

**New Brunswick Society of Certified
Engineering Technicians and Technologists**



**Société des techniciens et des technologues
agrés du génie du Nouveau-Brunswick**

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Consolidated
Engineering Technology Act

SNB 1986, chapter 92 Assented to June 18, 1986

**Amended by an Act to Amend the Engineering Technology Act, SNB 2022, chapter 41
Assented to October 12, 2022**

Engineering Technology Act

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SNB 1986, chapter 92 Assented to June 18, 1986

**Amended by an *Act to Amend the Engineering Technology Act*, SNB 2022, chapter 41
Assented to October 12, 2022**

**An Act Respecting the
New Brunswick Society of Certified
Engineering Technicians and Technologists Inc.**

Assented to June 18, 1986 and as amended and assented to October 12, 2022

WHEREAS the New Brunswick Society of Certified Engineering Technicians and Technologists Inc. prays that it be enacted as hereinafter set forth;

AND WHEREAS it is desirable, in the interests of the public and the members of the New Brunswick Society of Certified Engineering Technicians and Technologists Inc., to continue the New Brunswick Society of Certified Engineering Technicians and Technologists Inc. as a body corporate for the purpose of advancing and maintaining the standard of engineering technology in the Province, for governing and regulating engineering technology services provided by its members and providing for the welfare of members of the public and members of the New Brunswick Society of Certified Engineering Technicians and Technologists Inc.;

THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:

1 This Act may be cited as the “*Engineering Technology Act*”.

PART I

INTERPRETATION

2(1) In this Act, unless the context otherwise requires

“Act” means the *Engineering Technology Act*;

“approved school or program” means a school, course of study or educational program in engineering technology approved by the Council;

“certification” means the entry of the name of a person in the register;

“Certification Board” means the Certification Board established under paragraph 18(2)(a);

“Certification Review Board” means the Certification Review Board established under paragraph 18(2)(a);

“certified engineering technician” means a person whose name is entered in the register as a certified engineering technician and includes a certified technician and certified applied science technician; [2022, c.41, s.1]

“certified engineering technologist” means a person whose name is entered in the register as a certified engineering technologist and includes a certified technologist, certified applied science technologist and professional technologist; [2022, c.41, s.1]

“certified member” includes a certified engineering technician and certified engineering technologist; [2022, c.41, s.1]

“Council” means the Council of the Society constituted under section 4.

“Court” means a Judge of The Court of Queen’s Bench of New Brunswick;

“engineering technology” or “practice of engineering technology” means

(a) with respect to certified engineering technicians, the carrying out of technical tasks and practices in specialized portions of applied science and engineering technology, within recognized limits, codes, standards and generally recognized procedures and practices including through testing, troubleshooting, inspection, calibration, design, drafting, quality control, maintenance, modelling, data compilation, estimation, surveying, and field supervision; and

(b) with respect to certified engineering technologists, the carrying out of complex analytical work and practices in specialized portions of applied science and engineering technology, within codes, standards and generally recognized procedures and practices based on a comprehensive understanding of a specific technology including in design, production, marketing, testing, quality control, estimation, surveying, inspection, diagnostic evaluation, supervision, management, technical sales and teaching; [2022, c.41, s.1]

“Executive Director” means the person holding the office of Executive Director under section 10;

“incapacity” means a physical or mental condition or disorder, suffered by a member, of such nature and extent that it is desirable in the interests of the public or the member that the member no longer be permitted to carry on the practice of engineering technology or that the member’s carrying on of such practice be suspended or subjected to conditions, limitations or restrictions; [2022, c.41, s.1]

“incompetence” means acts or omissions on the part of a member in the member’s practice that demonstrate a lack of knowledge, skill or judgment, or disregard for the interests of the recipient of the member’s services of such a nature and to such an extent as to render the member unfit to carry on the practice of engineering technology or to carry on the practice without conditions, limitations or restrictions; [2022, c.41, s.1]

“member” means a certified engineering technician or certified engineering technologist and any person whose name is entered in the temporary register or in any of the rosters established and maintained pursuant to this Act, the bylaws and rules;

“misconduct” means a serious digression from established or recognized standards or rules of the Society or generally the practice of engineering technology and includes a breach of such Rules of Ethics or Conduct as may be prescribed by bylaw or rule; [2022, c.41, s.1]

“prescribed” means prescribed by bylaws or rules made under or pursuant to this Act by the Council;

“register” means the register kept pursuant to paragraph 11(1)(a);

“Registrar” means the person holding the office of Registrar under section 10;

“rosters” means the rosters kept pursuant to paragraph 11(1)(c);

“Society” means the New Brunswick Society of Certified Engineering Technicians and Technologists continued by section 3;

“temporary register” means the register kept pursuant to paragraph 11(1)(b).

