

1996

CHAPTER E-9.3

An Act respecting the Practices of Professional Engineering and
Professional Geoscience and to make consequential
amendments to other Acts

(Assented to April 30, 1996)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Engineering and Geoscience Professions Act*.

Interpretation

2(1) In this Act:

- (a) **“administrative bylaw”** means a bylaw made for a purpose set out in subsection 16(1);
- (b) **“appointed councillor”** means a councillor who is appointed pursuant to section 10 or subsection 68(3) or who is continued in office pursuant to subsection 68(2);
- (c) **“association”** means the Association of Professional Engineers and Geoscientists of Saskatchewan continued pursuant to section 3;
- (d) **“bylaws”** means the valid bylaws of the association;
- (e) **“council”** means the council of the association;
- (f) **“councillor”** means a person who is a member of the council;
- (g) **“court”** means the Court of Queen's Bench;
- (h) **“elected councillor”** means a councillor who is elected to council or who is appointed pursuant to subsection 12(1) to fill a vacancy in the unexpired term of office of an elected councillor;
- (i) **“licence”** means a licence to practise professional engineering or to practise professional geoscience that is issued in accordance with this Act and the bylaws;
- (j) **“licensee”** means a person who has been issued a licence in accordance with this Act and the bylaws;
- (k) **“member”** means a member of the association;
- (l) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (m) **“practice of professional engineering”** means reporting on, advising on, valuing, measuring for, laying out, designing, directing, constructing or inspecting any works or processes that are mentioned in subsection (2) or any works or processes similar to those mentioned in subsection (2) by reason of their requiring the skilled application of the principles of mathematics, physics, mechanics, aeronautics,

hydraulics, electricity, chemistry or geology in their development and attainment;

(n) **“practice of professional geoscience”** means the application of principles of geoscience that include, but are not limited to, principles of geology, geophysics and geochemistry, to any act of acquiring or processing data, advising, evaluating, examining, interpreting, reporting, sampling or geoscientific surveying, that is directed toward:

(i) the discovery or development of oil, natural gas, coal, metallic or non-metallic minerals, precious stones, water or other natural resources; or

(ii) the investigation of surface or sub-surface geological conditions;

(o) **“professional engineer”** means an individual who is registered with the association as a professional engineer;

(p) **“professional geoscientist”** means an individual who is registered with the association as a professional geoscientist;

(q) **“register”** means the register kept pursuant to section 19;

(r) **“registrar”** means the registrar appointed pursuant to section 13;

(s) **“regulatory bylaw”** means a bylaw made for a purpose set out in subsection 16(2).

(2) For the purposes of clause (1)(m), **“works or processes”** include:

(a) transportation works, roads, railways, waterways, airports, pipe lines and all detail works connected with those things, including, but not limited to, bridges, tunnels, yards, docks, lighthouses, rolling stock, vessels, airplanes, airships and pumping stations;

(b) public utility works, including, but not limited to, communication systems, electric power systems, waterworks, gasworks, irrigation works, drainage works, sewerage works, gas transmission and distribution systems and incinerators;

(c) mechanical works, including, but not limited to, steam boilers, engines, turbines, condensers, pumps, internal combustion engines and other motive power machinery and accessories;

(d) works for the capture and utilization of energy derived from nuclear fusion or fission, solar radiation or other sources yielding energy in a state suitable for commercial application;

(e) electrical machinery, apparatus and works for the development, transmission and application of all forms of electrical energy;

(f) mining and metallurgical works including, but not limited to, mining properties, mine and concentrator machinery and apparatus, oil and gas wells, smelters, cyanide plants, acid plants, metallurgical machinery, equipment and apparatus, and works necessary for the economical winning or preparation of metals, minerals, rocks or petroleum;

(g) the mechanical, electrical, chemical, electro-chemical, mining, metallurgical or heat treatment of any substance, whether organic or inorganic, and combinations of those treatments for all purposes;

(h) factories, warehouses, swimming pools, rinks, garages, cold storage plants, grain elevators, flour mills, hospitals, schools and public buildings;

(i) all buildings and structures necessary for the proper housing, administration or operation of the works or processes mentioned in clauses (a) to (h);

- (j) investigations relating to the examination, exploration and development of rocks and minerals, mineral deposits, rock structures and oil and gas structures;
- (k) engineering works and installations related to town and community development; and
- (l) the exploration, development and employment of water resources for domestic, municipal, industrial, irrigation, water power and other like uses.

ASSOCIATION

Association continued

3 The Association of Professional Engineers of Saskatchewan is continued as a corporation to be called the Association of Professional Engineers and Geoscientists of Saskatchewan.

Membership

4 The membership of the association consists of:

- (a) those persons who are members of the Association of Professional Engineers of Saskatchewan on the day before this Act comes into force; and
- (b) those persons who are registered as members of the association pursuant to this Act and the bylaws.

Objects

5 The objects of the association are the following:

- (a) to ensure the proficiency and competency of members in the practice of professional engineering or the practice of professional geoscience in order to safeguard the public;
- (b) to regulate the practice of professional engineering and the practice of professional geoscience by members in accordance with this Act and the bylaws;
- (c) to promote and improve the proficiency and competency of members;
- (d) to foster the practice of professional engineering and the practice of professional geoscience by members in a manner that is in the public interest.

Property

6(1) The association may acquire, hold, mortgage, lease, sell or dispose of any property.

(2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the association.

(3) The association may:

- (a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act*; and
- (b) sell or otherwise dispose of those investments and reinvest the proceeds in similar investments.

Insurance

7(1) If authorized by the bylaws to do so, the association may enter into a contract or contracts, in accordance with the bylaws, to provide all or any of its members with insurance with respect to professional liability claims.

