

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

A. Specified Scope of Practice Licensee		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Purpose/Reasons for Changes
		<u>Purpose:</u> To allow for the registration of individuals (particularly immigrants to Manitoba) who do not meet the educational requirements to be registered as a P. Eng. or a P. Geo. but have sufficient academic qualifications and experience to practice within a specified scope.
<p>Definitions</p> <p>1 In this Act,</p>	<p><u>Add:</u></p> <p><u>“specified scope of practice licensee” means a natural person who holds a valid and subsisting specified scope of practice license and whose name is entered on the register of the association as a specified scope of practice licensee;</u></p>	<p><u>Reason:</u> Adds a defined term similar to the defined terms for “professional engineer” and “professional geoscientist” and provides that the name of the individual will be recorded in the register of the association.</p>
<p>By-laws</p> <p>12(1) The association may make, vary or revoke by-laws not inconsistent with this Act</p> <p>(i) providing for the establishment of standards and qualifications to be met and maintained by temporary licensees and specified scope of practice licensees;</p>	<p><u>Amend:</u></p> <p>(i) providing for the establishment of standards and qualifications to be met and maintained by temporary licensees and specified scope of practice licensees;</p>	<p><u>Reason:</u> Academic qualifications and qualifying examinations for candidates to be established by the registration committee (see s.14(2) as revised) rather than by by-law.</p>

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<p>(m) establishing classifications of membership and providing for the enrollment and registration of students by the association;</p>	<p>(m) establishing classifications of membership and providing for <u>the registration of members and specified scope of practice licensees</u> and the enrollment and registration of students by the association;</p>	<p><u>Reason:</u> To provide that specified scope of practice licensees are also registered.</p>
<p>Criteria and standards</p> <p>14(2) The council shall establish criteria and standards to be used by the registration committee in</p> <p>(a) assessing the academic qualifications and engineering work experience;</p> <p>(b) prescribing confirmatory, exploratory, proficiency and qualifying examinations; and</p> <p>(c) setting such other requirements as are not inconsistent with this Act and by-laws;</p> <p>for applicants for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrolment as engineers-in-training or geoscientists-in-training.</p>	<p><u>Amend:</u></p> <p>Criteria, Standards <u>and Restrictions</u></p> <p>14(2) The council shall establish criteria and standards to be used by the registration committee in</p> <p>(a) assessing the academic qualifications and engineering work experience;</p> <p>(b) prescribing confirmatory, exploratory, proficiency and qualifying examinations; and</p> <p>(c) <u>establishing restrictions upon the scope of practice for any specified scope of practice licensee; and</u></p> <p>(d)(e) setting such other requirements as are not inconsistent with this Act and by-laws;</p> <p>for applicants for certificates of registration, certificates of authorization, temporary licences, specified scope of practice licences and enrolment as engineers-in-training or geoscientists-in-training.</p>	<p><u>Reason:</u> To provide authority for the registration committee to establish restrictions on specified scope of practice licences.</p>
	<p><u>Amend:</u></p>	