2(2) The words “engineering technician”, “engineering technologist”, “certified engineering technician”, “certified engineering technologist”, “duly qualified engineering technician”, “duly qualified engineering technologist”, “certified technician”, “professional technologist”, “certified applied science technician”, “certified applied science technologist”, “certified technologist”, “applied science technician”, “applied science technologist” and the initials “CET”, “C.E.T.”, “A.Sc.T.”, “AScT”, “C.Tech”, “CTech”, “P.Tech” or “PTech” or any like words, initials or expressions used alone or in combination with other words or expressions connoting a person recognized by law as an engineering technician or engineering technologist or person entitled to carry on the practice of engineering technology or connoting a member of the Society in the Province, when used in any provision of an Act of the Legislature or any regulation, rule, order or bylaws made under an act of the Legislature enacted or made before, at or after the commencement of this act or when used in any public document, shall be read as including a person whose name is entered in the register or the temporary register. [2022, c.41, s.1]

2(3) Words importing the masculine gender shall include the feminine gender and vice-versa wherever the context of this Act so requires. [2022, c.41, s.1]

3 The New Brunswick Society of Certified Engineering Technicians and Technologists Inc. incorporated by Letters Patent dated January 12, 1968 issued pursuant to the *Companies Act, chapter C-13 of the Revised Statutes, 1973*, is hereby continued as a body corporate and politic without share capital under the name “New Brunswick Society of Certified Engineering Technicians and Technologists” and subject to this Act, has the capacity, rights, powers and privileges of a natural person.

PART II

COUNCIL OF THE SOCIETY

4(1) A Council of the Society consisting of not less than ten councillors shall be responsible for the administration of this Act and shall control, govern and manage, or supervise the control, government and management of the business and affairs of the Society and all aspects of the practice of engineering technology carried on by its members. [2022, c.41, s.2]

4(2) The number of councillors, their respective terms of office, the manner of their appointment or election and their qualifications shall be established and governed by the bylaws of the Society and such bylaws may provide for alternate councillors, for the filling of vacancies and for the appointment of additional councillors.

5(1) Unless this Act or the bylaws otherwise provide the Council may by resolution make, amend or repeal any bylaws regulating the business or affairs of the Society, and without restricting the generality of the foregoing,

(a) governing and regulating

(i) the admission, suspension, expulsion, removal, discipline and reinstatement of members, the conditions precedent to membership in the Society, the conditions for continued membership in the Society;

(ii) the certification and renewal, suspension, cancellation, and reinstatement of certification of engineering technologists and engineering technicians, including the imposition of limitations, restrictions and conditions on any certification issued or granted pursuant to this Act; and

(iii) the certification or membership of persons having significant technical experience but not having educational qualifications usually required for certification or membership;

(b) establishing one or more categories of membership and determining the rights, privileges and obligations of the members of each category;

(c) creating and organizing local regions, branches or other sub-sections of the Society and governing the management of such regions, branches and sub-sections;

(d) approving or accrediting schools, courses of study or educational programs in engineering technology and establishing terms and conditions for approval or continued approval of such schools, courses of study and educational programs, including basic standards of curricula;

(e) determining the method of setting annual certification or membership fees payable to the Society and providing for the collection thereof;

(f) providing for the election or appointment, removal and remuneration of and establishing the powers and duties of officers, officials, employees and agents of the Society or the Council;

(g) creating and governing committees for the carrying out of the business and affairs of the Council and the Society and for regulating and governing the practice of engineering technology carried on by its members; [2022, c.41, s.3]

(h) delegating to officers, officials, employees or committees any of the duties, powers and privileges of the Council, except the power to make, amend or repeal bylaws and rules and the duties, powers and privileges of the Council with respect to appeals set out in Part VI hereof;

(i) fixing and regulating the quorum, time, place, calling, conduct and business of annual, special and general meetings of the Society, the Council and committees of the Society or the Council, establishing the method of voting including voting by mail, proxy voting, delegate voting or other means and establishing the qualifications of persons entitled to vote thereat;

(j) developing, establishing, maintaining and administering

(i) standards for education programs leading to certification as a certified engineering technician or certified engineering technologist;

(ii) standards for continuing education and the participation therein of certified engineering technicians and certified engineering technologists,

(iii) standards for the practice of engineering technology for its members, [2022, c.41, s.3]

(iv) Rules of Ethics or Conduct for certified engineering technicians and certified engineering technologists;

(k) respecting and governing the management and disposition of trust, charitable or benevolent funds committed to the care of the Society;

(l) setting the fiscal year of the Society, determining the place where the head office of the Society shall be located and the place or places where other offices of the Society shall be located;

(m) determining the aspects, subjects or matters of the business and affairs of the Society and the practice of engineering technology carried on by its members that may be regulated and governed by rules of the Council; [2022, c.41, s.3]

(n) authorizing the making of co-operative or affiliation arrangements with any institution, organization or professional body in any jurisdiction;

(o) respecting and governing such other subjects, matters and things as the Council considers appropriate to administer this Act or to advance or protect the interests of the public, the Society or the members;

and subject to subsection (2) hereof, such bylaws shall be valid, binding and effective from the date of the Council's resolution enacting the bylaw until the bylaw is amended or repealed by an ordinary resolution at an annual, or a special or general meeting of the Society called for the purpose of considering the same, or until it ceases to be effective under subsection (5) hereof, and where a bylaw is amended at such a meeting, it continues in effect in the form in which it is amended.

5(2) Bylaws relating to matters described in paragraphs (a), (b), (c), (f), (i), (j), and (m) of subsection (1) shall not be effective or be acted upon until confirmed by an ordinary resolution at an annual, special or general meeting of the Society and where a bylaw is amended by ordinary resolution at such meeting, it becomes effective in the form in which it is amended.

5(3) Any amendment or repeal of a bylaw by the Council shall be made by bylaw.

5(4) The Council shall cause the text of any bylaw enacted by it to be sent to all members with the notice of the next annual meeting following such enactment or with the notice of any special or general meeting called for the purpose of considering the same and at such meeting the bylaw may be confirmed, rejected, repealed or amended by an ordinary resolution.