- (2) If authorized by the bylaws to do so, the council may establish, administer, maintain and operate a professional liability insurance scheme in accordance with the bylaws.
- (3) For the purposes of a scheme established in accordance with subsection (2), the association may do all or any of the following:
 - (a) establish a subsidiary corporation;
 - (b) enter into any agreements it considers necessary;
 - (c) levy assessments against members.
- (4) The association is deemed to be an agent for its members for the purposes of subsections (1), (2) and (3).

Meetings

- 8(1)** An annual meeting of the association is to be held at the time and place that is determined by the council in accordance with the bylaws.
- (2) A special meeting of the association for the transaction of the business that is specified in the resolution or demand is to be held:
 - (a) on a resolution of the council; or
 - (b) on the demand, in writing, of the number of members specified in the bylaws.
- (3) The procedure at an annual or special meeting is to be determined by bylaw.

(4) The registrar shall send a notice of an annual meeting or special meeting to each member at least 10 days before the meeting, in the manner specified in the bylaws.

COUNCIL

Council

9(1) The council shall govern the affairs and business of the association.

(2) The council consists of:

(a) the number of councillors prescribed in the bylaws, that is to be not less than 10, who are elected by members in accordance with this Act and the bylaws; and

(b) the two persons appointed pursuant to section 10.

(3) Of the elected councillors, not less than four are to be professional engineers and not less than two are to be professional geoscientists.

(4) No member is eligible to be elected as a councillor unless that person resides in Saskatchewan.

(5) An elected councillor who ceases to be a resident of Saskatchewan ceases to hold office as a councillor.

(6) An elected councillor is entitled to remuneration and reimbursement for expenses in the amounts prescribed in the bylaws.

(7) Each elected councillor holds office for the term prescribed in the bylaws.

Public appointees

10(1) The Lieutenant Governor in Council may, after consultation with the association, appoint two Saskatchewan residents as councillors.

(2) Where the Lieutenant Governor in Council appoints a person as a councillor, the term of office of that person is not to exceed three years.

(3) Subject to subsection (4), a councillor appointed pursuant to subsection (1) holds office until that person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.

(4) An appointed councillor ceases to hold office if he or she ceases to be a resident of Saskatchewan.

(5) An appointed councillor may exercise rights and serve as a member of committees to the same extent as other councillors, but is not eligible to be an officer of the association.

(6) One councillor appointed pursuant to subsection (1) shall be a member of any investigation committee and one councillor appointed pursuant to subsection (1) shall be a member of any discipline committee.

(7) The absence or inability to act as a member of an investigation committee or discipline committee by an appointed councillor or the failure to appoint a councillor pursuant to this section does not impair the ability of the other members of a committee to act.

(8) The association shall remunerate and reimburse for expenses appointed councillors at the rate determined by the Lieutenant Governor in Council.

Resignation

11(1) An elected councillor may resign by giving written notice of his or her resignation to the council.

(2) An appointed councillor may resign by giving written notice of his or her resignation to the minister and to the council.

(3) The resignation of an appointed or elected councillor is effective:

(a) on the date stated in the written notice; or

(b) if no date is stated in the written notice:

(i) in the case of a resignation of an elected councillor, on the date the written notice is received by the council; or

(ii) in the case of a resignation of an appointed councillor, on the date the written notice is received by the minister.

Vacancy

12(1) When a vacancy occurs in the elected membership of the council, the remaining councillors may appoint another member to fill the vacancy until the earlier of:

(a) the expiry of the term of office of the elected councillor who ceased to be a member of the council; or

(b) the date on which a member is elected to fill the vacancy in accordance with this Act and the bylaws.

(2) A vacancy in the membership of the council does not impair the power of the remaining councillors to act.

(3) If a member serving as a councillor is suspended from the association, the member's powers and duties as a councillor are suspended for the same period.

(4) If a member serving as a councillor is expelled from the association, the member ceases to be a councillor on the day the member is expelled.

Officers and employees

13(1) The officers of the association are to be those that are:

(a) designated in the bylaws; and

(b) appointed or elected in accordance with the bylaws.

(2) The council shall appoint a registrar.

(3) The council may engage any employees that it considers necessary to carry out the duties and functions of the association.

(4) Subject to this Act and the bylaws, the council shall determine the duties, responsibilities and remuneration of

employees of the association.

Committees

- 14**(1) The council may establish any committees that are provided for by the bylaws or that it considers necessary.
- (2) The council shall appoint persons to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).
- (3) Subject to this Act and the bylaws, the council, on any terms or conditions that it may determine, may delegate any of its powers or duties to a committee provided for by this Act, the bylaws or established pursuant to subsection (1).
- (4) The exercise of a delegated power by a committee is deemed to be an exercise of that power by the council.
- (5) The council shall not delegate the power to make bylaws.
- (6) Subject to this Act and the bylaws, a committee may establish its own procedures.
- (7) A committee member is entitled to remuneration and reimbursement for expenses in any amount prescribed in the bylaws.

BYLAWS

Procedures

- 15**(1) The council, with the approval of not less than three-quarters of the councillors, may make bylaws for any purpose set out in section 16.
- (2) A bylaw made by the council pursuant to subsection (1) has effect only until the next annual or special meeting of the association and, unless confirmed or varied by the members in accordance with subsection (3), ceases to have any effect after that time.
- (3) With the approval of a two-thirds majority of those members who vote at an annual or special meeting, the association may:
 - (a) make bylaws for any purpose set out in section 16; and
 - (b) confirm, vary or revoke any bylaw made by the council pursuant to subsection (1).
- (4) The variation or revocation of a bylaw pursuant to subsection (3) does not affect the operation or application of the bylaw prior to its revocation or variation, and everything done, omitted to be done or authorized pursuant to the bylaw is valid and effective against all persons notwithstanding the revocation or variation.
- (5) The registrar shall forward copies of proposed bylaws to all members at least 14 days before the date of the annual or special meeting at which the bylaws are to be presented.
- (6) The registrar shall notify each member of each bylaw:
 - (a) made pursuant to subsection (1) or (3) within 150 days after the bylaw is made;
 - (b) confirmed, varied or revoked pursuant to subsection (3) within 150 days after the bylaw is confirmed, varied or revoked.
- (7) Failure to comply with subsection (6) does not invalidate a bylaw.

