

*The
Registered Music
Teachers Act, 2002*

being

Chapter R-11.1 of the *Statutes of Saskatchewan, 2002*
(effective August 1, 2004).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER R-11.1

An Act respecting the Saskatchewan Registered Music Teachers' Association

Short title

1 This Act may be cited as *The Registered Music Teachers Act, 2002*.

Interpretation

2 In this Act:

- (a) “**administrative bylaw**” means a bylaw made for a purpose set out in subsection 14(1);
- (b) “**association**” means the Saskatchewan Registered Music Teachers' Association continued pursuant to section 3;
- (c) “**bylaws**” means the valid and subsisting bylaws of the association;
- (d) “**court**” means the Court of Queen's Bench;
- (e) “**executive**” means the executive of the association;
- (f) “**member**” means a member of the association who is in good standing;
- (g) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h) “**register**” means the register kept pursuant to section 17;
- (i) “**registrar**” means the registrar appointed pursuant to section 11;
- (j) “**regulatory bylaw**” means a bylaw made for a purpose set out in subsection 14(2).

2002, c.R-11.1, s.2.

ASSOCIATION

Association continued

3(1) The Saskatchewan Registered Music Teachers' Association is continued.

(2) The association is a corporation.

2002, c.R-11.1, s.3.

Membership

4 The membership of the association consists of:

- (a) those persons who are members of the Saskatchewan Registered Music Teachers' Association on the day before this Act comes into force; and
- (b) those persons who are admitted as members of the association pursuant to this Act and the bylaws.

2002, c.R-11.1, s.4.

Property

- 5(1)** The association may acquire, hold, mortgage, lease, sell or dispose of any property.
- (2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the association.
- (3) The association may:
- (a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act*; and
 - (b) sell or otherwise dispose of those investments and reinvest the proceeds in similar investments.

2002, c.R-11.1, s.5.

Meetings

- 6(1)** An annual meeting of the association is to be held at the time and place that is determined by the executive in accordance with the bylaws.
- (2) A special meeting of the association for the transaction of the business that is specified in the resolution or demand is to be held:
- (a) on resolution of the executive; or
 - (b) on the demand, in writing, of the number of members specified in the bylaws.
- (3) The procedure at an annual or special meeting is to be determined by bylaw.
- (4) The registrar shall send a notice of an annual meeting or special meeting to each member at least 10 days before the meeting.

2002, c.R-11.1, s.6.

EXECUTIVE

Executive

- 7(1)** The executive shall manage and regulate the affairs and business of the association.
- (2) The executive consists of:
- (a) the number of members prescribed in the bylaws elected by members in accordance with this Act and the bylaws; and
 - (b) the person appointed pursuant to section 8.
- (3) Members of the executive elected pursuant to clause (2)(a) are entitled to remuneration and reimbursement for expenses in the amounts prescribed in the bylaws.
- (4) Each member of the executive elected pursuant to clause (2)(a) holds office for the term prescribed in the bylaws.

2002, c.R-11.1, s.7.

Public appointee

- 8(1) The Lieutenant Governor in Council may appoint one person who resides in Saskatchewan as a member of the executive.
- (2) Where the Lieutenant Governor in Council appoints a person as a member of the executive, the term of office of that person is not to exceed three years.
- (3) Subject to subsection (4), the member of the executive appointed pursuant to this section holds office until that person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.
- (4) The member of the executive appointed pursuant to this section ceases to hold office if that person ceases to be a resident of Saskatchewan.
- (5) The member of the executive appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of the executive.
- (6) The member of the executive appointed pursuant to this section shall be a member of the discipline committee.
- (7) The absence or inability to act as a member of the discipline committee by the member of the executive appointed pursuant to this section or the failure to appoint a member of the executive pursuant to this section does not impair the ability of the other members of the discipline committee to act.
- (8) The minister shall remunerate and reimburse for expenses the member of the executive appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

2002, c.R-11.1, s.8.

Resignation

- 9(1) An elected member of the executive may resign by giving written notice of his or her resignation to the executive.
- (2) A member of the executive appointed pursuant to section 8 may resign by giving written notice of his or her resignation to the minister.
- (3) The resignation of a member of the executive is effective on the date stated on the written notice or, if no date is stated:
- (a) in the case of a resignation of an elected member, on the date the written notice is received by the executive; or
 - (b) in the case of a resignation of a member of the executive appointed pursuant to section 8, on the date the written notice is received by the minister.

2002, c.R-11.1, s.9.

Vacancy

10(1) When a vacancy occurs in the elected membership of the executive, the remaining members of the executive may appoint another member to fill the vacancy until the earlier of:

- (a) the expiry of the term of office of the executive member who ceased to be a member of the executive; and
 - (b) the date on which a member is elected to fill the vacancy in accordance with this Act and the bylaws.
- (2) A vacancy in the membership of the executive does not impair the power of the remaining members of the executive to act.
- (3) If a member serving as an elected member of the executive is suspended from the association, the member's powers and duties as an elected member of the executive are suspended for the same period.
- (4) If a member serving as an elected member of the executive is expelled from the association, the member ceases to be an elected member of the executive on the day the member is expelled.

