



Professional Engineers
and Geoscientists of BC
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Engineers and Geoscientists Act

[RSBC 1996] Chapter 116 as amended to May 2008

Bylaws of the Association

(As amended December 2008)

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ENGINEERS AND GEOSCIENTISTS ACT

Definitions and interpretation

1 (1) In this Act:

"association" means The Association of Professional Engineers and Geoscientists of the Province of British Columbia;

"board" means the Board of Examiners of the association;

"certificate holder" means the corporation, partnership or other legal entity that holds a valid certificate of authorization;

"certificate of authorization" means the authorization given under the seal of the association that permits corporations, partnerships or other legal entities to practise professional engineering or professional geoscience through employees who are members or licensees;

"council" means the council of the association;

"direct supervision" means the responsibility for the control and conduct of the engineering or geoscience work of a subordinate;

"executive director" means the executive director of the association;

"former Act" means the *Engineering Profession Act*, R.S.B.C. 1948, c. 110, and amending Acts;

"licence" means the official authorization given under the seal of the association that permits a nonresident person who meets the requirements of section 13 (4) and (5) to practise professional engineering or professional geoscience;

"licensee" means a nonresident engineer or geoscientist licensed under this Act or the holder of a limited licence under this Act;

"limited licence" means the official authorization given under the seal of the association that permits a person to practise professional engineering or professional geoscience within the scope specified in the limited licence;

"member" means a registered member of the association;

"practice of professional engineering" means the carrying on of chemical, civil, electrical, forest, geological, mechanical, metallurgical, mining or structural engineering, and other disciplines of engineering that may be designated by the council and for which university engineering programs have been accredited by the Canadian Engineering Accreditation Board or by a body which, in the opinion of the council, is its equivalent, and includes reporting on, designing, or directing the construction of any works that require for their design, or the supervision of their construction, or the supervision of their maintenance, such experience and technical knowledge as are required by or under this Act for the admission by examination to membership in the association, and, without limitation, includes reporting on, designing or directing the construction of public utilities, industrial works, railways, bridges, highways, canals, harbour works, river improvements, lighthouses, wet docks, dry docks, floating docks, launch ways, marine ways, steam engines, turbines, pumps, internal combustion engines, airships and airplanes, electrical machinery and apparatus, chemical operations, machinery, and works for the development, transmission or application of power, light and heat, grain elevators, municipal works, irrigation works, sewage disposal works, drainage works, incinerators, hydraulic works, and all other engineering works, and all buildings necessary to the proper housing, installation and operation of the engineering works embraced in this definition;

"practice of professional geoscience" means reporting, advising, acquiring, processing, evaluating, interpreting, surveying, sampling or examining related to any activity that

- (a) is directed towards the discovery or development of oil, natural gas, coal, metallic or non-metallic minerals, precious stones, other natural resources or water, or the investigation of surface or sub-surface geological conditions, and
- (b) requires the professional application of the principles of geology, geophysics or geochemistry;

"president" means the president of the association;

"professional engineer" means a person who is registered or licensed as a professional engineer under this Act;

"professional geoscientist" means a person who is registered or licensed as a professional geoscientist under this Act;

"register" means the register kept by the registrar under this Act and formerly kept under the former Act;

"**registrar**" means the registrar of the association;

"**registration**" means entry in the register of the name of the person admitted to membership in the association.

- (2) For the purposes of the definition of "**practice of professional engineering**" in subsection (1), the performance as a contractor of work designed by a professional engineer, the supervision of construction of work as foreperson or superintendent or as an inspector, or as a roadmaster, trackmaster, bridge or building master, or superintendent of maintenance, is deemed not to be the practice of professional engineering within the meaning of this Act.

Exemptions

- 2 (1) Nothing in this Act prevents a person registered as an architect under any Act relating to the practice of architecture from practising the profession of architecture or requires him or her to be registered under this Act if his or her practice is confined to architecture.
- (2) Nothing in this Act applies to a British Columbia or Canada land surveyor practising his or her profession, except that the land surveyor must not style himself or herself or hold himself or herself out as a professional engineer unless the land surveyor is registered or licensed under this Act.
- (3) This Act does not apply to a professional forester as defined in the *Foresters Act* as long as the professional forester does not hold himself or herself out as a professional engineer or professional geoscientist.
- (4) This Act does not apply to any member of Her Majesty's Canadian forces while actually employed on duty.
- (5) This Act does not affect the rights, powers or privileges of a person
 - (a) to do regulated work in relation to boiler, pressure vessel and refrigeration systems and equipment
 - (i) under the *Safety Standards Act*, or
 - (ii) under a licence, permit, certificate or other permission under that Act, or
 - (b) under the *Mines Act* or under a registration, permit or certificate under that Act.

- (6) Nothing in this Act prevents a person from assisting in the performance of any professional service or work of the kind described in the definition of "**practice of professional engineering**" in section 1 (1) if a professional engineer directly supervises and assumes full responsibility for the service or work.
- (7) Nothing in this Act prevents a person from assisting in the performance of any professional service or work of the kind described in the definition of "**practice of professional geoscience**" in section 1 (1) if a professional geoscientist directly supervises and assumes full responsibility for the service or work.
- (8) Work as a contractor of work designed by a professional engineer or professional geoscientist or as a foreperson, superintendent or inspector supervising construction or as a superintendent of maintenance is not deemed to be the practice of professional engineering or the practice of professional geoscience.
- (9) This Act does not apply to prevent persons from acquiring mineral titles or from performing work on mineral titles required under the *Mines Act* or the *Mineral Tenure Act* to maintain those titles in good standing as long as they do not hold themselves out as professional engineers or professional geoscientists.

Association continued as a corporation

- 3 (1) The Association of Professional Engineers and Geoscientists of the Province of British Columbia is continued as a corporation.
- (2) For the purposes of this Act, the association has the powers and capacity of a natural person, including the power to acquire and dispose of property and the power to enter into contracts.
- (3) The *Business Corporations Act* does not apply to the association unless the Lieutenant Governor in Council, by order, provides that specified provisions of that Act apply to the association, in which case the specified provisions apply.

4 [Repealed.]

Duties and objects of the association

- 4.1 (1) It is the duty of the association
 - (a) to uphold and protect the public interest respecting the practice of professional engineering and the practice of professional geoscience,
 - (b) to exercise its powers and functions, and perform its duties, under this Act, and

- (c) to enforce this Act.
- (2) The association has the following objects:
 - (a) subject to subsection (1), to uphold and protect the interests of its members and licensees;
 - (b) to establish, maintain and enforce standards for the qualifications and practice of its members and licensees;
 - (c) to promote the professions of professional engineering and professional geoscience.

Membership

5 The membership of the association consists of all members of the association who were in good standing under the former Act at the time of its repeal and all persons admitted to membership by the council under this Act and the bylaws of the association as long as they remain on the register.

President and vice presidents

- 6 (1) The president must be elected annually by the members of the association and holds office until a successor is elected.
- (2) The president, if present, presides at all meetings of the association and the council unless the president requests the meeting to appoint some other person to preside.
- (3) The president, or the person appointed in the president's place, votes only when the votes of the members are equally divided.
- (4) One or more vice presidents must be elected annually by the members of the association, one of whom must be designated by the council to have all the powers and rights of the president during the president's absence.
- (5) A vice president may hold office until a successor is elected.

Registrar and executive director

- 7 (1) The council must appoint a registrar, who must be a member of the association.
- (2) The council must appoint an executive director.
- (3) The offices of registrar and executive director are held at the pleasure of the council and may be held by the same person.

Functions of council

- 8 (1) The powers conferred on the association are to be exercised by the council.
- (2) Subject to this Act and the bylaws of the association, the council
- (a) must govern, control and administer the affairs of the association,
 - (b) must exercise all rights and powers vested in it by this Act or by the bylaws, and
 - (c) may pass resolutions necessary for the purposes of paragraphs (a) and (b).

Membership on and appointment to council

- 9 (1) The council consists of the president, all vice presidents, the immediate past president and councillors appointed under subsection (4) or (7) or elected under subsection (6).
- (2) Despite subsections (4), (6) and (7), a councillor whose term of office has expired may continue to hold office until a successor is appointed or elected.
- (3) The council includes
- (a) 4 councillors appointed under subsection (4),
 - (b) a further number, set by bylaw of the association and being at least 8, of councillors elected by the members under subsection (6), and
 - (c) the councillors, if any, appointed under subsection (7).
- (4) The Lieutenant Governor in Council must appoint 4 councillors who are not members of the association and, subject to subsection (8), each serves for a 2 year term.
- (5) [Repealed.]
- (6) The association must conduct a ballot of members each year, in the manner determined by the council, to elect the councillors who are to be elected.
- (a) each year the election must be for 1/2 the number of councillors to be elected by the members,
 - (b) in the event of a tie vote, the winner is the candidate with greater seniority as a member, and

- (c) each councillor elected by the members must, subject to subsection (8), serve for a 2 year term.
- (7) If no member of a Faculty of Applied Science, Engineering or Geoscience in British Columbia or no professional geoscientist is elected under subsection (6) or section 6 (1) or (4), the council must appoint a member of a Faculty of Applied Science, Engineering or Geoscience in British Columbia or a professional geoscientist to the council for a one year term.
- (8) If a member of the council dies, resigns or is incapable of acting,
 - (a) the other members of the council must appoint a member of the association to fill the vacancy if the councillor is an elected member, and
 - (b) the vacancy must be filled by appointment made by the Lieutenant Governor in Council if the councillor is a government appointee.

