

## APPENDIX

### Professional and Occupational Associations Registration Act

#### PROFESSIONAL PLANNER REGULATION

##### *Table of Contents*

1	Definitions
2	Registration Committee
3	Registers
4	Powers and duties of Registration Committee
5	Review of application
6	Proof of registration
7	Fees for annual renewal
8	Annual proof of registration
9	Registration as Registered Professional Planner
10	Registration as a Candidate Member
11	Practice Review Committee
12	Powers and duties of Practice Review Committee
13	Notice
14	Reports and recommendations
15	Discipline Committee
16	Written complaints
17	Costs
18	Cancellation and suspension
19	Cancellation on request
20	Non-payment of fees, etc.
21	Registration in error
22	Service of notices
23	Use of title
24	Code of Professional Conduct
25	Transitional
26	Repeal
27	Expiry

##### Schedule

##### Definitions

**1** In this Regulation,

- (a) “Act” means the *Professional and Occupational Associations Registration Act*;
- (b) “bylaws” means the bylaws of the Institute;
- (c) “Candidate Member” means a person whose name is entered in the register of Candidate Members;
- (d) “Council” means the Council of the Institute established under the bylaws;

- (e) “Discipline Committee” means the Discipline Committee established pursuant to section 15;
- (f) “Institute” means the registered association with the name “Alberta Professional Planners Institute”;
- (g) “Institute Registrar” means the registrar of the Institute appointed under the bylaws;
- (h) “practice of planning” means the process of planning the scientific, aesthetic and orderly allocation of land, community resources, facilities and services with a view to maintaining and improving the physical environment and the economic and social conditions of urban and rural communities;
- (i) “Practice Review Committee” means the Practice Review Committee established pursuant to section 11;
- (j) “Registered Professional Planner” means a person whose name is entered in the register of Registered Professional Planners;
- (k) “Registration Committee” means the Registration Committee established pursuant to section 2;
- (l) “regulated member” means a Registered Professional Planner and a Candidate Member.

#### **Registration Committee**

**2(1)** There is hereby established the Registration Committee consisting of

- (a) one Registered Professional Planner who is a member of the Council, and
- (b) at least 5 other Registered Professional Planners who are not members of the Council, one of whom must be appointed by the Council as chair.

**(2)** The member of the Registration Committee appointed pursuant to subsection (1)(a) is a non-voting member of the Registration Committee.

**(3)** The Registration Committee must be appointed by the Council in accordance with the bylaws.

(4) The Registration Committee must meet at the call of the chair.

(5) A quorum at a meeting of the Registration Committee is at least 3 of the members appointed pursuant to subsection (1)(b).

### **Registers**

**3(1)** The Institute Registrar must maintain, in accordance with this Regulation and the bylaws and subject to the direction of the Council,

- (a) a register of Registered Professional Planners, and
- (b) a register of Candidate Members.

(2) The Institute Registrar must enter in the appropriate register

- (a) the name of an individual who has paid the registration fee prescribed by the bylaws and whose registration has been approved by the Registration Committee under section 4 or the Council under section 5, and
- (b) the mailing address of that individual.

### **Powers and duties of Registration Committee**

**4(1)** The Registration Committee must consider applications from persons to become regulated members of the Institute in accordance with this Regulation and the bylaws and may

- (a) approve the application,
- (b) refuse to approve the application, or
- (c) defer approval until the applicant has done either or both of the following:
  - (i) successfully completed examinations or coursework as required by the Registration Committee;
  - (ii) successfully completed any further type and term of experience required by the Registration Committee.

(2) The Registration Committee must send a written notice of any decision made by it to the applicant.

(3) If the decision made by the Registration Committee is to refuse the application for registration, written reasons for the decision must be sent to the applicant.

### **Review of application**

**5(1)** An applicant whose application for registration is refused by the Registration Committee may, by notice in writing served on the Institute Registrar within 30 days of receiving a notice of refusal and the reasons for it, appeal the refusal to the Council.