- (8) No regulatory bylaw made by the council or the association comes into force until it is:
- (a) approved by the minister pursuant to section 17; and
 - (b) published in the Gazette.
- (9) An administrative bylaw comes into force on the date specified in the bylaw, which may not be prior to the date it is made.

Bylaws

16(1) Subject to this Act, administrative bylaws may be made pursuant to section 15 for the following purposes:

- (a) prescribing the location in Saskatchewan for the head office of the association;
- (b) prescribing the seal of the association;
- (c) providing for the execution of documents by the association;
- (d) respecting the banking and financial dealings of the association;
- (e) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
- (f) respecting the management of the property of the association;
- (g) prescribing the number and terms of office of elected councillors;
- (h) prescribing the officers of the association and governing the procedure for the appointment or election of those officers;
- (i) prescribing the duties of councillors, officers and employees of the association;
- (j) governing the procedures for the election of elected councillors;
- (k) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (l) respecting the holding and procedures of meetings of the council and annual and special meetings of the association;
- (m) prescribing the amount of registration, licensing and other fees payable to the association, the times of payment and penalties for late payment;
- (n) prescribing the remuneration and reimbursement for expenses for elected councillors and for committee members;
- (o) providing for the receipt, management and investment of contributions, donations or bequests;
- (p) regulating joint participation by the association with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the association;
- (q) establishing any committees, prescribing the manner of election or appointment of committee members and prescribing the duties of committee members;
- (r) establishing and governing awards, scholarships, bursaries and prizes;

(s) establishing regional sections or chapters of the association and determining the scope of their activities and basis for funding.

(2) Subject to this Act, regulatory bylaws may be made pursuant to section 15 for the following purposes:

(a) prescribing the qualifications, standards, tests of competency and experience requirements for:

(i) the registration of individuals or any category of individuals as members;

(ii) the issuing of licences;

(b) prescribing:

(i) the procedures governing registration of individuals or any category of individuals as members;

(ii) the procedures governing the issuing of licences;

(iii) the terms and conditions of licences;

(c) setting standards of professional conduct, competency and proficiency of licensees;

(d) providing for a code of ethics for licensees;

(e) setting standards regarding the manner and method of practice of licensees;

(f) prescribing procedures for:

(i) the review, investigation and disposition by an investigation committee of complaints alleging that a member or licensee is guilty of professional misconduct or professional incompetence;

(ii) hearings by a discipline committee of complaints alleging that a member or licensee is guilty of professional misconduct or professional incompetence;

(iii) reviews pursuant to subsections 24(4) and 32(7);

(g) establishing categories of membership in the association and prescribing the rights and privileges of each category;

(h) prescribing the circumstances under which members or licensees are required to attend re-entry education programs and courses and approving programs and courses for that purpose;

(i) governing the approval of academic programs for purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;

(j) setting standards for continuing education and the participation of members in continuing education;

(k) governing the reinstatement of a member who has been expelled;

(l) setting requirements for maintenance of membership;

(m) regulating advertising by licensees;

(n) prescribing the number of members required to demand a special meeting of the association;

(o) prescribing the minimum amount of liability protection that licensees are required to obtain and maintain;

- (p) prescribing the form, content and maintenance of the register and the information to be provided by members, licensees and holders of certificates of authorization for the purpose of the register;
- (q) respecting the reporting and publication of decisions and reports of the council and committees;
- (r) respecting the types and service of notices that may be served electronically;
- (s) prescribing requirements governing the signing and sealing, by licensees and holders of certificates of authorization, of documents and designs and specifying the forms of seals and the conditions for their issuance and ownership;
- (t) authorizing the council:
 - (i) to enter into contracts of insurance on behalf of licensees, on any terms and conditions that are considered appropriate; or
 - (ii) to establish, administer, maintain and operate a professional liability insurance scheme on any terms and conditions that are considered appropriate;
- (u) prescribing any other matters considered necessary for the better carrying out of this Act.

Filing of bylaws

17(1) The association shall file with the minister two copies, certified by the registrar to be true copies, of:

(a) all regulatory bylaws; and

(b) where the bylaw is an amendment to a regulatory bylaw, two certified copies of the regulatory bylaw to which the amendment relates.

(2) Where the minister does not advise the association in writing within 90 days of receiving copies of the regulatory bylaw or amendment that the minister approves the regulatory bylaw or amendment, the regulatory bylaw or amendment is deemed not to be approved.

(3) Where the minister approves a regulatory bylaw or an amendment to a regulatory bylaw, the minister shall file with the Department of Justice two copies, certified by the registrar to be true copies, of the regulatory bylaw or amendment.

(4) Where an amendment to a regulatory bylaw is filed pursuant to subsection (3), the minister shall file two copies, certified by the registrar to be true copies, of the regulatory bylaw with the amendment.

(5) Within 30 days after administrative bylaws or amendments to administrative bylaws are made, the council shall file with the Department of Justice two copies, certified by the registrar to be true copies, of all administrative bylaws and all amendments made to those bylaws.

(6) Where an amendment to an administrative bylaw is filed pursuant to subsection (5), the council shall also file two copies, certified by the registrar to be true copies, of the administrative bylaw with the amendment.

(7) Where an administrative bylaw or an amendment to an administrative bylaw is not filed within the time required by subsection (5), the administrative bylaw or amendment to the administrative bylaw is deemed to be revoked on the expiration of the 30 days mentioned in subsection (5).

MEMBERSHIP, REGISTRATION AND LICENCES**Registration and licensing**

18(1) The council, in accordance with this Act and the bylaws, may register individuals as members.