5(5) If a bylaw is repealed at a meeting of the Society or if the Council does not send the bylaw to the members as required under subsection (4), the bylaw ceases to be effective and no subsequent Council resolution making that bylaw or any bylaw having substantially the same purpose or effect is effective until it is confirmed in the manner set out in subsection (2).

6(1) Unless this Act or the bylaws otherwise provide, the Council may by resolution make any rules not contrary to the bylaws regulating any of the aspects, subjects or matters of the business or affairs of the Society and the practice of engineering technology carried on by its members as may be governed by bylaw and any such rule shall be valid, binding and effective from the date of the resolution of the Council until amended or repealed by an ordinary resolution at an annual, or special or general meeting of the Society called for the purpose of considering the same. [2022, c.41, s.4]

6(2) Any amendment or repeal of a rule by the Council shall be made by a rule.

7 No act or thing done in reliance on, or right acquired under or pursuant to, a bylaw or rule that is subsequently repealed or amended shall be prejudicially affected by such repeal or amendment.

8 *The Regulations Act, chapter R-7 of the Revised Statutes, 1973* does not apply to the Society or any bylaw, rule or resolution made by the Society or the Council but all the bylaws and rules of the Society or the Council shall be available for inspection by any person at the head office of the Society at all reasonable times during business hours, free of charge.

9(1) There shall be an executive committee of the Council, composed of members of the Council, that, between meetings of the Council or at such other times as may be prescribed, may carry out any of the duties and exercise any of the powers and privileges of the Council, except the duties, powers and privileges with respect to appeals set out in Part VI hereof, and the executive committee shall carry out such other duties as may be assigned to it from time to time by the Council, the bylaws or the rules.

9(2) The number of members of the executive committee, their respective terms of office, the manner of their appointment or election and their qualifications shall be established and governed by the bylaws.

10(1) The Council may appoint an Executive Director of the Society who shall hold office during the pleasure of the Council.

10(2) The Council shall appoint a Registrar who must be a certified engineering technician or certified engineering technologist and who shall hold office during the pleasure of the Council.

10(3) The Executive Director shall at all times be subject to the directions of the Council.

10(4) The offices of Registrar and Executive Director may both be held by one person at the same time.

PART III

CERTIFICATION AND MEMBERSHIP

11(1) The Registrar shall keep or cause to be kept:

(a) a register in which shall be entered the name and address of every person who has met the qualifications for certification as a certified engineering technician or certified engineering

technologist pursuant to this Act, the bylaws and the rules and is thereby entitled to engage in the practice of engineering technology in the Province; [2022, c.41, s.5]

(b) a temporary register in which shall be entered the name and address of every person who is permitted to carry on the practice of engineering technology in the Province under such circumstances, conditions, limitations and restrictions and for such temporary and limited periods of time as are set out in the bylaws and rules; [2022, c.41, s.5]

(c) rosters of members in which shall be entered the name and address of every person who is entitled to membership in any category of membership established by the bylaws, other than persons whose names are entered in the register or the temporary register;

11(2) The register shall be divided into parts, being

(a) a part in which shall be entered the names of persons qualified pursuant to the bylaws and rules for certification as a certified engineering technician,

(b) a part in which shall be entered the names of persons qualified pursuant to the bylaws and rules for certification as a certified engineering technologist, and

(c) such other parts as may be prescribed in which shall be entered the names of persons qualified pursuant to the bylaws and rules for such classifications and levels of certification as may be prescribed.

11(3) The register and the temporary register shall be open for inspection by any person at the head office of the Society at all reasonable times during regular business hours, free of charge, but any officer or employee of the Society may refuse any person access to or the privilege of inspecting the said registers if there is cause to believe that such person is seeking access or inspection primarily for commercial purposes or purposes unrelated to the carrying on of the practice of engineering technology by a particular certified engineering technician or certified engineering technologist. [2022, c.41, s.5]

12(1) Any person whose name is entered in the register, subject to any conditions, limitations or restrictions set out in his certificate, the bylaws or rules, is entitled to hold himself out as a certified engineering technician or a certified engineering technologist, as the case may be, to use the designations “CET” or “C.E.T.,” indicating that he is a certified engineering technician or certified engineering technologist as the case may be and is entitled to carry on the practice of engineering technology. [2022, c.41, s.6]

12(2) Any person whose name is entered in the temporary register shall be entitled to the privileges and rights in subsection (1) in the Province for such a limited period of time, in such circumstances and subject to such conditions, limitations and restrictions as may be prescribed.

12(3) Any person who is enrolled as a student in an approved school, course of study or educational program in engineering technology may perform the tasks, duties and functions constituting part of his course of study, subject to such conditions, limitations and restrictions as may be prescribed.

13(1) The Registrar shall remove or cause the removal of the name of any person from the register, the temporary register or one or more of the rosters, who fails to meet or maintain the qualifications and standards for entry in such register or rosters.

13(2) The certification of an engineering technician or engineering technologist shall terminate and cease to have effect when his name is removed from the register.

