

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

A. ADMINISTRATIVE EFFICIENCY / ELIMINATION OF INTERPROVINCIAL BARRIERS		
<p><u>Purpose:</u> To reduce administrative steps in processing applications for certificate of authorization for businesses carrying on the practice of professional engineering and geoscience in Manitoba and reducing barriers to interprovincial practice by professional engineers and geoscientists in other provinces and reducing barriers to practice in Manitoba by U.S. registered engineers and geoscientists. To change the forum for appeal of decisions of the Registration Committee on membership and licensing applications and decisions of the Registrar on applications for certificates of authorization from the Council to an Appeals Committee.</p>		
1. Allowing the Registrar to issue Certificates of Authorization		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Reasons for Changes
<p>Registration committee</p> <p>14(1) The council shall, in accordance with the by-laws, appoint a registration committee to consider and decide upon applications for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrolment as engineering interns or geoscience interns.</p>	<p>Registration committee</p> <p>14(1) The council shall, in accordance with the by-laws, appoint a registration committee to consider and decide upon applications for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrolment as engineering interns or geoscience interns.</p>	<p>Under the present legislation, an application for a certificate of authorization (which is required for a corporation, partnership or other entity that practices professional engineering or professional geoscience including any company that manufactures engineered products) must be decided upon by the registration committee. The change allows such applications to be decided upon by the registrar, for greater efficiency.</p>
<p>Certificate of authorization</p> <p>28(2) The registrar shall issue or cause to be issued to each partnership, corporation or other legal entity to whom the council has granted authorization, a certificate of authorization.</p>	<p>Certificate of authorization</p> <p>28(2) The registrar shall issue or cause to be issued to each partnership, corporation or other legal entity <u>that meets the applicable criteria and standards</u>, to whom the council has granted authorization, a certificate of authorization.</p>	<p>To record the transfer of the authority for issuance of certificates of authorization to the registrar.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

<p>Criteria and standards used by committee</p> <p>14(2) The council must establish criteria and standards to be used by the registration committee</p> <p>(a) in</p> <ul style="list-style-type: none"> (i) assessing the academic qualifications and engineering work experience, (ii) prescribing confirmatory, exploratory, proficiency and qualifying examinations, and (iii) setting such other requirements as are not inconsistent with this Act and the by-laws, <p>for applicants for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrolment as engineering interns or geoscience interns; and</p> <p>(b) in determining restrictions that are to be imposed on the scope of practice that may be carried on under a specified scope of practice licence.</p>	<p>Criteria and standards used by committee</p> <p>14(2) The council must establish criteria and standards to be used by the registration committee <u>and the registrar</u></p> <p>(a) in</p> <ul style="list-style-type: none"> (i) assessing the academic qualifications and engineering work experience, (ii) prescribing confirmatory, exploratory, proficiency and qualifying examinations, and (iii) setting such other requirements as are not inconsistent with this Act and the by-laws, <p>for applicants for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrolment as engineering interns or geoscience interns; and</p> <p>(b) in determining restrictions that are to be imposed on the scope of practice that may be carried on under a specified scope of practice licence.</p>	<p style="text-align: center;">Consequential change</p>
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

2. Permitting a Specified Scope of Practice Licensee to be the responsible person for the holder of a Certificate of Authorization		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Reasons for Changes
<p>Practice under certificate of authorization</p> <p>16(1) A partnership, corporation or other legal entity may, in its own name, practice professional engineering or professional geoscience if</p> <ul style="list-style-type: none"> (a) it has the legal capacity to engage in the practice of professional engineering or professional geoscience; (b) the practice is carried on by or under the direct personal supervision of a professional engineer in the case of engineering practice or a professional geoscientist in the case of geoscience practice who, in either case, <ul style="list-style-type: none"> (i) assumes professional responsibility for the practice, and (ii) is a partner or full-time employee of the partnership or a full-time employee of the corporation or other entity; (c) the practice of professional engineering or professional geoscience is subject to the same standards of professional conduct as if the practice of professional engineering or professional geoscience were provided by a member or temporary licensee of 	<p>Practice under certificate of authorization</p> <p>16(1) A partnership, corporation or other legal entity may, in its own name, practice professional engineering or professional geoscience if</p> <ul style="list-style-type: none"> (a) it has the legal capacity to engage in the practice of professional engineering or professional geoscience; (b) the practice is carried on by or under the direct personal supervision of <u>a temporary licensee</u>, a professional engineer <u>or specified scope of practice licensee in engineering</u> in the case of engineering practice or <u>a temporary licensee</u> a professional geoscientist <u>or a specified scope of practice licensee in geoscience</u> in the case of geoscience practice who, in either case, <ul style="list-style-type: none"> (i) assumes professional responsibility for the practice, and (ii) is a partner or full-time employee of the partnership or a full-time employee of the corporation or other entity; (c) the practice of professional engineering or professional geoscience is subject to the same 	<p>Under the present legislation only a professional engineer or professional geoscientist is permitted to supervise the practice of professional engineering or professional geoscience respectively by the holder of a certificate of authorization (i.e. corporation, partnership or other entity that practices professional engineering or professional geoscience or manufactures engineered products). The change allows such a practice to be supervised by a specified scope of practice licensee as well, enlarging the group of practitioners who can supervise a corporate type practice.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

<p>the association; and</p> <p>(d) such practice will not give rise to unauthorized practice or otherwise lead to circumvention of this Act;</p> <p>provided that such partnership, corporation or other legal entity, at the time it conducts the practice of professional engineering or professional geoscience, is the holder of a valid and subsisting certificate of authorization.</p>	<p><u>restrictions or terms and conditions to which the person in (b)(i) is subject;</u></p> <p>(e)(d) the practice of professional engineering or professional geoscience is subject to the same standards of professional conduct as if the practice of professional engineering or professional geoscience were provided by a member, or temporary licensee <u>or specified scope of practice licensee</u> of the association; and</p> <p>(d)(e) such practice will not give rise to unauthorized practice or otherwise lead to circumvention of this Act;</p> <p>provided that such partnership, corporation or other legal entity, at the time it conducts the practice of professional engineering or professional geoscience, is the holder of a valid and subsisting certificate of authorization.</p>	
<p>Qualifications for certificate of authorization</p> <p>16(2) No person is entitled to hold a certificate of authorization, unless such person</p> <p>(b) submits to the registrar an application in the prescribed form containing</p> <p>(ii) the name or names and addresses of the members or temporary licensees who are designated by the holder of the certificate of authorization as being in charge of the practice of professional engineering or of professional</p>	<p>Qualifications for certificate of authorization</p> <p>16(2) No person is entitled to hold a certificate of authorization, unless such person</p> <p>(b) submits to the registrar an application in the prescribed form containing</p> <p>(ii) the name or names and addresses of the members, or temporary licensees <u>or specified scope of practice licensees</u> who are designated by the holder of the certificate of authorization as being in charge of the practice of professional</p>	<p style="text-align: center;">Consequential change</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

