



Department of Justice
Canada Ministère de la Justice
Canada

Standards Council of Canada Act (R.S., 1985, c. S-16)

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Act current to April 19th, 2007

Attention: See coming into force provision and notes, where applicable.

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Standards Council of Canada Act

S-16

An Act to establish the Standards Council of Canada

SHORT TITLE

Short title

1. This Act may be cited as the *Standards Council of Canada Act*.

R.S., c. 41(1st Supp.), s. 1.

INTERPRETATION

Definitions

2. In this Act,

"Council"
«Conseil»

"Council" means the Standards Council of Canada established by section 3;

"Minister"
«ministre»

"Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act.

R.S., c. 41(1st Supp.), s. 2.

COUNCIL ESTABLISHED

Council established

3. A corporation is hereby established, to be known as the Standards Council of Canada, consisting of the following members:

(a) a person employed in the federal public administration to represent the Government of Canada;

(b) the Chairperson and Vice-Chairperson of the Provincial-Territorial Advisory Committee established under subsection 20(1);

(c) the Chairperson of the Standards Development Organizations Advisory Committee established under subsection 21(1); and

(d) not more than eleven other persons to represent the private sector, including non-governmental organizations.

R.S., 1985, c. S-16, s. 3; 1996, c. 24, s. 1; 2003, c. 22, s. 224(E).

MANDATE AND POWERS

Mandate

4. (1) The mandate of the Council is to promote efficient and effective voluntary standardization in Canada, where standardization is not expressly provided for by law and, in particular, to

- (a) promote the participation of Canadians in voluntary standards activities,
- (b) promote public-private sector cooperation in relation to voluntary standardization in Canada,
- (c) coordinate and oversee the efforts of the persons and organizations involved in the National Standards System,
- (d) foster quality, performance and technological innovation in Canadian goods and services through standards-related activities, and
- (e) develop standards-related strategies and long-term objectives,

in order to advance the national economy, support sustainable development, benefit the health, safety and welfare of workers and the public, assist and protect consumers, facilitate domestic and international trade and further international cooperation in relation to standardization.

Powers

(2) The Council, in carrying out its mandate, may

- (a) promote cooperation among organizations concerned with voluntary standardization in Canada in order to coordinate standardization activities and develop common standards and codes;
- (b) promote cooperation between organizations concerned with voluntary standardization in Canada and departments and agencies of government at all levels in Canada with a view to achieving compatibility and maximum common usage of standards and codes;
- (c) establish or recommend criteria and procedures relating to the preparation, approval, acceptance and designation of voluntary standards in Canada;
- (d) accredit, in accordance with criteria and procedures adopted by the Council, organizations in Canada or in a country designated by an order made under subsection (4) that are engaged in conformity assessment, and maintain a record of those accredited organizations and of their marks of conformity;
 - (d.1) accredit, in accordance with criteria and procedures adopted by the Council, organizations in Canada that are engaged in standards development, and maintain a record of those accredited organizations and of their marks that relate to standardization;
- (e) approve standards submitted by organizations accredited by the Council as national standards where appropriate, and maintain an index of approved standards;
- (f) provide for the identification and evaluation of the need for new standards, revisions to existing standards and additional conformity assessment services, and arrange for that need to be satisfied
 - (i) by obtaining the cooperation of organizations accredited by the Council, and
 - (ii) where that need cannot be satisfied in the manner described in subparagraph (i), by promoting the establishment or utilization of new or other organizations for that purpose;

(g) establish and register under the *Trade-marks Act* its own marks and authorize and regulate their use, subject to that Act and any agreement or arrangement between the Council and any organization accredited by it respecting the use of the marks in relation to standards developed by that organization;

(g.1) provide advice and assistance to the Government of Canada in the negotiation of standards-related aspects of international trade agreements;

(h) unless otherwise provided for by any other Act of Parliament or by treaty,

(i) represent Canada as the Canadian member of the International Organization for Standardization, the International Electrotechnical Commission and any other similar international organization, and