2002, c.R-11.1, s.10.

Officers and employees

11(1) The officers of the association are to be those that are:

- (a) prescribed in the bylaws; and
 - (b) appointed or elected in accordance with the bylaws.
- (2) The executive shall appoint a registrar.
- (3) The executive may engage any employees that it considers necessary to carry out the duties and functions of the association.
- (4) Subject to this Act and the bylaws, the executive shall determine the duties, responsibilities and remuneration of employees of the association.

2002, c.R-11.1, s.11.

Committees

12(1) The executive may establish any committees that are provided for by the bylaws or that it considers necessary.

- (2) The executive shall appoint persons to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).
- (3) Subject to this Act and the bylaws, the executive, on any terms or conditions that it may determine, may delegate any of its powers or duties to a committee provided for by this Act or the bylaws or established pursuant to subsection (1).
- (4) The executive shall not delegate the power to make bylaws.
- (5) Subject to this Act and the bylaws, a committee may establish its own procedures.

2002, c.R-11.1, s.12.

BYLAWS

Procedures

13(1) The executive, with the approval of not less than a three-quarters majority of the members of the executive, may make bylaws for any purpose set out in section 14.

(2) A bylaw made by the executive pursuant to subsection (1) has effect only until the next annual or special meeting of the association and, unless confirmed or varied by the members in accordance with subsection (3), ceases to have any effect after that time.

(3) With the approval of a two-thirds majority of those members who vote at an annual or special meeting, the association may:

- (a) make bylaws for any purpose set out in section 14; and
- (b) confirm, vary or revoke any bylaw made by the executive pursuant to subsection (1).

(4) The variation or revocation of a bylaw pursuant to subsection (3) does not affect the operation or application of the bylaw prior to its revocation or variation, and everything done, omitted to be done or authorized pursuant to the bylaw is valid and effective against all persons notwithstanding the revocation or variation.

(5) The registrar shall forward copies of proposed bylaws to all members at least 14 days before the date of the annual or special meeting at which the bylaws are to be presented.

(6) The registrar shall notify each member of each bylaw made pursuant to subsection (1) or (3), or confirmed, varied or revoked pursuant to subsection (3), within 150 days after the bylaw is made, confirmed, varied or revoked.

(7) Failure to comply with subsection (6) does not invalidate a bylaw.

(8) No regulatory bylaw made by the executive or the association comes into force until it is:

- (a) approved by the minister pursuant to section 15; and
- (b) published in the Gazette.

(9) An administrative bylaw becomes effective on the later of:

- (a) the day on which it is filed pursuant to subsection 15(5); and
- (b) the date specified in the bylaw.

2002, c.R-11.1, s.13.

Bylaws

14(1) Subject to this Act, administrative bylaws may be made pursuant to section 13 for the following purposes:

- (a) prescribing the seal of the association;
- (b) providing for the execution of documents by the association;
- (c) respecting the banking and financial dealings of the association;

- (d) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
 - (e) respecting the management of the property of the association;
 - (f) prescribing the number and terms of office of elected members of the executive;
 - (g) prescribing the officers of the association and governing the procedure for the appointment or election of those officers;
 - (h) prescribing the duties of members of the executive and officers and employees of the association;
 - (i) governing the procedures for the election of members of the executive;
 - (j) prescribing the organization, powers and procedures of the executive and regulating the executive in the performance of its duties;
 - (k) respecting the holding and procedures of meetings of the executive and annual and special meetings of the association;
 - (l) prescribing the amount of registration and other fees payable to the association, the times of payment and penalties for late payment;
 - (m) providing for the receipt, management and investment of contributions, donations and bequests;
 - (n) establishing and governing scholarships, bursaries and prizes;
 - (o) regulating joint participation by the association with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the association;
 - (p) establishing any committees that the executive considers necessary and prescribing the manner of election or appointment of committee members;
 - (q) prescribing the remuneration and reimbursement for expenses for members of the executive and committee members;
 - (r) providing for any other thing that is necessary for the effective administration of the association.
- (2) Subject to this Act, regulatory bylaws may be made pursuant to section 13 for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency for the registration of persons or any category of persons as members;
 - (b) prescribing:
 - (i) the procedures governing registration of persons or any category of persons as members; and
 - (ii) the terms and conditions of membership;