(2) The council, in accordance with this Act and the bylaws, may issue:

(a) an annual licence to a member to practise professional engineering or professional geoscience, as the case may be;

(b) a restricted licence to a member to practise professional engineering or professional geoscience, as the case may be, on any terms and conditions specified in the licence; or

- (c) a temporary licence to a person to practise professional engineering or professional geoscience, as the case may be, on any terms and conditions specified in the licence.

Register

19(1) In accordance with the bylaws, the council shall keep a register in which the name and address of every member, licensee and holder of a certificate of authorization is to be recorded.

(2) The register is to be:

- (a) kept at the head office of the association; and
- (b) open for inspection by all persons, without fee, during normal office hours of the association.

(3) A certificate purporting to be signed by the registrar and stating that a named person was or was not, on a specified day or during a specified period, a member, suspended member, licensee, the holder of a certificate of authorization, professional engineer or professional geoscientist according to the register, or an extract from the register that is certified by the registrar, is admissible in evidence as proof, in the absence of evidence to the contrary, of its contents without proof of the registrar's appointment or signature.

Requirements for registration

20(1) The council may register a person as a member where the person produces evidence establishing to the satisfaction of the council that he or she:

- (a) has paid the prescribed fees;
- (b) has complied with the bylaws with respect to registration as a member;
- (c) is eligible according to the bylaws to be a member; and
- (d) has successfully completed:
 - (i) in the case of a person who applies for registration as a professional engineer, a bachelor level university program of study in engineering recognized by the council; or
 - (ii) in the case of a person who applies for registration as a professional geoscientist, a four-year bachelor level university program of study in geoscience recognized by the council.

(2) Notwithstanding that a person does not comply with the requirements in subsection (1), the council may register the person as a member and issue a restricted licence to the person to practise professional engineering or professional geoscience, as the case may be, where the person produces evidence establishing to the satisfaction of the council that he or she:

- (a) is eligible, according to the bylaws, to be a member;
- (b) has paid the prescribed fees; and
- (c) has complied with the bylaws with respect to registration.

(3) The council may issue a temporary licence to a person to practise professional engineering or professional geoscience, as the case may be, where the person produces evidence establishing to the satisfaction of the council that he or she:

- (a) is eligible, according to the bylaws, for a temporary licence;
- (b) has paid the prescribed fees; and

- (c) has complied with the bylaws with respect to receiving a temporary licence.

Seals

- 21(1)** Every licensee is entitled, in accordance with the bylaws, to sign and seal all final drawings, specifications, plans, reports and other documents prepared or approved by him or her.
- (2) All seals must be acquired from the association and be designed in the manner set out in the bylaws.
- (3) A member who is expelled or suspended or a licensee whose licence is revoked shall return his or her seal to the association for the period of the suspension, expulsion or revocation.
- (4) Every licensee shall sign and seal, in accordance with the bylaws, all final drawings, specifications, plans, reports and other documents relating to the practice of professional engineering or the practice of professional geoscience that he or she issues.

Corporations, partnerships, etc.

- 22(1)** No partnership, association of persons or corporation is eligible to be admitted as a member of the association.
- (2) Every partnership, association of persons or corporation that engages in the practice of professional engineering or the practice of professional geoscience as its principal or customary function shall obtain a certificate of authorization.
- (3) The holder of a certificate of authorization shall only engage in the practice of professional engineering or the practice of professional geoscience:
- (a) under the supervision of a licensee who has an annual or temporary licence; and
 - (b) in accordance with any restrictions or terms and conditions to which that licensee's licence is subject.
- (4) The council shall issue a certificate of authorization to a partnership, association of persons or corporation that submits an application to the registrar in the form prescribed in the bylaws containing:
- (a) the names of all licensees, who have annual or temporary licences, who will be in charge of the practice of professional engineering or the practice of professional geoscience, as the case may be, on its behalf; and
 - (b) the names of the licensees listed in accordance with clause (a) who are its official representatives and whose duty it is to ensure that it complies with this Act and the bylaws.
- (5) A holder of a certificate of authorization shall advise the registrar of any changes in the particulars provided in its application as required pursuant to subsection (4) not later than 30 days after the effective date of the change.
- (6) If a partnership, association of persons or corporation ceases to have an official representative, its certificate of authorization is revoked and the partnership, association of persons or corporation shall cease to practise professional engineering or professional geoscience.

Information to be provided

- 23(1)** Every partnership, association of persons or corporation that engages in the practice of professional engineering or the practice of professional geoscience shall provide the association with any records or property that the council or a person designated by the council requests and that the council or the person designated by the council reasonably believes are required to investigate alleged professional misconduct or professional incompetence or an alleged contravention of this Act.

- (2) The requirement to provide records and property applies whether or not the partnership, association of persons or corporation holds a certificate of authorization.

Delegation and appeal

24(1) The council may delegate to the registrar the power to do all or any of the following:

- (a) register persons as members;
- (b) issue licences;
- (c) issue certificates of authorization.

(2) Where a power is delegated pursuant to this section, the exercise of that power by the registrar is deemed to be an exercise of the power by the council.

(3) The council may impose any terms and conditions that it considers appropriate on a delegation of its powers.

(4) A person who is aggrieved by a decision of the registrar made pursuant to a delegated power may apply to the council to review that decision.

(5) On a review pursuant to subsection (4), the council shall hear the review and may:

- (a) direct the registrar to exercise the power in a manner that the council considers appropriate; or
- (b) confirm the registrar's decision.

(6) On a review pursuant to subsection (4), the person aggrieved by the decision of the registrar has the right to appear in person before the council in support of the application.

(7) The council shall cause the applicant to be informed in writing of its decision regarding the review.

Appeals re admission

25(1) An appeal to a judge of the court sitting in chambers may be made by the following persons:

- (a) a person who is refused membership in the association;
- (b) a person who is refused a licence.

(2) An appeal pursuant to subsection (1) is to be made within 30 days of the person being notified by the registrar of the refusal.

(3) An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).

