

ACLS CPD Program – The Way Forward



ACLS COUNCIL 2000-2001: (l-r) Rodrigue Tremblay, Patrick Ringwood, Dale Scrivens, Jim Banks, Ian Edwards, Jim Statham, Jean-Claude Tétreault, Carl Friesen. Absent are Michael O’Sullivan and Susan Christie.

The ACLS CPD Policy evolved from a number of efforts to quantify an appropriate process for Canada, taken from other jurisdictions including Australia and the UK, and the FIG report on CPD dated September 1996. Further changes occurred after the completion of the telephone survey of the ACLS membership conducted in January 1999. The working copy version of the CPD Program approved by Council was sent out to all ACLS members with the notice for the 2000 ACLS AGM.

ACLS Council approved commencement of the CPD Program as of 1 January 2000 as a two (2) year trial program. Ongoing review and discussion will allow input from the membership. Members are encouraged to contact the Executive Director and members of the CPD Committee with their comments. Time will also be allocated during the AGMs in 2001 and 2002 for discussion. The intention is that during this 2-year period the membership will be:

- Aware of the ACLS CPD criteria.
- Able to question and offer advice for improvement.
- Comfortable with the whole process based not only on their individual concerns, but the effect with implementation across Canada.

Table of Contents

CPD Program – The Way Forward	1
President’s Report	2
Only Licensed Members	3
Can do CLS Work	
Notice From the	5
Joint Standards Committee	
New Committees	6
Notice From the Insurance Committee	6
ACLS Welcomes New Councillor	6
Year 2000 AGM Highlights	7
February 2000 Exams	8
Alberta Regional Group	8
Summary of Council Meetings	9
Workshop 2000	11
Licensing	11
Executive Director’s Notes	12
North of 60 Group	12
Geomatics Engineering	14
Liaison Committee	
Notice to Permit Holders	15

The Perceived Need

As a self-regulating profession, the ACLS may set By-Laws and recommend amendments to the CLS Regulations. As stated in a recent article by Blair Maxston LL.B. “If someone is a member, then that person’s professional activities can be subject matter of discipline proceedings if they constitute either unskilled practice or professional misconduct. At a minimum, being a professional brings with it increased obligations

ACLS CPD Program, continued on page 4

PRESIDENT'S REPORT

I would like to extend a personal thank you to all the members that attended the business and activities of the 16th Annual General Meeting last March in Montreal. This issue of *Communique* contains reports and highlights from the AGM.

At times, mailouts to the membership over the past couple of years were frequent and intimidating by their size. However, every communication from the ACLS office to you as a member continues to be necessary and important. To keep informed, please review the material, including this newsletter.

Our Executive Director, Jean-Claude Tétreault, is now using e-mail and the Internet Web site effectively in our battle against postage and large volumes of paper. If you have not viewed the ACLS Web site recently, I think you will be impressed by the amount of information that is accessible there.

Since our historic inaugural AGM as a self-regulating Association in 1999, we have benefited from strong leadership. A lot of the credit goes to Past President Jim Statham, Administrator to the Board of Examiners, Jim Simpson, Executive Director, Jean-Claude Tétreault and a dedicated Council.

One of the major tasks of the past year has been to populate the committees. Many capable people have taken committee seats and most committees are up and running. Many gave reports for the AGM. Special thanks to the Committee Chairs for their organizing and other efforts to date.

Since January 2000, the ACLS has had delegates attend the following Geomatics AGMs: New Brunswick (ANBLS), British Columbia (CLSPBC), Ontario (AOLS & CCLS), Quebec (CIG, OAGQ, CHS Conference), Alberta (ALS), Saskatchewan (SLS), Newfoundland (NLS) and Prince Edward Island (APEILS). As well, we are planning to be represented at all the upcoming Provincial Land Surveyor Association AGMs for the balance of the year.

In addition, Council had telephone conference meetings on February 1, April 25 and May 30, 2000.

Face-to-face council meetings were held in Montreal on both the day before and the day after our AGM last March. Unless urgent issues arise, Council will continue to hold telephone conference meetings about every five or six weeks.

At the ACLS Annual General Meeting in Montreal we were officially invited to join the Canadian Council of Land Surveyors (CCLS) as a full participating member. A full ACLS membership vote will be taken on the question of whether to join or not, after the ACLS Council has negotiated the requirements for a CCLS membership.

Our Continuing Professional Development Program began on January 1, 2000 as a two-year trial program that will lead up to a ratification vote by the membership for the ACLS AGM in 2002. The CPD program is not mandatory, however, I urge all members to start completing their forms so that we may have some practical feedback during the trial period. Please embrace this program and realise that it is not a burden, but literally a tool for professional development.

To support the commencement of the CPD program this year, there is a generous budget for putting on seminars. Some seminar ideas have been mentioned in response to questionnaires and in the current committee and regional reports. These will be followed up, but we need more topics. Any individual or group with a seminar idea, please pass it on to head office. Council hopes to post some seminar proposal guidelines on the web page in the near future.

