting practice registered under the Chartered Professional Accountants Act, or a corporation that is incorporated by or under an Act of the legislature of a province other than Alberta and is engaged in a professional accounting practice or a public accounting practice;*

**251** Amends chapter D-6 of the Revised Statutes of Alberta 2000.

Section 11 presently reads:

*11 The accounts of the Board must be audited annually by a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement.*

**252** Amends chapter E-0.3 of the Statutes of Alberta, 2012.

Section 137 presently reads:

*137 In this Part, “auditor” means a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement.*

**253** Amends chapter E-2 of the Revised Statutes of Alberta 2000.

Section 1(1)(a.02) presently reads:

*1(1) In this Act,*

- (a.02) “audited financial statement” means a financial statement that has been independently audited by a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement;*

**254** Amends chapter G-10 of the Revised Statutes of Alberta 2000.

Schedule 8 presently reads:



*Schedule 8*

*Joint Board of Practice*

*1(1) In this section,*

- (a) "Architects Association" means The Alberta Association of Architects under the Architects Act;*
- (b) "Engineers Association" means the Association of Professional Engineers and Geoscientists of Alberta under the Engineering and Geoscience Professions Act.*

*(2) There shall be a Joint Board of Practice composed of*

- (a) 4 persons appointed by the Council of the Architects Association, and*
- (b) 4 persons appointed by the Council of the Engineers Association,*

*and one chair from each Council appointed by the Minister from among candidates mutually agreed to by both Councils.*

*(3) The function and operation of the Joint Board of Practice shall be prescribed by agreement between the Council of the Architects Association and the Council of the Engineers Association, and the agreement shall include at least the following matters:*

- (a) rules of procedure;*
- (b) provisions respecting the assessment of applications for a certificate of authorization under the Architects Act and provisions respecting the assessment of applications for a certificate of authorization under the Engineering and Geoscience Professions Act;*
- (c) a procedure under which the Joint Board of Practice may act as a mediator of complaints or disputes of an interprofessional nature from members of the Architects Association or the Engineers Association or from persons who are not members when the complaint cannot be resolved by each of those Associations individually or by both of those Associations jointly;*
- (d) an undertaking to work on other matters of interprofessional relations, including the co-ordination and publication of*

**Amends RSA 2000 cH-7**

**255** The *Health Professions Act* is amended in section 15(1) of Schedule 24 by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.

**Amends RSA 2000 cI-11**

**256** The *Irrigation Districts Act* is amended in sections 39(2) and 46(1.1) by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.

*guidelines, standards and criteria and performance standards in the field of building design and construction;*

- (e) provisions respecting recommendations on applications for authority to prepare final drawings for buildings with one seal of either an engineer or an architect in cases where the drawings would ordinarily fit within the category of design that requires the seal of both professions under the regulations authorized under the Safety Codes Act;*
- (f) a method of recommending to the Association concerned that a qualified certificate of authorization limiting the scope of practice in the other profession by an individual who is a professional engineer or a registered architect be issued to an applicant*
  - (i) who has historically provided that service competently in Alberta, and*
  - (ii) who applied for the certificate before October 1, 1982;*
- (g) any other matters agreed to between the Councils of both the Architects Association and the Engineers Association.*

**255** Amends chapter H-7 of the Revised Statutes of Alberta 2000.

Section 15(1) of Schedule 24 presently reads:

*15(1) The accounts of the Trust must be audited annually by a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement that is appointed by the Board for the purposes of auditing the accounts of the Trust.*

**256** Amends chapter I-11 of the Revised Statutes of Alberta 2000.

Sections 39(2) and 46(1.1) presently read:

*39(2) An audit must be conducted by a professional accounting firm that is registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement.*

**Amends RSA 2000 cL-21**

**257** The *Local Authorities Election Act* is amended in section 147.1(1)(f.1) by striking out “the *Chartered Professional Accountants Act*” and substituting “regulations made under the *Professional Governance Act*”.