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<p>Qualifications for specified scope of practice licence</p> <p>18 A specified scope of practice licence to engage in the practise of professional engineering or the practice of professional geoscience within the province, and within the scope and subject to the restrictions specified in such practice licence, may be granted if the applicant</p> <p>(a) is a natural personal at least 18 years of age;</p> <p>(b) submits evidence to the registration committee that the applicant meets such requirements as the council may from time to time prescribe for such class of applicant;</p> <p>(c) submits evidence to the registration committee that the applicant has subscribed to and agreed to abide by the code of ethics of the association;</p> <p>(d) pays the dues and fees prescribed by the by-law; and</p> <p>(e) complies with such other terms and conditions as may be imposed in accordance with this Act or the by-laws.</p>	<p>Qualifications for specified scope of practice licence</p> <p>18 A specified scope of practice licence to engage in the practise of professional engineering or the practice of professional geoscience within the province, and within the scope and subject to the restrictions specified in such practice licence, may be granted if the applicant</p> <p>(a) is a natural personal at least 18 years of age;</p> <p>(b) submits evidence to the registration committee that the applicant meets such requirements as the council may from time to time prescribe for such class of applicant;</p> <p>(c) <u>submits such evidence as the registration committee may require of the applicant's academic qualifications, experience and competence to practice within a specified scope;</u></p> <p>(d)(e) submits evidence to the registration committee that the applicant has subscribed to and agreed to abide by the code of ethics of the association;</p> <p>(e)(d) pays the dues and fees prescribed by the by-law; and</p> <p>(f)(e) complies with such other terms and conditions as may be imposed in accordance with this Act or the by-laws.</p>	<p><u>Reason:</u> To provide authority to require the applicant to provide evidence of academic qualifications, experience and competence.</p>
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<p>Appeal to council</p> <p>21(1) A person whose application for a certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training is not approved by the registration committee may, by notice in writing within 30 days of receipt of a notice of refusal, appeal the decision of the registration committee to the council, specifying the reasons for the appeal.</p>	<p><u>Amend:</u></p> <p>Appeal to council</p> <p>21(1) <u>An applicant</u> A person whose application for a certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training is not approved by the registration committee <u>or, whose application for a specified scope of practice licence is approved but the scope of practice specified therein is not acceptable to the applicant,</u> may, by notice in writing <u>given</u> within 30 days of receipt of a notice of refusal, <u>or receipt of the description of the scope of practice, as the case may be,</u> appeal the decision of the registration committee to the council, specifying the reasons for the appeal.</p>	<p><u>Reason:</u> To provide for a right of appeal to the scope of practice to the council.</p>
<p>Appeal to court</p> <p>22(1) A person whose application for a certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training is refused by the council may appeal the decision to the court by filing a notice of appeal within 30 days of receipt of a notice of refusal.</p>	<p><u>Amend:</u></p> <p>Appeal to court</p> <p>22(1) <u>An applicant</u> A person whose application for a certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training is refused by the council, <u>or whose application for a specified scope of practice licence is approved but the scope of practice specified therein is not acceptable to the applicant,</u> may appeal the decision to the court by filing a notice of appeal within 30 days of receipt of a notice of refusal <u>or receipt of the</u></p>	<p><u>Reason:</u> To provide for a right of appeal of the scope of practice to the court.</p>

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	<u>description of the scope of practice, as the case may be.</u>	
	Add provisions respecting annual dues, registration fees, requirements for use of seal, form of certificate of registration, issuance of seal and insurance for specified scope of practice licences to by-laws or Act.	

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B. Continuing Professional Development		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Purpose/Reasons for Changes
		<u>Purpose:</u> To provide a summary remedy for non-compliance with the mandatory continuing professional development requirements of the association.
<p>By-laws</p> <p>12(1) The association may make, vary or revoke by-laws not inconsistent with this Act</p> <p>(l) prescribing fines and penalties for failure to participate in compulsory continuing development programs;</p>	<p><u>Delete:</u></p> <p>(l) prescribing fines and penalties for failure to participate in compulsory continuing development programs;</p>	<p><u>Reason:</u> Subsection 12(1)(l) is deleted as the penalty will be dealt with in the Act rather than the by-laws (see new s.55.4 below).</p>
	<p><u>Add:</u></p> <p><u>PART 10 A CONTINUING PROFESSIONAL DEVELOPMENT</u></p> <p><u>Professional Development Program</u></p> <p><u>55.1</u> The council shall establish requirements for continuing professional development for all members, temporary licencees and specified scope of practice licencees.</p> <p><u>Mandatory Compliance</u></p>	<p><u>Reason:</u> To establish the authority of the council to set requirements for continuing professional development, to require mandatory record keeping and reporting and to create a summary procedure (i.e. suspension after notice) for dealing with non-compliance.</p>

