

CHAPTER 66

An Act Respecting the Corporation of Translators, Terminologists and Interpreters of New Brunswick

Assented to November 3, 1989

WHEREAS the Corporation of Translators and Interpreters of New Brunswick Inc. prays that it be enacted as hereinafter set forth;

THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:

TITLE

1 This Act may be cited as the “*Corporation of Translators, Terminologists and Interpreters of New Brunswick Act, 1989.*”

INTERPRETATION

2 In this Act,

“Board” means the Board of Directors of the Corporation;

“Corporation” means the Corporation of Translators, Terminologists and Interpreters of New Brunswick;

“incompetence” means acts or omissions that, in the carrying out of a member’s professional duties, demonstrate a lack of knowledge, skill or judgment or demonstrate disregard for the interests of a client;

“professional misconduct” means a serious digression from established or recognized standards of practice of the Corporation or the profession and includes a breach of the Corporation’s Code of Ethics.

CORPORATION

3(1) The corporation known as the Corporation of Translators and Interpreters of New Brunswick Inc. is hereby continued as a corporation without share capital under the name of the “Corporation of Translators, Terminologists and Interpreters of New Brunswick” and the designation “CTINB”.

3(2) The Corporation shall consist of persons registered as members on the day this Act comes into force, together with such other persons as become members thereafter.

4(1) The location of the head office of the Corporation shall be as provided by bylaw.

4(2) The Corporation shall have a seal in a form approved by bylaw.

OBJECTS

5 The objects of the Corporation are

(a) to provide a collective voice for its members;

- (b) to promote the professional development of its members;
- (c) to ensure that members comply with the Corporation's Code of Ethics;
- (d) to publicize the professional role performed by its members in society;
- (e) to protect the public interest by
 - (i) administering admission and certification examinations, and
 - (ii) examining any complaints received that pertain to the competence or professional conduct of its members;
- (f) to promote and protect the collective status, dignity and integrity of translators, terminologists and interpreters;
- (g) to provide its members with services designed to meet their professional needs;
- (h) to maintain relations with similar organizations inside and outside Canada; and
- (i) to maintain relations with institutions providing university training in the areas of translation, terminology and interpretation in New Brunswick and elsewhere.

POWERS

- 6** The Corporation, in furtherance of its objects, shall have the power to
- (a) acquire and hold assets and property, both real and personal, by way of purchase, lease, grant, hire, exchange or otherwise, and to dispose of such property by any means;
 - (b) provide for the management of its property and assets, its affairs and business, and for the employment of staff;
 - (c) borrow money for the purpose of carrying out any of the objects of the Corporation and give security for money borrowed on any of its real or personal property by way of mortgage, pledge, charge or otherwise;
 - (d) invest money of the Corporation, not immediately required for any of its objects, in any manner as it may from time to time determine;
 - (e) establish conditions of registration for members;
 - (f) establish and define fields of specialization and conditions necessary to practice in a specialized field;
 - (g) establish such classes of membership and prescribe the conditions for admission thereto, and the privileges and limitations thereof as are necessary and in the public interest;
 - (h) regulate and govern the conduct of its members in the practice of their profession, by prescribing a code of ethics, rules of professional conduct and standards of practice;

- (i) provide for the receipt and consideration of complaints made to the Corporation concerning the conduct or competence of its members in the practice of their profession;
- (j) establish a discipline committee and procedures therefor;
- (k) provide for the suspension, expulsion or other penalty for professional misconduct, incompetence, or failure or refusal to pay any required fee;
- (l) establish and maintain a register of persons registered as members of the Corporation;
- (m) fix and collect fees payable by any person
 - (i) upon being admitted as a member,
 - (ii) desiring to write any examination prescribed by the Corporation with a view to becoming a member, or
 - (iii) as annual dues;
- (n) assess members supplementary fees for any ordinary or special expenditure that may be deemed necessary or expedient to further any of the objects of the Corporation;
- (o) enter into agreements on behalf of the Corporation as may be necessary for, incidental or conducive to the carrying out of the objects of the Corporation;
- (p) exempt any person from the payment of fees for such reason and upon such terms and conditions as the Corporation may determine;
- (q) receive gifts, donations and bequests, and make gifts or donations for the promotion of the objects of the Corporation;
- (r) call and regulate meetings and the method of voting;
- (s) provide for the eligibility, nomination, election, number and term of office of members of the Board and committees;
- (t) define the duties and responsibilities of members of the Board;
- (u) provide for the establishment of committees by the Corporation or the Board, prescribe their powers and duties, method of operation, including procedures at meetings and for filling vacancies; and provide for the delegation of powers or duties of the Board to any committee and establish the form and frequency of reports to the Board or the Corporation;
- (v) provide for the establishment and payment of scholarships, fellowships and other incentives, benefits and awards;
- (w) do all other things as may be necessary or desirable to exercise the powers conferred by this Act, to further the objects of the Corporation and to protect the public interest.