**Amends RSA 2000 cM-9**

**258** The *Meat Inspection Act* is amended in section 2(1) by striking out “*Veterinary Profession Act*” and substituting “*Professional Governance Act*”.

**Amends RSA 2000 cO-8**

**259** The *Ombudsman Act* is amended

(a) in section 1

(i) by repealing clause (a);

(ii) in clause (b)

(A) by adding the following after subclause (i.6):

(i.7) when used in reference to a professional regulatory organization, means the registrar of the professional regulatory organization, and

(B) by repealing subclauses (ii), (iv), (v) and (vi);

(iii) by repealing clauses (c.1) and (e);

(iv) in clause (h)



*46(1.1) The financial statements referred to in subsection (1)(a) and (b) must be audited by a professional accounting firm that is registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement.*

**257** Amends chapter L-21 of the Revised Statutes of Alberta 2000.

Section 147.1(1)(f.1) presently reads:

*147.1(1) In this Part,*

*(f.1) “review engagement” means a review engagement as defined in the Chartered Professional Accountants Act;*

**258** Amends chapter M-9 of the Revised Statutes of Alberta 2000.

Section 2(1) presently reads:

*2(1) The director may appoint veterinarians registered under the Veterinary Profession Act and other persons as inspectors.*

**259** Amends chapter O-8 of the Revised Statutes of Alberta 2000.

Sections 1, 12, 16, 18, 21, 21.1, 26 and 28 presently read in part:

*1 In this Act,*

*(a) “accounting organization” means*

*(i) the Chartered Professional Accountants of Alberta, and*

*(ii) the board, a committee, a tribunal, the registrar, the CIC chair, the CIC secretary, the discipline tribunal secretary, a discipline tribunal chair, the appeal tribunal secretary and an appeal tribunal chair and any practice reviewer, investigator or person engaged by the Chartered Professional Accountants of Alberta to perform any duty or exercise any powers under the Chartered Professional Accountants Act;*

*(b) “administrative head”*

- (A) by repealing subclause (i);**
- (B) by adding “and” at the end of subclause (i.1);**
- (C) by repealing subclauses (iii), (iv) and (v);**
- (v) by adding the following after clause (h):**
  - (h.1) “professional regulatory organization” means
    - (i) a professional regulatory organization as defined in the *Professional Governance Act*, and
    - (ii) a governing body, committee, tribunal, joint committee, joint tribunal, panel, task force or other body of a professional regulatory organization and any governing body chair, registrar, complaints inquiry committee secretary, complaints inquiry committee chair, discipline tribunal secretary, discipline tribunal list chair, discipline tribunal chair, appeal tribunal secretary, appeal tribunal list chair, appeal tribunal chair, committee chair, joint committee chair or co-chairs, joint tribunal list chair or co-chairs, joint committee secretary or other official, officer, investigator, practice reviewer or person engaged by the professional regulatory organization.
- (vi) by repealing clause (j);**
- (b) in sections 12(1) and (3)(c) and 16(1) and (4) by adding “, professional regulatory organization” after “professional organization” wherever it occurs;**
- (c) in section 18**
  - (i) in subsection (1) by adding “, professional regulatory organization” after “professional organization” wherever it occurs;**
  - (ii) in subsection (2)**

- (i.6) *when used in reference to a municipality that is a special area, means the chair of the Special Areas Board;*
  - (ii) *when used in reference to an accounting organization means the chief executive officer as defined in the Chartered Professional Accountants Act,*
  - (iv) *when used in reference to a forestry association means the Registrar as defined in the Regulated Forest Management Profession Act,*
  - (v) *when used in reference to a veterinary association means the Registrar as defined in the Veterinary Profession Act, and*
  - (vi) *when used in reference to an agrology association means the registrar as defined in the Agrology Profession Act;*
- (c.1) *“agrology association” means*
- (i) *the Alberta Institute of Agrologists, and*
  - (ii) *a council, panel, committee, hearing tribunal, registrar, Chair, complaints director and hearings director under the Agrology Profession Act, and any officer, investigator or person engaged by the Alberta Institute of Agrologists;*
- (e) *“forestry association” means*
- (i) *the Association of Alberta Forest Management Professionals, and*
  - (ii) *the Council, panel, committee, tribunal, Registrar, Chair and hearings director of the Association of Alberta Forest Management Professionals and any officer, investigator or person engaged by the Association of Alberta Forest Management Professionals;*
- (h) *“professional organization” means*
- (i) *an accounting organization,*
  - (iii) *a forestry association,*
  - (iv) *a veterinary association, and*
  - (v) *an agrology association;*