(4) On an appeal pursuant to subsection (1), the judge shall consider:

- (a) the proceedings before the council on the application for membership or a licence;
- (b) the past record of the appellant as shown by the books and records of the association; and
- (c) the evidence taken before the council and any committee that dealt with the application for membership or a licence and the report of that committee.

(5) On hearing an appeal, the judge may take any of the following actions:

- (a) dismiss the appeal;
 - (b) direct further inquiries by the council;
 - (c) vary the decision or order;
 - (d) direct the council to admit the person to membership or issue a license to the person.
- (6) The judge may make any order as to costs that the judge considers appropriate.

PROHIBITION

Protection of title

26(1) No person other than a professional engineer shall use the title "Professional Engineer", "Engineer", "Consulting Engineer" or the abbreviation "P.Eng.", either alone or in combination with any other word, title or designation, abbreviated or otherwise, to imply that he or she is a professional engineer.

(2) No person other than a professional geoscientist shall use the title "Professional Geoscientist", "Geoscientist", "Consulting Geoscientist" or the abbreviation "P.Geo.", either alone or in combination with any other word, title or designation, abbreviated or otherwise, to imply that he or she is a professional geoscientist.

(3) No sole proprietor, partnership, association of persons or corporation shall use the word or phrase "engineer", "engineering", "P.Eng.", "consulting engineer", "P. Geo.", "consulting geoscientist" or "geoscience" without the written authorization of the association, either alone or in combination with any other word, title, or designation, abbreviated or otherwise, to imply that the sole proprietor, partnership, association of persons or corporation or any of its members are professional engineers or professional geoscientists.

Scope of practice

27(1) No person who is not a member shall hold himself or herself out as being a member.

(2) No person who is not a licensed professional engineer shall engage in the practice of professional engineering.

(3) No person who is not a licensed professional geoscientist shall engage in the practice of professional geoscience.

Exceptions to scope of practice

28 Nothing in this Act prevents:

(a) a person from engaging in the execution or supervision of the construction, maintenance, operation or inspection of any process, system, work, structure or building in the capacity of contractor, superintendent, foreman or inspector, or in any similar capacity, when the process, system, work, structure or building is designed by, and the execution or supervision is carried out under, the direct supervision and control of a professional engineer;

(b) a person from engaging in the execution or supervision of the construction, maintenance, operation or inspection of any geological investigation, study, work or instrumentation in the capacity of contractor, superintendent, foreman or inspector, or in any similar capacity, when the investigation, study, work or instrumentation is designed by, and the execution or supervision is carried out under, the direct supervision and control of a professional geoscientist;

(c) a person from working under the general supervision of a professional engineer or professional geoscientist;

- (d) an individual from working on property or premises owned or occupied by that person, if the work is for the sole use of the domestic establishment of that person;
- (e) a member of the Canadian Forces from performing his or her duties in the Forces;
- (f) a person from practising as an architect within the meaning of *The Architects Act*;
- (g) a person from practising as an agrolologist within the meaning of *The Agrolologists Act, 1994*;
- (h) a person from practising as a Saskatchewan Land Surveyor within the meaning of *The Land Surveyors and Professional Surveyors Act* or a Canada Lands Surveyor;

- (i) a person from practising as a planner within the meaning of *The Community Planning Profession Act*;
- (j) a person from practising his or her profession, trade or calling;
- (k) a prospector from engaging in activities that are normally associated with the business of prospecting, regardless of whether the prospector is prospecting on his or her own behalf or for others;
- (l) a person from designing, constructing or installing appliances, works or plants of a total value not exceeding \$30,000.

DISCIPLINE

Professional incompetence

29 Professional incompetence is a question of fact, but the display by a member of:

- (a) a lack of knowledge, skill or judgment; or
- (b) a disregard for the welfare of members of the public served by the profession;

of a nature or to an extent that demonstrates that the member is unfit to continue in the practice of the profession, is professional incompetence within the meaning of this Act.

Professional misconduct

30 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of the public or the members;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the bylaws; or
- (d) it is a failure to comply with an order of the investigation committee, the discipline committee or the council.

Investigation committee

31(1) Subject to subsection (2), the council shall appoint an investigation committee.

(2) The council shall appoint as a member of an investigation committee one of the councillors appointed pursuant to section 10.

(3) No member of the discipline committee and no elected councillor is eligible to be a member of the investigation committee.

Investigation

32(1) Where an investigation committee is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member's conduct constitutes professional misconduct or professional incompetence, the committee shall:

(a) review the complaint; and

(b) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint.

(2) The investigation committee may employ, at the expense of the association, any legal or other assistance that it considers necessary.

(3) On completion of its investigation, the investigation committee shall make a written report to the discipline committee recommending:

(a) that the discipline committee hear and determine the formal complaint set out in the written report; or

(b) that no further action be taken with respect to the matter under investigation.

(4) The formal complaint set out in a written report made pursuant to clause (3)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or the investigation conducted pursuant to subsection (1).

(5) A report signed by a majority of the investigation committee is the decision of that committee.

(6) The investigation committee shall provide, or cause the registrar to provide, a copy of a written report made pursuant to clause (3)(b) to:

(a) the council;

(b) the person, if any, who made the complaint mentioned in subsection (1); and

(c) the member whose conduct is the subject of the complaint mentioned in subsection (1).

(7) A person who made the complaint with respect to which the investigation was conducted may apply to the council to review a recommendation of the investigation committee that no further action be taken.

(8) On completion of the review pursuant to subsection (7), the council may:

(a) confirm the decision of the investigation committee; or

(b) refer the matter back to the investigation committee:

(i) to investigate the matter further; or

(ii) to prepare a written report recommending that the discipline committee hear and determine a formal complaint.

Discipline committee

33(1) The council shall appoint a discipline committee.

(2) The council shall appoint as a member of a discipline committee one of the councillors appointed pursuant to section 10.

(3) No member of the investigation committee and no elected councillor is eligible to be a member of the discipline committee.

(4) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and proceedings.

