



Enforcement Review Committee

Improved Regulatory Effectiveness and Efficiency

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

Background

- One of APEGA's regulatory responsibilities is to protect the public from unlicensed individuals and companies, who are illegally practising engineering or geoscience, or are using titles or presenting themselves as being qualified to practise when they are not licensed to practise.
- These regulatory activities are referred to as enforcement activities.
- The current *Engineering and Geoscience Professions Act (EGP Act)* allows APEGA Council to apply to the court for an injunction order to enjoin anyone from doing anything that contravenes the title and practice prohibitions.
- The current *EGP Act* also makes it an offence to contravene the title and practice prohibitions and allows the court to order fines and possible imprisonment against violators.
- APEGA Council has established an Enforcement Review Committee through the *EGP General Regulation*, and has delegated to the Enforcement Review Committee matters respecting enforcement activities against unlicensed practice and title use.

Enforcement activities for other professional regulators in Alberta are generally conducted by staff as an administrative function, rather than by a committee formally established in their legislation.

Why is this important?

- Although it is important that APEGA has appropriate authority to effectively and efficiently address unauthorized practice and title violations, it is not necessary that an Enforcement Review Committee be established by regulation for this purpose.



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- APEGA's authority to undertake enforcement activities is clearly established in the *EGP Act*. These enforcement activities can be carried out effectively and efficiently as an administrative function of APEGA, with advice and support from a team of Professional Member subject-matter-expert volunteers, as needed, to consider issues related to scope of practice and title, to determine whether there is a violation, and whether enforcement action is warranted.
- As part of streamlining, simplifying and modernizing the *General Regulation*, the Enforcement Review Committee can be removed from the *General Regulation* and instead be established through a Terms of Reference approved by Council.

Proposed legislative change

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

Effects of the proposed change

- APEGA's authority to take enforcement action related to title and practice violations will not change.
- Council will have the option to create, at its discretion and at any time, committees made up of advisors to consider issues related to scope of practice and title, to determine whether there is a violation, and whether enforcement action is warranted. The current committee will continue to be available and will be constituted through terms of reference approved by Council.
- This will align with other constituent associations in Canada that have enforcement review type committees (with the exception of Engineers PEI, whose Act Enforcement Committee is created in the legislation).