(ii) ensure effective Canadian participation in the activities of those organizations;

(i) promote, in cooperation with Canadian organizations engaged in voluntary standards development and conformity assessment, arrangements with organizations similarly engaged in other countries for the exchange of information and for cooperation in those activities, or enter into such arrangements on its own behalf;

(j) provide financial assistance to Canadians and to Canadian organizations concerned with voluntary standardization to assist them in meeting national and international requirements;

(k) collect and distribute, by electronic or any other means, information on standards and standardization activities in and outside Canada and translate that information;

(l) promote the use of standards approved by the Council; and

(m) make recommendations to the Minister on standards-related matters, including voluntary standards that are appropriate for incorporation by reference in any law, which recommendations may be included in the annual report of the Council.

(n) [Repealed, 1996, c. 24, s. 3]

Use of existing services and facilities

(3) In carrying out its mandate and exercising its powers, the Council shall, to the greatest extent practicable, make use of the services and facilities of existing organizations in Canada engaged in standards development and conformity assessment and consider all alternatives before providing any new service.

Definitions

(3.1) The definitions in this subsection apply in this section. "conformity assessment"
«évaluation de la conformité»

"conformity assessment" means any activity concerned with determining, directly or indirectly, that relevant requirements are fulfilled.

"National Standards System"
«Système national de normes»

"National Standards System" means the system for voluntary standards development, promotion and implementation in Canada.

Orders

(4) The Governor in Council may, by order, designate any country for the purposes of paragraph (2)(d).

R.S., 1985, c. S-16, s. 4; 1988, c. 65, s. 145; 1993, c. 44, s. 224; 1996, c. 24, s. 3.

Further powers

5. The Council, in carrying out its mandate and exercising its powers under section 4, may

- (a) expend, for the purposes of this Act, any money appropriated by Parliament for the work of the Council or received by the Council through the conduct of its operations;
- (b) acquire and hold real property or any interest therein and alienate that property or interest at pleasure;
- (c) acquire any money, securities or other property by gift, bequest or otherwise, and expend, administer or dispose of any such money, securities or other property, subject to the terms, if any, on which the money, securities or other property is given, bequeathed or otherwise made available to the Council;
- (d) publish and sell or otherwise distribute information on standardization; and
- (e) do such other things as are incidental or conducive to the fulfilment of the mandate and the exercise of the powers of the Council.

R.S., 1985, c. S-16, s. 5; 1996, c. 24, s. 4.

ORGANIZATION

Appointment of members

6. (1) Each member of the Council, other than the persons referred to in paragraphs 3(b) and (c), shall be appointed by the Governor in Council, on the recommendation of the Minister, to hold office during pleasure for a term not exceeding four years that will ensure, as far as possible, the expiration in any one year of the terms of office of not more than one half of the members.

Requirements

(2) The members of the Council referred to in paragraph 3(d) must be representative of a broad spectrum of interests in the private sector and have the knowledge or experience necessary to assist the Council in the fulfilment of its mandate.

No right to vote

(3) The member of the Council referred to in paragraph 3(c) is a non-voting member of the Council.

R.S., 1985, c. S-16, s. 6; R.S., 1985, c. 1 (4th Supp.), s. 33; 1996, c. 24, s. 5; 2006, c. 9, s. 299.

Designation of Chairperson and Vice-Chairperson

7. (1) A Chairperson of the Council and a Vice-Chairperson of the Council shall each be designated by the Governor in Council from among the members of the Council to hold office during pleasure for such term as the Governor in Council considers appropriate.

Duties of Chairperson

(1.1) The Chairperson shall preside at meetings of the Council and shall perform such other duties as are assigned to the Chairperson by the Council or the by-laws of the Council.

Acting Chairperson

(2) If the Chairperson of the Council is absent or unable to act or the office of Chairperson is vacant, the Vice-Chairperson of the Council shall act as Chairperson.