- (c) setting standards of professional conduct, competency and proficiency of members;
- (d) providing for a code of ethics for members;
- (e) setting standards regarding the manner and method of practice of members;
- (f) prescribing procedures for:
 - (i) the review, investigation and disposition by the professional conduct committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
 - (ii) hearings by the discipline committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence; and
 - (iii) reviews pursuant to subsection 19(4);
- (g) establishing categories of membership in the association and prescribing the rights and privileges of each category;
- (h) prescribing the circumstances under which members are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
- (i) governing the approval of education programs for the purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
- (j) setting standards for continuing education and the participation of members in continuing education;
- (k) governing the reinstatement of a member who has been expelled;
- (l) setting requirements for maintenance of membership;
- (m) regulating advertising by members;
- (n) prescribing the number of members required to demand a special meeting of the association;
- (o) prescribing the minimum amount of liability protection that members are required to obtain;
- (p) prescribing the form, content and maintenance of the register and the information to be provided by members for the purpose of the register;
- (q) respecting the reporting and publication of decisions and reports of the executive and committees;
- (r) respecting the types and service of notices that may be served electronically;

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- (s) defining activities that constitute a conflict of interest and prohibiting the participation of members in those activities;
- (t) prescribing any other matters considered necessary for the better carrying out of this Act.

2002, c.R-11.1, s.14.

Filing of bylaws

15(1) The association shall file with the minister two copies, certified by the registrar to be true copies, of:

- (a) all regulatory bylaws; and
 - (b) any amendment to a regulatory bylaw together with two certified copies of the regulatory bylaw to which the amendment relates.
- (2) Where the minister does not advise the association in writing within 90 days after receiving copies of the regulatory bylaw or amendment that the minister approves the regulatory bylaw or amendment, the regulatory bylaw or amendment is deemed not to be approved.
- (3) Where the minister approves a regulatory bylaw or an amendment to a regulatory bylaw, the minister shall file with the Department of Justice two copies, certified by the registrar to be true copies, of the regulatory bylaw or amendment.
- (4) Where an amendment to a regulatory bylaw is filed pursuant to subsection (3), the minister shall file two copies, certified by the registrar to be true copies, of the regulatory bylaw with the amendment.
- (5) Within 30 days after an administrative bylaw or an amendment to an administrative bylaw is made, the executive shall file with the Department of Justice two copies, certified by the registrar to be true copies, of the administrative bylaw or amendment.
- (6) Where an amendment to an administrative bylaw is filed pursuant to subsection (5), the executive shall also file two copies, certified by the registrar to be true copies, of the administrative bylaw with the amendment.
- (7) Where an administrative bylaw or an amendment to an administrative bylaw is not filed within the time required by subsection (5), the administrative bylaw or amendment to the administrative bylaw is deemed to be revoked on the expiration of the 30 days mentioned in subsection (5).

2002, c.R-11.1, s.15.

MEMBERSHIP AND REGISTRATION

Membership

16 The executive, in accordance with this Act and the bylaws, may register persons as members.

2002, c.R-11.1, s.16.

Register

17(1) In accordance with the bylaws, the executive shall keep a register in which the name and address of every member is to be recorded.

(2) The register is to be:

- (a) kept at the head office of the association; and
- (b) open for inspection by all persons, without fee, during normal office hours of the association.

(3) The following documents are admissible in evidence as proof, in the absence of evidence to the contrary, of their contents without proof of the registrar's appointment or signature:

- (a) a certificate purporting to be signed by the registrar and stating that:
 - (i) a named person was or was not, on a specified day or during a specified period, a member according to the register; or
 - (ii) a named person was or was not, on a specified day or during a specified period, suspended according to the register; or
- (b) an extract from the register that is certified by the registrar.

2002, c.R-11.1, s.17.

Registration

18(1) The executive may register as a member a person who produces evidence establishing to the satisfaction of the executive that the person:

- (a) has paid the prescribed fees;
- (b) has complied with the bylaws with respect to registration as a member;
- (c) holds a diploma equivalent to at least that of the associate or licentiate grade issued by Conservatory Canada, the Royal Conservatory of Music, Trinity College, London, England, any one of the Royal Schools of Music, London, England, or any university or school of music recognized by the executive;
- (d) is of good moral character; and
- (e) has successfully passed the examinations prescribed or recognized by the executive pursuant to the bylaws.

(2) The executive may register as a member a person who:

- (a) does not fully meet the requirements of clause (1)(c);
- (b) agrees to practise in accordance with the conditions or restrictions specified in the bylaws;
- (c) has paid the prescribed fees; and
- (d) has complied with the bylaws with respect to registration as a restricted member.

(3) A member granted a restricted membership to practise shall comply with the bylaws governing restricted memberships.

2002, c.R-11.1, s.18.

