

Bill Pr26

(Chapter Pr19
Statutes of Ontario, 1984)

An Act respecting the Chartered Industrial Designers

Mr. Cousens

1st Reading	October 12th, 1984
2nd Reading	November 23rd, 1984
3rd Reading	November 23rd, 1984
Royal Assent	November 27th, 1984

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Preamble

Whereas the members of the Association of Canadian Industrial Designers-Ontario, an unincorporated body, are desirous of being incorporated for the purpose of carrying out the objects of the proposed corporation and of the government and discipline of its members; and whereas it is considered desirable to grant the members of the Association the right to use the designation "Chartered Industrial Designer"; and whereas the applicant hereby applies for special legislation for such purpose; 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:

Interpretation

1. In this Act,
 - (a) "Association" means the Association of Chartered Industrial Designers of Ontario;
 - (b) "Board" means the Board of Governors of the Association;
 - (c) "by-law" means a by-law of the Association;
 - (d) "member" means member of the Association;
 - (e) "registered" means registered as a member under this Act and "registration" has a corresponding meaning;
 - (f) "registrar" means the registrar of the Association;
 - (g) "regular member" means any member except members of a class membership as specified in the bylaws;
 - (h) "student" means a student of the Association.

Association Incorporated

- 2.-(1) The persons named in the schedule and their successors as members of the Board are constituted a body corporate and politic without share capital under the name of "Association of Chartered Industrial Designers of Ontario".

Head Office

- (2) The head office of the corporation shall be in The Municipality of Metropolitan Toronto or at such other place in the Province of Ontario that may be so designated from time to time by the Board.

Objects

3. The objects of the Association are,
 - (a) to furnish means and facilities by which members and students may increase their knowledge, skill and efficiency in all things related to the business or profession of industrial design;

- (b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association and the various classes thereof;
- (c) to maintain discipline among members and students; and
- (d) to supervise the practice of members and students in order that the public interest may be served and protected.

Powers

- 4. For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Board of Governors

- 5.-(1) The affairs of the Association shall be managed by the Board.

Composition

- (2) The Board shall consist of not fewer than five or more than twenty-one members of the Association, as the Board may from time to time determine, elected from the membership of the Association.

Idem

- (3) The Association may by by-law provide for the appointment of the Board of up to three persons who are not members.

Past president ex officio member

- (4) The immediate past president of the Association from time to time shall be an *ex officio* member of the Board if and while that president is a member.

Honorary members

- (5) Every person who is a past president of the Association or of the Association of Canadian Industrial Designers - Ontario is an honorary member of the Board but as such only has the rights and privileges prescribed by the by-laws.

Matters covered by by-laws

- (6) The manner of electing the members of the Board, the notification to 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.

Quorum

- (7) At any meeting of the Board, a majority of the elected members of the Board constitutes a quorum.

Chairman, etc.

- (8) The Board shall elect from its number a president and any other officer required by the by-laws and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be a member of the Board.

Vacancies

- (9) In the case of the death, resignation or incapacity of any member of the Board, other than a past president serving under subsection 5 (4) or (5), the office shall be declared vacant by the Board and the Board shall fill the vacancy in the manner provided by the by-laws for the balance of the term.

Interpretation

- (10) For the purpose of subsection (9), absence from three consecutive meetings of the Board may be treated by the Board as incapacity.

Registrar

- (11) The Board shall appoint a registrar, who need not be a member of the Board, and the registrar shall perform the functions assigned to the registrar by this Act and such other duties as may be assigned to the registrar by the Board.

Proxies

6. At any general or special meeting, members may be represented by proxy, but,
- (a) no proxy shall be exercised by a person who is not a member; and
 - (b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

By-laws

- 7.-(1) The Board 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, in addition to the matters specifically provided in this Act, the Board may pass by-laws, in accordance with the by-laws,
- (a) prescribing the qualifications for and conditions of registration for students;
 - (b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;
 - (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 in the practice of their business or profession by prescribing a code of ethics, rules of professional conduct, standards of practice and the form, use, issuance and ownership of seals;
 - (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, including the establishment of a Complaints Committee;