Acting Chairperson

(3) If both the Chairperson of the Council and the Vice-Chairperson of the Council are absent or unable to act, or if both those offices are vacant, a member designated by the members of the Council shall act as Chairperson.

R.S., 1985, c. S-16, s. 7; R.S., 1985, c. 1 (4th Supp.), s. 44(E); 1996, c. 24, s. 6.

Re-appointment

8. A retiring Chairperson, Vice-Chairperson or other member of the Council is eligible for re-appointment to the Council in the same or another capacity.

R.S., 1985, c. S-16, s. 8; 1996, c. 24, s. 7(E).

Remuneration of Chairperson

9. (1) The Chairperson of the Council shall be paid such remuneration as may be fixed by the Governor in Council.

Travel and living expenses

(2) The members of the Council, other than the Chairperson of the Council, shall serve without remuneration but each member is entitled to be paid reasonable travel and other expenses while absent from the member's ordinary place of residence in the course of the member's duties under this Act.

Remuneration of members for additional duties

(3) Notwithstanding subsection (2), a member of the Council other than the Chairperson of the Council may, for any period during which the member performs with the approval of the Council any duties on behalf of the Council in addition to the member's ordinary duties as a member, be paid such remuneration as may be fixed by the Governor in Council.

Compensation

(4) For the purposes of the *Government Employees Compensation Act* and any regulations made pursuant to section 9 of the *Aeronautics Act*, the members of the Council are deemed to be employed in the federal public administration.

R.S., 1985, c. S-16, s. 9; 1996, c. 24, s. 8; 2003, c. 22, s. 224(E).

Head office

10. The head office of the Council shall be in the National Capital Region described in the schedule to the *National Capital Act*.

R.S., c. 41(1st Supp.), s. 10.

Meetings

11. The Council shall meet at least once a year and may meet at such other times as it considers appropriate.

R.S., 1985, c. S-16, s. 11; 1996, c. 24, s. 9.

12. [Repealed, 1996, c. 24, s. 9]

By-laws

13. (1) The Council may make by-laws for the regulation of its proceedings and generally for the conduct of its activities, including by-laws establishing

(a) ad hoc, standing and other committees of the Council;

(b) for the purposes of paragraphs 4(2)(d) and (d.1), criteria and procedures for the accreditation of organizations and for the revocation of such accreditations; and

(c) a membership scheme to allow broader participation by the public in Council activities.

Advisory committee

(2) Any by-law made pursuant to subsection (1) establishing an advisory committee of the Council may provide for the membership thereon of persons other than members of the Council, in addition to members of the Council.

R.S., 1985, c. S-16, s. 13; 1996, c. 24, s. 10.

STAFF

Appointment of Executive Director

14. (1) An Executive Director of the Council shall be appointed by the Governor in Council to hold office during pleasure for such term as the Governor in Council considers appropriate.

Direction of work and staff

(2) The executive director is the chief executive officer of the Council and, subject to subsection (3), has supervision over and direction of the work and staff of the Council.

Staff appointment and duties

(3) The Council may

(a) appoint such other officers and employees as are necessary for the proper conduct of the work of the Council; and

(b) prescribe the duties of the executive director and the other officers and employees of the Council appointed pursuant to this subsection and the terms and conditions of their employment.

Salary and expenses of executive director

(4) The executive director of the Council shall be paid such remuneration and expenses as are fixed by the Governor in Council.

Salary and expenses of staff

(5) The officers and employees of the Council appointed pursuant to subsection (3) shall be paid such remuneration and expenses as are fixed by the Council with the approval of the Treasury Board.

R.S., 1985, c. S-16, s. 14; R.S., 1985, c. 1 (4th Supp.), s. 44(E).

Advisers

15. The Council may engage for temporary periods or for specific projects persons having a technical or specialized knowledge of any matter relating to the work of the Council to advise and assist the Council in the performance of its duties under this Act and may, with the approval of the Treasury Board, fix and pay their remuneration and expenses.

