

# APPENDICES

## Authority to Inform the Public of Decisions of Statutory Boards and Committees

Fall 2015 Consultations

*The Engineering and Geoscience Professions Act*



The Association of Professional  
Engineers and Geoscientists of Alberta

## **Appendix 1 – Existing Legislation**

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

### ***Engineering and Geoscience Professions Act***

#### **Part 3 Regulations and Bylaws**

##### **Powers of the Practice Review Board**

16(1) The Practice Review Board

(b) may conduct a review of the practice of a professional member, licensee, permit holder or certificate holder in accordance with this Act and the regulations.

(4) The Board may, after a review under this section with respect to an individual practitioner, make any order that the Discipline Committee may make under section 63 or 64.

##### **Regulations**

19(1) The Council may make regulations

o) governing the publication of a notice of the suspension or cancellation of the registration of a professional member, licensee, permit holder or certificate holder in a form and manner prescribed by the Council;

##### **Bylaws**

20(1) The Council may make bylaws

(t) respecting the establishment, content and maintenance of registers of professional members, licensees, permit holders and certificate holders and of records of other classes or categories of membership to be kept by the Registrar;

(u) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws;

##### **Entries in registers**

27(1) The registration of a professional member, licensee, permit holder or certificate holder is suspended when the decision to suspend the registration is made in accordance with this Act.

(2) The Registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating

(a) the duration of the suspension, and

(b) the reason for the suspension.

(3) The registration of a professional member, licensee, permit holder or certificate holder is cancelled when the decision to cancel the registration is made in accordance with this Act.

(4) The Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.

(5) The Registrar shall not remove from the registers any memorandum made by the Registrar under this section, except in accordance with the bylaws.

**List of registrants open to the public**

28 The Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all the professional members, licensees, permit holders and certificate holders in good standing.

**Publication**

77 After a finding or order is made by the Discipline Committee, the Council, the Appeal Board, the Court or the Court of Appeal under this Part, the name of the investigated person may be published in accordance with the regulations.

**General Regulation  
Part 6 Discipline****Publication**

46 The Discipline Committee or the Appeal Board may direct that reports of disciplinary investigations be published

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

This table contains a summary of the research pertaining to publish decisions by statutory boards and committees. The relevant legislative provisions that form the basis of this summary are contained in Appendix 2A.

Professional Association	Association of Professional Engineers and Geoscientists of British Columbia	Association of Professional Engineers and Geoscientists of Alberta	Association of Professional Engineers and Geoscientists of Saskatchewan	Association of Professional Engineers and Geoscientists of Manitoba	Professional Engineers Ontario
Authority to publish decisions by statutory boards	No	Yes	No bylaws in place, but administrative bylaws about publishing Council or committee decisions are allowed	Yes	Yes
What can be published?	N/A	Names of investigated persons and reports of disciplinary investigations	N/A	After appeal period: <ul style="list-style-type: none"> <li>names of investigated persons under order</li> <li>circumstances relevant findings of unskilled practice or professional misconduct</li> </ul>	Names of members or holders of revoked or suspended licences, with or without reasons
How or where is this information published?	N/A	Register	N/A	Regular or special publication of the Association, The Manitoba Gazette, any newspaper circulated in Manitoba	Official publication of the Association
Does the register contain disciplinary information?	N/A	Yes	N/A	No	Yes

<b>Professional Association</b>	<b>Association of Professional Geoscientists of Ontario</b>	<b>Ordre des Ingénieurs du Québec</b>	<b>Association of Professional Engineers and Geoscientists of New Brunswick</b>	<b>Engineers Nova Scotia</b>
Is there authority to publish decisions by statutory boards?	Yes	Yes	Yes	Yes
What can be published?	Terms, conditions and limitations on membership, suspension or revocation, results of disciplinary hearings completed within six years (member name, if fine was levied terms, conditions or limitations, decisions of discipline committee)	Striking or suspension of members from the register Records of the disciplinary council Member names, work addresses, restrictions, cancellations, further discipline history	Orders of the Discipline Committee; revocation or suspension of members	Orders of revocation or suspension, and orders of disciplinary panel, with or without names
How or where is this information published?	Official publication of the association	Any periodical or leaflet	Official publication of association	Official publication of association Register Any other manner or medium disciplinary panel considers appropriate
Does the register contain disciplinary information?	Yes	Yes	No	Yes

Professional Association	Geoscientists Nova Scotia	Engineers PEI	Professional Engineers and Geoscientists Newfoundland and Labrador	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
Is there authority to publish decisions by statutory boards?	Yes	Yes	Yes	Yes	No
What can be published?	Status of members – cancelled, suspended, not in good standing	Suspensions and cancellations	Summary of decision or order, conditions of order, restrictions, name and address, date, location and brief description of conduct.	Name of investigated person and results, summary report of disciplinary hearing.	N/A
How or where is this information published?	Register	In the form determined by Council	Newspapers	Association publication and other publications, register	N/A
Does the register contain disciplinary information?	Yes	Discretionary	No	Yes	N/A