Delegation and review

- 19(1)** The executive may delegate to the registrar the power to register persons as members.
- (2) Where a power is delegated pursuant to this section, the exercise of that power by the registrar is deemed to be an exercise of the power by the executive.
- (3) The executive may impose any terms and conditions that it considers appropriate on a delegation of its powers.
- (4) A person who is aggrieved by a decision of the registrar made pursuant to a delegated power may apply to the executive to review that decision.
- (5) On a review pursuant to subsection (4), the executive shall hear the review and may:
- (a) direct the registrar to exercise the power in a manner that the executive considers appropriate; or
 - (b) confirm the registrar's decision.
- (6) On a review pursuant to subsection (4), the person aggrieved by the decision of the registrar has the right to appear in person before the executive in support of the application.
- (7) The executive shall cause the applicant to be informed, in writing, of its decision regarding the review.

2002, c.R-11.1, s.19.

PROHIBITION

Protection of title

- 20** No person other than a member shall use the title "Registered Music Teacher", the abbreviation "RMT" or any word, title or designation, abbreviated or otherwise, to imply that the person is a member.

2002, c.R-11.1, s.20.

DISCIPLINE

Professional incompetence

- 21** Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment or a disregard for the welfare of a member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:
- (a) continue in the practice of the profession; or
 - (b) provide one or more services ordinarily provided as a part of the practice of the profession;

is professional incompetence within the meaning of this Act.

2002, c.R-11.1, s.21.

Professional misconduct

22 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of the public or the members;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the bylaws; or
- (d) it is a failure to comply with an order of the professional conduct committee, the discipline committee or the executive.

2002, c.R-11.1, s.22.

Professional conduct committee

23(1) The professional conduct committee is established consisting of at least three persons appointed by the executive.

(2) No member of the discipline committee is eligible to be a member of the professional conduct committee.

2002, c.R-11.1, s.23.

Investigation

24(1) Where the professional conduct committee is requested by the executive to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence, the committee shall:

- (a) review the complaint; and
- (b) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint.

(2) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending:

- (a) that the discipline committee hear and determine the formal complaint set out in the written report; or
- (b) that no further action be taken with respect to the matter under investigation.

(3) The formal complaint set out in a written report made pursuant to clause (2)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or the investigation conducted pursuant to subsection (1).

(4) A report signed by a majority of the professional conduct committee is the decision of that committee.

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(5) The professional conduct committee shall provide, or cause the registrar to provide, a copy of a written report made pursuant to clause (2)(b) to:

- (a) the executive;
- (b) the complainant, if any; and
- (c) the member whose conduct is the subject of the complaint mentioned in subsection (1).

2002, c.R-11.1, s.24.

Discipline committee

25(1) The discipline committee is established consisting of at least three persons appointed by the executive one of whom shall be the member of the executive appointed pursuant to section 8.

(2) No member of the professional conduct committee is eligible to be a member of the discipline committee.

(3) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and proceedings.

2002, c.R-11.1, s.25.

Discipline hearing

26(1) Where a report of the professional conduct committee recommends that the discipline committee hear and determine a formal complaint, the registrar shall, at least 14 days before the date the discipline committee is to sit:

- (a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and
- (b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.

(2) The professional conduct committee shall prosecute or direct the prosecution of the formal complaint, but its members shall not participate in any other manner in the hearing of the formal complaint except as witnesses when required.

(3) The discipline committee shall hear the formal complaint and shall determine whether or not the member is guilty of professional misconduct or professional incompetence, notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any question to a court for adjudication.

(4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.

(5) The discipline committee may employ, at the expense of the association, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at his or her own expense, may be represented by counsel.

- (6) The testimony of witnesses is to be under oath or affirmation administered by the chairperson of the discipline committee.
- (7) At a hearing by the discipline committee, there is to be full right:
- (a) to examine, cross-examine and re-examine all witnesses; and
 - (b) to present evidence in defence and reply.
- (8) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to all or any of the following:
- (a) a member whose conduct is the subject of a hearing pursuant to this Act;
 - (b) a member of the professional conduct committee;
 - (c) a member of the discipline committee.
- (9) Where a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (10) Where the member whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in his or her absence.
- (11) If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall notify the member of that fact.
- (12) If the discipline committee proposes to amend, add to or substitute the charge in the formal complaint, the discipline committee shall adjourn the hearing for any period that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended formal complaint, unless the member consents to continue the hearing.
- (13) The person, if any, who made the complaint pursuant to section 24:
- (a) is to be advised orally or in writing by the registrar of the date, time and place of the hearing; and
 - (b) subject to subsection (15), is entitled to attend the hearing.
- (14) Subject to subsection (15), the discipline committee shall conduct all hearings in public.
- (15) The discipline committee may exclude members of the public and the person who made the complaint from any part of the hearing when the committee is of the opinion that evidence brought in the presence of the person or persons to be excluded will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.