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	<p>55.2 <u>All members, temporary licencees and specified scope of practice licencees shall comply with the requirements for continuing professional development as they apply to such personsøpractice of professional engineering or professional geoscience, as the case may be.</u></p> <p><u>Written Records</u></p> <p>55.3 <u>Each member, temporary licencee and specified scope of practice licencee shall maintain a written record of all continuing professional development activities in accordance with the requirements of the council and shall produce a record of such activities and provide same to the registrar upon request.</u></p> <p><u>Suspension for Non-Compliance</u></p> <p>55.4 <u>If any member, temporary licencee or specified scope of practice licencee shall fail to comply with the requirements of section 55.2 or section 55.3 within 30 days after the registrar giving such person notice to do so, the council may direct the registrar to suspend the certificate of registration, temporary licence or specified scope of practice licence of any such person until he or she has complied with such requirements.</u></p>	
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C. Approval of By-Laws by On-line Voting		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Purpose/Reasons for Changes
		<u>Purpose:</u> To encourage participation in the association and its governance.
	<p><u>Add:</u></p> <p><u>Enactment and Amendment of By-laws</u></p> <p><u>12(5) A by-law or amendment thereto made at any time after October 1, 2010 comes into force after discussion in an electronic forum and approval by a ballot conducted by ordinary post, by e-mail or by other electronic communications, in accordance with the by-laws.</u></p> <p><u>Non Application of The Corporations Act</u></p> <p><u>12(6) Notwithstanding any other provision of this Act, The Corporations Act does not apply to the enactment or amendment of by-laws made by the association after October 1, 2010.</u></p>	<p><u>Reason:</u> To allow for on-line discussion and voting to encourage participation. _The provision is retro-active to October 1, 2010 to legitimize by-laws passed using on-line participation since that time.</p> <p><u>Reason:</u> The association is a body corporate and unless specified to the contrary in the Act, The Corporations Act applies.</p>

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D. Charitable Donations		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Purpose/Reasons for Changes
		<u>Purpose:</u> To allow the Association to promote professional engineering and professional geoscience and to make donations for that purpose.
<p>Purposes of association</p> <p>3 The purposes of the association are to</p> <p>(a) govern and regulate the practice of professional engineering and geoscience in Manitoba;</p> <p>(b) promote and increase, by all lawful means and in the public interest, the knowledge, skill and competency of its members and students in all things relating to the professions of engineering and geoscience; and</p> <p>(c) advocate where the public interest is at risk.</p>	<p><u>Amend:</u></p> <p>Purposes of association</p> <p>3 The purposes of the association are to</p> <p>(a) govern and regulate the practice of professional engineering and geoscience in Manitoba;</p> <p>(b) promote and increase, by all lawful means and in the public interest, the knowledge, skill and competency of its members, <u>temporary licensees, engineers-in-training, geoscientists-in-training, specified scope of practice licensees</u> and students in all things relating to the professions of engineering and geoscience; and</p> <p>(c) advocate where the public interest is at risk;</p> <p><u>(d) to promote professional engineering and professional geoscience and the role of the association;</u> <u>and</u></p>	<p><u>Reason:</u> To clarify that the educational purposes extend to engineers-in-training, geoscientists-in-training, and specified scope of practice licensees.</p> <p><u>Reason:</u> To enable the Association to promote professional engineering and professional geoscience and the role of the Association.</p>