- (A) **by adding** “, professional regulatory organization” **after** “head of the agency, professional organization”;
- (B) **by adding** “professional regulatory organization,” **after** “department, agency, professional organization,”;
- (iii) **in subsection (3)(a) by adding** “, professional regulatory organization” **after** “professional organization”;
- (d) **in sections 21(3), (4), (5) and (6), 21.1(1) and (3)(c) and 26(1) and (2) by adding** “, professional regulatory organization” **after** “professional organization” **wherever it occurs**;
- (e) **in section 28**
  - (i) **in subsection (2) by adding** “, professional regulatory organization” **after** “professional organization”;
  - (ii) **in subsection (3)**
    - (A) **by adding the following after clause (c):**
      - (c.001) any professional regulatory organization,
    - (B) **by adding** “professional regulatory organization,” **after** “that department, agency, professional organization,”.

(j) “veterinary association” means

- (i) the Alberta Veterinary Medical Association, and
- (ii) the Council, a board, committee or tribunal and the Registrar, Executive Director, Complaints Director and Hearings Director of the Alberta Veterinary Medical Association and any officer, investigator or person engaged by the Alberta Veterinary Medical Association.

12(1) Subject to subsection (2.1), it is the function and duty of the Ombudsman to investigate any decision or recommendation made, including any recommendation made to a Minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in the person's or its personal capacity, in or by any department, agency, professional organization or municipality, or by any officer, employee or member of any department or agency in the exercise of any power or the performance of any function conferred on the officer, employee or member by any enactment.

(3) The powers and duties conferred on the Ombudsman by this Act may be exercised and performed notwithstanding any provision in any Act to the effect

- (c) that no proceeding or decision of the person, department, agency, professional organization or municipality whose decision, recommendation, act or omission it is may be challenged, reviewed, quashed or called in question.

16(1) Before investigating any matter under this Act, the Ombudsman shall inform the deputy minister of the department or the administrative head of the agency, professional organization or municipality affected, as the case may be, of the Ombudsman's intention to make the investigation.

(4) If, during or after an investigation, the Ombudsman is of the opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any department, agency, professional organization or municipality, the Ombudsman shall refer the matter to the deputy minister of the department or the administrative head of the agency, professional organization or municipality, as the case may be.

18(1) Subject to this section and section 19, the Ombudsman may require any person who in the Ombudsman's opinion is able to give



*any information relating to any matter being investigated by the Ombudsman*

- (a) to furnish the information to the Ombudsman, and*
- (b) to produce any document, paper or thing that in the Ombudsman's opinion relates to the matter being investigated and that may be in the possession or under the control of that person,*

*whether or not that person is an officer, employee or member of a department, agency, professional organization or municipality, and whether or not the document, paper or thing is in the custody or under the control of a department, agency, professional organization or municipality.*

*(2) When the Ombudsman requires the production of a document, paper or thing under subsection (1), the Ombudsman may require it to be produced at a place designated by the Ombudsman and may require that it be left in the Ombudsman's possession for the purposes of the Ombudsman's investigation but, on the request of the deputy minister of the department, the administrative head of the agency, professional organization or municipality or the person who produced the document, paper or thing, the Ombudsman shall return the document, paper or thing to the department, agency, professional organization, municipality or person as quickly as possible, and in any case not later than 48 hours after the receipt of the request, subject to the Ombudsman's right to require its production again in accordance with this section.*