With one successful year complete as a self-governing association it might be easy to become over-confident about the future of the ACLS. Actually, we have only just got our legs under us and we will not be fully functioning until the committees engage their full workloads. Priorities for Council will remain as

President's Report, continued on page 3

ONLY LICENCED MEMBERS CAN OFFER TO DO CLS WORK

Commissioned Canada Lands Surveyors who do not hold a valid ACLS licence may be tempted to offer their services to do C.L.S. work. **This practice is illegal.**

According to Section 50 of the Act respecting Canada Lands Surveyors, no person, other than a licence holder or a person acting under the direction of a licence holder, may engage in cadastral surveying on Canada Lands or on private lands in a territory. And Section 65 stipulates that every person, other than a licence holder or a person acting under the direction of a licence holder, who engages **or purports to be engaged** in cadastral surveying on Canada Lands or on private lands in a territory is guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding six months, or both.

Furthermore, a C.L.S. must obtain and maintain his or her licence in order to offer and/or perform any professional survey service on Canada Lands as a Canada Lands Surveyor. But can a person put the title C.L.S. at the end of his name on business cards, letterhead and other publicity mediums? Section 25 of

the Canada Lands Surveyors Regulations gives some light on this issue:

25. (1) Subject to subsection (2), a person holding a commission may use the title "Canada Lands Surveyor" or "arpenteur des terres du Canada" or the letters "C.L.S." or "A.T.C." or any form of those letters.

(2) No person shall use the title "Canada Lands Surveyor," or "arpenteur des terres du Canada" or the letters "C.L.S." or "A.T.C." or any form of those letters in connection with the name of an entity, unless the person holds a license issued by the Association pursuant to the Act and these Regulations.

So a person holding a C.L.S. commission may add the title Canada Lands Surveyor or the letters C.L.S. at the end of his or her name on their business card but may not do the same on promotional letters, contracts, reports and such other documents purporting to offer, confirm or report on professional survey services provided by that surveyor unless the surveyor holds a valid licence.

President's Report, continued from page 2

communication with our membership, support for the committees, the business operation of the ACLS and nurturing our new partnerships with the First Nations and Legal Surveys Division of Natural Resources Canada.

In closing, I would like to say that it is an honour to serve as President for the ACLS and I will do my best to fulfil my duties over the next year.

Jim Banks, President

Communique is published free of charge by the Association of Canada Lands Surveyors for its membership.

All inquiries or letters to the editor should be addressed to: The Association of Canada Lands Surveyors, PO Box 5378 Merivale Depot, Nepean ON K2C 3J1. Tel: 613-723-9200 Fax: 613-224-9577 Email: admin@acsls-aatc.ca.

This publication is also available on our website at <http://magi.com/~acslsaatc/>

Editor: Jean-Claude Tétreault

Production: Kevin Jones

to practice ethically, morally and competently.” [“The Legal Status of Professions”, *The PEGG*, April 2000, page 12]

During the 1999 telephone survey, after explaining the proposed ACLS CPD Program, all 70 members contacted were in favor of the program. Since that time, a member has legitimately raised concerns over the possible removal of a member from the ACLS for failure to follow the CPD Program, which could have an impact on the member’s income.

Clearly the ACLS can expel a member for unskilled practice or professional misconduct, and the ACLS Discipline Committee will be responsible for this area. Should such an expulsion ever occur, then the member’s income would be affected. Just as clearly, the ACLS membership may accept such an expulsion, if the member’s activities were seen and proved to be unskilled or unprofessional, especially if the safety of the public was concerned.

There may be a common perception that failure to follow the CPD Program would not constitute ‘significant’ professional misconduct, and therefore should be condoned. However, the public is expecting that professional bodies must do more to ensure that their member’s are competent. As a self-regulating profession the ACLS has a duty to the public to actively seek to ensure that the members are competent. One of the ways the ACLS will achieve this goal will be by audits of company practices via the ACLS Practice Review Committee, and more generally, through the CPD Program.

Other Survey Programs

The various provincial survey associations have taken diverse methods to implement a CPD Program in their provinces for the individual members. For the Territories, the ACLS CPD Program would be the mechanism used. Ontario, Québec and Manitoba have instituted a mandatory CPD payment, but attendance and record keeping are voluntary. In Nova Scotia the concept has been approved at an AGM, but the process is still to be defined.

