



Engineering Profession Act

CHAPTER 148

OF THE

REVISED STATUTES, 1989

amended 2006, c. 29; 2008, c. 15; 2009, c. 13; 2010, c. 15.

By-Laws of The Association

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An Act Respecting the Engineering Profession

Short title

1 This Act may be cited as the Engineering Profession Act. *R.S., c. 148, s. 1.*

INTERPRETATION

Interpretation

2 In this Act,

- (a) "Association" means the Association of Professional Engineers of the Province of Nova Scotia;
- (b) "Board" means the Board of Examiners of the Association or such members of the Board as may be deputed by the Council to examine credentials or conduct examinations;
- (c) "by-laws" means by-laws of the Association;
- (d) "certificate of registration" means a certificate in force under this Act which is issued to a member;
- (e) "Council" means the Council of the Association;
- (f) "engineer" means a person who through specialized education, training and experience is skilled in the principles and practice of engineering;
- (g) "engineering" means the science and art of designing, investigating, supervising the construction, maintenance or operation of, making specifications, inventories or appraisals of, and consultations or reports on machinery, structures, works, plants, mines, mineral deposits, processes, transportation systems, transmission systems and communication systems or any other part thereof;
- (h) "engineer-in-training" means a person enrolled as an engineer-in-training in good standing;
- (i) "licence to practise" means a licence to practise professional engineering issued and in force under this Act;
- (j) "licensed to practise" means holding a licence to practise;
- (k) "member" means a registered member of the Association in good standing;
- (l) "President" means the President of the Association;

- (m) "professional engineer" means a person who practises professional engineering;
- (n) "professional engineering" means application of engineering for gain, hire or hope of reward, either directly or indirectly;
- (na) "registrant" means either a member, a person licensed to practise or an engineer-in-training;
- (o) "Registrar" means the Registrar of the Association;
- (oa) "registration" means either a certificate of registration, a licence to practise or enrolment as an engineer-in-training;
- (p) "Secretary" means the Secretary of the Association;
- (q) "Treasurer" means the Treasurer of the Association;
- (r) "Vice-president" means the Vice-president of the Association. *R.S., c. 148, s. 2; 2009, c.13, s.1.*

ASSOCIATION

Association continued

3 (1) The Association of Professional Engineers of the Province of Nova Scotia, heretofore incorporated by Chapter 186 of the Acts of 1920 is continued as a body corporate and politic under the same name and shall have perpetual succession and a common seal.

(2) All persons who were members of the Association of Professional Engineers of the Province of Nova Scotia on the twenty-ninth day of March, 1945, are declared to be members of the Association of Professional Engineers of the Province of Nova Scotia as that body is continued under this Section. *R.S., c. 148, s. 3.*

Head office

4 The head office of the Association shall be at Halifax. *R.S., c. 148, s. 4.*

OBJECTS

Objects

5 The objects of the Association are to

- (a) promote and improve the proficiency of professional engineers in all matters relating to the profession of engineering;

(b) do all such matters and things as will advance and protect the interests of professional engineers in the profession of engineering;

(c) assure the general public of the proficiency and competency of professional engineers in the practice of engineering;

(d) do all such other matters and things as may be necessary for or incidental or conducive to the welfare of professional engineers and their usefulness to the public. *R.S., c. 148, s. 5.*

POWERS

Powers

6 (1) The Association, in addition to all other powers vested in corporations, is authorized and empowered to

(a) provide for the government, discipline and honour of persons practising professional engineering and those enrolled as engineers-in-training within the Province;

(b) acquire, hold and dispose of real and personal property or any part thereof;

(c) borrow money for the purpose of carrying out any of the objects of the Association and give security for any money so borrowed on any of the real, personal or mixed property of the Association by way of mortgage, pledge, charge or otherwise howsoever;

(d) establish and maintain a register of professional engineers, which register shall be the official register of persons entitled to practise professional engineering within the Province;

(e) fix and collect the fees payable by any person, upon being admitted as a member, licensed to practise or enrolled as an engineer-in-training, and fix and collect the fees payable by any person desiring to write any examination prescribed by the Association with a view to becoming a member, or being enrolled as an engineer-in-training, and fix and collect the annual dues payable by members, persons licensed to practise and engineers-in-training, and exempt any person from the payment of any such fees or dues for such reason and upon such terms and conditions as the Council may from time to time determine and, by by-law, authorize the Council to fix from time to time by resolution the fees and annual dues of the Association in such manner and subject to such limits as are prescribed by by-law;

(f) assess members for any ordinary, special or extraordinary expenditures that may be deemed necessary or expedient to further any of the objects of the Association and make such assessment in the manner provided by the by-laws of the Association;

(g) prescribe the nature and extent of the education and practical experience in engineering which must be possessed by any person before being permitted to practise professional engineering within the Province or before being enrolled as an engineer-in-training;

(ga) by resolution establish compulsory requirements for the continuing professional development of members with the power to exempt any member or class of members from such requirements for reasons and upon such terms and conditions as the Council may from time to time may determine;

(h) provide facilities for determining by examination or other means, the competency of persons seeking to practise professional engineering or to be enrolled as engineers-in-training within the Province, and grant certificates of registration and licences to practise to persons so qualified to practise;

(i) arrange and establish ways and means by which persons may be trained in the profession of engineering;

(j) negotiate for and on behalf of any member or engineer-in-training in any matter pertaining to his welfare as a professional engineer or engineer-in-training;

(k) enter into agreements on behalf of the Association or members or engineers-in-training, with any person or association of persons, as may be necessary for or incidental or conducive to the carrying out of the objects of the Association;

(ka) establish with any other professional association a joint practice board with power to review and make recommendations to the Council on professional practice issues of mutual concern;

(l) make, amend and repeal by-laws relating to the objects and powers of the Association, provided that such by-laws, amendments and repeals thereof shall have no force or effect unless and until approved by the Governor in Council;

(la) by by-law empower the Council to, by resolution, adopt, amend or rescind, in whole or in part, a Code of Ethics;

(m) do all such other matters and things as may be necessary for or incidental or conducive to the welfare of professional engineers and their usefulness to the public.

(2) A Code of Ethics adopted or an amendment to a Code of Ethics pursuant to clause (1)(la) must be appended to the by-law and is a part of the by-laws. *R.S., c. 148, s. 6; 2006, c. 29, s. 1; 2009, c.13, s.2; 2010, c. 15, s.1.*

MEMBERSHIP

Qualifications of member

[Under Section 7(3)(b), Council of the Association has approved the removal of the Canadian Citizenship or Permanent Residency requirement effective April 7, 2011]

7 (1) Any person shall be entitled to be registered as a member of the Association upon filing with the Registrar satisfactory proof that such person is a citizen of Canada or is lawfully admitted to Canada for permanent residence, has tendered the fees and dues prescribed by or under the by-laws, has completed the minimal number of professional development hours prescribed by or under the by-laws in the twelve month period before application for registration as a member, and

(a) has obtained a degree in engineering from a school, college or university, which degree is approved by the Council, and has had four years experience in engineering;

(b) has obtained a degree in science, other than engineering, from a school, college or university, which degree is approved by the Council, and has had four years experience in engineering;

(c) is a registered member of an association of engineers, which association in the opinion of the Council is similarly constituted and has similar membership requirements to this Association, and furnishes the Registrar with a certificate of membership in good standing in such other association;

(d) has passed the examinations prescribed by the Council and has had sufficient number of years of experience in engineering to qualify such person in the opinion of the Council to practise professional engineering; or

(e) has had in the opinion of the Council outstanding experience in engineering.

(2) Subject to subsection 7(3), every person, who in the opinion of the Council, expressed by a resolution thereof, has complied with subsection (1), shall be registered as a member.

(3) The Association may by by-law authorize the Council to make resolutions

(a) respecting the establishment of different classes of applicants for registration;

(b) respecting the conditions for the entry into membership of persons in those classes;

(c) respecting the right of persons in those classes to be exempted from the requirement that the application for membership of persons in those classes come before either the Board or the Council, or both, for consideration and resolution before being granted membership. *R.S., c. 148, s. 7; 2006, c. 29, s. 2; 2008, c. 13, s. 1; 2009, c. 13, s. 3; 2010, c. 15, s. 1.*

7A A registrant may resign his or her registration by filing with the Registrar a resignation in writing and the registration is thereupon cancelled, subject to the continuing jurisdiction of the Council in respect of any disciplinary action arising out of the person's professional conduct while a registrant. *2009, c. 13, s.4.*

LICENCE TO PRACTISE

Qualifications of non-resident

8 (1) Any person, not resident of the Province, shall be entitled to a licence to practise upon tendering the fees, and dues prescribed by or under the by-laws and filing with the Registrar satisfactory proof that

(a) such person is a registered member in good standing of an association of engineers, which association in the opinion of the Council is similarly constituted and has similar membership requirements to the Association; or

(b) such person is qualified to practise professional engineering, but is a resident of a province, state or country in which there is no association similarly constituted.

(2) Every person, who in the opinion of the Council, expressed by a resolution thereof, has complied with subsection (1) shall be granted a licence to practise. *R.S., c. 148, s. 8; 2006, c. 29, s. 3.*

ENGINEERS-IN-TRAINING

Enrolment of engineer-in-training

9 (1) Any person who is a graduate or undergraduate in engineering or science of a school, college, or university approved by the Council or has passed examinations prescribed by the Council, may with the approval of the Council, be enrolled with the Association as an engineer-in-training.