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	<p><u>(e) to perform such other duties as are imposed and to exercise such other powers as are conferred under any Act.</u></p>	<p><u>Reason:</u> A catch-all to ensure that any duties or powers under this Act or any other Act (i.e. The Architects Act) are not outside the scope of the purposes of the Association.</p>
<p>Powers of association</p> <p>6 The association may</p> <p>(a) in furtherance of its purposes, acquire real or personal property by purchase, lease, gift, devise, bequest or otherwise, and dispose of that property by sale, mortgage, lease, gift or otherwise;</p> <p>(b) invest any moneys belonging to it in investments and securities as though the association were a trustee for the money; and</p> <p>(c) borrow money for the purposes of the association and mortgage or charge property of the association as security for the money so borrowed.</p>	<p><u>Amend:</u></p> <p>6 The association may, <u>in furtherance of its purposes,</u></p> <p>(a) in furtherance of its purposes, acquire real or personal property by purchase, lease, gift, devise, bequest or otherwise, and dispose of that property by sale, mortgage, lease, gift or otherwise;</p> <p>(b) invest any moneys belonging to it in investments and securities as though the association were a trustee for the money; and</p> <p>(c) borrow money for the purposes of the association and mortgage or charge property of the association as security for the money so borrowed; <u>and</u></p> <p><u>(d) make grants, donations and loans and give assistance, financial or otherwise.</u></p>	<p><u>Reason:</u> To establish the power to make donations.</p>
<p>By-laws</p> <p>12(1) The association may make, vary or revoke by-laws not inconsistent with this Act.</p>	<p><u>Amend:</u></p> <p>By-laws</p>	

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<p>(z.1) establishing and governing bursaries, loans, awards and other educational incentives or programs related to engineering and geoscience;</p> <p>(z.2) respecting providing financial or other assistance to persons for the purpose of furthering the public interest;</p> <p>(z.3) respecting public risk advocacy by the association;</p> <p>(z.4) regulating the association's participation with others having purposes consistent with those of the association;</p> <p>(aa) respecting any other matters necessary in the administration of this Act, or in the management and operation of the association.</p>	<p>12(1) The association may make, vary or revoke by-laws not inconsistent with this Act.</p> <p>(z.1)(aa) respecting the establishment of establishing and governing bursaries, scholarships, fellowships, loans, awards and other assistance for educational incentives or programs related to engineering and geoscience; geoscientific education and setting the terms and eligibility therefore;</p> <p>(z.2)(bb) respecting the making of grants, donations and loans and the giving of providing financial or other assistance to persons for the purpose of furthering the public interest; and setting the terms therefore;</p> <p>(z.3)(cc) respecting public risk advocacy by the association; where the public interest is at risk;</p> <p>(z.4)(dd) regulating the association's participation with others having purposes consistent with those of the association; and</p> <p>(aa)(ee) respecting any other matters necessary in the administration of this Act, or in the management and operation of the association.</p>	<p><u>Reason:</u></p> <p>(1) To authorize the enactment of by-laws respecting the making of donations.</p> <p>(2) To make the numbering and wording of these provisions consistent with the numbering and wording used in the other provisions of section 12(1).</p>
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E. Additional Act Changes (administrative clean-ups)		
Existing Provisions	Proposed Provisions (additions underlined and deletions struck)	Purpose/Reasons for Changes
		<u>Purpose:</u> Miscellaneous changes to address specific problems identified by the Association in administering the Act.
<p>Definitions</p> <p>1 In this Act,</p> <p>"engineer-in-training" means a natural person who has been enrolled by the association as an engineer-in-training and whose name is shown on the association's register of engineers-in-training;</p> <p>"geoscientist-in-training" means a natural person who has been enrolled by the association as a geoscientist-in-training and whose name is shown on the association's register of geoscientists-in-training;</p>	<p><u>Amend:</u></p> <p>"engineering intern" means a natural person who has been enrolled by the association as an <u>applicant for membership</u> and whose name is shown on the association's register of <u>engineering interns</u>;</p> <p>"geoscience intern" means a natural person who has been enrolled by the association as an <u>applicant for registration</u> and whose name is shown on the association's register of <u>geoscience interns</u>;</p>	<p><u>Reason:</u> Many applicants are experienced practitioners from other jurisdictions, including jurisdictions outside Canada. As such, they are fully trained practitioners with experience. The name change removes the stigma associated with the term "engineer-in-training" or "geoscientist-in-training."</p>