BYLAWS

7(1) For the purpose of attaining its objects and for the implementation of its powers, the Corporation

may make bylaws not inconsistent with the provisions of this Act.

7(2) No bylaw, amendment, or repeal thereof shall be effective until passed by members voting at an annual general meeting or at a special meeting of the Corporation called for the purpose.

7(3) The *Regulations Act*, Chapter R-7 of the Revised Statutes, 1973, does not apply to the Corporation or any bylaw, rule or resolution made by the Corporation or the Board, but all bylaws and rules shall be available for inspection by any person at the head office of the Corporation during normal office hours, free of charge.

BOARD

8(1) The affairs of the Corporation shall be managed by a Board consisting of the President, First Vice-President, Second Vice-President, Secretary, Treasurer, Past President and such additional member to be elected and hold office as provided by the bylaws.

8(2) In case of the resignation, death or incapacity of any member of the Board, the Board shall fill the vacancy as provided by the bylaws, for the balance of the term.

RULES

9(1) The Board may make rules not inconsistent with the provisions of this Act and the bylaws, providing for

- (a) the appointment, revocation and filling of vacancies of committees;
- (b) the custody and use of the seal;
- (c) the execution of documents by the Corporation;
- (d) banking and finance;
- (e) setting the financial year of the Corporation and for the audit of the accounts and transactions of the Corporation;
- (f) the carrying out of whatever other functions are necessary or incidental to the conduct of the affairs of the Corporation.

9(2) A rule shall not be effective until confirmed by a resolution of the Board.

MEETINGS

10(1) An annual general meeting of the Corporation shall be called by the Board, as provided in the bylaws.

10(2) A special meeting of the Corporation may be called, as provided in the bylaws.

10(3) The Board and any committee of the Board or of the Corporation may conduct meetings by telephone or other communication facilities in the manner and on the terms and conditions established by the bylaws or rules, and persons participating in a meeting by such means shall be deemed to be present in person at that meeting.

10(4) Only certified members in good standing may vote at any meeting of the Corporation or of the

Board.

MEMBERSHIP AND AFFILIATION

11(1) The Corporation shall grant membership in the Corporation to any individual who applies therefor in accordance with the bylaws, if the individual

- (a) has complied with the academic and experience requirements specified in the bylaws;
- (b) has passed such examinations as the Board sets or approves in accordance with the bylaws; and
- (c) has paid the prescribed fees.

11(2) The class of founding members is repealed, and persons who are founding members immediately before the coming into force of this Act become certified members.

11(3) Subject to paragraph (1)(c), the Corporation may register an individual who is a member in good standing of a professional body recognized by the Corporation.

12 The Corporation may affiliate with any professional body having a similar object.

REGISTER

13(1) The Treasurer shall keep a register, divided by classes of membership, in which shall be entered the names and addresses of all members in good standing of the Corporation, and only those members so registered are entitled to the privileges of membership in the Corporation.

13(2) The register shall be open to examination by the public at the head office of the Corporation during normal office hours.

14(1) Subject to this Act and the bylaws, the Board or the Discipline Committee may cause a member's name to be removed from the register

- (a) at the request or with the written consent of the member;
- (b) where the name has been entered by mistake or incorrectly;
- (c) where a member has been suspended or expelled through disciplinary proceedings;
- (d) where the member has not paid the prescribed fees.

14(2) Subject to subsection (3), the Board, on such grounds as it considers sufficient, may cause the name of a person removed from the register to be restored thereto either without fee or upon payment to the Corporation of

- (a) a sum not exceeding the fees or other sums in arrears and owing by the person to the Corporation;
and
- (b) such additional sum as may be prescribed by the bylaws.

14(3) Where the name of a person who has been suspended or expelled under paragraph (1)(c) is to be restored to the register under subsection (2), the Board may, by resolution, direct that the name be restored

subject to such terms and conditions as the Board may impose.

TITLE

15(1) Every member in good standing of the Corporation who is certified by the Corporation as a translator, interpreter, conference interpreter or terminologist may

(a) use the title “certified translator”, “certified interpreter”, “certified conference interpreter” or “certified terminologist”, as the case may be, or any abbreviation of that title, alone or in any combination with other words;

(b) use the initials “CT”, “C.T.”, “CI”, “C.I.”, “CCfI”, “C.Cf.I.” or “C.Term.”, as the case may be, either alone or in combination with any other word, letter, symbol, initial or abbreviation.

15(2) Subject to subsection (3), only a member in good standing of the Corporation may represent himself or herself to be a member of the Corporation or use in connection with his or her name the designation “CTINB”.

