



2ND SESSION, 36TH LEGISLATURE, ONTARIO
47 ELIZABETH II, 1998

Bill Pr21

An Act respecting Canadian Information Processing Society of Ontario

Mr. Saunderson

Private Bill

1st Reading June 17, 1998
2nd Reading
3rd Reading
Royal Assent

Printed by the Legislative Assembly of Ontario



EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

An Act respecting Canadian Information Processing Society of Ontario

Preamble	<p>Canadian Information Processing Society of Ontario has applied for special legislation to enable it to govern and discipline its members and to grant to certain of its members the right to the exclusive use of the designations Information Systems Professional of Canada and "I.S.P." and its French equivalent, Informaticien professionnel agréé du Canada and "IPA". The applicant represents that it is a corporation.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>the benefits of the designations to members and employers alike, and to provide such program in co-operation with the Canadian Information Processing Society-National and its local sections; and</p> <p>(b) to promote ethical practice in the field of information technology in order to protect and serve the public interest.</p> <p>3. (1) The affairs of the Society shall be managed by its board of directors.</p> <p>(2) The composition of the board and the manner of its election, the quorum for directors' meetings, the notification of the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the board and other necessary details shall be as set out in the by-laws of the Society.</p> <p>(3) The officers of the Society, the manner of their selection and their duties shall be set out in the by-laws of the Society.</p> <p>(4) In the event of death, resignation or incapacity of any member of the board, the remaining members of the board shall fill the vacancy for the balance of the term in the manner provided by the by-laws of the Society.</p>	<p>Board of directors</p> <p>Composition, etc. set out in by-laws</p>
Corporation continued	<p>1. (1) Canadian Information Processing Society of Ontario is continued as a corporation without share capital under the name Canadian Information Processing Society of Ontario in English and L'Association canadienne de l'informatique de l'Ontario in French.</p>	<p>4. (1) The board of directors of the Society may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Society.</p>	<p>By-laws</p>
Members	<p>(2) The persons registered as members of the Society on the day this Act comes into force and such other persons who later become members of the Society constitute the corporation.</p>	<p>(2) Without restricting the generality of subsection (1), the board may pass by-laws,</p> <p>(a) establishing classes of membership in the Society, of which one class shall be certified membership, and prescribing the academic and experience requirements for and conditions of membership in the various classes of membership;</p> <p>(b) regulating and governing the conduct of members of the Society in the practice of their profession by prescribing a code of ethics, rules of professional conduct and standards of practice and by providing for the suspension, expulsion or other penalty for contravention of the code, rules or standards;</p>	<p>Officers</p> <p>Vacancies</p>
Current board continued	<p>(3) The members of the board of directors of the Society and the officers of the Society in office immediately before the coming into force of this Act are continued in office until their successors are appointed or elected under this Act.</p>		
Letters patent revoked	<p>(4) The letters patent and supplementary letters patent of the Society are revoked, but their revocation does not affect the rights or obligations of the Society or any by-law, resolution or appointment of the Society except to the extent that the by-law, resolution or appointment is inconsistent with this Act.</p>		<p>Same</p>
Special Act corporation	<p>(5) The Society shall be deemed to be a corporation incorporated by a special Act.</p>		
Objects	<p>2. The objects of the Society are,</p> <p>(a) to enhance the professional standing of its members by actively promoting the designations reserved by this Act through a program of education and support within Ontario and by emphasizing</p>		

	(c) prescribing fees payable to the Society;	
	(d) providing for the establishment and operation of committees.	
Open to the public	(3) The by-laws of the Society shall be open to examination by the public at the head office of the Society by appointment.	Grounds for appeal
Membership	5. The Society shall grant membership to every individual who applies for it, in accordance with the by-laws of the Society.	Powers of court
Register	6. (1) The secretary of the Society shall keep a register in which shall be entered the names of all members of the Society in good standing and their class of membership.	
Open to the public	(2) The register shall be open to examination by the public at the head office of the Society by appointment.	Evidence
Designation	7. (1) Every certified member of the Society may use the designation "Information Systems Professional of Canada", "I.S.P.", "Informaticien professionnel agréé du Canada" or "IPA".	
Offence	(2) Any person in Ontario who is not a certified member of the Society is guilty of an offence,	
	(a) if he or she takes or uses a designation set out in subsection (1) alone or together with any other word, name, title, initial or description; or	
	(b) if he or she implies, suggests or holds out that he or she is a certified member of the Society.	
Appeal	8. (1) A person who has been refused membership or certification or a person who has been subject to a disciplinary sanction under the by-laws of the Society may appeal to the Divisional Court from the refusal to grant membership or certification or from the sanction.	
Record	(2) Upon the request of a person desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the secretary shall give the person a certified copy of the record of the proceeding that resulted in the refusal to grant membership or certification or the imposition of a sanction, including the documents submitted and the decision appealed from.	
	(3) An appeal under this section may be made on questions of law or fact or both.	
	(4) The court may affirm or rescind the decision being appealed, may substitute its opinion for that of the board of directors or committee of the Society, may refer the matter back to the board of directors or committee for rehearing in whole or in part or may direct the board of directors or committee to take such action as the court considers appropriate.	
	9. (1) A copy of the register, certified by the secretary of the Society as a true copy, shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of a person's membership and class of membership in the Society.	
	(2) A certified document purporting to be signed by the secretary of the Society is proof, in the absence of evidence to the contrary, that such person is the secretary, without proof of the person's signature or the person being in fact the secretary.	Same
	(3) The absence of the name of any person from a copy of the register certified by the secretary of the Society as a true copy is proof, in the absence of evidence to the contrary, that the person is not registered as a member of the Society.	Same
	10. This Act does not affect or interfere with the right of any person who is not a member of the Society to practise or be employed as an information technology professional.	Right to practise unaffected
	11. Any surplus derived from carrying on the affairs and business of the Society shall be applied solely in promoting and carrying out its objects and shall not be divided among its members.	Surplus
	12. This Act comes into force on the day it receives Royal Assent.	Commencement
	13. The short title of this Act is the <i>Canadian Information Processing Society of Ontario Act, 1998.</i>	Short title