<p>geoscience on its behalf,</p>	<p>engineering or of professional geoscience on its behalf,</p>	
<p>Responsibility for practice 16(5) Each member and licensee whose name is shown on the application pursuant to subclause (2)(b)(ii) or any notice of change thereof given to the association under subsection (3) shall be obliged to respond, on behalf of the holder of the certificate of authorization, to any complaint of misconduct against, or any breach of this Act or the by-laws by, the holder of the certificate of authorization as if the act or omission complained of or the breach was done or omitted to be done, as the case may be, by such member or licensee.</p>	<p>Responsibility for practice 16(5) Each member, and licensee <u>and holder a specified scope of practice licensee</u> whose name is shown on the application pursuant to subclause (2)(b)(ii) or any notice of change thereof given to the association under subsection (3) shall be obliged to respond, on behalf of the holder of the certificate of authorization, to any complaint of misconduct against, or any breach of this Act or the by-laws by, the holder of the certificate of authorization as if the act or omission complained of or the breach was done or omitted to be done, as the case may be, by such member, or licensee <u>or specified scope of practice licensee.</u></p>	<p style="text-align: center;">Consequential change</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

3. Allowing the Registrar to accept documented evidence of good standing issued by other jurisdictions		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Reasons for Changes
<p>Members of other associations</p> <p>15(2) Documented membership in good standing in an association of engineers and/or professional geoscientists in any other jurisdiction may be accepted by the registration committee as satisfying the requirements of clauses (1)(a), (b) and (c).</p>	<p>Members of other associations</p> <p>15(2) Documented membership in good standing in an association of engineers and/or professional geoscientists in any other jurisdiction may be accepted by the <u>registrar</u> registration committee as satisfying the requirements of clauses (1)(a), (b) and (c).</p>	<p>Under the present legislation, all applications for membership in the association (and therefore the right to practice professional engineering or professional geoscience in the province of Manitoba) by professional engineers and professional geoscientists who are registered members in good standing in any other jurisdiction must be reviewed and accepted by the registration committee. The change allows the registrar to review and accept such applications, for greater efficiency. This is consistent with other Canadian jurisdictions.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

4. Removing the residency requirement for holders of Temporary Licenses		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Reasons for Changes
<p>"temporary licence" means the certificate issued under the seal of the association certifying that a non-resident natural person has been licensed to temporarily practice professional engineering or professional geoscience within the province;</p> <p>Qualifications for temporary licence</p> <p>17 A licence to engage temporarily in the practice of professional engineering or the practice of professional geoscience within the province may be granted if the applicant</p> <ul style="list-style-type: none"> (a) is a professional engineer or professional geoscientist residing outside the province; and (b) is otherwise considered by the registration committee to be qualified to practice professional engineering or professional geoscience within the province. 	<p>"temporary licence" means the certificate issued under the seal of the association certifying that a non-resident natural person has been licensed to temporarily practice professional engineering or professional geoscience within the province;</p> <p>Qualifications for temporary licence</p> <p>17 A licence to engage temporarily in the practice of professional engineering or the practice of professional geoscience within the province may be granted if the applicant</p> <ul style="list-style-type: none"> (a) is a professional engineer or professional geoscientist <u>registered or licensed in the United States</u> residing outside the province; and (b) is otherwise considered by the registration committee to be qualified to practice professional engineering or professional geoscience within the province. 	<p>Under the present legislation a temporary licence to practice professional engineering or professional geoscience in Manitoba can only be issued to an individual registered or licenced in another jurisdiction who resides outside of Manitoba. The change allows an individual who is registered or licenced as a professional engineer or a professional geoscientist in the United States to be temporarily licenced in Manitoba, notwithstanding that the individual resides in Manitoba, thereby eliminating a barrier to practice for U.S. registered or licenced professional engineers and professional geoscientists.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

5. Change forum for appeals of registration decisions from the Council to Appeal Board		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Reasons for Changes
	<p><u>Appeal board</u></p> <p><u>20(1). The council shall, in accordance with the by-laws, appoint an appeal board to consider and decide upon appeals of decisions of the registration committee and the registrar on applications for licensing and registration and appeals of decisions of the investigation committee on dismissals of complaints. The council shall also designate a member of the board to serve as the board chair.</u></p>	<p>To provide for the creation for an appeal board to hear appeals of registration and licensing decisions and dismissals of complaints under s. 36(1), instead of having such appeals heard by the council.</p>
	<p><u>Appointment of appeal committee</u></p> <p><u>20(2) Upon receipt of a notice of appeal on an application for licensing or registration, the board chair shall</u></p> <p style="padding-left: 40px;"><u>(a) select, from among the members of the board, a committee consisting of no more than three persons, two of whom shall be members and one of whom shall be a lay person and in the case of an appeal of decision of the investigation committee dismissing a complaint, none of whom shall be members of the investigation committee or the discipline committee; and</u></p> <p style="padding-left: 40px;"><u>(b) select a member of the committee to serve as committee chair.</u></p>	<p>To provide for appointment of a committee of the board to hear an appeal.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

<p>Application not approved</p> <p>20 If the registration committee does not approve an application for a certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineering intern or geoscience intern, it shall give notice to the applicant in writing, with reasons for its decision, and shall advise the applicant of the applicant's right to appeal the decision of the registration committee to the council.</p> <p>Appeal to council</p> <p>21(1) A person may appeal to the council if</p> <ul style="list-style-type: none"> (a) the person's application for a certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineering intern or geoscience intern is not approved by the registration committee; or (b) the person's application for a specified scope of practice licence is approved, but the person disagrees with the scope of practice specified in the licence. <p>How to appeal</p>	<p>Application not approved</p> <p>20 <u>21(1)</u> If the registration committee <u>or the registrar, as the case may be,</u> does not approve an application for a certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineering intern or geoscience intern, it shall give notice to the applicant in writing, with reasons for its decision, and shall advise the applicant of the applicant's right to appeal the decision of the registration committee to the council <u>appeal board</u>.</p> <p>Appeal to council appeal board</p> <p>21(1) <u>21(2)</u> A person may appeal to the council <u>appeal board</u> if</p> <ul style="list-style-type: none"> (a) the person's application for a certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineering intern or geoscience intern is not approved by the registration committee; or <u>or the registrar, as the case may be; or</u> (b) the person's application for a specified scope of practice licence is approved, but the person disagrees with the scope of practice specified in the licence. <p>How to appeal</p>	<p style="text-align: center;">Consequential changes</p>
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

<p>21(1.1) To appeal under this section, the person must provide a written notice to the council stating the person's wish to appeal. The notice must specify the reasons for the appeal and be provided to the council within 30 days after the day the person received notice of the decision being appealed.</p> <p>Deposit to accompany notice of appeal</p> <p>21(2) Each notice of appeal shall be accompanied by a cash deposit in such amount as may be prescribed in the by-laws, but not to exceed \$1,000.</p> <p>Hearing</p> <p>21(3) On receipt of a notice of appeal under this section, accompanied by a cash deposit, the council shall schedule a hearing of the applicant's appeal to be held within 90 days after receipt of the notice of appeal by the council.</p> <p>Notification of hearing</p> <p>21(4) An applicant who appeals a decision of the registration committee under this section</p> <p style="padding-left: 40px;">(a) shall be given notice in writing by the council of the date, place and time of the hearing; and</p>	<p>21(1.1) 21(2.1) To appeal under this section, the person must provide a written notice to the council <u>registrar</u> stating the person's wish to appeal. The notice must specify the reasons for the appeal and be provided to the council <u>registrar</u> within 30 days after the day the person received notice of the decision being appealed.</p> <p>Deposit to accompany notice of appeal</p> <p>21(2) 21(3) Each notice of appeal shall be accompanied by a cash deposit in such amount as may be prescribed in the by-laws, but not to exceed \$1,000.</p> <p>Hearing</p> <p>21(3) 21(4) On receipt of a notice of appeal under this section, accompanied by a cash deposit, the council <u>appeal board</u> shall schedule a hearing of the applicant's appeal to be held within 90 days after receipt of the notice of appeal by the council.</p> <p>Notification of hearing</p> <p>21(4) 21(5) An applicant who appeals a decision of the registration committee under this section</p> <p style="padding-left: 40px;">(a) shall be given notice in writing by the council <u>registrar</u> of the date, place and time of the hearing;</p>	
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

