



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

APPLIED SCIENCE AND ENGINEERING TECHNICIANS AND TECHNOLOGISTS ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to June 5, 2021. It is intended for information and reference purposes only.

This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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APPLIED SCIENCE AND ENGINEERING TECHNICIANS AND TECHNOLOGISTS ACT

Table of Contents

Section	Page
PART 1 – INTERPRETATION AND ADMINISTRATION	65
1. Definitions.....	65
2. Purposes	65
PART 2 – ASSOCIATION OF CERTIFIED ENGINEERING TECHNICIANS AND TECHNOLOGISTS OF PRINCE EDWARD ISLAND	66
CONTINUATION, POWERS AND OBJECTS	66
3. Association continued	66
4. Membership	66
COUNCIL	66
5. Council	66
BYLAWS	67
6. Administrative bylaws	67
REGISTRAR	69
7. Appointment of registrar.....	69
8. Acting registrar	69
9. Certification Board.....	69
10. Consultation with experts.....	70
PART 3 – CERTIFICATION	70
CERTIFICATION AS A TECHNICIAN OR TECHNOLOGIST	70
11. Application for certification.....	70
OTHER TERMS AND CONDITIONS	71
12. Terms and conditions on certification	71
REFUSAL TO CERTIFY	72
13. Refusal to consider application	72
SUSPENSION OR CANCELLATION OF CERTIFICATION	72
14. Failure to meet terms and conditions	72
15. Reinstatement of certification	72
NOTICE	72
16. Notice of refusal, etc	72
APPEAL	73
17. Right to appeal	73

PART 4 – COMPLAINTS AND DISCIPLINE	73
INTERPRETATION	73
18. Definitions	73
19. Continuing jurisdiction	74
20. Professional misconduct	74
ADMINISTRATION	75
21. Appointment of investigation committee	75
INTERIM ORDER	76
22. Interim order	76
COMPLAINT	76
23. Complaint of professional misconduct or incompetence	76
24. Service of copy of complaint	76
CONSIDERATION BY INVESTIGATION COMMITTEE	77
25. Powers of investigation committee	77
INVESTIGATION	77
26. Powers of investigation committee or investigator	77
27. Investigation report	78
DISPOSITION BY INVESTIGATION COMMITTEE	79
28. Powers of investigation committee	79
HEARING	79
29. Hearing	79
30. Right to appear	80
31. Powers of discipline committee	80
DETERMINATION AND ORDER	81
32. Determination of discipline committee	81
CRIMINAL OFFENCE	82
33. Reasonable belief of criminal offence	82
APPEAL	82
34. Appeal of dismissal	82
NOTIFICATION AND PUBLICATION	83
35. Disclosure of information respecting complaint	83
36. Notification of employer	83
PART 5 - GENERAL	83
LIMITATION OF LIABILITY	83
37. Limitation of liability	83
SERVICE	84
38. Manner of service	84
PROHIBITIONS	84
39. Prohibition, technician	84
40. Certified engineering technician	85
41. Prohibition	85
42. False information	85
OFFENCES AND PENALTIES	85
43. Offences and penalties	85
44. Prosecution, limitation period	85

INJUNCTION	86
45. Injunction	86
REGULATIONS	86
46. Regulations	86
PART 6 - TRANSITIONAL PROVISIONS AND COMMENCEMENT	86
ASSOCIATION	86
47. Continuation of council	86
CERTIFIED MEMBERS	87
48. Certified engineering technician	87
APPLICATIONS	87
49. Application for membership	87



Chapter A-13.1

APPLIED SCIENCE AND ENGINEERING TECHNICIANS AND TECHNOLOGISTS ACT

PART 1 – INTERPRETATION AND ADMINISTRATION

1. Definitions

In this Act

- (a) **“Association”** means the Association of Certified Engineering Technicians and Technologists of Prince Edward Island Inc., also known as Island Technology Professionals, continued under subsection 3(1);
- (b) **“bylaws”** means, except where otherwise stated, the bylaws of the Association made by the council pursuant to section 6;
- (c) **“certification board”** means the certification board appointed pursuant to subsection 9(1);
- (d) **“certified member”** means a technician or technologist;
- (e) **“council”** means the council of the Association, established in accordance with section 5;
- (f) **“Minister”** means the Minister of Transportation and Infrastructure;
- (g) **“person”** means a natural person;
- (h) **“register”** means the register kept in accordance with subsection 7(2) and the bylaws;
- (i) **“registrar”** means the person appointed as the registrar pursuant to subsection 7(1);
- (j) **“technician”** means a person certified as a certified engineering technician (C.Tech) pursuant to subsection 11(6);
- (k) **“technologist”** means a person certified as a certified engineering technologist (CET) or certified applied science technologist (AScT) pursuant to subsection 11(6).
2019,c.18,s.1; 2021,c.8,s.3.

2. Purposes

- (1) The purposes of this Act are:
 - (a) to establish the Association as a professional association and a regulatory body;
 - (b) to provide for the certification of technicians and technologists and regulate the use of associated designations and the conduct of certified members.

Administration

- (2) The Minister is responsible for the administration of this Act. *2019,c.18,s.2.*

PART 2 – ASSOCIATION OF CERTIFIED ENGINEERING TECHNICIANS AND TECHNOLOGISTS OF PRINCE EDWARD ISLAND

Continuation, Powers and Objects

3. Association continued

- (1) The Association of Certified Engineering Technicians and Technologists of Prince Edward Island Inc., a company incorporated under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, is hereby continued.

