

# WE'RE LISTENING

*Fall 2016 Consultation Report*

Consultations: October to December, 2016

December 2016

*The Engineering and Geoscience Professions Act*



The Association of Professional  
Engineers and Geoscientists of Alberta

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# 1. ABOUT THE LEGISLATIVE REVIEW

## 1.1 Background

This summary report is the fourth in a series of consultation summaries related to APEGA's legislative review. The summary gathers all of the feedback, data, and insight provided by Members and Permit Holders regarding the proposed recommendations discussed during the fall 2016 consultations held in October and November 2016.

As one of Alberta's self-regulating professional bodies, it is important that APEGA ensures its governing legislation continues to protect the public interest and reflects current practices in business and industry. That is why APEGA's Council identified the legislative review as a key strategic initiative three years ago and is working with the Government of Alberta (GoA) on the development of the new legislation.

Consultation is a crucial part of the legislative review process. The *Engineering and Geoscience Professions Act* (the Act) defines our Members' responsibilities, and it is important that all Members of APEGA and our stakeholders have a say in possible changes to the legislation. To date, four rounds of consultation with Members and Permit Holders have been conducted – one in the spring of 2015, one in the fall of 2015, one in the winter of 2016, and the most recent in the fall of 2016.

In the spring of 2017, another round of consultations will take place, and APEGA will consult with Members and Permit Holders on more proposed recommendations, primarily related to the General Regulation.

## 1.2 Council's Response to Input

APEGA's Council is using the feedback from all in-person consultations, emails, and surveys to evaluate proposed recommendations for changes to the Act. These recommendations address solutions that Members, Permit Holders, statutory boards and committees, the public, and the GoA identify as important and relevant to our professions.

Three previous consultations have been held and the feedback can be found [here](#):

- *We're Listening: Spring 2015 Consultation Summary* (April – June 2015)
- *We're Listening: Fall 2015 Consultation Summary* (October - December 2015)
- *We're Listening: Winter 2016 Consultation Summary* (February - March 2016)

Council reviewed the feedback in the reports and determined which principles of the proposed recommendations presented to Members and Permit Holders to endorse or to amend.

On the proposed recommendations for which Members and Permit Holders held a difference of opinions on and with further analysis of the results, three main reasons emerged as to why some Members or Permit Holders could not support the recommendation. The reasons were:

- Members and Permit Holders were looking for the policy ahead of the legislative change
- Members and Permit Holders held an opinion based on self-interest rather than that of public interest
- Members and Permit Holders were concerned about the risks that would be associated to APEGA

In these cases, Council approved moving the proposed recommendation forward in the discussions with the Government of Alberta, with the mixed feedback to be taken under advisement as part of that discussion with government.

A summary of the endorsed and amended proposed recommendations can be found [here](#).

### 1.3 Fall 2016 Consultations

The legislative review conversation continued in the fall of 2016 on another set of proposed recommendations for changes to the Act. The proposed recommendations covered the following:

1. Updating Authentication Practices
2. Improving the Practice – Permit to Practice
3. Improving the Practice – Primary Professional Liability Insurance
4. Introducing Creative Sanctions
5. Updating Tools for APEGA's Statutory Entities
6. Allowing for a Custodian of Practice
7. Refining the Continuing Professional Development Program
8. Membership Category – Provisional Licensee
9. Geoscience: Changes to the Definition of the Practice of Geoscience
10. Geoscience: Changes to the Description of Geoscience Work
11. Geoscience: Changes to Exemptions
12. Authority of Practice Reviewers Conducting Practice Reviews
13. Consent Orders
14. Enforcement Review Committee
15. Investigator Authority
16. Mediated Settlements
17. Membership Category – Restricted Practitioners
18. Establishing Time Frames for Notices and Discipline Matters
19. Obligation to Comply and Cooperate
20. Membership Category – University Students

This report summarizes what APEGA heard during its fall 2016 consultation. We remain committed to reporting what we hear throughout the legislative review process.

Council will use the feedback from the fall 2016 consultations in the same manner as it did for the previous rounds of consultations. APEGA will report the results of Council's review of the proposed recommendations in early 2017.

## 2. METHODOLOGY

APEGA used a number of methods to provide information and gather input from Members, Permit Holders, and other stakeholders during the fall 2016 consultations. More than 2,000 people provided input through the following opportunities:

- champions collaborative meeting in Edmonton (October 13)
- in-person consultation sessions for Members and Permit Holders
  - six sessions in Calgary (November 10, 16, 17, and 23)
  - six sessions in Edmonton (October 18, 19, and 26, November 8 and 14)

- one session in Edmonton and Calgary specifically for geoscience Members
- one session in Lloydminster (October 25), Lethbridge (November 15 & 16), Fort McMurray (November 28), and Red Deer (October 20)
- eight webinars (October 25, November 10, 15, 21, 23, 28, 29, and 30) with participants from across the province
- in-house Permit Holder consultation sessions
- survey of Members and Permit Holders (early October to December 5, 2016 ( *detailed comments are in **Appendix 1*** )
- email submissions

Input from Members and Permit Holders is an important part of the review process and will influence recommendations to the GoA regarding changes to the Act. As the legislation affects other stakeholders, it is important that their feedback be considered. Stakeholders include The Association of Science and Engineering Technology Professionals of Alberta (ASET), the GoA, other Canadian self-regulating associations of Professional Engineers and Geoscientists, and other self-regulating professional associations in Alberta. Their input has been requested at various stages of the consultation process and will continue to be sought throughout the rest of the legislative review.

Feedback received through the various consultation methods and data from the survey have been compiled and will be submitted to the GoA as recommendations to proposed amendments to the legislation.

Downey Norris & Associates Inc. facilitated the in-person consultations in Calgary, Edmonton, and Fort McMurray and developed this summary of the feedback. SurveyMonkey was used for the survey.

## 2.1 Champions Collaborative

The champions collaborative was brought together in early 2015 and consists of volunteers from Branches, Permit Holders, statutory boards, Members, and M.I.T.s, and representatives of APEGA's senior leadership team. These champions help inform their colleagues of the legislative review process and gather feedback on all proposed recommendations.

The champions met again on October 13, 2016 to review the fall 2016 consultation topics. They discussed the proposed legislative changes with a number of Members and Permit Holders and provided useful feedback on the proposed recommendations.

APEGA appreciates the time the champions are able to dedicate to the legislative review. They are instrumental in broadening the scope of the consultation by helping APEGA reach as many Members and Permit Holders as possible. A full list of champions are on [www.apegalegislativereview.ca](http://www.apegalegislativereview.ca)

## 2.2 Consultation Sessions

The fall 2016 consultation sessions consisted of a series of face-to-face meetings, webinars, and teleconferences, reaching more than 975 Members and Permit Holders who registered to learn about and provide input on the proposed recommendations.

APEGA hosted facilitated consultation sessions in October and November 2016, giving Members and Permit Holders the opportunity to provide feedback in person on the proposed changes. To formalize their input, attendees were also asked to complete the Member and Permit Holder survey after each session.

APEGA is grateful to the Members who volunteered to gather the information by accurately capturing the conversations taking place. These volunteers used a template to document the discussions and feedback on the proposed recommendations. **Appendix 2** contains the complete set of participant questions and comments from these meetings.

## 2.3 Survey

APEGA conducted an online survey from early October to December 5, 2016, as a primary method to collect feedback from Members and Permit Holders on the proposed recommendations. The survey directed respondents to briefing notes on the proposed changes to the Act. Information graphics and video clips on some of the proposed recommendations were also posted on APEGA's legislative review website to help Members and Permit Holders make informed decisions. Participants were asked for their level of agreement with the proposed areas of change. A total of 1,148 individuals participated in the survey.

The survey results on the following pages are rounded to the nearest decimal place and are based on the full survey results. Percentages may not always total 100 per cent due to rounding and some respondents not answering all questions. Due to an anomaly in the setup of questions 7 and 19, some comments were reported differently. To maintain the integrity of the data, the results are reported as they were collected, and all comments are in **Appendix 1** with the other verbatim comments.

