

Authority to Cancel a False or Fraudulent Registration

Improved Public Interest

To better protect the public APEGA must be able to quickly cancel an individual's registration if that registration was obtained through false or fraudulent means.

Background

- Currently under the *Engineering and Geoscience Professions Act* (the Act), Council is authorized to order the cancellation of a registration gained by false or fraudulent representation or declaration, either oral or written, and only after a hearing.
- Currently, the procedures of the Discipline Committee apply to such a hearing held by Council.

Why this is important

- It is in the public interest that APEGA be authorized to quickly cancel a false or fraudulent registration to protect the public from an individual who has not legitimately proven he or she has the requisite competency and ethics to be licensed to practice.
- The authority to cancel a false or fraudulent registration should rest with the Registrar, rather than with Council.
- Granting the Registrar the authority to cancel a false or fraudulent registration according to criteria established by Council in policy will put the authority to act at the most responsive and appropriate level of the organization and allow the Registrar to act quickly to protect the public.

Proposed Legislative Change

- The Registrar, rather than Council, will be the entity authorized to cancel a false or fraudulent registration.
- The process for cancelling a false or fraudulent registration will be simplified and will not require a full hearing, but the individual will be notified of the Registrar's concerns and be given an opportunity to respond.

- Where the Registrar cancels a false or fraudulent registration the individual will have the right to appeal that decision to the Court of Appeal, thereby balancing the rights of the individual against APEGA's obligation to protect the public interest.

Effect of the
proposed
change

- It will better protect the public by allowing APEGA to quickly cancel a false or fraudulent registration of an individual who has not legitimately proven he or she has the requisite competency and ethics to be licensed to practice.
- It will place the authority to act at the most responsive and appropriate level of the organization.
- It will impose consequences on individuals for their fraudulent behavior, and act as a deterrent to others.
- Criteria on what constitutes a false or fraudulent registration will be established in policy by Council.