Discipline hearing

34(1) Where the report of an investigation committee recommends that a discipline committee hear and determine a formal complaint, the registrar shall, at least 14 days before the date a discipline committee is to sit:

(a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and

(b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.

(2) The investigation committee shall prosecute or direct the prosecution of the complaint, but its members shall not participate in any other manner in the hearing of the complaint except as witnesses when required.

(3) The discipline committee shall hear the complaint and shall determine whether or not the member's conduct constitutes professional misconduct or professional incompetence, notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any question to a court for adjudication.

(4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.

(5) The discipline committee may employ, at the expense of the association, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at his or her own expense, may be represented by counsel.

(6) The testimony of witnesses is to be under oath or affirmation administered by any member of the discipline committee.

(7) At a hearing by the discipline committee, there is to be full right:

(a) to examine, cross-examine and re-examine all witnesses; and

(b) to present evidence in defence and reply.

(8) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to:

(a) a member whose conduct is the subject of a hearing;

(b) a member of the investigation committee;

(c) a member of the discipline committee.

(9) Where a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.

(10) Where the member whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in his or her absence.

(11) If, during the course of a hearing, the evidence shows that the conduct of the member whose conduct is the

subject of the hearing warrants a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall notify the member of that fact.

(12) If the discipline committee proposes to amend, add to or substitute the charge in the formal complaint, the discipline committee shall adjourn the hearing for any period that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended formal complaint, unless the member consents to continue the hearing.

(13) Notwithstanding any other provision of this Act but subject to subsection (14), the chairperson of the discipline committee may, in accordance with the bylaws, designate any number of members of the discipline committee to constitute a panel to hear a formal complaint, and the exercise of the powers of the discipline committee by a panel is deemed to be an exercise of that power by the discipline committee.

(14) The chairperson of the discipline committee shall appoint as a member of a panel one of the members of the discipline committee who is a councillor appointed pursuant to section 10.

(15) The person, if any, who made the complaint pursuant to section 32:

- (a) is to be advised orally or in writing by the registrar of the date, time and place of the hearing; and
- (b) subject to subsection (17), is entitled to attend the hearing.

(16) Subject to subsection (17), the discipline committee shall conduct all hearings in public.

(17) The discipline committee may exclude members of the public and the person who made the complaint from any part of the hearing when the committee is of the opinion that evidence brought in the presence of the person or persons to be excluded will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.

Disciplinary powers

35(1) Where a discipline committee finds that a member's conduct constitutes professional misconduct or professional incompetence, it may make one or more of the following orders:

- (a) an order that the member be expelled from the association and that the member's name be struck from the register;
- (b) an order that the member be suspended from the association for a specified period;
- (c) an order that the member be suspended pending the satisfaction and completion of any conditions specified in the order, which may include, but are not restricted to, an order that the member:
 - (i) successfully complete specified classes or courses of instruction;
 - (ii) obtain medical treatment, counselling or both;
 - (iii) undergo treatment for substance addiction;
- (d) an order that the member may continue to practise only under conditions specified in the order, which may include, but are not restricted to, an order that the member:
 - (i) not do specified types of work;
 - (ii) successfully complete specified classes or courses of instruction;
 - (iii) restrict his or her practice in the manner ordered by the discipline committee;

- (iv) practise only as a partner with, or as an associate or employee of, one or more members of the association that the discipline committee may specify;
 - (v) obtain medical treatment, counselling or both;
 - (vi) undergo treatment for substance addiction;
 - (e) an order reprimanding the member;
 - (f) any other order that the discipline committee considers just.
- (2) In addition to any order made pursuant to subsection (1), the discipline committee may order:
- (a) that the member pay to the association, within a fixed period:
 - (i) a fine in a specified amount not exceeding \$15,000; and
 - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the investigation committee and the discipline committee and costs of legal services and witnesses; and
 - (b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the association.
- (3) The registrar shall send a copy of an order made pursuant to this section to the member whose conduct is the subject of the order, to the member's employer, if any, and to the person, if any, who made the complaint.

(4) Where a member is expelled or suspended, the registrar shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

Criminal conviction

36 A discipline committee may, by order, expel a member from the association where:

- (a) the member has been convicted of an indictable offence pursuant to the *Criminal Code*;
- (b) a report of the investigation committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the member giving rise to the conviction makes the member unfit to continue to be a member.

Duty to report

37 Where an investigation committee in its investigation pursuant to section 32 or a discipline committee at the conclusion of its hearing pursuant to section 34 believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to:

- (a) the president of the association; and
- (b) the Deputy Minister of Justice.

Suspension

38 A judge of the court, on the application of the council, may direct that a member be suspended pending the disposition of a criminal charge where:

- (a) a criminal charge is laid against the member; and
- (b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

Appeal to court

39(1) A member may appeal a decision or any order of a discipline committee to a judge of the court by serving the registrar with a copy of the notice of appeal and filing the notice with the local registrar within 30 days of the decision or order where:

- (a) the discipline committee finds that the member's conduct constitutes professional misconduct or professional incompetence; or
 - (b) the member has been expelled pursuant to section 36.
- (2) An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).
- (3) On receipt of a notice of appeal, the registrar shall file with the local registrar a true copy of:
- (a) the formal complaint and notice served pursuant to section 34 or the report of the investigation committee pursuant to section 36;
 - (b) the transcript of the evidence presented to the discipline committee; and

- (c) the decision and order of the discipline committee.
- (4) The appellant or the appellant's solicitor or agent may obtain from the registrar a copy of the documents filed pursuant to subsection (3) on payment of the costs of producing them.
- (5) On hearing an appeal, the judge may take any of the following actions:
 - (a) dismiss the appeal;
 - (b) quash the finding of guilt;
 - (c) direct a new hearing or further inquiries by the discipline committee;
 - (d) vary the order of the discipline committee;
 - (e) substitute his or her own decision for the decision appealed from.
- (6) The judge may make any order as to costs that he or she considers appropriate.

