CONSULTATION DRAFT

A PROPOSED AMENDMENT TO THE ENGINEERING PROFESSION ACT BY-LAWS

October 30, 2026

Following is a proposed amendment which resulted from extensive meetings of the Act Review Committee, consideration by Council, two public consultation sessions held with the Membership, and a review of written comments solicited from the Membership.

BE IT RESOLVED by the Members of the Association of Professional Engineers of Prince Edward Island:

1. The By-Laws be amended by adding the following new By-law after By-law 1.2:

1.3 Certificates and Summons referred to in the Act and By-laws shall be substantially in the form set out in Appendix A and B.

2. By-Laws 2.1.3 (a) and 5.5 be amended by replacing the gender specific pronouns with gender neutral pronouns “they” and “their”.

3. By-Laws 2.3.3 (a) and 5. be amended by replacing “Canadian Council of Professional Engineers”, “CCPE” with its successor “Engineers Canada”.

4. By-Laws 2.4.1, 5.11, 7.2.2, 8.1.11, 8.1.12, 9.7.3, 9.7.5 be amended by capitalizing the “member “, and By-Laws 8.1.11, 9.7.3 be amended by capitalizing “chairperson” and “chair”:

5. By-law 2.1.4(a) of the By-Laws be repealed and the following substituted:

2.1.4 (a) Retired Membership in the Association may be granted by the Council to any Member who has retired from and has undertaken not to engage in the practice of engineering. Members must make written application for Retired Member status.

6. By-law 2.3.2 of the By-Laws be repealed and the following substituted:

2.3.2 Registration applicants who are graduates of an accredited engineering program shall have completed the minimum period of acceptable engineering experience established by Council in the Manual of Admissions policy document made pursuant to these By-laws and shall have passed the National Professional Practice Examination. Any other applicants shall have completed the minimum period of acceptable engineering experience for non-accredited program graduates, as established by Council in the Manual of Admissions made pursuant to these By-laws, and shall have passed the National Professional Practice Examination. All engineering experience shall be verified by references from engineers who are familiar with the work performed. Applicants must have gained at least one year of engineering work experience before attempting the National Professional Practice Examination. Council shall have the authority to define "acceptable engineering experience" and to establish the minimum duration of the required experience period in the Manual of Admissions made pursuant to these By-laws, which policy document may be amended by Council from time to time without amendment to these By-laws.

7. The By-Laws be amended by adding the following new By-law after By-law 2.3.5:

2.3.6 Council may issue a certificate of registration, with conditions and limitations, to a candidate who does not satisfy the requirements in Section 5.2(b) of the Act.

8. By-law 5.2 of the By-Laws be repealed and the following substituted:

5.2 Classes of Fees

The classes of fees charged by the Association shall be as follows:

- Registration fee for a Member

- Registration fee for a Licensee

- Registration fee for an Engineer-in-Training

- Transfer fee for membership where the applicant is a member of another Association of Professional Engineers in Canada

- Stamp or Seal

- Assessment of Qualifications (Non Canadian)

- Writing the National Professional Practice Examination

- Certificate of Authorization

- Renewal Late Payment Fee.

9. By-law 5.13 of the By-Laws be repealed and the following substituted:

5.13 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 ballot following the passing of a resolution for such assessment by the Association or Council.

10. By-law 6.2.9 of the By-Laws be repealed and the following substituted:

6.2.9 The duties of the Registrar shall include

(a) receiving and presenting to the Engineering Qualifications Committee all applications for certificates and keeping a full and correct record of such applications, Engineering Qualifications Committee recommendations, and the Council's resolutions on each application;

(b) keeping a register of every holder of a certificate for the following information:

i. full name,

ii. address,

iii. date of registration,

iv. limitations on practice,

v. date and reason for removal,

vi. date, reason, result, and duration of any disciplinary action, which will be maintained for a period of ten (10) years;

(c) issuing of all certificates;

(d) preparation and certification of a list of all holders of a certificate eligible to vote and to hold office and Non-Practising Members entitled to vote, for use at the annual meeting and for the conduct of elections.