**(2)** The notice of appeal must set out the reasons why, in the applicant's opinion, the application for registration should be approved.

**(3)** An applicant who appeals a decision of the Registration Committee under this section

(a) must be notified in writing by the Institute Registrar of the date, place and time that the Council will hear the appeal, and

(b) is entitled to make representations to the Council when it hears the appeal and be represented by an agent or counsel.

**(4)** A member of the Registration Committee who is also a member of the Council may not

(a) participate in the appeal,

(b) vote on a decision of the Council under this section, or

(c) be counted for the purposes of a quorum of the Council when it hears the appeal.

**(5)** On hearing an appeal under this section, the Council may make any decision the Registration Committee may make, and must give written notice of its decision to the applicant.

### **Proof of registration**

**6** On entering the name of a regulated member in the appropriate register, the Institute Registrar must issue proof of registration to that regulated member.

### **Fees for annual renewal**

**7** A regulated member must pay the following fees as prescribed by the bylaws to the Institute Registrar or to any person authorized by the Institute Registrar to accept payment:

(a) the fee for annual renewal of registration;



- (b) where an application for annual renewal of registration is made after the date prescribed by the bylaws, the fee for late renewal.

#### **Annual proof of registration**

**8(1)** The Institute Registrar must issue proof of registration each year in accordance with the bylaws to a regulated member

- (a) whose registration is not cancelled or under suspension, and
- (b) who has paid the fees required under section 7.

**(2)** Proof of registration issued under this section or section 6 expires on the date prescribed in the bylaws.

#### **Registration as Registered Professional Planner**

**9** An applicant is entitled to be registered as a Registered Professional Planner if the applicant provides proof of good character and reputation acceptable to the Registration Committee, pays the registration fee prescribed in the bylaws and meets the requirements of clause (a), (b), (c) or (d):

- (a) the applicant produces documentation that satisfies the Registration Committee that the applicant
  - (i) has obtained a degree in the practice of planning that is recognized by the Council,
  - (ii) has obtained at least 2 years of practical experience in the practice of planning that is acceptable to the Registration Committee, and
  - (iii) has successfully completed all examinations approved by the Council;
- (b) the applicant produces documentation that satisfies the Registration Committee that the applicant
  - (i) has obtained a degree other than a degree in the practice of planning,
  - (ii) has obtained at least 5 years of practical experience in the practice of planning that is acceptable to the Registration Committee, and

- (iii) has successfully completed all examinations approved by the Council;
- (c) the applicant produces documentation that satisfies the Registration Committee that the applicant
  - (i) has a combination of education, training, experience, examinations or other qualifications that demonstrate the competence required for registration,
  - (ii) has obtained at least 15 years of practical experience in the practice of planning that is acceptable to the Registration Committee, and
  - (iii) has successfully completed all examinations approved by the Council;
- (d) the applicant produces documentation that satisfies the Registration Committee that the applicant is registered and in good standing with a professional regulatory organization under an Act of another province or territory of Canada to perform an occupation that, in the opinion of the Registration Committee, is substantially equivalent, in terms of scope of practice and competencies, to that of a Registered Professional Planner.

**Registration as a Candidate Member**

**10(1)** An applicant is entitled to be registered as a Candidate Member if the applicant provides proof of good character and reputation acceptable to the Registration Committee, pays the registration fee prescribed in the bylaws and produces documentation that satisfies the Registration Committee that

- (a) the applicant
  - (i) has obtained a degree in the practice of planning, and
  - (ii) is actively working towards meeting the requirements of section 9(a)(ii) and (iii),
- (b) the applicant
  - (i) has obtained a degree other than a degree in the practice of planning, and

- (ii) is actively working towards meeting the requirements of section 9(b)(ii) and (iii),

or

- (c) the applicant produces documentation that satisfies the Registration Committee that the applicant is registered and in good standing with a professional regulatory organization under an Act of another province or territory of Canada to perform an occupation that, in the opinion of the Registration Committee, is substantially equivalent, in terms of scope of practice and competencies, to that of a Candidate Member.