## 3.0 SURVEY RESULTS

### Question 1. Updating Authentication Practices

APEGA is updating its requirements for authenticating professional documents given the advances in technology and the widespread use of electronic documents.

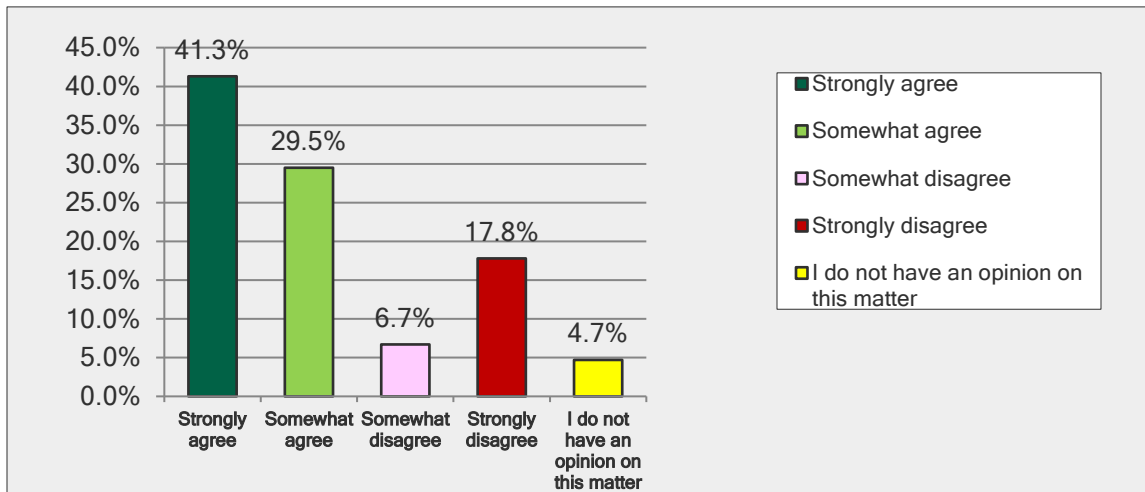
**RECOMMENDATION:** It is proposed that the following definitions be added to the legislation:

**Stamp:** *an instrument issued by APEGA to a Professional Member or Permit Holder in any form or medium, as set out by the Registrar.*

**Authentication:** *the application of a Professional Member's stamp, signature, and date together with a Permit Holder's stamp to a professional document.*

**Professional Document:** *an engineering or geoscience file, in any form or medium, that contains technical information resulting from the practice of engineering or geoscience that is completed for an intended purpose and will be relied upon by others*

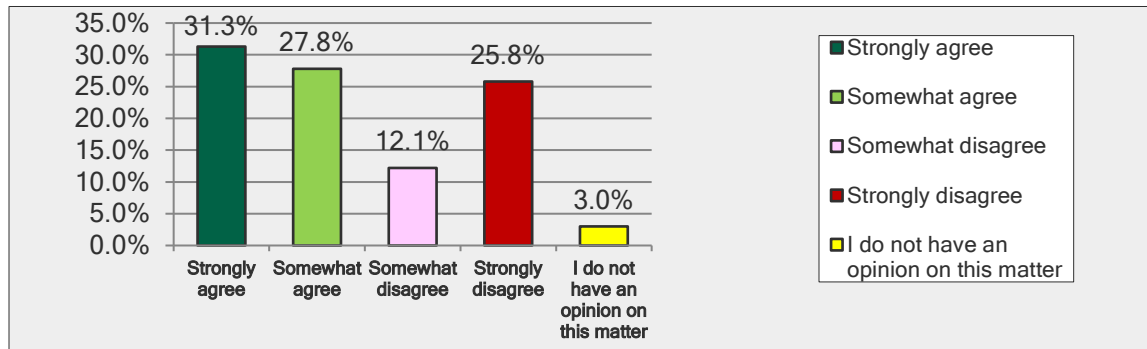
- **71%** strongly agreed or somewhat agreed with the recommendation
- **25%** strongly disagreed or somewhat disagreed with the recommendation



## Question 2. Updating Authentication Practices

**RECOMMENDATION:** It is recommended that the legislation be amended to *remove references to embossing seals as part of the authentication process; explicitly clarify that all professional documents must be authenticated by licensed Members and Permit Holders regardless of whether the engineering or geoscience services related to those documents were performed inside or outside of Alberta; make it an offence for any person to knowingly employ or retain an unlicensed individual or other entity to provide engineering or geoscience services unless the person hiring the unlicensed individual or other entity reviews, authenticates, and takes responsibility for that work; and indicate that the court may order fines payable for such violations up to \$100,000 maximum for individuals and \$500,000 maximum for other entities (these dollar amounts are consistent with other proposed fines).*

- **59%** strongly agreed or somewhat agreed with the recommendation
- **38%** strongly disagreed or somewhat disagreed with the recommendation



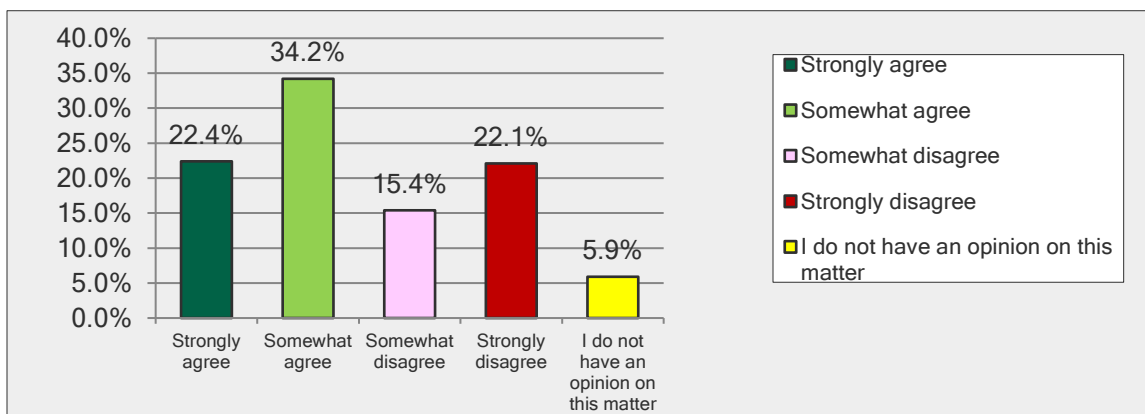


### Question 3. Improving the Practice – Permit to Practice

As part of improving the practices of engineering and geoscience for the safety and benefit of Albertans, it is in the public interest that the requirements and obligations of Permit Holders and Responsible Members be clearly defined.