Disciplinary powers

27(1) Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

- (a) an order that the member be expelled from the association and that the member's name be struck from the register;
 - (b) an order that the member be suspended for a specified period;
 - (c) an order that the member be suspended pending the satisfaction and completion of any conditions specified in the order;
 - (d) an order that the member may continue to practise, but only under conditions specified in the order, which may include, but are not restricted to, an order that the member:
 - (i) not do specified types of work;
 - (ii) successfully complete specified classes or courses of instruction;
 - (iii) obtain all or any medical treatment, other treatment or counselling;
 - (e) an order reprimanding the member;
 - (f) any other order that the discipline committee considers just.
- (2) In addition to any order made pursuant to subsection (1), the discipline committee may order:
- (a) that the member pay to the association, within a fixed period:
 - (i) a fine in a specified amount not exceeding \$5,000; and
 - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and the costs of legal services and witnesses; and
 - (b) if a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended.
- (3) The registrar shall send a copy of an order made pursuant to this section to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.
- (4) If a member is expelled or suspended from the association, the registrar shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.
- (5) The discipline committee may inform a member's employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence.

Criminal conviction

28 The discipline committee may make any order pursuant to section 27, where:

- (a) the member has been convicted of an offence pursuant to the *Criminal Code*;
- (b) a report of the professional conduct committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the member giving rise to the conviction is professional misconduct.

2002, c.R-11.1, s.28.

Duty to report

29 Where the professional conduct committee in its investigation pursuant to section 24 or the discipline committee at the conclusion of its hearing pursuant to section 26 believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to:

- (a) the president of the association; and
- (b) the Deputy Minister of Justice.

2002, c.R-11.1, s.29.

Suspension

30 A judge of the court, on the application of the executive, may direct that a member be suspended pending the disposition of a criminal charge where:

- (a) a criminal charge is laid against the member; and
- (b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

2002, c.R-11.1, s.30.

Appeal to executive

31(1) A member may appeal the decision or any order of the discipline committee to the executive by serving the registrar with a notice of appeal within 30 days after the decision or order if:

- (a) the member has been found guilty of professional misconduct or professional incompetence by the discipline committee; or
- (b) the member is subject to an order made pursuant to section 28.

(2) An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).

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- (3) On receipt of a notice of appeal, the registrar shall file with the executive a true copy of:
- (a) the formal complaint sent and notice served pursuant to section 26 or the report of the professional conduct committee made pursuant to section 29;
 - (b) the transcript of the evidence presented to the discipline committee; and
 - (c) the decision and order of the discipline committee.
- (4) The appellant or the appellant's solicitor or agent may obtain from the registrar a copy of the documents filed pursuant to subsection (3) on payment of the costs of producing them.
- (5) On hearing an appeal, the executive may:
- (a) dismiss the appeal;
 - (b) quash the finding of guilt;
 - (c) direct a new hearing or further inquiries by the discipline committee;
 - (d) vary the order of the discipline committee; or
 - (e) substitute its own decision for the decision appealed from.
- (6) The executive may make any order as to costs that it considers appropriate.

2002, c.R-11.1, s.31.

Appeal to court

32 A member whose conduct is the subject of an order of the executive pursuant to section 31 may appeal that order to a judge of the court within 30 days after the date of the order of the executive, and section 31 applies, with any necessary modification.

2002, c.R-11.1, s.32.

Effect of appeal

33 The commencement of an appeal pursuant to section 31 or 32 does not stay the effect of the decision or order appealed from, but, on five days' notice to the registrar, the appellant may apply to the court for a stay of the decision or order pending the disposition of the appeal.

2002, c.R-11.1, s.33.

Effect of expulsion or suspension

34 When a member is expelled or suspended from the association, that member's rights and privileges as a member are removed for the period during which he or she is expelled or suspended from the association.

2002, c.R-11.1, s.34.

Reinstatement

- 35(1)** A person who has been expelled as a member may apply to the executive for reinstatement.
- (2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the executive shall:
- (a) review the application; and
 - (b) investigate the application by taking any steps it considers necessary.
- (3) On completion of its investigation, the executive may:
- (a) if it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the executive considers appropriate; or
 - (b) by order, refuse to reinstate the person.
- (4) If, on an application pursuant to subsection (1), the executive refuses to reinstate the person as a member, the person, within 30 days after the date of the order, may appeal the order of the executive to a judge of the court, and the judge may allow or disallow the appeal.
- (5) On an appeal pursuant to subsection (4), the judge shall consider:
- (a) the proceedings before the executive on the application for reinstatement;
 - (b) the past record of the appellant as shown by the books and records of the association; and
 - (c) the evidence taken before the executive and any committee that dealt with the expulsion and application for reinstatement and the report of that committee.
- (6) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

2002, c.R-11.1, s.35.

GENERAL**Immunity**

- 36** No action lies or shall be instituted against:
- (a) members of the executive;
 - (b) the professional conduct committee;
 - (c) the discipline committee;
 - (d) any member of any committee; or
 - (e) any officer, employee or agent of the association;

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for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

2002, c.R-11.1, s.36.

