

2016 Bylaw Proposal 'F': Council Proposed bylaws that are to be repealed.

These Repeals arose from examining the language of the By-laws generally for consistency of application to all practitioners.

In reviewing the bylaws for consistency with the new terminology (see Bylaw Proposal 'E'), the following bylaws were identified as using older terminology. However, in reviewing these particular bylaws, it was determined by legal counsel that they should be repealed because they are redundant and/or try to establish powers beyond those afforded by the Act.

Bylaw	Current Wording	Proposed Wording	Reason
7.4	Other The council shall establish policies and procedures that define the responsibilities, rights and privileges of temporary licensees, specified scope of practice licensees, members-in-training and students.	REPEAL	No council policies exist in this regard and the rights and responsibilities for everyone is dispersed through the Act and bylaws
9.2.9	Applicants for reinstatement as a professional member or member-in-training whose name has been removed from the register for omission to pay annual dues shall pay a de-registration fee. The fee shall be set annually by the council.	REPEAL	Redundant with Bylaw 9.2.5
9.2.11	Other fees as may be required for the processing of applications for admission or enrollment or for the maintenance of membership shall be authorized by and specified in the policies and procedures provided for under these by-laws.	REPEAL	Based upon s.12(1)(n) of the Act, the association may make by-laws "establishing fees and dues to be paid by members...". However, there is no authority in the Act to do this by "policies and procedures provided for under those by-laws". Therefore, this provision should be repealed.

10.2	<p>Removal for Omission to Pay Dues When the name of a professional member or member-in-training is subject to removal from the register in accordance with sub-section 24 (2) of the Act, and the council has determined the date on which the payment is due, the time of the payment shall be determined as in 9.3.</p>	REPEAL	Redundant with 24(2) of the Act
15.0	<p>Discipline By-Law pursuant to Sub-section 12 (1) and Part 10 of the Act Each professional member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee or member-in-training is required to practice in accordance with the highest standards of professional conduct and to comply with the Act, these by-laws and the code of ethics of the association. Failure to do so shall constitute either unskilled practice of professional engineering or professional geoscience or professional misconduct, or both.</p>	REPEAL	Redundant with s.46(1) of the Act.
15.3.4	<p>Whether or not an investigation has been undertaken, the complainant and any professional member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee or member-in-training shall provide to the investigation committee, within 10 working days of receipt of a request therefore, any information, documentation and records, which in the opinion of the investigation committee is material to the complaint.</p>	REPEAL	This by-law is redundant with s.33(1) of the Act and should be deleted from the by-laws. A by-law (as opposed to a provision of the Act) compelling the complainant to produce documents is likely unenforceable, unless the complainant is a member, licensee, etc.