Bylaws

- 10 (1) The council may pass, alter and amend bylaws, consistent with this Act, for the following:
- (a) the election of the council;
 - (b) the government, discipline and honour of the members, licensees and certificate holders of the association, including the establishment of a code of ethics;
 - (c) the establishment of quality management programs for members, licensees and certificate holders;
 - (d) the establishment by the council of a professional practice review program for members, licensees and certificate holders, including the creation of a practice review committee to conduct practice reviews as directed by the council;
 - (e) the circumstances in which members, licensees or certificate holders, or a class of members, licensees or certificate holders, must hold professional liability insurance and the amount and category of professional liability insurance that must be held;
 - (e.1) the establishment and administration of a professional liability insurance program in any category including, without limitation, for providing the council with the power to establish terms, conditions,

policies and procedures for categories of professional liability insurance;

(e.2) the circumstances and manner in which members, licensees or certificate holders, or a class of members, licensees or certificate holders, must disclose

(I) whether professional liability insurance is held, and

(ii) whether the insurance is applicable to the services in question;

(f) the management and maintenance of the association and its property, both real and personal, the investment of its funds, banking, the borrowing of money, the appointment of staff and their remuneration and generally for the carrying on of the general business of the association;

(g) the establishment, levying, payment and remission of

(i) annual fees,

(ii) admission fees,

(iii) application fees,

(iv) licence fees,

(v) professional liability insurance fees, and

(vi) any other fees except, with respect to members, licensees and certificate holders, late fees and reinstatement fees,

including, without limitation, for providing the council with the power to establish, levy, require payment of, and authorize remission of, those fees;

(h) [Repealed 2002-35-4.]

(i) the establishment and regulation of standards of admission to membership and the enrolment and qualifications of candidates for admission to membership;

(j) the establishment and enforcement of standards for certificate holders;

- (k) the classification of the different disciplines of professional engineering and professional geoscience and the designation of the different grades of membership in the association and limitation of the rights of members within the different disciplines and grades;
- (k.1) the designation of specialized areas of professional engineering or professional geoscience;
- (k.2) the qualification and certification of members, licensees or certificate holders as specialists in areas of professional engineering or professional geoscience designated under paragraph (k.1);
- (k.3) the prohibition of members, licensees or certificate holders from holding themselves out as specialists in a designated area of professional engineering or professional geoscience unless the member, licensee or certificate holder is certified under a bylaw made under paragraph (k.2);
- (l) the subjects of study, the examinations to be passed and the experience required as a preliminary to or on application for membership in the association, or for a licence issued under this Act;
- (m) the establishment and monitoring of compliance with standards of training and experience required for licensees, and the enrolment and qualifications for a limited licensee, including limited licences for applied science technologists;
- (m.1) the establishment and enforcement of professional development requirements to assist in promoting and maintaining the competency and proficiency of members and licensees;
- (m.2) the establishment of an alternative complaint resolution process to assist, in appropriate circumstances, in the resolution of complaints;
- (n) the resignation of members;
- (o) the calling and conduct of meetings of the association and of the council, the necessary quorums, voting, the appointment of committees and their powers, and other matters in that connection;
- (p) the assistance, pecuniary or otherwise, to be given to individuals and organizations if, in the opinion of the council, the assistance will be of benefit to the public, the association or its members;

- (q) the promotion of better public relations in the manner and by the means the council sees fit, including, without limitation, the publication of books, papers and periodicals;
 - (r) the creation of divisions, committees and regional groups, and the delegation to them of those powers and authority the council sees fit;
 - (s) the establishment, development and administration of ancillary bodies and the qualifications for admission to these bodies;
 - (t) all other purposes reasonably necessary for the management, regulation and well-being of the association.
- (1.1) For the purposes of bylaws under subsection (1) (e), (e.1) or (e.2), the council, by bylaw, may
- (a) establish classes of members, licensees or certificate holders,
 - (b) specify different categories of professional liability insurance, and
 - (c) require that different classes of members, licensees or certificate holders hold different categories of professional liability insurance.
- (2) A bylaw does not come into force until
- (a) the requirements of section 11 have been met, and
 - (b) the 45 day period set by section 11 (3) ends.

Ratification of bylaws

- 11 (1) A bylaw does not come into force unless ratified by at least 2/3 of the votes cast by ballot taken under section 12 (7).
- (2) The executive director must file with the minister a copy of each bylaw, certified under the seal of the association, within 14 days after ratification.
- (3) A bylaw may be disallowed by the Lieutenant Governor in Council within 45 days after the filing of it under subsection (2).

Meetings of Association

- 12 (1) An annual meeting of the association must be held, at the time and place appointed by the council, at least once in every calendar year and not more than 15 months after the preceding annual meeting.

- (2) If any annual meeting is not held as required under subsection (1), the Supreme Court, on the application of a member of the association, may call or direct the calling of an annual meeting.
- (3) The council, at any time of its own motion, may call a general meeting of the association.
- (4) The council, on the written request of 25 members of the association or of 5 council members, must call a general meeting of the association.
- (5) A meeting called under subsection (4) must be held within 6 weeks after receipt of the request by the executive director.
- (6) Twenty-one days' written notice of the time and place of any meeting of the association must be sent by prepaid post to every member of the association in good standing at the member's last recorded address.
- (7) The council may, and on written request of 25 members of the association must, take a vote of the members of the association by ballot in the manner determined by the council on any matter that, under this Act and the bylaws, can be voted on at a general meeting of the association.
- (8) A vote taken under subsection (7) has the same force as if the vote had been taken at a general meeting of the association.

Admission to membership

- 13 (1) The council must admit an applicant to membership in the association who is a Canadian citizen or permanent resident of Canada, and who has submitted evidence satisfactory to the council of the following:
- (a) that the applicant has either
 - (i) graduated in applied science, engineering or geoscience from an institute of learning approved by the council in a program approved by the council, or
 - (ii) passed examinations established by the bylaws of the association or passed examinations, requiring special knowledge in branches of learning specified by the council, of an association or institute approved by the council;
 - (b) that the applicant has passed special examinations required by the council;

- (c) that the experience in engineering or geoscience work established by the bylaws has been obtained;
 - (d) that the applicant is of good character and good repute;
 - (e) that all examination and registration fees have been paid to the association.
- (2) Despite subsection (1) or (5), the council may refuse registration or a licence to a person if
- (a) the council has reasonable and probable grounds to believe that the person has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing, or
 - (b) the person has contravened this Act or the bylaws.
- (3) A person desiring to become a member must comply with the bylaws relating to application for membership, and, if required to qualify by examination, must comply with section 16 (4) and (5).
- (4) A person who is not a citizen or a permanent resident of Canada, whose qualifications are those required by subsection (1) (a) to (d), and who desires to engage temporarily in the practice of professional engineering or professional geoscience in the Province, must first obtain a licence from the council which will entitle him or her to engage in the practice of professional engineering or professional geoscience in respect of a particular work or for a temporary period, or both, as the council decides.
- (5) On producing evidence satisfactory to the council of his or her qualifications under subsection (4) and on payment of the established fees, a person must be granted the licence.
- (6) Neither corporations nor partnerships as such may become members of the association.
- (7) If professional engineers or professional geoscientists are employed by corporations or are members of partnerships, they individually must assume the functions of and must be held responsible as professional engineers or professional geoscientists.

Issue of certificates of authorization

- 14 (1) The council must issue a certificate of authorization to a corporation, partnership or other legal entity for the practice of professional engineering or for the practice of professional geoscience if the council is satisfied that the corporation, partnership or other legal entity
- (a) has on its active staff members or licensees who directly supervise and assume responsibility for the practice of professional engineering or for the practice of professional geoscience undertaken by the corporation, partnership or other legal entity, and
 - (b) has satisfied the requirements of this section and the bylaws of the association.
- (2) An application for a certificate of authorization, on a form provided by the council, must be filed with the registrar, together with the application fee specified by the council, and, to remain valid, the certificate holder must pay all fees specified by the council for certificate holders.
- (3) If the practice of professional engineering or the practice of professional geoscience is carried on by a certificate holder as permitted under subsection (1), the estimates, specifications, reports, documents or plans prepared and delivered must
- (a) be signed and dated by, and sealed with the stamp of, the member or licensee of the association who is responsible for them and who supervised the preparation of them, and
 - (b) show in a manner specified by the council the words "APEGBC CERTIFICATE OF AUTHORIZATION", together with the certificate number and expiry date.
- (4) A certificate holder engaged in the practice of professional engineering or in the practice of professional geoscience in its own name as permitted under subsection (1) must keep the association advised of the names of the members or licensees of the association who are on the active staff of the certificate holder and who are directly supervising and assuming responsibility for the practice of professional engineering or for the practice of professional geoscience.
- (5) The members or licensees named for the purposes of subsection (4) by a certificate holder
- (a) are the authorized representatives of the certificate holder for all purposes under this Act and the bylaws,

- (b) are subject to any inquiries under the Act, and
 - (c) must immediately advise the registrar on relinquishing for any reason this responsibility for the certificate holder.
- (6) A certificate of authorization issued to a corporation, partnership or other legal entity is valid for the calendar year for which it was issued provided the certificate holder complies with this Act and the bylaws governing certificate holders.
- (7) A corporation, partnership or other legal entity that holds a certificate of authorization must be registered by the registrar as a certificate holder but not as a member or licensee.
- (8) Despite subsection (1), the council may refuse to issue or renew a certificate of authorization if the applicant for the certificate of authorization or the certificate holder, as the case may be, or a member or licensee described in subsection (1)(a),
- (a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada and, in the circumstances, renders the person unsuitable for the practice of professional engineering or for the practice of professional geoscience,
 - (b) has contravened this Act, the bylaws or the code of ethics of the association, or
 - (c) has demonstrated incompetence, negligence or unprofessional conduct
- (9) [Repealed.]