Alberta and British Columbia have a voluntary program. Since 1995 New Brunswick, and since 1997 Saskatchewan, have implemented mandatory CPD programs. In 1999 Newfoundland introduced a mandatory CPD program which is very similar to New Brunswick, but is in the early stages of implementation. Only Prince Edward Island does not yet have a CPD program

What the CPD Committee Recommends

The CPD Committee recommends that the ACLS CPD program be applicable to all members, except for retired, honorary and foreign members who are exempted under the Council approved CPD program. There are several reasons for this recommendation. Whenever a non-practicing member decides to become licenced, there will be no ambiguity in the member’s professional development status, as all members will have to abide by the same CPD rules. Should the ACLS eventually decide by the required mail-in ballot, to change the By-Laws to allow for mandatory CPD, then it would only be fair that all members be required to have complied with the CPD Program. It is a requirement of the By-Laws that ALL members will be provided with a mail-in ballot, for any changes required.

Voluntary, Mandatory, or Voluntary Leading to Eventual Mandatory CPD

Input from the membership is needed to establish the consensus of opinion with respect to having the CPD Program as a voluntary or mandatory program after the initial 2-year trial period. If the Program is made

voluntary there will only be occasional surveys in order to identify areas for improvement and to gain other feedback. If the Program is made mandatory, after a favorable mail-in ballot, there will have to be an Assessment Process in place in order to ensure compliance.

There is also the possibility to proceeding to a voluntary CPD Program after the appropriate vote at an AGM, and then several years later going to a mandatory Program.

Proposed Assessment Process (If Needed)

At present the ACLS CPD Committee is considering an Assessment Process which would take a random sample of 5% of the membership, three years after a mandatory CPD Program is approved by the membership. A suggested assessment period of 18 weeks will be used to request, review and analyze the submitted CPD record forms. The ACLS CPD Committee has decided to accept any other CPD records from provincial survey organization and the like, to reduce the necessary paper work for the selected member. Consequently, if the member has to undertake CPD for a number of organizations, then at least the ACLS will accept their record(s) as well.

The CPD Committee will make its' best efforts to contact and work with the selected member of the random sampling to ensure everyone is treated fairly and reasonably. Should a member fail to have the required CPD hours and /or content, the Committee is considering recommending, after discussion with the member, that appropriate courses and / or study to correct any deficiencies be undertaken. For any selected member who has completely failed to undertake CPD, or not provided the required CPD documentation and proofs, after the period required from the second and final caution, the member's name could be submitted to the Registrar.

Further CPD Committee Interaction

To increase the ACLS memberships' understanding of the CPD Program, the CDP Committee will be pursuing the following actions in the future:

- Ensure the ACLS CPD Program and Assessment Process is fair, reasonable and not unduly restrictive, as well as being applicable across Canada.
- Attend various provincial survey and ACLS Regional Group meetings to publicize and discuss the ACLS CPD program.

Bruce Calderbank, Chairman, ACLS CPD Committee

NOTICE FROM THE JOINT STANDARDS COMMITTEE

The Committee is presently reviewing the issue of recording Survey Reports as field notes in the Canada Lands Surveys Records. A distinct CLSR number will be put on the report. The standards for writing these reports are outlined in Chapter D15 of Volume 2 of the Manual of Instructions for the Survey of Canada Lands.

The information contained in these reports could be helpful for surveyors doing work on lands previously surveyed, or in proximity. This will make the information on survey problems or particularities permanent. And in an effort to unclutter and lighten the information contained in survey plans, CLS's will be encouraged to put traverse and radial ties information in the Survey Report.

Any member having opinions or suggestions on the subject are encouraged to make them known to a member of the Committee or the Executive Director.

NEW COMMITTEES

As Geomatics Professionals, ACLS members provide services that cover the broad spectrum of disciplines in the Geomatics Field. To better address the needs of all our members, two new committees are being formed and Council is looking for interested volunteers to fill them.

The Photogrammetry Issues Committee and the GIS Issues Committee will need four to six members each, and both should be up and running in the fall. Members are allowed to belong to both committees.

If you are interested in either of these committees, contact Jean-Claude Tétreault at the Association office for more information.

ACLS WELCOMES NEW LAY COUNCILLOR



The ACLS would like to congratulate Susan Christie on her recent appointment to Council.

As the new lay councillor, she fills the vacancy left last year by Ione Christensen, who resigned after her

appointment to the Senate.

Susan is a welcome addition to Council, having served as lay councillor for the Association of Ontario Land Surveyors for six years, where she was a member of several committees and held the position of survey review councillor. In addition she has been involved with several different community groups over the years including the Tennyson Club and the Alzheimer Society of Prince Edward County.

NOTICE FROM THE INSURANCE COMMITTEE

The Insurance Committee is now active and would like to remind the membership that according to the CLS Regulations, every member who holds a licence, has to provide the Registrar with a copy of his or her professional liability insurance and inform him of **any change** to that policy (Section 31).

An important issue was brought to the attention of the Committee, the **Warranty of Survey Work**. Some companies hiring CLS firms have a clause in their subcontractors' agreements to the effect that the signing surveyor will warranty his or her work for a certain amount of time. This type of clause was on some contractor agreements with Supply and Services Canada for projects in the Northwest Territories but will be taken out in future agreements.