**RECOMMENDATION:** It is recommended that the legislation be amended to *add a definition for Responsible Member to indicate that the Responsible Member must be a Professional Member and can be a full-time, permanent employee, a partner, a sole practitioner, a member of the Permit Holder, or an individual providing services to the Permit Holder through a contractual arrangement; clarify that, in addition to the existing requirements for Responsible Members, their responsibilities are expanded to explicitly include being professionally responsible for the Professional Practice Management Plan (PPMP) and for ensuring it is being followed and stamping, signing, and dating the PPMP document within their area of responsibility; clarify that a deficiency in a PPMP (or evidence that a PPMP is not being followed) may result in a practice review order or a finding of unskilled practice or unprofessional conduct against the Responsible Member, collectively or individually, and against the Permit Holder; change the requirement from needing only one Responsible Member to needing one or more Responsible Members, as appropriate to the practice; and move the requirement for a Responsible Member to attend a seminar every five years from the General Regulation to part of the mandatory Continuing Professional Development (CPD) program requirements for Responsible Members (the details will be described in the CPD program); require Permit Holders and Responsible Members to advise APEGA if an existing Responsible Member ceases to be the person accepting responsibility for the practice of the Permit Holder or can no longer provide the necessary certification regarding the PPMP; and require a sole practitioner to obtain a Permit to Practice.*

- **57%** strongly agreed or somewhat agreed with the recommendation
- **38%** strongly disagreed or somewhat disagreed with the recommendation

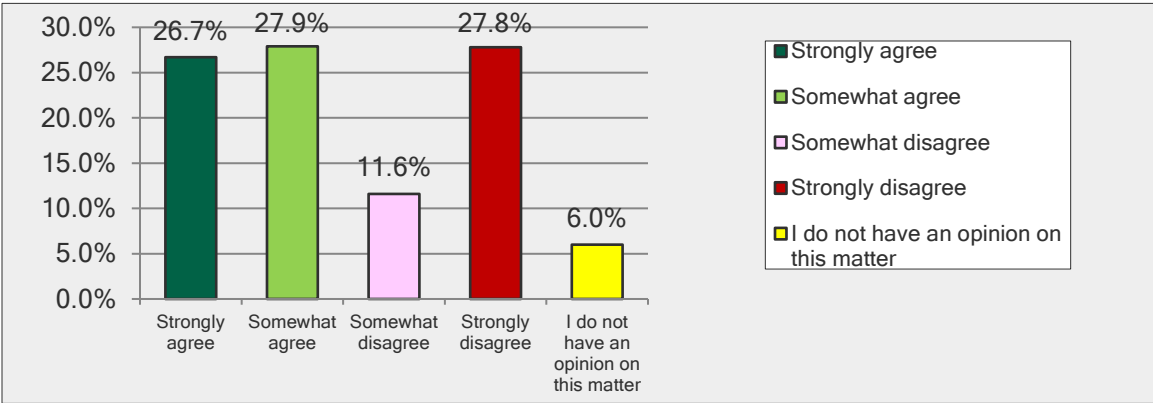


# Question 4. Improving the Practice – Primary Professional Liability Insurance

To ensure the interests of the public are protected in the event of errors or omissions by Members or Permit Holders, APEGA must have the ability to mandate primary professional liability insurance for Members or Permit Holders who provide consulting services.

**RECOMMENDATION:** It is recommended that the legislation be amended to *require mandatory primary professional liability insurance for all Permit Holders that provide consulting services, in accordance with requirements established by Council; require all Permit Holders that provide consulting services to ensure that primary professional liability insurance is in place for any Professional Member operating under the Permit Holder’s Permit to Practice, regardless of the individual’s employment status or contractual arrangement with the Permit Holder, in accordance with requirements established by Council; impose consequences on a Permit Holder for failing to ensure that primary professional liability insurance is in place for the Permit Holder and any Professional Member operating under the Permit Holder’s permit, including suspending the permit, practice review orders, or findings of unskilled practice or unprofessional conduct.*

- **55%** strongly agreed or somewhat agreed with the recommendation
- **39%** strongly disagreed or somewhat disagreed with the recommendation

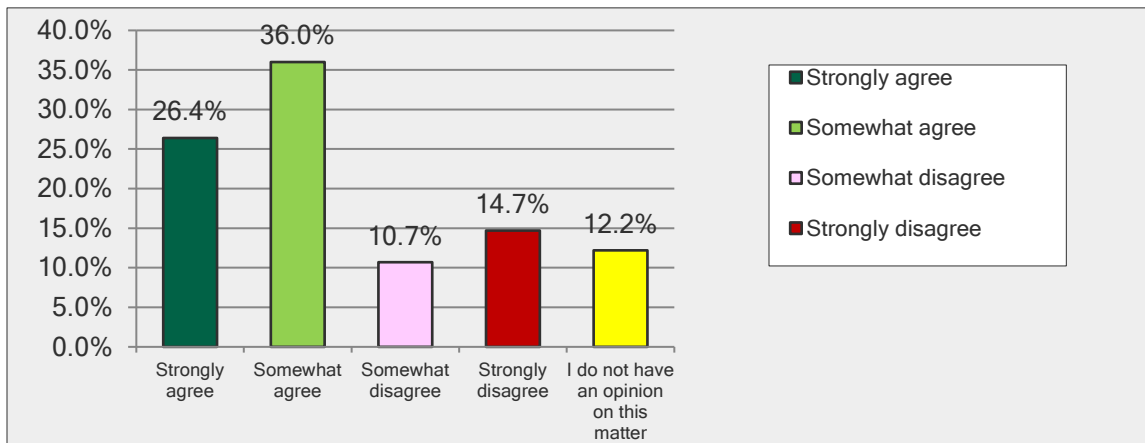


## Question 5. Introducing Creative Sanctions

To better protect the public interest, creative sanction provisions should be added to the Act to provide social justice options for the decision-making authorities who can make orders.

**RECOMMENDATION:** It is recommended that the legislation be amended to *expand the sanctions that can be imposed in discipline matters to include creative sanction provisions by the court against unlicensed title and practice violators. These amendments should adopt provisions similar to what is contained in section 234 of the Environmental Protection and Enhancement Act and section 41.1 of the Occupational Health and Safety Act. Non-compliance with a creative sanction order may result in the suspension of a licence or permit until the order is fulfilled.*

- **62%** strongly agreed or somewhat agreed with the recommendation
- **25%** strongly disagreed or somewhat disagreed with the recommendation



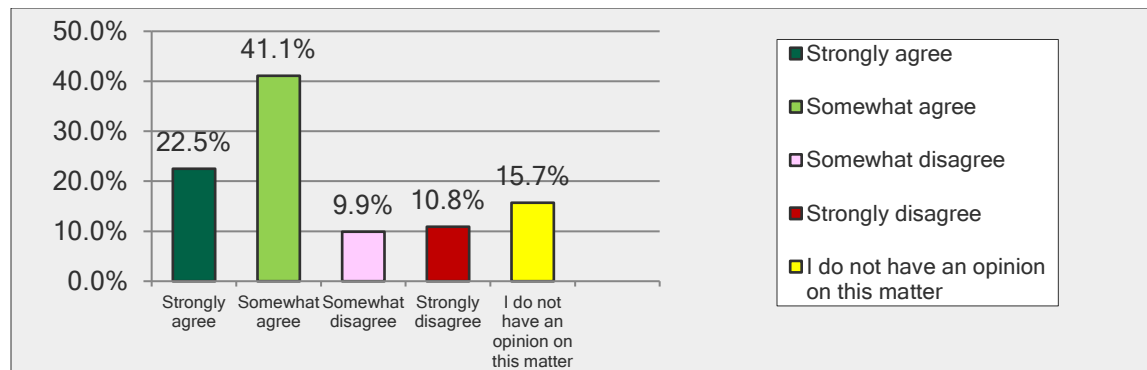
## Question 6. Updating Tools for Statutory Entities

A number of changes are proposed to the Act to provide APEGA's five statutory entities (Investigative Committee, Discipline Committee, Practice Review Board, Board of Examiners, and Appeal Board) with more tools and options to manage their proceedings.