11. By-law 6.3.4 of the By-Laws be repealed and the following substituted:

6.3.4 Council shall have the authority to borrow money on behalf of the Association up to the amount of $10,000. Any motion to borrow money in excess of $10,000 shall be approved by a two-thirds affirmative vote of the Members at an annual or special meeting, or shall be sent out by ballot to all Members of the Association. Authority to borrow in excess of $10,000 shall become effective only if at least two-thirds of those voting cast their ballots in the affirmative.

12. By-law 7.1.8 of the By-Laws be repealed and the following substituted:

7.1.8 Meetings of the Council shall be conducted in accordance with parliamentary procedure, as stated in "Robert's Rules of Order".

13. By-law 7.2.7 of the By-Laws be repealed and the following substituted:

7.2.7 All meetings of the Association shall be conducted in accordance with parliamentary procedure, as stated in "Robert's Rules of Order".

14. By-law 7.2.8 of the By-Laws be repealed and the following substituted:

7.2.8 Only a Member, Honorary Life Member, Non-Practising Member, or Engineer-in-Training who resides in PEI shall be entitled to vote at a meeting of the Association.

15. By-law 7.2.9 of the By-Laws be repealed and the following substituted:

7.2.9 Order of business at the annual meeting of the Association shall be approved by Council, unless otherwise decided by a vote of the meeting, and would substantially include the following:

(a) minutes of the last annual meeting and any special meeting held since the last annual meeting;

(b) business arising from the minutes;

(c) address by the President;

(d) report of Council by Secretary;

(e) report of the Registrar;

(f) financial reports by the Treasurer;

(g) report on Engineers Canada;

(h) reports of committees;

(i) ratification of the actions of Council;

(j) report of scrutineers;

(k) disposal of ballots;

(l) installation of new officers;

(m) election of Nominating Committee;

(n) approval of the budget;

(o) appointment of auditors; and

(p) new business.

16. The By-Laws be amended by adding the following new By-law after By-law 7.2.9:

7.3 Voting at Meetings

Votes at meetings may be conducted in person, by electronic or other alternative means or combination of means authorized by resolution of the Council.

17. By-law 8.1.7 of the By-Laws be repealed and the following substituted:

8.1.7 At the first Council meeting after the receipt thereof the Secretary shall submit to Council for its approval the list of nominees submitted by the Nominating Committee. If only one eligible nomination is received per open position and it is approved by Council for any elected position, the nominee shall be declared elected by acclamation and no vote shall be conducted. If for any reason the nominating committee fails to fulfill properly all or any of the requirements of its office, the Council may complete all or any of these requirements.

18. By-law 8.1.8 of the By-Laws be repealed and the following substituted:

8.1.8 Council shall then instruct the Secretary to prepare an election ballot for any position that is not acclaimed. The names on the ballot shall include those nominees as approved by Council in accordance with Section 8.1.7 as well as any nominees submitted by the membership in accordance with Section 8.1.6. The ballot shall be prepared so that Members will be instructed to vote for not more than one Member for President, one Member for Vice-President and two Members for Councillors.

19. By-law 9.4.1 of the By-Laws be repealed and the following substituted:

9.4.1 Council shall appoint a Discipline Committee consisting of the President, Past-President, Vice-President and two Members of Council with seniority and one public person who is not a professional engineer.

20. By-law 9.4.3 of the By-Laws be repealed and the following substituted:

9.4.3 The public person appointed annually by Council shall be a respected member of the community, and shall indicate acceptance of serving on this Committee.

21. The second sentence of By-law 9.5.1 of the By-Laws be repealed and the following substituted:

9.5.1 Council shall appoint an Engineering Qualifications Committee consisting of at least three Members and shall designate which of the Members is to chair the Committee. The Council may at any time fill any vacancies on the Committee and replace any Member thereof, or add to its number, subject to section 9.5.4.

