

BILL NO. 119

(as passed)



*2nd Session, 58th General Assembly
Nova Scotia
51 Elizabeth II, 2002*

Private Member's Bill

Canadian Information Processing Society of Nova Scotia Act

CHAPTER 3 OF THE ACTS OF 2002

Tim Olive
Dartmouth South

[First Reading](#): April 22, 2002 (LINK TO BILL AS INTRODUCED)

Second Reading: May 9, 2002

[Third Reading](#): May 17, 2002

Royal Assent: May 30, 2002



**An Act Respecting
the Practice of Information Processing**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Canadian Information Processing Society of Nova Scotia Act*.

2 In this Act,

- (a) "Board" means the Board of Directors of the Society;
- (b) "by-laws" means by-laws made by the Society pursuant to this Act;
- (c) "Society" means the Canadian Information Processing Society of Nova Scotia, incorporated by this Act.

3 There is hereby established a body corporate to be known in English as the Canadian Information Processing Society of Nova Scotia and to be known in French as L'Association canadienne de l'informatique de Nouvelle Écosse.

4 The objects of the Society are to

- (a) enhance the professional standing of its members by actively promoting the designations reserved by this Act through a program of education and support within the Province and by emphasizing the benefits of the designations to members and employers alike, and provide such program in co-operation with the Canadian Information Processing Society-National and its local sections; and
- (b) promote ethical practice in the field of information technology in order to protect and serve the public interest.

5 The Society shall grant membership to those applicants who qualify for membership under the by-laws of the Society.

6 (1) The Society shall establish and maintain a register containing the names of all members in good standing of the Society and their class of membership.

(2) Only those members whose names appear on the register are entitled to the privileges of membership in the Society.

(3) The register shall be open at all reasonable times to inspection by the public by appointment at the office of the Society.

7 The Society shall

- (a) provide for a system of discipline to deal with professional misconduct or incompetence of its members; and
- (b) establish and maintain a standard of ethical behaviour for its members in the practice of the profession of information processing.

8 (1) The Society may exercise such powers as are necessary or conducive to achieve its objects and carry out its obligations and, without restricting the generality of the foregoing, may

- (a) acquire and take by purchase, donation, devise, bequest or otherwise real and personal property and hold, enjoy, sell, exchange, lease, let, improve and develop the same and erect and maintain buildings and structures;
- (b) use its funds and property for the attainment of its objects;
- (c) borrow, raise and secure the repayment of money in such manner as it thinks fit;
- (d) issue debentures or mortgage its property to secure the payment of money borrowed by it or the performance of an obligation;
- (e) subject to the by-laws, draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable instruments;

(f) subscribe to or become a member of any other association, whether incorporated or not, that has objects that are wholly or partly similar to its own objects;

(g) make by-laws not inconsistent with this Act or any provision of law for the conduct and management of its activities and affairs and, without restricting the generality of the foregoing, make by-laws

(i) respecting qualifications for membership,

(ii) establishing classes of membership of which one class is certified membership, with power to confer and impose on each class of members such duties, rights and privileges as may be set out in the by-laws and with further power to prescribe the academic and experience requirements for and conditions and qualifications required for admission into any class of membership,

(iii) regulating and governing the conduct of members in the practice of their profession by prescribing a code of ethics, rules of professional conduct and standards of practice, establishing and maintaining a discipline committee, providing for the suspension, expulsion or other penalties for contravention of the code, rules or standards and providing for appeals and procedures relating to appeals from decisions of the discipline committee,

(iv) respecting the seal of the Society,

(v) respecting the persons by whom, and the manner in which, documents, including contracts and conveyances, may be executed for and on behalf of the Society,

(vi) respecting resignation from membership in the Society,

(vii) prescribing membership fees, with power to prescribe the manner in which membership fees are set,

(viii) establishing the fees for applications for membership,

(ix) respecting re-admission to membership,

(x) establishing a Board of Directors of the Society with power to determine the composition of the Board, the manner in which the members of the Board are appointed or elected by the members of the Society and their terms of office,

(xi) prescribing the duties and powers of the Board, with power to vest in the Board any corporate power of the Society and to prescribe the terms, conditions or limitations, if any, under which such power is vested in or may be exercised by the Board,

(xii) respecting the filling of casual vacancies on the Board,

(xiii) respecting the removal of members of the Board,

(xiv) establishing offices of the Society, assigning a name to each office, establishing the manner in which officers are appointed or elected and their terms of office and imposing and conferring powers and duties on each officer,

(xv) establishing standing committees and conferring and imposing powers and duties on such committees,

(xvi) establishing procedure at meetings of the members of the Society and the Board, with power to establish the notice required to convene meetings, the procedure for convening meetings, the order of business at meetings and what constitutes a quorum at a meeting, with further power to provide for voting by proxy.

