

APPLIED SCIENCE TECHNOLOGISTS AND TECHNICIANS ACT

CHAPTER 61

Assented to June 28, 1985.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Interpretation

1. In this Act

- "applied science technologist" means an individual who holds a certificate of registration under this Act;
- "A. Sc. T." is the abbreviated form of and means applied science technologist;
- "association" means the Applied Science Technologists and Technicians of British Columbia;
- "board" means the Board of Examiners established under section 14;
- "bylaws" means the bylaws made by the council pursuant to section 9;
- "certified technician" means an individual who holds a certificate of registration under this Act;
- "council" means the council of the association;
- "court" means the Supreme Court;
- "C. Tech." is the abbreviated form of and means certified technician;
- "executive director" means the executive director appointed under section 6 (2);
- "member" means an applied science technologist or certified technician registered as a member of the association pursuant to this Act;
- "registered" means registered as a member under this Act;
- "registrar" means the registrar appointed under section 6 (1);
- "regulations" means the regulations made by the council and approved by the members, pursuant to section 8.

Incorporation

2. (1) The Applied Science Technologists and Technicians of British Columbia is established as a corporation.

(2) The abbreviated form of the name of the association shall be "A.S.T.T.B.C."

Objects

- 3.** The objects of the association shall be
- (a) to maintain, improve and increase the knowledge, ability and competence of the members of the association,
 - (b) to regulate standards of training and practice of and for its members and to protect the interests of the public,
 - (c) to establish, maintain and develop standards of ethics among its members, and
 - (d) to do all such lawful things as may be incidental or conducive to the attainment of these objects.

Powers

4. The association may
 - (a) acquire and dispose of real and personal property,
 - (b) borrow money for the purposes of the association and mortgage or charge real or personal property of the association or its sources of funds as security,
 - (c) receive, manage and invest contributions and donations from members or others as a benevolent fund for the benefit of needy members, or their families and the families of deceased members, and
 - (d) receive, manage and invest contributions and donations from members or others as a fund for the granting of awards, scholarships, bursaries or grants to further the objects of the association.

Council

5. (1) There is established a governing body of the association called the council.
- (2) The council shall manage and conduct the business and affairs of the association and exercise the powers of the association in the name of and on behalf of the association.
- (3) The council shall convene a general meeting of the members once in each calendar year, called the annual general meeting, for the transaction of business that may be brought before the meeting, at the time and place determined by the council pursuant to the regulations.

Registrar

6. (1) The council shall appoint a registrar for the purposes of this Act.
- (2) The council shall appoint an executive director as the executive officer of the association under the direction of council with the powers that are established by council for the proper administration and enforcement of this Act, the regulations and bylaws.

Council members and officers

7. (1) Subject to subsection (2), the council shall include or consist of that number of members of the association, being not less than 10, as prescribed by the regulations and the members of the council shall have the qualifications, be elected or appointed in the manner, and hold office for the term that the regulations provide.
- (2) The association shall elect from among its members a president, vice president and secretary-treasurer, and may appoint other officers the association considers necessary, including a member to occupy a vacancy on the council.

Regulations

8. (1) The council may make regulations
 - (a) respecting the establishment of categories of and conditions respecting the enrolment of members,
 - (b) respecting the qualifications of and experience requirements for applicants for registration,
 - (c) respecting the eligibility of applicants generally for registration,

- (d) governing the conduct of members of the association in their practice by prescribing a code of ethics, rules of conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for misconduct, incapacity or incompetence,
- (e) governing, subject to this Act, the operation and proceedings of the board,
- (f) providing for the making of bylaws,
- (g) for the government of the association and the management and conduct of its affairs,
- (h) respecting the nomination, election, number, term of office and duties of council members and officers of the association, including, without limitation, the president, vice president and secretary-treasurer,
- (i) providing for the appointment of acting members of the council and procedures for the election or appointment of members to fill vacancies on the council,
- (j) prescribing the number of members that constitutes a quorum at meetings of the association,
- (k) governing the establishment, operation and proceedings of committees, the appointment of members of committees, the appointment of acting members and procedures for filling vacancies on committees, and the delegation of any powers or duties of the council under the Act, regulations or bylaws to a committee established by the council under this Act,
- (l) prescribing fees and expenses payable to members of the association for attending to the business of the association,
- (m) respecting the establishment and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit program that the council considers appropriate,
- (n) respecting the fixing of fees, dues and levies and requiring the payment of same to the association by the members,
- (o) respecting the establishment, content and maintenance of registers of members and of records of other classes or categories of membership,
- (p) establishing rules of general conduct binding on members,
- (q) respecting the management of the property of the association,
- (r) prescribing the notice, the time, the place and the order of business of meetings of members and of the council,
- (s) respecting the exercise of absentee voting by mail ballot or poll of proxies,
- (t) providing for the continuing education of the members,
- (u) respecting the duties and authority of the registrar,
- (v) respecting the banking and finance of the association, including, without limitation, the investment of funds of the association, and
- (w) fixing the financial year of the association and providing for an annual audit of the accounts and transactions of the association.