**RECOMMENDATION:** It is recommended that the legislation be amended to *enable statutory entities to determine whether their proceedings will proceed by way of written or oral submissions, or both. Each statutory entity will manage the use of this authority through policy guidelines developed by the respective statutory entity. Create panels with decision-making authority, including investigative, discipline, appeal, registration, and practice review panels.*

*Panels may be made of one or more members chosen from the rosters of the relevant statutory entity. Discipline and appeal panels of three or more members should include public members, selected from a roster. Each statutory entity will manage the use of this authority through policy guidelines developed by the respective entity. Although it would not be the usual practice, panels may hold proceedings and make decisions in the absence of a complainant, appellant, applicant, Member under review, or investigated person after appropriate notice of the proceeding has been given to the individual. State that any person who has a right to appeal a statutory entity's decision to an appeal panel may commence the appeal by filing a written notice of appeal that must state the grounds for the appeal, including what is being appealed, why the appeal is being made, and what results are being sought from the appeal. The criteria for which the grounds of the appeal must meet will be established in the regulation and further developed through policy.*

- **64%** strongly agreed or somewhat agreed with the recommendation
- **21%** strongly disagreed or somewhat disagreed with the recommendation

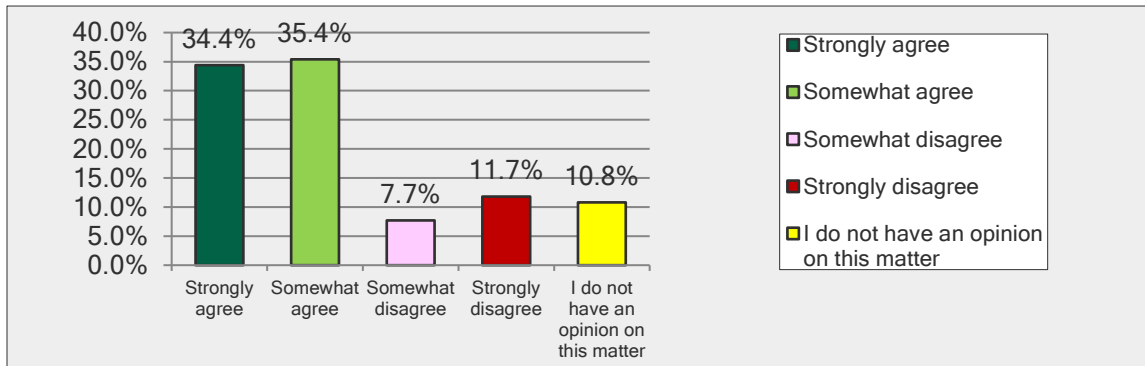


## Question 7. Allowing for a Custodian of Practice

To better protect the public, APEGA should have the ability, in certain cases, to apply to the court for an order appointing a Professional Member to act as the custodian of another Member's engineering or geoscience practice.

**RECOMMENDATION:** It is recommended that the legislation be amended to *allow APEGA to apply to the Court of Queen's Bench for an order appointing a person as a custodian of a Professional Member's practice in the event of a Member's incapacity, illness, death, or suspension of registration, so that it may be temporarily managed or, if necessary, dissolved. The custodian of a practice will be a qualified Professional Member.*

- **70%** strongly agreed or somewhat agreed with the recommendation
- **19%** strongly disagreed or somewhat disagreed with the recommendation



Due to an anomaly in the setup of the survey, some comments were reported differently on this question. To maintain the integrity of the data, the results are reported as above and all comments are in **Appendix 1**.

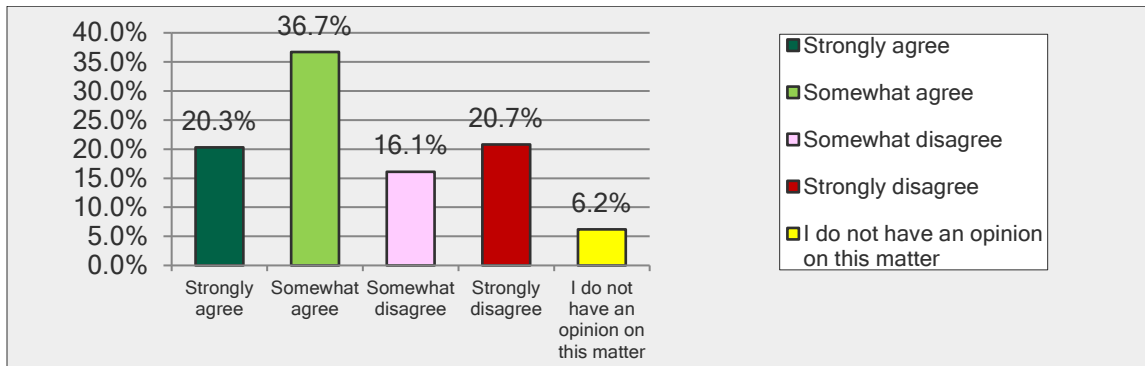
## Question 8. Refining the Continuing Professional development Program

To better protect the public on a continual basis, it is essential for professionals to engage in lifelong learning.

**RECOMMENDATION:** It is recommended that the legislation be amended to clarify that as previously addressed in the winter 2016 consultations, the Practice Review Committee (PRC) will have the responsibility to develop, and Council will have the authority to approve, the requirements for the CPD program and supporting practice standards. The obligation for keeping CPD records and how Members meet the requirements of the program will be described in CPD policies.

The Registrar will be able to strike a Member from the register for non-compliance with the CPD program. The assessment of whether a Member meets the CPD requirements will be conducted by the PRC through practice reviewers and practice review panels as described in the winter 2016 consultations related to the PRC. Council may impose an administrative assessment fee if a Member does not comply with the CPD program within specified timelines. The requirement for Responsible Members to attend a Permit to Practice seminar every five years will be moved out of the Engineering and Geoscience Professions Act General Regulation and into the requirements of the CPD program and supporting practice standard.

- **57%** strongly agreed or somewhat agreed with the recommendation
- **37%** strongly disagreed or somewhat disagreed with the recommendation

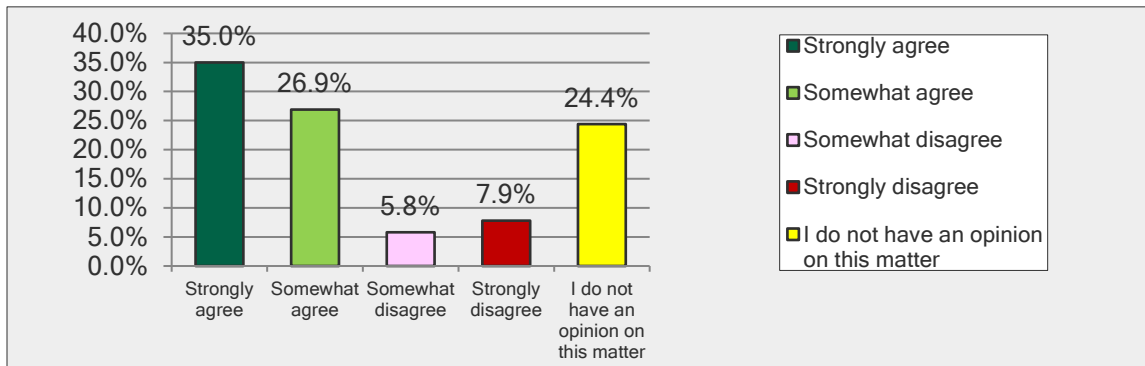


## Question 9. Provisional Licensee

It is in the public interest that confusing and unnecessary category designations be removed from the General Regulation.

**RECOMMENDATION:** It is recommended that the legislation be amended to *remove the Provisional Licensee category and all references to Provisional Licensees from the legislation.*

- **62%** strongly agreed or somewhat agreed with the recommendation
- **14%** strongly disagreed or somewhat disagreed with the recommendation

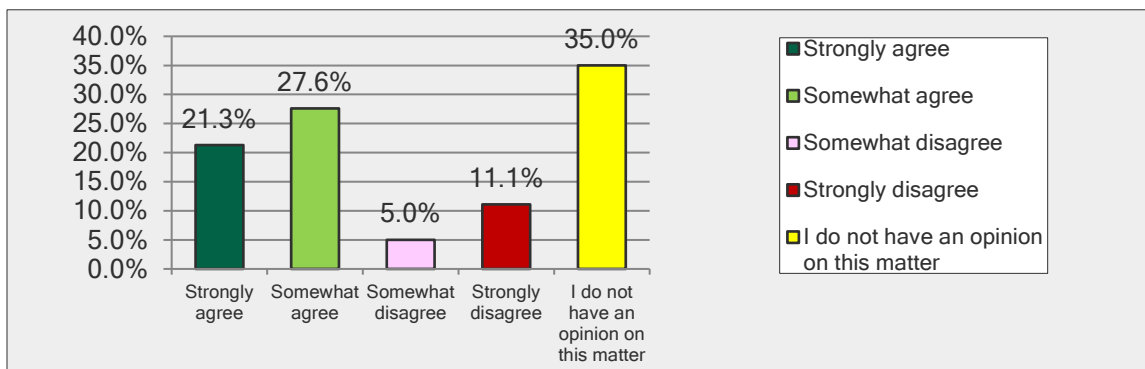


## Question 10. Changes to the Definition of the Practice of Geoscience

To better protect the public interest, the definition of the practice of geoscience should be updated in the Act to reflect current practice areas and advances in technology.