Mr. Roger Brett of Jardine Insurance Services Canada Inc. stated that no insurance company in Canada would allow their clients to warranty, or guarantee, their survey work under their professional liability insurance policy. So by signing such agreements, surveyors may be voiding their professional liability insurance. This, of course, is an opinion and the Committee will pursue consultation on this matter. In the mean time we ask all licence holders to be vigilant.

If you have insurance issues please forward your concerns or questions to one of the members of the Committee (see the article on Committees for the list of members) or directly to the ACLS office.

THE YEAR 2000 AGM HIGHLIGHTS

The Sixteenth ACLS Annual General Meeting was held Saturday March 11, 2000 at the Wyndham Hotel in Montreal. Here are the highlights:

- The following guests gave greetings on behalf of their respective organizations:
 - Yvon Sanfaçon, President de l'Ordre des Arpenteurs-géomètres du Québec;
 - Carl Rooth, Executive-Director of the Association of Ontario Land Surveyors;
 - Doug Pratt, President of the Association of Manitoba Land Surveyors;
 - Brent Taylor, President of the Corporation of Land Surveyors of the Province of British Columbia;
 - Rick Beaumont, Past-President of Canadian Institute of Geomatics;
 - Phil Milo, President of the Canadian Council of Land Surveyors.
- ACLS Councillor, James C. Banks brought greetings on behalf of Dave Wedlock, President of the Association of Nova Scotia Land Surveyors and also on behalf of Serge Bernard, President of the Association of Prince Edward Island Land Surveyors.
- Reports from the different committees.
- Announcement of the results of the vote on the amendments to the CLS Regulations and ACLS General Bylaws.
- Presentation of the new Council and transfer of authority.
- Approval of the Year 2000 Budget and of the Auditors.
- First forum on the Continuing Professional Development program (CPD).

AGM 2000 Highlights, continued on page 8

WE'VE GOT THE SOLUTION

GEODESY

MAGNETIC MARKERS

- ~ for soil
- ~ for rock
- ~ or concrete
- ~ GPS marker

PROTECTIVE COVERS

- ~ aluminium
- ~ mix
- ~ lifts

POST

- ~ witness post
- ~ raised characters



MORASSE

LEGAL SURVEY

MARKERS

- ~ aluminium
- ~ plastic
- ~ steel
- ~ boundary
- ~ terminus type
- ~ CLS-77
- ~ CLS-69

STATIONS

- ~ PK nails
- ~ identified washers
- ~ MAG nails

SERVICES

- ~ installation on the site for geodesic markers
- ~ design of special markers on request
- ~ markers to fit federal and provincial standards
- ~ shipping all around the world

"ASK FOR OUR BROCHURE"

J. P. MORASSE INC. 1321, Marie-Victorin, St-Nicolas, Quebec, Canada G7A 4G4
 Tel.: (418) 831-3811 ~ 1 800 463-6866 • Fax: (418) 831-7827 ~ 1 800 463-8138
 WEB SITE: www.morasse.com • E-mail: morasse@total.net

FEBRUARY 2000 EXAMS

A Memorandum of Understanding has been signed between ACLS, the Atlantic Provinces Board of Examiners for Land Surveyors, The Association of Ontario Land Surveyors Academic and Experience Review Committee and the Western Canada Board of Examiners for Land Surveyors. This agreement replaces the MOU between the four Boards that expired when the Board of Examiners for Canada Lands Surveyors was transferred from the Federal Government to the ACLS. The MOU provides a common core syllabus in technical subjects for land surveyor candidates. Under the MOU, the ACLS has the responsibility for the organization and administration of jointly held candidate examinations. The Board of Examiners Administrator, Jim Simpson took on the task of organizing this year's examinations, which were held in late February. There were fifteen writing centers across Canada and one CLS candidate wrote in New Zealand.

A total of 93 candidates wrote 181 Board examinations. Of these, 52 were CLS candidates who wrote 23 examinations in Schedules I and II and 69 examinations in Schedules III and IV. Of the latter, 24 were part examinations, since candidates who had already completed one part of the newly combined examinations in Schedule III are only required to complete the other part. There were 41 WCBELS candidates who wrote 83 examinations in Schedules I and II and 5 APBELS candidates who wrote 6 examinations, also in Schedules I and II. The success rate for all exams was 70% and for CLS Exams (Schedule III and IV) 83%.

Thirteen CLS candidates are now eligible for their Commission. Congratulations to the successful candidates.

ALBERTA REGIONAL GROUP

Our first Regional Meeting was held prior to the ALS AGM in Jasper on April 12. Thirty members attended the meeting. VP Pat Ringwood kindly represented the ACLS Council and gave a presentation on the ACLS activities throughout the past year. Gord Ollson, gave an overview of the Western LSD Regional Operations Centre. Ken Allred, Chair of the ACLS Discipline Committee commented on his committee's work.

It was decided that at this time we would not strike a formal Regional Group and that yearly Regional meetings would be held at the ALS Annual AGM.