(2) An engineer-in-training shall be subject to the control of the Council in the manner provided by this Act and the by-laws. *R.S., c. 148, s. 9.*

PERSONS EXEMPTED

Act does not apply

10 This Act shall not apply to any person

(a) while a member of and on duty with any branch of Her Majesty's Armed Forces;

(b) while waiting decision of the Council on his application for membership or for a licence to practise after having filed the credentials provided for by Sections 7 or 8;

(c) while applying engineering to a project on his own property for the sole use of his domestic establishment, or elsewhere to a project of a value not exceeding five thousand dollars, where in either case that engineering in the opinion of the Council does not involve safety of other persons;

(d) who holds a certificate of competency as a mine manager pursuant to the Coal Mines Regulation Act and is engaged in coal mining operations. *R.S., c. 148, s. 10.*

PARTNERSHIP AND COMPANIES

Non-individual

11 (1) A partnership, association of persons or body corporate, shall not as such be registered as a member of the Association or licensed to practise.

(2) A partnership, association of persons or body corporate, may undertake and carry out the application of engineering in its own name provided that one of its principal and customary functions is the application of engineering and such application of engineering is done under the supervision of a member or a full-time permanent employee thereof, who in either case is a member of the Association or is licensed to practise. *R.S., c. 148, s. 11.*

MEETINGS

Meetings

12 (1) The Association shall, in the manner provided by the by-laws, hold an annual meeting in each calendar year and such other meetings as are required.

(2) Members and engineers-in-training shall be entitled to vote at a meeting of the Association. *R.S., c. 148, s. 12; 2006, c. 29, s. 4.*

ADMINISTRATION

Council

13 (1) There shall be a Council of the Association consisting of the President, immediate Past-president, Vice-president and eight other members, who must be residents of the Province and who shall be elected in the manner provided by the by-laws.

(2) The President shall hold office until his successor is elected and shall act as presiding officer at the meetings of the Council and of the Association voting only when the votes are evenly divided.

(3) The Vice-president shall have all the powers of the President in the absence of the latter.

(4) The Council shall appoint annually a Registrar, a Secretary and a Treasurer, who shall perform the duties assigned to them by this Act and by the by-laws and the Council may appoint one person to any one or more of the offices of Registrar, Secretary and Treasurer.

(5) The Council shall appoint annually such other officers as may be necessary for carrying out the provisions of this Act and the by-laws.

(6) The members of the Council, officers and examiners appointed under this Act and the by-laws shall be paid such fees and expenses as are prescribed by the by-laws.

(7) The Council shall provide for the general management of the affairs and business of the Association and shall carry on and transact the same in accordance with this Act and the by-laws. *R.S., c. 148, s. 13; 2006, c. 29, s. 5.*

EXAMINATIONS

Board of Examiners

14 The Council shall, in the manner provided by the by-laws, appoint annually a Board of Examiners consisting of members who are residing within the Province and may at any time fill any vacancies on the Board, replace any member thereof and add to its number. *R.S., c. 148, s. 14.*

Duties

15 The Board of Examiners shall, in the manner provided by the by-laws,

(a) examine and report on all degrees, diplomas, certificates and other credentials presented, or given in evidence for the purpose of obtaining registration as a member, a licence to practise or enrolment as an engineer-in-training;

(b) set and conduct the examinations of candidates for membership and enrolment as engineers-in-training and file the results thereof. *R.S., c. 148, s. 15.*

Central Examining Board

16 The Council shall have power to establish jointly with any council of any association similarly constituted in one or more of the provinces of Canada, a Central Examining Board, and to delegate to such Central Examining Board all or any of the powers possessed by the Association in respect of the examination of candidates for membership or enrolment as an engineer-in-training, provided that the examination shall be held within the Province. *R.S., c. 148, s. 16.*

DISCIPLINE OF MEMBERS

Discipline by Council

- 17 (1) A complaint against a registrant may be initiated by any person.
- (2) A complaint must be in writing and filed with the Secretary.
- (3) Upon the filing of the complaint, the Secretary or the Secretary's designate shall forthwith by written notice
 - (a) advise the registrant complained against that the complaint has been made;
 - (b) enclose a copy of the complaint; and
 - (c) advise the registrant complained against that the registrant has the opportunity to provide the Secretary with a written response to the complaint within fourteen days of the date that a copy of the complaint was sent to the registrant.
- (4) The Secretary or the Secretary's designate shall forward the response of the registrant complained against, if any, to the complainant.
- (5) The complainant may submit a written response to the response of the registrant complained against within ten days of the response of the registrant being forwarded to the complainant by the Secretary.
- (6) The Secretary or the Secretary's designate shall forward the complainant's response, if any, to the registrant complained against.
- (7) The registrant complained against may respond in writing to the complainant's further response within ten days of complainant's further response being forwarded to the registrant by the Secretary.
- (8) The Secretary or the Secretary's designate shall forward to the complainant any further response received from the registrant complained against.
- (9) The Secretary or the Secretary's designate shall refer the complaint to the Complaints Committee, together with any written responses from the registrant complained against and the complainant upon the earliest of the following events occurring:
 - (a) upon the registrant failing to respond to the written notice issued pursuant to clause (3)(c) within fourteen days following the issuance of the notice;
 - (b) upon either the registrant or the complainant failing to respond to the response forwarded to either person within the response times set out in subsection (5) or (7); or

(c) upon receipt of the further response of the registrant pursuant to subsection (7). *2009, c. 13, s. 5; 2010, c. 15, s. 2.*

17A (1) Where, in the absence of a complaint, circumstances come to the notice of the Secretary that, in the Secretary's opinion, may constitute grounds for discipline pursuant to this Act, the Secretary may prepare a report thereon in writing for submission to the Complaints Committee.

(2) The Secretary shall

(a) forward a copy of the report forthwith after its preparation to the registrant who is the subject of the report; and

(b) advise the registrant who is the subject of the report that the registrant has the opportunity to provide the Secretary with a written response concerning the report within fourteen days of its being forwarded by the Secretary.

(3) After the expiration of fourteen days, the Secretary or the Secretary's designate shall refer the report to the Complaints Committee together with any written response from the registrant who is the subject of the report.

(4) The Complaints Committee shall deal with such a report as if it were a complaint, and the report must be treated for purpose of this Act and by-laws in the same manner as a complaint. *2009, c. 13, s. 5.*

17B The complaint process must not be used for any extraneous or improper purpose including, but not limited to, use

(a) for the purpose of harassing a registrant of the Association into providing relief that is beyond that which the member was retained to furnish or that may be more appropriately available through civil litigation or other processes;

(b) by a party adverse in interest to a client or a registrant complained against, for the purpose of harassing such client or registrant;

(c) as a form of discovery or for the gathering of information in another proceeding; or

(d) for commercial gain. *2009, c. 13, s. 5.*

17C (1) The Council shall appoint, from among the members of the Association, a Complaints Committee composed of not fewer than five members.

(2) Members of the Complaints Committee shall be appointed for terms up to and including three years, as the Council determines.

(3) In the case of a vacancy in the Complaints Committee, the Council may appoint another member of the Association to fill the vacancy for such term as the Council determines.

(4) A quorum of the Complaints Committee consists of three members.

(5) The Council shall appoint the Chair and Vice-chair of the Complaints Committee. *2009, c.13, s. 5.*

17D (1) The Complaints Committee shall investigate complaints regarding disciplinary matters concerning a registrant and upon doing so may

(a) obtain additional information, orally or in writing from the member, the complainant or any other person;

(b) interview the registrant, the complainant or any other person;

(c) obtain outside assistance to further the investigation;

(d) employ such experts as the Committee considers necessary;

(e) undertake such other steps as the Committee determines are required for a thorough investigation.

(2) The Complaints Committee is not required to hold a hearing or to afford any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this Section or Section 17E.

(3) The Complaints Committee may require a registrant to

(a) submit to physical or mental examinations by such qualified persons as the Committee designates;

(b) submit to an inspection or audit of the registrant's work, products of service and practice by such qualified persons as the Committee designates;

(c) undergo such examinations of engineering and allied skills, knowledge and professional practice as the Committee directs to assess the registrant's competency to practise engineering;

(d) produce records and accounts kept with respect to the registrant's practice.

(4) Where a registrant fails to comply with subsection (3), the Complaints Committee may suspend or restrict the registration or licence to practise until the member, person licensed to practise or engineer-in-training complies.

(5) Where the Complaints Committee has required a registrant to submit to examinations or submit to inspection or audit of the registrant's practice by a qualified person designated by the Committee, the Committee shall provide the member with a copy of any report it receives from the designated qualified person. *2009, c. 13, s. 5.*

17E (1) The Complaints Committee may

(a) dismiss a complaint if it determines that the complaint is frivolous or vexatious or not advanced in good faith or advanced for an extraneous or improper purpose as identified in Section 17B;

(b) dismiss a complaint if it finds that there are not reasonable or probable grounds to believe that the registrant complained against has breached the Act or by-laws or is guilty of unprofessional conduct, negligence or misconduct in the execution of the duties of the registrant's office;

(c) attempt to resolve the complaint if, in the opinion of the Committee, the complaint may be satisfactorily resolved and the resolution of the complaint would properly balance the protection of the public and the rights of the registrant complained against;

(d) refer a complaint to the Discipline Committee if it finds that there are probable and reasonable grounds to believe that the registrant complained against has breached the Act or by-laws or is guilty of unprofessional conduct, negligence or misconduct in execution of the duties of the registrant's office;

(e) refer a complaint to the Discipline Committee if it finds that a registrant has been convicted of a criminal offence by any court of competent jurisdiction.

(2) A referral pursuant to clause (1)(d) or (e) must include a written report containing a summary of the investigation and identification of the issues that the Discipline Committee may wish to determine.

(3) The Complaints Committee shall provide a copy of its report to Discipline Committee to the registrant complained against.

(4) The Secretary shall advise, in writing, the registrant and the complainant of the disposition of a complaint by the Complaints Committee. *2009, c. 13, s. 5.*

17F (1) A complainant who is not satisfied with the disposition of the complaint by the Complaints Committee may apply to the Chair of the Discipline Committee for a review of the treatment of the complaint by the Complaints Committee by submitting a written appeal to the Secretary within thirty days of the decision to the Complaints Committee.