**RECOMMENDATION:** It is recommended that the Act be amended to *update the definition of the practice of geoscience to read: “practice of geoscience” means (i) acquiring, investigating, analyzing, processing, interpreting, evaluating, consulting, applying, modelling, assessing, managing, or reporting related to any activity that relates to the Earth sciences or the environment, that is aimed at the understanding of Earth materials, geobodies, natural resources, energy fields, geohazard risks, or processes, and that requires in that acquiring, investigating, analyzing, processing, interpreting, evaluating, consulting, applying, managing, or reporting the professional application of the principles of geology, geophysics, physics, chemistry, mathematics, or biology, or (ii) teaching geoscience at a university.*

- **49%** strongly agreed or somewhat agreed with the recommendation
- **16%** strongly disagreed or somewhat disagreed or strongly disagreed with the recommendation



The high percentage of “no opinion” (35%) for this question is assumed to be because Professional Engineers have no specific opinion on a matter of relevance only to Professional Geoscientists.

NOTE: The proposed wording for the recommendations in questions 10, 11 and 12 were provided to APEGA by a Geoscience Advisory Group. It is wording developed by geoscientists for geoscientists.

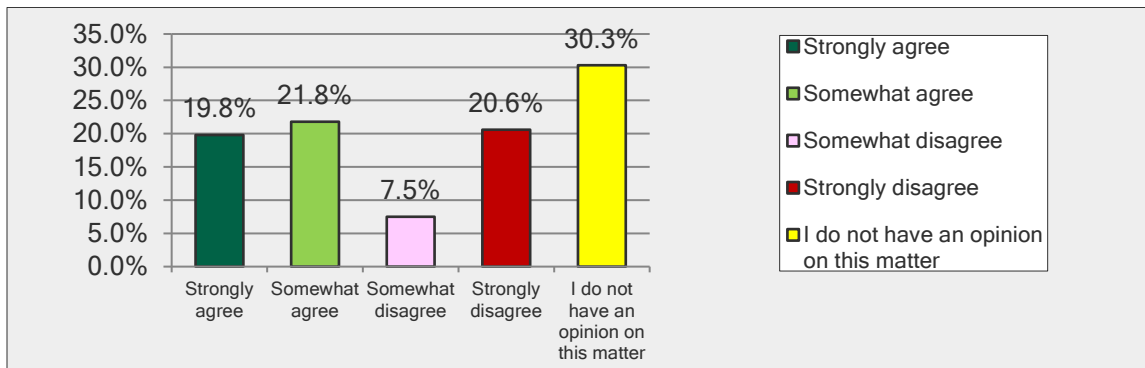


## Question 11. Geoscience: Changes to the Description of Geoscience Work Products

To better protect the public interest, the description of the types of geoscience documents and work products that need authentication should be updated in the Act and relevant practice standards to reflect current practice and technology.

**RECOMMENDATION:** It is recommended that *the Act be amended to update the description of the types of geoscience documents and work products that need to be authenticated to read: "...professional documents..." It is also recommended this change be supplemented by updated practice standards that will provide greater detail and will clarify that geoscience "professional documents" include: "...maps, geoscientific cross-sections, specifications, reports, or other geoscientific work products in any form or medium, or reproductions of any of them ...."*

- **42%** strongly agreed or somewhat agreed with the recommendation
- **28%** strongly disagreed or somewhat disagreed with the recommendation



The high percentage of "no opinion" (30.3%) for this question is assumed to be because Professional Engineers have no specific opinion on a matter of relevance only to Professional Geoscientists.

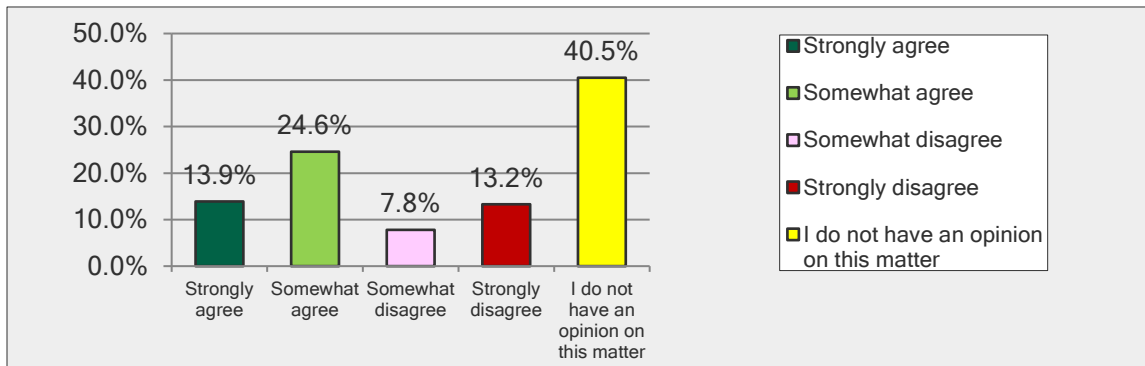
NOTE: The proposed wording for the recommendations in questions 10, 11 and 12 were provided to APEGA by a Geoscience Advisory Group. It is wording developed by geoscientists for geoscientists.

## Question 12. Geoscience: Changes to Exemptions

To better protect the public interest, amendments are needed to some of the geoscience exemptions in the Act.

**RECOMMENDATION:** It is recommended that the legislation be amended to *remove the exemption relating to prospecting; amend the existing exemption related to geoscientific survey and reports to read: "a person conducting routine geoscientific surveys or preparing routine geoscience reports where the specifications and standards and any subsequent changes to the field parameters for the survey or report have been prepared or approved by a professional geoscientist or licensee"; amend the existing exemption related to data reduction and plotting to include routine data management to read: "a person engaged in routine data management, reduction, or plotting of geoscientific data under the supervision and control of a professional geoscientist."*

- **39%** strongly agreed or somewhat agreed with the recommendation
- **21%** strongly disagreed or somewhat disagreed with the recommendation



The high percentage of “no opinion” (40.5%) for this question is assumed to be because Professional Engineers have no specific opinion on a matter of relevance only to Professional Geoscientists.

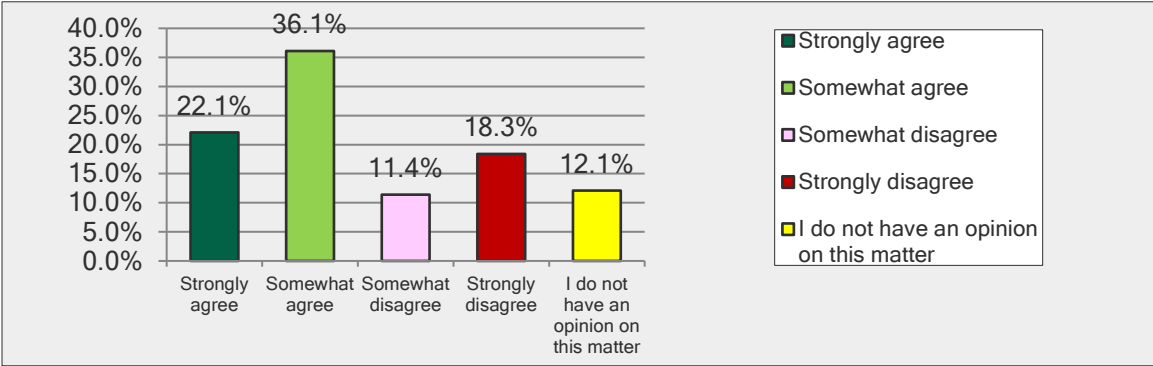
NOTE: The proposed wording for the recommendations in questions 10, 11 and 12 were provided to APEGA by a Geoscience Advisory Group. It is wording developed by geoscientists for geoscientists.