AGM 2000 Highlights, continued from page 7

- Forum on ACLS taking advantage of the advancement in communication technology.
- Approval of the date and place of the Year 2001 AGM. It will be held on March 9 and 10 in Halifax, Nova Scotia.

This event was videotaped. For a copy of the VHS videotapes, contact the ACLS office at (613) 723-9200 or by e-mail at office@acsls-aatc.ca . The price is \$35 (plus GST/HST and QST for Quebec Members).

SUMMARY OF COUNCIL MEETINGS

Since the September 21st meeting, there have been four tele-conference meetings and two face to face. That represents six meetings in eight months but more recently, five meetings in the last four months. So Council has been busy.

Here is a summary of the decisions taken by our representatives up to the April 25 meeting (the minutes of the May 30 meeting were not available):

1. December 8, 1999: Tele-conference.

- Addition of a termination date to the MOU to be signed by the ACLS Board of Examiners, the Western Canadian Board of Examiners, the Atlantic Provinces Board of Examiners and the Association of Ontario Land Surveyors.
- Appointment of the Special Examiners for the February 2000 exams;
- In the case that ACLS receives a complaint, Council will appoint an interim Lay-Councillor to replace the position left by Ione Christensen;
- Approval of the Nominating Committee report on new Council member candidates;
- Mandate given to the Bylaws Committee to consider some amendments to the CLS Regulations and the ACLS General Bylaws;
- Approval of the start of the Continuing Professional Development program (CPD) on January 1st, 2000 as a two year trial program to be ratified by the Membership at the 2002 AGM.
- Approval of the Joint Standards Committee Terms of Reference;
- Motion to invite Mark A. McDonald to apply for his Commission;
- Approval of the purchase of directors insurance;
- Council will recommend the approval of the 1999 AGM minutes.

2. February 1, 2000: Tele-conference.

- Approval of the amendment projects to the CLS Regulations and the ACLS General Bylaws as recommended by the Bylaws Committee;
- Approval of the program of activities and agenda of the Year 2000 AGM;
- Approval of the action plan of the March 10, 2000 Workshop.

3. March 9, 2000: Face to face in Montreal.

- Council will recommend the approval of the Year 1999 Auditors report by the Membership at the AGM;
- Council will recommend the approval of the Year 1999 Budget by the Membership at the AGM;
- Motion to recommend the appointment of the firm Phomin Leslie, as the ACLS Auditor, for the Year 2000 by the Membership at the AGM;
- Motion to pay an amount of \$250 per examination prepared and an amount of \$10 for each examination marked to all examiners;
- Motion to allocate a sum of \$1,000 in the year 2000 budget for the purchase of textbooks and references for the use of examiners;
- Motion to invite James Glenn Shaw to apply for his Commission;
- Approval of the Complaints Committee Terms of Reference;
- Approval of the Bylaws Committee Terms of Reference;
- Mandate given to the Joint Standards Committee to study the issue of compiled plans;
- Motion to recommend, to the Membership, that the next AGM be held in Halifax, Nova Scotia, on March 9 and 10, 2001.

4. March 12, 2000: Face to face in Montreal.

- Welcome of Rodrigue Tremblay, the new Council Member;
- Council expense rates will not change for the year 2000;
- Direction was given to the Practice Review Committee;
- Appointment of the members of the Executive Committee;
- Mandate given to the Joint Standards Committee to study the issues of plans certified correct and copyright;
- Mandate given to the Offshore Issues

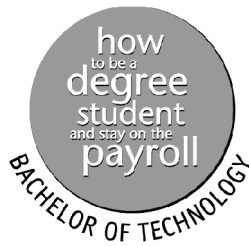
Summary of Council Meetings, continued on page 10

Committee to organise the special Workshop on March 8, 2001;

- Appointment of two ACLS representatives to sit on the University of Calgary Geomatics Engineering Liaison Committee (G.E.L.C.);
- Appointment of Ian Edwards as the Council Liaison on the Discipline Committee;
- Approval of the Bylaws Committee recommendation on Associate Guidelines for entities;
- Approval of the payment of the lawyers fees for the legal opinion on the definition of Associate;
- Appointment of S. James Statham as the Council Liaison on the CPD Committee;
- Receipt of a letter of invitation from the Canadian Council of Land Surveyors (CCLS) to become a full member. Council will consider.

5. April 25, 2000: Tele-conference.

- Approval of the individual letter to be sent to the Committee Chairmen;
- The Executive Director will represent ACLS at the next C.H.S. Conference in Montreal in May, 2000;
- Approval of a vision paper entitled "Developing a Strategy for Providing Mainstream and Continuing Education in Cadastral Studies to Land Surveyors" to be sent to all the Provincial Land Surveyors Associations to get their support;
- Approval of an offer to be presented to CCLS on ACLS becoming a member;
- Mandate given to the Executive Director to work with the Acting CIG Executive Director to look for office space because the present lease will expire on July 31, 2000.
- Approval of the Table of Contents of the next Communique Newsletter;



BACHELOR OF TECHNOLOGY in Geomatics/GIS

No doubt you've recognized the need to remain competitive in today's changing job market.