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

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

	Association of Professional Engineers and Geoscientists of British Columbia	Association of Professional Engineers and Geoscientists of Alberta
<p>Is there authority to publish decisions by statutory boards?</p> <p>What can be published?</p> <p>How or where is this information published?</p>	N/A	<p>Act</p> <p>19(1) The Council may make regulations o) governing the publication of a notice of the suspension or cancellation of the registration of a professional member, licensee, permit holder or certificate holder in a form and manner prescribed by the Council;</p> <p>77 After a finding or order is made by the Discipline Committee, the Council, the Appeal Board, the Court or the Court of Appeal under this Part, the name of the investigated person may be published in accordance with the regulations.</p> <p>Regulations</p> <p>46 The Discipline Committee or the Appeal Board may direct that reports of disciplinary investigations be published</p>
<p>Does the register contain disciplinary information?</p>	N/A	<p>Act</p> <p>20(1) The Council may make bylaws (t) respecting the establishment, content and maintenance of registers of professional members, licensees, permit holders and certificate holders and of records of other classes or categories of membership to be kept by the Registrar; (u) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws;</p> <p>27(1) The registration of a professional member, licensee, permit</p>

	<b>Association of Professional Engineers and Geoscientists of British Columbia</b>	<b>Association of Professional Engineers and Geoscientists of Alberta</b>
		<p>holder or certificate holder is suspended when the decision to suspend the registration is made in accordance with this Act.</p> <p>(2) The Registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating</p> <p>(a) the duration of the suspension, and</p> <p>(b) the reason for the suspension.</p> <p>(3) The registration of a professional member, licensee, permit holder or certificate holder is cancelled when the decision to cancel the registration is made in accordance with this Act.</p> <p>(4) The Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.</p> <p>(5) The Registrar shall not remove from the registers any memorandum made by the Registrar under this section, except in accordance with the bylaws.</p> <p>28 The Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all the professional members, licensees, permit holders and certificate holders in good standing.</p>



	<b>Association of Professional Engineers and Geoscientists of Saskatchewan</b>	<b>Association of Professional Engineers and Geoscientists of Manitoba</b>
<p>Is there authority to publish decisions by statutory boards?</p> <p>What can be published?</p> <p>How or where is this information published?</p>	<p>Act</p> <p>16(2) Subject to this Act, regulatory bylaws may be made pursuant to section 15 for the following purposes:  q) respecting the reporting and publication of decisions and reports of the council and committees;</p>	<p>Act</p> <p>50 Notwithstanding that any proceeding or part of a proceeding under this Part may have been held in private, the Association, may after the expiration of any appeal period, publish  (a) the name of an investigated person in respect of whom an order is made under section 47 or 48; and  (b) the circumstances relevant to the finding of unskilled practice of professional engineering or professional geoscience, or the finding of professional misconduct.</p> <p>Bylaws</p> <p>15.6.6 Any publication of an order or decision of the discipline committee may be made by the registrar in any one or more of:  a) any regular or special publication of the association;  b) the Manitoba Gazette;  c) any newspaper that is circulated in all or any community of the province of Manitoba.</p> <p>15.9.4.1 Except as otherwise provided in the Act or in these by-laws, information regarding any complaint shall not be disclosed except as follows:  a) during the course of any review or investigation, to the registrar, to the investigation committee, any consultant to the investigation committee, the investigated person, the complainant and their respective legal counsel;  b) during the course of any hearing before the discipline committee, to the registrar, the discipline committee, the investigation committee, any consultant to the investigation committee, the investigated person, the complainant and their respective legal counsel;  c) during the course of any appeal to the council, to the registrar, the council, the discipline committee, the investigation committee, any consultant to the investigation committee, the investigated person, the complainant and their respective legal counsel;  d) pursuant to any action under clauses 35 (1) (d) or (f) of the Act, in accordance with the terms of such action; and e) upon a conviction and the expiry of all appeal periods, in such manner as the registrar, the council, the discipline committee or any committee of the association may see fit.</p>

	<b>Association of Professional Engineers and Geoscientists of Saskatchewan</b>	<b>Association of Professional Engineers and Geoscientists of Manitoba</b>
Does the register contain disciplinary information	N/A	N/A

	<b>Professional Engineers Ontario</b>	<b>Association of Professional Geoscientists of Ontario</b>
Is there authority to publish decisions by statutory boards?  What can be published?  How or where is this information published	<p>Act</p> <p>28 (5) The Discipline Committee shall cause an order of the Committee revoking or suspending a licence or certificate of authorization, temporary licence, provisional licence or limited licence to be published, with or without the reasons therefor, in the official publication of the Association together with the name of the member or holder of the revoked or suspended licence or certificate of authorization, temporary licence, provisional licence or limited licence.</p>	<p>Act</p> <p>(4) The discipline committee may do any of the following things upon making a finding of professional misconduct, negligence or incompetence: 7. Publish the name of the member or certificate holder.</p> <p>Regulation Disciplinary Matters - Complaints and Disciplinary Proceedings Relating to the Practice of Professional Geoscience, O Reg 258/02 18. (1) The discipline committee shall, within a reasonable time after the conclusion of a hearing, make a written decision on the matter, (a) describing each finding made on the issues before it; (b) stating the reasons for each finding made; and (c) stating any order made.</p> <p>(4) The Association shall ensure that a decision of the discipline committee is published, with or without the reasons therefor, in an official publication of the Association, together with the name of the member or certificate holder who was the subject of the proceeding.</p>
Does the register contain disciplinary information	<p>Act</p> <p>21. (1) The Registrar shall maintain one or more registers in which is entered every person who is licensed under this Act and every holder of a certificate of authorization, temporary licence, provisional licence or limited licence, identifying the terms, conditions and limitations attached to the licence, certificate of authorization, temporary licence, provisional licence or limited licence, and shall note on the register every revocation, suspension and cancellation or termination of a licence, certificate of authorization, temporary</p>	<p>Act</p> <p>40. (1) The Registrar shall maintain a public register of information about members and certificate holders. (3) The register must contain the following information and may contain such other information as the Association considers appropriate. 4. Particulars of any terms, conditions and limitations on an individual's membership and any variations made to them within the preceding six years.</p>

