

Investigator Authority

Improved Public Interest

Improved Regulatory Effectiveness and Efficiency



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



During the fall 2015 consultations, recommendations on *Modernizing the Investigation Process* included expanding the ability of investigators to conduct thorough investigations by being able to compel interviews with witnesses, compel production of documents, and enter premises, if necessary.

Background (continued)



- Members requested detail on the authority of investigators to compel witnesses and produce documents.
- Members also expressed concern over the recommendation to enter premises and asked for further clarification.

Background (continued)



The current legislation does not explicitly require or enable APEGA's statutory entities to report criminal activity. Although there is nothing preventing Members of statutory entities from reporting such activity, it should be a legislated requirement that any criminal activity discovered in the course of an investigation or review be reported.

Why is this Important?



- Investigators need to be able to gather relevant documents and information from all possible witnesses and sources to have a complete investigation from which the investigative panel may make decisions.
- The authority of investigators to conduct those investigations needs to be clearly stated in the legislation.
- It is in the public interest that criminal activity be reported to the Minister of Justice and Solicitor General, or the police.



It is recommended the legislation be amended to:

- 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 practice review.
- Statutory entities would advise the Registrar, who would inform the Minister of Justice and Solicitor General or police of the concern.



Ability to Obtain Court Orders to Enter Premises

Section 53.2 *Health Professions Act*, Alberta.

Section 33(4) *Professional Engineers Act*, Ontario.

Ability to Advise of Criminal Offences

Sections 68(8), 74(12), and 94(2)

Chartered Professional Accountants Act, Alberta.

Section 80(2) *Health Professions Act*, Alberta.

Ability to Interview Witnesses and Obtain Documents

Section 24 (5) and (6) *Engineering and Geoscience Professions Act*
ASET Regulation, Alberta, (also found in the *Professional Technologists*
Regulation, Section 16).

Section 78 *Chartered Professional Accountants Act*, Alberta.

Please refer to the briefing note for more details.