BCIT recognized this too – and this reality helped to foster BCIT's Bachelor of Technology degree in Geomatics/GIS.

It's a program customized to meet your needs – to ensure you get the specific skills and knowledge you'll require in your workplace. You can select from two leading-edge specialty areas: Surveying/mapping or Geographic Information Systems.

The best part is that you can earn your degree part-time as you continue working – applying what you learn right to the job. And many of the courses are online, making this program easier for you to complete.

If you're a graduate of a two-year diploma program then BCIT's Bachelor of Technology degree in Geomatics/GIS is the degree for you.

To find out more about this unique degree program, visit our website at www.geogis.bcit.ca or call (614) 432-8490.



BRITISH COLUMBIA INSTITUTE OF TECHNOLOGY

WORKSHOP 2000

A Workshop on NRCan Legal Surveys Department's changing role and New Business Opportunities with Aboriginal/First Nation Communities was held in the Palais des Congrès (Montreal Congress Center) on March 10th. The workshop had four themes

1. **Geoconnections: building the Canadian Geospatial Data Infrastructure:** by Jeff Labonté, Program Coordinator.
2. **LSD's regional activities on Aboriginal/First Nations Lands:** presentations by Jacques Grondin for the Eastern Region, Gordon E. Olson for the Western Region, Lorne E. McNeice for the Northwest Territories and Nunavut and Robert W. Gray for the Yukon.
3. **Partnerships: LSD's Changing Role** by the Doug Culham.
4. **New Business Opportunities – Aboriginal/First Nation Lands:** the facilitator was Gaye Hanson from Whitehorse and presentations by: Craig Baker of First Nation Engineering Services Ltd., Noella Jacko of Wikwemikong Indian Reserve, Bob Decontie of the Kahnawake Indian Reserve, Ed Schultz Grand Chief of the Council for Yukon Indians and Denis Dubé of Nistassi Inc.

This workshop was organized in partnership between LSD and ACLS. This event was videotaped. For a copy of the VHS videotape, contact the ACLS office at (613) 723-9200 or by e-mail at office@acsls-aatc.ca. The price is \$35 (plus GST/HST and QST for Quebec Members).

LICENSING

In ACLS, a licence is mandatory for CLS work. It is vital that every Member fully understands the licensing procedure.

The procedure is outlined in Section 26 of the CLS Regulations. First of all, the person must be a regular member of the Association and in order to be a regular member must hold a CLS Commission.

Then the applicant must submit a completed ACLS licence application form with an affidavit or affidavits verifying completion of the experience and practical training required under paragraph 52 (c) of the Act. This Section stipulates that the CLS must have experience and practical training in surveying totalling at least two years during the previous five years.

If a licence applicant obtained his Commission before the date of coming into force of the Act respecting Canada Lands Surveyors (March 18, 1999) or who subsequently received a Commission in consequence of an application for a Commission submitted before the coming into force of the Act, he is not required to submit the affidavit or affidavits mentioned in the previous paragraph.

The ACLS interpretation of an "application for a Commission" is the submission of a registration form to become a CLS candidate. So all CLS candidates at the date of coming into force of the Act who subsequently received a Commission are not required to submit the affidavit or affidavits of experience and training to obtain a licence.

The last two conditions are to pay the fee, which is presently \$250 and to submit proof of professional liability insurance of at least \$250,000 for each individual occurrence and \$500,000 for all occurrences in any 12-month period.

The annual renewal process is detailed in Section 27 of the Regulations. The opting out policy was explained in the last "Communique" (October 1999).

We must, however, draw your attention to Section 28 (2) of the Regulation which stipulates that a member of the Association whose licence has lapsed for five years or more, may apply for a new licence but must submit the affidavit or affidavits of experience, described previously, covering the last five years.

EXECUTIVE DIRECTORS NOTES

Almost a year at the helm of the Association and never a dull moment. Council kept us on our toes with four meetings in the last three months and I had the honour of representing ACLS at the Canadian Hydrographic Conference 2000 in Montreal and the Ordre des Arpenteurs-géomètres du Québec AGM in St. Georges-de-Beauce, Quebec.

Change of address

A reminder that an important amendment to the ACLS General Bylaws was approved by the membership concerning changes in address. Section 8.9 requires that all members notify ACLS, within 30 days, of any changes in their personal or business addresses and of any changes in their employment.

Education

The University of Calgary has made changes to the Geomatics Engineering Advisory Committee (G.E.A.C.). There will no longer be explicit representation from the land surveyors associations. The intent is to establish a communication link through a new body, the Geomatics Engineering Liaison Committee (G.E.L.C.), which will include representatives from the western land surveyors associations and from ACLS. This committee would review courses content and provide a vehicle for the Associations to maintain contact with the Geomatics program at the university.