	<b>Professional Engineers Ontario</b>	<b>Association of Professional Geoscientists of Ontario</b>
	licence, provisional licence or limited licence and such other information as the Registration Committee or Discipline Committee directs.	<p>5. Particulars of the certificate of authorization of a certificate holder, including any terms, conditions and limitations and any variations made to the certificate within the preceding six years.</p> <p>6. Particulars of any suspension or revocation of a person's membership or certificate.</p> <p>7. The results of every disciplinary proceeding completed within the six preceding years in which,</p> <p>i. a member or certificate holder was reprimanded,</p> <p>ii. a member or certificate holder was required to pay a fine, or</p> <p>iii. a person's membership or certificate was revoked, suspended or had terms, conditions or limitations imposed on it.</p> <p>8. Such other information as may be prescribed.</p>

	<b>Ordre des Ingénieurs du Québec</b>	<b>Association of Professional Engineers and Geoscientists of New Brunswick</b>
Is there authority to publish decisions by statutory boards?	Professional Code	Act
What can be published?	86.0.1. The board of directors may, in particular, (1) publish any periodical, leaflet or information concerning the activities of the order or its members;	18 (11) The Discipline Committee shall cause an order of the Committee revoking or suspending a membership, licence, or certificate of authorization to be published, with or without the reasons therefore, in the official publication of the Association together with the name of the member or holder of the revoked or suspended licence or certificate of authorization.
How or where is this information published?	108.7. The information contained in the following documents of an order is also public information: (1) a resolution striking a member off the roll or limiting or suspending the member's right to engage in professional activities, except any medical information or information concerning a third person that it may contain; (2) a resolution made under a power conferred on the order by section 159 or following a recommendation under section 158.1 or 160; (3) a resolution designating an assignee or a provisional custodian under section 91, and the description of the mandate. (4) the hearing roll of a disciplinary council; and (5) the record of a disciplinary council, from the date on which the hearing is held, subject to any order banning disclosure, access to or the publication or release of information or documents issued by the disciplinary council or the Professions Tribunal under section 142 or 173.	(12) Upon the request of a member, licensee, or the holder of a certificate of authorization against whom an allegation was made, the Discipline Committee shall cause the decision of the Committee that an allegation of professional misconduct or incompetence was unfounded be published in the official publication of the Association.

	<b>Ordre des Ingénieurs du Québec</b>	<b>Association of Professional Engineers and Geoscientists of New Brunswick</b>
	<p>133. The name of a member against whom a complaint has been made and the subject of the complaint is also public information as of service of the complaint by the secretary of the disciplinary council.</p> <p>The disciplinary council must, on rendering a decision imposing provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities, decide whether a notice of the decision must be published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practised or could practise. If the council orders the publication of a notice, it must, in addition, decide whether the publication expenses are to be paid by the professional or by the order, or apportioned between them. The secretary of the council shall choose the newspaper most likely to be read by the professional's clientele.</p> <p>A notice shall include the name of the respondent, the place of his professional domicile, the name of the order of which he is a member, his specialty, if any, the date and nature of the facts with which he is charged and the date and a summary of the decision.</p>	
Does the register contain disciplinary information	<p>Professional Code</p> <p>46.1. The secretary of the order shall prepare the roll of the order. The roll shall contain, if applicable, the following information:</p> <ul style="list-style-type: none"> <li>(1) the name of each person who has applied for entry on the roll and satisfies the conditions set out in section 46;</li> <li>(2) the sex of that person;</li> <li>(3) the name of the person's office or employer;</li> <li>(4) the address and telephone number of the person's professional domicile;</li> <li>(5) the year the person was first entered on the roll and the year of every subsequent entry on the roll;</li> <li>(6) every certificate, permit, accreditation or authorization that the order has issued to the person, with the date of issue;</li> <li>(7) a note to the effect that the person has been struck off the roll in the past or that the person's right to engage in professional activities is or has been restricted or suspended by the application of</li> </ul>	N/A

	<b>Ordre des Ingénieurs du Québec</b>	<b>Association of Professional Engineers and Geoscientists of New Brunswick</b>
	<p>section 45.1, 51, 55, 55.1 or 55.2;</p> <p>(8) a note to the effect that the person has been struck off the roll or declared disqualified in the past, that the person's specialist's certificate is or has been revoked or that the person's right to engage in professional activities is or has been restricted or suspended by a decision of the board of directors, in cases other than those referred to in sections 45.1, 51, 55 and 55.1, or by a decision of a disciplinary council or of a court; and</p> <p>(9) any other information determined by regulation of the Office.</p> <p>The secretary of the order shall note on the roll the period during which a decision referred to in subparagraph 7 or 8 of the first paragraph of this section applies.</p> <p>46.2. The secretary of the order shall keep in a directory the information concerning a person who is no longer entered on the roll as a result of having been struck off, having been declared disqualified, or having otherwise ceased to be a member of the order. The information remains in the directory until the person is again entered on the roll, if applicable, or until the person's death or 100<sup>th</sup> birthday.</p>	