(2) An appeal must set out the reasons why the complainant considers the complaint to have received improper treatment.

(3) Upon receipt of a written appeal of the disposition of a complaint by the Complaints Committee, the Chair of the Discipline Committee shall appoint a member of the Discipline Committee to act as review officer for the purpose of considering the appeal.

(4) The member appointed as review officer must have had no prior knowledge of the complaint and cannot participate in the disciplinary hearing if the subject-matter of the complaint comes before the Discipline Committee.

(5) The review officer may request the disclosure of such information regarding the treatment of the complaint as the review officer considers necessary.

(6) Within thirty days of receiving a written application for review from a complainant, the review officer shall inquire into the treatment of the complaint and

(a) dismiss the appeal if the review officer considers it to be frivolous or vexatious or not advanced in good faith;

(b) dismiss the appeal if the review officer considers the complaint to have been properly treated by the Complaints Committee;

(c) remit the complaint back to the Complaints Committee for further consideration if the review officer determines that the complaint was not fairly treated by the Committee; or

(d) refer the matter to the Discipline Committee for hearing together with a statement of the issues identified by the review officer if the officer is satisfied that the complaint was not fairly treated by the Complaints Committee and should not be remitted to the Complaints Committee for further consideration. *2009, c. 13, s. 5.*

17G (1) The Council shall appoint not fewer than ten members of the Association to serve on the Discipline Committee.

(2) The Council may appoint not more than two persons who are not registrants to serve on the Discipline Committee.

(3) The Council shall appoint the Chair and Vice-chair of the Discipline Committee.

(4) Members of the Discipline Committee shall be appointed for terms up to three years, as the Council determines.

(5) In the case of a vacancy in the Discipline Committee, the Council may appoint another member of the Association or a person who is not a registrant, as the case may be, to fill the vacancy for such term as the Council determines.

(6) The Vice-chair of the Discipline Committee may do any act assigned herein for the Chair of the Committee if the Chair is unable or unwilling to act.

(7) The Discipline Committee shall receive and process all complaints referred by the Complaints Committee and all appeals from decisions of the Complaints Committee and such other or additional duties as may be assigned it by the Council. *2009, c. 13, s. 5.*

17H (1) Upon referral of a complaint to the Discipline Committee, the Chair of the Committee shall appoint not more than five members of the Committee to serve as a disciplinary panel for the complaint and shall set a time and place for the holding of a hearing to deal with the complaint.

(2) The Secretary shall send notice of the time and place of the disciplinary hearing to the registrant complained against at least thirty days before the hearing, and the notice must advise the registrant that the registrant may appear in person or by or with counsel at the hearing.

(3) The notice must also set forth the nature of the allegations that must be considered by the disciplinary panel at the disciplinary hearing.

(4) The disciplinary panel shall appoint one of its members to serve as chair of the disciplinary panel.

(5) A majority of members of the disciplinary panel is a quorum. *2009, c. 13, s. 5.*

17I (1) At any time prior to the commencement of the disciplinary hearing, the Secretary may, together with the registrant complained against, tender a written joint recommendation for the disposition of the complaint.

(2) The joint recommendation must be conditional upon its acceptance by the disciplinary panel. *2009, c. 13, s. 5.*

17J (1) Where a disciplinary panel accepts a joint recommendation for the disposition of a complaint, the panel shall confirm such acceptance by issuing an order that incorporates a joint statement of facts and the joint recommendation for the disposition of the complaint.

(2) The disciplinary panel's acceptance of a joint statement of facts and a joint recommendation for the disposition of the complaint is final and binding on the registrant complained against.

(3) A disciplinary hearing is not required if a disciplinary panel accepts a joint recommendation. *2009, c. 13, s. 5.*

17K (1) Where a disciplinary panel rejects a joint recommendation for the disposition of a complaint, the chair of the disciplinary panel shall refer the complaint back to the Chair of the Discipline Committee who shall appoint not more than five members of the discipline committee to serve as a disciplinary panel for the complaint and shall set a date and time for the commencement of a disciplinary hearing.

(2) The disciplinary hearing of a complaint must proceed without reference to the proposed joint statement of facts and joint recommendation for the disposition of the complaint.

(3) No member of the disciplinary panel that considered the joint statement of facts and joint recommendation for the disposition of the complaint may be a member of the new disciplinary panel. *2009, c. 13, s. 5.*

17L Notwithstanding that a member of the Complaints Committee or a disciplinary panel has ceased to hold office by reason of lapse of appointment, the member remains seized with the jurisdiction to complete any matter the Committee or panel has commenced and, for this purpose, the member continues to have the same powers, privileges and duties as are provided by this Act or the by-laws. *2009, c. 13, s. 5.*

17M (1) A disciplinary panel shall hold a disciplinary hearing at the time and date specified, and or at adjournment or continuation thereof.

(2) A disciplinary hearing must be held in camera unless the registrant complained against requests a public hearing, and the disciplinary panel, in its discretion, is satisfied that a public hearing is in the interest of the public. *2009, c. 13, s. 5.*

17N The parties to the disciplinary hearing are the Association and the registrant complained against. *2009, c. 13, s. 5.*

17O (1) A disciplinary panel shall hear each case in the manner it considers fit.

(2) Where the registrant complained against fails to appear at a disciplinary hearing, the disciplinary panel may proceed with the hearing in the absence of such person upon receiving proof in the form of a statutory declaration from the Secretary that due notice of the disciplinary hearing was given or mailed to the registrant complained against.

(3) The chair of the disciplinary panel has the right to administer oaths.

(4) The disciplinary panel may require a registrant to

(a) submit to physical or mental examinations by such qualified persons as the Disciplinary Committee designates;

(b) submit to an inspection or audit of the registrant's work, products of service and practice by such qualified persons as the Disciplinary Committee designates;

(c) undergo such examinations of engineering and allied skills, knowledge and professional practice as the disciplinary panel directs to assess the registrant's competency to practise engineering;

(d) produce records and accounts kept with respect to the registrant's practice.

(5) Where a registrant fails to comply with subsection (4), the disciplinary panel may suspend or restrict the registrant's registration or licence to practise until the registrant complies.

(6) Where a disciplinary panel has required a registrant to submit to examinations or submit to inspection or audit of the registrant's practice by a qualified person designated by the disciplinary panel, the disciplinary panel shall provide the registrant with a copy of any report it receives from the designated qualified person. *2009, c. 13, s. 5.*

17P (1) A disciplinary panel has the same powers of taking evidence, compelling the attendance of witnesses, compelling the production of books, paper and documents, and of punishing for contempt or the failure to comply with the orders of the disciplinary panel, as a commissioner appointed under the Public Inquiries Act.

(2) All oral evidence adduced at a disciplinary hearing must be given under oath and recorded.

(3) A certified copy of the transcript of a disciplinary hearing must be made available to the registrant complained against at the registrant's request and expense. *2009, c. 13, s. 5.*

17Q Throughout a disciplinary hearing, the registrant complained against is entitled to all the rights of natural justice, including the right to be represented by legal counsel, to know all the evidence considered by the disciplinary panel, to present evidence and to cross-examine witnesses. *2009, c. 13, s. 5.*

17R (1) Notwithstanding any other provision of this Act, in urgent and compelling circumstances the Chair of the Discipline Committee, upon the advice of the Complaints Committee, may, without a hearing, in the interest of the public, immediately suspend the licence of a registrant or immediately impose restrictions on a temporary basis on the registration of a registrant.

(2) Where the registration of a registrant has been suspended or subjected to restrictions pursuant to subsection (1), the Secretary or the Secretary's designate shall, forthwith, cause written notice of the suspension or restriction to be transmitted to the registrant.

(3) The registrant whose registration has been suspended or subjected to restrictions pursuant to subsection (1) may request a meeting with the Complaints Committee within ten days of the notice issued by the Secretary pursuant to subsection (2) by submitting a request in writing to the Secretary.

(4) The Secretary or the Secretary's designate shall cause the request to be transmitted to the Complaints Committee as soon as practical.

(5) The Complaints Committee shall, upon receipt of the request from the registrant, provide an opportunity for a meeting within ten days of the receipt of the written request and the Committee shall within seven days after the meeting confirm, vary or terminate the suspension or restrictions imposed pursuant to subsection (1) in writing and transmit its decision as quickly as practicable to the Secretary.

(6) The Secretary or the Secretary's designate shall cause the registrant to be advised of the Complaint Committee's decision.

(7) Where the Complaints Committee confirms or varies the suspension or restriction, the matter must be referred to the Chair of the Discipline Committee who shall appoint a disciplinary panel and the panel shall commence a hearing to inquire into the suspension, or restriction and the conduct of the registrant giving rise to the suspension or restriction within thirty days, unless the

registrant requests a hearing date that is more than thirty days after the referral of the matter to the Chair of the Discipline Committee.

(8) Where a decision is made pursuant to subsection (1) and the registrant does not request a meeting with the Complaints Committee within ten days of receiving notice of the decision made pursuant to subsection (1), the matter must be referred to the Chair of the Discipline Committee who shall appoint a disciplinary panel and the panel shall hold a hearing within forty days of the date of the decision made pursuant to subsection (1) unless the registrant requests a hearing date that is more than forty days after the decision made pursuant to subsection (1).

(9) For the purpose of calculating time in subsection (3), a registrant shall be presumed to have received notice of the decision made pursuant to subsection (1) two business days after the date the notice of the decision is sent to the registrant by the Secretary or the Secretary's designate by registered mail.