Board of examiners

- 15 (1) The council must
- (a) appoint a board of examiners annually, and
 - (b) fill vacancies in the board as they occur.
- (2) The board must examine all candidates for admission to membership when an examination is required by this Act or by the bylaws.

Examinations

- 16 (1) Regular examinations of candidates for admission must be held in British Columbia at least once in each year at places and times decided by the council.
- (2) Special examinations, at the discretion of council, may be held if the candidate or candidates for them deposit in advance with the registrar both a sum sufficient to defray the expenses of the special examinations and the appropriate examination fees established by or under the bylaws.
- (3) The council must establish the scope of and procedure at examinations.
- (4) A candidate for examination must give at least 2 months' notice in writing to the registrar of the candidate's intention to take the examination, and with the notice must pay the fees established by or under the bylaws for the grade of examination to be taken.
- (5) If the candidate passes the final examination, he or she must pay the remainder of the admission fees established by or under the bylaws before receiving a certificate of registration.
- (6) As soon as possible, and not later than 21 days after the close of each examination, the members of the board who have conducted the examination must make and file with the registrar a certificate showing the results of the examination.
- (7) On the filing of a certificate under subsection (6), the council must notify the candidate of the result of the examination and of its decision on the candidate's application.
- (8) The board must file with the registrar the examination papers submitted to the candidates, together with the answers of each candidate, and must attach to them a certified copy of its report with the marks awarded to each candidate in each subject of the examination.
- (9) The documents referred to in subsection (8) must remain on file in the office of the registrar, and are open to inspection by any candidate, or by any person authorized in writing by the candidate, during regular office hours for a period of at least 6 months following the examination.
- (10) If the candidate fails an examination, the candidate may, on payment of the established fee, take any subsequent regular examination.
- (11) If a candidate has failed an examination 3 times, he or she may only take the examination again with the permission of the council.

Investigation of certificates

- 17 (1) The council must cause the examination of all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining registration.
- (2) The council may require the holder of credentials referred to in subsection (1) to attest, by oath or affidavit, any matter involved in his or her application.

Central examining board

- 18 (1) The council may
- (a) establish jointly with the council of any other association similarly constituted, in one or more of the other provinces, a central examining board, and
 - (b) delegate to the central examining board all or any of the powers possessed by the board respecting the examinations of candidates.
- (2) Any examination conducted by the central examining board must be held in at least one place in British Columbia if so requested by the council.

Register

- 19 The registrar must do the following:
- (a) continue the register of members kept under the former Act;
 - (b) enter in the register the full name and address of each member and the date of issue of each registration;
 - (c) make the register available for public inspection during normal business hours;
 - (d) keep a record of licensees, certificate holders and members of each grade of membership in the association.
 - (e) enter in the record the full name and address of each licensee and certificate holder and the date of issue of each licence and certificate of authorization.

Certificate and seal

- 20 (1) The registrar, on direction of the council, must issue
- (a) a certificate of registration to each member of the association on registration of that member, and

- (b) a certificate of licence or a certificate of limited licence to each licensee.
- (2) A certificate of registration must show the signatures of the president and the registrar and bear the seal of the association.
- (3) A certificate of registration constitutes evidence of registration at the date of issue.
- (4) On receipt of the annual fee in each year, the registrar must provide the member with evidence that the member's certificate of registration is renewed.
- (5) A member must display the member's certificate of registration and a licensee must display the licensee's certificate of licence or limited licence in a prominent place in the office or other place of business of the member or licensee.
- (6) On receipt of a certificate of registration or a certificate of licence, a professional engineer
 - (a) is entitled to use the title "professional engineer" or an abbreviation of that title approved by the council, and
 - (b) must be provided with a seal or stamp by the association, bearing the engineer's name, the words "Professional Engineer, Province of British Columbia" and other designation required by the bylaws.
- (7) On receipt of a certificate of registration or a certificate of licence, a professional geoscientist
 - (a) is entitled to use the title "professional geoscientist" or an abbreviation of that title approved by the council, and
 - (b) must be provided with a seal or stamp by the association, bearing the geoscientist's name, the words "Professional Geoscientist, Province of British Columbia" and other designation required by the bylaws.
- (8) On issuing a certificate of limited licence, the association must provide the licensee with a seal or stamp, bearing the licensee's name, the words "Limited Licensee" and any other information required by the bylaws.
- (9) A member or licensee receiving a seal or stamp under this section must use it, with signature and date, to seal or stamp estimates, specifications, reports, documents, plans or things that have been prepared and delivered by the

member or licensee in the member's or licensee's professional capacity or that have been prepared and delivered under the member's or licensee's direct supervision.

Annual fee

- 21 (1) On or before the date set by the council under subsection (2), every member, licensee or certificate holder must pay to the executive director or other person authorized by the council the applicable annual fee established under the bylaws.
- (2) The council, by resolution, may set the date on or before which the annual fee must be paid.
- (3) If the council does not set a date under subsection (2), the annual fee must be paid on or before January 1 in the year for which it is imposed.
- (4) The council, in its sole discretion, may remit the annual fee owing by a person under subsection (1).

Late fees and reinstatement fees

- 21.1 (1) The council may establish late fees and reinstatement fees for members, licensees or certificate holders by a resolution supported by 2/3 of the councillors, and may levy and require payment of those fees.
- (2) The council, in its sole discretion, may remit a late fee or reinstatement fee owing by a person under subsection (1).

Failure to pay fees

- 21.2 (1) If a person fails to pay the annual fee or any other fee imposed under this Act or the bylaws, other than a late fee or a reinstatement fee, by the time the fee is required to be paid, the council must provide to the person at his or her last recorded address notice demanding payment of the fee.
- (2) Subject to sections 32.1 (5) and 32.2 (3), if a person is still in default 30 days after notice under subsection (1) of this section is sent, the council may do one or both of the following:
- (a) require the person to pay a late fee in addition to the unpaid fee;
 - (b) cancel the person's registration, licence or certificate of authorization without further notice.
- (3) The annual fee or any other fee that a person is required to pay under this Act or the bylaws is a debt due by the person to the association, and, in addition to any other remedy but subject to sections 32.1 (5) and 32.2 (3), is

recoverable with costs by the association in any court of competent jurisdiction.

Reinstatement or eligibility to renew

- 21.3 (1) If any unpaid fee, late fee and reinstatement fee related to a registration, licence or certificate of authorization cancelled under section 21.2 is remitted or paid,
- (a) the council may reinstate the registration, licence or certificate of authorization, or
 - (b) the licensee or certificate holder is eligible to reapply for a licence or certificate of authorization.
- (2) A registration, licence or certificate of authorization that is reinstated under subsection (1) has the same force and effect and the same terms and conditions as it had immediately before it was cancelled.

Prohibition on practice

- 22 (1) Except as permitted under this Act, an individual or corporation, partnership or other legal entity must not do any of the following:
- (a) engage in the practice of professional engineering or professional geoscience;
 - (b) assume, verbally or otherwise, the title of professional engineer or professional geoscientist;
 - (c) advertise or use, or permit to be advertised or used, in any manner whatsoever, in connection with the name of the individual, corporation, partnership or other legal entity, or otherwise,
 - (i) the title of professional engineer or professional geoscientist,
 - (ii) any word, name, title or designation mentioned in the definition of "**practice of professional engineering**" or "**practice of professional geoscience**", or any combination or abbreviation of them, or
 - (iii) any other word, name, title, designation, descriptive term or statement implying, or calculated to lead any other person to believe, that the individual, corporation, partnership or other legal entity is a professional engineer or professional geoscientist or is ready or entitled to engage in, or is engaged in,

the practice of professional engineering or professional geoscience as defined in section 1 (1);

- (d) act in a manner that leads any person to believe that the individual, corporation, partnership or other legal entity is authorized to fill the office of or act as a professional engineer or professional geoscientist;
 - (e) advertise, use or display a sign, card, letterhead or other device representing to the public that the individual, corporation, partnership or other legal entity is a professional engineer or professional geoscientist or an individual, corporation, partnership or other legal entity ready or entitled to engage in the practice of professional engineering or professional geoscience or holding out the individual, corporation, partnership or other legal entity to be a professional engineer, professional geoscientist or certificate holder.
- (2) Subsection (1) does not apply
- (a) to an individual who is a member of the association or holds a licence, other than a limited licence, issued by the association, or
 - (b) to a corporation, partnership or other legal entity that has on its active staff members or licensees who directly supervise and assume responsibility as this Act provides for the practice of professional engineering or professional geoscience undertaken by the corporation, partnership or other legal entity.
- (3) An individual who holds a limited licence must not engage in the practice of professional engineering or professional geoscience except in a manner consistent with the scope of the limited licence and according to the provisions of that limited licence.

Injunction

- 23 (1) If there is a breach or threatened breach by any person or corporation, partnership or other legal entity of any provision of this Act, the association is entitled, in an action brought for that purpose, to an injunction to restrain the person or corporation, partnership or other legal entity from continuing or committing the breach.
- (2) Until the trial of the action and adjudication on it, the court, on being satisfied that there is reason to believe that the person or corporation, partnership or other legal entity has committed or is likely to commit a breach of this Act, must grant an interim injunction.