U of C's current land tenure position expires in a year and a half, however the Geomatics department expects to replace this position with 2 new positions over the next two years. Council is monitoring these developments through our representatives on the GELC.

Council is concerned by the difficulties being faced by universities in sustaining their survey law courses (e.g. the demise of the Erindale program). We are currently gathering support from the Provincial Land Surveyors Associations to promote the establishment of a national mainstream and continuing education program in cadastral studies available by distance-learning techniques across Canada.

Direct supervision

Section 38 of the ACLS Regulations states that the statement of responsibility shall be in the form "certified correct" if the survey and all associated work were made by or under the direct supervision of the member (and there are three other conditions). Some members have asked me about the extent of direct supervision. There is no definition in the ACLS legislation.

I have read an interesting article on the subject in the December 1999 ALS News. I quote an extract from the article written by Doug MacAulay, A.L.S.:

*The BCLS Board of Management has interpreted the statement "**under my personal supervision**" to mean that survey operations have been carried out under a practitioner's supervision and direction in such a manner that he/she is certain of their correct execution. A survey commission is not merely a licence to sign plans and a professional certification must surely offer more to the public than a written assurance that a surveyor will take responsibility for deficiencies in his work.*

When a land surveyor takes an oath that his survey and plan is "true and correct," this implies that he has some personal knowledge to that effect. It follows that a land surveyor must assume a personal role in the

Executive Director's Notes, continued on page 13

execution of each of his surveys. I have difficulty understanding how a practitioner can claim to have any personal knowledge of a survey's correctness if he has not at a minimum:

- *Evaluated the extent to which searches were made for governing evidence by his staff,*
- *Satisfied himself by personal examination of field notes, that survey measurements were taken, recorded and verified in an appropriate fashion, and*
- *Personally inspected the plan of survey he claims to author and to which he bears witness.*

Council will have more discussion on this issue in the near future.

Web Site

This summer, work will be done in order to launch a new ACLS Web site in the fall. Some members gave us some ideas and we encourage you to e-mail yours to us at office@acsl-aatc.ca

Statistics

On May 26, 2000, ACLS membership statistics were as follows:

Regular Members	480
Honorary Life Members	3
Retired Members	37
Associate Members	6
Licences issued	343
Permits issued	175

ACLS is moving

ACLS is presently co-locating with the Canadian Institute of Geomatics (CIG). The current lease expires at the end of July and cannot be renewed. Council has approved that we continue our co-location arrangement with CIG and negotiations are underway for new space. It's too early to give you the new address but we will keep the P.O. Box address for some time after the move so there will be no problems in mail delivery. Stay tuned.

Year 2001 AGM

ACLS is going to the Maritimes in March. At this date the program calls for an Offshore Issues Workshop on March 9 and the AGM will be the following day, March 10, 2001. These events will be held at The Prince George Hotel in Halifax, Nova Scotia. We will inform you on hotel arrangements in the fall.

Jean-Claude Tétreault
Executive Director

NORTH OF 60 GROUP

Congratulations to the following associate members who passed their CLS exams and now qualify for the CLS commission.

Maurice Power, Bill Crews, David Rochette

Claude Bonnell, Chairman - North of 60 Group, Yellowknife



UNIVERSITY OF
CALGARY

**Department of
Geomatics Engineering**

Geomatics Engineering Liaison Committee (GELC)

The first official meeting of the Geomatics Engineering Liaison Committee took place on May 5th. The committee was established in previous months to help develop a more effective relationship between the Land Surveyors' Associations and the University of Calgary. The committee consists of two delegates each from the Land Surveying Associations in the four western provinces and the Association of Canada Lands Surveyors as well as the Head and Associate Heads of the Department of Geomatics Engineering at the University of Calgary.

The meeting was a frank exchange of ideas and opinions on the land surveying profession in general and its relationship with the University of Calgary. The major issue for Land Surveyors' Associations is their concern with the number of university graduates who are entering their profession. This stems from the success of geomatics engineering graduates in competing for career opportunities in the information technology and related high technology sectors. To increase the interest of the students in the land surveying profession, the University has agreed to offer a course in the winter term of third year that will introduce geomatics engineering students to the land surveying profession. The course will run for three days during the Block Week prior to the Winter term. The course will be coordinated by the University but will be taught by members of the land surveying profession from the four western provinces. The committee members were enthusiastic about this initiative and the framework for the course syllabus was developed during the meeting. The committee members agreed to find the lecturers for the course components from their membership.

A second concern of the land surveying profession is the relatively small amount of surveying and business skills acquired by the students. A student with no previous experience in land surveying would have difficulty entering the surveying profession with the skill set gained during the program. A possible solution to this problem is a coordinated effort to increase the number of summer jobs and internship opportunities for students interested in a land surveying career. The committee members agreed to help find these on-the-job training opportunities.