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<p>Constitution of council</p> <p>7 There shall be a council of the association consisting of</p>	<p><u>Add:</u></p> <p>(f) <u>one councillor who is an engineering intern or geoscience intern.</u></p>	<p><u>Reason:</u> Creates a councillor position for an intern.</p>
<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> <p>(a) it has the legal capacity to engage in the practice of professional engineering or professional geoscience;</p> <p>(b) the practice of professional engineering or professional geoscience is carried on by or under the direct personal supervision of a professional engineer or professional geoscientist, as the case may be, who assumes professional responsibility for the practice and who is a member, shareholder or permanent employee of the partnership, corporation or other entity;</p> <p>(c) the practice of professional engineering or professional geoscience is subject to the same standards of professional conduct as if the practice of</p>	<p><u>Amend:</u></p> <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> <p>(a) it has the legal capacity to engage in the practice of professional engineering or professional geoscience;</p> <p>(b) the practice of professional engineering or professional geoscience is carried on by or under the direct personal supervision of a professional engineer or professional geoscientist, as the case may be, who assumes professional responsibility for the practice and who is a <u>partner of the partnership, member, shareholder, or a full-time</u> employee of the partnership, corporation or other entity;</p> <p>(c) the practice of professional engineering or professional geoscience is subject to the same standards</p>	<p><u>Reason:</u> The word "member" in this section is confusing. It is a defined term in the Act but its use in this context is not consistent with the definition. By permitting a "shareholder" to be the responsible professional has created a situation whereby a company can sell a single share to an engineer and the engineer is then legally allowed to be the responsible</p>

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<p>professional engineering or professional geoscience were provided by a member or temporary licensee of 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>of professional conduct as if the practice of professional engineering or professional geoscience were provided by a member or temporary licensee of 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>professional. The intention is that the responsible professional is to be a partner of the partnership or a person who is engaged in the business of the partnership or the company on a full-time basis.</p> <p>Reason: The term "permanent" employee is ambiguous. The term "full-time" employee is clearer.</p>
<p>Annual dues</p> <p>24(2) Where a member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training omits to pay the prescribed annual dues within three months of the day upon which payment becomes due, the registrar shall cause the name of the member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training to be removed from the register but, at any time thereafter, upon complying with the by-laws relative thereto, the member or holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training is entitled to make application to be reinstated.</p>	<p><u>Amend:</u></p> <p>Annual dues</p> <p>24(2) Where a member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training omits to pay the prescribed annual dues within three <u>one</u> months of the day upon which payment becomes due, the registrar shall cause the name of the member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training to be removed from the register but, at any time thereafter, upon complying with the by-laws relative thereto, the member or holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training is entitled to make application to be reinstated.</p>	<p>Reason: Three months is too long; one month (or 30 days) is the standard period for payment of accounts.</p>

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<p>Extended definitions</p> <p>25 In this Part,</p> <p style="padding-left: 40px;">"electronic seal" means the form of identification issued by the association to any member to be used in the electronic validation of documents in computer readable form;</p>	<p><u>Amend:</u></p> <p>Extended definitions</p> <p>25 In this Part,</p> <p style="padding-left: 40px;">"digital signature" means the form of identification issued by the association to any member to be used in the electronic validation of documents in computer readable form;</p>	<p><u>Reason:</u> "electronic seal" is not a recognized term in today's language, but digital signature is widely recognized.</p>
<p>Investigation committee</p> <p>30 The council shall, in accordance with the by-laws, appoint an investigation committee of not fewer than five natural persons consisting of</p> <ul style="list-style-type: none"> (a) a chair appointed by the council; (b) a lay person who shall report to the council on the practices and procedures followed by the investigation committee; and (c) not fewer than three members of the association, who are not members of the council or the discipline committee. 	<p><u>Amend:</u></p> <p>Investigation committee</p> <p>30 The council shall, in accordance with the by-laws, appoint an investigation committee of not fewer than five natural persons consisting of</p> <ul style="list-style-type: none"> (a) a chair appointed by the council; (b) a <u>at least one</u> lay person who shall report to the council on the practices and procedures followed by the investigation committee; and (c) not fewer than three members of the association, who are not members of the council or the discipline committee. 	<p><u>Reason:</u> To allow for more than one lay person to serve on the Investigation Committee.</p>
	<p><u>Delete:</u></p>	