No unregistered person to recover fees

- 24 (1) Except as provided in this Act, a person is not entitled to recover any fee or remuneration in any court of law in British Columbia for any work done or service rendered that is within the definition of "**practice of professional engineering**" or of "**practice of professional geoscience**" unless the person is a member of the association and holds a certificate of registration or is licensed under the provisions of this Act at the time the work is done or service rendered.
- (2) Except as provided in this Act, a corporation is not entitled to recover any fee or remuneration in any court of law in British Columbia for any work done or service rendered that is within the definition of "**practice of professional engineering**" or of "**practice of professional geoscience**" in this Act.

Penalty for falsification to register

- 25 If the registrar makes or causes to be made any willful falsification in any matters relating to the register, he or she commits an offence and is liable on conviction to a penalty of not more than \$2,000.

Fraudulent registration

- 26 A person must not obtain or attempt to obtain registration under this Act for himself or herself or for another person by intentionally making or causing to be made any false representation, either verbally or in writing.

Exemplary damages

- 27 (1) An act prohibited in section 22 or 26 is a tort actionable by the association without proof of damage.
- (2) An individual, corporation, partnership or other legal entity that contravenes section 22 or 26 is liable to pay exemplary damages of not more than \$25,000 to the association whether or not the individual, corporation, partnership or other legal entity has been convicted of an offence arising from the same circumstances.
- (3) In an action under subsection (1), it is sufficient proof of the contravention to prove that the defendant has committed a single act of the kind prohibited.

Extended definitions

- 28 In sections 29 to 35:

"**certificate holder**" includes a former holder of a certificate of authorization under this Act;

"**discipline committee**" means the discipline committee appointed under section 31;

"investigation committee" means the investigation committee appointed under section 30;

"licensee" includes a former licensee, a holder of a limited licence and a former holder of a limited licence;

"member" includes a former member, a registered member and a person who holds any grade of membership in the association as specified in the bylaws.

Complaints and investigations

- 29 (1) If the association receives a complaint against a member, licensee or certificate holder, the registrar must designate a member to review the complaint.
- (2) If after the review the member designated under subsection (1) considers that further investigation is warranted, the member must submit a report to the investigation committee recommending further investigation and stating the reasons for the recommendation.
- (3) If an inquiry under section 32 is not held in response to a complaint, the council must have the complainant, and the member, licensee or certificate holder against whom the complaint was made, informed of the reasons.

Investigation committee

- 30 (1) The council must appoint an investigation committee of at least 5 persons, of whom one may be a non-member of the association, to hold office for a term determined by the council.
- (2) The council may terminate an appointment to the investigation committee and may fill a vacancy on the committee.
- (3) The investigation committee or a subcommittee composed of one or more of its members appointed by the investigation committee may, on receipt of a report under section 29 or whenever it considers it appropriate, investigate a member, licensee or certificate holder regarding any matter about which an inquiry may be held under section 32.
- (4) A member, licensee or certificate holder being investigated under subsection (3) must
- (a) provide the committee or subcommittee conducting the investigation with any information or records in the possession or control of the member, licensee or certificate holder that the committee or subcommittee may require, and

- (b) answer, within a reasonable time and in the manner specified by the committee or subcommittee, any inquiries of the committee or subcommittee.
- (5) A member, licensee or certificate holder must not refuse to comply with this section on the grounds of confidentiality.
- (6) If the investigation is being conducted by a subcommittee under subsection (3), the subcommittee must prepare a report of its findings and recommendations for the investigation committee.
- (7) The investigation committee or subcommittee may make recommendations to the member, licensee or certificate holder that was investigated
 - (a) following an investigation under subsection (3), or
 - (b) on receipt of a report under subsection (6).
- (8) The investigation committee or subcommittee may inform the complainant of the recommendations made under subsection (7).
- (9) Subject to subsection (10), if the investigation committee has reasonable and probable grounds to believe that a member, licensee or certificate holder
 - (a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing,
 - (b) has contravened this Act or the bylaws or the code of ethics of the association, or
 - (c) has demonstrated incompetence, negligence or unprofessional conduct,the investigation committee must cause its recommendation for an inquiry to be delivered to the discipline committee.
- (10) If the investigation committee has reasonable and probable grounds to believe that a member, licensee or certificate holder has contravened section 21 or a bylaw made under section 10 (1) (g) or (m.1), the investigation committee may cause its recommendation for an inquiry to be delivered to the discipline committee.

Discipline committee

- 31 (1) The council must appoint a discipline committee of at least 5 members of the association to hold office for a term determined by the council.
- (2) The council may terminate an appointment to the discipline committee and may fill a vacancy on the committee.
- (3) The discipline committee may establish one or more panels composed of at least 3 members of the discipline committee.
- (4) On matters referred to a panel by the discipline committee, a panel has the power and authority of the discipline committee.
- (5) The discipline committee may refer a matter that is before the committee to a panel or a matter that is before a panel to the discipline committee or another panel, and may terminate an appointment to a panel and fill a vacancy on a panel before the hearing of evidence.
- (6) A person who has participated in a review or an investigation of a matter must not participate as a member of the discipline committee in an inquiry under section 32 concerning that matter.
- (7) If the discipline committee considers that a delay in holding an inquiry under section 32 concerning a member, licensee or certificate holder would be prejudicial to the public interest, the discipline committee, without giving the member, licensee or certificate holder an opportunity to be heard, may suspend the membership, licence or certificate of authorization, or restrict the scope of practice, of the member, licensee or certificate holder, until an inquiry and decision under section 32.
- (8) If the discipline committee decides to act under subsection (7), it must give written notice to the member, licensee or certificate holder of its decision, of the reasons for it and of the right of the member, licensee or certificate holder to apply to the Supreme Court to have the suspension or restriction removed.
- (9) The suspension of a membership, licence or certificate of authorization, or restriction of the scope of practice, ordered under subsection (7) is not effective until the earlier of
- (a) the receipt by the member, licensee or certificate holder of the written notice, or
 - (b) 3 days after the day written notice is mailed to the member, licensee or certificate holder at the last address of the member, licensee or certificate holder on file with the association.

- (10) An affidavit of the officer or employee of the association that sent the notice under subsection (9) (b) is proof the notice was sent as required under subsection (8) in the absence of evidence to the contrary.
- (11) A member, licensee or certificate holder whose membership, licence or certificate of authorization is suspended, or whose scope of practice is restricted, under subsection (7), may apply to the Supreme Court to have the suspension or restriction removed, and the court may make any order respecting the suspension or restriction that it considers appropriate.
- (12) A discipline committee member who takes part in the decision under subsection (7) must not sit on any inquiry or appeal with respect to any matter that was the subject of the decision taken under subsection (7).

Disciplinary inquiry

32 (1) [Repealed.]

- (2) On receipt of the investigation committee's recommendation under section 30(9) or (10) for an inquiry, the discipline committee must cause an inquiry to be held before it by causing written notice of an inquiry to be personally served on the person who is the subject of the inquiry or, failing personal service, by leaving the notice at, or by mailing it by registered mail to, the person's last address on file with the association.
- (3) Notice under subsection (2) must be given at least 14 days before the inquiry unless this requirement is waived by the person who is the subject of the inquiry.
- (4) The notice must include all of the following:
 - (a) a statement of the time, place and purpose of the inquiry;
 - (b) a reference to the statutory authority under which the inquiry will be held;
 - (c) a statement that if the person who is the subject of the inquiry does not attend the inquiry, the discipline committee may proceed with the subject matter of the inquiry in that person's absence and make findings of fact and its decision without further notice to that person.
- (5) In the event of nonattendance of the person who is the subject of the inquiry, the discipline committee, on proof of service of the notice under subsection (2), which proof may be made by affidavit, may proceed with the subject

matter of the inquiry in that person's absence and make findings of fact and its decision without further notice to that person.

- (6) The discipline committee, or any member of the discipline committee, may issue a subpoena for the attendance of a witness at an inquiry and for the production of records by the witness at the inquiry.
- (7) Failure of a witness to attend or produce the required records makes the witness, on application by the association to the Supreme Court, liable to be committed for contempt as if in breach of an order or a judgment of the Supreme Court.

Consent orders

- 32.1 (1) After serving notice of an inquiry under section 32 (2) to the person who is the subject of the inquiry, and before the commencement of the inquiry, the discipline committee, in writing, may propose to that person the making of a consent order under subsection (2) (a) of this section for the voluntary resolution of one or more matters to be dealt with at the inquiry.
- (2) A consent order is made if
- (a) the person who is the subject of an inquiry under section 32 (2) accepts the proposal of the discipline committee under subsection (1) of this section, or
 - (b) an agreement is reached under section 32.2 (2) between the person who is the subject of an inquiry under section 32 (2) and the discipline committee.
- (3) A consent order made under subsection (2) (a) must contain
- (a) the terms set out in the proposal made by the discipline committee under subsection (1),
 - (b) one or more admissions by the person who is the subject of the inquiry in relation to one or more of the matters to be dealt with at the inquiry, and
 - (c) one or more of the orders set out in section 33 (2).
- (4) A consent order made under subsection (2)
- (a) has the same effect as an order made under section 33 (2), and

- (b) may be dealt with under section 34 if conditions in the consent order are not met.
- (5) After a consent order is made under subsection (2), no further action may be taken under this section and sections 21.2, 29 to 32, 32.2 and 33 with respect to the matters contained in the consent order.
- (6) If the person to whom a proposal under subsection (1) is made rejects the proposal,
 - (a) an inquiry under section 32 (2) respecting the matters contained in the proposal must proceed as though the proposal had not been made,
 - (b) the discipline committee conducting the inquiry must not consider the admissions contained in the proposal or the terms of the proposal in determining the matters or in making an order under section 33 (2) respecting the matters, and
 - (c) a person who participated in making the proposal under subsection (1) must not participate as a member of the discipline committee in the inquiry concerning those matters.

