



An Act respecting the Association of the Chemical Profession of Ontario

(Chapter Pr10, Statutes of Ontario, 1984)

Royal Assent on May 29th, 1984

[Preamble] [Interpretation] [Association continued] [Objects] [Council] [Quorum]
[Proxies] [By-laws] [Ratification] [Membership] [Register] [Appeals] [C. Chem.]
[Misuse of C. Chem.] [Proof of membership] [Right to practise] [Surplus] [Repeal]

Foreword

The Act of the Legislature that currently governs the ACPO was enacted in 1984. It details how the various activities of the Association shall be accomplished, and is complemented with by-laws which are updated, as required, by the Council of the Association. When the Act came into force, it replaced the previous Act of Incorporation of 1963.

Preamble to the Act

Whereas the Association of the Chemical Profession of Ontario hereby represents that it was incorporated under an Act of the Legislature of Ontario, Statutes of Ontario, 1962-63, chapter 157; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; and whereas the Association considers it desirable to grant to members of the Association the right to use the designation "*Chartered Chemist*"; 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:

Interpretation

1. In this Act,

- (a) "*Association*" means the Association of the Chemical Profession of Ontario; ("*Ordre*")
- (b) "*Board of Examiners*" means a body constituted under the by-laws for the purpose of assessing the qualifications of professionals applying for membership; ("*comité d'admission*")
- (c) "*by-laws*" means by-laws of the Association; ("*règlements*")
- (d) "*Council*" means the Council of the Association; ("*conseil*")
- (e) "*professional chemistry*" means practising for a salary or fee any of the pure or applied disciplines of chemistry, including organic, inorganic, physical, analytical, metallurgical, theoretical, biological and industrial; ("*chimie professionnelle*")
- (f) "*registered*" means registered as a member under this Act, and "*registration*" and "*registrant*" have corresponding meanings; ("*inscrit*", "*inscription*", "*inscrit*")

(g) "*registrar*" means the registrar of the Association; ("*registraire*")

(h) "*undergraduate*" means a member enrolled in a learning institution, recognized by the Council, for the purpose of entering into the practise of chemistry. ("*premier cycle*")

Association continued

2. --(1) The Association of the Chemical Profession of Ontario 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 all other persons who become members of the Association constitute the corporation.

(2) The members of the Council and the officers of the Association in office immediately prior to the coming into force of this Act are continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Objects

3. The objects of the Association are,

(a) to furnish means and facilities by which members of the Association and undergraduates may increase their knowledge, skill and efficiency in all things related to the business or profession of professional chemistry;

(b) to hold such examinations and prescribe such tests of competency as Council considers appropriate to qualify for admission to membership in the Association;

(c) to maintain discipline among members of the Association and undergraduates; and

(d) to do any other thing that the Council reasonably considers will further its objects.

Council

4. --(1) The affairs of the Association shall be managed by the Council.

(2) The Council shall consist of not fewer than fifteen and not more than twenty-five members of the Association, as the Council may determine, elected from the membership of the Association.

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

(4) The manner of electing or appointing the members of the Council, 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 Council and other necessary details shall be as set out in the by-laws.

Quorum

(5) At any meeting of the Council, a majority of the members of the Council constitutes a quorum.

(6) The Council shall elect or appoint such officers as are prescribed by the by-laws.

(7) No person may be elected or appointed under subsect. (6) who is not a member of the Association.

(8) In the case of death, resignation, or incapacity of any member of the Council, the office may be declared vacant by the Council and, where it is so declared, the Council shall fill the vacancy in the manner provided by the by-laws for the balance of the term.

(9) For the purposes of subsect. (8), where a member is absent from three consecutive meetings of the Council or has his registration cancelled or suspended, the Council may consider that he has resigned.

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

Proxies

5. At any general or special meeting, members of the Association may be represented and vote by proxy exercised in accordance with the by-laws on voting and proxies, but no proxy may be exercised by a person who is not a member of the Association.

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) prescribing the qualifications for and conditions of registration for members and undergraduates;

(b) prescribing the educational and other qualifications that must be met by candidates for admission as members of the Association;

(c) regulating and governing the conduct of members of the Association in the practise of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practise and by providing for suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;

(d) prescribing fees payable to the Association;

(e) governing the calling, holding and conduct of meetings with the Council and of the members of the Association;

(f) establishing a Board of Examiners and governing the actions of the Board;

(g) 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 contributions from the funds of the Association;

(h) authorizing the making of grants for any purpose that may tend to advance chemical knowledge and education, improve standards of practise in chemistry or support and encourage public information and interest in the past and present role of chemistry in society;

(i) acquiring by any manner real and personal property for its purposes or disposing, in any manner, of property acquired or any part thereof as occasion may require.

Ratification of by-laws

(2) A by-law passed under subsection (1) and a repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the members duly called for that purpose, is effective only until the next annual meeting of the members unless confirmed thereat and, in default of confirmation, ceases to have effect from that time, and in that case no new by-law of the same or like substance has any effect until confirmed at a general meeting of its members.

(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

7. -- (1) Every individual who,

(a) applies therefor in accordance with the by-laws;

(b) is of good character; and

(c) is eighteen years of age or older,

is entitled to membership in the Association if he,

(d) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; or

(e) has passed examinations set or approved by the Board in accordance with the by-laws.

Register

(2) The registrar 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.

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

Appeals

(4) A person who is qualified for 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 court, from the refusal to grant membership or from the sanction.

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

(6) An appeal under this section may be made on a question of law or fact, or both, and the 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 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.

C. Chem. designation

8. -- (1) Every member of the Association may use the designation "*Chartered Chemist*" and may use after his name the designation "C. Chem." indicating that he is a chartered chemist.

Misuse of C. Chem. designation

(2) Every person in Ontario who, not being a registered member of the Association, takes or uses the designation "Chartered Chemist" or "C. Chem." alone or in combination with any other word, title, name, initial or description, other than initials or words that indicate that the title used was granted in a jurisdiction outside of Ontario, or implies, suggests or holds out that he is a chartered chemist, is guilty of an offence.

Proof of membership

(3) 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, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is proof, in the absence of evidence to the contrary, that the person is the registrar without any proof of his signature or of his being in fact the registrar.

(4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Right to practise

9. This Act does not affect the right of any person who is not a member of the Association to practise as a chemist in the Province of Ontario.

Surplus

10. 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.

Repeal of Incorporation Act

11. The *Association of the Chemical Profession of Ontario Act, 1962-63*, being chapter 157, is repealed.

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

13. The short title of this Act is the *Association of the Chemical Profession of Ontario Act, 1984*.