<p>(b) is entitled to appear with or without counsel and make representations to the council at the hearing.</p> <p>Participation by member of registration committee</p> <p>21(5) A member of the registration committee who is also a member of the council may participate in the appeal but shall not vote on a decision under this section.</p> <p>Decision by council</p> <p>21(6) On considering an appeal under this section, the council may make any decision the registration committee could have made and shall give notice of its decision to the applicant in writing.</p> <p>Appeal not decided in appellant's favour</p> <p>21(7) When the council's decision about an appeal is not the decision requested in the appeal, the council must give the appellant, in addition to the notice referred to in subsection (6), reasons for its decision and must advise the appellant that he or she may appeal the decision to the court.</p> <p>Appeal to court</p>	<p>and</p> <p>(b) is entitled to appear with or without counsel and make representations to the council <u>appeal board</u> at the hearing.</p> <p>Participation by member of registration committee</p> <p>21(5) A member of the registration committee who is also a member of the council may participate in the appeal but shall not vote on a decision under this section.</p> <p>Decision by council Decision by council <u>appeal board</u></p> <p>21(6) On considering an appeal under this section, the council may make any decision the registration committee could have made and shall give notice of its decision to the applicant in writing.</p> <p>Appeal not decided in appellant's favour</p> <p>21(7) When the council's <u>appeal board's</u> decision about an appeal is not the decision requested in the appeal, the council <u>appeal board</u> must give the appellant, in addition to the notice referred to in subsection (6), reasons for its decision and must advise the appellant that he or she may appeal the decision to the court.</p> <p>Appeal to court</p>	
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

<p>22(1) A person whose appeal under section 21 has been decided by the council and who disagrees with the decision may appeal the decision to the court by filing a notice of appeal with the court within 30 days after receiving notice of the decision.</p> <p>Powers of court</p> <p>22(2) The court on hearing an appeal may</p> <p style="padding-left: 40px;">(a) make any decision that in its opinion should have been made; or</p> <p style="padding-left: 40px;">(b) refer the matter back to the council for further consideration in accordance with any direction of the court.</p> <p>Deposit to be returned</p> <p>23 The deposit shall be returned to the applicant at the conclusion of any appeal process unless the council or the court orders that the deposit be forfeited in whole or in part, as it sees fit.</p>	<p>22(1) A person whose appeal under section 21 has been decided by the council <u>appeal board</u> and who disagrees with the decision may appeal the decision to the court by filing a notice of appeal with the court within 30 days after receiving notice of the decision.</p> <p><u>Appeal on the record</u></p> <p><u>22(2) An appeal must be based on the record of the proceedings before the appeal board and the decision of the appeal board, including the reasons for the decision.</u></p> <p>Powers of court</p> <p>22(2) 22(3) The court on hearing an appeal may</p> <p style="padding-left: 40px;"><u>(a) dismiss the appeal;</u></p> <p style="padding-left: 40px;">(a) <u>(b)</u> make any decision that in its opinion should have been made; or</p> <p style="padding-left: 40px;">(b) <u>(c)</u> refer the matter back to the council <u>registration committee, the registrar or the appeal board</u> for further consideration in accordance with any direction of the court.</p> <p>Deposit to be returned</p>	
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

	<p>23 The deposit shall be returned to the applicant at the conclusion of any appeal process unless the council <u>appeal board</u> or the court orders that the deposit be forfeited in whole or in part, as it sees fit.</p>	
	<p>By-Laws</p> <p>12(1). In accordance with procedures set out in its by-laws, the association may make, amend or repeal by-laws, not inconsistent with this Act</p> <p><u>(z.5) respecting the appointment of persons to the appeal board and the regulation of meetings and proceedings of the appeal board;</u></p>	<p>To allow the association to make by-laws in respect of the appointment of members and meetings of the appeal board.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

6. Limitation periods for professional liability claims against Professional Engineers and Professional Geoscientists		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Reasons for Changes
	<p><u>Limitation period</u> <u>56.1 No member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineering intern or geoscience intern is liable in an action for negligence or malpractice in respect of professional engineering or professional geoscientific services requested or provided, unless the action is commenced within two years after the date when, in the matter complained of, those services ended.</u></p> <p><u>Ultimate time</u> <u>56.2 For the purpose of sections 7 and 8 of The Limitation of Actions Act, no action shall be brought against a member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineering intern or geoscience intern after the expiration of 10 years after the occurrence of the act or omission that gave rise to the cause of action.</u></p> <p><u>Add “The Engineering and Geoscientific Professions Act” to the Schedule referred to in section 4 of The Limitation of Actions Act.</u></p>	<p>To align Manitoba limitation periods in connection with professional engineering and professional geoscientific services with those in the other western provinces and Ontario. By aligning the limitation period in Manitoba for professional engineering and geoscientific services with the limitation periods in other provinces, barriers that hinder engineering and geoscientific professionals and companies providing engineered products and engineering and geoscientific services from doing business in Manitoba are reduced.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT (April 30, 2019 v6)**

<p>PART 11 NO ACTIONS AGAISNT MEMBERS</p>	<p>PART 11 NO ACTIONS AGAISNT MEMBERS PROTECTION FROM LIABILITY</p>	<p>Consequential change</p>
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