Alternative complaint resolution

- 32.2 (1) At any time before the commencement of an inquiry under section 32(2), the person who is the subject of the inquiry, the registrar and the discipline committee may agree that alternative complaint resolution, as provided in the bylaws, will commence between the person who is the subject of the inquiry and the discipline committee respecting one or more matters to be dealt with at the inquiry.
- (2) If the discipline committee and the person who is the subject of the inquiry reach an agreement respecting one or more of the matters to be dealt with at the inquiry, a consent order may be made under section 32.1 (2) (b) on the terms set out in the agreement.
 - (3) No further action may be taken under this section and sections 21.2, 29 to 32.1 and 33 with respect to a matter referred to in subsection (1) of this section unless the discipline committee determines that an agreement respecting the matter cannot be reached within a reasonable period of time.
 - (4) If the discipline committee determines that an agreement respecting a matter referred to in subsection (1) cannot be reached within a reasonable period of time,
 - (a) an inquiry under section 32 (2) respecting the matter must proceed,

- (b) the discipline committee conducting the inquiry must not consider the information disclosed during the alternative complaint resolution process in determining the matter or in making an order under section 33 (2) respecting the matter, and
- (c) a member of the discipline committee who participated in the alternative complaint resolution process must not participate as a member of the discipline committee in the inquiry concerning the matter.

Disciplinary actions

- 33 (1) After an inquiry under section 32, the discipline committee may determine that the member, licensee or certificate holder
- (a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing,
 - (b) has contravened this Act or the bylaws or the code of ethics of the association, or
 - (c) has demonstrated incompetence, negligence or unprofessional conduct.
- (2) If the discipline committee makes a determination under subsection (1), it may, by order, do one or more of the following:
- (a) reprimand the member, licensee or certificate holder;
 - (b) impose conditions on the membership, licence or certificate of authorization of the member, licensee or certificate holder;
 - (c) suspend or cancel the membership, licence or certificate of authorization of the member, licensee or certificate holder;
 - (d) impose a fine, payable to the association, of not more than \$25,000 on the member, licensee or certificate holder.
- (3) The discipline committee must give written reasons for any action it takes under subsection (2).
- (4) If a member, licensee or certificate holder is suspended from practice,

- (a) the registration, licence or certificate of authorization is deemed to be cancelled during the term of the suspension, and
- (b) the suspended member, licensee or certificate holder is not entitled to any of the rights or privileges of membership and must not be considered a member while the suspension continues.

Conditions not met

- 34 (1) If the discipline committee imposes conditions under section 33 (2) (b) and the discipline committee subsequently is satisfied that these conditions have not been met, it may propose, in addition to any order under section 33 (2), one or more of the following:
- (a) imposition of further conditions;
 - (b) suspension or cancellation of the membership, licence or certificate of authorization;
 - (c) imposition of a fine, payable to the association, of not more than \$25,000 on the member, licensee or certificate holder.
- (2) Notice of the proposal in subsection (1) and the reasons for it must be given, in the manner set out in section 32 (2), to the person on whom the conditions were imposed, setting out the proposal and giving the person at least 28 days from the date that notice is given to deliver to the discipline committee any written submissions the person wishes to make.
- (3) After the time for delivering written submissions has elapsed, the discipline committee may take the proposed action without a further inquiry if
- (a) no submissions have been made, or
 - (b) on reviewing the submissions that have been made the discipline committee remains satisfied that the conditions have not been met.

Cancellation of certificate of authorization

- 34.1 The council must inform the Registrar of Companies if a certificate of authorization is cancelled under section 21.2 (2) (b), 33 (2) (c) or 34 (3).

Costs

- 35 (1) If the discipline committee makes a determination under section 33 (1), the discipline committee may direct that reasonable costs of and incidental to the investigation under section 30 and the inquiry under section 32, including reasonable fees payable to solicitors, counsel and witnesses, or any part of

the costs, be paid by the person, and the costs may be determined by the committee.

- (2) If the allegations that were the subject of an inquiry under section 32 are not proven, the discipline committee may direct that reasonable costs of and incidental to the inquiry and any further inquiry, including reasonable fees payable to solicitors, counsel and witnesses, or any part of the costs, be paid by the association, and the costs may be determined by the committee.
- (3) If the discipline committee directs that costs be paid and determines the amount under subsection (1) or (2), the amount may be assessed by the registrar or district registrar of the Supreme Court, in the judicial district in which the inquiry under section 32 takes place, as special costs under the Supreme Court Rules, as nearly as they are applicable.
- (4) If the certificate of the registrar certifying the amount of costs awarded under subsection (3) is filed with the court, it may be enforced as if it were an order of the court.
- (5) If the discipline committee has directed costs against a person under subsection (1) and the costs have not been paid, the discipline committee may order that, without a further inquiry, the membership or licence of that person be suspended or cancelled until the costs are paid.

Legal assistance for council

36 For the purpose of carrying out its duties under this Act, the council may employ, at the expense of the association, legal counsel or assistance the council thinks necessary or proper.

Right to counsel

37 A person whose status or conduct is the subject of inquiry also has the right to be represented by counsel.

Testimony under oath

38 The testimony of witnesses must be taken under oath, which a member of the discipline committee may administer.

Appeal

39 (1) Any person who feels aggrieved by an order of the discipline committee under section 33 (2), or whose application for membership in the association, or for a licence has been refused under section 13 (1) (d) or 13 (2), may appeal from the order or refusal of the application to the Supreme Court within 42 days from the date of that order or refusal.

- (2) A corporation, partnership or other legal entity, other than an individual, aggrieved by an order of the discipline committee under section 33 (2), or whose application for a certificate of authorization is refused under section 14 (1) or (8), may appeal the order or refusal of the application to the Supreme Court within 42 days of the making of the order or refusal.
- (3) The appellant must appeal by filing in the Vancouver Registry of the Supreme Court a notice of appeal setting out the ground on which the appeal is based.
- (4) With the notice of appeal, the appellant must also file a copy of the proceedings, the evidence taken, the order of the council or discipline committee in the matter, and the reasons, if any, certified by the registrar of the association.
- (5) The appellant must cause to be served on the registrar of the association a copy of the notice of appeal.
- (6) The notice of appeal must state a place and time, not less than 7 clear days after the service of it, on which the appeal is to be heard.
- (7) On hearing the appeal, the court may
 - (a) sustain, reverse, alter or amend the order,
 - (b) remit the matter to the council or discipline committee for rehearing, or
 - (c) make any order as to costs or otherwise as to the court seems right.
- (8) An appeal must be heard and determined on its merits, and must not be defeated merely because of a technical defect in the proceedings.
- (9) The registrar of the association, on the request of any person desiring to appeal, must provide the person, on payment by that person of the costs of the transcripts provided, with a certified copy of all proceedings, reports, orders, reasons and the papers on which the council or discipline committee has acted in making the order complained of.

Evidence of registration

- 40 In any proceedings or prosecution under this Act in which proof is required that any person is or is not a member of the association, a certificate purporting to be signed by the registrar and under the seal of the association that the person is or is not a member of the association is proof in the absence of evidence to the contrary of the fact so certified, without proof of the signature or of the seal or of the person signing being in fact the registrar.

Protection against action

- 41 An action does not lie against the council or any member of the association for any proceedings taken or enforced or attempted in good faith under a bylaw of the association or for anything done in good faith and under this Act.

Bylaw continuation

- 42 The bylaws passed under the former Act remain in effect until new bylaws or amendments are passed and approved under this Act.

Offence Act

- 43 Section 5 of the *Offence Act* does not apply to this Act or to bylaws made under this Act.

Practice review committee

- 44 If a practice review committee is created under section 10 (1) (d), a member, licensee or certificate holder
- (a) must, on request, provide the practice review committee with any relevant information, record, document or thing, and
 - (b) may not refuse to comply with a request under paragraph (a) on the grounds of confidentiality.

Court ordered production

- 45 On application by the council to the Supreme Court, the Supreme Court may order that a person produce any record or thing to an officer, committee or subcommittee of the association, or to a person designated by the council, if the court is satisfied that it is relevant to and reasonably required by the officer, committee or subcommittee for
- (a) an investigation of the conduct of a current member, licensee or certificate holder, or
 - (b) a review of the professional practice of a current member, licensee or certificate holder.

Confidentiality

- 46 (1) A person acting under the authority of this Act or the bylaws must keep confidential all facts, information and records obtained or provided under this Act or the bylaws or under a former enactment, except so far as public duty requires or this Act or the bylaws permit the person to make disclosure of them or to report or take official action on them.

- (2) Except in a proceeding under this Act or the bylaws, a person to whom subsection (1) applies must not in any civil proceeding be compelled to give evidence respecting any facts, information or records obtained in the course of the person's duties.

BYLAWS OF THE ASSOCIATION

(As amended December 2008)

1 [Repealed.]