(2) A person may remain in the register of Candidate Members for not more than 7 years from the date the person's name was entered in that register.

(3) Notwithstanding subsection (2), the total period of time an individual may remain in the register of Candidate Members may be extended by the Registration Committee.

#### **Practice Review Committee**

**11(1)** There is hereby established the Practice Review Committee consisting of

- (a) one Registered Professional Planner who is a member of the Council, and
- (b) at least 3 other Registered Professional Planners who are not members of the Council, one of whom shall be appointed as chair.

(2) The Practice Review Committee must be appointed by the Council in accordance with the bylaws.

(3) The Practice Review Committee must meet at the call of the chair.

(4) A quorum at a meeting of the Practice Review Committee is 3 members.

#### **Powers and duties of Practice Review Committee**

**12** The Practice Review Committee

- (a) may, on its own initiative, and shall, at the request of the Council, inquire into and report to and advise the Council in respect of
  - (i) the assessment of educational standards and experience requirements that are conditions precedent to registration as a Registered Professional Planner,
  - (ii) the assessment and development of continuing education programs for upgrading and enrichment of Registered Professional Planners,
  - (iii) the evaluation of desirable standards of competence for Registered Professional Planners generally,
  - (iv) any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of planning under this Regulation, and
  - (v) the practice of planning generally,

and

- (b) may, with the approval of the Council, conduct a review of the practice of a regulated member.

**Notice**

**13** The Practice Review Committee shall give reasonable notice to a regulated member of its intention to conduct a review of the practice of the regulated member.

**Reports and recommendations**

**14(1)** After each inquiry or review under section 12, the Practice Review Committee

- (a) shall make a written report to the Council on the inquiry or review and, where appropriate, on its decision,
- (b) may make recommendations, together with reasons, to the Council regarding the matter inquired into or reviewed,

- (c) may make recommendations to a regulated member as to that regulated member's conduct in the practice of planning, and
- (d) shall, if it is of the opinion that the conduct of a member constitutes or may constitute either unskilled practice of the profession or professional misconduct within the meaning of section 19 of the Act, forthwith refer the matter relating to that conduct to the chair of the Discipline Committee to be dealt with under Part 3 of the Act, and in such a case the Discipline Committee shall deal with it as if it were a complaint.

(2) The Practice Review Committee may at any time during an inquiry or review under section 12 refer any matter to the chair of the Discipline Committee to be dealt with under Part 3 of the Act, and in such a case the Discipline Committee shall deal with it as if it were a complaint.

#### **Discipline Committee**

**15(1)** The Discipline Committee is established consisting of at least 5 Registered Professional Planners who are not members of the Council, one of whom must be appointed by the members of the Discipline Committee as chair.

(2) The members of the Discipline Committee must be appointed by the Council in accordance with the bylaws.

(3) The Discipline Committee must meet at the call of the chair.

(4) A quorum at a meeting of the Discipline Committee is at least 3 of the members of the Committee.

#### **Written complaints**

**16** A person who wishes to submit a complaint must, in accordance with section 20 of the Act, make it in writing, sign it and submit it to the chair of the Discipline Committee.

#### **Costs**

**17** In accordance with section 34 of the Act, the Discipline Committee may, with respect to hearings before it and reviews by the Council, order the investigated person to pay the following costs:

- (a) the fee payable to the lawyer advising the Discipline Committee or Council at the hearing or review and the fee payable to the lawyer acting in a prosecutory role at the hearing or review;
- (b) the cost of recording the evidence and preparing transcripts;
- (c) the expenses of the members constituting the Discipline Committee, including, without limitation, the daily allowances of those members as determined by Council;
- (d) any other expenses incurred by the Institute that are incidental to the hearing or review.