(10) A disciplinary panel may, upon the commencement of a hearing, vary or terminate a suspension or restrictions imposed by the Complaints Committee. *2009, c. 13, s. 5.*

17S (1) Upon completion of a disciplinary hearing, the disciplinary panel may, where it finds that the registrant is not guilty, dismiss the complaint.

(2) Where a disciplinary panel finds any registrant guilty of

(a) unprofessional conduct, negligence or misconduct in the execution of the duties of registrant's office; or

(b) any breach of this Act or of the by-laws,

or finds that a registrant has been convicted of a criminal offence by any court of competent jurisdiction, the disciplinary panel may by order

(c) cancel or suspend the certificate of registration, licence to practise or enrolment of any engineer-in-training;

(d) impose terms, restrictions, conditions or limitations on the certificate of registration;

(e) reprimand and censure the registrant and, where warranted, direct that the fact of the reprimand or censure be recorded in the register for a prescribed or indefinite period of time;

(f) in respect of orders of revocation or suspension, direct that the finding and the order of the disciplinary panel be published in detail or in summary and either with or without including the name of the registrant in the official publication of the Association and in such other manner or medium as the disciplinary panel considers appropriate in the particular case;

(g) impose such fine as the disciplinary panel considers appropriate to a maximum of five thousand dollars to be paid by the registrant to the Minister of Finance for payment into the Consolidated Fund;

(h) require that a registrant undergo such treatment, testing or assessment as is deemed appropriate;

(i) impose such other disposition as it considers appropriate.

(3) A decision of a disciplinary panel has effect immediately upon service on the member or from such time as the panel may direct.

(4) A witness in any legal proceeding, whether a party to the proceeding or not, is excused from answering any question as to any proceedings of the Complaints Committee, the Discipline Committee or a disciplinary panel, and is excused from producing any report, statement, memorandum, recommendation, document or information prepared for the purpose of the complaint process, including any information gathered in the course of an investigation or produced for the Complaints Committee, the Discipline Committee or a disciplinary panel.

(5) Subsection (4) does not apply to documents or records that have been made available to the public by the Association.

(6) Unless otherwise determined by a court of competent jurisdiction, a decision of the Complaints Committee or a disciplinary panel is not admissible in a civil proceeding other than an appeal or a review pursuant to this Act. *2009, c. 13, s. 5.*

17T (1) In this Section, "costs of the Association" include

(a) expenses incurred during the investigation into a complaint and in preparing for and conducting a hearing; and

(b) solicitor and client costs and disbursements incurred during a Complaints Committee investigation, in preparation for and during a disciplinary hearing by the disciplinary panel.

(2) Where a disciplinary panel has made a finding of guilt or finds that a conviction of a criminal offence has occurred, the disciplinary panel, in addition to those remedies identified in subsection 17S(2), may

(a) require that a registrant pay to the Association all or a portion of the costs of the Association; and

(b) make it a condition of the registration of a registrant that such costs be paid forthwith, or at such time and on such terms as the disciplinary panel may fix.

(3) The Secretary shall provide the registrant and the complainant and such other persons as the disciplinary panel considers appropriate with a copy of the decision of the disciplinary panel. *2009, c. 13, s. 5.*

17U Where no appeal has been taken pursuant to subsection 17V(1) within the time prescribed for the filing of notices of appeal,

(a) the disciplinary panel's decision must be reported either on a named or unnamed basis, to members of the Association by publication in such form and in such manner as the Council considers appropriate;

(b) the disciplinary panel may, in its discretion, order that a notice of suspension or revocation of licence be printed in whatever newspaper and on as many occasions as the disciplinary panel directs;

(c) in the event that an appeal from an order of the disciplinary panel is taken pursuant to subsection 17V(1), no such notice shall be given unless and until the order of the disciplinary panel is upheld on appeal and the periods for the taking of any further appeals have expired. *2009, c. 13, s. 5.*

17V (1) A registrant subject to an order issued by the disciplinary panel under subsection 17S(2) may, within thirty days of the issuance of the order, appeal from such order to the Supreme Court of Nova Scotia on any point of law.

(2) A registrant who intends to commence an appeal pursuant to subsection (1) shall give ten days prior notice of registrant's intention to appeal to the Secretary.

(3) A registrant who commences an appeal pursuant to subsection (1) shall forthwith serve the notice of appeal on the Secretary or the Secretary's designate.

(4) Upon receipt of a notice of appeal filed pursuant to subsection (1), the Secretary or the Secretary's designate shall prepare and file with the Supreme Court of Nova Scotia a record of the disciplinary hearing which must include a copy of the transcript of the hearing, the decision of the disciplinary panel and the evidence before the disciplinary panel certified by the chair of the disciplinary panel.

(5) Where a matter is appealed to the Supreme Court of Nova Scotia pursuant to subsection (1), the Court may pending its determination of the appeal grant a stay of any order or any part of an order made by the disciplinary panel pursuant to subsection 17S(2), where in its discretion it deems fit. *2009, c. 13, s. 5.*

17W No action for damages lies against the Council, the Secretary, any committee member, officer or employee of the Council

(a) for any act or failure to act, or any proceeding initiated or taken, in good faith under this Act, or in carrying out their duties or obligation as an officer, employee, or committee member under this Act and the regulations; or

(b) for any decision, order or resolution made or enforced in good faith under this Act and the regulations. *2009, c. 13, s. 5.*

REGISTRATION

Register, certificates and licences

18 (1) The Registrar shall keep a register provided by the Council and enroll therein in the manner provided by the by-laws the names of all persons who are members, licensed to practise or engineers-in-training and the register shall be open for public inspection at all times without charge.

(2) The Registrar upon resolution of the Council and receipt of the fee prescribed by or under the by-laws shall issue a certificate of registration or licence to practise to a person accepted for membership or licensed to practise and the form of the certificate or licence shall be prescribed in the by-laws.

(3) All certificates of registration and licences to practise shall expire on the thirty-first day of December in the year in which they are issued, but shall be renewable for one year upon the payment of the dues prescribed by or under the by-laws.

(4) If the Council refuses to pass a resolution authorizing any person to be registered as a member or licensed to practise, or if the Registrar refuses to register or issue a certificate of registration or licence to practise to such a person, the person aggrieved, upon serving ten days notice thereof upon the Secretary, shall have the right to apply to a judge of the Trial Division of the Supreme Court, who, upon due cause shown, may grant an order directing the Council and the Registrar to register the name of the person as a member of the Association or to issue to the person a licence to practise, or make such other order as may be warranted by the facts, and the Council shall forthwith comply with the order. *R.S., c. 148, s. 18; 2006, c. 29, s. 6.*

ANNUAL DUES

Annual dues

19 (1) Every person, who is a member, licensed to practise or engineer-in-training, shall pay on the first day of January in each year to the Treasurer or any person deputed by the Council to receive it, the annual dues prescribed by or under the by-laws, which dues shall be deemed to be a debt due by such person and recoverable with costs in the name of the Association in any court of competent jurisdiction.

(2) If any member, person licensed to practise or engineer-in-training omits to pay the annual dues prescribed by or under the by-laws before the thirty-first day of March of the year for which

they are due, the Registrar, after issuing ten days notice by registered letter addressed to the last known address of such person on the register, shall cause the name of such person to be erased from the register and such person shall thereupon cease to be deemed to be a member, licensed to practise or engineer-in-training, but such person shall at any time thereafter, upon paying such dues and any arrears thereof, be entitled to have a certificate of registration or licence to practise re-issued to him or to be re-enrolled as an engineer-in-training. *R.S., c. 148, s. 19; 2006, c. 29, s. 7.*

CONTINUING PROFESSIONAL DEVELOPMENT

19A (1) Every member shall, unless exempted by a resolution of the Council, provide to the Registrar by the first day of January in each year, certification in a form prescribed by the Council, that the member is in compliance with the Association's Continuing Professional Development Guidelines as prescribed or under the by-laws.

(2) Where any member fails to provide certification of compliance as required by subsection (1) by the thirty-first day of March in any year, the Registrar shall, after issuing ten days notice by registered letter addressed to the last known address of the member on the register, cause the name of the member to be erased from the register and the member thereupon ceases to be a member but such person shall, at any time thereafter upon providing confirmation of compliance with the continuing professional development requirements in the by-laws be entitled to be reinstated on the register. *2009, c. 13, s. 6.*

PENALTIES

Illegal practice by non-member

20 Any person, not a member or licensed to practise, or whose certificate of registration or licence to practise has been suspended or cancelled under this Act, who

(a) practises professional engineering;

(b) uses verbally or otherwise the title of professional engineer or any abbreviation of such title, or any name, title, description or designation that may lead any person to believe that such person is a professional engineer, a member of the Association, licensed to practise, or entitled to practise professional engineering; or

(c) advertises, holds out or conducts himself in any way implying or leading any person to believe that such person is a professional engineer, a member of the Association, licensed to practise, or entitled to practise professional engineering,

shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs, and on failure to pay the same, to imprisonment for not more than three months for the first offence, and for any subsequent offence to a fine of not less than two hundred dollars nor more than five hundred dollars and costs, and on failure to pay the same, to imprisonment for not more than six months. *R.S., c. 148, s. 20.*

Illegal practice by non-individual

21 Any partnership, association of persons or body corporate, not having as a partner or full-time permanent employee a person who is a member or licensed to practise, that

(a) undertakes or carries out the application of engineering;

(b) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that the partnership, association of persons, or body corporate is qualified or entitled to undertake or carry out the application of engineering; or

(c) advertises, holds out or conducts itself in any way implying or intending to lead any person to believe that the partnership, association of persons or body corporate is qualified or entitled to undertake or carry out the application of engineering,

shall be guilty of an offence and the partnership or any partner thereof, the association of persons or any member thereof, or the body corporate, or any director thereof shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than five hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months for the first offence, and for any subsequent offence to a fine of not less than two hundred dollars and not more than one thousand dollars and on failure to pay the same to imprisonment for not more than six months. *R.S., c. 148, s. 21.*