R.S., c. 41(1st Supp.), s. 14.

Not agent of Her Majesty

16. The Council is not an agent of Her Majesty and, except as provided in section 17, the members, other than members who are employed in the federal public administration, and the executive director and other officers and employees of the Council are not part of the federal public administration.

R.S., 1985, c. S-16, s. 16; 2003, c. 22, s. 224(E).

Application of *Public Service Superannuation Act*

17. (1) The executive director and the other officers and employees of the Council appointed pursuant to subsection 14(3) shall be deemed to be employed in the public service for the purposes of the *Public Service Superannuation Act*, and the Council shall be deemed to be a Public Service corporation for the purposes of that Act.

Idem

(2) The *Public Service Superannuation Act* does not apply to the members of the Council, other than members who are employed in the federal public administration, unless in the case of any such member the Governor in Council otherwise directs.

Compensation

(3) For the purposes of the *Government Employees Compensation Act* and any regulations made pursuant to section 9 of the *Aeronautics Act*, the persons referred to in subsection (1) are deemed to be employed in the federal public administration.

R.S., 1985, c. S-16, s. 17; 1996, c. 24, s. 11; 2003, c. 22, s. 224(E), 225(E).

GENERAL

Council registered charity

18. The Council shall, for the purposes of the *Income Tax Act*, be deemed to be a registered charity within the meaning of that expression for the purposes of that Act.

R.S., 1985, c. S-16, s. 18; 1999, c. 31, s. 246(F).

Auditor

19. The Auditor General of Canada is the auditor of the Council.

R.S., c. 41(1st Supp.), s. 19; 1984, c. 31, s. 14.

PROVINCIAL-TERRITORIAL ADVISORY COMMITTEE

Committee established

20. (1) There is hereby established a committee, to be known as the Provincial-Territorial Advisory Committee, consisting of a representative of each province and territory appointed by that province or territory.

Chairperson and Vice-Chairperson

(2) The Chairperson and Vice-Chairperson of the Provincial-Territorial Advisory Committee shall be appointed from among the members of the committee by the members of the committee.

Mandate

(3) The mandate of the Provincial-Territorial Advisory Committee is to advise and make recommendations to the Council on matters related to voluntary standardization and to promote cooperation and communication between the provinces, the territories and the Council.

1996, c. 24, s. 12.

STANDARDS DEVELOPMENT ORGANIZATIONS ADVISORY COMMITTEE

Committee established

21. (1) There is hereby established a committee, to be known as the Standards Development Organizations Advisory Committee, consisting of a representative of each organization accredited by the Council under paragraph 4(2)(d.1).

Chairperson

(2) The Chairperson of the Standards Development Organizations Advisory Committee shall be appointed from among the members of the committee by the members of the committee.

Mandate

(3) The mandate of the Standards Development Organizations Advisory Committee is to advise and make recommendations to the Council on matters related to voluntary standards development and to promote cooperation and communication between the Council and the organizations represented on the committee.

1996, c. 24, s. 12.

MEETINGS

Electronic meetings

22. A meeting of the Council or a committee of the Council or a committee referred to in subsection 20(1) or 21(1) may be held by means of such telephonic, electronic or other communications facilities as permit all persons participating in the meeting to communicate adequately with each other during the meeting.

1996, c. 24, s. 12.

RELATED PROVISION

-- 1996, c. 24, s. 13:

Members cease to hold office

13. (1) Notwithstanding subsection 105(4) of the *Financial Administration Act*, every person who was a member of the Standards Council of Canada immediately before the day section 1 of this Act comes into force, except the President, shall cease to hold office on that day.

President

(2) The President of the Standards Council of Canada holding office immediately before the day section 6 of this Act comes into force shall, as of that day, be the Chairperson of the Standards Council of Canada and shall hold office as a member of the Standards Council of Canada, and as Chairperson, until the expiration of the remainder of that person's term of office.