14 Any person who was entitled to carry on the practice of engineering technology or entitled to use any designation indicating he was a member of an association or society pursuant to the laws governing or concerning the practice of engineering technology in any other jurisdiction and who has been suspended from or otherwise restricted in or disqualified from carrying on such practice or using any such designation in another jurisdiction by reason of incapacity, misconduct, dishonesty or incompetence shall not be entitled to apply for certification pursuant to the provisions of this Act until such time as the suspension, restriction or disqualification has been removed in the other jurisdiction. [2022, c.41, s.7]

15 Every person who engages a person as a certified engineering technician or certified engineering technologist and every agency or registry that procures employment or work for a person as a certified engineering technician or certified engineering technologist shall ensure at the time of engagement or employment that the person is the holder of a current certificate of certification under this Act.

16(1) The Registrar shall issue or cause to be issued annually or at such other times as may be set out in the rules a certificate of certification or a validation seal to be affixed to a previously issued certificate to persons whose names are entered in the register, or temporary register, and each such certificate or validation seal shall state the date on which it expires and any conditions, limitations or restrictions imposed on the certification of the person in respect of whom the certificate or validation seal is issued.

16(2) No person shall be entitled to have his name entered in the register or to receive a certificate or validation seal unless such person

(a) has paid all applicable prescribed fees, and

(b) has satisfied the requirements for certification as may be prescribed.

16(3) Any person whose certification has been subjected to conditions, limited, restricted, revoked or suspended shall without demand forthwith deliver his certificate and validation seals to the Registrar.

17 A statement certified under the hand of the Registrar respecting the records of the Society or the certification of any person is admissible in evidence in any proceeding as *prima facie* proof of the facts set out in such certificate relating to the certification of any such person or lack thereof and any condition, limitation or restriction in respect of the certification of any such person.

18(1) An applicant for certification who,

(a) fulfills the requirements of approved engineering technology experience and education prescribed by the rules or set out in a manual or manuals of experience and education approved by the rules,

(b) provides satisfactory evidence of good character,

(c) pays the fees prescribed, and

(d) meets such other criteria and has such other qualifications as may be prescribed,

following consideration of his application by the Certification Board, and upon approval of the Council shall be entitled to become certified as a member of the Society and to have his name entered in the part of the register that the Council determines to be appropriate.

18(2)(a) The Council shall appoint and maintain a Certification Board and a Certification Review Board consisting of members of the Society and such other persons as the Council may from time to time select;

(b) The quorum, number of members of the Certification Board and the Certification Review Board, their terms of office, qualifications and the manner of their appointment shall be established and governed by the bylaws and the bylaws may regulate the powers, procedures, functions and operations of the Certification Board and the Certification Review Board and may permit the establishment of panels of either Board to act for and to carry out and exercise all the duties and powers of the respective Boards;

(c) The duties of the Certification Board shall be

(i) to recommend to the Council the standards and grades of engineering technicians and technologists that should be recognized by the certification procedure as provided for in this section;

(ii) to conduct or approve examinations including national examinations of candidates for certification at such times and at such places as the Certification Board may direct;

(iii) to consider all applications for certification, to review the qualifications of all applicants and to recommend to Council those applicants it considers to have met the qualifications required for certification set out in the Act, bylaws or rules; and

(iv) to carry out such duties and functions and to exercise such powers and privileges as may be assigned by the Council from time to time;

(d) At the written request of any person whose application for certification has not been recommended to Council by the Certification Board, and upon payment of such fees as may be prescribed, the Certification Review Board shall review the application for certification of such person and may

(i) confirm the decision of the Certification Board, or

(ii) refer the application to the Certification Board for reconsideration and may make such recommendations to the Certification Board as it deems appropriate.

PART IV

OFFENCES AND ENFORCEMENT

19 Any person authorized to carry on the practice of engineering technology and to hold himself out as a certified engineering technician or certified engineering technologist pursuant to the provisions of this Act who carries on his practice in violation of any condition, limitation or restriction imposed upon his certification or who fails to inform his employer of any such condition, limitation or restriction commits an offence. [2022, c.41, s.8]

20(1) Except as provided in this Act, the bylaws or rules, no person other than a person whose name is entered in the register or the temporary register shall

(a) publicly or privately, whether or not for hire, gain or hope of reward hold themselves out in any way as being a certified engineering technician or a certified engineering technologist or as being entitled to practise as a certified engineering technician or certified engineering technologist;

(b) assume or use any title, name, designation, initials or description, including those referred to in this Act, that does or could lead the public to believe the person is a member of the Society, a certified engineering technician or a certified engineering technologist or entitled to practise as a certified engineering technician or certified engineering technologist; or

(c) subject to paragraph 26(1)(e), practise engineering technology or practise as a certified engineering technician or certified engineering technologist.

20(2) A person who violates or fails to comply with subsection (1) commits an offence.

[2022, c.41, s.9]

21 Any person who knowingly furnishes false, or misleading information in or in respect of any application made under this Act, the bylaws or rules or in any statement or return required to be furnished under this Act, the bylaws or rules, commits an offence.

22 A person who violates any provision of this Act commits an offence and is liable on summary conviction to a fine not less than \$500 for a first offence; to a fine not less than \$1000 for a second offence; to a fine not less than \$2000 for a third offence or to imprisonment for a term not exceeding six months, or both.

23 Where a member or former member or an applicant for certification does or attempts to do anything contrary to the provisions of this Act or any bylaw or rule made under the authority of this Act, the doing of such thing may be restrained by an injunction of The Court of Queen's Bench of New Brunswick at the instance of the Council acting in the name of the Society.

