

APEGGA – ASET Regulatory Partnership Memorandum of Understanding December 2006

Preamble

In early 2006, APEGGA and ASET held discussions with the Government of Alberta about how engineering and technology should be regulated. The Minister of Alberta Human Resources and Employment, Hon. Mike Cardinal, instructed the two organizations to discuss a regulatory model based on one Act, two Associations and to provide the Government with a solution that protects and serves the interests of all Albertans.

This Memorandum of Understanding has been developed by the APEGGA-ASET Discussion Team, for endorsement by the respective Councils and then approval by the respective memberships. This brief document outlines principles and broad areas of agreement between the two organizations. Considerable detail work remains by a joint APEGGA-ASET Act, Regulations and Bylaws Committee plus legislative counsel to reflect the principles and broad agreements outlined herein.

1.0 Purpose

The fundamental purpose of evolving to a one Act, two Associations regulatory model is to enhance public protection by more effective regulation of engineering and technology.

In the real world, engineers and technologists work in integrated teams: regulation of professional practice needs to be conducted in a similarly integrated manner to effectively serve the interests and safety of the public. Bringing ASET under a regulatory umbrella Act recognizes that qualified technologists are competent to practice independently within certain codes and standards. Making full use of the competencies of these individuals will optimize the effectiveness of the Alberta workforce while protecting the interests and safety of the public. For instance, public protection will be enhanced through a stronger discipline process for technologists and by ensuring that disciplinary sanctions are in line with other professional bodies. Additionally, the public, industry and other professionals will be clearer on the respective roles of engineers, engineering technologists, geoscientists and geoscience technologists.

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2.0 Foundational Principles

The professions will be regulated under a one Act, two Associations model. The objective of the proposed legislation, and of the two Associations, will be to protect the interests and safety of the public by assuring competence across the spectrum of practice.

The two Associations will regulate members as follows:

- a) certified technologists (i.e. Certified Technician, Certified Engineering Technologist, Applied Science Technologist, Registered Engineering Technologist) practicing engineering or geoscience under supervision will be members of, and regulated by, ASET
- b) engineers and geoscientists (i.e. Professional Engineer, Professional Geologist, Professional Geophysicist, Registered Professional Technologist) practicing engineering or geoscience independently will be members of, and regulated by, APEGGA
- c) technologists practicing engineering or geoscience independently (licensed through a new designation) will be members of ASET and will be regulated jointly by APEGGA and ASET

All practitioners under the proposed legislation will adhere to a common standard of professionalism.

3.0 Mechanisms for Joint Regulation of Professional Technologists

A new ASET designation will be established: Professional Technologist (Engineering) or Professional Technologist (Geoscience). These technologists will be licensed to practice independently within a specified scope of practice in accordance with applicable legislation and the routine application of industry recognized codes, standards, procedures and practices using established engineering or applied science principles and methods of problem solving.

Professional Technologists will be members of ASET; their independent practice will be regulated jointly by APEGGA and ASET through:

- a) Joint Registration Board
- b) Joint Practice Standards Committee
- c) Joint Compliance Committee
- d) Joint Investigative Committee
- e) Joint Discipline Committee
- f) Joint Appeals Board
- g) Joint Practice Review Board
- h) Joint Act, Regulations and Bylaws Committee

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Membership on each of these joint bodies will be equal numbers appointed by APEGGA and ASET (similar to the existing model in Regulations 65 and 66 under the existing *EGGP Act*) plus a public member. Members will not represent the interests of APEGGA or of ASET; rather their explicit mandate will be to regulate in the interests and safety of the public.

It is contemplated that there will initially be two standing bodies: the Joint Registration Board and the Joint Practice Standards Committee. Other joint bodies will meet on an *ad hoc* basis, with members and staff resources drawn from the two Associations as required.

4.0 Uniform Standards of Practice

The two Associations will:

- a) develop a common code of ethics for all members
- b) harmonize regulatory processes for registration, permit to practice, practice standards, compliance, investigation, discipline, appeals, and practice review for APEGGA members and ASET members, including the jointly-regulated Professional Technologist designation.
- c) harmonize requirements for continuing professional development

5.0 Changes to Membership Designations

The new Professional Technologist designation, created within the proposed legislation, will enable qualified ASET members to practice independently within a specified scope of practice in accordance with applicable legislation and the routine application of industry recognized codes, standards, procedures and practices using established engineering or applied science principles and methods of problem solving. The educational and experience qualifications for registration in this designation will be established by the new Joint Registration Board.