Conduct of meetings

- 2 (a) All general meetings of the association shall be held in the manner provided by section 12 of the Act. A quorum shall be 50 members present in person.
- (b) A written request that council call a general meeting pursuant to section 12(4) of the Act shall be accompanied by a notice setting out specifically the business to be transacted at such meeting.
- (c) If neither the president nor any of the vice presidents are present within 15 minutes after the time appointed for holding the meeting, or if neither the president nor any of the vice presidents are willing to act as chair, then the members present shall choose someone of their number to be chair.
- (d) The chair may, with the consent of any meeting, and shall, if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give notice of an adjournment, or of the business to be transacted at any adjourned meeting.

- (e) At any meeting, a resolution put to the vote of the meeting shall be decided on a show of hands, unless a ballot is demanded by at least 3 members before or on the result of the show of hands. Unless a ballot is so demanded the chair shall declare that a resolution has, on a show of hands, been carried or lost. An entry to that effect, made in the book of the proceedings of the association, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the resolution.
- (f) If a ballot is duly demanded, the results of the ballot shall be deemed to be the resolution of the meeting at which the ballot was demanded.
- (g) On a show of hands or on a ballot being taken all registered members present in person shall have one vote. The chair of any meeting, whether the

president, a vice president or someone appointed by the meeting, shall be entitled to vote only in the case of an equality of votes.

- (h) If a ballot is required under section 12 of the Act, in the case of an equality of votes the president shall have a second or casting vote.
- (i) The rules contained in the latest edition of Robert's Rules of Order shall govern the conduct of meetings in all cases to which they are applicable and in which they are not inconsistent with the bylaws or the special rules of order of this association.

Election of council

- 3 (a) (i) The membership shall elect 10 councillors.
- (ii) Nominations for the office of president and offices of vice president and for elected members of the council shall be made by a nominating committee.

Nominating committee - composition

- 3 (a.1) The immediate past president shall be the chair of the nominating committee. In the event that the immediate past president is unable to act then a chair shall be appointed by council or failing that the chair shall be elected by the members present at the meeting.

No member of council may serve on the nominating committee, except in the capacity of chair.

Members of the committee shall be selected as follows:

- (i) Each year the council shall direct that the duly constituted geographical branches appoint 8 members to the nominating committee.
- (ii) The council shall appoint additional members to the committee to bring the total number of members to 12.

Nominating committee - procedure

- 3 (b) The nominating committee shall nominate one or more candidates for the office of president and at least one more candidate than there are offices of vice president to be filled. Such nominations shall be made, in the case of president, from members who shall have served for at least 2 full years as a councillor prior to the date of taking office and, in the case of vice president, from members who shall have served for at least one full year as a councillor prior to the date of taking office, provided that in each case such members are available.

- (c) Providing that in each case candidates are available, the nominating committee shall nominate at least 3 more candidates than there are vacancies to be filled on the council, with at least one candidate from each of the groups of disciplines of:

(1) **Engineering:**

- (i) civil and surveying
- (ii) electrical and computer
- (iii) mechanical, industrial, naval and marine, and nuclear
- (iv) mining, geological, geophysical, petroleum and metallurgical
- (v) chemical, forest, agricultural and bio-resource, biomedical, structural and environmental.

(2) **Geoscience:**

- (i) geology, geophysics and geochemistry.

Nominees in any discipline that is not listed shall be assigned to one of the 6 groups of disciplines at the discretion of council.

In the case of a vacancy in the council due to the incapacity, resignation or death of an elected member of council, the other members of council shall appoint a member of the association to fill the vacancy until the next regular election when the vacancy shall be filled through election by members of the association.

- (d) The list of candidates, nominated by the nominating committee, signed by the chair of the nominating committee and accompanied by the written consent of the nominees shall be placed in the hands of the registrar and shall be published at least 90 days prior to the annual meeting.

Nomination by 25 members

- 3 (e) Nominations of candidates for president, vice presidents, and councillors may also be made in writing by any 25 or more members. Such nominations, signed by the members making the nomination and accompanied by the written consent thereto of the nominees, shall be in the hands of the registrar not later than 30 days after publication of the list of candidates nominated by the nominating committee.

Ballot

- 3 (f) The registrar shall prepare a ballot containing the names of all candidates nominated by the nominating committee and those nominated by 25 or more members.
- (g) The election of president, vice presidents, and the 10 councillors shall be by ballot. President and vice presidents shall be elected for a 1 year term. Half of the elected councillors shall be elected each year for a 2 year term except as provided under subsections (c) and (k).
- (h) Voting shall be closed at noon on the 15th day prior to the annual meeting. Ballots received after that time shall not be counted.
- (i) Voting for more than the number of officers or councillors to be elected shall render that part of the ballot invalid. Voting for less than the full slate of candidates shall not invalidate the ballot.
- (j) Ballots shall be counted at least 10 days prior to the annual meeting under the supervision of 3 members appointed by council.
- (k) The successful candidates for the offices of president, and vice president and for members of council shall be those who have received the largest number of votes. When there is more than one office of vice president, the candidate receiving the largest number of votes shall be elected first vice president and the candidate receiving the second largest number of votes shall be elected second vice president. If there are any vacancies in council to be filled the candidate or candidates receiving the next highest number of votes shall be elected for the unexpired term or terms to be filled. In the event of a tie vote between 2 or more candidates, the person or persons to be declared elected shall be the senior in membership of the association.

On completion of the counting of the ballots, the chair of the ballot-counting committee shall deliver to the president or to the registrar the results of the poll, together with the tally sheets. The president or the registrar shall inform each candidate in the election of the results and the results shall be announced at the annual meeting by the chair of the meeting. The officers and councillors so elected shall take office at the close of the annual meeting.

Assistance to individuals and organizations

- 4 The council may by resolution:
- (a) Provide assistance, pecuniary or otherwise, to individuals and organizations where in the opinion of the council such assistance will be of benefit to the public, the association or its members.

- (b) Create divisions, committees, and regional groups (such groups to be known as "branches"), and delegate to them such powers and authority as the council may see fit.
- (c) Provide for the promotion of better public relations in such manner and by such means as the council may see fit, including, without limiting the generality of the foregoing, the publication of books, papers and periodicals.
- (d) Provide for all other acts reasonably necessary for the management, regulation and well being of the association.

Association funds

- 5
- (a) The council may retain such portion of the funds of the association as it may from time to time deem to be required for current purposes on deposit in a chartered bank in Canada.
 - (b) The council may acquire and hold real property and sell, lease or otherwise dispose of it.
 - (c) The council may borrow money for the purposes of the association and mortgage or charge real or personal property of the association or its sources of funds as security.
 - (d) The council shall manage and conduct the business and affairs of the association, shall appoint staff and decide their remuneration, and exercise the powers of the association in the name of and on behalf of the association.
 - (e) The council shall from time to time invest such of the funds of the association not deemed by council to be required for current purposes in investments and securities approved by council.

Proceedings of council

- 6
- (a) The council of the association may meet together for the dispatch of business, adjourn, and otherwise regulate their meetings, as it sees fit. Questions arising at any meeting shall be decided by a majority of votes. Three councillors may at any time summon a meeting of the council, giving 7 days' notice to all members of the date, hour and place and purpose of such meeting.
 - (b) The quorum necessary for the transaction of the business of the council shall be 50% of the members of council.
 - (c) A resolution assented to and adopted in writing under the hands of the councillors or passed by electronic means, although not passed at a council

meeting, shall be of the same force and effect as if it had been duly passed at a council meeting.

- (d) In the absence of both the president and the vice presidents the councillors present may choose one of their number to be chair of the meeting, and the chair so chosen shall exercise all the functions and authority of the president for the transaction of business at that meeting.
- (e) The council may delegate any of its powers to committees. Any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the council.
- (f) The council may appoint the chair of any committee. If council does not appoint a chair then the committee shall elect one of their number as chair. If at any meeting the chair is not present within 10 minutes after the time appointed for holding the meeting, the members present may choose one of their number to be chair of the meeting.
- (g) A committee may meet and adjourn as it sees fit. Questions arising at any meeting shall be determined by a majority of the members present, and in the case of an equality of votes, the chair shall have a casting vote.
- (h) The council shall cause minutes to be made in books provided for the purpose of recording:
 - (1) All appointments of officers, examining board, and staff made by the council.
 - (2) The names of the councillors present at each meeting of the council and of any committee of the council.
 - (3) All resolutions and proceedings of all meetings of the association and of the council and of committees of the council.

Board of examiners

- 7 (a) As provided in section 15(1) of the Act, the council shall appoint annually from outside their own number a board of examiners with sub-groups of engineering and geoscience in which the sub-groups may operate separately at the discretion of the council. The sub-group for engineering shall include representation for each of the following disciplines: chemical, civil, forest, electrical, mechanical, mining and geological, metallurgical, structural and such other disciplines as council may deem advisable. The sub-group for geoscience shall include representation for each of the following disciplines: geology, geophysics, geochemistry and such other disciplines as council may deem advisable. All such examiners shall be remunerated as the council

sees fit, whether basing such remuneration on the number of persons examined or on a daily rate.

- (b) Notices of the holding of examinations shall be sent to all candidates at least 3 months before the date of the examinations. Candidates shall notify the registrar in writing at least 2 months before the date set for the examination whether or not they are ready to take such examination. A candidate who intends to write the examination at the time set shall forward, with the written notification, the examination fee set by council.