(2) 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.

9 (1) A general meeting of the members of the Society shall be held annually for the purpose of electing the Board and for such other business as may be brought before the meeting.

(2) The affairs of the Society shall be managed by its Board.

(3) The composition of the Board and the manner of its election, quorum for directors' meetings, notification of the electors of the time and place of holding elections, nomination of candidates, presiding officers at elections, taking and counting of votes, casting votes in the case of an equality of votes, tenure of office of members of the Board and other necessary details shall be as set out in the by-laws of the Society.

(4) In the event of death, resignation or incapacity of any member of the Board, the remaining members shall fill the vacancy for the balance of the term in the manner provided by the by-laws of the Society.

10 The officers of the Society, the manner of their selection and their duties shall be set out in the by-laws of the Society.

11 (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 "I.P.A."

(2) No person shall use a designation set out in subsection (1) or any combination or form of words or initials to suggest that the person is entitled to use that designation as a member of the Society unless that person is, according to the by-laws of the Society, included in the class of members of the Society that are entitled to use that designation.

(3) Nothing in this Act affects the right of a person who is not a member of the Society to practise or be employed as an information technology professional as long as that person does not use the designation referred to in subsection (1).

12 (1) Any person who

(a) contravenes subsection 11(2);

(b) not being a member of the Society, implies, suggests or holds out that the person is a member of the Society; or

(c) otherwise fails to comply with this Act or the by-laws,

is guilty of an offence.

(2) Where a person does or attempts to do anything contrary to this Act or the by-laws, the Board may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires.

(3) No action lies against the Society, the Board, a member of the Board, a custodian or any committee, officer, appointee or employee of the Society or the Board for anything done or omitted to be done in good faith pursuant to this Act, or the by-laws, regulations, policies or standards adopted pursuant to this Act.

13 In a prosecution of an offence under this Act, a certificate purporting to be the certificate of the President or a Vice-president of the Society that a person is or is not a member of that class of members that is, according to the by-laws, entitled to use a designation referred to in Section 11, is *prima facie* proof that that person is or is not a member of that class.

14 (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, within thirty days of the date of the decision, appeal to the Board from the refusal to grant membership or certification or from the sanction.

(2) Notice of an appeal pursuant to subsection (1) shall be served on the secretary of the Society.

(3) The Board may affirm or rescind the decision being appealed, may substitute its opinion for that of any committee of the Society, may refer the matter back to a committee for rehearing in whole or in part or may direct a committee to take such action as the Board considers appropriate.

(4) A decision of the Board is final and binding and no further appeal lies from that decision.

15 (1) Upon the request of a person desiring to appeal to the Board 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.

(2) 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.

(3) 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.

(4) 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.

16 (1) In this Section, "former Society" means the Canadian Information Processing Society of Nova Scotia incorporated pursuant to the *Societies Act*.

(2) A by-law of the former Society, in effect immediately before the coming into force of this Act, that is not inconsistent with this Act, continues as a by-law of the Society until it is amended or repealed pursuant to this Act.

(3) Each person who, immediately before the coming into force of this Act, is an officer or director of the former Society, is an officer or director of the Society, as the case may be, until that person ceases to be an officer or director of the Society.

(4) All property of every nature and kind whatsoever owned by, belonging to or held in trust for or on behalf of the former Society, is the property of the Society.

(5) The obligations of the former Society are the obligations of the Society.

(6) The former Society is dissolved.

(7) A reference in any enactment or in any deed, lease, will, trust indenture or other document to the former Society shall, with respect to any subsequent transaction, matter or thing, be construed to be a reference to the Society.

17 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