22. By-law 9.5.2 of the By-Laws be repealed and the following substituted:

9.5.2 The Committee shall:

(a) consider all applications for membership, licence to practise, enrolment as an engineer-in-training and certificate of authorization submitted to it by the Registrar and not previously disposed of by Council;

(b) report to Council applicants who have met all of the qualifications in accordance with the requirements of the Act;

(c) where an applicant has not met all of the qualifications in accordance with the requirements of the Act, the Registrar shall send the decision and reasons for the decision to the applicant;

(d) an applicant whose application for registration as a holder of a certificate has not been approved by the Engineering Qualifications Committee may, within 30 days of receiving a notice of the decision and the reasons for the decision, request that Council review the application by serving on the Registrar a written request for review by the Council setting out the reasons why, in their opinion, their registration as a holder of a certificate should be approved;

(e) the Council or a committee of the Council, other than the Engineering Qualifications Committee or a member of that committee, shall, after receipt of a request for review under this section, review the application;

(f) the applicant for registration

(i) shall be notified in writing by the Council or committee of Council of the place, date and time it shall consider the matter; and

(ii) is entitled to appear with counsel and make representations to the Council or committee of Council when it considers the matter;

(g) for purpose of hearing a review under this section, a quorum of the Council or committee of Council shall be three (3) members;

(h) on hearing a review under this section, the Council or committee of Council may make a decision which the Engineering Qualifications Committee is authorized to make; and

(i) cooperate with the Canadian Engineering Accreditation Board in accordance with regulations and agreements approved by Council.

23. The By-Laws be amended by adding the following new By-law after By-law 9.5.3:

9.5.4 Term of Office

Each Member of the Engineering Qualifications Committee shall be appointed for a term not exceeding three (3) years. In making and renewing appointments, Council shall ensure that the terms of Members of the Committee are staggered so that not all terms expire within the same calendar year. A Member of the Committee whose term has expired or been completed is eligible for reappointment to the Committee for one or more subsequent terms without restriction.

24. The By-Laws be further amended by adding the following new By-law after By-law 9.5.4:

9.5.5 Transition

Members of the Engineering Qualifications Committee serving on the date on which section 9.5.4 comes into force shall continue to serve until Council, at its next regularly scheduled meeting following that date, assigns each such Member a term expiry date in accordance with section 9.5.4. For the purpose of giving effect to the staggering requirement set out in section 9.5.4, Council may assign terms of varying lengths, provided that no assigned term shall exceed three (3) years from the date of that Member's most recent appointment to the Committee.

25. By-law 9.7.1 of the By-Laws be repealed and the following substituted:

9.7.1 The Council may from time to time appoint persons to such other Committees as it deems necessary and may assign to such Committees any of its powers; provided that such Committees shall conform to any terms of reference imposed upon them by Council.

26. By-law 10.2 of the By-Laws be repealed and the following substituted:

10.2 Members' proposals shall be considered by Council, and the Members submitting the proposed amendments shall be notified by Council of acceptance or of suggested changes to their proposed amendments within sixty days of receipt of the proposed amendments. The proposers shall then notify the Secretary in writing whether they wish to withdraw their proposed amendments, accept any changes suggested by Council, or insist on the original form of the proposed amendments. If such final decision by the proposers is received in writing by the Secretary more than sixty days prior to the date fixed for the next annual meeting of the Association, the proposed amendments shall be submitted to the annual meeting for approval prior to their being sent by ballot. If the schedule with respect to the annual meeting is not fulfilled, the proposed amendments may, at the discretion of Council, be held over to a special meeting or to the next annual meeting if no special meeting is called.

27. By-law 10.3 of the By-Laws be repealed and the following substituted:

10.3 If approved at the Annual Meeting, the proposed new by-law(s) or amendment or repeal of existing by-law(s) shall be sent by the Secretary in the form of a ballot to every Member of the Association who is in good standing, and the ballot shall be returnable at a date to be fixed by Council. Immediately after such date, scrutineers appointed by Council shall count the ballots and report the results to Council, which shall declare the proposed new by-law(s) or amendment or repeal of existing by-law(s) to be ratified and in full force and effect if supported by at least two-thirds of the valid ballots received.

28. By-law 14.4.11 of the By-Laws be repealed and the following substituted:

14.4.11 Engineers shall only take such work as they are competent to perform by virtue of their training and experience, and shall carry out such work in compliance with applicable legislation.

29. The By-Laws be amended by adding the following new By-law 15 after By-law 14 (Code of Ethics):

15. CERTIFICATES

The certificates contemplated in the Act and By-laws shall be substantially in the form set out in Appendix B hereto.

