

Bill Pr36

15TH SESSION, 34TH LEGISLATURE, ONTARIO
37 ELIZABETH II, 1989

Bill Pr36

(Chapter Pr2
Statutes of Ontario, 1989)

**An Act respecting
Association des traducteurs
et interprètes de l'Ontario—
The Association of
Translators and Interpreters
of Ontario**

Mr. Poirier

<i>1st Reading</i>	January 11th, 1989
<i>2nd Reading</i>	February 23rd, 1989
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Projet de loi Pr36

1^{RE} SESSION, 34^E LÉGISLATURE, ONTARIO
37 ELIZABETH II, 1989

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(Chapitre Pr2
Lois de l'Ontario de 1989)

**Loi concernant
l'Association des traducteurs
et interprètes de l'Ontario—
The Association of
Translators and Interpreters
of Ontario**

M. Poirier

<i>1^{re} lecture</i>	11 janvier 1989
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**An Act respecting Association des traducteurs
et interprètes de l'Ontario—The Association of
Translators and Interpreters of Ontario**

- Preamble** Whereas Association des traducteurs et interprètes de l'Ontario—The Association of Translators and Interpreters of Ontario, herein called the Association, hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 2nd day of March, 1921; that supplementary letters patent dated the 10th day of September, 1962 changed the name of the Association to that set out herein; and whereas the Association wishes to continue as a corporation for the purpose of carrying out the objects of the Association and governing and disciplining its members; and whereas the Association considers it desirable to grant to members of the Association the exclusive right to use certain designations as set out in section 8; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;
- Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:
- Definition** 1. In this Act, "council" means the council of the Association. ("conseil")
- Corporation continued** 2.—(1) The Association is continued as a corporation without share capital and the persons registered as members of the Association on the day this Act comes into force and other persons who become members of the Association constitute the corporation.
- Continuation of present council** (2) The members of the council and the officers of the Association in office immediately before the coming into force of this Act are continued in office until their successors are elected or appointed in accordance with this Act and the by-laws of the Association.

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Letters patent revoked	(3) The letters patent of the Association are revoked, but the revocation does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.		
Special Act, corporation	(4) The Association shall be deemed to be a corporation incorporated by a special Act.		
Objects	<p>3. The objects of the Association are,</p> <ul style="list-style-type: none"> (a) to provide a collective voice for its members; (b) to promote the professional development of its members; (c) to ensure that members exercise high standards of ethical conduct; (d) to publicize the role performed by its members in society; (e) to establish standards of competency and certification examinations and to monitor the quality of the professional services rendered by its members; (f) to examine any complaints received that pertain to the competence or professional conduct of a member; (g) to support and protect the collective status, dignity and integrity of professional translators and interpreters; (h) to provide its members with services designed to meet their professional needs; and (i) to maintain amicable and professional relations with similar organizations inside and outside Canada. 		
Council	4.—(1) The affairs of the Association shall be managed by a council.		
Composition of council	(2) The council shall consist of not fewer than four or more than twenty-five persons, as the council may determine by by-law, elected from the membership of the Association.		
Election of board members	(3) The manner of electing the members of the council, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers		

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- at elections, the taking and counting of votes, the term of office of members of the council and other necessary details shall be set out in the by-laws of the Association.
- Quorum** (4) At any meeting of the council, two-fifths of the members of the council constitute a quorum.
- Officers** (5) The council shall elect or appoint such officers as are prescribed by the by-laws.
- Other appointments** (6) The council may appoint such other persons as are necessary to perform the work of the Association.
- Vacancies** (7) In the case of the death, resignation or incapacity of any member of the council, the office shall be declared vacant by the council and the council shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term.
- Proxies** 5. At any annual, general or special meeting, members of the Association may be represented and vote by proxy but,
- (a) no proxy shall be exercised by a person who is not a member of the Association; and
 - (b) the proxy shall be exercised in accordance with the by-laws.
- By-laws** 6.—(1) The council may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, the council may pass by-laws,
- (a) establishing the qualifications for and conditions of registration for members;
 - (b) prescribing a curriculum and any courses of study to be pursued by students in order to satisfy the certification requirements;
 - (c) establishing and prescribing such classes of membership, the qualifications for admission thereto, and the privileges and limitations thereof as are necessary and in the public interest;
 - (d) regulating and governing the conduct of members of the Association in the practice of their business, vocation or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice;