Powers under the *Companies Act*

- (2) The Association continues to have the same general powers as a company incorporated under the *Companies Act*, except where those powers are inconsistent with this Act.

Objects of the Association

- (3) The objects of the Association are
- (a) to provide for the professional association and support of its members;
 - (b) to provide for the certification of qualified persons as technicians or technologists;
 - (c) to regulate the professional conduct of certified members in accordance with this Act, the regulations and the bylaws;
 - (d) to liaise and co-operate with industry stakeholders and other organizations with similar objects; and
 - (e) to provide and exchange information and ideas related to applied science and engineering technology. *2019, c.18, s.3.*

4. Membership

- (1) The membership of the Association consists of the following persons, until they cease to be members in accordance with this Act and the bylaws:
- (a) the persons who, immediately before the coming into force of this section, were members of the Association; and
 - (b) the persons who are admitted as members of the Association pursuant to this Act and the bylaws.

Certified members

- (2) Upon certification as a technician or technologist under this Act, the technician or technologist becomes a certified member of the Association.

Annual general meeting

- (3) The Association shall hold an annual general meeting of its members, in accordance with the bylaws. *2019, c.18, s.4.*

Council

5. Council

- (1) The affairs and business of the Association shall be under the management and control of a council consisting of

- (a) at least six members of the Association, including a president, vice-president, and at least four councillors, elected in accordance with the bylaws; and
- (b) the immediate past president of the council.

Term of office

- (2) The term of office of a member of the council is two years.

Limit on consecutive terms

- (3) A member of the council shall not hold office for more than three consecutive terms.

Vacancy, president

- (4) Where the president of the council ceases to hold office before his or her term expires, the vice-president shall serve as president for the unexpired portion of the term.

Vacancy, other members of council

- (5) Where a member of the council, other than the president, ceases to hold office before his or her term expires, the council may appoint a member of the Association to the office for the unexpired portion of the term. *2019, c.18, s.5.*

Bylaws

6. Administrative bylaws

- (1) The council may make bylaws not inconsistent with this Act or the regulations relating to the management and operation of the Association, including bylaws
 - (a) respecting the rights and obligations of members of the Association in relation to the management and operation of the Association, including voting rights and participation in committees of the council;
 - (b) establishing the seal of the Association and governing its use;
 - (c) providing for the holding of an annual general meeting of the members of the Association, quorum requirements and the conduct of the meeting;
 - (d) providing for the holding of special meetings of the members of the Association, quorum requirements and the conduct of those meetings;
 - (e) respecting the election of members of the council;
 - (f) respecting the governance procedures of the council;
 - (g) respecting the appointment of the registrar, and other officers, agents and employees of the Association;
 - (h) respecting the qualifications, terms of office, powers, duties, remuneration and resignation or removal of the registrar and other officers, agents and employees of the Association;
 - (i) providing for the holding of meetings of the council, quorum requirements and the conduct of meetings, including
 - (i) fixing the time and place for regular meetings,
 - (ii) determining who may call meetings,
 - (iii) regulating the conduct of meetings,
 - (iv) providing for emergency meetings, and
 - (v) regulating the notice required in respect of meetings;
 - (j) respecting the establishment and operation of committees of the council, including

- (i) determining the composition, powers and duties of the committees, and
- (ii) providing for the holding of meetings of committees, quorum requirements and the conduct of meetings of committees;
- (k) establishing the duties, remuneration and allowances of members of the council and committees, and providing for the payment of necessary expenses of the council and committees;
- (l) providing for the execution of documents by the council;
- (m) respecting the banking and financial dealings of the Association;
- (n) respecting the management of the real and personal property of the Association;
- (o) establishing and governing scholarships, bursaries and prizes;
- (p) respecting collaboration by the Association with any educational institution, person, group, association, organization or corporation having goals or objectives similar to those of the Association;
- (q) providing procedures for the making, amending and revoking of bylaws;
- (r) setting requirements to obtain and maintain membership in the Association;
- (s) establishing categories of membership other than certified members;
- (t) respecting the form of, and procedures for making, an application for membership in the Association;
- (u) respecting the information to be provided with an application for membership in the Association;
- (v) requiring the payment of fees for membership in the Association and for services provided by the Association and setting out those fees.

Professional bylaws

- (2) The council may make bylaws not inconsistent with this Act or the regulations relating to the regulation of certified members, including bylaws
 - (a) respecting the form of, and procedures for making, an application for certification under this Act;
 - (b) respecting the information to be provided with an application for certification made under this Act;
 - (c) respecting procedures for certification;
 - (d) respecting the register, including the form and content of the register and the information to be provided by certified members for the register;
 - (e) setting out the minimum amount of liability insurance coverage required for a certified member;
 - (f) setting out fees payable under this Act, including fees for certification, annual certification and the reinstatement of certification;
 - (g) setting out penalties for late payment of fees;
 - (h) setting out any requirements for continuing professional development for certified members;
 - (i) specifying the date by which a certified member shall, each year,
 - (i) submit a report and declaration respecting his or her continuing professional development activities, if required, and
 - (ii) pay the annual certification fee;
 - (j) establishing or adopting requirements for practical experience;

- (k) establishing or adopting standards, codes or rules respecting practice, professional conduct and ethics;
- (l) respecting actions or omissions of certified members that constitute professional misconduct or professional incompetence.

Adoption of requirements, standards, codes or rules

- (3) A bylaw made under subsection (2) that adopts requirements, standards, codes or rules may adopt such requirements, standards, codes or rules published by another professional body or government agency by reference, in whole or in part and with such changes as are considered necessary, and as amended from time to time.