Offence and penalty

37 Every person who contravenes section 20 is guilty of an offence and liable on summary conviction:

- (a) for a first offence, to a fine of not more than \$2,000;
- (b) for a second offence, to a fine of not more than \$4,000; and
- (c) for each subsequent offence, to a fine of not more than \$6,000, to imprisonment for a term of not more than six months or to both.

2002, c.R-11.1, s.37.

Limitation of prosecution

38 No prosecution for a contravention of section 20 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the executive.

2002, c.R-11.1, s.38.

Report of termination of employment

39 Any employer who terminates for cause the employment of a member shall report the termination to the association where the employer reasonably believes the cause is professional incompetence or professional misconduct.

2002, c.R-11.1, s.39.

Review by Legislative Assembly

40(1) One copy of each bylaw and amendment filed with the Department of Justice pursuant to section 15 is to be laid before the Legislative Assembly by the Minister of Justice in accordance with *The Tabling of Documents Act, 1991*.

(2) Where any bylaw or amendment laid before the Legislative Assembly is found by the Legislative Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, that bylaw or amendment ceases to have any effect and is deemed to have been revoked.

2002, c.R-11.1, s.40.

Record of revocation and notification

41(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Legislative Assembly shall immediately:

- (a) forward two copies of the Votes and Proceedings to the Deputy Minister of Justice; and
- (b) advise him or her that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Deputy Minister of Justice shall immediately:

- (a) file one of the copies with the bylaw or amendment to which it relates;
- (b) forward the other copy to the association; and
- (c) advise the association that the copy is forwarded pursuant to this subsection.

2002, c.R-11.1, s.41.

Annual register

42 On or before February 1 in each year, the association shall file with the Minister of Justice a list, certified by the registrar to be a true list, showing:

- (a) the names of all members as at December 31 in the preceding year;
- (b) the addresses of the members mentioned in clause (a) as shown by the records of the association; and
- (c) the respective dates of admission of the members mentioned in clause (a).

2002, c.R-11.1, s.42.

Annual report

43 The association shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

2002, c.R-11.1, s.43.

Compliance

44 Every member shall comply with this Act and the bylaws.

2002, c.R-11.1, s.44.

Service of notices, etc.

45(1) Unless otherwise provided for in this Act or the bylaws, any notice or other document that is required to be served pursuant to this Act may be served by:

- (a) personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or

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- (b) registered mail addressed to the last business or residential address of the person to be served that is known to the registrar.
- (2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.
- (3) If it is for any reason impractical to effect service of any documents in the manner provided for in subsection (1), the court may, on an application that may be made *ex parte*, make an order for substituted service.
- (4) A document served in accordance with the terms of an order mentioned in subsection (3) is deemed to have been properly served.

2002, c.R-11.1, s.45.

TRANSITIONAL, REPEAL AND COMING INTO FORCE

Transitional – bylaws

46 Every bylaw of the association that is in force on the day before the coming into force of this Act continues in force to the extent that the bylaw is not inconsistent with this Act.

2002, c.R-11.1, s.46.

Transitional – executive

47 A person who was a member of the executive committee of the Saskatchewan Registered Music Teachers' Association on the day before this Act comes into force continues as a member of the executive until the earlier of:

- (a) the date on which members of the executive are elected or appointed pursuant to this Act; and
- (b) the date on which the member dies, resigns or otherwise ceases to be a member of the executive.

2002, c.R-11.1, s.47.

R.S.S. 1978, c.R-11 repealed

48 *The Registered Music Teachers Act* is repealed.

2002, c.R-11.1, s.48.

Coming into force

49 This Act comes into force on proclamation.

2002, c.R-11.1, s.49.

The Registered Music Teachers Act

Repealed

by Chapter R-11.1 (effective August 1, 2004).

Formerly

Chapter R-11 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan*, 1980-81, c.21; 1984-85-86, c.38; and 1989-90, c.54.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

CHAPTER R-11

An Act respecting The Saskatchewan Registered Music Teachers' Association

Short title

1 This Act may be cited as *The Registered Music Teachers Act*.

THE ASSOCIATION

Incorporation

2 The Saskatchewan Registered Music Teachers' Association is continued as a body corporate and politic.

R.S.S. 1978, c.R-11, s.2.

Power to hold real and personal property

3 The association may acquire and hold real and personal property for its corporate purposes and may alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require; and all fees, fines and penalties receivable or recoverable under this Act shall belong to and be the property of the association.

R.S.S. 1978, c.R-11, s.3.

Bylaws

4 The association may pass bylaws not inconsistent with this Act for:

- (a) the government and discipline of its members;
- (b) the management of its property;
- (c) the setting up and keeping of a register of its members and the admission of members, including the admission of duly qualified persons who have presented degrees, diplomas or certificates of proficiency from approved institutions for the training of teachers of music, or who have, in lieu thereof, passed such examinations as may be prescribed under this Act and met satisfactorily such other tests as may be so prescribed;
- (d) the recognition and affiliation with the association of local societies or associations composed of members of the association on such terms as may be specified in the bylaws;
- (e) such other purposes as may be necessary for the management and operation of the association and the conduct of its affairs.