All members agreed that the first meeting was very successful and an excellent start to a closer relationship between the University and the land surveying profession.

NOTICE TO PERMIT HOLDERS

Some permit holders may be tempted to sign agreements with licence holders to provide cadastral surveying services on an ad hoc basis and licence holders may be tempted to sign agreements with more than one permit holder to allow the permit holders to bid on CLS work. The Association will not tolerate these practices.

The Act respecting Canada Lands Surveyors

The following Sections of the Act respecting Canada Lands Surveyors are of particular interest:

Section 57. No entity, other than a permit holder, may provide cadastral surveying services on Canada Lands or private lands in a territory.

Section 2 ..."entity" means a corporation, partnership or unincorporated organization or association, but does not include a department or agency of the government of Canada or of a province.

Section 60. The Registrar may revoke a permit if the permit holder no longer has a partner, associate or employee who holds a licence and who is capable of personally supervising and directing cadastral surveys.

Definition of associate:

Since the term "associate" used in Section 60 is not specifically defined in the Act, there could be a question as to whether the signing of an agreement between a permit holder and a licence holder, for the licence holder to perform cadastral services on an ad hoc basis, could be construed so as to make the licence holder an "associate" of the permit holder. To clarify the situation the Bylaws Committee obtained a formal "Legal Opinion", based on a search of legislation relating to other professions. Also, the definition of "associate" in the Quebec Civil Code was found to be the clearest definition applicable to the situation.

Based on this research, Council has decided to adopt Articles 2186, 2200 and 2204 of the Quebec Civil Code as the working criteria defining an associate as used in Section 60 of the Act, and to comply with the Legal Opinion.

Quebec Civil Code

A partner or associate must be a party in a partnership contract. Article 2186 of the Quebec Civil Code defines a partnership contract as follows:

Article 2186. A contract of partnership is a contract by which the parties, in the spirit of cooperation, agree to carry on an activity, including the operation of an enterprise, to contribute thereto by combining property, knowledge or activities and to share any resulting pecuniary profits.

A contract of association is a contract by which the parties agree to pursue a common goal other than the making of pecuniary profits to be shared between the members of the association.

The contribution of the partner or associate must be continuous as explained in Article 2200 of the Civil Code:

Article 2200. A contribution consisting in knowledge or activities is owed continuously so long as the partner who undertook to make such a contribution is a member of the partnership; the partner is liable to the partnership for any profit he realizes from the contribution.

And the partner or associate may not be in conflict of interest as defined in Article 2204 of the Civil Code:

Article 2204. A partner may not compete with the partnership on his own account or on behalf of a third person or take part in an activity which deprives the partnership of the property, knowledge or activity he is bound to contribute to it; any profits arising from such competition belong to the partnership, without prejudice to any remedy it may pursue.

The Quebec Civil Code does not differentiate between partner and associate. They are both considered the same.

Legal Opinion by Preston, Wills & Lackowicz

“Based and relying upon the forgoing, [review and analysis of the law] we are of the opinion that a Licence holder who has entered into a contractual relationship with an entity to provide cadastral surveying services on an ad hoc basis is not an associate of the entity for the purposes of the Act and Regulations and that such entity is not entitled to be issued or to maintain a Permit based solely on that contractual relationship.”

CLS Regulations

Some Sections of the CLS Regulations are of interest in this matter:

Section 1(i). A member is guilty of professional misconduct if he “fails to disclose to a client or employer [which can be a partnership] a conflict of interest.”

Section 3(5)(a). A Member is guilty of unethical conduct if he does not “declare to his client or employer any conflict of interest that impairs the quality of his service.”

Registrar's Guideline

Council has established the following policy concerning licence holders being on two or more permit applications:

In any case where a licence holder’s name appears on more than one application for a permit from an entity, the Registrar will determine if the licence holder satisfies the Association’s criteria defining an associate of each of the entities making the applications.

If the criteria are not met, a permit will not be issued.

If the criteria are met, a permit will be issued only if:

(a). Each entity provides a signed statement to the Registrar to the effect the entity is aware of the fact the licence holder listed on its application is also listed on another application and certifies that as a result of this multiple listing there are no grounds for professional misconduct and/or unethical conduct by the entity;

(b). the licence holder involved provides a signed statement to the Registrar to the effect that the licence holder is aware his/her name is listed on more than one application for a permit and certifies that as a result of this multiple listing there are no grounds for professional misconduct and/or unethical conduct by the licence holder; and

(c). the Registrar is satisfied with the statements provided by the entities and the licence holder and concurs there are no likely grounds for a complaint of professional misconduct or unethical conduct.

If the Registrar is not satisfied that the criteria required by this Guideline have been met or considers that the issuing of a permit would likely lead to a complaint being made, a permit will not be issued and existing permits will be revoked.

Appropriate forms will be provided by ACLS on request to the Registrar.