Publicly available

- (4) A bylaw made under subsection (2) and any requirement, standard, code or rule established or adopted by such bylaw shall be made available by the council for public inspection on request and shall be posted on the Association website. *2019, c.18, s.6.*

Registrar

7. Appointment of registrar

- (1) The council shall appoint a registrar who shall hold office at the pleasure of the council.

Register

- (2) The registrar shall keep a register in which he or she shall keep a record of all certified members.

Available to public

- (3) The registrar shall make the register available to the public on request. *2019, c.18, s.7.*

8. Acting registrar

- (1) Where the registrar is unavailable or unable to act, the council may appoint a person to act in the place of the registrar.

Powers and duties while acting

- (2) Where the council appoints a person to act in the place of the registrar pursuant to subsection (1),
 - (a) the person acting in the place of the registrar may exercise the powers and shall perform the duties of the registrar under this Act and the regulations for the duration of the appointment; and
 - (b) a reference in this Act or the regulations to the registrar shall be read as a reference to the person acting in the place of the registrar. *2019, c.18, s.8.*

9. Certification Board

- (1) The council shall appoint a certification board consisting of the registrar, who shall be the chairperson, and at least two members of the Association who are not members of the council.

Duties

- (2) The certification board shall
- (a) assess and make recommendations to the council respecting applications for certification as a technician or technologist;
 - (b) establish and administer a professional ethics examination to applicants for certification as a technician or technologist. *2019, c.18, s.9.*

10. Consultation with experts

In the performance of their duties, the certification board may consult with any experts or other persons with knowledge or experience that may assist the board. *2019, c.18, s.10.*

PART 3 – CERTIFICATION

Certification as a Technician or Technologist

11. Application for certification

- (1) A person may apply to the council, in the form required by the council, for certification as a technician or technologist.

Referral to certification board

- (2) On receipt of an application for certification, the council shall refer the application to the certification board to assess the applicant's qualifications.

Qualifications for certification

- (3) To be certified as a technician or technologist, an applicant shall
- (a) have successfully completed
 - (i) an applied science or engineering technician program or an applied science or engineering technologist program, as the case may be, accredited by a body specified in the regulations or approved by the council, or
 - (ii) education or experience that the council considers substantially equivalent to a program referred to in subclause (i);
 - (b) have successfully completed at least two years of supervised practical experience in the applicant's discipline of study, at least one of which was completed in Canada, confirmed by two references and approved by the council;
 - (c) have successfully completed the professional ethics examination administered by the certification board; and
 - (d) meet any other prescribed requirements.

Transfer from another province or territory

- (4) Notwithstanding subsection (3), an applicant who
- (a) is certified as an applied science or engineering technician or technologist and authorized to use associated designations in another Canadian jurisdiction, without restriction; and
 - (b) is in good standing with the organization or body governing applied science and engineering technicians and technologists and the use of associated designations in that other Canadian jurisdiction,

is deemed to meet the requirements of clauses (3)(a), (b) and (c), if the council is satisfied that the certification in the other jurisdiction is substantially equivalent to certification as a technician or technologist under this Act.

Recommendation of certification board

- (5) On completing its assessment of an application, the certification board shall make a recommendation, with reasons, to the council respecting the certification of the applicant as a technician or technologist.

Certification by council

- (6) After considering the application and the recommendation of the certification board and on receiving payment of the certification fee from the applicant, the council may issue a certificate to the applicant, certifying the applicant, in accordance with his or her qualifications and discipline of study, as
- (a) a certified engineering technician (C. Tech);
 - (b) a certified applied science technologist (AScT); or
 - (c) a certified engineering technologist (CET).

Terms and conditions

- (7) The following terms and conditions apply in respect of a certification:
- (a) to maintain certification, a certified member shall
 - (i) maintain coverage or ensure he or she is covered under professional liability insurance in the amount specified in the bylaws,
 - (ii) meet any requirements set out in the bylaws respecting continuing professional development and submit a report and declaration to this effect each year, in the form required by the council, on or before the date specified in the bylaws, and
 - (iii) pay the annual certification fee set out in the bylaws each year no later than the date specified in the bylaws;
 - (b) a certified member is subject to bylaws establishing or adopting standards, codes or rules for certified members respecting practice, professional conduct and ethics;
 - (c) a certified member is subject to bylaws respecting actions or omissions of certified members that constitute professional misconduct or professional incompetence;
 - (d) a certified member is subject to any terms or conditions imposed by the council on the certified member's certification pursuant to section 12. *2019, c.18, s.11.*

Other Terms and Conditions**12. Terms and conditions on certification**

- (1) In addition to the terms and conditions that apply to a certification under this Act, the council may impose any terms and conditions that it considers appropriate on the certification of a certified member.

Terms and conditions effective on notice

- (2) The imposition of terms and conditions on a certification pursuant to subsection (1) is not effective until notice of the imposition is served on the certified member affected by it. *2019, c.18, s.12.*

Refusal to Certify

13. Refusal to consider application

- (1) The council may refuse to consider an application for certification by an applicant who has an outstanding charge for an offence or is under investigation by the council or another professional regulatory body, until the matter has been resolved.

Offence or discipline

- (2) Notwithstanding any other provision of this Act, the council may refuse to register an applicant who has been found guilty of an offence or disciplined by the council or another professional regulatory body for conduct that, in the council's opinion, renders the applicant unsuitable to be a certified member.