	<b>Engineers Nova Scotia</b>	<b>Geoscientists Nova Scotia</b>
<p>Is there authority to publish decisions by statutory boards?</p> <p>What can be published?</p> <p>How or where is this information published?</p>	<p>Act</p> <p>17S (2) Where a disciplinary panel finds any registrant guilty (f) in respect of orders of revocation or suspension, direct that the finding and the order of the disciplinary panel be published in detail or in summary and either with or without including the name of the registrant in the official publication of the Association and in such other manner or medium as the disciplinary panel considers appropriate in the particular case</p> <p>17U Where no appeal has been taken pursuant to subsection 17V(1) within the time prescribed for the filing of notices of appeal, (a) the disciplinary panel's decision must be reported either on a named or unnamed basis, to members of the Association by publication in such form and in such manner as the Council considers</p>	<p>Act</p> <p>(9) In addition to the power to make by-laws conferred by other provisions of this Act, the Association may make by-laws providing for all matters relating to the investigation, mediation, settlement, adjudication or other resolution or disposition of complaints, and the imposition of sanctions, penalties or remedial actions including, but not limited to, by-laws (h) respecting the giving of public or other notice of decisions, orders or findings of the Complaints Committee and the Discipline Committee;</p>

	<b>Engineers Nova Scotia</b>	<b>Geoscientists Nova Scotia</b>
	<p>appropriate;</p> <p>(b) the disciplinary panel may, in its discretion, order that a notice of suspension or revocation of licence be printed in whatever newspaper and on as many occasions as the disciplinary panel directs;</p> <p>(c) in the event that an appeal from an order of the disciplinary panel is taken pursuant to subsection 17V(1), no such notice shall be given unless and until the order of the disciplinary panel is upheld on appeal and the periods for the taking of any further appeals have expired.</p>	

Does the register contain disciplinary information	<p>Bylaws</p> <p>10(1) The Council at its first regular meeting shall appoint the Registrar of the Association.</p> <p>(2) The Registrar shall perform the duties imposed upon him by the Act and by-laws. He shall receive and present to the Board all applications for membership, licence to practise or enrolment as an engineer-in-training, and keep a full and correct record of such applications and the Council's resolution on each application. He shall maintain the Register and issue all certificates of registration, licences to practise and perform all other duties incidental to his office or which may be assigned to him by the Association or the Council.</p> <p>(3) The Registrar shall keep a Register in which shall be entered the full name, address and date of registration of every member, person licensed to practise and engineer-in-training. He shall erase therefrom the name of any such person who has resigned, ceased to be in good standing, been expelled or died, by drawing a line through the name of such person and noting opposite such name the word "resigned", "not in good standing", "expelled", or "deceased" together with the date thereof; provided that notice shall first be given to such person not in good standing in the manner provided by Section 21(2) hereof. The word "suspended" and the date and period thereof shall be placed after the name of any such person who has been suspended.</p>	<p>Bylaws</p> <p>10 (1) The Council at its first regular meeting shall appoint the Registrar of the Association.</p> <p>(3) The Registrar shall keep a Register in which shall be entered the full name, address and date of registration of every member, person licensed to practise and member-in-training. He/She shall erase therefrom the name of any such person who has resigned, ceased to be in good standing, been expelled or died, by drawing a line through the name of such person and noting opposite such name the word "resigned", "not in good standing", "expelled", or "deceased" together with the date thereof; provided that notice shall first be given to such person not in good standing in the manner provided by Section 21(2) hereof. The word "suspended" and the date and period thereof shall be placed after the name of any such person who has been suspended.</p>
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	<b>Engineers PEI</b>	<b>Professional Engineers and Geoscientists Newfoundland and Labrador</b>
<p>Is there authority to publish decisions by statutory boards?</p> <p>What can be published?</p> <p>How or where is this information</p>	<p>Act</p> <p>20.(6) Where no appeal has been taken pursuant to section 21 within the time prescribed for the filing of notices of appeal, the Council</p> <p>(a) may cause notice of any resolution reprimanding and censuring a person complained of to be given to members of the Association by publication in such form and in such manner as Council shall determine.</p> <p>(b) shall cause notice of any resolution suspending or cancelling a certificate of registration, license to practise, enrollment as an engineer-in-training or certificate of authorization of a person complained of, to be given to the members of the Association by publication in such form and in such manner as Council shall determine, and Council may give such further notice as it shall</p>	<p>Act</p> <p>30. (3) The registrar shall publish a summary of a decision or order of an adjudication tribunal in a newspaper of general circulation in or nearest to the community in which the respondent practises within 14 days of the appeal period under section 36 , unless a court orders otherwise, where the decision or order</p> <p>(a) suspends the respondent;</p> <p>(b) allows or directs the respondent to surrender his or her registration or permit;</p> <p>(c) restricts the respondent's practice;</p> <p>(d) specifies conditions for the continuing practice of the respondent; or</p> <p>(e) requires that a summary of the decision or order be published.</p> <p>(4) The summary of the decision published under subsection (3) shall</p>

	<b>Engineers PEI</b>	<b>Professional Engineers and Geoscientists Newfoundland and Labrador</b>
published?	decide.	include (a) the name of the respondent and the address where he or she practises; (b) the date, location and a brief description of the conduct of the respondent that was found to be deserving of sanction; (c) the name of the complainant, unless the complainant has requested that his or her name be withheld; (d) the contents of the order in relation to the actions referenced in paragraphs (3)(a) to (d); and (e) other information specified for publication in the decision or order.
Does the register contain disciplinary information	Act  20. (2) Upon completion of the hearing, the Discipline Committee may pass a resolution dismissing the complaint or, if the Discipline Committee finds a member, licensee, engineer-in-training or the holder of a certificate of authorization guilty of professional misconduct or incompetence, or in breach of any of the requirements of this Act or any bylaws made hereunder, the Committee may, by order, do any one or more of the following: (f) reprimand, admonish or counsel the member, licensee, engineer-in-training or the holder of certificate of authorization, and if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register for a stated or unlimited period of time;	N/A