30. The By-Laws be amended by adding a new Appendix A, Summons to Witness, substantially in the form attached as Schedule 1 to this resolution.

Appendix A sets out the form of summons by which the Discipline Committee or the Act Enforcement Officer may require the attendance of a witness and the production of documents or things, for use in connection with By-laws 9.3.6 and 9.4.5 and By-law 1.3.

31. The By-Laws be amended by adding a new Appendix B, Certificates, substantially in the form attached as Schedule 2 to this resolution.

Appendix B sets out the forms of certificate of registration, certificate of registration (retired), certificate of registration (non-practising), certificate of enrolment as Engineer-in-Training, certificate of licence to practise, and certificate of authorization, for use in connection with By-laws 1.3 and 15.

CONSEQUENTIAL ACTION

The Engineering Profession Act, S.P.E.I. 1988, Cap. E-8.1, Subsection 28(2) requires any bylaw or amendment to be ratified by at least two thirds of the votes received from members in good standing and Subsection 28(3) requires such a bylaw or amendment to be approved by the Lieutenant Governor in Council.

EXPLANATORY NOTES

BACKGROUND INFORMATION: This Consultation Draft addresses the By-law changes identified by Council as not tied to amendments to the Engineering Profession Act itself. These amendments update terminology, correct outdated references, clarify committee and administrative procedures, and introduce new provisions supporting the Association's Manual of Admissions, certificate forms, and the Engineering Qualifications Committee's term-of-office framework. None of the amendments in this Consultation Draft require a corresponding change to the Engineering Profession Act; a separate set of By-law amendments tied to specific Act provisions (relating to the Public Councillor, the Act Enforcement Committee, the exemption threshold, and Lieutenant-Governor-in-Council approval) is addressed in a separate consultation document.

SECTION 1 adds new By-law 1.3, which provides that certificates and summonses referred to in the Act and By-laws shall be substantially in the form set out in new Appendices A and B (added by Sections 27 and 28 of this amendment). The By-Laws currently contain no provision cross-referencing the forms of certificate and summons used by the Association; this amendment establishes that cross-reference and brings the forms within the By-Laws themselves.

SECTION 2 adds gender neutral pronouns.

SECTION 3 Updates the name Canadian Council of Professional Engineers to Engineers Canada.

SECTION 4 Corrects grammar by capitalizing Member, Chair Person and Chair.

SECTION 5 amends By-law 2.1.4(a) by removing the requirement that a Retired Member "has no employment income from any source." The current wording ties retired status to the complete

absence of employment income, which does not accommodate Members who have retired from the practice of engineering but continue to receive non-engineering employment income (for example, from an unrelated part-time role). The amendment focuses the retired membership criterion on whether the Member has undertaken not to engage in the practice of engineering, consistent with the purpose of the Retired Membership category.

SECTION 6 amends By-law 2.3.2 to replace the fixed experience-period thresholds (four years for accredited program graduates and five years for other applicants) with a framework under which Council establishes and may amend the minimum acceptable experience periods in a Manual of Admissions policy document made pursuant to the By-laws. The current By-law fixes specific numerical experience thresholds directly in the text of the By-laws, including both the four- and five-year minimums and related transitional credit provisions for pre-graduation and post-graduate experience. Embedding these thresholds in the By-laws means any adjustment to admissions standards requires a full By-law amendment, including membership ratification and Lieutenant-Governor-in-Council approval. The amendment delegates the authority to define "acceptable engineering experience" and to set minimum experience durations to Council, exercised through a Manual of Admissions, which Council may update from time to time without further amendment to the By-laws. This affords the Association greater flexibility to adapt admissions standards to evolving national engineering licensure practices.

SECTION 7 adds new By-law 2.3.6, which authorizes Council to issue a certificate of registration, subject to conditions and limitations, to a candidate who does not satisfy the requirements of Section 5.2(b) of the Act. The By-Laws currently contain no mechanism for Council to register a candidate who does not fully satisfy the Act's qualification requirements under conditions tailored to that candidate's circumstances. This amendment provides Council the discretion to issue a conditional or limited certificate of registration in appropriate cases.