B. PROTECTION OF THE PUBLIC AND STREAMLINING OF DICIPLINARY PROCEDURES		
<p>Purpose: Presently there is an appeal from a decision of the Discipline Committee to a committee composed by members of the Council. There is an appeal from a decision of the Council to the Court of Queen’s Bench and a further appeal to the Court of Appeal. Other professional regulatory bodies including those governed by The Regulated Health Professions Act, The Legal Profession Act and The Chartered Professional Accountants Act allow for appeals of decisions of their equivalent of the Discipline Committee directly to the Court of Appeal without the intervening appeals to their governing councils or the Court of Queen’s Bench. It is proposed that the Act be amended to bring the appeal process for decisions of the Discipline Committee in line with those of other regulated professions and to thereby increase the efficiency of the regulatory process. For appeals to the Council by a complainant of a decision of the Investigation Committee to dismiss a complaint, as presently provided for under the Act, the new Appeal Panel will consider those appeals. The change reduces the burden on the Court of Queen’s Bench of hearing appeals. In addition, it is proposed that the Act be amended to (i) allow the publication of the names of professionals who are administratively suspended and to notify their employers and others, (ii) explicitly empower the Investigation Committee to expand the scope if an investigation, (iii) add an option for the Association to appeal a decision of the Discipline Committee and (iv) make other amendments to the disciplinary process as specifically set out below.</p>		
1. Elimination of appeals from the Discipline Committee to the Council and from the Council to the Court of Queen’s Bench		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Purpose/Reasons for Changes
<p>Appeal to council</p> <p>53(1) An investigated person or the complainant may appeal to the council a finding or an order, or both, of the panel or the discipline committee.</p> <p>Deposit to accompany notice of appeal</p> <p>53(2) Each notice of appeal to council shall be accompanied by a cash deposit in such amount as may be prescribed in the by-laws, but not to exceed \$1,000.</p> <p>Procedure</p> <p>53(3) Sections 40 to 45 apply to proceedings before the</p>	<p>Appeal to council</p> <p>53(1) An investigated person or the complainant may appeal to the council a finding or an order, or both, of the panel or the discipline committee.</p> <p>Deposit to accompany notice of appeal</p> <p>53(2) Each notice of appeal to council shall be accompanied by a cash deposit in such amount as may be prescribed in the by-laws, but not to exceed \$1,000.</p> <p>Procedure</p> <p>53(3) Sections 40 to 45 apply to proceedings before the</p>	<p>Under the present legislation, there is an appeal from a decision of the discipline committee to a committee of the council (as a full re-hearing), an appeal from the decision of the committee of the council to the Court of Queen’s Bench and a further appeal from the Court of Queen’s Bench to the Court of Appeal. The change eliminates the re-hearing before the council and the appeal Court of Queen’s Bench and provides for an appeal on the record directly to the Court of Appeal. This is in line with the appeal rights in the governing acts for other professional regulatory bodies including those governed by The Regulated Health Professions Act, The Legal Professions Act and The Chartered Professional Accountants</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

<p>council, with necessary modifications.</p> <p>Powers of council on appeal</p> <p>53(4) The council shall, within 90 days from the date of the conclusion of all proceedings before it, do any of the following:</p> <ul style="list-style-type: none"> (a) make any finding or order that in its opinion ought to have been made by the panel; (b) quash, vary or confirm the finding or order of the panel or any part of the finding or order; (c) refer the matter back to the discipline committee for further consideration in accordance with any direction of the council. <p>Costs</p> <p>53(5) The council may make an award as to costs payable on the conclusion of an appeal before the council.</p> <p>Deposit may be returned</p> <p>54 The deposit shall be returned to the applicant at the conclusion of any appeal process unless the council or the court orders that the deposit be forfeited, in whole or in part, as it sees fit.</p> <p>Appeal to court</p>	<p>council, with necessary modifications.</p> <p>Powers of council on appeal</p> <p>53(4) The council shall, within 90 days from the date of the conclusion of all proceedings before it, do any of the following:</p> <ul style="list-style-type: none"> (a) make any finding or order that in its opinion ought to have been made by the panel; (b) quash, vary or confirm the finding or order of the panel or any part of the finding or order; (c) refer the matter back to the discipline committee for further consideration in accordance with any direction of the council. <p>Costs</p> <p>53(5) The council may make an award as to costs payable on the conclusion of an appeal before the council.</p> <p>Deposit may be returned</p> <p>54 The deposit shall be returned to the applicant at the conclusion of any appeal process unless the council or the court orders that the deposit be forfeited, in whole or in part, as it sees fit.</p> <p>Appeal to court</p>	<p>Act.</p>
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

<p>55(1) An investigated person may appeal to the court any finding or order made by the council under subsection 53(4).</p> <p>Commencement of appeal</p> <p>55(2) An appeal to court shall be commenced</p> <ul style="list-style-type: none"> (a) by filing a notice of appeal; and (b) by giving a copy of the notice of appeal to the registrar; <p>within 30 days from the date on which the decision of the council is served on the investigated person.</p> <p>Appeal on the record</p> <p>55(3) An appeal to the court shall be founded on the record of the hearing before the council and the decision of the council.</p> <p>Powers of court on appeal</p> <p>55(4) The court on hearing the appeal may</p> <ul style="list-style-type: none"> (a) make any finding or order that in its opinion ought to have been made; (b) quash, vary or confirm the decision of the council or any part of it; or (c) refer the matter back to the council for further consideration in accordance with any direction of the court. 	<p>55(1) An investigated person may appeal to the court any finding or order made by the council under subsection 53(4).</p> <p>Commencement of appeal</p> <p>55(2) An appeal to court shall be commenced</p> <ul style="list-style-type: none"> (a) by filing a notice of appeal; and (b) by giving a copy of the notice of appeal to the registrar; <p>within 30 days from the date on which the decision of the council is served on the investigated person.</p> <p>Appeal on the record</p> <p>55(3) An appeal to the court shall be founded on the record of the hearing before the council and the decision of the council.</p> <p>Powers of court on appeal</p> <p>55(4) The court on hearing the appeal may</p> <ul style="list-style-type: none"> (a) make any finding or order that in its opinion ought to have been made; (b) quash, vary or confirm the decision of the council or any part of it; or (c) refer the matter back to the council for further consideration in accordance with any direction of the court. 	
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

	<p><u>Appeal to Court of Appeal</u></p> <p><u>53(1) The investigated person, the complainant or the Investigation Committee may appeal to the Court of Appeal any finding or order, or both, of the discipline committee.</u></p> <p><u>How to appeal</u></p> <p><u>53(2) An appeal must be commenced by filing a notice of appeal and giving a copy of the notice of appeal to the registrar within 30 days after the decision of the panel is given to the investigated person.</u></p> <p><u>Appeal on the record</u></p> <p><u>53(3) An appeal must be based on the record of the proceedings before the panel and the decision of the panel, including the reasons for the decision.</u></p> <p><u>Sealing part of the record</u></p> <p><u>53(4) If a hearing or part of the hearing was held in private, the association must seal the part of the record that relates to the private hearing.</u></p> <p><u>Review of sealed record by Court</u></p> <p><u>53(5) The record, or the part of the record, that is sealed by the association under subsection (4) may be reviewed by the Court of Appeal, which may direct that it remain sealed or that it be unsealed in whole or in part.</u></p>	<p>Under the present S. 53(1), only the investigated person and the complainant can appeal a decision of the discipline committee. It is proposed that the right of appeal be broadened to allow the investigation committee (as well as the investigated person and the complainant) to appeal a decision of the discipline committee. This would be consistent with the process under The Regulated Health Professions Act (i.e. the college may appeal), The Legal Profession Act (i.e. the society may appeal) and The Chartered Professional Accountants Act (i.e. CPA Manitoba may appeal) as well as the acts in other provinces governing the practice of professional engineering and professional geoscientists.</p>
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

