

No. 37

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 37

A Bill to Incorporate the Alberta Registered
Dietitians Association Act

HON. DR. ROSS

Explanatory Note

General. This Bill will enact "The Alberta Registered Dietitians Association Act". There is at present no Act dealing with this profession, and this Bill will incorporate that Association in a manner similar to other associations, such as physiotherapists, etc.

2. Definitions.

3. Incorporation of association.

4. Head office of association.

BILL

No. 37 of 1959

An Act to Incorporate the Alberta Registered Dietitians Association Act

(Assented to _____, 1959)

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

1. This Act may be cited as "*The Alberta Registered Dietitians Association Act*".

2. In this Act,

- (a) "association" means the Alberta Registered Dietitians Association as constituted by this Act;
- (b) "by-laws" means by-laws of the association;
- (c) "Canadian Dietetic Association" means the association incorporated under that name by Letters Patent in 1935 under Part II of the *Companies Act* (Canada);
- (d) "council" means the council of the Alberta Registered Dietitians Association;
- (e) "dietetics" means the science and art dealing with the application of the principles of nutrition in the feeding of individuals or groups under different economic or health conditions;
- (f) "General Faculty Council" means the General Faculty Council of the University of Alberta;
- (g) "Minister" means that member of the Executive Council charged with the administration of this Act;
- (h) "register" means the register established under section 16;
- (i) "registered dietitian" means a person who is a member in good standing of the association and whose name is entered in the register.

3. (1) There is hereby constituted a corporation under the style and title of The Alberta Registered Dietitians Association.

(2) In addition to its other corporate powers, the association may acquire, hold and dispose of real property.

4. The head office of the association shall be in the

5. First meeting of association.

6. Members for first meeting.

7. Annual meeting of association.

8. Composition of council.

Province of Alberta, at such place as the association, by by-law, appoints as the location of its head office.

5. (1) Within six weeks after the commencement of this Act, and at a time and place to be fixed by the Alberta Provincial Director of the Canadian Dietetic Association, the Alberta Provincial Director of the Canadian Dietetic Association shall, for the purpose of electing the first officers and transacting any other business for the association, call a meeting of all residents of the Province who are graduates of the University of Alberta in Household Economics with a major in foods and nutrition or who are members in good standing of the Canadian Dietetic Association, which shall be the first meeting of the association.

(2) Due notice of the first meeting shall be given to all known eligible persons, and the meeting shall be publicly advertised.

(3) Forms of application for membership shall be distributed with the notice of the meeting.

6. (1) At the first meeting, the Alberta Provincial Director of the Canadian Dietetic Association shall preside and shall receive applications for membership for dietitians who are present at the meeting.

(2) The eligible persons applying for membership and in attendance shall be deemed to be active members of the association for the purpose of holding the first meeting of the association.

7. In every year after the first meeting of the association, a general meeting of the association shall be held, which shall be the annual meeting.

Council

8. (1) The affairs of the association shall be managed by a council, which shall consist of the President, the immediate past President, the President Elect, the Vice-President, the Recording Secretary, the Corresponding Secretary, the Membership Secretary, the Treasurer, three council members at large and the Alberta Provincial Director of the Canadian Dietetic Association.

(2) The council may hold office until the next annual meeting following election.

(3) The President, Vice-President, Recording Secretary, Corresponding Secretary, Membership Secretary, Treasurer and three council members at large shall be elected at each annual meeting.

(4) Seven members of the council constitute a quorum.

(5) When a vacancy occurs on the council during any year, the council shall appoint a member of the association to fill the office for the balance of the term of office.

9. Registrar.

10. Presiding officer.

11. Election meeting.

12. By-laws.

9. The Membership Secretary shall be the registrar of the association.

10. The President shall act as presiding officer at any meetings of the council and of the association and may vote only when votes are evenly divided.

11. At the first meeting of the association, and at every subsequent annual meeting thereafter, the members of the association shall elect the members of the council.

