

Alberta Regulation 197/96

Professional and Occupational Associations Registration Act

ALBERTA SHORTHAND REPORTERS REGULATION

Filed: August 21, 1996

**Approved by the Lieutenant Governor in Council (O.C. 396/96)
pursuant to sections 9 and 14 of the
Professional and Occupational Associations Registration Act**

Definitions

1. In this Regulation,
 - a. "Act" means the *Professional and Occupational Associations Registration Act*;
 - b. "association member" means a person who is registered as an association member under this Regulation
 - c. "Association" means the Alberta Shorthand Reporters Association;
 - d. "Association Registrar" means the Registrar of the Association appointed under the by-laws;
 - e. "certified shorthand reporter" means a person who is registered as a certified shorthand reporter under this Regulation;
 - f. "Council" means the Council of the Association established under the by-laws;
 - g. "Discipline Committee" means the Discipline Committee established pursuant to section 16;
 - h. "honorary member" means a person who is registered as an honorary member under this Regulation;
 - i. "member" means a certified shorthand reporter, a participating shorthand reporter, an associate member, a student member and an honorary member;
 - j. "participating shorthand reporter" means a person who is registered as a participating shorthand reporter under this Regulation;
 - k. "Practice Review Committee" means the Practice Review Committee established pursuant to section 12;
 - l. "practising reporter" means anyone who is actively engaged in shorthand reporting;
 - m. "Registration Committee" means the Registration Committee established under section 2;
 - n. "shorthand reporting" means the taking of a verbatim record of the spoken word by means of shorthand symbols either manually or by machine and the reading back and the transcribing of those shorthand notes on request;

o. "student member" means a person who is registered as a student member under this Regulation.

Registration Committee

2(1) There is hereby established a Registration Committee consisting of not fewer than 4 certified shorthand reporters, one of whom shall be designated as the chair of the Committee.

- a. The Registration Committee shall be appointed by the Council in accordance with the by-laws.
- b. The Registration Committee shall meet at the call of the chair.
- c. A quorum at a meeting of the Registration Committee is a majority of members.

Powers and duties of Registration Committee

3(1) The Registration Committee shall consider applications from persons to become members of the Association in accordance with this Regulation and may

- a. approve the registration if the applicant meets the requirements in section 8, or
- b. refuse to approve the registration.

(2) The Registration Committee shall send a written notice of any decision made by it to the applicant.

(3) If the decision made by the Registration Committee is to refuse the registration, written reasons for the decision shall be sent to the applicant.

Review of application

4(1) An applicant whose application for registration is refused by the Registration Committee may, by notice in writing served on the Association Registrar within 30 days of receiving a notice of refusal and the reasons for it, appeal the refusal, and the notice of appeal shall set out the reasons why, in the applicant's opinion, the applicant's registration should be approved.

(2) An applicant who appeals a decision of the Registration Committee under subsection (1)

- a. shall be notified in writing by the Association Registrar of the date, place and time that the Council will hear the appeal, and
- b. is entitled to appear with counsel and make representations to the Council when it hears the appeal.

(3) A member of the Registration Committee who is also a member of the Council may participate in the appeal but shall not vote on a decision of the Council under this section and shall not be counted for the purposes of a quorum.

(4) On hearing an appeal under this section, the Council may make any decision the Registration Committee may make, and shall notify the applicant of its decision.

Classes of membership

5 There shall be the following categories of membership in the Association:

- a. certified shorthand reporter;
- b. participating shorthand reporter;
- c. associate member;
- d. student member;
- e. honorary member.

Registers

6(1) The Association Registrar shall maintain a register for each category of membership in the Association.

(2) The registers of certified shorthand reporters, participating shorthand reporters, associate members and student members shall contain the following information with respect to each member:

- a. the member's full name;
- b. the member's business address;
- c. the member's registration number;
- d. the commencement date of the current period of continuous membership of the member in that register;

(3) The register of honorary members shall contain the following information with respect to each member:

- a. the member's full name;
- b. the member's mailing address;
- c. the member's registration number;
- d. the date of the member's initial membership in that register.

Application and fees

7 An application for registration under section 8 must be in the form prescribed by the Council and must be accompanied by the fee provided for in the by-laws.

Eligibility for registration

8(1) A person is eligible to be registered as a certified shorthand reporter if that person satisfies the Registration Committee that he

- a. is a practising reporter,
- b. is of good character and reputation, and
- c. has
 - i. successfully passed the Alberta Shorthand Reporters Association's Certified Shorthand Reporter examination,
 - ii. successfully passed both portions of the National Court Reporters Association's Registered Professional Reporter examination, or
 - iii. been registered as a participating member for at least one year immediately before the date of the application, and
 - A. has graduated from a National Court Reporters Association recognized school of court reporting, or
 - B. has at least 5 years of work experience as a court reporter.