	<p><u>Powers of Court on appeal</u></p> <p><u>54 Upon hearing the appeal, the Court of Appeal may</u></p> <p><u>(a) dismiss the appeal;</u></p> <p><u>(b) make any finding or order that in its opinion ought to have been made; or</u></p> <p><u>(c) refer the matter back to a panel for further consideration in accordance with any direction of the Court of Appeal.</u></p>	
<p>Stay pending appeal to council</p> <p>51(1) The decision of the panel remains in effect pending an appeal to the council unless the council, on application, stays the decision pending the appeal.</p> <p>Stay pending appeal to court</p> <p>51(2) The decision of the council remains in effect pending an appeal to the court unless the court, on application, stays the decision pending the appeal.</p>	<p>Stay pending appeal to council</p> <p>51(1) The decision of the panel remains in effect pending an appeal to the council unless the council, on application, stays the decision pending the appeal.</p> <p>Stay pending appeal to court</p> <p>51(2) The decision <u>and any order</u> of the <u>panel council</u> remains in effect pending an appeal to the court unless the <u>Court of Appeal</u>, on application, stays <u>them</u> the decision pending the appeal.</p>	<p style="text-align: center;">Consequential Change</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

2. Changing forum that hears appeals of decisions of the Investigation Committee from the Council to the Appeal Board, adding right of the Association to appeal decisions of the Investigation Committee and other amendments as set out below		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Purpose/Reasons for Changes
<p>Appeal by complainant to a committee of the council</p> <p>36(1) A complainant who is served with a notice of the decision of the investigation committee directing that the complaint be dismissed may, by notice in writing to the registrar, mailed within 30 days of receipt of such notice appeal that direction to a committee appointed under subsection (2).</p> <p>Appointment of committee of council</p> <p>36(2) Upon receipt of a notice of appeal from the complainant under this section the president shall</p> <p>(a) select a committee consisting of no more than three members of the council, one of whom shall be a lay person, none of whom shall be members of the investigation committee or the discipline committee; and</p> <p>(b) select a member of the committee to serve as chair of the committee.</p> <p>Powers of committee of council</p> <p>36(3) Where a committee is selected to consider any appeal</p>	<p><u>Appeal by complainant to a committee of the council appeal board</u></p> <p>36(1) A complainant who is served with a notice of the decision of the investigation committee directing that the complaint be dismissed may, by notice in writing to the registrar, mailed within 30 days of receipt of such notice appeal that direction to a committee appointed under subsection (2) <u>the appeal board</u>.</p> <p><u>Deposit to accompany notice to appeal</u> Appointment of committee of council</p> <p><u>36(2) Each notice of appeal shall be accompanied by a cash deposit in such amount as may be prescribed in the by-laws, but not to exceed \$1,000.</u></p> <p><u>Appeal on the record</u></p> <p><u>36(3) The appeal to the appeal board shall be founded on the record of the evidence before the investigation committee and the decision of the investigation committee</u></p> <p><u>Appointment of appeal committee</u></p> <p><u>36(4)</u> 36(2) Upon receipt of a notice of appeal from the</p>	<p>To change the forum for appeals of a decision of the investigation committee dismissing a complaint from the council to the appeal board as it is more efficient to have such appeals heard by a board that has been created for the specific purpose of hearing appeals.</p> <p>To require the complainant to post a deposit in order to discourage frivolous appeals. Similar to the deposits required upon an appeal of the registration committee under s. 21(2) of the present Act and the deposit required upon an appeal of a decision of the discipline committee under s. 53(2) of the present Act.</p> <p>To clarify that the appeal is an appeal on the record.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

<p>by a complainant, the committee has all the authority and powers of the council in respect of such appeals.</p> <p>Power on appeal</p> <p>36(4) On an appeal under this section, the committee shall do one or more of the following:</p> <ul style="list-style-type: none"> (a) make any decision that in its opinion ought to have been made by the investigation committee; (b) quash, vary or confirm the decision of the investigation committee; (c) refer the matter back to the investigation committee for further consideration in accordance with any direction that the committee may make. 	<p>complainant under this section the president board chair shall</p> <ul style="list-style-type: none"> (a) <u>select, from among the members of the board,</u> a committee consisting of no more than three members of the council, one of whom shall be a lay person, none of whom shall be members of the investigation committee or the discipline committee; and (b) select a member of the committee to serve as <u>committee chair,</u> of the committee. <p><u>Hearing not required</u></p> <p><u>36(5) The appeal committee is not required to hold a hearing or to afford to any person an opportunity to appear or to make oral submissions before making a decision under this section.</u></p> <p><u>Powers on appeal of appeal committee</u></p> <p>36(4) <u>(6)</u> On an appeal under this section, the committee <u>appeal committee</u> shall do one or more of the following: <u>may</u></p> <ul style="list-style-type: none"> <u>(a) dismiss the appeal;</u> (a) <u>(b)</u> make any decision that in its opinion ought to have been made by the investigation committee; or (b) quash, vary or confirm the decision of the investigation committee; (c) refer the matter back to the investigation committee for further consideration <u>or action</u> in accordance with 	<p>To clarify that no hearing is required</p>
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

	<p style="text-align: center;">any direction that the committee may make.</p> <p><u>Deposit to be returned</u></p> <p><u>36(7) The deposit shall be returned to the complainant at the conclusion of the appeal process unless the appeal committee orders that the deposit be forfeited in whole or in part as it sees fit.</u></p>	
<p>By-laws</p> <p>12(1) In accordance with procedures set out in its by-laws, the association may make, amend or repeal by-laws, not inconsistent with this Act,</p> <p style="padding-left: 40px;">(h) respecting the amounts and terms relating to the posting of cash deposits by persons appealing any decision of the registration committee;</p>	<p>By-laws</p> <p>12(1) In accordance with procedures set out in its by-laws, the association may make, amend or repeal by-laws, not inconsistent with this Act,</p> <p style="padding-left: 40px;">(h) respecting the amounts and terms relating to the posting of cash deposits by persons appealing any decision of the registration committee; <u>or the investigation committee;</u></p>	

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

3. Miscellaneous changes to disciplinary provisions		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Purpose/Reasons for Changes
<p>Suspension by registrar</p> <p>12.2(3) If the person's non-compliance continues after the expiration of the notice period described in subsection (2), the registrar may</p> <p>(a) suspend the certificate of registration, temporary licence or specified scope of practice licence without further notice; and</p> <p>(b) cancel the suspension once the registrar is satisfied that the person has complied.</p>	<p>Suspension by registrar</p> <p>12.2(3) If the person's non-compliance continues after the expiration of the notice period described in subsection (2), the registrar may</p> <p>(a) suspend the certificate of registration, temporary licence or specified scope of practice licence without further notice; and</p> <p><u>(b) publish the name of a suspended person and notify such person's employer and other persons as necessary in the opinion of the registrar; and</u></p> <p>(b) <u>(c)</u> cancel the suspension once the registrar is satisfied that the person has complied.</p>	<p>To allow the association to publish the names and notify the employers and others of members who fail to comply with the continuing professional development requirements to the Act and who, as a consequence thereof, have been suspended after notice of non-compliance.</p>
<p>Investigation committee may initiate complaint</p> <p>31(2) The investigation committee may initiate an investigation and following such investigation may cause a complaint to be filed with the registrar.</p>	<p>Investigation committee may initiate complaint</p> <p>31(2) The investigation committee may initiate an investigation. and following such investigation may cause a complaint to be filed with the registrar.</p>	<p>To eliminate the circular wording under which the investigation committee after initiating an investigation must file the complaint with the registrar, who must then forward the complaint to the investigation committee under s. 32.</p>
<p>Referral to investigation committee</p>	<p>Referral to investigation committee</p>	<p>Consequential change.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