Failure to meet eligibility requirements

- (3) The council may refuse to certify an applicant where the council determines that the applicant does not meet the qualifications for certification under this Act or the regulations. *2019, c.18, s.13.*

Suspension or Cancellation of Certification

14. Failure to meet terms and conditions

- (1) The council may immediately suspend or cancel the certification of a certified member who contravenes subclause 11(7)(a)(i), (ii) or (iii).

Offence or discipline

- (2) The council may immediately suspend or cancel the certification of a certified member who is found guilty of an offence or disciplined by another professional regulatory body, for conduct that, in the council's opinion, renders the certified member unsuitable to be a certified member.

Suspension or cancellation effective on notice

- (3) The suspension or cancellation of a certification under this section is not effective until notice of it has been served on the certified member. *2019, c.18, s.14.*

15. Reinstatement of certification

The council may, in accordance with the regulations and upon payment of applicable fees set out in the bylaws, which may include a reinstatement fee, late payment fee and certification fee, reinstate the certification of a suspended certified member or former certified member whose certification was suspended or cancelled, as the case may be, under this Part. *2019, c.18, s.15.*

Notice

16. Notice of refusal, etc.

Where the council refuses to certify or reinstate the certification of a person or imposes terms and conditions on, suspends or cancels a certification under this Part, the council shall serve on the affected person written notice of

- (a) the refusal, imposition, suspension or cancellation and the reasons for it; and
- (b) the right of the affected person to appeal under section 17. *2019, c.18, s.16.*

Appeal

17. Right to appeal

- (1) A person may, within 30 days after receiving a certificate under subsection 11(6) or being served with notice under section 16, as the case may be, make an appeal to the Supreme Court respecting
 - (a) the council's refusal to certify, or reinstate the certification of, the person under this Part;
 - (b) the type of certification issued by the council under subsection 11(6);
 - (c) the imposition by the council of terms and conditions on the person's certification under section 12; or
 - (d) the suspension or cancellation by the council of the person's certification under this Part.

Powers of Supreme Court

- (2) On hearing an appeal, the Supreme Court may do any of the following:
 - (a) confirm, revoke or vary the terms and conditions imposed by the council, the level or type of certification issued or the refusal, suspension or cancellation appealed from;
 - (b) refer the matter or any issue back to the council for further consideration;
 - (c) provide any direction that it considers appropriate.

Costs of appeal

- (3) The Supreme Court may make any order as to the costs of an appeal that it considers appropriate. *2019, c.18, s.17.*

PART 4 – COMPLAINTS AND DISCIPLINE

Interpretation

18. Definitions

In this Part,

- (a) “**complainant**” means
 - (i) a person who makes a complaint to the registrar under subsection 23(1), or
 - (ii) the registrar, in respect of a complaint initiated by the registrar under subsection 23(2);
- (b) “**complaint**” means a matter referred as a complaint to the investigation committee under clause 22(2)(c) or a complaint made or initiated under section 23;
- (c) “**conduct**” includes an act or an omission;
- (d) “**discipline committee**” means a discipline committee appointed by the council under subsection 21(2);

- (e) “**investigation committee**” means an investigation committee appointed by the council under subsection 21(1);
- (f) “**investigator**” means an investigator appointed by the council under subsection 21(8);
- (g) “**respondent**” means a certified member or former certified member who is the subject of a complaint;
- (h) “**response to the complaint**” means a response to a complaint submitted by the respondent under subsection 24(2). *2019, c.18, s.18.*

19. Continuing jurisdiction

- (1) A former certified member continues to be subject to the jurisdiction of the council, an investigation committee, an investigator and a discipline committee with respect to any conduct that occurred while the former certified member was a certified member and may constitute professional misconduct or professional incompetence.

Limitation period

- (2) No complaint may be made or initiated pursuant to this Act against a former certified member more than six years after the day he or she ceased to be a certified member. *2019, c.18, s.19.*

20. Professional misconduct

- (1) The conduct of a respondent may be found to constitute professional misconduct if
 - (a) the respondent contravenes this Act, the regulations or the bylaws in a manner that, in the opinion of an investigation committee or a discipline committee, relates to the respondent’s suitability to be a certified member;
 - (b) the respondent refuses or fails to cooperate fully in respect of the investigation or hearing of a complaint;
 - (c) the respondent contravenes an order made under this Act;
 - (d) the conduct is harmful to the best interests of a client or the public or to the integrity of the profession; or
 - (e) the conduct constitutes professional misconduct in accordance with the bylaws.

Professional incompetence

- (2) The conduct of a respondent may be found to constitute professional incompetence where
 - (a) the respondent demonstrates a lack of knowledge, skill or judgment or a disregard for the welfare of a client or the public;
 - (b) the respondent is unable to practise within accepted professional standards for any reason, including that the respondent is impaired by a disability, illness, addiction or condition; or
 - (c) the conduct constitutes professional incompetence in accordance with the bylaws. *2019, c.18, s.20.*

Administration

21. Appointment of investigation committee

- (1) Before referring a matter as a complaint under clause 22(2)(c) or on the receipt of notice of a complaint under subsection 24(1), the council shall appoint an investigation committee to consider the complaint.

Appointment of discipline committee

- (2) On the request of an investigation committee under this Part, the council shall appoint a discipline committee to hold a hearing into a complaint.

Composition of committees

- (3) An investigation committee and a discipline committee shall each be composed of three persons who are not members of the council
 - (a) at least two of whom are certified or retired members of the Association, at least one of whom is a certified member who practises in the same applied science or engineering technology discipline as the respondent; and
 - (b) one of whom may be a professional engineer, as defined in the *Engineering Profession Act* R.S.P.E.I. 1988, Cap. E-8.1, or an architect, as defined in the *Architects Act* R.S.P.E.I. 1988, Cap. A-18.1.