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<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>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><u>Reason:</u> Appeals to the council are burdensome on the functioning of council. This provision is atypical. Manitoba is the only province allowing an appeal to the council. Other professions in Manitoba do not allow an appeal to their council (or their equivalent of the council), but allow appeals to the courts. The right to appeal any decision of the discipline committee to the court will remain in s.55(1).</p>
<p>Written decision</p> <p>49(1) The discipline committee or any panel shall, following the completion of a hearing, make a written decision on the matter consisting of the reasons for its decision, and a statement of any order made by it.</p>	<p><u>Amend:</u></p> <p>Written decision</p> <p>49(1) The discipline committee or any panel shall, following the completion of a hearing, make a written decision on the matter consisting of the reasons for its decision, and a statement of any order made by it <u>within 60 days of the completion of the hearing.</u></p>	<p><u>Reason:</u> Specifying a time period is intended to expedite the delivery of the written decision.</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><u>Delete:</u></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><u>Reason:</u> Appeals to the council are burdensome on the functioning of council. This provision is atypical. Manitoba is the only province allowing an appeal to the council. Other professions in Manitoba do not allow an appeal to their council (or their equivalent of the council), but allow appeals to the courts. The right to appeal any decision of the discipline committee to the court will remain in s.55(1).</p>
	<p><u>Delete:</u></p>	