24 Where any person other than a person described in section 23 does or attempts to do anything contrary to the provisions of this Act, the doing of such thing may be restrained by an

injunction of The Court of Queen’s Bench of New Brunswick at the instance of the Council acting in the name of the Society.

25(1) No prosecution by the Society or any other person for an offence under this Act shall be commenced after the expiration of one year from the date of the last act that is part of the alleged offence.

25(2) The Council may institute and carry on or authorize any person to institute and carry on the prosecution of an offence under this Act.

25(3) Where a violation of any provision of this Act continues for more than one day, the offender is guilty of a separate offence for each day that the violation continues.

25(4) For the purposes of this Act, proof of the performance of one act in the practice of engineering technology on one occasion is sufficient to establish that a person has engaged in the practice of engineering technology. [2022, c.41, s.10]

EXEMPTIONS AND LIMITATIONS

[2022, c.41, s.11]

26(1) Nothing in this Act applies to or prevents

(a) the practice of professional engineering or the practice of professional geoscience by a person authorized to carry on that practice by the *Engineering and Geoscience Professions Act*;

(b) the practice of architecture by a person authorized to carry on that practice by the *Architects Act*;

(c) the practice of land surveying by a person authorized to carry on that practice by the *New Brunswick Land Surveyors Act, 1986*;

(d) the practice of interior design by a person authorized to carry on that practice by the *Interior Designers Act*; or

(e) any person from practising any profession or occupation, carrying out any inspection, or working in any trade or calling with respect to which the person is registered, licensed, certified or otherwise authorized under any other public or private act of the Province of New Brunswick.

26(2) Notwithstanding any other provision of this Act

(a) a certified engineering technician or certified engineering technologist shall not engage in the Province of New Brunswick, in any manner whether directly or indirectly, in the practice of architecture in contravention of the *Architects’ Act*; and

(b) a certified engineering technician or certified engineering technologist shall not engage in the Province of New Brunswick, in any manner whether directly or indirectly, in the practice

of professional engineering or professional geoscience in contravention of the *Engineering and Geoscience Professions Act*.

26(3) A certified engineering technician or certified engineering technologist who violates the provisions of subsection (2) commits an offence and is liable on summary conviction to a fine of not less than \$500 for a first offence; to a fine of not less than \$1000 for a second offence; to a fine of not less than \$2000 for a third or subsequent offence or to imprisonment for a term not exceeding six months or both.

26(4) When an offence under subsection (3) continues for more than one day, the offender commits a separate offence for each day that the violation continues.

26(5) Where a certified engineering technician or certified engineering technologist does or attempts to do anything contrary to the provisions of subsection (2), the doing of such thing may be restrained by an injunction of The Court of Queen’s Bench of New Brunswick.

26(6) Any certified engineering technician or certified engineering technologist who is self-employed or engaged in independent practice shall maintain professional liability insurance in the minimum amount of \$2,000,000 or such higher amount as may be specified by the Council from time to time.

[2022, c.41, s.12]

PART V

DISCIPLINE

27 In this Part “complaint” means any complaint, report or allegation in writing and signed by the complainant regarding the conduct, actions, competence, character, fitness, health or ability of a member and “member” includes former member, and any person whose name is or was entered in any register or roster of the Society.

28(1) The Council shall cause an investigation to be carried out by the Complaints Committee of every complaint received, if the complaint in substance alleges that a member

(a) has been guilty of:

- (i) misconduct as a certified engineering technician or certified engineering technologist;
- (ii) conduct unbecoming a member including any conduct that might adversely affect the standing or good name of the practice or the Society; [2022, c.41, s.13]
- (iii) incompetence or negligence;
- (iv) any conduct in breach of the provisions of this Act, the bylaws or the rules;
- (v) dishonesty; or

(vi) any habit rendering him unfit or incapable of carrying on the practice of engineering technology; or [2022, c.41, s.13]

(b) is suffering from any ailment or condition rendering him unfit or incapable of carrying on the practice of engineering technology. [2022, c.41, s.13]

28(2) All complaints against a member received by the Society or the Council shall be delivered forthwith by the Registrar to the Chairman of the Complaints Committee and a copy of the same shall immediately be forwarded to the member.

29(1) The Council shall maintain a standing committee known as the Complaints Committee, which in this section is referred to as the “Committee.”

29(2) The Committee shall be composed of certified engineering technicians and certified engineering technologists and none of the Committee members shall be a councillor of the Society or a member of the Discipline Committee.

29(3) The quorum, number of Committee members, their terms of office, qualifications and the manner of their appointment shall be established and governed by the bylaws and the bylaws may regulate the powers, procedures, functions and operations of the Committee and may permit the establishment of panels of the Committee to act for and to carry out and exercise all the duties and powers of the Committee;

29(4) The Council shall appoint one of the members of the Committee to be the Chairman of the Committee.

29(5) The Committee shall

(a) consider and investigate all complaints delivered to it; and

(b) perform such other duties as may be assigned to it by the Council, the bylaws or the rules.

29(6) The Committee shall consider only written evidence and in this section the term evidence includes any documents which may be presented to the Committee.

29(7) The Committee may engage such persons as it deems necessary including legal counsel to assist it in the consideration and investigation of complaints and shall determine its own rules of procedure.