# Question 13. Authority of Practice Reviewers Conducting Practice Reviews

To improve regulatory effectiveness and protect the public interest, practice reviewers must have the appropriate authority to conduct practice reviews to assess the health of professional practice against established standards.

**RECOMMENDATION:** It is recommended that the legislation be amended to *explicitly give APEGA practice reviewers the authority to conduct practice reviews similar to the authority contained in the ASET Regulation, the Professional Technologists Regulation, or the Chartered Professional Accountants Act, Alberta.*

- **58%** strongly agreed or somewhat agreed with the recommendation
- **30%** strongly disagreed or somewhat disagreed with the recommendation



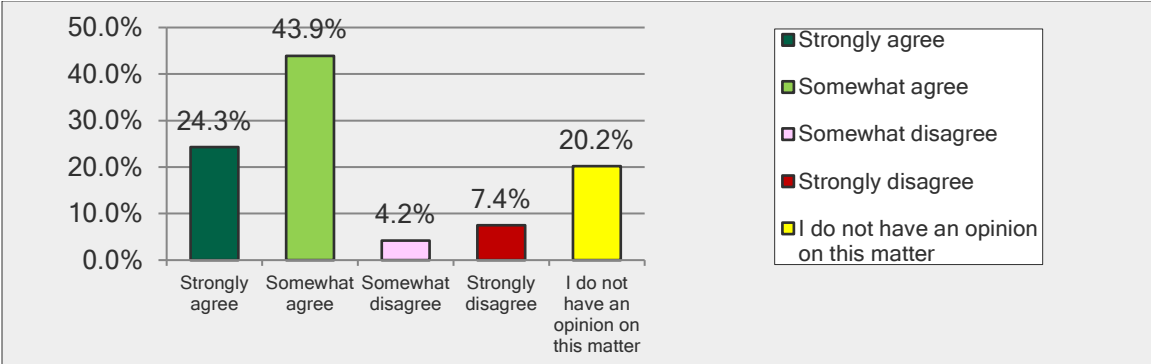
## Question 14. Consent Orders

To better protect the public, APEGA must have the ability to quickly and efficiently impose appropriate sanctions on Members and Permit Holders that have admitted to unskilled practice or unprofessional conduct.

**RECOMMENDATION:** It is recommended that the legislation be amended as follows: *the term consent order will replace the current recommended order terminology. The term consent order more accurately reflects that it is a negotiated agreement between the investigative panel and the Member or Permit Holder under investigation that has admitted to unskilled practice or unprofessional conduct.*

*A consent order will be approved by a discipline panel, rather than the Registrar, as previously recommended negotiated agreements may involve disciplinary sanctions and should be approved by the appropriate disciplinary arm that has the authority to impose sanctions. The criteria for approving consent orders will be set by the Discipline Committee, in policy, to ensure consistency*

- **68%** strongly agreed or somewhat agreed with the recommendation
- **12%** strongly disagreed or somewhat disagreed or strongly disagreed with the recommendation

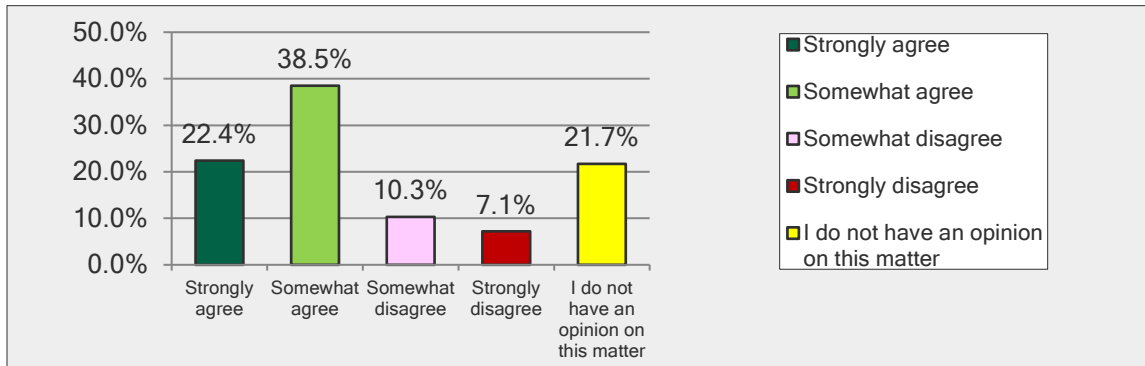


## Question 15. Enforcement Review Committee

To better protect the public, APEGA needs appropriate tools to effectively and efficiently address unauthorized practice and title violations by unlicensed individuals and companies.

**RECOMMENDATION:** It is recommended that the legislation be amended to *remove the establishment of the Enforcement Review Committee from the General Regulation.*

- **61%** strongly agreed or somewhat agreed with the recommendation
- **18%** strongly disagreed or somewhat disagreed with the recommendation



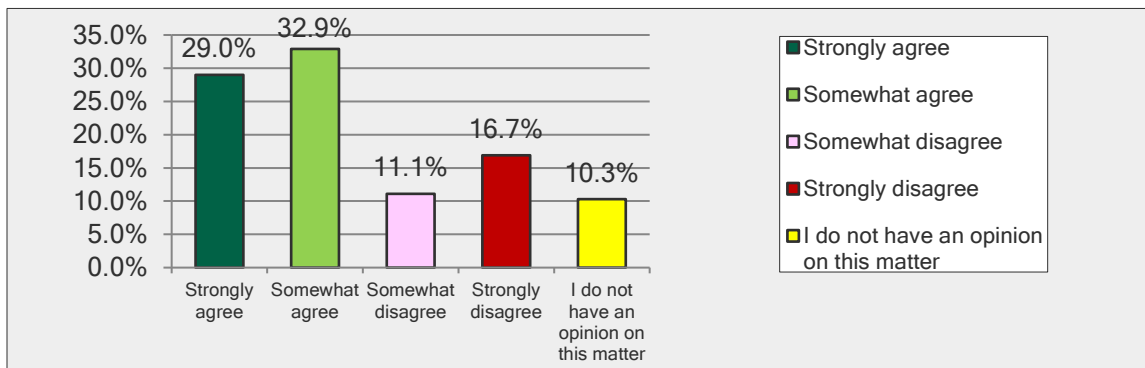
## Question 16. Investigator Authority

To better protect the public, APEGA investigators must have the ability to properly investigate allegations of unskilled practice or unprofessional conduct by its Members or Permit Holders, and report suspected criminal activity to the proper authorities.