SECTION 8 amends By-law 5.2 by adding "Renewal Late Payment Fee" to the list of classes of fees charged by the Association. The current By-law does not identify a late payment fee as a distinct class of fee. This amendment formalizes an additional fee class within the existing list structure.

SECTION 9 amends By-law 5.13 by replacing the reference to voting "by letter ballot" with voting "by ballot," consistent with the modernized ballot terminology adopted throughout the By-laws to accommodate electronic and other alternative voting means.

SECTION 10 amends By-law 6.2.9 to update and expand the Registrar's record-keeping duties. The current By-law directs the Registrar to maintain a register containing each Member's, Licensee's, and Engineer-in-Training's full name, address, and date of registration. The amendment reframes this duty around "holders of a certificate" generally and expands the required register contents to include limitations on practice and the date and reason for removal, as well as the date, reason, result, and duration of any disciplinary action, which must be maintained for ten years. The amendment also updates the Registrar's application-handling duties to reference "applications for certificates" and "Engineering Qualifications Committee recommendations," and updates the duty to issue "all certificates" rather than enumerating each certificate type separately, aligning the By-law with new By-law 15 and Appendix B.

SECTION 11 amends By-law 6.3.4 by replacing the reference to a motion to borrow being "sent out for letter ballot" with "sent out by ballot," consistent with the ballot terminology modernization described above.

SECTION 12 amends By-law 7.1.8 to specify that Council meetings shall be conducted in accordance with parliamentary procedure "as stated in 'Robert's Rules of Order'." The current By-law requires parliamentary procedure generally without naming a specific reference authority. The amendment identifies the specific procedural authority to be applied, improving clarity and consistency in the conduct of Council meetings.

SECTION 13 amends By-law 7.2.7 to similarly specify that meetings of the Association shall be conducted in accordance with parliamentary procedure "as stated in 'Robert's Rules of Order'," and removes the prior sentences addressing the majority required for motions to carry and the chair's casting vote, which are superseded by direct reference to Robert's Rules of Order.

SECTION 14 amends By-law 7.2.8 to add Engineers-in-Training who reside in PEI, and clarify a PEI residency requirement for Members, Honorary Life Members, and Non-Practising Members, as persons entitled to vote at a meeting of the Association. The current By-law entitles only a Member, Honorary Life Member, or Non-Practising Member to vote, without naming Engineers-in-Training or specifying a residency requirement. This amendment both expands the eligible voting class to include resident Engineers-in-Training and introduces an explicit PEI-residency qualification for voting eligibility at Association meetings.

SECTION 15 amends By-law 7.2.9 to provide that the order of business at the annual meeting shall be "approved by Council" (rather than fixed by the By-law itself), unless otherwise decided by a vote of the meeting, and that the enumerated order of business is now stated to "substantially include" rather than strictly be the following items. The amendment also updates item (g) to refer to a "report on Engineers Canada" in place of the former reference to "C.C.P.E.", reflecting that organization's current name.

SECTION 16 adds new By-law 7.3, Voting at Meetings, which provides that votes at meetings may be conducted in person, electronically, or by other alternative means or combination of means authorized by Council resolution. The By-Laws currently address electronic voting only in the context of Council elections under By-law 8.1.15. This amendment extends the Association's ability to use electronic or alternative voting means to votes taken at meetings generally.

SECTION 17 amends By-law 8.1.7 to provide that where only one eligible nomination is received for an open position and it is approved by Council, the nominee shall be declared elected by acclamation and no vote conducted. The current By-law contains no acclamation mechanism, requiring a ballot process to be conducted even where only one eligible candidate stands for a position. This amendment streamlines the election process in single-candidate circumstances.

SECTION 18 amends By-law 8.1.8 to direct the Secretary to prepare an election ballot only "for any position that is not acclaimed," consistent with the acclamation mechanism introduced by Section 14 of this amendment.

SECTION 19 amends By-law 9.4.1 by replacing the reference to a "lay person" on the Discipline Committee with a "public person." This is a terminology modernization consistent with the renaming of the equivalent role elsewhere in the By-laws (see also By-law 9.4.3).

SECTION 20 amends By-law 9.4.3 correspondingly, replacing "lay person" with "public person" in the description of the Discipline Committee member appointed annually by Council from the community.