Registration committee

- 7 (c) (1) The registration committee is hereby created.
- (2) The registration committee shall be composed of members of council and other members appointed by the council in accordance with terms of reference for the registration committee approved by the council.
 - (3) The registration committee is hereby delegated council's power and authority to:
 - (i) grant the registration of applicants as registered members in accordance with the Act and bylaws;
 - (ii) grant enrolment to applicants for other grades of membership in accordance with the Act and bylaws;
 - (iii) grant a licence or limited licence to an applicant, in accordance with the Act and bylaws;
 - (iv) assign examinations or coursework to applicants for registered membership, other grades of membership, licence or limited licence; and
 - (v) publish guidelines for the administration of the registration and licensing processes.
 - (4) The registration committee will implement the policies of council for the registration and licensing process.
 - (5) The registration committee may refer an applicant to council for a decision on the applicant's suitability for registration or licensing when, in the opinion of the registration committee, there is a serious concern that the applicant:
 - (i) may not be of good character and good repute; or

- (ii) may have been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing.

Seal of the association

- 8 The seal of the association shall only be affixed to any instrument by authority of a resolution of the council.

Unless otherwise provided by resolution as above, the seal shall be affixed to any instrument only in the presence of the president, or a vice president of the association, and the registrar, and such officers shall sign every instrument to which the seal of the association is so affixed in their presence.

The registrar may, however, sign and affix the seal of the association to a statement certifying that a member is registered and in good standing, without any formal resolution as noted above.

Accounts, financial statements and audit

- 9 (a) The council shall cause true accounts to be kept of the sums of money received and expended by the association and the manner in respect of which such receipt and expenditure takes place, and of the assets and liabilities of the association.

The books of account shall be kept at the office of the association or at such other place or places as the council sees fit and shall always be open to the inspection of the council.

The council shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the association or any of them shall be open to the inspection of members of the association other than councillors, and no member other than a councillor shall have any right to inspect any account or book or document of the association, except as authorized by the council or by the association in General meeting.

- (b) The financial year shall be July 1 to June 30. Financial statements shall be drawn up annually for the year ending June 30 and such financial statements, together with the books of the association, shall be audited annually by an accountant appointed by the members. A report duly signed by such auditor shall be presented to the members, and council shall cause such report, together with the financial statements of the association, to be sent to all registered members at least 15 days prior to the annual meeting.

These reports shall be accompanied by a report of the executive director as to the state of the affairs of the association.

Fees, application, registration and licence fees

- 10 (a) Every application for a grade of membership or licence set out in section 11 of these bylaws shall be accompanied by an examination of credentials fee as set by council.

When an application referred to in this section is approved by council, an administrative fee as set by council shall be paid. In addition to the administrative fee:

- (1) members who have paid full member annual fees in the current year to a constituent association of the Canadian Council of Professional Engineers or the Canadian Council of Professional Geoscientists shall pay a prorated annual fee for registered members;
- (2) engineers-in-training or geoscientists-in-training granted registration as members shall pay the annual fee for registered members less any annual fee paid in the current year for an engineer-in-training or geoscientist-in-training; and
- (3) all others shall pay the annual fee for their grade of membership or licence.

Annual fees

- 10 (b) (i) The amount of the annual fee for registered members shall be \$279.
- (ii) The annual fee for non-practising members, licensees, engineers-in-training and geoscientists-in-training shall be as determined by council from time to time.

Non-Practising member

- 10 (c) Council may grant non-practising membership to a member who:
- (1) is out of the workforce with no income from employment or self-employment; and
 - (2) commits in writing not to engage in the practice of professional engineering or professional geoscience until released from the commitment.

Members granted non-practising status shall retain voting privileges. They may also use the title P.Eng. (Non-Practising) or P.Geo. (Non-Practising). Non-practising members who apply for practice status shall be required to

pay the applicable fees set by Council and to demonstrate compliance with the current requirements in the Act and bylaws for registration as a member.

Life membership

- 10 (c.1) Council, in its discretion, may upon application, confer life membership in the association upon any member
- (i) who is at least 70 years of age and has been practising as a professional engineer or professional geoscientist for 35 or more years, with an unblemished record, and
 - (ii) who has been a member in good standing of the association for 20 or more years, or in the case of a professional geoscientist, has practised in British Columbia for 20 or more years, and
 - (iii) who has retired from all gainful employment, who shall, without further payment of fees, have use of title and voting privileges but no practice rights. Life members whose status had vested in accordance with the bylaws before December 31, 1997 shall retain all their rights and privileges of membership in the association.

Honorary life membership

- 10 (c.2) Council, in its discretion, may confer honorary life membership in the association upon any member
- (i) who has served as president of the association, or
 - (ii) who council deems worthy by virtue of outstanding contributions to the professions of engineering or geoscience who shall be entitled to enjoy the rights and privileges of membership in the association without further payment of fees.

Honorary membership

- 10 (d) Council, in its discretion, by unanimous vote, may confer honorary membership in the association, without payment of fees, on non-members who have made outstanding contributions to the professions of engineering or geoscience.

Remission of fees

- 10 (e) On written application, and for due and sufficient cause, the council may remit, reduce or defer the payment of the annual fee in accordance with council policy.

Resignation

- 10 (f) If a member desires to resign, notification must be made in writing to the registrar. Upon resignation being approved by the council, membership in the association shall cease.
- 11 (a) [Repealed.]
- 11 (b) [Repealed.]

Engineers-in-training, Geoscientists-in-training

- 11 (c) Status as engineer-in-training or geoscientist-in-training may be granted to any person who has either:
- (1) graduated in any curriculum approved by the council; or
 - (2) completed all the examinations required by the council.
- Engineers-in-training or geoscientists-in-training may not remain in that status for a period of more than 8 years unless satisfactory reasons for doing so are presented to the council.
- (d) Any engineer-in-training or geoscientist-in-training who does not conform to the requirements outlined in the Act and in the bylaws of the association, shall be liable to forfeit standing in the association and erasure from the roll of the association.

Registered members

- 11 (e) Registration as a member of the association shall be granted to an applicant who has satisfied all the requirements in the Act and submitted evidence, in the approved format, satisfactory to the council, that the applicant:
- (1) has graduated:
 - (a) in applied science, engineering or geoscience from an institute of learning approved by the council in a program approved by the council; or
 - (b) with the equivalent of:
 - (i) a university-level bachelors degree in applied science or engineering, from an institution of learning not approved by the council, or in a program not approved by the council, but has passed:

- (A) examinations, assigned by the council from the syllabus published by the council, in the discipline of engineering of the applicant's degree, that demonstrates the applicant's knowledge is equivalent to the knowledge of those who have graduated from an institute of learning approved by the council in a program in applied science or engineering approved by the council; or
- (B) examinations, requiring special knowledge in branches of learning specified by the council, of an association or institute approved by the council; or
- (ii) 4 years of full-time post-secondary education in applied science, engineering, geoscience, science, or technology, and has demonstrated equivalency to graduation from an institute of learning approved by the council in a program in applied science, engineering or geoscience approved by the council, by passing the council assigned:
 - (A) examinations or coursework from the syllabus, published by the council, applicable to the discipline in which the applicant wishes to be examined, to address deficiencies in syllabus coverage as determined by the council; or
 - (B) examinations, requiring special knowledge in branches of learning specified by the council, of an association or institute approved by the council;
- (2) has obtained the necessary level of competency in English to practise engineering or geoscience in British Columbia;
- (3) has four years of experience:
 - (a) that is sufficiently current to demonstrate competency with current practices;
 - (b) that is supported by the applicant's academic subjects of study or examinations assigned by the council;
 - (c) that is broad-based and at the level of complexity and responsibility that demonstrates that:

- (i) the applicant has applied engineering or geoscience principles at an appropriate level;
 - (ii) the applicant is ready to accept the full professional responsibility to engage in the practice of professional engineering or geoscience; and
 - (iii) the applicant has reached the level of professional maturity needed to judge when the applicant is out of the applicant's area of competence;
- (d) that is confirmed by a minimum of four references from professional engineers or professional geoscientists licensed in a Canadian jurisdiction, who practice in the same discipline of engineering or geoscience as the applicant and have detailed knowledge of the work of the applicant or, where the council is satisfied the applicant cannot comply with this requirement, supporting references satisfactory to the council; and
- (e) that is in conformance with general and discipline-specific experience guidelines published by the council;
- (4) has demonstrated active and responsible participation in, and sufficiently broad-based competency in, or knowledge of:
- (a) in the case of an applicant for membership as a professional engineer, the application of engineering theory and principles, including analysis, design and synthesis, testing and implementation methods; or
 - (b) in the case of an applicant for membership as a professional geoscientist, the application of the knowledge of geoscience principles and practice;
 - (c) the application of sub-paragraphs (a) or (b) in a practical or field setting;
 - (d) management of engineering or geoscience;
 - (e) oral and written communication and presentation skills;
 - (f) the social implications of engineering or geoscience and the requirement to protect the public interest and the environment;

- (g) the principles of sustainability as they relate to the practice of engineering or geoscience in British Columbia; and
 - (h) guidelines published by the council and relevant to the practice of the applicant;
- (5) has, of the experience required by subsections (3) and (4), for at least 12 months:
- (a) worked under the direct supervision of a professional engineer or professional geoscientist licensed in a Canadian or American jurisdiction, or where the council is satisfied the applicant cannot comply with this requirement, has the appropriate experience in the opinion of the council; and
 - (b) demonstrated sufficient familiarity with the applicable Canadian laws, practices, standards, customs, codes, conditions and climates for the practice of professional engineering or professional geoscience in British Columbia; and
- (6) has the requisite knowledge of the Act, the bylaws, the code of ethics and professional practice issues, demonstrated by successful completion of a course in law and ethics approved by the council and an examination in professional practice approved by the council.
- (7) Notwithstanding the above, the council may accept, without further examination:
- (i) the qualifications required by subsections (1) through (6) if the applicant is a member in good standing with a constituent member of Engineers Canada or the Canadian Council of Professional Geoscientists, or
 - (ii) the qualifications required by subsections (1) through (4) if the applicant is a member in good standing with an institution in another country that is, in the opinion of the council, equivalent to the association.