R.S.S. 1978, c.R-11, s.4.

EXECUTIVE COMMITTEE

Composition and election

5(1) The affairs of the association shall be under the management of an executive committee composed of seven members who shall be elected annually at a meeting of the association called for that purpose, or at the annual meeting of the association, or in such manner as the bylaws may provide.

(2) The election of the executive committee and all other questions voted on at a meeting of the association shall be decided by a plurality of the votes of the members present and entitled to vote, or in such manner as may be provided by bylaw.

R.S.S. 1978, c.R-11, s.5.

Term of office

6 Members of the executive committee shall remain in office for a period to be fixed by bylaw of the association and shall continue in office until their successors are elected.

R.S.S. 1978, c.R-11, s.6.

Vacancies

7 In case of a vacancy in the executive committee through the resignation or death of a member, or otherwise, the remaining members may fill the vacancy by the election of a duly qualified member of the association, who shall act until the next annual meeting.

R.S.S. 1978, c.R-11, s.7.

Bylaws and rules

8(1) The executive committee may make bylaws and rules, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the association, its management, government, aims, objects and interests, including:

- (a) registration of members and the issue of registration certificates;
- (b) the appointment, functions, duties and removal of officers or servants of the association, and their remuneration;
- (c) the time at which and place where the annual meeting of the association shall be held;
- (d) the amount of and method of collecting the registration fee and the annual fee to be paid by members;
- (e) the suspension and expulsion of members and removal of names of expelled members from the register;
- (f) subject to section 11, the examination of applicants for registration; and
- (g) the conduct in all other particulars of the affairs of the association.

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(2) Such bylaws and rules, unless in the meantime confirmed by a general meeting of the association duly called for the purpose, shall respectively have force only until the next annual meeting following their approval, and in default of confirmation thereat shall be null and void.

R.S.S. 1978, c.R-11, s.8; 1989-90, c.54, s.4.

OFFICERS

Election and appointment

9 The officers of the association shall be such as are determined by bylaw of the association and shall be elected by the executive committee from among its members, provided that a secretary, a treasurer and a registrar or a secretary treasurer and a registrar may be appointed by the executive committee from outside the membership of the association.

R.S.S. 1978, c.R-11, s.9.

MEMBERSHIP

Qualifications

10(1) The association shall consist of:

- (a) the present members;
- (b) all persons registered under the provisions of this Act.

(2) Except as hereinbefore provided, no person shall be entitled to be registered as a member of the association unless he or she:

- (a) has been teaching music in a professional capacity and under conditions satisfactory to the board of examiners hereinafter mentioned for at least two years since receiving such degree, diploma or certificate as is required for membership;
- (b) is eighteen years of age or more;
- (c) **Repealed.** 1984-85-86, c.38, s.33.
- (d) is of good moral character; and either
- (e) holds a diploma equivalent to at least that of the associate or licentiate grade issued by the Western Board of Music (Universities and Departments of Education of Alberta, Manitoba, Saskatchewan), the Toronto Conservatory of Music, the McGill University Conservatorium of Music, Trinity College, London, England, any one of the Royal Schools of Music, London, England, or any university or school of music recommended by the executive committee of the association and approved by the Senate of the University of Saskatchewan; or

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(f) has passed such tests and examinations and satisfied such conditions as to teaching experience as may be required by the board of examiners hereinafter mentioned.

(3) Applications for registration shall be made in writing to the registrar or the secretary and shall be accompanied by the registration fee fixed by bylaw or regulation of the association.

R.S.S. 1978, c.R-11, s.10; 1984-85-86, c.38, s.33.

Examining board

11(1) All examinations, test, recognition of certificates and diplomas and matters pertaining thereto shall be held, done, conducted and determined by a board of three examiners appointed by the Senate of The University of Saskatchewan after consultation with the executive committee or a duly authorized representative thereof.

(2) The Senate may, after consultation with the executive committee or a duly authorized representative thereof, make rules governing the conduct of examinations and prescribing the fees payable by candidates.

(3) The registrar of the university shall report the results of all examinations to the registrar of the association.

R.S.S. 1978, c.R-11, s.11; 1989-90, c.54, s.4.

USE OF DESIGNATION

Use of designation

12 Every person registered under this Act shall, so long as his or her name remains on the register, be entitled to use the designation, "Registered Music Teacher" or the abbreviation "R.M.T.", and any unregistered person who assures such designation or title or uses the abbreviation "R.M.T.", or in any manner represents that he or she is a registered music teacher, or who by false or fraudulent declaration or statement attempts to procure registration under this Act, is guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$25 and in default of payment to imprisonment for a period not exceeding one month.

R.S.S. 1978, c.R-11, s.12.