- (f) providing for and governing the discipline, suspension, expulsion or other penalty for professional misconduct, incapacity, incompetence, or failure or refusal to pay any required fee, compensation fund levy or insurance premium, including the establishment of a Discipline Committee and procedures therefor;
- (g) prescribing fees payable to the Association;
- (h) fixing and regulating the time, place, calling and conduct of annual and special general meetings of the Association and meetings of the Board;
- (i) establishing and providing for the administration of a benevolent fund for the benefit of any member or the families of deceased members 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;
- (j) authorizing the making of grants for any purpose that may tend to advance design knowledge and education, improve standards of practice in industrial design and support and encourage public information and interest in the past and present role of industrial design in society;
- (k) governing the acquisition, management, disposal and conduct of the property and affairs of the Association;
- (l) designating offices of the corporation in addition to those required under subsection 5 (8);
- (m) providing for the appointment, removal, functions, duties and remuneration of agents, officers and employees of the Association;
- (n) establishing such standing committees as the Board considers necessary to carry out the business of the Association;
- (o) providing procedures for, the reception, review and resolution of complaints brought against any member of the Association;
- (p) establishing and maintaining a professional liability claims fund for the purpose of paying therefrom, subject to the provisions of the by-law and any rules made thereunder, professional liability claims against members; and
- (q) entering into any group contract of insurance with an insurer for the payment by the insurer of any professional liability claim, in whole or in part and with or without the expense of adjusting, settling and paying the claim, including legal fees and disbursements, where that claim or expense, if not paid under contract of insurance, would be payable out of the claims fund.

Confirmation of by-laws

- (2) Every by-law passed by the Board is effective when it is passed by the Council but expires with the close of the next of by-laws general meeting of the members unless it is confirmed by the meeting.

Inspection of by-laws

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

Membership

- 8.-(1) The Association will grant a membership of any class in the Association to any person who applies therefor in accordance with the by-laws, if the person,
- (a) is of good character;
 - (b) is not less than eighteen years of age;
 - (c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership in the class applied for;
 - (d) has passed the examinations the Board has set or approved in accordance with the by-laws; and
 - (e) has paid all required fees, compensation fund levies and insurance premiums.

Register

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

Inspection of the Register

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

Appeals

- (4) Any person qualified for any class of membership in the Association who has been refused membership or who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of the Court, from the refusal to grant the membership or from the sanction.

Record

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

Powers of the Court

- (6) An appeal under this section may be made on questions of law or fact, or both, and the Divisional Court 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 of any committee or of the Association or the Court may refer the matter back in whole or in part, in accordance with such direction as the Court considers proper.

Designation

- 9.-(1) Every regular member of the Association may,
- (a) use the designation "Chartered Industrial Designer";
 - (b) use after the member's name the initials "A.C.I.D.O." indicating that the member is a Chartered Industrial Designer in Ontario; and
 - (c) use a seal in a form provided in the by-laws.

Offence

- (2) Any person in Ontario who, not being a registered regular member of the Association, takes or uses the designation "Chartered Industrial Designer" or "A.C.I.D.O." alone or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that that person is a "Chartered Industrial Designer" is guilty of an offence.

Unregistered

- (3) No action shall be brought in any court in Ontario or any fees, compensation or other remuneration collected for services performed as a Chartered Industrial Designer unless the person bringing the action or collecting the fee, compensation or other remuneration was a Chartered Industrial Designer at the time the service was performed.

Evidence

- (4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register and any certificate upon such copy of the register purporting to be signed by a person in the capacity as registrar is proof, in the absence of evidence to the contrary, that the person is the registrar without proof of the person's signature or of that person being the registrar.

Idem

- (5) The absence of the name of any person from a copy of a register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not registered.

Removal from Register

- 10.-(1) The Board shall cause the removal of the name of a member from a 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;
 - (d) where the registration of a member has been revoked or suspended.

Restoration of Register

- (2) Subject to subsection (3), the Board, on such grounds as it considers sufficient, may cause the name of a person removed from a 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 revoked is to be restored to the register, the Board may, by resolution, direct that the name be restored subject to such terms and conditions as the Board may specify.

Certificate of Membership

11. The Board shall cause a certificate of membership to be issued to every person whose name is entered in a register of members and the certificate shall state the type and class of membership and all conditions or limitations imposed on the person to whom the certificate is issued.

Right to Practice Unaffected

12. This Act does not affect the right of any person who is not a member to offer or provide services similar to those offered or provided by a Chartered Industrial Designer in the Province of Ontario.

Surplus

13. All 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.

Liability

14. The Association or the Board or any member of the Association, the Board or any standing committee is not liable for any loss or damage suffered by any person as a result of anything done by it or them in good faith in the administration of this Act or by-laws made thereunder.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this act is the *Chartered Industrial Designers Act, 1984*.

SCHEDULE

Gerry Beekenkamp - President

Paul Arato

Bert de Bobrovniczky

David Sambrook

Sid Bersudsky

Tim Stanley

Paul Almos

Jonathon Crinion