Penalty for permitting illegal practice

22 Any person who, or any partnership, association of persons, or body corporate which directs or permits any member or employee, who is not a member or licensed to practise, to apply engineering shall be guilty of an offence and such person, partnership or any partner thereof, association of persons or any member thereof, or body corporate or any director thereof, shall be liable upon summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars and costs and on failing to pay the same to imprisonment for not more than three months for the first offence, and for any subsequent offences to a fine of not less than two hundred dollars and not more than one thousand dollars and costs and on failure to pay the same, to imprisonment for not more than six months. *R.S., c. 148, s. 22.*

Falsifying register

23 The Registrar, if he makes or causes to be made any wilful falsification in any way relating to the register, shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months. *R.S., c. 148, s. 23.*

False representation

24 Any person who wilfully has or attempts to have himself or any other person registered as a member, licensed to practise, or enrolled as an engineer-in-training by making or producing or

causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, or any person knowingly aiding or assisting him therein, shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months. *R.S., c. 148, s. 24.*

Laying of information

25 Any information for the prosecution of any person under this Act may be laid by any member or any person appointed by the Council. *R.S., c. 148, s. 25.*

Certificate as prima facie evidence

26 A certificate purporting to be under the hand of the Registrar and bearing the seal of the Association shall be prima facie evidence in any court or elsewhere of the issuance of a certificate of registration or a licence to practise, or of the non-issuance thereof. *R.S., c. 148, s. 26.*

Prosecution

27 (1) In any prosecution under this Act, it shall be sufficient proof of the offence alleged if it be proved that the person accused has done or committed a single act of the kind complained of.

(2) An information or complaint for contravening this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceeding for prosecution under this Act shall be deemed objectionable or insufficient by reason of the fact that it relates to two or more offences. *R.S., c. 148, s. 27.*

Payment of fine

28 All fines imposed under this Act and recovered on summary conviction shall be paid over by the convicting judge to the Association. *R.S., c. 148, s. 28.*

Limitation period

29 No proceeding shall be commenced for any violation of this Act after one year from the date of the committing of the violation. *R.S., c. 148, s. 29.*

ACTIONS AGAINST MEMBERS

Action against member or Council

30 No action shall be brought against the Council or any committee, officer, member or complainant for anything bona fide done under this Act and by-laws. *R.S., c. 148, s. 30.*

SEALS

Seals of Association and members

31 (1) The Association shall have a corporate seal.

(2) Every person registered as a member under this Act shall have a seal, the impression of which shall bear the name of the member and the words "Professional Engineer, Province of Nova Scotia", with which he shall stamp all official documents and plans prepared by him. *R.S., c. 148, s. 31.*

BY-LAWS

Procedure to pass, amend or repeal by-law

32 (1) A proposed new by-law or the amendment or repeal of an existing by-law shall be presented in writing to the Council signed by at least ten members or approved by resolution of the Association or Council.

(2) The proposed by-law, amendment or repeal shall then be sent by the Secretary without delay in the form of a letter ballot to every member of the Association, and the ballot shall be returnable at a date to be fixed by the Council.

(3) Immediately after such date, scrutineers appointed by the Council shall count the ballots and report the result to the Council.

(3A) Notwithstanding subsections (2) and (3), voting under this Section may be conducted by electronic or other alternative means or combination of means as may be authorized by resolution of the Council, in which case all other requirements of this Section apply with necessary adaptations.

(4) If at least two thirds of the valid ballots affirmatively approve of the proposed by-law, amendment or repeal, the Secretary shall submit the proposed by-law, amendment or repeal to the Governor in Council for approval. *R.S., c. 148, s. 32; 2006, c. 29, s. 8.*

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By-laws of the Association of Professional Engineers

made under clause 6(l) and Section 32 of the
Engineering Profession Act
R.S.N.S. 1989, c. 148
O.I.C. dated May 29, 1946, N.S. Reg. 8/46
as amended up to O.I.C. 2010-273 (June 29, 2010) N.S. Reg. 103/2010

Interpretation

- 1** (1) "Act" means the Nova Scotia Engineering Profession Act.
- (2) "City of Halifax" means the area within the circle having a radius of twenty-five miles from the main Halifax Post Office.
- (2A) "Continuing Professional Development Guidelines" means the professional development guidelines determined by a resolution of the Association that outline requirements for members.
- (2B) "professional development hours" means the hours required by Section 13C and prescribed in the Continuing Professional Development Guidelines.
- (3) Words and terms appearing in the within by-laws shall, unless the context otherwise requires, have the same meaning as is given to the said words and terms in the Act.

Meetings of the Association

- 2** (1) The annual meeting of the Association shall be held at such time and place as may be fixed by the Council.
- (2) General meetings of the Association for the transaction of general business and the reading of papers or discussion of questions of interest to the professional engineer, may be held whenever called by the President or the Council.
- (3) Special meetings of the Association shall be held at the call of the President, or of the Secretary upon the receipt by the Secretary of a requisition signed by not less than five members of the Council or by not less than twelve members of the Association.

Notice of meetings of the Association

- 3** (1) Notice of all meetings of the Association setting out the place and date thereof and business to be transacted shall be given to each member and engineer-in-training not more than three weeks and not less than one week prior to such meeting.

(2) The notice referred to in subsection (1) may be given by mail, by notice published in an Association publication sent to the membership of the Association, or by electronic or other means or combination of means as determined by resolution of the Council.

Procedure of Association Meetings

4 (1) A total of fifty members and engineers-in-training shall constitute a quorum at all meetings of the Association.

(2) The President of the Association shall preside as Chairman at every meeting of the Association. If the President is absent or refuses to act as Chairman, the Vice-President shall preside. If both the President and Vice-President are absent or refuse to act as Chairman, the members present shall choose one of their number to be Chairman.

(3) All meetings of the Association shall be conducted in accordance with parliamentary procedure.

(4) Repealed

(5) Order of business at the annual meeting of the Association shall, unless otherwise decided by a vote of the meeting, be as follows:

(a) read, correct and confirm the minutes of the last annual and all subsequent meetings of the Association;

(b) business arising from the minutes;

(c) President's report;

(d) Treasurer's report;

(e) Registrar's report;

(f) reports of committees;

(g) unfinished business;

(h) declare the result of the ballot and install the new officers;

(i) other business.

(6) Order of business at general and special meetings of the Association shall be as follows:

(a) read, correct and confirm the minutes of the last meeting of the Association;

(b) business arising from the minutes and any unfinished business;

(c) business for which the meeting is called;

(d) other business.

Terms of Office

5 (1) The President and the Vice-President shall be elected annually. Four Councillors shall be elected annually for a term of two years.

(2) The retiring President, Vice-President and Councillors shall not be eligible for re-election to the same office for the following year.

Nominations and elections

6 (1) The Council shall, not later than the 30th day of April in each year, appoint a Nominating Committee consisting of five members, to include a Past President, preferably the immediate Past President, one member from Cape Breton, two members from City of Halifax and one member from mainland Nova Scotia, outside the City of Halifax.

(2)(a) The Nominating Committee shall prepare and deliver to the Secretary before the 30th day of May in each year, a list of eligible members for the officers of the Association and members of the Council for the next ensuing year. The list shall include not more than two names for President, not more than two names for Vice-President, and not less than four names of members resident in the City of Halifax, and not less than four names of members resident in Nova Scotia outside the City of Halifax, for members of Council. It shall not include the name of any member who is known to be unable or unwilling to accept office if elected. In addition, nominations shall conform to paragraph (2)(c), herein to follow.

(b) The Secretary shall, not later than the 10th day of June in each year, advise the members and engineers-in-training by letter, by any Association publication, or by electronic or other alternative means or combination of means determined by resolution of the Council, that nominations from members and engineers-in-training will be received by the Secretary of the Association up to the 10th day of July of the same year. Any ten members and engineers-in-training may submit nominations for candidates for any or all of the offices of President, Vice-President and members of Council. Nominations shall be in writing signed by all the nominators, and shall be accompanied by the consent in writing of the member or members so nominated. Nominations may include a single name only but shall include not more than one name for President, one name for Vice-President, and two names of members resident in the City of Halifax and two names of members resident in Nova Scotia outside the City of Halifax, for members of the Council. In addition, nominations shall conform to paragraph (2)(c), herein to follow.

(c) All of the nominees for President shall be in alternate years a resident of the City of Halifax or a resident of Nova Scotia residing outside the City of Halifax. When the nominees for President are residents of the City of Halifax, all of the nominees for Vice-

President shall be residents of Nova Scotia outside the City of Halifax, and vice versa. Provided, however, that should the required number of eligible nominees be not available for President or Vice-President in the geographical area as required in any year, the rule may be suspended for that year and the nominees may be supplied from the total list of eligible members, with the next year's nominees being selected from the area which has not supplied the incumbents. Nominees for President and Vice-President shall have had previous experience on Council.

(3) The Secretary shall submit the list of all nominees to the Council at the first Council meeting after receipt thereof, for its approval. If for any reason the Nominating Committee fails to properly fulfill all or any of the requirements of its office, the Council may complete all or any of those requirements. The Council shall then instruct the Secretary to prepare a ballot of the approved list of nominees and send a copy thereof, bearing an impress of the seal of the Association, to each member and engineer-in-training before the 1st day of August with the request to indicate thereon, their choice of officers of the Association and members of the Council and to return the list unsigned to the Secretary before the first day of September following. The ballot shall be so prepared that members and engineers-in-training shall be instructed to vote for not more than one member for President, one member for Vice-President, two members resident within the City of Halifax and two members resident in Nova Scotia outside the City of Halifax for Councillors. A member or engineer-in-training may substitute the name of any member for Councillor and the name of any member having previous experience on Council for President or Vice-President, and vote for such member, but shall not vote for more than one President, one Vice-President and four Councillors in the manner herein provided..