*(3) The Ombudsman may summon before the Ombudsman and examine on oath*

- (a) any person who is an officer, employee or member of any department, agency, professional organization or municipality and who in the Ombudsman's opinion is able to give any information mentioned in subsection (1),*

*and for that purpose may administer an oath.*

*21(3) If, when this section applies, the Ombudsman is of the opinion*

- (a) that the matter should be referred to the appropriate authority for further consideration,*
- (b) that the omission should be rectified,*





- (c) *that the decision should be cancelled or varied,*
- (d) *that any practice on which the decision, recommendation, act or omission was based should be altered,*
- (e) *that any law on which the decision, recommendation, act or omission was based should be reconsidered,*
- (f) *that reasons should have been given for the decision,*
- (g) *that the matter should be reheard or reconsidered by the appropriate authority, or*
- (h) *that any other steps should be taken,*

*the Ombudsman shall report that opinion and the Ombudsman's reasons for it to the appropriate Minister and to the department or agency concerned or to the administrative head of the professional organization or municipality concerned, and may make any recommendations the Ombudsman thinks fit, and in that case the Ombudsman may request the department, agency or administrative head of the professional organization or municipality to notify the Ombudsman within a specified time of the steps, if any, that it proposes to take to give effect to the Ombudsman's recommendations.*

*(4) If within a reasonable time after the report is made under subsection (3) to the administrative head of a professional organization or municipality no action is taken that seems to the Ombudsman to be adequate and appropriate, the Ombudsman may, after considering the comments, if any, made by or on behalf of the professional organization or municipality, send a copy of the report to the appropriate Minister.*

*(5) If, within a reasonable time after the report is made to the appropriate Minister and the department or agency under subsection (3) or to the administrative head of a professional organization or municipality under subsection (3) and to the appropriate Minister under subsection (4), no action is taken that seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in the Ombudsman's discretion after considering the comments, if any, made by or on behalf of the department, agency, professional organization or municipality, may send a copy of the report and recommendations to the Lieutenant Governor in Council and may afterwards make any report to the Legislature on the matter that the Ombudsman thinks fit.*



*(6) The Ombudsman shall attach to every report sent or made under subsection (5) a copy of any comments made by or on behalf of the department, agency, professional organization or municipality concerned.*

*21.1(1) On the recommendation of the Ombudsman under section 21(3), a department, agency, professional organization or municipality may*

*(a) rehear a matter or reconsider a decision or recommendation made by the department or agency or professional organization or municipality, or an officer, employee or member of it, and*

*(b) quash, confirm or vary that decision or recommendation or any part of it.*

*(3) This section applies notwithstanding any provision in any Act to the effect that*

*(c) no proceeding or decision of the person, department, agency, professional organization or municipality whose decision, recommendation, act or omission it is may be challenged, reviewed, quashed or called in question.*

*26(1) For the purposes of this Act, the Ombudsman may at any time enter on any premises occupied by any department, agency, professional organization or municipality and inspect the premises and, subject to sections 18 and 19, carry out in those premises any investigation that is within the Ombudsman's jurisdiction.*

*(2) Before entering on any premises pursuant to subsection (1), the Ombudsman shall notify, as the case may require, the deputy minister of the department or the administrative head of the agency, professional organization or municipality that occupies the premises of the Ombudsman's intention to do so.*

*28(2) The Ombudsman may, from time to time, in the public interest or in the interests of any person, department, agency, professional organization or municipality, publish reports relating*

*(a) generally to the exercise of the Ombudsman's functions under this Act, or*

*(b) to any particular case investigated by the Ombudsman,*

**Amends SA 2019 cO-8.5**

**260 The Opioid Damages and Health Care Costs Recovery Act is amended in section 1(1)(l)(i) by striking out “*Veterinary Profession Act*” and substituting “*Professional Governance Act*”.**

*whether or not the matters to be dealt with in any such report have been the subject of a report to the Legislature.*