(2) A person is eligible to be registered as a participating shorthand reporter if that person satisfies the Registration Committee that he

- a. is a practising reporter, and
- b. is of good character and reputation,

(3) A person is eligible to be registered as an associate member if that person satisfies the Registration Committee that he is of good character and reputation.

(4) A person is eligible to be registered as a student member if that person satisfies the Registration Committee that he

- a. is a full-time student in a National Court Reporters Association recognized school of court reporting, and
- b. is of good character and reputation.

Honorary membership

9 The Council may direct the Association Registrar to enter in the register of honorary members the names of persons whom the Council considers have rendered outstanding service to the Association or to the shorthand reporting profession.

Evidence of membership

10 The Association Registrar shall issue to certified shorthand reporters and participating shorthand reporters such evidence of membership and renewal of membership as is prescribed by the Council.

Renewal of membership

- 11(1) The Association Registrar shall renew the membership of a certified shorthand reporter who
- a. pays the annual fee provided for in the by-laws,
 - b. is in good standing with the Association, and
 - c. has earned the continuing education credits required under subsection (2).
- (2) A certified shorthand reporter who becomes initially registered under this Regulation shall earn at least 30 continuing education credits
- a. by December 31 of the 3rd complete calendar year following the year in which the reporter is initially registered, and
 - b. during each period of 3 calendar years after the expiry of the period referred to in clause (a).
- (3) The Association Registrar shall renew the membership of a participating shorthand reporter who
- a. pays the annual fee provided for in the by-laws, and
 - b. is in good standing with the Association.

Practice Review Committee

- 12(1) There is hereby established the Practice Review Committee consisting of not fewer than 3 certified shorthand reporters, one of whom shall be designated as the chair of the Committee.
- (2) The Practice Review Committee shall be appointed by the Council in accordance with the by-laws.
- (3) The Practice Review Committee shall meet at the call of the chair.
- (4) A quorum at a meeting of the Practice Review Committee is a majority of members.

Powers and duties of Practice Review Committee

- 13 The Practice Review Committee
- a. may, on its own initiative, and shall, at the request of the Council, inquire into and report to and advise the Council in respect of
 - i. the assessment and development of educational standards and experience requirements that are conditions precedent to registration as a certified shorthand reporter or participating shorthand reporter,

- ii. the evaluation of desirable standards of competence of certified shorthand reporters and participating shorthand reporters,
- iii. any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relations to competence in the practice of shorthand reporting under this Regulation, and
- iv. the practice of shorthand reporting generally,

and

- b. may, with the approval of the Council, conduct a review of the practice of a certified shorthand reporter or participating shorthand reporter.

Notice

14 The Practice Review Committee shall give reasonable notice to any member of its intention to conduct a review of the practice of the member.

Reports and recommendations

15(1) After each inquiry or review under section 13, the Practice Review Committee

- a. shall make a written report to the Council on the inquiry or review and, where appropriate, on its decision,
- b. may make recommendations, together with reasons, to the Council regarding the matter inquired into or reviewed,
- c. may make recommendations to any member as to that member's conduct in the practice of shorthand reporting, and
- d. shall, if it is of the opinion that the conduct of any member constitutes or may constitute either unskilled practice of the profession or professional misconduct within the meaning of section 19 of the Act, forthwith refer the matter relating to that conduct to the chair of the Discipline Committee to be dealt with under Part 3 of the Act, and in such a case the Discipline Committee shall deal with it as if it were a complaint.

(2) The Practice Review Committee may at any time during an inquiry or review under section 13, refer any matter to the chair of the Discipline Committee to be dealt with under Part 3 of the Act, and in such a case the Discipline Committee shall deal with it as if it were a complaint.

Discipline Committee

16(1) There is hereby established the Discipline Committee consisting of not fewer than 4 certified shorthand reporters, at least one of whom shall be a Council member.

(2) The members of the Discipline Committee shall be appointed by the Council in accordance with the by-laws.

- (3) The Council shall designate one of the Committee members who is also a Council member to be the chair of the Committee.
- (4) The Discipline Committee shall meet at the call of the chair.
- (5) A quorum at a meeting of the Discipline Committee is a majority of members.