29(8) Any member against whom a complaint has been made shall be entitled to the following:

(a) prompt notice that a complaint has been received by the Committee or that the Council has caused an investigation to be commenced by the Committee and a copy of the complaint;

(b) copies of all evidence presented to the Committee in writing concerning the complaint, other than privileged documents; and

(c) at least fourteen days’ notice of the first meeting of the Committee called to consider the complaint, which notice shall be accompanied by copies of all evidence in writing concerning the complaint, other than privileged documents, then in the possession of the Committee, and

the opportunity after such notice to submit to the Committee in writing any explanation, evidence, documents or representation the member may wish to make concerning the complaint or investigation.

29(9) After reviewing all the evidence presented to it, the Committee shall determine whether the complaint warrants further consideration and may

(a) dismiss the complaint, or

(b) refer the complaint to the Discipline Committee.

30(1) The Council shall maintain a standing committee known as the Discipline Committee, which in this section shall be referred to as the “Committee.”

30(2) The Committee shall be composed of certified engineering technicians and certified engineering technologists but none of the Committee members shall be a councillor of the Society.

30(3) The quorum, number of Committee members, their terms of office, qualifications and the manner of their appointment shall be established and governed by the bylaws and the bylaws may regulate the powers, procedures, functions and operations of the Committee and may permit the establishment of panels of the Committee to act for and to carry out and exercise all the duties and powers of the Committee.

30(4) The Council shall appoint one of the members of the Committee to be the Chairman of the Committee.

30(5) The Committee and the Council when acting pursuant to Part VI, shall conduct its proceedings in accordance with its own rules of procedure and may do all things and engage such persons including legal counsel it deems necessary to provide for the investigation, hearing and consideration of any complaint or appeal and in no case is the Committee or the Council bound to follow the technical rules of evidence or procedure applicable in judicial proceedings.

30(6) The Committee shall

(a) consider and investigate complaints referred to it by the Complaints Committee, and

(b) perform such other duties as may be assigned to it by the Council.

30(7) The Committee shall

(a) consider the complaint, hear the evidence, ascertain the facts and make a decision with respect to the merits of each complaint as to whether the member is guilty of a matter described in paragraph 28(1)(a) or is suffering from an ailment or condition described in paragraph 28(1)(b), in such manner as it deems fit;

(b) if the Committee in its absolute discretion at any time after the receipt of a complaint deems it necessary or advisable, without hearing require the member in respect of whom a complaint is made to undergo such clinical or other examinations as the Committee may designate in order to determine whether the member has adequate skill and knowledge to carry on the

practice of engineering technology and if the member fails to undergo any such examination the Committee may without further notice suspend the member's certification or membership until he does so; and [2022, c.41, s.14]

(c) if the Committee in its absolute discretion at any time after the receipt of a complaint deems it necessary or advisable, without hearing require any member to produce records and documents in his possession or custody or under his control or in the possession or custody or control of any corporation of which he is a director, officer or shareholder, and if the member fails to produce such records and documents the Committee may suspend the member's certification or membership until he does, unless the member is prohibited by law from producing such records and documents.

30(8) After reviewing all of the evidence presented to it the Committee may as part of its decision with respect to the merits of any complaint

(a) order that the member's certification or membership be suspended for a specific period of time during which the member shall have his name removed from the register, the temporary register or any roster in which his name may be entered;

(b) order that the member's certification or membership be suspended pending the satisfaction and completion of such conditions as may be ordered by the Committee;

(c) order that the member's certification or membership be revoked and the member's name be removed from the register, the temporary register or any roster in which his name may be entered;

(d) order that the member's carrying on of the practice of engineering technology be restricted pending compliance with stipulated conditions in which case the Committee shall notify the member's employer, if any, of such decision; [2022, c.41, s.14]

(e) order that conditions or limitations be imposed on the member's certification or membership and so inform the member's employer, if any;

(f) issue a reprimand;

(g) dismiss the complaint;

(h) impose such fine as the Committee considers appropriate, not exceeding \$1,000 to be paid by the member to the Society for the use of the Society and such fine may be recovered by the Society by civil action for debt;

(i) order that the imposition of any penalty be suspended or postponed for such period of time and upon such terms and conditions as the Committee deems appropriate;

(j) order that the decision of the Committee or notice thereof be published in such manner as the Committee deems fit;

(k) attempt to resolve informally any complaint if the Committee deems it appropriate; or

(l) make such other order as it deems just, including without limitation, an order combining two or more of the orders set out in paragraphs (a) to (j).

30(9) Before commencing any investigation into any complaint the Committee may order that security for costs be paid to the Society by the complainant in such amount and on such terms as the Committee may deem just and the Committee shall not be obligated to proceed with any investigation until such security for costs is paid.

30(10) Notwithstanding any other provision in this Act, if at any time a member admits any allegation in a complaint alleging a matter set out in subsection 28(1), and the member waives in writing the right to any other or further hearing or proceedings pursuant to this Part, the Committee may

(a) agree to cancel all hearings or proceedings and to accept the member's resignation on such terms and conditions as the Committee may specify; or

(b) make any order, finding or decision that may be made pursuant to sections 30 or 41.

31(1) Upon the application of

(a) any party to a hearing by the Discipline Committee or the Council,

(b) the Chairman of the Discipline Committee or a member of the Council, or

(c) counsel for the Society, the Discipline Committee or the Council,

and on payment of any fees prescribed, the Registrar may sign and issue writs of *subpoena ad testificandum* or *subpoena duces tecum* in prescribed form for the purpose of procuring and compelling the attendance and evidence of witnesses and the production of things relating to matters in question before the Discipline Committee or the Council.