**RECOMMENDATION:** It is recommended that the legislation be amended to *consolidate the sections describing the authority of investigators in conducting investigations; explicitly enable APEGA to apply to the court, on reasonable grounds, for an order authorizing investigators, accompanied by police as necessary, to enter and search buildings, dwellings, or places for documents, media, or other records as part of an investigation; require APEGA's statutory entities to report suspected criminal activity if found in the course of an investigation or review.*

*Statutory entities would advise the Registrar, who would inform the Minister of Justice and Solicitor General or police of the concern. Statutory entities would not be required to complete their investigation before reporting an activity, if it were in the public interest to do so.*

- **62%** strongly agreed or somewhat agreed with the recommendation
- **28%** strongly disagreed or somewhat disagreed with the recommendation

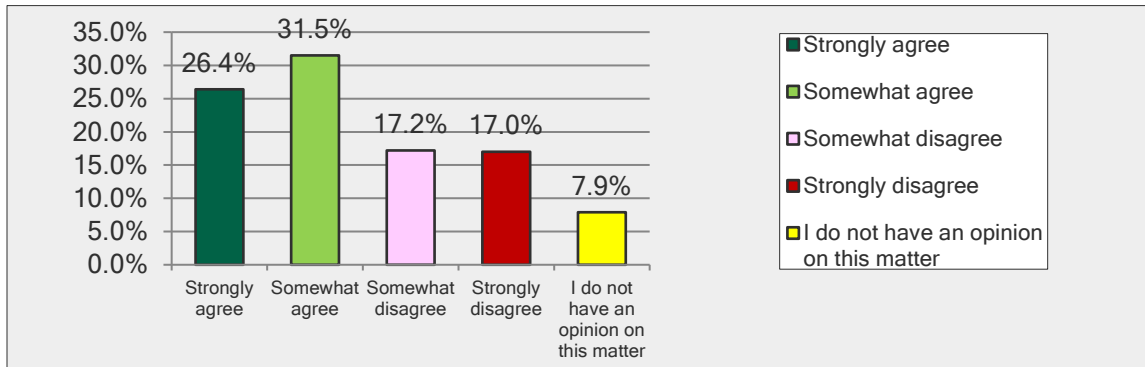


## Question 17. Mediated Settlements

If it is deemed necessary to do so in the public interest, the Registrar should be authorized to proceed to an investigation, even if the complaint is settled or withdrawn.

**RECOMMENDATION:** It is recommended that the *Engineering and Geoscience Professions Act* be amended to authorize the Registrar to proceed to an investigation, even if the complaint is settled or is withdrawn, if it is deemed necessary to do so in the public interest.

- **58%** strongly agreed or somewhat agreed with the recommendation
- **34%** strongly disagreed or somewhat disagreed with the recommendation

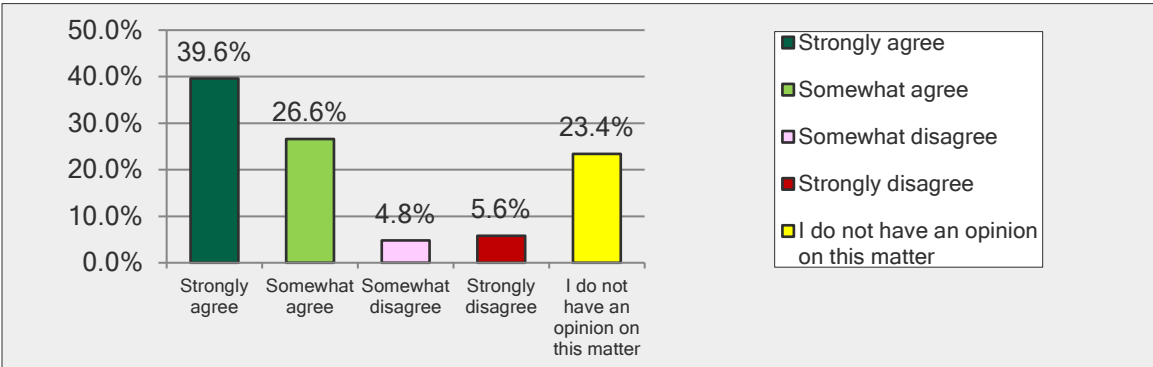


## Question 18. Membership Categories – Restricted Practitioner

To improve regulatory effectiveness and efficiency, provisions related to restricted practitioners as a Member category can be removed from the Act, the General Regulation, and the APEGA Bylaws.

**RECOMMENDATION:** It is recommended that *the legislation be amended to remove the restricted practitioner category from the legislation.*

- **66%** strongly agreed or somewhat agreed with the recommendation
- **11%** strongly disagreed or somewhat disagreed with the recommendation





## Question 19. Establishing Time Frames for Notices and Discipline Matters

It is in the interest of the public, Members, and Permit Holders that complaint and discipline matters are addressed in a reasonable and consistent amount of time.

**RECOMMENDATION:** It is recommended that *the legislation be amended to specify certain time frames including:*

*Notice of Preliminary Investigation – within 30 days of receiving complaint*

*Response to Notice of Preliminary Hearing – 30 days*

*Review a Complaint – 90 days*

*Reach a Consent Order – 90 days*

*Schedule a Discipline Hearing – 90 days*

*Respond to Notice of a Discipline Hearing – 30 days*

*Render a Decision Following a Discipline Hearing – 120 days*

*Schedule an Appeal Hearing – 90 days*

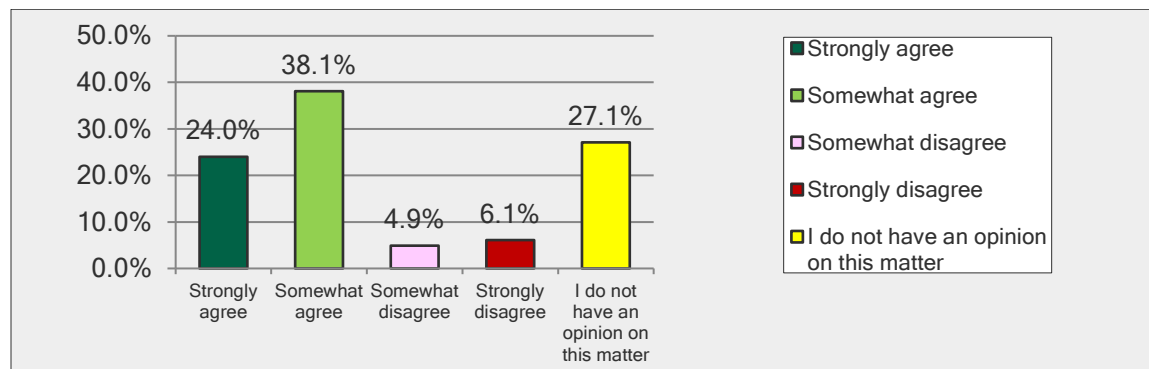
*Respond to Notice of an Appeal hearing – 30 days*

*Render a decision Following an Appeal Hearing – 120 days*

*Extensions – Report every 30 days*

*Registrar to Serve Decisions – Within a reasonable time of receiving a written decision from an investigative, discipline or appeal panel*

- **62%** strongly agreed or somewhat agreed with the recommendation
- **11%** strongly disagreed or somewhat disagreed with the recommendation



Due to an anomaly in the setup of the survey, some comments were reported differently on this question. To maintain the integrity of the data, the results are reported as above and all comments are in **Appendix 1**.

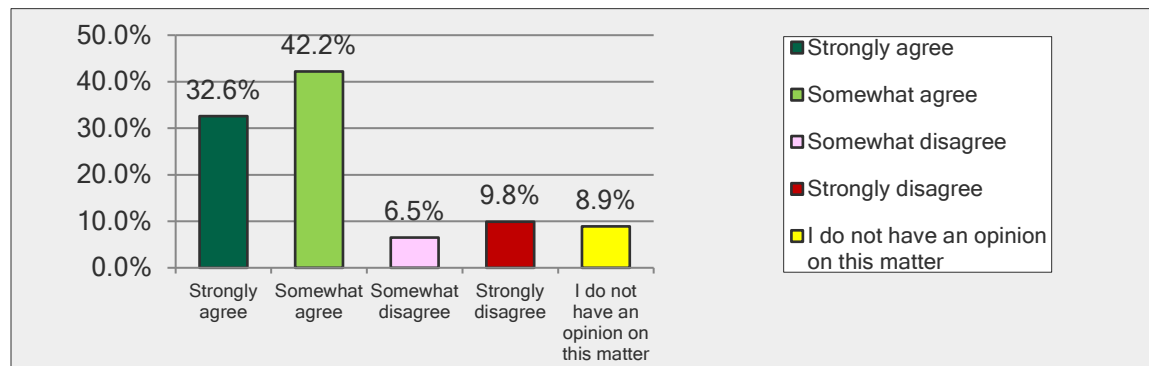
## Question 20. Obligation to Comply and Cooperate

To better protect the public, APEGA's legislation should contain clear language to require Members and Permit Holders to comply with governing legislation and related standards and policies, and to cooperate with and provide documents or information requested by APEGA as part of exercising its regulatory mandate under the legislation.

