

Extension of EGP General Regulation to September 30, 2026 Report to APEGA Licensed Professionals

Overview

The existing *General Regulation* under the *Engineering and Geoscience Professions Act* (EGP Act) expires on September 30, 2021. **APEGA licensed professionals will be asked to vote electronically from November 3–10, 2020**, to approve in principle an amendment to *General Regulation* Section 79.1 to extend the expiry date of the *General Regulation* by five years to September 30, 2026.

Update on the General Regulation

The government of Alberta has granted the engineering and geoscience professions the privilege of self-regulation in the public interest. This grant of authority has been given through the *Engineering and Geoscience Professions Act*, the *General Regulation*, and the bylaws.

The *General Regulation* forms part of the regulatory framework of self-regulation that enables APEGA to regulate the practices of engineering and geoscience in the public interest. The existing *General Regulation* expires on September 30, 2021.

General Regulation Section 79.1 reads:

For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2021.

Due to the impending deadline, this item is being brought to APEGA licensed professionals for an electronic vote this fall to extend the Regulation. The extension will give the government sufficient time to place this item on its legislative agenda in spring 2021 prior to the Regulation expiring.

Extending the General Regulation to September 30, 2026

An amendment to existing *General Regulation* Section 79.1 is necessary to enable the ongoing self-regulation of the engineering and geoscience professions in the public interest.

For more than 100 years, APEGA licensed professionals have done great work in our province to the benefit of all Albertans. You, our licensed professionals, have worked hard to obtain the education and experience necessary to become licensed and rightfully take pride in providing competent and efficient professional services for the benefit of the public.

We rely on APEGA licensed professionals to be responsible and professional, and we trust you are performing your duties to ensure the safety and well-being of the public—this is the very foundation of the model of self-regulation that has sustained our professions since the introduction of the EGP Act 100 years ago.

Modernizing the EGP Act

We have been working very hard to have the modernization of the *EGP Act* passed in our centennial year. However, the pandemic has shifted the timeline.

In the meantime, the existing *General Regulation* is set to expire in September 2021.

Importance of the General Regulation to APEGA licensed professionals

An expired *General Regulation* would leave the professions without vital regulations to effectively govern the practices of engineering and geoscience in Alberta.

The *General Regulation* establishes registration criteria to ensure only properly qualified, educated, and ethical engineers and geoscientists are licensed to practise, and that individuals who do not meet these stringent requirements are not entitled to become, practise, or call themselves professional engineers, professional geoscientists, or professional licensees.

The *General Regulation* also includes the Code of Ethics, the continuing professional development requirements to ensure up-to-date competency, and the registration criteria for licensing permit holders.

As APEGA licensed professionals, you have worked hard to obtain the education and experience necessary to become registered. We know you understand the importance of maintaining continuing professional development to stay current and competent in your practice to meet your obligation to protect the public's safety.

And we know the high value you place on upholding the values and ethics of our professions. Self-regulation puts the weight of responsibility in the hands of you, our licensed professionals—that's why the public trusts the work done by professional engineers, geoscientists, and licensees.

We're asking you to vote to extend the *General Regulation* by five years—to September 30, 2026.

The length of this extension allows sufficient time for the government to enact the new *EGP Act* and *General Regulation* while avoiding the risk of needing a second extension. If the new *EGP Act* and *Regulation* come into force prior to September 30, 2026, they will replace the existing *General Regulation*.

Electronic Voting

Under the *EGP Act*, the procedure for amending the expiry date in the *General Regulation* involves three steps (*EGP Act* S.19):

- First, the amendment must be made by APEGA Council.
- Second, the amendment must be approved in principle by a majority of professional members and professional licensees at either a special meeting called to approve the amendment, or the next annual general meeting after Council makes the amendment, or through a mail or electronic vote.
- Third, it must be submitted to the Lieutenant Governor in Council for approval.

Because of the inability to hold an in-person general or special meeting due to the COVID-19 pandemic and the need to address this issue prior to the expiry of the *General Regulation*, this item is being presented for an electronic vote from November 3–10, 2020.

Under Section 19(4)(b) of the *EGP Act*, a vote on an amendment to a regulation may be conducted by a mail or electronic vote. (See Appendix A below.)

Under Bylaw 37(1), APEGA Council may direct that a mail vote be conducted on any matter related to APEGA. Under Bylaw 37.1, an electronic vote shall be treated as having the same force and effect as a mail vote. (See Appendix A below.)

Under Bylaw 37(3), a vote by mail shall be declared valid if at least 400 licensed professionals respond, and the matter shall be declared carried or defeated on the basis of a simple majority of the votes returned.

Proposed Motion for Electronic Vote - November 3–10, 2020

The proposed wording change to Section 79.1 is shown in redline below:

For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, ~~2021~~ 2026.

On June 24, 2020, APEGA Council endorsed an amendment to *General Regulation 79.1* to extend the regulation expiry date by five years to September 30, 2026.

Proposed Motion for Licensed Professional Vote:

The item is being presented to APEGA licensed professionals for an electronic vote to approve in principle the following amendment to *General Regulation Section 79.1*:

Moved and Seconded that

Engineering and Geoscience Professions General Regulation Section 79.1 is approved in principle and be amended to read:

For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2026.

[APEGA.CA/GenRegVote](https://www.apega.ca/GenRegVote)

Appendix A: Excerpts from EGP Act, General Regulation and Bylaws

Engineering and Geoscience Professions Act

19(3) A regulation under Subsection (1) may be made only by the Council.

19(4) A regulation must be approved in principle by a majority of the professional members

- (a) present and voting at a special meeting called for that purpose,
- (b) voting by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication, or other appropriate means, or
- (c) at the annual general meeting following the Council's adoption of the regulation.

19(5) The Council may change the text of a regulation that was approved in principle under Subsection (4) if the change

- (a) is consistent with the approval in principle, and
- (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.

19(6) A regulation made under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.

Engineering and Geoscience Professions Act General Regulation

Expiry

79.1 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2021.

Bylaws

Voting by mail

37(1) The Council may direct that a mail vote be conducted on any matter related to the Association.

37(3) A vote by mail shall be declared valid if at least 400 professional members respond, and the matter shall be declared carried or defeated on the basis of a simple majority of the votes returned.

Electronic Voting

37.1 For the purposes of Bylaw 37, a mail vote shall be deemed to include electronic communications within such terms and conditions as may be prescribed from time to time by the Council of the Association, and such vote shall be received and treated by the Association as having the same force and effect as if sent by mail under Bylaw 37.