<p>32 The registrar shall</p> <p>(a) if a complaint is made under section 31; or</p> <p>(b) if the registrar has reason to believe that the conduct of any member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineering intern or geoscience intern constitutes or may constitute unskilled practice of professional engineering or professional geoscience or professional misconduct;</p> <p>refer the matter to the investigation committee.</p>	<p>32 The registrar shall</p> <p>(a) if a complaint is made under section 31(1); or</p> <p>(b) if the registrar has reason to believe that the conduct of any member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineering intern or geoscience intern constitutes or may constitute unskilled practice of professional engineering or professional geoscience or professional misconduct;</p> <p>refer the matter to the investigation committee.</p>	
	<p><u>Investigation committee’s duty</u></p> <p><u>32.1(1) The investigation committee must review or investigate a complaint.</u></p> <p><u>Related matters</u></p> <p><u>32.1(2) In the course of an investigation under subsection (1), the investigation committee may investigate any other matter related to the professional conduct or the skill in practice of the investigated person that arises in the course of the investigation.</u></p> <p><u>Legal counsel and experts</u></p> <p><u>32.1(3) The investigation committee may engage legal counsel and employ any other experts that the investigation committee considers necessary to assist it.</u></p>	<p>To allow the investigation committee to investigate any other matter that arises in the course of its investigation and to engage experts to assist.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

	<p>Publication of censure</p> <p>35.1(1) Subject to subsection (3) the investigation committee may publish</p> <p style="padding-left: 40px;">(a) the name of an investigated person who is censured under clause 35(1)(d), (e) or (g); and</p> <p style="padding-left: 40px;">(b) the circumstances that led to the censure.</p>	<p>Presently the Act only allows for publication under s. 50 where an order is made against an investigated person under s. 47 or 48 after a disciplinary hearing. The new s. 35.1(1) permits publication if the investigated person is censured by the investigation committee.</p> <p>Paragraph 35(1)(g) is shown under Part C.</p>
	<p>Order for costs</p> <p>35.1(2) The investigation committee may order an investigated person who is censured to pay all or part of the costs of the investigation and the costs of monitoring compliance with any order made.</p>	<p>Presently the Act allows for an order of costs under s. 48(1) in connection with an order made by the discipline committee. The new s. 35.1(2) allows for an order of costs if the investigated person is censured by the investigation committee.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

C. NAME OF ASSOCIATION		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Purpose/Reasons for Changes
<p>Association continued</p> <p>2 The Association of Professional Engineers of the Province of Manitoba is continued as a body corporate under the name "Association of Professional Engineers and Geoscientists of the Province of Manitoba".</p>	<p>Association continued</p> <p>2 The Association of Professional Engineers of the Province of Manitoba is continued as a body corporate under the name "Association of Professional Engineers and Geoscientists of the Province of Manitoba".</p> <p><u>Association Name</u></p> <p><u>2. The name of the association is changed to "Engineers Geoscientists Manitoba".</u></p>	<p>To modernize the name of the association. The association registered the business name "Engineers Geoscientists Manitoba" under The Business Names Registration Act and has been using the name for some time. The objective is to formalize the change of name by recording it in the Act.</p>
<p>Definitions</p> <p>1 In this Act,</p> <p style="padding-left: 40px;">"association" means the Association of Professional Engineers and Geoscientists of the Province of Manitoba.</p>	<p>Definitions</p> <p>1 In this Act,</p> <p style="padding-left: 40px;">"association" means the Association of Professional Engineers and Geoscientists of the Province of Manitoba.</p>	<p>Consequential change</p>
<p>Joint board with The Certified Technicians and Technologists Association of Manitoba Inc.</p> <p>67(1) There is established a joint board, under the name</p>	<p>Joint board with The Certified Technicians and Technologists Association of Manitoba Inc.</p> <p>67(1) There is established a joint board, under the name</p>	<p>Consequential change</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

<p>"Engineering, Geosciences and Applied Sciences Inter-Association Relations Joint Board", whose function is to assist The Certified Technicians and Technologists Association of Manitoba Inc. and the Association of Professional Engineers and Geoscientists of the Province of Manitoba in maintaining the professional relationship between the two associations, including</p> <ul style="list-style-type: none"> (a) developing and recommending processes for co-operation by the two associations in carrying out their respective areas of responsibility in the public interest; (b) making joint representations to third parties on matters affecting the two associations; and (c) resolution of issues or disputes respecting areas of practice. <p>Composition of board</p> <p>67(2) The joint board shall consist of not fewer than seven persons as follows:</p> <ul style="list-style-type: none"> (a) a chair, who is appointed by the minister appointed by the Lieutenant Governor in Council to administer The Labour Relations Act and is not registered with or licensed by either The Certified Technicians and Technologists Association of Manitoba Inc. or the Association of Professional Engineers and Geoscientists of the Province of Manitoba; (b) equal numbers of persons appointed by The Certified 	<p>"Engineering, Geosciences and Applied Sciences Inter-Association Relations Joint Board", whose function is to assist The Certified Technicians and Technologists Association of Manitoba Inc. and the Association of Professional Engineers and Geoscientists of the Province of Manitoba in maintaining the professional relationship between the two associations, including</p> <ul style="list-style-type: none"> (a) developing and recommending processes for co-operation by the two associations in carrying out their respective areas of responsibility in the public interest; (b) making joint representations to third parties on matters affecting the two associations; and (c) resolution of issues or disputes respecting areas of practice. <p>Composition of board</p> <p>67(2) The joint board shall consist of not fewer than seven persons as follows:</p> <ul style="list-style-type: none"> (a) a chair, who is appointed by the minister appointed by the Lieutenant Governor in Council to administer The Labour Relations Act and is not registered with or licensed by either The Certified Technicians and Technologists Association of Manitoba Inc. or the Association of Professional Engineers and Geoscientists of the Province of Manitoba; (b) equal numbers of persons appointed by The Certified 	
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

<p>Technicians and Technologists Association of Manitoba Inc. and the Association of Professional Engineers and Geoscientists of the Province of Manitoba.</p> <p>Disputes</p> <p>67(4) Where any dispute arises as to</p> <ul style="list-style-type: none"> (a) the jurisdiction of either of the associations referred to in subsection (1) in respect of the regulation of persons registered under their respective enactments; (b) the right of any person registered with or licensed by either of those associations to perform any function or type of work; or (c) any matter respecting relations between those associations or any persons registered with or licensed by them; <p>the joint board shall consider such dispute or matter and, if possible, make a joint recommendation to the board of The Certified Technicians and Technologists Association of Manitoba Inc. and the council of the Association of Professional Engineers and Geoscientists of The Province of Manitoba to resolve such dispute or matter.</p> <p>Joint board with The Manitoba Association of Architects</p> <p>68(1) There is established a joint board, under the name "Engineering, Geosciences and Architecture Inter-</p>	<p>Technicians and Technologists Association of Manitoba Inc. and the Association of Professional Engineers and Geoscientists of the Province of Manitoba.</p> <p>Disputes</p> <p>67(4) Where any dispute arises as to</p> <ul style="list-style-type: none"> (a) the jurisdiction of either of the associations referred to in subsection (1) in respect of the regulation of persons registered under their respective enactments; (b) the right of any person registered with or licensed by either of those associations to perform any function or type of work; or (c) any matter respecting relations between those associations or any persons registered with or licensed by them; <p>the joint board shall consider such dispute or matter and, if possible, make a joint recommendation to the board of The Certified Technicians and Technologists Association of Manitoba Inc. and the council of the Association of Professional Engineers and Geoscientists of The Province of Manitoba to resolve such dispute or matter.</p> <p>Joint board with The Manitoba Association of Architects</p> <p>68(1) There is established a joint board, under the name "Engineering, Geosciences and Architecture Inter-</p>	
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