*(3) The Ombudsman shall not, in a report made under this section, express any opinion or make any comment that is adverse to*

*(a) any department or any officer or employee of a department,*

*(b) any agency or any officer, member or employee of an agency,*

*(c) any professional organization,*

*(c.01) any municipality,*

*(c.1) any officer, employee or member of a health authority or person engaged by a health authority, or*

*(d) any other person or group of persons,*

*unless prior to making the report to the Legislature or publishing the report pursuant to subsection (2), as the case may be, the Ombudsman has given that department, agency, professional organization, municipality, officer, member, employee, person or group of persons an opportunity to know the nature of the opinion or comment and to make representations to the Ombudsman in respect of it either personally or by counsel.*

**260** Amends chapter O-8.5 of the Statutes of Alberta, 2019.

Section 1(1)(l)(i) presently reads:

*1(1) In this Act,*

*(l) “practitioner” means a person who*

*(i) is authorized under the Health Professions Act or the Veterinary Profession Act to prescribe or advise on the therapeutic value, contents and hazards of a drug within the meaning of the Pharmacy and Drug Act, and*

**Amends RSA 2000 cP-13**

**261 The *Pharmacy and Drug Act* is amended in section 2**

- (a) in subsection (4) by striking out “*Veterinary Profession Act*” and substituting “profession of veterinary medicine as defined in regulations made under the *Professional Governance Act*”;**
- (b) in subsection (5)(b) by striking out “*Veterinary Profession Act*” and substituting “*Professional Governance Act*”.**

**Amends SA 2018 cP-26.83**

**262 The *Protecting Choice for Women Accessing Health Care Act* is amended in section 14(b) by striking out “the *Land Surveyors Act*” wherever it occurs and substituting “regulations made under the *Professional Governance Act*”.**

**Amends RSA 2000 cR-5**

**263 The *Real Estate Act* is amended in section 70 by striking out “*Chartered Professional Accountants Act*” and substituting “*Professional Governance Act*”.**

**261** Amends chapter P-13 of the Revised Statutes of Alberta 2000.

Section 2(4) and (5)(b) presently read:

*(4) An individual who is authorized to compound or dispense a drug in the practice of a profession other than pharmacy under the Health Professions Act, another enactment regulating the practice of a health profession or the Veterinary Profession Act may compound or dispense a drug from premises other than a licensed pharmacy or an institution pharmacy, but only in accordance with that enactment.*

*(5) Nothing in subsection (4) authorizes an individual to*

*(b) provide a pharmacy service other than incidentally to the practice of the profession as authorized under the Health Professions Act, the other enactment described in subsection (4) or the Veterinary Profession Act.*

**262** Amends chapter P-26.83 of the Statutes of Alberta, 2018.

Section 14(b) presently reads:

*14 A plan or document that*

*(b) is prepared by or under the personal supervision, direction and control of an Alberta land surveyor as defined in the Land Surveyors Act and is affixed with the Alberta land surveyor's signature or the stamp of a surveyor's corporation or surveyor's partnership as defined in the Land Surveyors Act*

*is admissible in evidence in any judicial proceeding, and is proof, in the absence of evidence to the contrary, of the information set out in the plan or document without proof of the signature or official character of the person whose signature is affixed to the plan or document or proof of the stamp affixed to the plan or document.*

**263** Amends chapter R-5 of the Revised Statutes of Alberta 2000.

Section 70 presently reads:

**Amends RSA 2000 cS-1**

**264 The Safety Codes Act is amended**

- (a) in section 11 by striking out “Architects Act or the Engineering and Geoscience Professions Act” and substituting “Professional Governance Act”;**
- (b) in section 45(1)**
  - (i) in clause (a) by striking out “Architects Act” and substituting “Professional Governance Act”;**
  - (ii) in clause (b) by striking out “Engineering and Geoscience Professions Act” and substituting “Professional Governance Act”;**
- (c) in section 65(1)(b) by striking out “Architects Act or the Engineering and Geoscience Professions Act” and substituting “Professional Governance Act”.**