#### **Cancellation and suspension**

**18(1)** The registration of a regulated member is cancelled or suspended when the decision to cancel or suspend the registration is made in accordance with the Act or this Regulation.

**(2)** The Institute Registrar must enter a memorandum of the cancellation or suspension of the registration in the appropriate register indicating

- (a) the date of the cancellation or suspension,
- (b) the period of the suspension, and
- (c) the nature of any finding under Part 3 of the Act.

**(3)** If the registration of a regulated member is cancelled, the person whose registration is cancelled must, on request, surrender to the Institute Registrar all documents relating to the registration.

#### **Cancellation on request**

**19** The Institute Registrar must not cancel the registration of a regulated member at the request of the regulated member unless the request for cancellation is approved by the Registration Committee.

#### **Non-payment of fees, etc.**

**20(1)** The Council must direct the Institute Registrar to suspend or cancel the registration of a regulated member who is in default of payment of annual fees, penalties, costs or any other fees, dues or levies payable under the Act, this Regulation or the bylaws after the expiration of 30 days following the service on that person of a

written notice by the Council unless that person complies with the notice.

(2) The notice under subsection (1) must state that the Institute Registrar must suspend or cancel the registration unless the fees, penalties, costs, dues or levies are paid as indicated in the notice.

#### **Registration in error**

**21** The Council must direct the Institute Registrar to cancel the registration of any person that is entered in error in a register.

#### **Service of notices**

**22** A notice to be served on the Institute Registrar, the Council, the Registration Committee, the Practice Review Committee or the Discipline Committee, or any member of those committees or the Council, is sufficiently served if it is personally served at, or sent by registered or certified mail to, the office of the Institute.

#### **Use of title**

**23** A Registered Professional Planner may use the title “Registered Professional Planner” and the abbreviations “R.P.P.” and “RPP”.

#### **Code of Professional Conduct**

**24** The standards of conduct and code of ethics of the Institute are set out in the Code of Professional Conduct in the Schedule.

#### **Transitional**

**25(1)** In this section, “previous Regulation” means the *Alberta Community Planner Regulation* (AR 240/89).

(2) The Institute Registrar must enter in the register of Registered Professional Planners or the register of Candidate Members the name of a person who, on the coming into force of this Regulation, was registered as an Alberta Community Planner or a provisional member, as the case may be, under the previous Regulation.

(3) Notwithstanding sections 9, 10 and 26, the previous Regulation continues to apply in respect of applications for registration as an Alberta Community Planner or a provisional member that are received by the Registration Committee before the coming into force of this section.

(4) The Institute Registrar must enter in the register of Registered Professional Planners or the register of Candidate Members the name of a person whose application under subsection (3) as an Alberta Community Planner or a provisional member, as the case may be, is approved by the Registration Committee.

#### **Repeal**

**26** The *Alberta Community Planner Regulation* (AR 240/89) is repealed.

#### **Expiry**

**27** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on January 31, 2015.

### **Schedule**

#### **Code of Professional Conduct**

- 1** A regulated member must conduct himself or herself in a professional, ethical and responsible manner.
- 2** A regulated member must act in accordance with all applicable legislation and other laws.
- 3** A regulated member must maintain currency in the knowledge and skills necessary to carry out the practice of planning.
- 4** A regulated member must report any incompetent, illegal or unethical conduct of any member to the appropriate authority.
- 5** A regulated member must act in the best interests of the client and provide professional services with integrity, objectivity and independence.
- 6** A regulated member must hold in confidence all client information unless the member is permitted by the client or is required by the Act or any other enactment or by order of a court to disclose the information.
- 7** A regulated member must continually seek further knowledge in the theory and practice of planning and all other matters that enhance the reputation of the profession and the regulated member.

**8** A regulated member must refrain from engaging in any business practices that detract from the professional image of the Association or its members.

**9** A regulated member must refrain from serving a client under any terms or conditions that would impair the member's independence.