**RECOMMENDATION:** It is recommended that the legislation be amended to explicitly state that *Members and Permit Holders must comply with the Engineering and Geoscience Professions Act, General Regulation, Bylaws, Code of Ethics, practice standards, practice bulletins, and policies established by Council; cooperate with requests to provide all documents or other information made by APEGA as part of exercising its regulatory mandate under the legislation.*

*There are consequences for failing to comply or cooperate, which could include suspending, cancelling, imposing restrictions, or not issuing or renewing a licence or Permit to Practice. Members and Permit Holders will have the right to appeal such decisions to the Appeal Board. APEGA will have the ability to apply for a court order enjoining a person from violating any part of the Act, General Regulation, or Bylaws, or directing a person to take some action to comply or to rectify any contravention.*

- **75%** strongly agreed or somewhat agreed with the recommendation
- **16%** strongly disagreed or somewhat disagreed with the recommendation

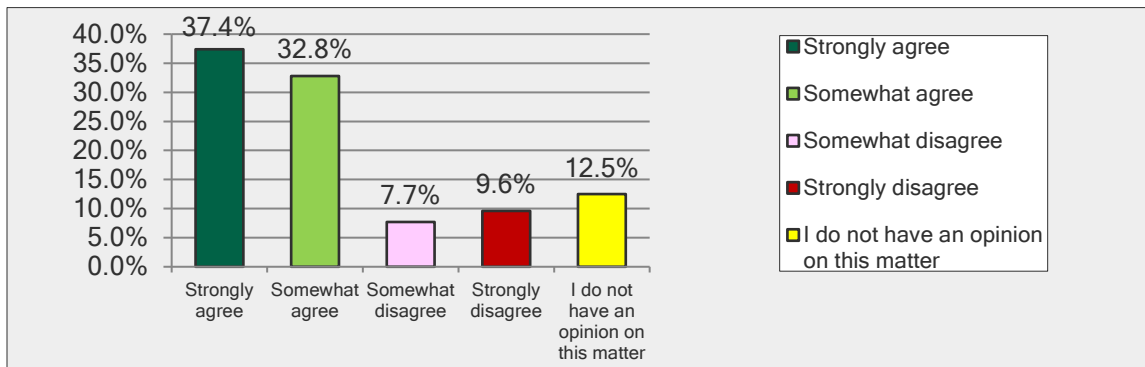


## Question 21. Membership Categories – University Students

To improve regulatory effectiveness and efficiency, provisions for university students as a Member category can be included in APEGA's Bylaws rather than in the *Engineering and Geoscience Professions Act* General Regulation.

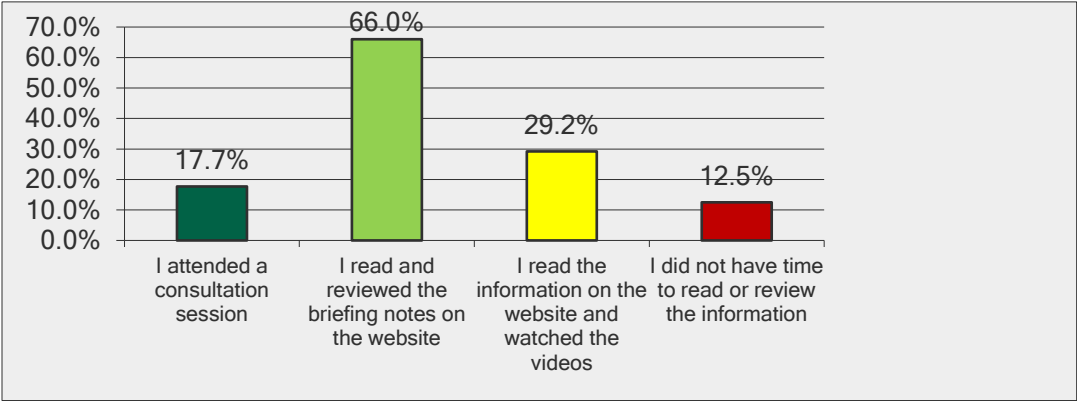
**RECOMMENDATION:** *It is recommended that the legislation be amended to remove the university student category from the legislation.*

- **70%** strongly agreed or somewhat agreed with the recommendation
- **18%** strongly disagreed or somewhat disagreed with the recommendation



# Question 22 . How Survey Respondents Learned About Proposed Legislative Changes

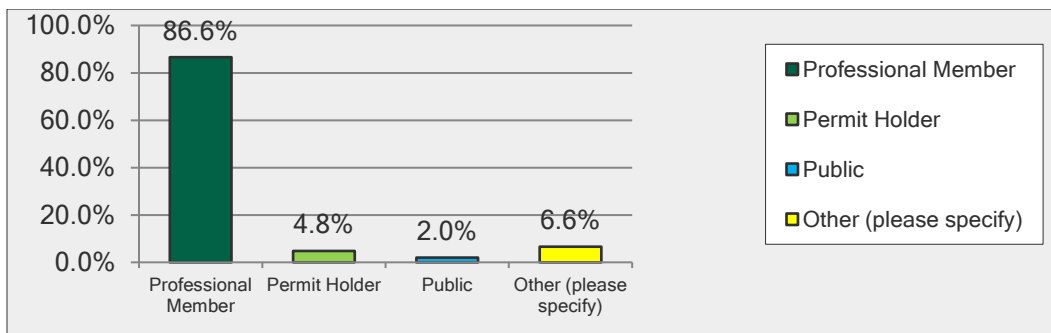
- **18%** attended a consultation session
- **66%** read and reviewed the briefing notes on the website
- **29%** read the information on the website and watched the videos
- **13%** did not have time to read or review the information



Note: A respondent could select more than one option

## Question 23. Profile of Survey Respondents

- **87%** were Professional Members
- **5%** were Permit Holders
- **2%** were members of the public
- **7%** were in the “other” category including:
  - Engineer/Member-in-Training (E.I.T. or M.I.T as self-identified) (19 respondents)
  - Both a Professional Member & Permit Holder (13 respondents)
  - Retired Life Member (4)
  - Provisional Licensee (4)
  - Past Member (3)
  - CSPG Member (3)
  - Non-practicing geologist/engineer (3)
  - Aspiring new Members (2)
  - Registrar for another Engineers and Geoscientists organization (1)
  - Public (1)
  - Explorationist (1)
  - Geoph. I.T. (1)
  - Grandfather Clause Geologist (1)



## 4.0 CONCLUSION

The fall 2016 consultation sessions brought to a close the consultation on the majority of the *Engineering and Geoscience Professions Act*. Following the spring 2015 consultation and its six main topics, the 15 topics discussed in fall 2015, and four primary topic areas during the winter 2016 discussions, another 20 topics were consulted on in the fall 2016 sessions.

The proposed recommendations were discussed with more than 900 Members and Permit Holders at the winter in-person consultation sessions and meetings with the legislative review team across the province. As well more than 1,100 Members and Permit Holders completed the survey, which opened in early October 2016 and closed on December 5th.

As it did with the feedback received during for the spring 2015, fall 2015, and winter 2016 consultations, Council will review all input received in the fall 2016 consultations. The proposed recommendations for legislative change may be put forward to the GoA as planned, or with amendments to accommodate what APEGA heard is most important to Members and Permit Holders.

The insight provided by Members and Permit Holders is a valuable part of the legislative review process and APEGA appreciates the time taken by all who have provided input.

The next step of the legislative review will take place in the winter/spring of 2017 with proposed recommendations for the General Regulation.