	<b>The Association of Professional Engineers of Yukon</b>	<b>Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists</b>
Is there authority to publish decisions by statutory boards?  What can be published?  How or where is	Act  58(1) On completion of an investigation or issuance of a finding or order made by the Discipline Committee, the Council, or the Supreme Court, the name of the investigated person and the results may be published in accordance with regulations.  Regulations  33.(1) The Registrar may direct that a summary report of any	N/A



	<b>The Association of Professional Engineers of Yukon</b>	<b>Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists</b>
this information published?	<p>disciplinary investigation be published in an Association publication after the allowable period of time has elapsed for any appeals that may be commenced.</p> <p>(2) A summary report of any disciplinary hearing shall be published in an Association publication and may at the direction of the Registrar be published in other publications after the allowable period of time has elapsed for any appeals that may be commenced.</p> <p>(3) The Registrar may direct that other Associations of Professional Engineers be notified of the results of any disciplinary hearing and may permit other Associations to publish the results</p> <p>.</p>	
Does the register contain disciplinary information	<p>Act</p> <p>17(1) The registration of a professional engineer, holder of a limited licence to practice or permit holder is suspended when the decision to suspend the registration is made in accordance with this Act.</p> <p>(2) The registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating</p> <p>(a) the duration of the suspension; and</p> <p>(b) the reason for the suspension.</p> <p>(3) The registration of a professional engineer, holder of a limited licence or permit holder is cancelled when the decision to cancel the registration is made in accordance with this Act.</p>	N/A

### Appendix 3 – Summary and Analysis of Other Alberta Professional Associations

This table summarizes the research for the authority to publish decisions by statutory boards and committees. Appendix 3A contains the relevant legislative provisions that form the basis of this summary.

Professional Association	Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta	Alberta Association of Architects
Authority to publish decisions by statutory boards Is there authority to publish decisions by statutory boards?	Yes	Yes	Yes	Yes
What can be published?	Names of investigated persons and reports of disciplinary investigations	<ul style="list-style-type: none"> <li>Names</li> <li>Suspensions</li> <li>Revocations</li> <li>Restrictions, conditions or undertakings</li> <li>Summaries of findings of unprofessional conduct</li> </ul>	<ul style="list-style-type: none"> <li>Names</li> <li>Notices of suspension or termination</li> <li>Outcomes of hearings, including findings determinations, and orders</li> </ul>	<ul style="list-style-type: none"> <li>Names and periods of suspension, or cancellation – after decision</li> <li>Notification of reprimands and other discipline actions – subject to Council's direction</li> </ul>
How or where is this information published?	Register	<ul style="list-style-type: none"> <li>Public register</li> <li>A publication distributed to all members</li> <li>To the general public</li> </ul>	<ul style="list-style-type: none"> <li>Notice sent to courts, members, and other law societies</li> <li>If an investigated person is disbarred or suspended, notice posted in the person's office or place of business</li> </ul>	Alberta Gazette and any other manner Council considers appropriate
Does the register contain disciplinary information?	Yes	Yes	Yes	Yes

<b>Professional Association</b>	<b>Alberta Dental Association and College</b>	<b>The College of Physicians and Surgeons of Alberta</b>	<b>The Alberta Veterinary Medical Association</b>
Is there authority to publish decisions by statutory boards?	Yes	Yes	No
What can be published?	<ul style="list-style-type: none"> <li>• Names and conditions</li> <li>• Lengths of time of conditions are in place</li> <li>• Permit statuses</li> <li>• Restrictions</li> </ul>	<ul style="list-style-type: none"> <li>• Names and conditions</li> <li>• Lengths of time of conditions are in place</li> <li>• Permit statuses</li> <li>• Restrictions</li> </ul>	Details of any findings or orders
How or where is this information published?	<ul style="list-style-type: none"> <li>• Through registrar's authority to publish or distribute information</li> <li>• To employers, hospitals, the responsible provincial minister, and other colleges and governing bodies</li> <li>• To the general public</li> </ul>	<ul style="list-style-type: none"> <li>• Through registrar's authority to publish or distribute information</li> <li>• To employers, hospitals, the responsible provincial minister, and other colleges and governing bodies</li> <li>• To the general public</li> </ul>	Legislation is silent on the matter
Does the register contain disciplinary information?	Yes	Yes	Yes

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

This table summarizes the research for the authority to publish decisions by statutory boards and committees. The following text is quoted from the legislation and has not been modified to match APEGA’s writing style.