Effect of appeal

40 The commencement of an appeal pursuant to section 39 does not stay the effect of the decision or order appealed from, but, on five days' notice to the registrar, the appellant may apply to the court for a stay of the decision or order pending the disposition of the appeal.

Effect of expulsion

41 When a member is expelled or suspended from the association pursuant to this Act, that member's rights and privileges as a member are removed for the period during which he or she is expelled or suspended.

Reinstatement

- 42**(1) A person who has been expelled as a member may apply to the council for reinstatement.
- (2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the council shall:
- (a) review the application; and
 - (b) investigate the application by taking any steps it considers necessary.

- (3) On completion of its investigation, the council may:
- (a) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the council considers appropriate; or
 - (b) by order, refuse to reinstate the person.
- (4) Where, on an application pursuant to subsection (1), the council refuses to reinstate the person as a member, the person, within 30 days after the date of the order, may appeal the order of the council to a judge of the court and the judge may allow or disallow the appeal.
- (5) On an appeal pursuant to subsection (4), the judge shall consider:
- (a) the proceedings before the council on the application for reinstatement;
 - (b) the past record of the appellant as shown by the books and records of the association; and
 - (c) the evidence taken before the council and any committee that dealt with the expulsion and application for reinstatement and the report of that committee.
- (6) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

Enforcement

- 43**(1) Every member or other person, partnership, association of persons or corporation who keeps any records or other property of or related to a member or other records or property to which the association is entitled pursuant to section 23 shall comply with the demand of the council or a person designated by the council to produce any of those records or other property that the council or the person designated by the council reasonably believes are required for the purposes of an investigation pursuant to this Act.
- (2) On an *ex parte* application by the association, a judge of the Provincial Court of Saskatchewan may make an order described in subsection (3) where the judge is satisfied by the sworn evidence of a person designated by the council that the person believes on reasonable grounds that:
- (a) a member or other person, partnership, association of persons or corporation has failed to comply with a demand made pursuant to subsection (1) within a reasonable time or has refused to comply with a demand made pursuant to subsection (1); and
 - (b) the records or other property that are the subject of the demand pursuant to subsection (1):
 - (i) are required for the purposes of an investigation of a complaint that a member's conduct constitutes professional misconduct or professional incompetence or of an investigation of a contravention of this Act; and
 - (ii) are likely to be found in a specified place.

(3) An order made pursuant to subsection (2) authorizes the person named in the order, together with any peace officer that the person may call on for assistance, to enter, at any reasonable time, the place named in the order and every part of the place named in the order and of the premises connected with that place to:

- (a) examine the place and connected premises; and
- (b) search for, seize and take possession of the records and other property described in the order.

(4) Where any records or other property are produced pursuant to subsection (1) or seized pursuant to an order made pursuant to subsection (2), the person designated by the council to whom the records or other property were produced or by whom they were seized, or a member of the investigation committee, may:

- (a) make or cause to be made one or more copies of the records or other property produced or seized and return the originals to the person, partnership, association of persons or corporation who produced them or from whom they were seized; or
- (b) retain any of the records or other property and dispose of them in accordance with the directions of the chairperson of the discipline committee.

(5) Every entry and search pursuant to this section is to be made during normal business hours unless the judge who issues the order authorizes the entry and search at another time.

(6) A copy or extract of records or other property, certified by the person who made the copy or extract, is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original record or property and its contents without proof of the signature or capacity of the person purporting to have signed the certificate.

Injunction

44(1) Where it appears that any person is acting or is likely to act in contravention of this Act or the bylaws, the association may apply to the court for an injunction enjoining any person from doing any act or thing that contravenes this Act or the bylaws, notwithstanding that a penalty may be provided by this Act with respect to that contravention.

(2) On an application pursuant to subsection (1), the court may grant an injunction, interim injunction or any other relief that it considers just.

Temporary licensees and holders of certificate of authorization subject to discipline

45 Sections 29 to 43 and section 49 apply, with any necessary modification, to:

- (a) the holder of a certificate of authorization that fails to observe any of the provisions of section 22; and
- (b) the holder of a certificate of authorization or a licensee who has a temporary licence, who is guilty of conduct that would, in the case of a member, be professional misconduct or professional incompetence.

GENERAL

Immunity

46 No action lies or shall be instituted against:

- (a) the council;
- (b) appointed or elected councillors;
- (c) an investigation committee;

- (d) a discipline committee;
- (e) any member of any committee; or
- (f) any officer, employee or agent;

of the association for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

Offence and penalty

47 Every person who contravenes any of the provisions of section 26 or 27 is guilty of an offence and liable on summary conviction to a fine of:

- (a) for a first offence, not more than \$5,000;
- (b) for a second offence, not more than \$10,000; and
- (c) for each subsequent offence, not more than \$15,000.

Limitation of prosecution

48 No prosecution for a contravention of any of the provisions of section 26 or 27 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the council.

Report of termination of employment

49 Any employer who terminates for cause the employment of a member shall report the termination to the association where the employer reasonably believes the cause is professional incompetence or professional misconduct.

Review by Legislative Assembly

50(1) One copy of every bylaw and amendment filed with the Department of Justice pursuant to section 17 is to be laid before the Legislative Assembly by the Minister of Justice in accordance with *The Tabling of Documents Act, 1991*.

(2) Where any bylaw or amendment laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, that bylaw or amendment ceases to have any effect and is deemed to have been revoked.

Record of revocation and notification

51(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Legislative Assembly shall immediately:

- (a) forward two copies of the Votes and Proceedings to the Deputy Minister of Justice; and
- (b) advise him or her that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Deputy Minister of Justice shall immediately:

- (a) file one of the copies with the bylaw or amendment to which it relates;
- (b) forward the other copy to the association; and
- (c) advise the association that the copy is forwarded pursuant to this subsection.