31(2) The proceedings and penalties in the case of disobedience to any writ of subpoena issued hereunder shall be the same as in the case of disobedience of a Summons to Witness in civil cases in The Court of Queen's Bench of New Brunswick.

31(3) The testimony of witnesses shall be taken under oath or solemn affirmation which any member of the Discipline Committee or the Council is authorized to administer.

31(4) The burden of proof in all proceedings before the Discipline Committee shall be the balance of probabilities.

32 The Registrar may without hearing order the suspension of the certification or membership of a member if the Registrar has reasonable and probable grounds for believing that the member in question has been convicted of any criminal offence of such kind or type that the Registrar is of the opinion that the continued certification or membership of the member in question would immediately affect the good name of the Society or the practice of engineering technology and upon the Registrar ordering the suspension the Discipline Committee shall immediately commence an investigation. [2022, c.41, s.14]

33(1) In all proceedings before the Discipline Committee or the Council acting pursuant to Part VI, the member against whom a complaint has been made or in respect of whom an investigation has been commenced

(a) may present evidence or make representations in either English or French;

(b) may be represented by legal counsel, at his own expense;

(c) shall be entitled, subject to paragraph 36(b), to a full right to examine, cross-examine and re-examine witnesses in accordance with the rules of procedure established by the Committee or the Council, as the case may be;

(d) shall be entitled to receive copies of all documents presented to the Committee or the Council in connection with the complaint or investigation unless such documents are privileged by law;

(e) shall be entitled to at least fourteen days' written notice of the date of the first hearing of the Committee or the Council; and

(f) shall receive prompt notice of and a copy of the decision rendered.

33(2) Subsection 25(1) does not apply to any discipline proceeding under Part V or Part VI of this Act.

PART VI

APPEALS

34(1) If,

(a) a complainant is dissatisfied with a decision of the Complaints Committee or the Discipline Committee, or

(b) a member against whom a complaint has been made is dissatisfied with a decision of the Discipline Committee, or

(c) an applicant for certification is dissatisfied with a decision of the Certification Board, after such decision has been considered by the Certification Review Board,

such person may, by serving a written notice of appeal on the Registrar within thirty days of the date on which notice of the said decision is mailed to the last known address of such person, appeal the decision to the Council.

34(2) Any notice of appeal given under the provisions of this section shall set forth the grounds of appeal and shall state the relief sought.

34(3) There shall be no appeal from any decision, order or finding of the society, the Registrar, the Council or any Committee, officer, employee, or agent of the Society or the Council or any other person or body authorized to make decisions, orders or findings pursuant to this Act, the bylaws or rules, as the case may be, except appeals authorized or mentioned in subsection (1).

35(1) In any appeal under this Act the Registrar shall obtain a transcript or such other record as exists of the evidence presented to the decision-making body from whom the appeal is taken and shall prepare and present to the Council a record on appeal consisting of the transcript or such other record as exists, all exhibits and the order or other document evidencing the decision being appealed.

35(2) The Registrar shall provide the appellant and any other person entitled by the bylaws to participate in the appeal with a copy of the record on appeal upon payment by the appellant or such other person of the costs and disbursements of producing such copy.

36 On appeal the Council may

(a) adjourn the proceedings or reserve the determination of the matters before it for a future meeting of the Council; and

(b) upon granting special leave, and only where it is shown that such evidence was not previously available, receive further evidence in the same manner and subject to the same rules and procedures as apply to the Discipline Committee.

37 After reviewing the record on appeal and hearing the evidence or argument presented the Council may

(a) draw inferences of fact and make any finding, decision, determination or order that in its opinion ought to have been made;

(b) vary the decision appealed from;

(c) refer the matter back to the Complaints Committee or Discipline Committee or Certification Board as the case may be for further consideration and decision;

(d) confirm the decision appealed from; or

(e) make such decision or order as it may deem appropriate.

38(1) Any party to an appeal to the Council may appeal from the decision or order of the Council by a written notice of appeal on any ground of appeal that involves a question of law alone to the Court within thirty days of the date on which notice of the Council’s decision or order is mailed to the last known address of such party, or within such further time not exceeding ninety days as may be allowed by the Court.

38(2) The notice of appeal shall set forth the grounds of appeal and the relief sought and shall be served upon the Registrar, the Clerk of The Court of Queen’s Bench of New Brunswick for the judicial district in which the deliberations of the Council were held and upon any other party to the proceedings before the Council.

39 The record on appeal to the Court shall be the record on appeal presented to the Council, a transcript of any new testimony presented to the Council, any other new evidence or exhibits presented to the Council and a copy of the decision or order of the Council.

40(1) The Court may make any order or decision that the Council may make and may make such order as to costs as may be just.

40(2) The Rules of Court governing civil appeals to the Court of Appeal of New Brunswick which are not inconsistent with this Act shall apply *mutatis mutandis* to appeals to the Court under this Part and the Society shall have standing to appear and participate in any appeals to the Court.

40(3) Notwithstanding that an appeal to the Council or to the Court may have been instituted in respect of a decision or order, that decision or order shall continue to be valid and binding and no stay of proceedings may be granted prior to the hearing of the appeal.