No person may sit on both committees

- (4) No person shall sit on both an investigation committee and a discipline committee in respect of the same matter.

Chair

- (5) The council shall appoint a member of an investigation committee as the chair of that committee and a member of a discipline committee as the chair of that committee.

Quorum

- (6) Two members of a committee constitute a quorum of that committee.

Conflict of interest

- (7) Where a member of an investigation committee or a discipline committee has a conflict of interest in respect of a matter before the committee,
 - (a) the member
 - (i) shall disclose the nature of the conflict of interest to the committee, and
 - (ii) shall not participate in the consideration of the matter; and
 - (b) the council may appoint a person to act in the place of that member on the committee with respect to that matter.

Investigators

- (8) The council may appoint one or more persons as investigators for the purposes of this Part. *2019, c.18, s.21.*

Interim Order

22. Interim order

- (1) Notwithstanding any other provision of this Act, where the council has reasonable grounds to believe that the conduct of a certified member poses a demonstrable risk of harm to the certified member's clients or to the general public, the council may make an order imposing terms and conditions on, or suspending, the certified member's certification.

Service of order and referral

- (2) Where the council makes an order under subsection (1), the council shall promptly
- (a) serve on the certified member who is the subject of the order
 - (i) a copy of the order,
 - (ii) written reasons for the order, and
 - (iii) written notice of the right to appeal under subsection 34(2);
 - (b) serve a copy of the order on the registrar; and
 - (c) refer the matter as a complaint to an investigation committee, if a complaint has not been made or initiated in respect of the matter.

Order in effect when served

- (3) An order of the council made under subsection (1)
- (a) is in effect when it is served on the certified member who is the subject of the order; and
 - (b) is valid for the period, not exceeding 90 days, that is specified in the order.
2019, c.18, s.22.

Complaint

23. Complaint of professional misconduct or incompetence

- (1) Any person, other than the registrar, may make a complaint in writing to the registrar alleging that the conduct of a certified member or former certified member constitutes professional misconduct or professional incompetence.

Registrar may initiate complaint

- (2) The registrar may initiate a complaint, in writing, if the registrar has reasonable grounds to believe that the conduct of a certified member or former certified member constitutes professional misconduct or professional incompetence. *2019, c.18, s.23.*

24. Service of copy of complaint

- (1) Within 15 days after receiving or initiating a complaint under section 23, the registrar shall
- (a) serve on the respondent
 - (i) a copy of the complaint, and
 - (ii) written notice of the respondent's right to submit a response to the complaint under subsection (2); and
 - (b) notify the council of the nature of the complaint and the name of the respondent.

Written response to complaint

- (2) A respondent may submit to the registrar a written response to a complaint within 15 days after being served with a copy of the complaint under clause (1)(a).

Service of response and referral to investigation committee

- (3) The registrar shall, immediately after the expiry of the period referred to in subsection (2),
- (a) where the complainant is a person other than the registrar, serve a copy of any response to the complaint on the complainant; and
 - (b) refer the complaint, and any response to the complaint, to an investigation committee.
- 2019, c.18, s.24.*

Consideration by Investigation Committee**25. Powers of investigation committee**

Within 30 days after the referral of a complaint to an investigation committee under clause 22(2)(c) or 24(3)(b), the investigation committee shall consider the complaint and any response to the complaint, and do one of the following:

- (a) dismiss the complaint, if in the opinion of the investigation committee, the complaint is frivolous or vexatious, without merit or outside the limitation period in subsection 19(2);
 - (b) make any order that the discipline committee is authorized to make under subsection 32(2), if the respondent consents to the order;
 - (c) investigate the complaint or refer the complaint to an investigator for investigation.
- 2019, c.18, s.25.*

Investigation**26. Powers of investigation committee or investigator**

- (1) An investigation committee or an investigator
- (a) may do all things necessary to provide a full and proper investigation of a complaint;
 - (b) may deal with multiple complaints concerning a respondent severally or in combination;
 - (c) shall consider the allegations and the evidence and ascertain the facts of each complaint in the manner that the investigation committee or investigator considers fit;
 - (d) may make oral or written inquiries of any person who may have information relevant to the investigation;
 - (e) may require the respondent or another person who is a certified member to be interviewed for the purpose of the investigation;
 - (f) may require the respondent to produce for examination any documents, records and other materials that are in his or her possession or under his or her control that may be relevant to the investigation;
 - (g) may copy and keep copies of any documents, records and other materials produced under clause (f); and
 - (h) may investigate any matter in addition to the complaint that arises in the course of the investigation and that may constitute professional misconduct or professional incompetence on the part of the respondent.

Requirement for examinations

- (2) Where an investigation committee or an investigator investigates a complaint that the conduct of the respondent constitutes professional incompetence, the investigation committee or the investigator may
- (a) require the respondent to take or participate in an examination of knowledge or skills related to the respondent's applied science or engineering technology discipline, as directed by the investigation committee or the investigator, to determine whether or not the respondent is competent to practise; and
 - (b) where the investigation committee or the investigator has reasonable grounds to believe that the respondent's capacity to practise his or her applied science or engineering technology discipline in accordance with accepted professional standards is impaired by a disability or a condition, including an addiction or an illness, request the respondent to submit to physical or psychological examinations by qualified persons designated by the investigation committee or the investigator.