By-laws

12. Subject to this Act, the association may, with the approval of the Lieutenant Governor in Council, make by-laws,

- (a) governing
 - (i) the keeping of a register of members,
 - (ii) the fees payable by a person applying for registration, but such fees shall not exceed forty dollars for any one applicant,
 - (iii) the voting by the association of the funds necessary for the activities and duties of the council,
 - (iv) the discipline and conduct of members,
 - (v) the investigation of complaints of unprofessional conduct, incompetency or want of skill on the part of members,
 - (vi) the expulsion or suspension of any member for unprofessional conduct, incompetency or lack of skill,
 - (vii) the reinstatement of any member who has been expelled or suspended,
 - (viii) the meetings of the council, the procedure to be followed and the manner of voting thereat and the qualifications for voting,
- (b) prescribing the manner of investing the funds of the association,
- (c) fixing the location of the head office of the association,
- (d) setting out the duties of the officers and the times and places of the meetings of the association,
- (e) providing for the payment of annual dues,
- (f) providing for the suspension of members in arrears of dues,
- (g) providing for the reinstatement of members upon the payment of arrears of dues, and
- (h) providing for such other matters or things as are necessary to carry on the affairs and business of the association in accordance with the intent of this Act.

13. Academic standing and examinations.

14. Qualification for membership.

Membership

13. (1) The academic standing and the examination of candidates for admission to membership in the association, shall be under the control of the University of Alberta.

(2) The association shall enter into an agreement with the General Faculty Council for the conduct of examinations of candidates for admission to membership in the association.

(3) The subjects of all examinations under this Act shall be such as are prescribed by the General Faculty Council.

14. (1) A person shall be admitted as a member of the association who

- (a) is a graduate of the University of Alberta in Household Economics with a major in foods and nutrition, or produces a certificate from the General Faculty Council pursuant to section 15, or is a member in good standing of the Canadian Dietetic Association,
- (b) proves that she has
 - (i) completed a dietetic internship approved by the General Faculty Council,
 - (ii) had three years' diversified experience in the study or practice of nutrition or dietetics or allied subjects,
 - (iii) had two years' experience in teaching including teaching in a course in foods or nutrition or institution administration as a full-time member of a university or college staff, or
 - (iv) a master's degree in the study of foods or nutrition or institution administration and one year's experience in the study or practice of nutrition or dietetics or allied subjects,
- (c) has shown herself to be of good character and reputation,
- (d) has satisfied the secretary-treasurer of the association that her name has not been removed for cause from the register of any dietetic association, institute, society, or college, or any similar body in Canada or elsewhere, and
- (e) pays the prescribed fees.

(2) Notwithstanding clauses (a) and (b) of subsection (1), the council may admit to membership in the association, and enter in the register the name of a person who has a degree either in arts or in science or a degree of bachelor of science in Household Economics conferred by a university, and in the opinion of the council has made an outstanding contribution to the science of nutrition, dietetics or institutional administration.

(3) Notwithstanding anything hereinbefore contained, the council, may dispense with compliance with the requirements for admission to membership in the association, upon

15. Academic qualifications.

16. Register of members.

17. Period of registrations.

being satisfied that the person in whose favor the dispensation is made has in effect acquired the same knowledge and experience as if the foregoing provisions of this Act had been strictly complied with, but the rights under this subsection shall be limited to a person who is in active practice as a dietitian in the Province when this Act comes into force.

15. (1) A candidate for admission to membership in the association who satisfies the General Faculty Council that her qualifications were at the time of her graduation at least the equivalent of those required at that time for graduation in Household Economics from the University of Alberta with a major in foods and nutrition shall be deemed to have satisfactory educational qualifications for admission to membership in the association without further examination.

(2) When it deems it necessary or desirable to do so, the General Faculty Council may require a candidate for admission to membership in the association who cannot furnish satisfactory credentials to pass such examination or examinations as the General Faculty Council may prescribe.

(3) The General Faculty Council shall issue a certificate certifying compliance with subsection (1) to a candidate who has satisfied the General Faculty Council as to her educational qualifications under that subsection.

(4) To enable candidates whose educational qualifications have not been deemed adequate for certification under subsection (3) to establish the adequacy of their educational qualifications, the General Faculty Council may prescribe the completion of such courses and the passing of such examinations as it deems necessary.

16. (1) The council shall cause a register to be kept by the secretary-treasurer.