SUPPLEMENTAL

Bylaws and rules to be filed

13(1) The association shall file in the Department of Consumer and Commercial Affairs two copies, certified by the registrar to be true copies, of:

- (a) all bylaws and rules hereafter made under this Act;
- (b) all amendments hereafter made to bylaws and rules;

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(c) all amendments hereafter made to bylaws and rules and to amendments thereto made before the twenty-fifth day of March, 1948;

within thirty days after they are made.

(2) Where the association adopts a code of ethics governing its members, and subscription thereto or observance thereof is a condition of membership, the code of ethics shall for the purposes of this section and sections 14, 15, 16 and 17 be deemed to be a bylaw made under this Act.

(3) Where a bylaw or rule is hereafter amended, two copies thereof shall be filed with the amendment.

R.S.S. 1978, c.R-11, s.13; 1980-81, c.21, s.41;
1989-90, c.54, s.4.

Effective date of bylaws, etc.

14 All bylaws, rules and amendments thereto hereafter made shall take effect upon the making thereof or on a date stated therein for the purpose.

R.S.S. 1978, c.R-11, s.14; 1989-90, c.54, s.6.

Effect of failure to file bylaw, etc.

15 Failure to file any bylaw, rule or amendment as required by section 13 shall render the bylaw, rule or amendment ineffective as from the expiration of the time allowed for filing it and it shall be deemed to have been revoked.

R.S.S. 1978, c.R-11, s.15; 1989-90, c.54, s.6.

Review by Legislative Assembly

16(1) One copy of all bylaws, rules and amendments thereto filed with the Department of Consumer and Commercial Affairs pursuant to section 13 shall, in accordance with *The Tabling of Documents Act*, be laid before the Legislative Assembly.

(2) Where any bylaw, rule or any amendment thereto laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, such bylaw, rule or amendment shall thereupon cease to have any effect and be deemed to have been revoked.

R.S.S. 1978, c.R-11, s.16; 1980-81, c.21, s.41;
1989-90, c.54, s.6.

Record of revocation and notification

17(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw, rule or amendment thereto has ceased to have effect, the Clerk of the Assembly shall forthwith forward two copies of such Votes and Proceedings to the Deputy Minister of Consumer and Commercial Affairs and at the same time advise him that the copies are forwarded pursuant to this subsection.

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(2) Upon receipt of such copies the Deputy Minister of Consumer and Commercial Affairs shall file one of the copies with the bylaw, rule or amendment to which it relates and forthwith forward the other copy to the association and at the same time advise the association that the copy is forwarded pursuant to this subsection.

R.S.S. 1978, c.R-11, s.17; 1980-81, c.21, s.41;
1989-90, c.54, s.6.

Lists of members, etc., to be filed

18 The association shall, before the first day of February in each year, file in the Department of Consumer and Commercial Affairs a return, certified by the registrar to be correct, showing:

- (a) the names and addresses and dates of admission to membership in the association of all persons who became members during the preceding year;
- (b) the names of all persons whose names were removed from the register or who were suspended or otherwise ceased to be members in good standing during that year;
- (c) the names of all persons whose names were restored to the register during that year;
- (d) any known changes in the addresses of members.

R.S.S. 1978, c.R-11, s.18; 1980-81, c.21, s.41.

Additions to and alterations in lists filed in Department

19 Upon receipt of the return required by section 18 the Minister of Consumer and Commercial Affairs shall cause the list of music teachers on file in his Department to be amended by the addition or insertion of appropriate entries in accordance with the information contained in the return.

R.S.S. 1978, c.R-11, s.19; 1980-81, c.21, s.41.

Report to Minister of Education where application for admission refused

20 Where an application for reinstatement or for admission to membership in the association is made in compliance with this Act and the bylaws and rules and is refused, the association shall within seven days thereafter forward by registered mail to the Minister of Education a report setting forth the circumstances and stating the reasons for the refusal.

R.S.S. 1978, c.R-11, s.20; 1989-90, c.54, s.4.

Discipline

21(1) Where the executive committee orders that the name of a member be removed from the register or that a member be suspended from practising, the association shall within fourteen days after the date on which the order is made forward by registered mail to the Minister of Education a copy, certified by the registrar of the association to be a true copy, of the complaint, any report upon the conduct of the member and the order of the executive committee, and shall furnish the minister with such relative information as he may require.

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- (2) If the minister is of opinion that the order is unjust or contrary to the public interest, he may:
- (a) request the executive committee to reconsider the case and its findings thereon;
 - (b) if the committee and the person whose conduct is under inquiry agree, appoint a board of arbitration consisting of one member nominated by the committee, one nominated by the person whose conduct is under inquiry and one appointed by the Lieutenant Governor in Council to review or rehear the case and render decision thereon; or
 - (c) institute an appeal to a judge of the Court of Queen's Bench.
- (3) Nothing in this section shall prejudice any existing right of appeal.

R.S.S. 1978, c.R-11, s.21.