Provisional membership

- 11 (e.1) Any person may be granted provisional membership when the council is satisfied that the applicant is of good character and repute and:
- (1) has graduated in applied science, engineering or geoscience from an institution of learning in a program approved by the council, or has

demonstrated equivalent learning approved by the council or has completed all the examinations required by the council;

- (2) has satisfied the four year experience, training and development requirement in engineering or geoscience satisfactory to the council, but does not have at least one year of experience, training and development satisfactory to the council in a Canadian environment;
- (3) has successfully completed the professional practice examination; and
- (4) has paid the fees prescribed by the council for provisional membership.

Provided that:

- (a) provisional membership is only valid for one year from the date of issue but may be extended by the registrar for a further year if the registrar deems that extension necessary to enable the provisional member to acquire the one year of experience, training and development satisfactory to council in a Canadian environment;
- (b) the person granted provisional membership shall only practice professional engineering or professional geoscience under the direct supervision of a professional engineer or professional geoscientist, and
- (c) a provisional member shall not be entitled to:
 - (i) use the title or otherwise imply that he or she is a professional engineer or professional geoscientist,
 - (ii) a seal or stamp,
 - (iii) vote on association bylaw ratifications or council elections, nor
 - (iv) stand for election to council.

Notwithstanding subsections (1) to (4), the council may refuse provisional membership to a person where the council has reasonable and probable grounds to believe that the person has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for membership.

Licence

- 11 (f) A licence to practice professional engineering or professional geoscience may be granted to any person who is not a citizen or a permanent resident of Canada who otherwise satisfies the requirements of section 11(e) of the bylaws.

Limited licence

- 11 (g) Any person may be granted a limited licence to practice professional engineering or professional geoscience when the council is satisfied that the applicant is of good character and repute and:
- (1) (i) has a science degree in a discipline and from a university program approved by the council; or
 - (ii) is registered as an applied science technologist and has a degree or diploma in engineering technology or geoscience technology from an institution approved by the council in a program approved by the council; or
 - (iii) has other qualifications acceptable to the council; and
 - (iv) has completed any exams required by council; and
- (2) has 8 years of experience in engineering or geoscience work satisfactory to the council, the 8 years to include the years spent in obtaining the post-secondary academic training referred to in paragraph 1 with at least the last 2 years of the experience within the practice of professional engineering or professional geoscience to which the limited licence is to apply; and
- (3) has successfully completed the professional practice examination; and
- (4) has paid the fees prescribed by the council for a limited licence.

Notwithstanding subsections (1) to (4), the council may refuse a limited licence to a person where the council has reasonable and probable grounds to believe that the person has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for licensing.

Designated structural engineer (Struct.Eng.)

- 11 (h) (1) (i) The grade of membership of designated structural engineer (Struct.Eng.) is established. The qualifications that must be demonstrated in order for a member to be designated as a designated structural engineer (Struct.Eng.) shall be as

established by council. The council may establish the time period for the holding of such a grade of membership and the annual fees payable by members who hold that grade of membership. Only members who are designated as a designated structural engineer (Struct.Eng.) may hold themselves out to be so designated.

- (ii) A member may apply to the council to be designated as a designated structural engineer (Struct.Eng.). The council, on being satisfied that the member has demonstrated the requisite qualifications for that grade of membership, shall designate the member as having that grade of membership. Upon being designated, the member may be held out as having that grade of membership for the period of time determined by council.
- (iii) The powers and authority under this section are delegated to such committee, committees, board or boards, as may be created by council for the purpose of performing such duties as council may decide.

- 11 (h) (2) A licence holder may apply to council to be designated a designated structural engineer (Struct.Eng.) in the same manner and on the same terms and conditions as set out in section (1).

Seal of member or licensee

- 12 (a) [Repealed.]
- (b) In the event of suspension or Cancellation of membership, licence or limited licence the certificate and seal or stamp issued pursuant to section 20 of the Act shall be returned to the association.

Change of bylaws

- 13 (a) The introduction of new bylaws and the amendment or repeal of existing bylaws shall be effected in the manner prescribed in sections 10 and 11 of the Act.
- (b) Any request by a member or members of the association for the introduction of a new bylaw, or the amendment or repeal of an existing bylaw, shall be given in writing to the registrar and shall be considered by the council within 60 days of the receipt of such request. If necessary a ballot shall be taken as provided in section 12 of the Act, and if the proposed new bylaw, amendment or repeal of existing bylaw is approved by a two-thirds majority of the votes cast, such action shall be considered as a mandate to the council.

Professional practice

Code of ethics

14 (a) See last page of booklet.

Quality management

- 14 (b) Members and licensees shall establish quality management processes for their practices which shall include, as a minimum;
- (1) retention of complete design and review files for their projects for a minimum period of 10 years;
 - (2) in-house checks of their designs as a standard procedure;
 - (3) concept reviews of their structural designs by members or licensees not originally involved in the designs;
 - (4) field reviews, by members or licensees, of their projects during construction.

Concept reviews under (3) above shall be in addition to any checks which are undertaken under (2) above. These reviews shall evaluate the structural designs to determine if the structural concepts appear complete, consistent, and in general compliance with the appropriate codes. Representative samples of the individual elements shall be checked to evaluate the analysis, design and detailing procedures used by the design engineer.

Practice review

14 (c) By means of a practice review process, the details and implementation of which shall be authorized by council, council may cause the professional practice of members and licensees to be reviewed.

Interpretation

15 In the event of any dispute as to the meaning or intent of these bylaws, the interpretation of the council shall be final, subject to the right of appeal as contained in section 39 of the Act.

Where the word "Act" appears in the foregoing bylaws, it shall include the *Engineers and Geoscientists Act* and all subsequent amending Acts, unless the context otherwise requires.

Where reference is made in the masculine gender it shall be interpreted as both masculine and feminine.

Repeal of old bylaws

16 Upon the coming into force of the foregoing bylaws, all the bylaws of the association previously in force shall stand revoked.

Liability insurance

- 17 (a) Before entering into an agreement to provide professional engineering or professional geoscience services to the public, a member, licensee or certificate holder must notify the client, in writing, whether or not professional liability insurance is held and whether that insurance is applicable to the services in question. The note shall include a provision for an acknowledgement of the advice to be signed by the client.
- (b) There is established a category of professional liability insurance, separate from the professional liability insurance mentioned in subsection (a), referred to as secondary professional liability insurance, that all categories of members, licensees, engineers-in-training, geoscientists-in-training and provisional members must carry and maintain.
- (c) The council may:
- (i) establish the terms, conditions, policies and procedures applicable to the secondary professional liability insurance program;
 - (ii) require that the secondary professional liability insurance program, subject to the terms and conditions of the policy, provide coverage to members, licensees, engineers-in-training, geoscientists-in-training, and provisional members who would otherwise have no professional liability insurance coverage for claims against them;
 - (iii) establish, from time to time, the fees to be paid by members, licensees, engineers-in-training, geoscientists-in-training and provisional members for the secondary professional liability insurance program.

Miscellaneous Statutes Amendment Act, S.B.C. 2004, Chapter 23 Section 42

Validation of Bylaw

Section 14 (c) of the bylaws of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, which was the subject of a ratification vote of the members of the association by letter ballot in September, 1992, is deemed to have come into force and effect on September 9, 1993 and is valid and retroactive to the extent necessary to give it effect on and after September 9, 1993.

CODE OF ETHICS

14 (a) The purpose of the code of ethics is to give general statements of the principles of ethical conduct in order that members and licensees may fulfill their duty to the public, to the profession and their fellow members and licensees.

Members and licensees shall act at all times with fairness, courtesy and good faith to their associates, employers, employees and clients, and with fidelity to the public needs. They shall uphold the values of truth, honesty and trustworthiness and safeguard human life and welfare and the environment. In keeping with these basic tenets, members and licensees shall:

- (1) hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace;
- (2) undertake and accept responsibility for professional assignments only when qualified by training or experience;
- (3) provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction;
- (4) act as faithful agents of their clients or employers, maintain confidentiality and avoid a conflict of interest but, where such conflict arises, fully disclose the circumstances without delay to the employer or client;
- (5) uphold the principle of appropriate and adequate compensation for the performance of engineering and geoscience work;
- (6) keep themselves informed in order to maintain their competence, strive to advance the body of knowledge within which they practice and provide opportunities for the professional development of their associates;
- (7) conduct themselves with fairness, courtesy and good faith towards clients, colleagues and others, give credit where it is due and accept, as well as give, honest and fair professional comment;
- (8) present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded;
- (9) report to their association or other appropriate agencies any hazardous, illegal or unethical professional decisions or practices by members, licensees or others; and
- (10) extend public knowledge and appreciation of engineering and geoscience and protect the profession from misrepresentation and misunderstanding.

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