Failure or refusal to respond or comply

- (3) Where an investigator investigates a complaint and the respondent or another person who is a certified member fails or refuses, without reasonable cause, to
- (a) respond to an inquiry or comply with a requirement under subsection (1); or
 - (b) comply with a requirement under subsection (2),
- the investigator shall report the failure or refusal to the investigation committee in writing.

Suspension or imposition of terms and conditions on certification

- (4) Where
- (a) an investigation committee receives a report from an investigator under subsection (3); or
 - (b) an investigation committee investigates a complaint and the respondent or another person who is a certified member fails or refuses, without reasonable cause, to
 - (i) respond to an inquiry or comply with a requirement under subsection (1), or
 - (ii) comply with a requirement under subsection (2),
- the investigation committee may suspend, or impose terms and conditions on, the certification of the certified member until he or she complies. *2019,c.18,s.26.*

27. Investigation report

- (1) After completing an investigation of a complaint, an investigation committee or investigator shall, within a reasonable time, prepare a written investigation report of the findings of the investigation committee or investigator, as the case may be.

Report to investigation committee

- (2) An investigator shall provide his or her investigation report to the investigation committee.

Service of investigation report

- (3) The investigation committee shall serve a copy of the investigation report prepared pursuant to subsection (1) on the complainant and the respondent. *2019,c.18,s.27.*

Disposition by Investigation Committee

28. Powers of investigation committee

- (1) An investigation committee shall, within 30 days after serving a copy of the investigation report on the complainant and the respondent under subsection 27(3), consider the investigation report and do one of the following:
 - (a) dismiss the complaint, if in the opinion of the investigation committee, the allegations are frivolous or vexatious or without merit, or there is insufficient evidence to support the allegations;
 - (b) make any order that a discipline committee is authorized to make under subsection 32(2), if the respondent consents to the order;
 - (c) request that the council appoint a discipline committee and refer the complaint to the discipline committee for a hearing.

Dismissal of complaint

- (2) Where an investigation committee dismisses a complaint under clause 25(a) or (1)(a), the investigation committee shall serve on
 - (a) the complainant and the respondent,
 - (i) written notice of and reasons for the dismissal, and
 - (ii) written notice of the complainant's right to appeal the dismissal under subsection 34(1); and
 - (b) the council, written notice of and reasons for the dismissal.

Service of copy of order

- (3) Where an investigation committee makes an order under clause 25(b) or (1)(b), the investigation committee shall serve a copy of the order on the complainant, the respondent and the council.

Referral to discipline committee

- (4) Where an investigation committee refers a complaint to a discipline committee under clause (1)(c), the investigation committee
 - (a) shall serve written notice of the referral on the complainant, the respondent and the council;
 - (b) shall provide the discipline committee with a copy of
 - (i) the complaint,
 - (ii) any response to the complaint, and
 - (iii) the investigation report prepared under subsection 27(1); and
 - (c) may appoint legal counsel to adduce evidence at the hearing of the complaint before the discipline committee. 2019, c.18, s.28.

Hearing

29. Hearing

- (1) A discipline committee shall
 - (a) hold a hearing into a complaint referred to it within 60 days after the referral; and
 - (b) conduct its proceedings in accordance with the rules of natural justice.

Notice of hearing

- (2) A discipline committee shall, not less than 30 days before the date set for a hearing, serve written notice of the date, time, place and subject matter of the hearing on
- (a) the complainant;
 - (b) the respondent; and
 - (c) any legal counsel appointed under clause 28(4)(c).

Retaining assistance

- (3) A discipline committee may retain any legal or other assistance that it considers necessary for the purposes of conducting a hearing.

Powers, privileges and immunities

- (4) In the discharge of the functions of a discipline committee, the discipline committee and each member of the discipline committee have all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31. 2019, c.18, s.29.

30. Right to appear

- (1) The respondent has the right to appear, to be represented by legal counsel, and to examine, cross-examine and re-examine witnesses at a hearing.

Hearing in absence of respondent

- (2) Where the respondent fails to appear at a hearing after being served with notice in accordance with subsection 29(2), the discipline committee may proceed with the hearing in the absence of the respondent and make any decision, determination or order as if the respondent were in attendance. 2019, c.18, s.30.

31. Powers of discipline committee

- (1) A discipline committee
- (a) may do all things necessary to provide a full and proper hearing in respect of a complaint;
 - (b) may deal with multiple complaints concerning a respondent severally or in combination; and
 - (c) may hear any matter in addition to the complaint before the discipline committee that arises in the course of its proceedings and that may demonstrate, in respect of the respondent, professional misconduct or professional incompetence.

Opportunity to respond

- (2) Where a discipline committee hears an additional matter referred to in clause (1)(c), the discipline committee shall give the respondent a reasonable opportunity to respond to the matter.

Hearing open to public

- (3) A hearing shall be open to the public unless the discipline committee is of the opinion that
- (a) the interests of a person other than the respondent may be detrimentally affected if the hearing, or part of the hearing, is not held in private; and
 - (b) the desirability of avoiding public disclosure of financial, personal or other matters in the interest of a person affected, other than the respondent, or in the public interest

outweighs the desirability of adhering to the principle that inquiries be open to the public.

Protection of witness identity

- (4) A discipline committee may, on the request of a witness whose testimony is of a confidential or personal and sensitive nature, order that no person publish the identity of the witness or any information that could disclose the identity of the witness.

Failure of certified member to comply

- (5) Where a certified member fails to comply with a subpoena issued by a discipline committee or a member of a discipline committee, or refuses to answer any question under oath that he or she is directed to answer by a discipline committee or a member of a discipline committee, the failure or refusal may be held by the discipline committee to be professional misconduct.