PART VII

GENERAL

41(1) The Discipline Committee, the Council or, on appeal, the Court, may order that the costs of any investigation, proceeding, hearing or appeal pursuant to any provision of this Act be paid to any one or more of the Society or the parties, in whole or in part

(a) by the member against whom the complaint was made, except where the complaint is completely dismissed without any other decision, finding or order adverse to that member; or

(b) by the complainant or person at whose request the complaint was made or an investigation was commenced where the Committee, Council or Court is of the opinion that the complaint or investigation was unwarranted; and

may make it a condition of the certification of any member that such costs be paid forthwith.

41(2) The costs payable under subsection (1) may be taxed by the registrar of The Court of Queen’s Bench of New Brunswick as between solicitor and client on filing with the registrar the order as to costs and on payment of any required fees, and judgment may be entered for such taxed costs in form A of this Act with necessary modifications.

41(3) Before hearing an appeal the Council or the Court may order that security for costs be paid to the Society by the appellant in such amount and upon such terms as the Council or the Court may deem just.

41(4) For the purposes of this Act, “costs” includes

(a) all costs, expenses, and disbursements and all legal and other expenses of any kind incurred by the Society, the Complaints Committee, the Discipline Committee, the Certification Board, the Certification Review Board, or Council in relation to an investigation, proceeding, hearing or appeal,

(b) honoraria and expenses paid to members of the Complaints Committee, the Discipline Committee, the Certification Board, the Certification Review Board or the Council in relation to an investigation, proceeding, hearing or appeal, and

(c) the legal costs, expenses and disbursements incurred by any other party to an investigation proceeding, hearing or appeal.

42 The Society may act as trustee or custodian of any funds or property that may be committed for any purpose to the care or management of the Society.

43 Meetings of the Council, any committee of the Council or the Society and annual, special and general meetings of the Society may be held by telephone, electronic or other communication facilities in the manner and on the terms and conditions established by the bylaws or rules and persons participating in a meeting by such means shall be deemed to be present in person at that meeting. [2022, c.41, s.16]

44 No action shall be brought against a certified engineering technician, certified engineering technologist, former certified engineering technician or former certified engineering technologist for negligence or breach of contract or otherwise by reason of services requested, given or rendered, except within

(a) two years from the day when, in the matter complained of, such services terminated;

(b) two years after the person commencing the action knew or ought to have known the facts upon which he alleges negligence or breach of contract; or

(c) where the person entitled to bring an action is, at the time the cause of action arises, an infant, a mental incompetent, or a person of unsound mind, one year from the date when such person becomes of full age, or of sound mind, or as the case may be,

whichever is longer.

45 A resolution, report, recommendation, decision, finding or order of the Council or any committee of the Council or of the Society in writing signed or electronically signed by all councillors or persons entitled to vote on the resolution, report, recommendation, decision, finding or order, or signed or electronically signed counterparts thereof, is as valid as if passed, enacted, determined or made at a meeting of the Council or the committee, and may be transmitted by facsimile, email or other electronic means. [2022, c.41, s.17]

46 None of the Society, the Council, any of the committees of the Council or of the Society, or any member, officer or employee of any of the foregoing bodies shall be liable for any loss or damage of any kind suffered or incurred by any person as a result of anything done or not done, any proceedings taken, or any order made or enforced by it or them in good faith in the administration of or pursuant to this Act, the bylaws or rules.

47 Whenever notice is required or permitted to be made or given pursuant to the Act, the bylaws or rules:

(a) the notice may be given by notice in writing by personal delivery, ordinary mail, facsimile, email or other electronic means;

(b) if mailed, the notice shall be deemed to have been received seven days after the mailing by ordinary mail of any such notice to the last known address of the person to whom it is directed; and

(c) if transmitted by facsimile, email or other electronic means, the notice shall be deemed to have been received on the day of its transmission if such day is a business day and, if transmission is not made on a business day, on the next business day.

[2022, c.41, s.18]

PART VIII

TRANSITIONAL

48 The name and address of every person who at the coming into force of this Act is a certified member of the New Brunswick Society of Certified Engineering Technicians and Technologists Inc. pursuant to the bylaws thereof shall be entered in the register in such part as may be designated by the Council.

49(1) Nothing in this Act shall affect the powers and duties, tenure of office or terms of remuneration of any councillor or officer of the Society or any committee appointed before the commencement of this Act, or anything done or suffered, or any right, title or interest acquired before the commencement of this Act, or any legal proceedings or remedy in respect of any such thing, right, title or interest.

49(2) Until repealed, altered or amended pursuant to this Act, any bylaw, regulation or rule of the Society made or fees prescribed and in force at the commencement of this Act shall notwithstanding any conflict with this Act continue in force and have effect as if made under this Act.

FORM A

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK

JUDGMENT

(The Discipline Committee, the Council, or the Court as the case may be) having on the day of _____ A.D. 20____, ordered that A.B. pay the costs of _____ on an investigation, proceeding, hearing or appeal of a complaint made by C.D. (or that C.D. pay the costs of _____ on an investigation, proceeding, hearing or appeal of a complaint made by the said C.D.); and

The costs including disbursements of (A.B. or C.D. or _____ as the case may be), having been taxed by the Registrar of The Court of Queen's Bench of New Brunswick on the _____ day of _____, A.D. 20____;

It is this day adjudged that A.B. or C.D. or _____ (as the case may be) recover from A.B. or C.D. the sum of \$ _____.

DATED this _____ day of _____, 20____.

Registrar,
The Court of Queen's Bench of New Brunswick

[2022, c.41, s.19]