(4) Not more than two weeks before the annual meeting, all ballots received shall be handed by the Secretary to three scrutineers appointed by Council. The scrutineers shall analyse the vote and notify the candidates in camera, not less than one week before the annual meeting, and will submit to the annual meeting the names of the members who have received the greatest number of votes for the offices of President and Vice- President, and for the two Councillors resident within the City of Halifax and for the two Councillors resident in Nova Scotia outside the City of Halifax. The presiding officer at the annual meeting shall then declare such members duly elected to their respective offices. The scrutineer's report and all ballots shall be filed with the Secretary who shall retain the ballots for three months before destroying them.

(5) In the event of two or more qualified nominees obtaining an equal number of votes and when only one can be elected, the annual meeting shall elect the President, Vice-President or member of the Council so tied.

(6) Notwithstanding subsection (3), the voting referred to in subsection (3) may be conducted by electronic or other alternative means or combination of means authorized by resolution of the Council, in which event all other requirements of this Section shall apply with necessary adaptations.

President

- 7 The President shall perform all the duties imposed on him by the Act and by-laws and generally supervise the affairs of the Association and Council.

Vice-President

- 8 The Vice-President shall perform the duties of the President in the absence or on the resignation or death of the latter and when doing so, the Vice-President shall have the same powers as the President.

Secretary

- 9 (1) The Council at its first regular meeting shall appoint the Secretary of the Association.
 - (2) The Secretary shall perform the duties imposed upon him by the Act and by-laws. He shall attend all meetings of the Association and Council and keep proper minutes of the proceedings thereof, send out all notices on behalf of the Association, Council, and any Committee, conduct all correspondence and keep the seal of the Association and all records pertaining to his office. He shall perform all the duties incidental to his office, or which may be assigned to him by the Association, Council or any Committee of the Association.
 - (3) The Secretary shall hold office until a successor is appointed and shall be subject to removal at pleasure at any time during his term of office by a majority vote of the Council.
 - (4) The Secretary shall be paid a salary determined by Council for performing the duties of Secretary, Treasurer and Registrar; or such proportionate part thereof as shall be determined by the Council if performing only one or more of such offices.
 - (5) The Secretary, while performing the duties of Secretary, Treasurer or Registrar, may, with the approval of the Council and at the expense of the Association, engage the services of clerks or stenographers, on a full time or part time basis.

Registrar

- 10 (1) The Council at its first regular meeting shall appoint the Registrar of the Association.
 - (2) The Registrar shall perform the duties imposed upon him by the Act and by-laws. He shall receive and present to the Board all applications for membership, licence to practise or enrolment as an engineer-in-training, and keep a full and correct record of such applications and the Council's resolution on each application. He shall maintain the Register and issue all certificates of registration, licences to practise and perform all other duties incidental to his office or which may be assigned to him by the Association or the Council.

(3) The Registrar shall keep a Register in which shall be entered the full name, address and date of registration of every member, person licensed to practise and engineer-in-training. He shall erase therefrom the name of any such person who has resigned, ceased to be in good standing, been expelled or died, by drawing a line through the name of such person and noting opposite such name the word "resigned", "not in good standing", "expelled", or "deceased" together with the date thereof; provided that notice shall first be given to such person not in good standing in the manner provided by Section 21(2) hereof. The word "suspended" and the date and period thereof shall be placed after the name of any such person who has been suspended.

(4) The Registrar shall provide the Secretary when requested with a list of members, persons licensed to practise and engineers-in-training who are in good standing.

Treasurer

11 (1) The Council at its first regular meeting shall appoint the Treasurer of the Association.

(2) The Treasurer shall perform the duties imposed upon him by the Act and by-laws. He shall, under the instructions of the Council, collect and receive, pay out or invest all moneys due to and payable by the Association. He shall keep proper books of account entering therein all moneys received and paid out by the Association, prepare and submit to the annual meeting of the Association the financial statement, duly certified by the Auditor of the Association, of the annual revenues and expenditures of the Association and furnish such other financial reports as may be requested by the Council. He shall perform all other duties incidental to his office or which may be assigned to him by the Association or Council.

(3) The Treasurer shall be bonded by an approved surety company to the satisfaction of the Council and at the expense of the Association before commencing his duties.

Auditor

12 The Council shall appoint annually a chartered accountant to audit the books of the Association. The Auditor shall examine into the financial condition of the Association, prepare a balance sheet and report thereon. Such balance sheet and report shall be delivered to the Treasurer, who shall submit it to the annual meeting of the Association.

Application for membership, licence or enrolment

13 (1) Application for registration as a member, or for a licence to practise or enrolment as an engineer-in-training shall be made to the Registrar on a form prescribed by the Council and shall be accompanied by the credentials, professional development guideline certificate in the form prescribed by Council and fees required by the Act and the by-laws.

(2) Subject to any resolutions made under subsection (2A), the application shall be presented by the Registrar to the Board of Examiners. The Board shall deal with the

application in the manner provided by Section 14 hereof, and shall submit its findings to the Council, which shall dispose of the application by resolution.

(2A) In accordance with subsection 7(2) of the Act, the Council may make resolutions respecting any of the following:

(a) the establishment of different classes of applicants for registration;

(b) the conditions for the entry into membership for persons in a class;

(c) the right of persons in a class to be exempted from the requirement that their application for membership come before either or both the Board of Examiners or Council for consideration and or resolution before being granted membership.

(3) The Registrar shall immediately advise the applicant by letter of the Council's decision on the application.

13A(1) The Board of Examiners shall require an engineer-in-training who is a graduate in engineering or science of a school, college or university approved by the Council, or who has passed examinations prescribed by the Council, to report to a member of the Association designated by Council concerning his experience in engineering, during the period in which the engineer-in-training is engaged in gaining the experience in engineering prerequisite to registration as a member of the Association.

(2) A member of the Association to whom an engineer-in-training is required to report pursuant to subsection (1) hereof shall be a member with a minimum of ten years experience in the practice of professional engineering who has been designated to act in that capacity by the Council and who has consented so to act. A member so designated shall be known as a "mentor".

(3) The engineer-in-training shall report to the mentor pursuant to subsection (1) hereof on his experience in engineering in such form and manner and with such frequency as may from time to time be prescribed by the Council.

(4) Upon completion by the engineer-in-training of the required period of experience in engineering, if the mentor is satisfied that the engineer-in-training has had satisfactory experience in engineering and has otherwise satisfied the requirements of this Section, including any rules, regulations, and guidelines made pursuant to subsection (6) hereof, the mentor shall certify on the application of the engineer-in-training for registration as a member of the Association that the engineer-in-training has successfully completed the period of reporting on engineering experience, and the mentor shall endorse the application of the engineer-in-training for registration.

(5) In considering an application by an engineer-in-training for registration as a member pursuant to Section 13 hereof, the Board of Examiners and the Council shall be entitled to take into account, in addition to all other relevant matters, the reports and submissions

which the engineer-in-training has made to the mentor pursuant to this Section, and the rules, regulations and guidelines made pursuant to subsection (6) hereof, together with the comments of the mentor upon such reports and submissions. If, in the opinion of the Council, the experience in engineering of the engineer-in-training has been deficient, Council may prescribe such further period of experience as may be required to ensure that the engineer-in-training has obtained the nature and extent of experience in engineering prerequisite to registration as a member of the Association.

(6) The Board of Examiners, with the approval of the Council, may make rules, regulations and guidelines consistent with the section concerning the duties and obligations of mentors and engineers-in-training under this Section, and concerning the administration of this Section generally.

Partnerships, associations of persons, bodies corporate

13B (1) Every partnership, association of persons and body corporate which, pursuant to Section 10 of the Act, undertakes and carries out the application of engineering in its own name by providing engineering services to the public shall furnish to the Association, in the manner and form prescribed by this Section, the following information:

(a) the names, addresses and occupations of all of the partners, members of the association of persons, or officers and directors of the body corporate, as the case may be;

(b) the names of its members or full-time permanent employees, as the case may be, who are the members of the Association or persons licensed to practise under whose supervision engineering is applied;

(c) a description of the nature of its business and professional activities, including areas of engineering specialization, and confirmation that one of its principal and customary functions is the application of engineering.

(2) The information specified in subsection (1) shall be filed with the Registrar by way of an information return in such form as is prescribed from time to time by the Council. Every information return which is filed with the Registrar shall contain information which is in all respects current and accurate as of the date of filing.

(3) An administrative fee of \$300.00 shall be payable to the Registrar by every partnership, association of persons, and body corporate on each occasion that it files an information return as required by this Section.

(4) Information returns shall be filed with the Registrar as follows:

(a) every partnership, association of persons or body corporate which is engaged in providing engineering services to the public as of the date that this Section comes into force shall file an information return in prescribed form with the Registrar on or before a date fixed by the Council, which date shall not be less than thirty (30) days or more than ninety

(90) days after the coming into force of this Section. Thereafter, every such partnership, association of persons or body corporate shall, for as long as it continues to be engaged in providing engineering services to the public, annually file a further information return with the Registrar on or before January 1st of each year;

(b) every partnership, association of persons or body corporate which becomes engaged in providing engineering services to the public after the date that this Section comes into force shall file the prescribed form of information return upon becoming so engaged. Thereafter every such partnership, association of persons or body corporate shall, for as long as it continues to be engaged in providing engineering services to the public, annually file a further information return with the Registrar on or before January 1st of each year.