SECTION 21 amends the second sentence of By-law 9.5.1, which currently provides that Council may at any time fill vacancies on the Engineering Qualifications Committee, replace Members, or add to its number, by adding the words "subject to section 9.5.4" at the end of that sentence. This cross-reference subordinates Council's general appointment power to the term-of-office and staggering requirements introduced by new By-law 9.5.4 (Section 20 of this amendment). The first sentence of By-law 9.5.1 is unchanged.

SECTION 22 amends By-law 9.5.2 to set out a detailed procedure for Council or Committee review of Engineering Qualifications Committee decisions. The current By-law directs the Committee to consider applications and report to Council its findings as to whether an applicant is qualified, without providing any mechanism for an unsuccessful applicant to seek review. The amendment establishes a right for an applicant whose registration has not been approved to request, within 30 days of notice of the decision, that Council or another committee of Council (excluding the Engineering Qualifications Committee) review the application, including notice, the right to appear with counsel, a three-member quorum requirement for the reviewing body, and authority for the reviewing body to make any decision the Engineering Qualifications Committee could have made.

SECTION 23 adds new By-law 9.5.4, Term of Office, establishing that each Member of the Engineering Qualifications Committee shall be appointed for a term not exceeding three years, that Council shall stagger terms so that not all expire in the same calendar year, and that Members are eligible for reappointment without restriction. The By-Laws currently contain no provision governing the length or sequencing of appointments to the Engineering Qualifications Committee. This amendment introduces a defined maximum appointment length and staggering mechanism, promoting renewal, transparency, and continuity in the Committee's work while preserving Council's existing flexibility to fill vacancies and make appointments.

SECTION 24 adds new By-law 9.5.5, Transition, a transitional provision for Members serving on the Engineering Qualifications Committee at the time new By-law 9.5.4 comes into force. The provision allows those Members to continue serving until Council, at its next regularly scheduled meeting, assigns each Member a term expiry date consistent with the new framework, and authorizes Council to assign terms of varying lengths for staggering purposes, provided no assigned term exceeds three years from the Member's most recent appointment date.

SECTION 25 amends By-law 9.7.1 by removing the words "from the membership of the Association" from the description of Council's authority to appoint persons to other Committees, and replacing the reference to Committees conforming to "any regulations imposed upon them by Council" with conforming to "any terms of reference imposed upon them by Council." The amendment removes the restriction that appointees to other Committees be drawn exclusively from the membership, and aligns the terminology used to describe Council's governing

instructions to such Committees with the "terms of reference" language used elsewhere in the By-laws (for example, By-law 9.1.3).

SECTION 26 amends By-law 10.2 by replacing the reference to proposed amendments being sent "to letter ballot" with being sent "by ballot," consistent with the ballot terminology modernization described above.

SECTION 27 amends By-law 10.3 by replacing each reference to a "letter ballot" with "ballot," consistent with the same modernization, reflecting that ballots need not be limited to the letter format.

SECTION 28 amends By-law 14.4.11 by adding the words "and shall carry out such work in compliance with applicable legislation" to the existing competency standard. The current By-law requires only that engineers take on work they are competent to perform by virtue of their training and experience. This amendment adds an express requirement that such work also be carried out in compliance with applicable legislation, reinforcing the Code of Ethics' alignment with statutory and regulatory obligations.

SECTION 29 adds new By-law 15, Certificates, providing that the certificates contemplated in the Act and By-laws shall be substantially in the form set out in new Appendix B. The By-Laws currently contain no provision governing the form of certificates issued by the Association. This amendment, together with new By-law 1.3 (Section 1) and new Appendix B (Section 28), establishes a By-law basis for the Association's certificate forms.

SECTION 30 adds a new Appendix A, Summons to Witness, setting out the form of summons used by the Discipline Committee and the Act Enforcement Officer to compel the attendance of witnesses and the production of documents, for use in connection with By-laws 9.3.6, 9.4.5, and new By-law 1.3.

SECTION 31 adds a new Appendix B, Certificates, setting out the forms of certificate of registration, certificate of registration (retired), certificate of registration (non-practising), certificate of enrolment as Engineer-in-Training, certificate of licence to practise, and certificate of authorization, for use in connection with new By-laws 1.3 and 15.