<p>Association Relations Joint Board", whose function is to assist The Manitoba Association of Architects and the Association of Professional Engineers and Geoscientists of the Province of Manitoba in maintaining the professional relationship between the two associations, including</p> <ul style="list-style-type: none"> (a) developing and recommending processes for co-operation by the two associations in carrying out their respective areas of responsibility in the public interest; (b) making joint representations to third parties on matters affecting the two associations; and (c) resolution of issues or disputes respecting areas of practice. <p>Composition of board</p> <p>68(2) The joint board shall consist of not fewer than seven persons as follows:</p> <ul style="list-style-type: none"> (a) a chair, who is appointed by the minister appointed by the Lieutenant Governor in Council to administer The Labour Relations Act and is not registered with or licensed by either The Manitoba Association of Architects or the Association of Professional Engineers and Geoscientists of the Province of Manitoba; (b) equal numbers of persons appointed by The Manitoba Association of Architects and the Association of Professional Engineers and Geoscientists of the 	<p>Association Relations Joint Board", whose function is to assist The Manitoba Association of Architects and the Association of Professional Engineers and Geoscientists of the Province of Manitoba in maintaining the professional relationship between the two associations, including</p> <ul style="list-style-type: none"> (a) developing and recommending processes for co-operation by the two associations in carrying out their respective areas of responsibility in the public interest; (b) making joint representations to third parties on matters affecting the two associations; and (c) resolution of issues or disputes respecting areas of practice. <p>Composition of board</p> <p>68(2) The joint board shall consist of not fewer than seven persons as follows:</p> <ul style="list-style-type: none"> (a) a chair, who is appointed by the minister appointed by the Lieutenant Governor in Council to administer The Labour Relations Act and is not registered with or licensed by either The Manitoba Association of Architects or the Association of Professional Engineers and Geoscientists of the Province of Manitoba; (b) equal numbers of persons appointed by The Manitoba Association of Architects and the Association of Professional Engineers and Geoscientists of the 	
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**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT**

<p style="text-align: center;">Province of Manitoba.</p> <p>Disputes</p> <p>68(4) Where any dispute arises as to</p> <ul style="list-style-type: none"> (a) the jurisdiction of either of the associations referred to in subsection (1) in respect of the regulation of persons registered under their respective enactments; (b) the right of any person registered with or licensed by either of those associations to perform any function or type of work; or (c) any matter respecting relations between those associations or any persons registered with or licensed by them; <p>the registrar must refer the dispute to the joint board, which must consider it in a timely manner and, if possible, make a joint determination about how to resolve the dispute and give it to the council of The Manitoba Association of Architects and the council of The Association of Professional Engineers and Geoscientists of the Province of Manitoba.</p>	<p style="text-align: center;">Province of Manitoba.</p> <p>Disputes</p> <p>68(4) Where any dispute arises as to</p> <ul style="list-style-type: none"> (a) the jurisdiction of either of the associations referred to in subsection (1) in respect of the regulation of persons registered under their respective enactments; (b) the right of any person registered with or licensed by either of those associations to perform any function or type of work; or (c) any matter respecting relations between those associations or any persons registered with or licensed by them; <p>the registrar must refer the dispute to the joint board, which must consider it in a timely manner and, if possible, make a joint determination about how to resolve the dispute and give it to the council of The Manitoba Association of Architects and the council of The Association of Professional Engineers and Geoscientists of the Province of Manitoba.</p>	
	<p><u>Consequential changes to be made to The Certified Applied Science Technologists Act, The Architects Act and any other act that references the Association of Professional Engineers and Geoscientists of the Province of Manitoba.</u></p>	

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT** (April 30, 2019 v6)

D. MISCELLANEOUS AMENDMENTS		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Purpose/Reasons for Changes
<p>By-laws</p> <p>12(1) In accordance with procedures set out in its by-laws, the association may make, amend or repeal by-laws, not inconsistent with this Act,</p> <p style="padding-left: 40px;">(k) respecting the establishment of procedures for monitoring participation in continuing professional development programs by members, temporary licensees, engineering interns, geoscience interns and specified scope of practice licensees;</p>	<p>By-laws</p> <p>12(1) In accordance with procedures set out in its by-laws, the association may make, amend or repeal by-laws, not inconsistent with this Act,</p> <p style="padding-left: 40px;">(k) respecting the establishment of procedures for monitoring participation <u>and conducting audits for participation</u> in continuing professional development programs by members, temporary licensees, engineering interns, geoscience interns and specified scope of practice licensees;</p>	<p>To enable the association to make by-laws enabling the continuing competence committee to audit participation in continuing professional development programs.</p>
<p>Criteria and standards used by committee</p> <p>14(2) The council must establish criteria and standards to be used by the registration committee</p> <p style="padding-left: 40px;">(a) in</p> <p style="padding-left: 80px;">(i) assessing the academic qualifications and engineering work experience,</p> <p style="padding-left: 80px;">(ii) prescribing confirmatory, exploratory, proficiency and qualifying examinations, and</p> <p style="padding-left: 80px;">(iii) setting such other requirements as are not inconsistent with this Act and the by-laws,</p> <p>for applicants for certificates of registration, certificates of authorization, temporary licences, specified scope of</p>	<p>Criteria and standards used by committee</p> <p>14(2) The council must establish criteria and standards to be used by the registration committee <u>and the registrar</u> *</p> <p style="padding-left: 40px;">(a) in</p> <p style="padding-left: 80px;">(i) assessing the academic qualifications and engineering work experience,</p> <p style="padding-left: 80px;">(ii) prescribing confirmatory, —exploratory, proficiency and qualifying examinations, and</p> <p style="padding-left: 80px;">(iii) setting such other requirements as are not inconsistent with this Act and the by-laws,</p> <p>for applicants for certificates of registration, certificates of authorization, temporary licences, specified scope of</p>	<p>Revise as “ confirmatory, exploratory, proficiency and qualifying” examinations are no longer assigned, but other options are now available.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT** (April 30, 2019 v6)