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<p>Grandfathering: professional engineers</p> <p>68.1(1) The purpose of this section is to provide a mechanism whereby professional engineers who were performing competent architectural work immediately before September 16, 2005, may continue to do so even though they are not members of the Manitoba Association of Architects.</p> <p>Joint board to establish criteria</p> <p>68.1(2) Within 60 days after this section comes into force, the joint board under subsection 68(1) must, by a joint determination, establish written criteria for determining whether a professional engineer who was performing architectural work immediately before September 16, 2005, has the competencies in that work to warrant issuing him or her a recognition certificate under this section.</p> <p>Conditions</p> <p>68.1(3) Within that same 60-day period, the joint board must, by joint determination, establish conditions under which professional engineers may perform architectural work under a recognition certificate, which</p> <p>(a) must include</p> <p>(i) a condition requiring them to maintain professional liability insurance coverage that meets the requirements set by the board, and</p> <p>(ii) restrictions as to the types of buildings for which they may do architectural work; and</p> <p>(b) may include any other conditions the board considers</p>	<p>Grandfathering: professional engineers</p> <p>68.1(1) The purpose of this section is to provide a mechanism whereby professional engineers who were performing competent architectural work immediately before September 16, 2005, may continue to do so even though they are not members of the Manitoba Association of Architects.</p> <p>Joint board to establish criteria</p> <p>68.1(2) Within 60 days after this section comes into force, the joint board under subsection 68(1) must, by a joint determination, establish written criteria for determining whether a professional engineer who was performing architectural work immediately before September 16, 2005, has the competencies in that work to warrant issuing him or her a recognition certificate under this section.</p> <p>Conditions</p> <p>68.1(3) Within that same 60-day period, the joint board must, by joint determination, establish conditions under which professional engineers may perform architectural work under a recognition certificate, which</p> <p>(a) must include</p> <p>(i) a condition requiring them to maintain professional liability insurance coverage that meets the requirements set by the board, and</p> <p>(ii) restrictions as to the types of buildings for which they may do architectural work; and</p> <p>(b) may include any other conditions the board considers</p>	<p><u>Reason:</u> This was a provision that was added to the Act in 2005 to allow for the grandfathering of engineers who practiced architecture. No engineer was grandfathered under this provision and the 60 day time limit has long since passed.</p>
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<p>necessary.</p> <p>Chair to establish criteria if joint board does not</p> <p>68.1(4) If the joint board fails to establish the criteria or conditions within the required period, the chair of the board must do so within 30 days after the expiry of that period.</p> <p>Application to joint board</p> <p>68.1(5) No later than 120 days after the criteria and conditions have been established, a professional engineer may apply to the joint board for a recognition certificate.</p> <p>Joint board to make determination and issue recognition certificate</p> <p>68.1(6) Within 30 days after receiving an application, the joint board must make a joint determination as to whether the applicant meets the criteria, and, if so, issue a recognition certificate to the applicant.</p> <p>Chair to make determination if joint board does not</p> <p>68.1(7) If the joint board fails to make a determination within the required period, the chair of the board must, within seven days after the expiry of that period, determine whether the applicant meets the criteria, and, if so, issue a recognition certificate to the applicant.</p> <p>Additional conditions</p>	<p>necessary.</p> <p>Chair to establish criteria if joint board does not</p> <p>68.1(4) If the joint board fails to establish the criteria or conditions within the required period, the chair of the board must do so within 30 days after the expiry of that period.</p> <p>Application to joint board</p> <p>68.1(5) No later than 120 days after the criteria and conditions have been established, a professional engineer may apply to the joint board for a recognition certificate.</p> <p>Joint board to make determination and issue recognition certificate</p> <p>68.1(6) Within 30 days after receiving an application, the joint board must make a joint determination as to whether the applicant meets the criteria, and, if so, issue a recognition certificate to the applicant.</p> <p>Chair to make determination if joint board does not</p> <p>68.1(7) If the joint board fails to make a determination within the required period, the chair of the board must, within seven days after the expiry of that period, determine whether the applicant meets the criteria, and, if so, issue a recognition certificate to the applicant.</p> <p>Additional conditions</p>	
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<p>68.1(8) When issuing a recognition certificate, the joint board or the chair, as the case may be, may impose conditions on the certificate in addition to those established under subsection (3) or (4).</p> <p>Validity</p> <p>68.1(9) A recognition certificate is valid until it is revoked or the holder ceases to be a professional engineer.</p> <p>Revocation</p> <p>68.1(10) The joint board may, by a joint determination, revoke a recognition certificate if the holder fails to comply with any condition to which the certificate is subject.</p> <p>No fee</p> <p>68.1(11) No fee may be charged for a recognition certificate.</p> <p>Not a member of Manitoba Association of Architects</p> <p>68.1(12) The holder of a recognition certificate is not a member of the Manitoba Association of Architects and may not style or hold himself or herself out to be an architect.</p>	<p>68.1(8) When issuing a recognition certificate, the joint board or the chair, as the case may be, may impose conditions on the certificate in addition to those established under subsection (3) or (4).</p> <p>Validity</p> <p>68.1(9) A recognition certificate is valid until it is revoked or the holder ceases to be a professional engineer.</p> <p>Revocation</p> <p>68.1(10) The joint board may, by a joint determination, revoke a recognition certificate if the holder fails to comply with any condition to which the certificate is subject.</p> <p>No fee</p> <p>68.1(11) No fee may be charged for a recognition certificate.</p> <p>Not a member of Manitoba Association of Architects</p> <p>68.1(12) The holder of a recognition certificate is not a member of the Manitoba Association of Architects and may not style or hold himself or herself out to be an architect.</p>	
	<p>Consequential changes to other sections of the Act and to the By-laws arising out of the foregoing changes to be made after the foregoing changes are settled.</p>	