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
<p>Is there authority to publish decisions by statutory boards?</p> <p>What can be published?</p> <p>How or where is this information published?</p>	<p>Act</p> <p>19(1) The Council may make regulations o) governing the publication of a notice of the suspension or cancellation of the registration of a professional member, licensee, permit holder or certificate holder in a form and manner prescribed by the Council;</p> <p>77 After a finding or order is made by the Discipline Committee, the Council, the Appeal Board, the Court or the Court of Appeal under this Part, the name of the investigated person may be published in accordance with the regulations.</p> <p>Regulation</p> <p>46 The Discipline Committee or the Appeal Board may direct that reports of disciplinary investigations be published</p>	<p>Act</p> <p>55 When a registrant’s registration is suspended, cancelled or made subject to practice restrictions, undertakings or conditions under this Part or Part 4, the registrar must publish or post a notice of the suspension, cancellation, practice restrictions, undertakings or conditions together with the status of any appeal and any other information necessary to protect the public interest in accordance with the bylaws.</p> <p>98(1) If a discipline tribunal makes any finding of unprofessional conduct, the discipline tribunal secretary must publish or post notice of the decision of the discipline tribunal, or a summary of it, in accordance with the bylaws, to provide notice of the decision to the following:</p> <ul style="list-style-type: none"> <li>(a) the general public or segments of the general public;</li> <li>(b) other registrants;</li> <li>(c) clients of the investigated party;</li> <li>(d) former clients of the investigated party;</li> <li>(e) a person who employs the investigated party to provide professional services as a paid or unpaid employee, consultant, contractor or volunteer;</li> <li>(f) any member of the CPAA, candidate, employee or partner of a professional accounting firm;</li> <li>(g) an organization outside Alberta that regulates accounting;</li> <li>(h) any other professional organization the</li> </ul>	<p>Act</p> <p>78 (4) Nothing in subsections (1) to (3) prevents the Society from disclosing or publishing the name of a member whose conduct is the subject of a hearing under this Division held wholly or partly in private</p> <p>85(1) When a member is disbarred or the membership of a member is suspended, the Executive Director shall send a notice stating that fact to the judges and clerks of the Court of Appeal, the Court of Queen’s Bench and the Provincial Court, to the Masters in Chambers, to the active members and students-at-law and to the secretaries of other law societies in Canada.</p> <p>(2) A notice under subsection (1) may, subject to the rules, contain information pertaining to any findings, determinations and orders made in respect of the member.</p> <p>(3) If an order is made against a member under section 72, 77, 82, 83 or 84 or an application is granted under section 61, the Hearing Committee or the Benchers may give directions to the Executive Director in accordance with the rules respecting</p> <ul style="list-style-type: none"> <li>(a) the publication of the name of the member and of information pertaining to any findings, determinations and orders made in respect of the member or to the member’s resignation, as the case may be, and</li> <li>(b) if the member has been disbarred or the membership of the member has been suspended, the posting of notice in the office or other place or places of business of the</li> </ul>

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		<p>investigated party belongs to, if the CPAA is aware of the membership.</p> <p><b>107(1)</b> Notwithstanding anything in this Act, the CIC chair, after giving a registrant an opportunity to provide information and make representations, may, by written direction to the registrar,</p> <p>(a) suspend the registrant's registration or impose restrictions on the registrant's practice pending the conclusion of an investigation or pending the decision of a discipline tribunal, and</p> <p>(b) revoke the suspension or restriction at any time.</p> <p><b>(2)</b> The registrar must, as soon as practicable, give written notice to the registrant of the imposition or revocation of a suspension or restriction under subsection (1).</p> <p><b>(3)</b> A registrant may apply to the Court of Queen's Bench for an order revoking a direction under subsection (1)(a).</p> <p><b>(4)</b> A copy of an application under subsection (3) must be served on the CPAA.</p> <p><b>(5)</b> The direction of the CIC chair under this section must be published or posted in accordance with the bylaws.</p> <p>(Proposed) Bylaws  1521 For the purposes of section 107(5) of the Act, if there is a direction of the CIC chair to suspend a registrant's registration or restrict a registrant's practice pending the conclusion of an investigation or pending the decision of a discipline tribunal, notice of the suspension or restriction must be published:</p> <p>(a) with the name of the registrant, on the CPAA website while the suspension or restriction remains in effect; and</p> <p>(b) in any manner that the CIC chair determines is appropriate.</p> <p>1522 If the suspension or restriction is</p>	<p>member relating to the disbarment or suspension.</p>

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		<p>revoked in accordance with section 107(3) of the Act, a notice of the revocation must be published in any manner that the CIC chair determines is appropriate.</p> <p>1523 For the purposes of section 108 and 109 of the Act, a decision of the discipline tribunal must be published in the same manner as a decision of a discipline tribunal arising from a discipline hearing pursuant to Bylaw 1550.</p>	
Does the register contain disciplinary information?	<p>Act</p> <p>20(1) The Council may make bylaws</p> <p>(t) respecting the establishment, content and maintenance of registers of professional members, licensees, permit holders and certificate holders and of records of other classes or categories of membership to be kept by the Registrar;</p> <p>(u) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws;</p> <p>27(1) The registration of a professional member, licensee, permit holder or certificate holder is suspended when the decision to suspend the registration is made in accordance with this Act.</p> <p>(2) The Registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating</p> <p>(a) the duration of the suspension, and</p> <p>(b) the reason for the suspension.</p> <p>(3) The registration of a professional member, licensee, permit holder or certificate holder is cancelled when the decision to cancel the registration is made in accordance with this Act.</p> <p>(4) The Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.</p> <p>(5) The Registrar shall not remove from the registers any memorandum made by the</p>	<p>Act</p> <p>30(1) The CPAA must keep and maintain the following information about a registrant:</p> <p>(b) the registration status of the registrant, including the terms of any suspension, restriction, condition or undertaking;</p> <p>(e) information respecting hearings or appeals and the status of those hearings or appeals;</p> <p>(f) any other information required by the directives.</p> <p>(2) The public may, during regular office hours, request information about a registrant and the CPAA must on request provide the information described in subsection (1).</p>	<p>Rules</p> <p>39 (1) The Roll shall contain the following information with respect to each member or former member:</p> <p>(a) the person's full name, gender and enrolment number;</p> <p>(b) if the person is currently a practising member, the member's current business name, business address and business communications numbers;</p> <p>(c) the person's current practising status and insurance status;</p> <p>(d) the person's practising status history with the Society;</p> <p>(d.1) the person's status as responsible lawyer, if applicable;</p> <p>(e) any restriction on the practice of law by that person, including any restrictions currently or previously in effect, and the date, if known, on which the restriction will, or did, cease to be in effect;</p> <p>(e.1) any conditions or restrictions on the person's eligibility to act as a responsible lawyer under Part 5 of these rules;</p> <p>(e.2) any conditions or restrictions on the law firm with whom the person is associated to operate a trust account under Part 5 of these rules;</p> <p>(f) any citations against the member, edited to protect confidential information, where:</p> <p>(i) the citations have been directed to a</p>