15(3) Members of the Corporation, when dealing with the public and particularly in their advertising, shall specify their class of membership.

15(4) This Act does not affect the right of any person who is not a member of the Corporation to describe himself or herself or to practice as a translator, interpreter, conference interpreter or terminologist.

15(5) This Act does not affect the right of any person who is not a member of the Corporation to use the initials mentioned in paragraph (1)(b) so long as that person is not practising as a translator, interpreter, conference interpreter or terminologist.

DISCIPLINE

16 Where the Discipline Committee finds a member of the Corporation guilty of professional misconduct or incompetence, it may, by order, do any or more of the following:

(a) issue a warning or reprimand;

(b) impose such fine as the committee considers appropriate, to a maximum of \$500, to be paid to the Treasurer of the Corporation;

(c) suspend the member for a stated period, not exceeding two years;

(d) expel the member.

17(1) A party to proceedings before the Discipline Committee may appeal, within thirty days from the date of the decision or order of the committee, to the Court of Queen’s Bench of New Brunswick by way of Notice of Application in accordance with the Rules of Court.

17(2) An appeal under this section may be on questions of law or fact, or both. The Court may:

(a) affirm, vary or rescind the decision of the Discipline Committee;

(b) exercise all powers of the Discipline Committee;

- (c) direct the Discipline Committee to take any action which the committee has the power to take;
- (d) substitute its opinion for that of the Discipline Committee; or
- (e) refer the matter back to the Discipline Committee for rehearing in whole or in part, in accordance with such directions as the Court considers proper.

OFFENCES AND ENFORCEMENT

18(1) Any person who, not being a certified member in good standing of the Corporation,

- (a) uses the title “certified translator”, “certified interpreter”, “certified conference interpreter” or “certified terminologist”, as the case may be, or any abbreviation of that title, alone or in any combination with other words;
- (b) uses the initials “CT”, “C.T.”, “CI”, “C.I.”, “CCfI”, “C.Cf.I.” or “C.Term.”, as the case may be, either alone or in combination with any other word, letter, symbol, initial or abbreviation; or
- (c) implies, suggests or holds out in any way that he or she is a certified translator, certified interpreter, certified conference interpreter or certified terminologist, as the case may be,

commits an offence.

18(2) Any person who, not being a member in good standing of the Corporation, represents himself or herself to be a member of the Corporation or uses in connection with his or her name the designation “CTINB” commits an offence.

18(3) Any person who knowingly furnishes false or misleading information in any document required to be furnished under this Act or the bylaws commits an offence.

19 A person who commits an offence under section 18 is liable on summary conviction to a fine not exceeding one thousand dollars and costs, or to imprisonment for a period not exceeding six months, or both.

20(1) Upon conviction of any person for an offence under section 18, the judge convicting the person may, in addition to any other punishment imposed, immediately prohibit that person from doing anything for which the person was convicted.

20(2) Any person who fails to comply with an order under subsection (1) commits an offence and is liable to a fine of not less than one thousand dollars and not more than five thousand dollars or to imprisonment for a term of not more than six months, or both, and on failure to pay the fine to imprisonment for not more than six months.

21 A certificate purporting to be signed by the Treasurer of the Corporation stating that a person is or is not a member in good standing of the Corporation is, in the absence of evidence to the contrary, proof of that fact without any proof that the person signing it is the Treasurer or that it is the signature of the Treasurer.

22 The Board may institute and carry on or authorize any person to institute or carry on the prosecution of an offence under this Act.

23 No prosecution by the Corporation or any person for an offence under section 18 shall be

commenced after the expiration of one year from the date of the last act that is part of the alleged offence.

LIMITATION OF ACTIONS

24(1) No action or other proceeding shall be commenced against a member of the Corporation arising out of the practice of his or her profession after two years from the date on which the service was or ought to have been performed, or from the date the cause of the damage became known or ought to have become known.

24(2) No action lies against members, officers or directors of the Corporation, the Board or any committee of the Corporation for anything done in good faith pursuant to the provisions of this Act or the bylaws.

24(3) No member of the Corporation shall be personally liable for any debt of the Corporation beyond the amount of that member's unpaid fees.

TRANSITIONAL

25 Subject to subsection 11(2), the class of membership of a person who is a member when this Act comes into force shall not change by reason thereof.

26 The members of the Board in office when this Act comes into force shall continue in office until their successors are elected in accordance with the Act and the bylaws.

27 The Letters Patent of the Corporation are revoked, but the revocation does not affect the rights and obligations of the Corporation or any bylaw, regulation, resolution or appointment of the Corporation except to the extent the bylaw, regulation, resolution or appointment is inconsistent with this Act.

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

N.B. This Act is consolidated to December 31, 1989.