Written complaints

17 A complaint made to the chair of the Discipline Committee shall be in writing and signed by the complainant.

Costs

18(1) The Discipline Committee, with respect to hearings before it, and the Council, with respect to reviews by it, may order the investigated person to pay the following costs:

- a. the fee payable to the lawyer advising the Discipline Committee or Council at the hearing or review and the fee payable to the lawyer acting in a prosecutorial role at the hearing or review;
- b. the cost of recording the evidence and preparing transcripts;
- c. the expenses of the members constituting the Discipline Committee including, without limitation, the per diem allowances of those members;
- d. any other expenses incurred by the Association that are incidental to the hearing or review.

(2) Where the Council determines under section 22(3)(a) of the Act that a complaint is frivolous or vexatious, it may order the complainant to pay the following costs:

- a. the fee payable to the lawyer advising the Council at any hearing held by it;
- b. any other expenses incurred by the Association that are incidental to any hearing held by the Council.

Cancellation and suspension

19(1) The registration of a member is cancelled or suspended when the decision to cancel or suspend the registration is made in accordance with the Act or this Regulation.

(2) The Association Registrar shall enter a memorandum of the cancellation or suspension of the registration in the appropriate register indicating

- a. the date of the cancellation or the suspension,
- b. the period of the suspension, and
- c. the nature of any finding under Part 3 of the Act.

(3) A person whose registration is cancelled shall, on request, surrender to the Association Registrar all documents and materials relating to the registration.

Non-payment of fees, etc.

20(1) The Council shall direct the Association Registrar to suspend or cancel the registration of a member who is in default of payment of annual fees, penalties, costs or any other fees, dues or levies payable under the Act, this Regulation or the by-laws after the expiration of 30 days following the service on that person of a written notice by the Council unless that person complies with the notice.

(2) The notice under subsection (1) shall state that the Association Registrar shall suspend or cancel the registration unless the fees, penalties, costs, dues or levies are paid as indicated in the notice.

Cancellation on request

21 The Council may, on the written request of a member who is in good standing with the Association and is not the subject of any outstanding complaint, direct the Association Registrar to cancel the registration of the member.

Registration in error

22 The Council shall direct the Association Registrar to cancel the registration of any person whose registration is entered in error in a register.

Notice of suspension or cancellation

23(1) The Council may publish, in any manner it considers appropriate, notice of the suspension or cancellation of the registration of a member.

(2) A notice published under subsection (1) may include

- a. the period of suspension, if applicable,
- b. a statement of the reasons for the cancellation or suspension, and
- c. the nature of any finding and order made under Part 3 of the Act.

Reinstatement

24(1) The Council may order the Association Registrar, subject to any conditions respecting the payment of arrears and any reinstatement fee that the Council may prescribe,

- a. to reinstate in the applicable register a registration that was cancelled or suspended for non-payment of fees, penalties, costs, dues or levies, and
- b. to re-issue evidence of membership to the member.

(2) A member whose registration was cancelled at the member's own request may apply to become registered, and in that case the application shall be treated by the Association Registrar as a new application.

(3) If the registration of a member has been cancelled under Part 3 of the Act, the registration shall not be reinstated in the register except by order of the Council or a court of competent jurisdiction.

(4) If the registration of a member has been suspended under Part 3 of the Act for a fixed period, the registration shall not be reinstated before the expiration of that period except by order of the Council or a court of competent jurisdiction.

(5) Where the registration of a member has been

a. cancelled under Part 3 of the Act, or

b. suspended under Part 3 of the Act for a fixed period of more than one year,

no order shall be made under subsection (3) or (4), as the case may be, within one year after the date on which the registration was cancelled or suspended. \

Public Information

25 On application and payment of the fee prescribed in the by-laws, the Association Registrar may issue to any person a certificate setting out with respect to a member any information in a register referred to in section 6.

Service of notices

26 A notice to be served on the Association Registrar or the Council or any Committee or any member of the Council or a Committee is sufficiently served if it is personally served at, or sent by registered or certified mail to, the office of the Association.

Use of title

27 A certified shorthand reporter may use the title "Certified Shorthand Reporter (Alberta)" or the abbreviations "CSR(A)" or "C.S.R.(A)".

Transitional

28 *A person who, on the coming into force of this Regulation,*

a. was registered in the register of certified shorthand reporters, the register of associate members, the register of student members or the register of honorary member is, without application or the payment of any additional fee, entitled to have his name entered in the appropriate register referred to in section 6, or

b. was registered in the register of registered shorthand reporters is, without application on the payment of any additional fee, entitled to have his name entered in the register of participating shorthand reporters.