(2) The names of all persons who have been admitted to membership in the association and who are in good standing shall be entered in the register in alphabetical order.

(3) The register shall be subject to inspection free of charge.

(4) The register or a copy thereof duly certified by the secretary-treasurer is admissible in evidence as *prima facie* proof that the persons therein named are members in good standing and the absence of the name of any person from the register is *prima facie* proof that such person is not a member of the association.

17. Subject to this Act and the by-laws, the first registration of any member shall remain in force until the end of the calendar year in which such registration is made, and a member in good standing is entitled to a renewal of her registration for each succeeding calendar year upon making application and paying the prescribed fee therefor.

18. Certificates of registration.

19. Power to suspend or expel.

20. Appeal to Supreme Court judge.

21. Striking off register.

18. (1) Certificates of registration shall be issued by the registrar and shall be numbered consecutively and recorded in a register kept by the registrar for that purpose.

(2) A certificate of renewal of registration may be issued to a member upon payment of the prescribed annual fee.

Suspension and Appeal

19. (1) Subject to this section, the council in its discretion may, by order, expel or suspend any member of the association for unprofessional conduct or incompetency, upon a complaint thereof verified by statutory declaration being filed with the secretary-treasurer of the association and a copy of the complaint being forwarded to the accused member.

(2) No member shall be expelled or suspended by order of the council unless

(a) the member is summoned to appear before the council and given an opportunity to be heard in her own defence, and

(b) the council hears under oath the evidence in support of the complaint, and if the accused member wishes to be heard, the evidence on behalf of the accused member.

(3) For the purpose of a hearing under this section, the presiding officer of the council, or the person acting for her may administer oaths.

(4) All evidence offered by the complainant and the accused member shall be taken down in shorthand by a competent stenographer.

20. (1) Any member who has been expelled or suspended from the association may appeal from the order of the council to a judge of the Supreme Court of Alberta, at any time within fourteen days of the date of the order of expulsion or suspension, or within such further time as a judge of the Supreme Court may order.

(2) On the request of the appellant, a copy of the evidence taken at the hearing before the council shall be filed with the clerk of the Court for the judicial district in which the appellant resides.

(3) The judge on the appeal may make such order or give such direction as to the expulsion or suspension and as to the costs of the appeal as to him seems just.

21. (1) When a member is expelled by order of the council and the order has been confirmed on appeal under section 20 or the time for appeal has expired the secretary-treasurer shall strike the name of the expelled member from the register.

(2) When a member is suspended by order of the council and the order has been confirmed on an appeal under section

22. Use of title.

23. Membership wrongfully procured.

24. Penalties and offences.

25. Limitation period extended.

26. Protection from liability.

27. Commencement.

20 or the time for appeal has expired, the secretary-treasurer shall enter upon the register the fact and dates of the suspension.

(3) The council shall notify the Minister of the expulsion or suspension of any member of the association.

Use of Title

22. (1) Only a member of the association has the right to use the designation "Registered Dietitian" or the initials "R. D." or the abbreviation "Reg. D."

(2) No person other than a member of the association shall take or use the designation "Registered Dietitian" or the initials "R. D." or the abbreviation "Reg. D." either alone or in combination with other words, letters or description, to imply that the person is registered or entitled to be registered under this Act as a member of the association.

23. Any person who, by false or fraudulent representations, or declarations either orally or in writing, wilfully procures her membership in the association is guilty of an offence.

24. A person who contravenes a provision of this Act is guilty of an offence and is liable, on summary conviction,

- (a) for a first offence to a fine of not more than one hundred dollars,
- (b) for a second offence to a fine or not more than two hundred dollars, and
- (c) for a third or subsequent offence to a fine of not more than five hundred dollars,

and in default of payment to imprisonment for a term not exceeding three months.

25. A prosecution for an offence under this Act may be commenced within two years from the date of the commission of the offence, but not thereafter.

26. No action lies against the council or any member of the association for anything done under this Act in good faith notwithstanding any want of form in the proceedings.

27. This Act comes into force on the day upon which it is assented to.

No. 37

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to Incorporate the Alberta
Registered Dietitians Association
Act

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. ROSS