(5) Where a partnership, association of persons or body corporate has filed the prescribed form of information return together with the required administrative fee, and the Registrar is satisfied that the return contains all information required to be provided under subsection (1), the Registrar shall issue in the name of the partnership, association of persons or body corporate a certificate recording its compliance with the requirements of this Section. The certificate shall apply only during the calendar year in which it is issued, and shall be in such form as is prescribed from time to time by the Council. Issuance of such a certificate shall indicate compliance with the requirements of this Section only, and shall not affect, and shall not be deemed to affect, any right, duty, obligation or liability imposed by or under the Act on any partnership, association of persons, or body corporate respecting the application of engineering.

(6) The Registrar shall maintain a record of partnerships, associations of persons and bodies corporate which have filed information returns in accordance with the requirements of this Section, which record will include information from which it can be ascertained from time to time which partnerships, associations of persons and bodies corporate hold current certificates of compliance under this Section.

Professional Development

13C (1) The certification of compliance with the Professional Development Guidelines required by subsection 19A(1) of the Act includes compliance with the required professional development hours and shall include a confirmation that the member is practising only in areas of engineering in which the member is competent.

(2) Unless exempt by resolution of Council, a member shall complete the following minimum professional development hours by participating in the professional development activities identified in the Association's Continuing Professional Development Guidelines:

(a) beginning January 1, 2011, and continuing until December 31, 2013, a minimum number of sixty professional development hours in each calendar year with the specific number of hours required in each year to be set by resolution of Council on or before March 1 of each year;

(b) beginning January 1, 2014,

(i) a minimum of sixty professional development hours in each calendar year, and

(ii) except as provided in subsection (3), a minimum of 240 professional development hours in each successive three-year period.

(3) A person who becomes a member in the second or third year of a three-year period is not required to meet the minimum professional development hours required by subclause (2)(b)(ii) during that three-year period, but must meet the requirement in all subsequent three-year periods in which the person is a member.

Examinations

14 (1) The Council shall appoint a Board of Examiners consisting of at least four members and shall designate which of the members is to be Chairman of the Board. The Council may at any time fill any vacancies on the Board, replace any member thereof, or add to its number.

(2) The Board shall

(a) meet at the discretion of its Chairman to consider all applications for membership, licences to practise and enrolment as engineers-in-training submitted to it by the Registrar and not previously disposed of by Council;

(b) report at each meeting of Council its findings as to whether or not each applicant is qualified in accordance with the requirements of the Act.

(3) The Board, when directed by Council to examine a candidate, may nominate one or more qualified persons acceptable to Council to set and conduct the examination.

(4) The Board, with the approval of Council, may draw up rules and regulations prescribing the scope of and the procedure for conducting the examinations.

(5) The Registrar, upon receiving from a candidate a written request for an examination, accompanied by the prescribed fee, shall, after consultation with the Board, notify the candidate in writing of the time and place at which he shall present himself for the examination. The candidate shall be given at least thirty days notice before the examination.

(6) As soon as possible and not later than twenty-one days after the close of each examination, the persons who have set and conducted the examination shall make and file with the Board, a certificate showing the results of the examination, a copy of the examination papers, the answers of the candidate thereto, and the marks awarded in each subject.

The Board shall submit these documents with its findings as to the qualifications of the applicant to the Council at its next meeting. Thereafter such documents shall remain on file with the Registrar and shall be open to inspection during regular office hours by the candidate or by any person duly authorized in writing on his behalf for a period of at least six months following consideration by Council.

(7) A candidate failing an examination may be examined again but not before six months have elapsed.

(8) The Council shall prescribe the fee payable by the candidate for the examination, and the fee payable to the persons appointed to set and conduct the examinations.

Honorary Life Membership and Life Membership

15 (1) Honorary life membership in the Association shall be granted by the Council, on the unanimous vote of all members of the Council given by letter ballot, to a person eminent in the engineering profession who has rendered signal service to the Association. Honorary life members elected as such prior to the 31st day of December 1951 shall, unless otherwise resolved by unanimous vote of all members of the Council given as aforesaid, continue as such during their respective lives.

(2) Life membership in the Association may be granted by the Council to

(a) a person who has reached the age of sixty-five years and has been a member for the ten preceding years;

(b) a person who has been a member for forty years;

(c) any person holding the status of a non-active member when this clause comes into force.

Council

Meetings of Council

16 (1) At least four regular meetings of the Council shall be held in each fiscal year at such time and place in Nova Scotia as the President shall determine.

(2) Special meetings of the Council shall be called by the Secretary on the written requisition of any four members of the Council at such time and place within Nova Scotia as is designated in the requisition.

(3) Notice of both regular and special meetings of the Council shall be mailed by the Secretary to all members of the Council from four to eight days in advance of the holding of such meeting. Such notice may be waived by the written consent of seven members of the Council.

Procedure of Council meetings

- 17 (1)** The President of the Council shall preside as Chairman at every meeting of the Council. If the President is absent or refuses to act as Chairman, the Vice-President shall preside. If both the President and Vice-President are absent or refuse to act as Chairman, the members present shall choose one of their number to be Chairman.
- (2)** Five members of the Council shall constitute a quorum for the transaction of business at a meeting of the Council.
- (3)** Order of business at meetings of the Council shall be as follows:
- (a) read, correct and confirm the minutes of the last Council meeting;
 - (b) business arising out of the minutes;
 - (c) read and consider correspondence and reports of committees, Board of Examiners, auditors, etc.;
 - (d) deal with applications for membership, licence to practise and enrolment as an engineer- in-training;
 - (e) consider and pass accounts;
 - (f) other business.
- (4)** A resolution assented to and adopted in writing by at least three-quarters of the members of the Council, although not passed at a Council meeting, shall be of the same force and effect as if it had been duly passed at a Council meeting.
- (5)** Meetings of the Council shall be conducted in accordance with parliamentary procedure.

Resignations from Council and filling vacancies

- 18 (1)** A member shall be deemed to have resigned from the Council
- (a) on the death of the member;
 - (b) when the member's written resignation filed with the Secretary is approved by the Council;
 - (c) when the member has been absent for more than three consecutive meetings of the Council without the consent of the Council;

(d) when the member, in the opinion of the Council, has given up his residence in the Province of Nova Scotia;

(e) when the member has resigned as a member of the Association;

(f) when a member's certificate of registration has been suspended or cancelled.

(2) A vacancy on the Council or in any office shall be filled by the Council for the period between the date of such resignation and the next annual meeting of the Association.

Committees

19 (1) (a) The Council shall appoint an Executive Committee consisting of the President, Vice-President, immediate Past President, and two other members of the Council residing in the City of Halifax.

(b) The Executive Committee shall conduct the affairs of Council between Council Meetings.

(c) Any three members of the Executive Committee shall constitute a quorum.

(2) The Council may from time to time appoint from the membership of the Association such other committees as it thinks necessary and may delegate to such committees any of its powers; provided that such committees shall conform to any regulations imposed upon them by the Council.

(3) The President and the Vice-President shall be ex-officio members of all committees appointed under subsection (2).

(4) Each committee appointed under subsection (2) shall elect its own Chairman and a Vice-Chairman who shall, in the absence of the former, exercise all the functions and powers of the Chairman.

(5) A committee may meet at such time and place as it sees fit.

(6) Questions arising at any meeting of a committee shall be determined by the majority of those present, and in case of equality of votes, the Chairman shall have the casting vote.

(7) The majority of any committee shall constitute a quorum.

Arbitration

20 The Executive Committee of the Council, upon the written request from a member or engineer-in-training in the form of a statutory declaration filed with the Secretary setting forth the terms and conditions of the issue involved, may act itself or designate a member or members of the Association to act as arbiter between members or engineers-in-training

or as negotiator on behalf of the member or engineer-in-training respecting any matter pertaining to his professional welfare. Any action taken hereunder shall be deemed as having been taken by the Association.

Fees and Dues

[Please refer to the Engineers Nova Scotia website www.engineersnovascotia.ca under Registration / Fees and Dues for the current year fees and dues as approved by Council]

21 (1) Subject to Section 21A, the fees and dues of the Association shall be as follows:

Registration fee for a member	\$103.00
Registration fee for an engineer-in-training	\$95.00
Registration fee for a member where the applicant is a member of a similar association of professional engineers in another Province of Canada	\$100.00
Registration fee for licence to practise non-Canadian	\$150.00
Registration fee for a licence to practise where the applicant is a member of a similar association of professional engineers in another province of Canada.....	\$150.00
Annual dues for a member	
- for the year 1998	\$182.00
- for the year 1999	\$197.00
- for the year 2000, and for each year subsequent thereto	\$212.00
Annual dues for an engineer-in-training (to be credited towards registration fee when eligible for membership)	
- for the year 1998	\$85.00
- for the year 1999	\$90.00
- for the year 2000 and for each year subsequent thereto.	\$95.00
Annual dues for a person licensed to practise non-Canadian	\$600.00
Annual dues for a person licensed to practise where the person is a member of a similar association of professional engineers in another province of Canada	\$480.00

(2) (a) The annual dues shall be for the calendar year and are due and payable in advance on or before the first day of January in each year to the Treasurer or some person appointed by the Council to receive them; provided that applicants accepted as members and engineers-in-training after the first day of October in each year shall only pay one-half of the annual dues for that year.

(b) Repealed

(c) The name of any person whose annual dues are not paid by March 31 in any year shall be erased from the Register by the Registrar after the Registrar has given such person ten days notice of the intended erasure by registered mail addressed to his last known address on the Register.

(d) Dues and fees of an applicant shall not be refunded to the applicant when the application for membership, licence to practise or enrolment as an engineer-in-training has been refused.