**Amends RSA 2000 cS-26**

**265 The Surveys Act is amended**

- (a) in section 1(w) by striking out “the Land Surveyors Act” and substituting “regulations made under the Professional Governance Act”;**
- (b) in section 15(3) by striking out “or a practitioner as defined in the Land Surveyors Act”.**



*70 The accounts of the Foundation must be audited annually by a professional accounting firm registered under the Chartered Professional Accountants Act and authorized to perform an audit engagement.*

**264** Amends chapter S-1 of the Revised Statutes of Alberta 2000.

Sections 11, 45(1) and 65(1)(b) presently read:

*11 A person permitted to affix stamps or seals pursuant to the Architects Act or the Engineering and Geoscience Professions Act shall ensure that any professional service the person renders to which this Act applies, including the affixing of stamps and seals, complies with this Act.*

*45(1) If the regulations require the design of any thing, process or activity to which this Act applies to be submitted for review or to be registered and*

*(a) to have a stamp or seal affixed to it and to be signed pursuant to the Architects Act, or*

*(b) to have a seal affixed to it and to be signed pursuant to the Engineering and Geoscience Professions Act,*

*no permit may be issued with respect to the design unless the design is submitted for review or registered and is signed, stamped and sealed in accordance with the regulations.*

*65(1) The Lieutenant Governor in Council may make regulations*

*(b) respecting the requirements for designs to be signed or have stamps or seals affixed by persons licensed or registered under the Architects Act or the Engineering and Geoscience Professions Act or any other enactment governing a profession or occupation;*

**265** Amends chapter S-26 of the Revised Statutes of Alberta 2000.

Sections 1(w) and 15(3) presently read:

*1(1) In this Act,*

**Amends RSA 2000 cW-3**

**266** The *Water Act* is amended in section 23(3)(a) by striking out “the *Engineering and Geoscience Professions Act*” and substituting “regulations made under the *Professional Governance Act*”.

**Division 3**  
**Repeals and Coming into Force**

**Repeals**

**267** The following Acts are repealed:

- (a) *Agrology Profession Act*;
- (b) *Architects Act*;
- (c) *Chartered Professional Accountants Act*;
- (d) *Consulting Engineers of Alberta Act*;
- (e) *Engineering and Geoscience Professions Act*;
- (f) *Land Surveyors’ Act*;

(w) “surveyor” means an Alberta land surveyor as defined in the Land Surveyors Act.

15(3) The evidence shall be filed and kept and any document or plan prepared and sworn to as correct by a surveyor with reference to a survey performed by the surveyor shall be filed and kept by the surveyor or a practitioner as defined in the Land Surveyors Act, subject to being produced as evidence in court.

**266** Amends chapter W-3 of the Revised Statutes of Alberta 2000.

Section 23(3)(a) presently reads:

(3) If, on or after January 1, 1999, a subdivision of land of a type or class of subdivision specified in the regulations is approved under the Municipal Government Act, a person residing within that subdivision on a parcel of land that adjoins or is above a source of water described in section 21 has the right to commence and continue the diversion of water under section 21 only if

(a) a report certified by a professional engineer or professional geoscientist, as defined in the Engineering and Geoscience Professions Act, was submitted to the subdivision authority as part of the application for the subdivision under the Municipal Government Act, and the report states that the diversion of 1250 cubic metres of water per year for household purposes under section 21 for each of the households within the subdivision will not interfere with any household users, licensees or traditional agriculture users who exist when the subdivision is approved, and

**267** Repeals.

- (g) *Professional and Occupational Associations Registration Act*;
- (h) *Regulated Forest Management Profession Act*;
- (i) *Veterinary Professions Act*.

**Coming into force**

**268(1)** This Act, except section 66(4)(b), comes into force on Proclamation.

**(2)** Section 66(4)(b) comes into force on the coming into force of the *Labour Mobility Act*.

**268** Coming into force.





**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>