Annual register

52 On or before February 1 in each year, the association shall file with the Minister of Justice a list, certified by the registrar to be a true list, showing:

- (a) the names of all members, licensees and holders of certificates of authorization as at December 31 in the preceding year;
- (b) the addresses of the members, licensees and holders of certificates of authorization mentioned in clause (a) as shown by the records of the association; and
- (c) the respective dates of admission and category of practice of the members and licensees mentioned in clause (a).

Annual report

53 The association shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

Compliance

54(1) Every member shall comply with this Act and the bylaws.

(2) Every licensee shall comply with this Act and the bylaws and all restrictions or terms and conditions specified in his or her licence.

(3) Every holder of a certificate of authorization shall comply with this Act and the bylaws.

Service of notices, etc.

55(1) Unless otherwise provided for in this Act or the bylaws, any notice or other document that is required to be served pursuant to this Act may be served by:

(a) personal service made:

(i) in the case of an individual, on that individual;

(ii) in the case of a partnership, on any partner; or

(iii) in the case of a corporation, on any officer or director;

(b) registered mail addressed to the last business or residential address of the person to be served known to the registrar.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.

CONSEQUENTIAL AMENDMENTS

R.S.S. 1978, c.A-25, section 40 amended

56 Clause 40(a) of *The Architects Act* is repealed and the following substituted:

“(a) any professional engineer, as defined in *The Engineering and Geoscience Professions Act*, from engaging in the practice of professional engineering, as defined in that Act”.

S.S. 1984-85-86, c.B-7.1, section 2 amended

57 Clause 2(1)(d.1) of *The Builders' Lien Act* is repealed and the following substituted:

“(d.1) ‘**engineer**’ means a professional engineer, as defined in *The Engineering and Geoscience Professions Act*, and includes the holder of a certificate of authorization granted pursuant to section 22 of that Act”.

R.S.S. 1978, c.C-21, section 3 amended

58 Clause 3(1)(b) of *The Community Planning Profession Act* is repealed and the following substituted:

“(b) who is a professional engineer, as defined in *The Engineering and Geoscience Professions Act*”.

R.S.S. 1978, c.C-27, section 2 amended

59 Clause 2(e) of *The Conservation and Development Act* is amended by striking out “an engineer registered and licensed as a professional engineer under *The Engineering Profession Act*” and substituting “a professional engineer, as defined in *The Engineering and Geoscience Professions Act*”.

R.S.S. 1978, c.H-3, section 2 amended

60 Clause 2(d) of *The Highways and Transportation Act* is repealed and the following substituted:

“(d) `engineer' means a professional engineer, as defined in *The Engineering and Geoscience Professions Act*”.

R.S.S. 1978, c.I-15, section 2 amended

61 Clause 2(c) of *The Irrigation Districts Act* is amended by striking out “an engineer registered and licensed as a professional engineer under *The Engineering Profession Act*” and substituting “a professional engineer, as defined in *The Engineering and Geoscience Professions Act*”.

S.S. 1995, c.L-3.1, section 23 amended

62 Subsection 23(3) of *The Land Surveyors and Professional Surveyors Act* is amended by striking out “person registered as a professional engineer pursuant to *The Engineering Profession Act*” and substituting “a professional engineer or a professional geoscientist, as defined in *The Engineering and Geoscience Professions Act*”.

S.S. 1979, c.M-11.1, section 14 amended

63 Clause 14(2)(c) of *The Meewasin Valley Authority Act* is repealed and the following substituted:

“(c) at least two members, as defined in *The Engineering and Geoscience Professions Act*, at least one of whom is a geotechnical engineer or a professional geoscientist”.

S.S. 1989-90, c.R-1.2, section 2 amended

64 Clause 2(g) of *The Railway Act* is repealed and the following substituted:

“(g) `professional engineer' means a professional engineer, as defined in *The Engineering and Geoscience Professions Act*, and includes the holder of a certificate of authorization granted pursuant to section 22 of that Act”.

S.S. 1983-84, c.U-1.2, section 2 amended

65 Clause 2(1)(h.1) of *The Uniform Building and Accessibility Standards Act* is repealed and the following substituted:

“(h.1) `engineer' means a professional engineer, as defined in *The Engineering and Geoscience Professions Act*, and includes the holder of a certificate of authorization granted pursuant to section 22 of that Act”.

R.S.S. 1978, c.W-4, section 14 amended

66 Section 14 of *The Wascana Centre Act* is amended by striking out “an engineer registered as a professional engineer under *The Engineering Profession Act*” and substituting “a professional engineer, as defined in *The Engineering and Geoscience Professions Act*”.

TRANSITIONAL AND REPEAL

Transitional - membership

67 Notwithstanding subclause 20(1)(d)(ii), the council may, at any time prior to the expiration of two years after the coming into force of that subclause, admit to membership in the association as a professional geoscientist an individual who meets any educational and experience requirements that may be set out in the regulatory bylaws for the purposes of this section.

Transitional - council

68(1) A person who was elected as a member of the council of the Association of Professional Engineers and who held office on the day before this Act comes into force continues as a member of the council until the earlier of:

- (a) the date elected councillors are elected pursuant to this Act and the bylaws; or
- (b) the date the person dies, resigns or otherwise ceases to be an elected councillor.

(2) On the coming into force of this Act, the councillors representing the University of Saskatchewan and The University of Regina continue to hold office until the first election of the council pursuant to this Act and the bylaws.

(3) On the coming into force of this Act, the Lieutenant Governor in Council shall appoint two councillors from among those members who are professional geoscientists, and those councillors hold office until the first election of the council pursuant to this Act and the bylaws.

Transitional - bylaws

69 The bylaws of the Association of Professional Engineers of Saskatchewan that existed on the day before this Act comes into force remain in force and are deemed to be made pursuant to this Act, to the extent that they are not inconsistent with this Act.

R.S.S. 1978, c.E-10 repealed

70 *The Engineering Profession Act* is repealed.

COMING INTO FORCE

Coming into force

71 This Act comes into force on proclamation.