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	<p>Registrar under this section, except in accordance with the bylaws.</p> <p>List of registrants open to the public  28 The Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all the professional members, licensees, permit holders and certificate holders in good standing.</p>		<p>hearing by the Conduct Committee (or a panel thereof), and</p> <p>(ii) the member has been notified, or reasonable efforts have been made to notify, the member of the citations, up until the proceedings have been concluded, at which time the citations will be removed from the Roll.</p> <p>(g) a brief description of;</p> <p>(i) any finding made against that person of conduct deserving of sanction, or conduct unbecoming a barrister and solicitor or of a professional misdemeanour,</p> <p>(ii) any determination of incompetence made in conjunction with a finding of conduct deserving of sanction made against that person, and</p> <p>(iii) the order or orders made against the person as a consequence of a finding referred to in subclause (i), with the dates of and the authority for the orders;</p> <p>(h) any conditions or restrictions made in conjunction with the termination of the person's membership;</p> <p>(i) membership of that person in any extraprovincial law society, if known to the Society;</p> <p>(j) an indication whether that person is currently entitled to temporarily provide legal services as a visiting lawyer in another province;</p> <p>(k) the appointment of that person as Queen's Counsel, if known to the Society; (l) that person's election or appointment as a Bencher or as an officer of the Society, with pertinent dates.</p> <p>(2) If any information referred to in subrule (1) is for any reason not included in the Roll, the Executive Director shall, on request, provide that information to a person who is entitled to inspect the Roll for the purpose of obtaining that information by reason of section 30(3) of the Act, and shall thereafter enter the</p>

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			information in the Roll.



	Alberta Association of Architects	Alberta Dental Association and College (Health Professions Act)
<p>Is there authority to publish decisions by statutory boards?</p> <p>What can be published?</p> <p>How or where is this information published?</p>	<p>General Regulations</p> <p>55(1) If the Complaint Review Committee suspends or cancels the registration of an authorized entity, the Council must publish a notice of the suspension or cancellation in any manner it considers appropriate.</p> <p>(2) A notice published under subsection (1) must include</p> <p>(a) the name of the authorized entity, and</p> <p>(b) the period of suspension, if applicable.</p> <p>Professional Practice Regulations</p> <p>48(1) If the registration of an authorized entity is suspended or cancelled, notice to that effect shall</p> <p>(a) be published in Part 1 of the Alberta Gazette and elsewhere as Council may direct,</p> <p>(b) contain the name of the individual or corporation whose registration is cancelled or suspended, and</p> <p>(c) in the case of a suspension, state the period of it.</p> <p>(2) If an authorized entity is reprimanded or disciplined other than by suspension or cancellation of registration, notice to that effect may, at the direction of the Complaints Review Committee or the Council, be published in such manner as the Council directs.</p>	<p>Act</p> <p>119(1) If under Part 2 or Part 4 a regulated member's practice permit is suspended or cancelled, or if conditions are imposed on a regulated member's practice permit or a direction is made under section 118(4), the registrar</p> <p>(a) must enter the conditions imposed, if any, on the regulated member's practice permit,</p> <p>(b) must provide the information</p> <p>(i) to a person who employs the regulated member to provide professional services on a full-time or part-time basis as a paid or unpaid employee, consultant, contractor or volunteer, and</p> <p>(ii) to a hospital if the regulated member is a member of the hospital's medical staff or professional staff, as defined in the Hospitals Act,</p> <p>(c) must provide the information to any Minister who, or an organization specified in the regulations that, administers the payment of fees for the professional services that the regulated member provides,</p> <p>(d) must provide the information to another college if the registrar knows that the regulated member is also a member of that college,</p> <p>(e) must provide the information to the governing bodies of any similar profession in other provinces or territories, and</p> <p>(f) subject to the bylaws, may publish or distribute the information referred to in this subsection and information respecting any order made by a hearing tribunal or council under Part 4.</p>
<p>Does the Register contain disciplinary information</p>	<p>Act</p> <p>23(1) The registration of an authorized entity is suspended when a decision to suspend the registration is made in accordance with this Act.</p> <p>(2) The Registrar shall, after a decision to suspend a registration has been made, enter a memorandum of the suspension of the registration in the appropriate register, indicating</p> <p>(a) the period of the suspension, and</p> <p>(b) the reason for the suspension.</p> <p>(3) The registration of an authorized entity is cancelled when a decision to cancel the registration is made in accordance with this Act.</p> <p>(4) The Registrar shall, after a decision to cancel a registration has been made, enter a memorandum of the cancellation of the registration in the appropriate register.</p>	<p>Act</p> <p>33(2) The name of a regulated member who is suspended remains in the register.</p> <p>(3) The registrar must enter the following information for each regulated member in the appropriate category of register established under subsection (1)(a):</p> <p>(a) the full name of the member;</p> <p>(b) the member's unique registration number;</p> <p>(b.1) whether the member's registration is restricted to a period of time and, if so, the period of time;</p> <p>(c) any conditions imposed on the member's practice permit;</p> <p>(d) the status of the member's practice permit, including whether it is suspended or cancelled;</p> <p>(e) the member's practice specialization recognized by the college;</p> <p>(f) whether the member is authorized to provide a restricted activity</p>