(2) A regulation under subsection (1) shall come into force on the making of the same by the council, but shall be deemed to be revoked at the closing of the next annual general meeting following the making of the regulations unless, prior to that time, it is approved by 75% of the members

- (a) present and voting at the annual general meeting, or
- (b) voting by a mail vote conducted in accordance with the regulations.

Bylaws

9. The council may in accordance with the regulations make bylaws
 - (a) determining the location of the head office of the association,
 - (b) prescribing the seal and other insignia of the association and providing for their use,
 - (c) providing for the execution of documents by the association,
 - (d) respecting the establishment, operation and use of publications of the association,
 - (e) prescribing forms and providing for their use, and
 - (f) for all other provisions considered necessary or convenient for the management of the association and the conduct of its affairs and not provided for in the regulations.

Registration

10. (1) The registrar shall maintain, in accordance with the regulations and subject to the direction of the council, a register of members.
 - (2) The registrar shall enter in the register the name of a person who has paid the fee prescribed under the regulations and whose registration has been approved by the board.
 - (3) The registrar shall maintain, in accordance with the regulations and subject to the direction of the council, the membership record of the members in each class or category of membership established under the regulations.

Certificate of registration

11. (1) On entering the name of an applied science technologist or certified technician in the register, the registrar shall issue to him a certificate of registration.
 - (2) A certificate of registration issued under this section entitles the holder to use the title applied science technologist or certified technician or the abbreviations defined in this Act.
 - (3) The registrar shall issue an annual certificate of registration in accordance with the regulations to a member whose registration is not under suspension and who has paid the annual fee.

Suspension and cancellation

12. (1) The registration of a member is suspended when a decision to suspend the registration is made in accordance with this Act.
 - (2) The registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating the duration of the suspension and the reason therefore.
 - (3) The registration of a member is cancelled when a decision to cancel the registration is made in accordance with this Act.
 - (4) The registrar shall enter a memorandum of cancellation of a registration in the appropriate register indicating the reason therefore.
 - (5) The registrar shall not remove from the register any memorandum made by him under this section except in accordance with the regulations.

Membership list

13. The registrar shall maintain, and during regular office hours permit any person to inspect, the list of all the members in good standing.

Board established

14. (1) The council shall establish a Board of Examiners in accordance with the regulations.

(2) The board shall consider applications for the registration of applicants as members, in accordance with this Act, the regulations and bylaws and may

- (a) approve the registration,
 - (b) refuse the registration, or
 - (c) defer the approval of registration until it is satisfied that the applicant has complied with a requirement made under this section.
- (3) The board may, in its discretion, require an applicant for registration
- (a) to pass one or more examinations set by the board,
 - (b) to obtain more experience of a kind satisfactory to the board for a period set by the board, or
 - (c) to pass one or more examinations and obtain more experience before approving the registration.

Registration approval

15. The board shall approve the registration as a member of a person who proves to the satisfaction of the board that

- (a) he is of good character and reputation,
- (b) he is a Canadian citizen or permanent resident of Canada, and
- (c) his education and his experience meet the requirements of the regulations and bylaws.

Review by council

16. (1) The board shall send a written notice of any decision made by it under this Act to the applicant.

(2) If the decision made by the board is to refuse or defer registration of the applicant, reasons for the decision shall be sent in writing to the applicant.

(3) If the decision made by the board is to approve the registration, the registrar shall publish a notice of approval in accordance with the regulations.

(4) An applicant whose application for registration has been refused by the board may, within 30 days of receiving a notice of refusal and the reasons for the refusal, request the council to review the application by serving on the registrar a written request for review by the council setting out the reasons why, in his opinion, his registration as a member should be approved.

(5) The council shall, after receipt of a request for review under this section, review the application.

(6) The applicant for registration

- (a) shall be notified in writing by the council of the date, place and time that it will consider the matter, and
- (b) is entitled to appear with counsel and make representations to the council when it considers the matter.

(7) A member of the board who is also a member of the council may not participate at a review by the council under this section.

(8) On hearing a review under this section, the council may make any decision the board may make under this Act.

Prohibition

17. (1) No person, not being a member of the association, shall take or use any name, title, addition or description, by means of a middle initial or letters placed after his name, or otherwise state or imply or take any action calculated to lead people to infer that he is a member of the association.

(2) No person other than the association shall use the abbreviated form of the name of the association or any other abbreviation alone or in combination with any other word or name in any way that expressly or by implication infers that he is a member of or connected in any way with the association.

Injunction

18. Where a person contravenes section 17, the association may apply for injunctive relief from the court.

Section 5 of *Offence Act* inapplicable

19. Section 5 of the *Offence Act* does not apply to this Act.

Transitional provision

20. On the coming into force of this Act, the first council shall be composed of those individuals named by order of the Lieutenant Governor in Council.

Commencement

21. This Act comes into force by regulation of the Lieutenant Governor in Council.