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- (e) providing for the receipt and consideration of complaints made to the Association concerning the conduct of its members in the practice of their business or profession;
- (f) providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence, or failure or refusal to pay any required fee, including the establishment of a discipline committee and procedures therefor;
- (g) prescribing fees payable to the Association;
- (h) governing the calling, holding and conducting of meetings of the council and of the members of the Association;
- (i) providing for an executive committee to have all or such portion of the authority of the council between meetings of the council as may be prescribed therein;
- (j) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;
- (k) authorizing the spending of funds and making of grants for the promotion of its objects;
- (l) providing for the establishment of defined geographical districts within which the members resident or employed therein shall be entitled to elect a member to serve on the council;
- (m) governing the acquisition, management and disposal of the property of the Association and the conduct of its affairs;
- (n) providing for the appointment, removal, functions, duties and remuneration of agents and employees of the Association;
- (o) establishing such committees as the council considers necessary to carry out the business of the Association; and

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- (p) providing for the protection and indemnity of directors, officers and officials acting for the benefit of and on behalf of the Association.

Confirmation
of By-laws

(2) No by-law passed by the council comes into force until it is confirmed or amended and confirmed by the general membership at an annual meeting or at a special meeting called for the purpose of considering the by-law.

Membership

7.—(1) The Association shall grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual,

- (a) is not less than eighteen years of age;
- (b) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
- (c) has passed such examinations as the council may set or approve in accordance with the by-laws.

Register

(2) The Association shall keep a register in which shall be entered the names of all members of the Association in good standing and only those persons so registered are members entitled to the privileges of membership in the Association.

Inspection of
register

(3) The register shall be open to examination by the public at the head office of the Association during normal office hours.

Appeals

(4) An individual who is qualified for membership in the Association and who has been refused membership or an individual who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

Records

(5) Where a person appeals to the Divisional Court, the Association shall forthwith file in the Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal.

Powers of
court

(6) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the court considers proper and, for such purposes, the court may substitute its opinion for that

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- of any committee or of the Association or the court may refer the matter back for rehearing, in whole or in part, in accordance with such directions as the court considers proper.
- Designation.** 8.—(1) Every member of the Association who is certified by the Association as a translator, conference interpreter, court interpreter or terminologist may use the designation "Certified Translator", "Certified Conference Interpreter", "Certified Court Interpreter" or "Certified Terminologist", as the case may be.
- Offence.** (2) Any person in Ontario who, not being registered as a certified member of the Association, takes or uses the designation "Certified Translator", "Certified Conference Interpreter", "Certified Court Interpreter" or "Certified Terminologist", either alone or in combination with any other word, name, title or description or implies, suggests or holds out that he or she is a Certified Translator, Certified Conference Interpreter, Certified Court Interpreter or Certified Terminologist is guilty of an offence.
- Exception.** (3) Subsection (2) does not apply to a person accredited or certified by the Ministry of the Attorney General as a court interpreter.
- Evidence.** (4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the secretary of the Association, is sufficient evidence of all persons who are registered in lieu of the production of the original register and any certified copy purporting to be signed by a person in that person's capacity as secretary is proof, in the absence of evidence to the contrary, that such a person is the secretary without any proof of that person's signature or that the person is the secretary.
- Idem.** (5) The absence of the name of any person from a copy of the register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not registered.
- Removal from register.** 9.—(1) The council shall cause the removal of the name of a member from the register,
- (a) at the request or with the written consent of the member whose name is to be removed;
 - (b) where the name has been incorrectly entered;
 - (c) where notification is received of a member's death;
or

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		(d) where the registration of a member has been suspended or revoked through disciplinary proceedings.	
Restoration to register		(2) Subject to subsection (3), the council, on such grounds as it considers sufficient, may cause the name of a person removed from the register to be restored thereto either without fee or upon payment to the Association of,	
		(a) a sum not exceeding the fees or other sums in arrears and owing by the person to the Association; and	
		(b) such additional sum as may be prescribed by the by-laws.	
Idem		(3) Where the name of a person who has been suspended or whose registration has been suspended or revoked under clause (1) (d) is to be restored to the register under subsection (2), the council may, by resolution, direct that the name be restored subject to such terms and conditions as the council may impose.	
Rights not affected		10. This Act does not affect or interfere with the right of any person who is not a member of the Association to describe himself or herself as a translator or interpreter, or to practice as a translator or interpreter.	
Surplus		11. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.	
Commencement		12. This Act comes into force on the day it receives Royal Assent.	
Short title		13. The short title of this Act is the <i>Association of Translators and Interpreters of Ontario Act, 1989</i> .	