	<b>Alberta Association of Architects</b>	<b>Alberta Dental Association and College (Health Professions Act)</b>
	<p>(5) If the Registrar is satisfied that a registered architect, visiting project architect, restricted practitioner, licensed interior designer or visiting project interior designer has died, the Registrar shall enter a memorandum to that effect in the register.</p> <p>(6) The Registrar shall not remove from the registers any memorandum made by the Registrar under subsection (2) or (4) except in accordance with the bylaws.</p> <p>(7) The Registrar shall, during regular office hours, permit any person to inspect the registers of the Association.</p>	<p>not normally provided by regulated members of the college;</p> <p>(g) whether the member is not authorized to provide a restricted activity that is normally provided by regulated members of the college;</p>

	<b>College of Physicians and Surgeons of Alberta (Health Professions Act)</b>	<b>Alberta Veterinary Medical Association</b>
<p>Is there authority to publish decisions by statutory boards?</p> <p>What can be published?</p> <p>How or where is this information published?</p>	<p>Act</p> <p>119(1) If under Part 2 or Part 4 a regulated member's practice permit is suspended or cancelled, or if conditions are imposed on a regulated member's practice permit or a direction is made under section 118(4), the registrar</p> <p>(a) must enter the conditions imposed, if any, on the regulated member's practice permit,</p> <p>(b) must provide the information</p> <p>(i) to a person who employs the regulated member to provide professional services on a full- time or part- time basis as a paid or unpaid employee, consultant, contractor or volunteer, and</p> <p>(ii) to a hospital if the regulated member is a member of the hospital's medical staff or professional staff, as defined in the Hospitals Act,</p> <p>(c) must provide the information to any Minister who, or an organization specified in the regulations that, administers the payment of fees for the professional services that the regulated member provides,</p> <p>(d) must provide the information to another college if the registrar knows that the regulated member is also a member of that college,</p> <p>(e) must provide the information to the governing bodies of any similar profession in other provinces or territories, and</p> <p>(f) subject to the bylaws, may publish or distribute the information referred to in this subsection and information respecting any order made by a hearing tribunal or council under Part 4.</p> <p>Bylaws</p>	<p>Act</p> <p>30.1 (6) On a settlement being ratified, the Association may publish, in accordance with the bylaws, information respecting the complaint and the ratified settlement as authorized by the ratified settlement.</p> <p>Regulations</p> <p>14 The Council may, on the recommendation of the Hearing Tribunal or the Complaint Review Committee or on its own accord, cause to be published the details of any finding or order made under Part 5 of the Act.</p>

	<b>College of Physicians and Surgeons of Alberta (Health Professions Act)</b>	<b>Alberta Veterinary Medical Association</b>
	<p>(1)The Registrar may publish or distribute information regarding:</p> <p>(a) Part 2 or Part 4 of the Act,</p> <p>(b) any condition imposed on a regulated member's practice permit under Part 2 or Part 4 of the Act,</p> <p>(c) any direction made pursuant to section 118(4) of the Act,</p> <p>(d) any order or direction made under Part 4, Division 4 and Division 5 of the Act, including the reasons and the testimony given before the hearing, except the part of the testimony that was given while the hearing was held in private, at the expiry of the appeal period.</p> <p>(2) For the purpose of section 119(1)(f) of the Act, the Registrar may omit from publication or distribution any individually identifying information about any person identified in an order made by a hearing tribunal or the Council under Part 4 of the Act.</p> <p>(3) The Registrar shall consider the following factors in any decision regarding publication of information described section 119(1) of the Act:</p> <p>(a) the public interest, including transparency of the College's discipline process,</p> <p>(b) the education of regulated members, and</p> <p>any other factors that the Registrar considers relevant to the matter.</p>	
Does the register contain disciplinary information?	<p>Act</p> <p>33(2) The name of a regulated member who is suspended remains in the register.</p> <p>(3) The registrar must enter the following information for each regulated member in the appropriate category of register established under subsection (1)(a):</p> <p>(a) the full name of the member;</p> <p>(b) the member's unique registration number;</p> <p>(b.1) whether the member's registration is restricted to a period of time and, if so, the period of time;</p> <p>(c) any conditions imposed on the member's practice permit;</p> <p>(d) the status of the member's practice permit, including whether it is suspended or cancelled;</p> <p>(e) the member's practice specialization recognized by the college;</p> <p>(f) whether the member is authorized to provide a restricted activity not normally provided by regulated members of the college;</p> <p>(g) whether the member is not authorized to provide a restricted activity that is normally provided by regulated members of the college.</p>	<p>Act</p> <p>65.2(1) If under Part 5 an annual certificate is suspended or cancelled, or if conditions are imposed on an annual certificate under Part 5 or a direction is made under section 65.1(5), the Registrar</p> <p>(a) must enter the information on the register,</p> <p>(b) must enter the information on the registered veterinarian's annual certificate, and</p> <p>(c) must provide the information to the governing bodies of the veterinary medicine profession in other provinces.</p> <p>(2) The Registrar may publish in accordance with the bylaws</p> <p>(a) information referred to in subsection (1), and</p> <p>(b) orders and decisions under Part 5 and directions made under section 65.1(5).</p>