The Registered Professional Technologist designation, in which full professional practice is permitted within a specified scope of practice, will continue with two main changes. First, membership will be solely in APEGGA; holding a Registered Engineering Technologist designation will no longer be a precondition to being registered and holding a Registered Professional Technologist designation. (Existing Registered Professional Technologists may maintain their ASET membership, but this will not be mandatory.) Second, the Registered Professional Technologist designation will be renamed Professional Licensee (Engineering) or Professional Licensee (Geoscience).

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The Registered Engineering Technologist designation will be phased out following the “working lifetime” of current Registered Engineering Technologists. No new Registered Engineering Technologist applications will be accepted after the proposed legislation is proclaimed. Those continuing to hold a Registered Engineering Technologist designation during their “working lifetime” will continue to have the same rights and privileges as they currently have under the *EGGP Act*. Those Registered Engineering Technologists wishing to attain Professional Technologist registration, to practice independently as described above, must first meet the registration qualifications set by the new Joint Registration Board.

Other ASET designations (Certified Technician, Certified Computer Information Technologist, Certified Engineering Technologist and Applied Science Technologist) will continue and become protected titles under the proposed legislation. Other APEGGA designations (Professional Engineer, Professional Geologist and Professional Geophysicist) will not be affected.

6.0 Supervision by Professional Technologists

Within their specified scope of practice, Professional Technologists may supervise Certified Technicians, Certified Engineering Technologists, Applied Science Technologists, continuing Registered Engineering Technologists, and others who are required to practice engineering or geoscience under the professional responsibility of an independent practitioner.

7.0 Implementation and Transition Issues

Following approval of this memorandum by the respective memberships of APEGGA and ASET, a Joint Act, Regulations and Bylaws Committee will be struck as soon as practicable, to work with the respective Counsels of APEGGA and ASET, and with Legislative Counsel, to draft the proposed legislation.

The existing Joint RET Registration Board (established in Section 91 of the current *EGGP Act*) will be phased out as soon as practicable after the proposed legislation is proclaimed.

8.0 Sharing of Administrative Costs for Joint Regulatory Responsibilities

APEGGA and ASET will each bear their own costs directly attributable to drafting the proposed legislation.

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The ongoing costs of operating and administering the joint regulatory bodies and procedures will be borne by ASET, because the jointly-regulated Professional Technologists are ASET members. (For instance: travel costs to attend meetings for ASET committee members, APEGGA committee members and the public member will be paid by ASET; legal costs for ordinary disciplinary hearings will be paid by ASET.)

If extraordinary costs arise (for instance, a complex and lengthy legal challenge which may affect the joint regulatory responsibilities), the two Councils will reach a joint decision whether to share the extraordinary costs, and the allocation thereof.

9.0 Dispute Resolution

The foundational principle for resolving differing policy perspectives or proposed actions is: the best alternative is the one that best serves the public interest. Once this test has been met, further considerations include reaching a solution which is fair, balanced and stable between APEGGA and ASET.

If a deadlock arises within any joint board or committee, on matters such as:

- a) the jurisdiction of the Associations, either jointly or separately, over a Professional Technologist or applicant;
- b) the right of a Professional Technologist to perform any function or type of work;
- c) any matter respecting the joint regulation of Professional Technologists or applicants;

and such deadlock persists for two meetings of the joint board or committee, then the joint board or committee must refer the question to the Council of APEGGA and the Council of ASET. Any decision supported by both Councils shall be binding upon the joint board or committee.

If the Councils of APEGGA and ASET are unable to reach a joint decision within 120 days of such referral, the Councils must refer the question to a select committee comprised of one person appointed by each Council plus a Chairperson appointed by the Minister. The select committee must resolve the question within 60 days of referral by the Councils. The decision shall be binding upon the joint board or committee.

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On this 18th day of December, 2006, this Memorandum of Understanding is hereby recommended for the endorsement of the Councils of APEGGA and ASET:

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