<p>practice licences and enrolment as engineering interns or geoscience interns; and</p> <p>(b) in determining restrictions that are to be imposed on the scope of practice that may be carried on under a specified scope of practice licence.</p>	<p>practice licences and enrolment as engineering interns or geoscience interns; and</p> <p>(b) in determining restrictions that are to be imposed on the scope of practice that may be carried on under a specified scope of practice licence.</p> <p>*Change made in Part A Section 1</p>	
	<p><u>Applications by employees</u></p> <p><u>16(1.1) An applicant for registration as a member, temporary licensee or specified scope of practice licensee who is a professional engineer or professional geoscientist registered in another jurisdiction and is a partner or employee of a partnership, corporation or other entity and intends to practice professional engineering or professional geoscience in the province of Manitoba as a partner or employee of such partnership, corporation or entity shall not be registered unless such partnership, corporation or other entity applies for and obtains a certificate of authorization under this Act.</u></p>	<p>To ensure that partnerships and corporations from other jurisdictions that intend to practice professional engineering or professional geoscience in Manitoba do not avoid the requirement for a certificate of authorization by having an individual apply for registration.</p>
<p>Representation as a professional engineer or professional geoscientist</p> <p>58(1) Except as otherwise provided in this Act, no person who is not a member or a temporary licensee shall use, orally or otherwise, any of the following titles:</p> <p>(a) professional engineer;</p> <p>(b) engineer;</p> <p>(c) consulting engineer;</p>	<p>Representation as a professional engineer or professional geoscientist</p> <p>58(1) Except as otherwise provided in this Act, no person who is not a member, <u>a specified scope of practice licensee</u> or a temporary licensee shall use, orally or otherwise, any of the following titles:</p> <p>(a) professional engineer;</p> <p>(b) engineer;</p> <p>(c) consulting engineer;</p>	<p>Exempting “specified scope of practice licensee” from the application of s. 58(1) as they are professional engineers/geoscience and adding “engineering licensee” and “geoscience licensee” to the list of titles to be used only by professional engineers and professional geoscientists.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT** (April 30, 2019 v6)

<p>(d) professional geoscientist; (e) geoscientist; (f) consulting geoscientist;</p> <p>or any similar designation or any suffix, prefix, word, title or designation, abbreviated or otherwise, implying that the person is a member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineering intern or geoscience intern, or is engaged in or entitled to engage in the practice of professional engineering or professional geoscience.</p>	<p>(d) professional geoscientist; (e) geoscientist; (f) consulting geoscientist; <u>(g) engineering licensee;</u> <u>(h) geoscience licensee;</u></p> <p>or any similar designation or any suffix, prefix, word, title or designation, abbreviated or otherwise, implying that the person is a member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineering intern or geoscience intern, or is engaged in or entitled to engage in the practice of professional engineering or professional geoscience.</p>	
<p>Use of professional engineer or professional geoscientist in business name</p> <p>58(2) No person who is not a member, the holder of a certificate of authorization or a temporary licensee shall</p> <p>(a) advertise, list, display, or use in any manner, or permit to be used in any manner, any description, title, designation or term referred to in subsection (1) or any other term that may lead anyone to infer that such person is entitled to engage in the practice of professional engineering or professional geoscience; or</p> <p>(b) submit for registration under The Corporations Act or The Business Names Registration Act any corporate or business name using any description, title,</p>	<p>Use of professional engineer or professional geoscientist in business name</p> <p>58(2) No person who is not a member, the holder of a certificate of authorization, <u>a specified scope of practice licence</u> or a temporary licensee shall</p> <p>(a) advertise, list, display, or use in any manner, or permit to be used in any manner, any description, title, designation or term referred to in subsection (1) or any other term that may lead anyone to infer that such person is entitled to engage in the practice of professional engineering or professional geoscience; or</p> <p>(b) submit for registration under The Corporations Act or The Business Names Registration Act any corporate</p>	<p>Adding specified scope of practice licensees to those entitled to advertise as professional engineers/geoscientists and register corporate and business names as they are professional engineers/geoscientists.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT** (April 30, 2019 v6)

<p>designation or term referred to in subsection (1) or any other term that may lead anyone to infer that such person is entitled to engage in the practice of professional engineering or professional geoscience.</p>	<p>or business name using any description, title, designation or term referred to in subsection (1) or any other term that may lead anyone to infer that such person is entitled to engage in the practice of professional engineering or professional geoscience.</p>	
<p>Prohibition on contracting with corporations and partnerships</p> <p>59 No person shall knowingly engage, employ or contract with any person, corporation, partnership or other legal entity that does not hold a certificate of authorization for any work that requires the services of a professional engineer or professional geoscientist.</p>	<p>Prohibition on contracting with corporations and partnerships</p> <p>59 No person shall knowingly engage, employ or contract with any person, corporation, partnership or other legal entity that does not hold a certificate of authorization for any work that requires the services of a professional engineer, <u>specified scope of practice licensee</u> or professional geoscientist.</p>	<p>Adding specified scope of practice licensee to those who may be employed in the practice of professional engineering or professional geoscience.</p>
<p>Activities that are not affected</p> <p>66(1) Nothing in this Act applies to prevent</p> <p>(b) the performance of professional engineering work by an engineering intern who is enrolled in a program of training authorized under this Act or the by-laws;</p> <p>(d) the performance of professional geoscience work by a geoscience intern who is enrolled in a program of training authorized under this Act or the by-laws;</p>	<p>Activities that are not affected</p> <p>66(1) Nothing in this Act applies to prevent</p> <p>(b) the performance of professional engineering work by an engineering intern who is enrolled in a program of training <u>internship</u> authorized under this Act or the by-laws;</p> <p>(d) the performance of professional geoscience work by a geoscience intern who is enrolled in a program of training <u>internship</u> authorized under this Act or the by-laws;</p>	<p>Changing the wording from “program of training” to “program of internship” because the internship program is not a training program.</p>

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT** (April 30, 2019 v6)

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT** (April 30, 2019 v6)

E. CHANGES TO OTHER ACTS / REGULATIONS

The introduction of “specified scope of practice licensee” into the Act in the 2015 amendments created a category professional engineer/geoscientist who is licensed to practice professional engineering or professional geoscience but whose scope of practice is restricted. Many Manitoba statutes and regulations require that a specified function be performed by a professional engineer **[or professional geoscientist]**. Specified scope of practice licensees should be allowed to perform those functions as well. The Code of Ethics requires that a licensee, and a professional engineer **[/geoscientist]**, offer services only in areas of their competence to practice. Other acts and regulations were not amended when the Act was amended in 2015 by introducing the specified scope of practice licence. Those acts and regulations should be updated now. See, for example:

1. *The Drinking Water Safety Regulation*, found at http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=40/2007 makes reference to ‘professional engineer’ in section 2(5)
2. *The Manitoba Building Code* (MBC), found at https://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=31/2011 makes reference to ‘professional engineer’ in multiple places.
Some examples:
 - a. 2(41) → 4.2.5.4.(1)
 - a. 2(46) → 9.3.1.3
 - a. 2(56) → 9.15.2.5
 - a. 3(2) → 2.2.2.3 (this is a key part of the MBC, which delineates who can take responsibility for a building based on its occupancy)
 - o These are two that were brought to our attention. If you do an advanced google search, the returns are numerous:
https://www.google.ca/search?as_q=%22professional+engineer%22&as_epq=&as_oq=&as_eq=&as_nlo=&as_nhi=&lr=&cr=&as_qdr=all&as_sitesearch=http%3A%2F%2Fweb2.gov.mb.ca&as_occt=any&safe=images&as_filetype=&as_rights=
 - o Electrical code, Operations of Mines Regulation, Workplace Safety and Health, etc. etc.

**AMENDMENTS TO
THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT** (April 30, 2019 v6)

F. COMING INTO FORCE DATE

The coming into force date of those amendments that require consequential by-law changes will have to be delayed until the new by-laws are in force. The coming into force date will be a set time after the Bill receives Royal Assent, approximately 6 months later.