(3) The Council, at its discretion, may:

(a) remit or rebate the fees or dues of any member, who is incapacitated by old age, sickness, infirmity, or for other grievous disability or who resigns as a member and subsequently appears for reinstatement;

(b) without limiting the generality of (a), exempt from the payment of fifty percent of the applicable annual dues for any calendar year those persons who are, in the opinion of the Council:

(i) members retired from the practice of professional engineering;

(ii) members who are unemployed;

(iii) engineers-in-training who are unemployed;

(iv) members who are experiencing or who have experienced extended illness of a serious nature;

(v) members who have taken an extended leave of absence from employment or other professional engineering activity due to maternity or paternity leave;

(vi) members who are enrolled in a full time university program at the post-graduate level, provided that no exemption may be granted on this ground for more than two calendar years.

(c) waive the registration fee for an engineer-in-training where the engineer-in-training applies for enrolment within thirty days of graduating from a college, university or school of engineering or science approved by the Council.

(4) Assessments of members for payments, other than annual dues, required to cover ordinary, special or extraordinary expenditures necessary to further any of the objects of the Association, may be made after approval by two-thirds majority of the members voting by letter ballot, or by electronic or other alternative means or combination of means authorized by resolution of the Council, following the passing of a resolution for such assessment by the Association or Council.

21A (1) In this Section, “resolution” means a resolution of the Council fixing the fees and dues of the Association in accordance with this Section.

(2) The Council may by resolution fix the fees and annual dues of the Association in accordance with this Section.

(3) A resolution shall adopt a schedule of fees and dues that are the fees and dues of the Association until altered by further resolution or by By-law.

(4) The annual dues of the Association must not be increased as a result of any single resolution by more than a percentage amount equal to the percentage change in the Consumer Price Index for Nova Scotia, all times, for the 12-month period ending on December 31 of the year preceding the year in which the resolution is passed.

(5) No more than one resolution may be passed in any calendar year.

(6) A resolution is not effective if, in the same year in which the resolution is passed, the Association later adopts a by-law to fix fees and dues for the Association.

(7) For greater certainty, references in the Act and the By-laws to fees and annual dues includes fees and annual dues fixed by resolution.

Funds of the Association

22 (1) All money received on behalf of the Association shall be deposited to the credit of the Association at a chartered bank in Halifax approved by the Council. All payments shall be made by cheque signed by the Treasurer and countersigned by the President, or other person duly authorized by Council.

(2) The Funds of the Association may be invested in securities which are eligible for investment under the Canadian British Insurance Companies Act. Such securities shall be registered in the name of the Association and placed in a safety deposit box of a chartered bank and subject to access only on the written order of the Treasurer and President or other person authorized by Council. The Council may at its discretion dispose of any or all of the securities.

Payment of accounts

23 (1) The Council may pay out of the Association funds

- (a) all reasonable expenses of members of the Council, of committees and of the Board of Examiners for travelling, board and lodging incurred while attending Council, committee or Board Meetings or while transacting any authorized business on behalf of the Association or Council in places outside of the place of residence of such members;
- (b) any expenses incurred for the travelling, reception and entertainment of guests of the Association;
- (c) such salaries, wages and fees as may be approved by the Council;
- (d) all other expenses which the Council or Association shall consider necessary or advisable for the management of or in the interest of the Association.

Discipline

24 (1) Members, persons licensed to practise and engineers-in-training shall conduct themselves in accordance with the Code of Ethics appended hereto, and without restricting the meaning of unprofessional conduct, any breach of the Code of Ethics shall be deemed to be a form of unprofessional conduct.

(2) The Council may by resolution adopt, amend or rescind, in whole or in part, a Code of Ethics.

Notices

25 All notices required to be given or mailed under the provisions of the Act and by-laws shall be deemed to have been given or mailed if mailed pre-paid in the Halifax Post Office within the time specified for such notice, addressed (to the person entitled to the notice at his address) as it appears on the Register. A statutory declaration of the Secretary shall be conclusive evidence of the giving and mailing of such notice, and unless the contrary is proven, service of the said notice shall be deemed to have been effected at the time at which the letter or notice should have been delivered in the ordinary course of post.

Forms of certificates

26 (1) A "Certificate of Registration" shall be in the following form or in a form to the like effect:

ASSOCIATION OF PROFESSIONAL ENGINEERS
OF THE PROVINCE OF
NOVA SCOTIA

Incorporated 1920

THIS IS TO CERTIFY that

of _____

was duly elected a MEMBER of the
ASSOCIATION OF PROFESSIONAL ENGINEERS
OF THE PROVINCE OF NOVA SCOTIA

on the _____ day of _____ 19 _____

President

Secretary

SEAL

26 (2) A "Licence to Practise" shall be in the following form or in a form to the like effect:

LICENCE TO PRACTISE
ASSOCIATION
OF PROFESSIONAL ENGINEERS
OF THE PROVINCE OF
NOVA SCOTIA

Incorporated 1920

THIS IS TO CERTIFY that

of _____

has been duly granted a

LICENCE TO PRACTISE

in the Province of Nova Scotia

from _____ 19__ to _____ 19__

President

Secretary

SEAL

- 26 (3) A "Certificate of Enrolment of an Engineer-in-Training" shall be in the following form or in a form to the like effect:

ASSOCIATION
OF PROFESSIONAL ENGINEERS
OF THE PROVINCE OF
NOVA SCOTIA

Incorporated 1920

THIS IS TO CERTIFY that

of _____

was duly enrolled as an

ENGINEER-IN-TRAINING

with the

ASSOCIATION OF PROFESSIONAL ENGINEERS
OF THE PROVINCE OF NOVA SCOTIA

on the _____ day of _____ 19__

President

Secretary

SEAL

Validation

- 27** The Council may ratify, confirm or do any act or thing purporting to have been done or which should have been done under the provisions of the Act or the by-laws, or may extend the time for completing or perfecting any such act or thing; and the said act or thing when so ratified, confirmed, done, completed or perfected shall have the same effect as if done strictly in accordance with the provisions of the Act or the by-laws.

Appendix – Code of Ethics for Engineers

General

1. A Professional Engineer shall recognize that professional ethics are founded upon integrity, competence and devotion to service and to the advancement of public welfare. This concept shall guide his conduct at all times.

Relations with the Public

A Professional Engineer

2. shall regard his duty to public welfare as paramount;
3. shall endeavour to enhance the public regard for his profession by extending the public knowledge thereof;
4. shall undertake only such work as he is competent to perform by virtue of his training and experience;
5. shall sign and seal only such plans, documents or work as he himself has prepared or carried out or as have been prepared or carried out under his direct professional supervision;
6. shall express opinions on engineering matters only on the basis of adequate knowledge, competence and honest conviction;
7. shall express opinions or make statements on engineering projects of public interest that are inspired or paid for by private interests only if he clearly discloses on whose behalf he is giving the opinion or making the statements;
8. shall not be associated with enterprises contrary to the public interest or sponsored by persons of questionable integrity.

Relations with Clients and Employers

A Professional Engineer

9. shall act for his client or employer as a faithful agent or trustee and shall act with fairness and justice between his client or employer and the contractor when contracts are involved;
10. shall not accept compensation, financial or otherwise, from more than one interested party for the same service or for service pertaining to the same work, without the consent of all interested parties;
11. shall not disclose confidential information without the consent of his client or employer;

12. shall not be financially interested in bids on competitive work for which he is employed as an engineer unless he has the consent of his client or employer;
13. shall not undertake any assignment which may create a conflict of interest with his client or employer without the full knowledge of the client or employer;
14. shall present clearly to his clients or employers the consequences to be expected if his professional judgement is overruled by other authorities in matters pertaining to work for which he is professionally responsible;
15. shall refrain from unprofessional conduct or from actions which he considers to be contrary to the public good, even if expected or directed by his employer or client to act in such a manner;
16. shall not expect or direct an employee or subordinate to act in a manner that he or the employee or subordinate considers to be unprofessional or contrary to the public good;
17. shall guard against conditions that are dangerous or threatening to life, limb or property on work for which he is responsible, or if he is not responsible, will promptly call such conditions to the attention of those who are responsible.

Relations with the Profession

A Professional Engineer

18. shall co-operate in extending the effectiveness of the engineering profession by interchanging information and experience with other engineers and students and by contributing to the work of engineering societies, schools and the scientific and engineering press;
19. shall endeavour at all times to improve the competence, and thus the dignity and prestige of his profession;
20. shall not advertise his work or merit in a self-laudatory manner and he shall avoid all conduct or practise likely to discredit or do injury to the dignity and honour of his profession;
21. shall not attempt to supplant another engineer in an engagement after a definite commitment has been made toward the other's employment;
22. shall not exert undue influence or offer, solicit or accept compensation for the purpose of affecting negotiations for an engagement;

23. shall not compete with another engineer on the basis of charges for work by underbidding, through reducing his normal fees after having been informed of the charges named by the other;
24. shall not use the advantages of a salaried position to compete unfairly with another engineer;
25. shall advise the Discipline Committee of any practise by another member of his profession which he believes to be contrary to this Code of Ethics;
26. shall take care that credit for engineering work is given to those to whom credit is properly due;
27. shall uphold the principle of appropriate and adequate compensation for those engaged in engineering work including those in subordinate capacities as being in the public interest and maintaining the standards of the profession;
28. shall endeavour to provide opportunity for the professional development and advancement of engineers in his employ.

THIS CONSOLIDATION of the *Engineering Profession Act and the Bylaws* of the Association was prepared in September 2010 by the Association of Professional Engineers of Nova Scotia for reference only and has no official sanction.

For the *Engineering Profession Act and associated By-Laws*, for all purposes of interpreting and applying the law, users should consult the official, printed version. Where accuracy is critical, please consult official sources.

Although every effort has been made to ensure the accuracy of this version, the Association of Professional Engineers of Nova Scotia assumes no responsibility for any discrepancies that may have resulted from reformatting.

Updated versions of the Engineering Profession Act and the By-laws are available for reference online at the Nova Scotia Government website, <http://www.gov.ns.ca>.