Rules of evidence

- (6) A discipline committee is not bound by strict rules of evidence or the provisions of the *Evidence Act* R.S.P.E.I. 1988, Cap. E-11. 2019, c.18, s.31.

Determination and Order**32. Determination of discipline committee**

- (1) On concluding a hearing, a discipline committee shall determine whether conduct of the respondent constitutes professional misconduct or professional incompetence.

Order

- (2) Where a discipline committee determines that conduct of a respondent constitutes professional misconduct or professional incompetence, the discipline committee may make one or more of the following orders:
- (a) an order directing the respondent to undergo additional education or training;
 - (b) an order directing the respondent to participate in counselling or a rehabilitative treatment program;
 - (c) an order reprimanding the respondent;
 - (d) an order imposing terms and conditions on the certification of the respondent;
 - (e) an order suspending the certification of the respondent for a specified period of time or until the occurrence of a specified future event;
 - (f) an order cancelling the certification of the respondent;
 - (g) an order requiring the respondent to pay all or part of the costs incurred by the discipline committee to conduct the hearing;
 - (h) an order imposing a fine on the respondent in an amount permitted by the regulations;
 - (i) an order imposing any other sanction that the discipline committee considers to be appropriate.

Service of notice of determination and order

- (3) Within 60 days after the completion of a hearing, a discipline committee shall serve
- (a) written notice of, and reasons for, the determination made under subsection (1), and a copy of any order made under subsection (2), on the respondent, the complainant and the council; and

- (b) written notice of the right to appeal the determination made under subsection (1), and any order made under subsection (2), on the respondent.

Order in effect when served

- (4) An order of a discipline committee is in effect when it is served on the respondent and remains in effect pending an appeal unless the Supreme Court, on application, stays the order pending the appeal.

Failure to comply with order

- (5) Where the council is satisfied that a respondent has failed to comply with an order of an investigation committee or a discipline committee, the council may, without further hearing, make an order suspending the respondent's certification subject to any terms and conditions that the council considers appropriate. *2019, c.18, s.32.*

Criminal Offence

33. Reasonable belief of criminal offence

- (1) Where an investigation committee or a discipline committee has reasonable grounds to believe that a respondent may be guilty of a criminal offence, the committee
 - (a) may immediately suspend its investigation or hearing, as the case may be; and
 - (b) shall make a report of its findings to the council, which shall in turn report those findings to law enforcement.

Resumption of investigation or hearing

- (2) Where an investigation committee or a discipline committee suspends an investigation or a hearing, as the case may be, under subsection (1), the committee may resume its investigation or hearing on the conclusion of the criminal matter. *2019, c.18, s.33.*

Appeal

34. Appeal of dismissal

- (1) A complainant may appeal the dismissal of his or her complaint by an investigation committee under clause 25(a) or 28(1)(a) to the Supreme Court within 30 days after being served with notice of the dismissal.

Appeal of disposition or order

- (2) A certified member may appeal an order of the council made under subsection 22(1), and a respondent may appeal a determination or order of a discipline committee made under section 32, to the Supreme Court within 30 days after being served with notice of the determination or a copy of the order.

Notice of appeal

- (3) Notice of an appeal under subsection (1) or (2) shall be served on the registrar or the president of the council.

Decision of court

- (4) On hearing the appeal, the Supreme Court may
 - (a) confirm, revoke or vary the dismissal, determination or order appealed from;

- (b) refer the matter or any issue back to the investigation committee or the discipline committee for further consideration; or
- (c) provide any direction that it considers appropriate.

Costs of appeal

- (5) The Supreme Court may make any order as to the costs of an appeal that it considers appropriate. *2019, c.18, s.34.*

Notification and Publication

35. Disclosure of information respecting complaint

No person who is involved in the administration of this Act shall disclose information respecting a complaint except where permitted under this Act or regulations or required for the proper administration of this Act or regulations. *2019, c.18, s.35.*

36. Notification of employer

- (1) The council shall notify a respondent's employer of an order made respecting the respondent by an investigation committee or of a determination or order made respecting the respondent by a discipline committee.

Notification of public

- (2) Where an investigation committee or a discipline committee imposes terms and conditions on, suspends or cancels a respondent's certification, the council may publish a notice of the imposition, suspension or cancellation in the manner that it considers appropriate to inform the public.

Publication of decision or summary

- (3) Subject to any publication ban ordered by a discipline committee under subsection 31(4), the council may publish the discipline committee's decision or a summary of the decision by any means. *2019, c.18, s.36.*

PART 5 - GENERAL

Limitation of Liability

37. Limitation of liability

No action or proceeding lies or shall be taken for anything done, or omitted to be done, in good faith in the performance, or intended performance, of any duty or in the exercise, or intended exercise, of any power under this Act, the regulations or the bylaws against the following:

- (a) the Minister;
- (b) the Association;
- (c) the council;
- (d) the registrar;
- (e) the certification board;
- (f) an investigator;

- (g) an investigation committee;
- (h) a discipline committee;
- (i) a member of the council, the certification board, an investigation committee or a discipline committee;
- (j) an employee of the Association;
- (k) any other person acting on behalf of the Association under the authority of this Act. *2019, c.18, s.37.*

Service

38. Manner of service

- (1) Any notice, order or other document required to be served on a person under this Act, the regulations or the bylaws is deemed to be sufficiently served
 - (a) upon a copy being personally served on the person to whom it is directed;
 - (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received;
 - (c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person; or
 - (d) in the case of a certified member, five days after a copy is sent by registered mail addressed to the certified member at the address shown for the certified member in the records of the registrar.

Service on corporation

- (2) Where a corporation is to be served, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service on the corporation for the purposes of this Act.

Service on council

- (3) Service of any document on the council may be made by service on the registrar.

Substituted service

- (4) Where it is impractical for any reason to serve an order in a manner referred to in subsection (1), an application may be made, without notice, to the Supreme Court for an order for substituted service and the court may make such an order providing for the steps to be taken to bring the matter to the attention of the person to be served. *2019, c.18, s.38.*

Prohibitions

39. Prohibition, technician

- (1) No person, other than a technician, shall lead another person to believe that he or she is, or hold himself or herself out as, a technician.

Prohibition, technologist

- (2) No person, other than a technologist, shall lead another person to believe that he or she is, or hold himself or herself out as, a technologist.

Prohibition, designations

- (3) Except as otherwise provided in this Act, no person shall use any of the following designations or the equivalent in a language other than English, or variations of such terms that imply the person is a technician or technologist:
- (a) certified engineering technician (C. Tech);
 - (b) certified applied science technologist (AScT); or
 - (c) certified engineering technologist (CET). *2019, c.18, s.39.*

40. Certified engineering technician

- (1) A person certified as a technician may use the designations “certified engineering technician” and “C. Tech”.

Certified applied science technologist

- (2) A person certified as a certified applied science technologist may use the designations “certified applied science technologist” and “AScT”.

Certified engineering technologist

- (3) A person certified as a certified engineering technologist may use the designations “certified engineering technologist” and “CET”. *2019, c.18, s.40.*

41. Prohibition

No certified member shall

- (a) act in contravention of any terms or conditions on the certification of the certified member; or
- (b) do anything requiring authorization by certification while the certification of the certified member is suspended. *2019, c.18, s.41.*

42. False information

No person shall knowingly give false information in any application under this Act, or in any statement or report required under this Act or the regulations. *2019, c.18, s.42.*

Offences and Penalties

43. Offences and penalties

A person who contravenes this Act, the regulations or an order made under this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000. *2019, c.18, s.43.*

44. Prosecution, limitation period

No prosecution for an offence under this Act or the regulations shall be commenced after two years from the date when the offence is alleged to have been committed. *2019, c.18, s.44.*

Injunction

45. Injunction

Where a person does, or threatens or attempts to do, anything that contravenes this Act or the regulations, the Supreme Court may, on the application of the council, grant an injunction restraining the person from committing or continuing the contravention. *2019, c. 18, s. 45.*

Regulations

46. Regulations

Subject to the approval of the Lieutenant Governor in Council, the council may make regulations

- (a) specifying an accreditation body for the purpose of subclause 11(3)(a)(i);
- (b) respecting the determination of the substantial equivalence of education or experience under subclause 11(3)(a)(ii);
- (c) prescribing other requirements for certification as a technician or technologist;
- (d) respecting the reinstatement of a certification suspended or cancelled under Part 3;
- (e) respecting the maximum amount of a fine that may be imposed on a respondent by a discipline committee by order;
- (f) providing for any transitional matters the council considers necessary or advisable to facilitate the implementation of this Act;
- (g) defining any word or expression used but not defined in this Act. *2019, c. 18, s. 46.*

PART 6 - TRANSITIONAL PROVISIONS AND COMMENCEMENT

Association

47. Continuation of council

- (1) The president, vice-president, immediate past president and councillors who, immediately before the coming into force of this subsection, formed the council of the Association shall, on the coming into force of this subsection, constitute the council and serve in office until his or her term expires or he or she sooner ceases to hold office.

Continuation of certification board

- (2) The persons who, immediately before the coming into force of this subsection, formed the certification board appointed by the council of the Association shall, on the coming into force of this subsection, constitute the certification board and serve at the pleasure of the council.

Continuation of appointed officers

- (3) Any person who, immediately before the coming into force of this subsection, held an office appointed by the council of the Association shall, on the coming into force of this subsection, continue to hold that office until the appointment is revoked by the council or the person sooner ceases to hold the office.

Continuation of Association bylaws

- (4) A bylaw of the Association in force immediately before the coming into force of this subsection continues to be in force as a bylaw of the Association to the extent that the bylaw is not inconsistent with this Act. *2019,c.18,s.47.*

Certified members

48. Certified engineering technician

- (1) Every person who, immediately before the coming into force of this subsection, was a certified member of the Association, certified as a certified engineering technician (C.Tech), is, on the coming into force of this subsection, deemed to be certified as a certified engineering technician (C. Tech) under subsection 11(6) until he or she ceases to be so certified under this Act.

Certified applied science technologist

- (2) Every person who, immediately before the coming into force of this subsection, was a certified member of the Association, certified as a certified applied science technologist (AScT), is, on the coming into force of this subsection, deemed to be certified as a certified applied science technologist (AScT) under subsection 11(6) until he or she ceases to be so certified under this Act.

Certified engineering technologist

- (3) Every person who, immediately before the coming into force of this subsection, was a certified member of the Association, certified as a certified engineering technologist (CET), is, on the coming into force of this subsection, deemed to be certified as a certified engineering technologist (CET) under subsection 11(6) until he or she ceases to be so certified under this Act. *2019,c.18,s.48.*

Applications

49. Application for membership

An application to become a certified member of the Association made but not concluded before the coming into force of this subsection shall be dealt with as an application for certification under this Act. *2019,c.18,s.49.*