

## The Professional Association and its Role in Protecting the Public Interest

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## Land - Our Most Valuable Resource

*land is the habitation of man, the store-house upon which he must draw for all his needs, the material to which his labor must be applied for the supply of all his desires. . . . On the land we are born, from it we live, to it we must return again – children of the soil as truly as the blade of grass or the flower of the field. Take away from man all that belongs to land, and he is but a disembodied spirit.*  
[Barlowe, 1986]

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## The Role of the Land Surveyor

The Cadastral system is the:

- Basis for all records of land information
- Structure for real property law
- Framework for systematic planning and development
- Foundation for the location of infrastructure
- Geographical fabric for property mapping

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*Surveying is an investment in the future, its impact often lasting for centuries or millennia. . . . That places a huge responsibility on us all.*

(Dale 1998)

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## Recommendation of Major H.S. Palmer in 1875

- That the General Government take charge of all survey operations in the Colony, to be placed under the Surveyor-General.*
- That a principal triangulation be spread over the whole country; a secondary triangulation over all parts likely to be settled within 20 years; and a tertiary triangulation over all settled areas.*
- That a uniform system of map projection be laid down and map sheets compiled for record purposes; and*
- That a test be prescribed by the Surveyor-General for the qualification of surveyors.*

(Easedale, 1986)

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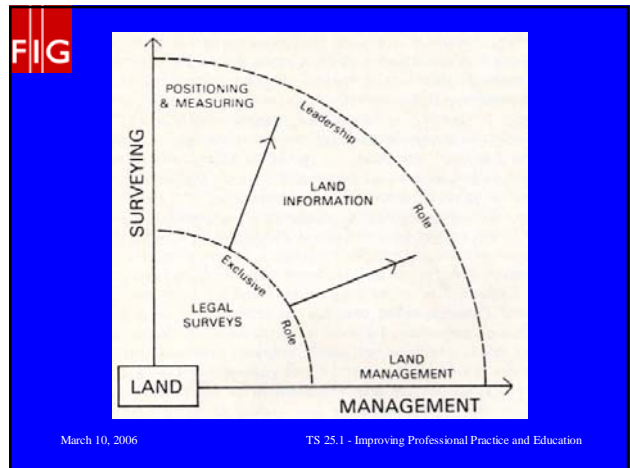
## The Survey Profession in Canada

The need for a professional survey organization was recognized as far back as 1874 in Canada, when a small group of surveyors met to:

*form themselves into an Association for the better organization of the profession and that the Association be composed of Deputy Surveyors employed under instructions of the Dominion Land Office and duly qualified Land Surveyors from any of the Provinces of the Dominion.*

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## 1973 Report on Professions & Occupations - Alberta

*The right to self-government is a privilege granted to a professional group by the Legislature.*  
(Chichak, 1973)

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## 1968 McRuer Report - Ontario

*The traditional justification for giving powers of self-regulation to any body is that members of the body are best qualified to ensure that proper standards of competence and ethics are set and maintained. There is a clear public interest in the creation and observance of such standards. . . . Broadly speaking, the power of self-government may be subdivided under two headings:*

- (a) the power to license; and
- (b) the power to regulate the conduct of the licensee, which includes the power to withdraw the license.

(Ontario, 1968)

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## The Professions & Society

*As an intermediary body, its role is to promote and defend the socio-economic and professional interests of its members: representation in social bodies and representation in various political instances (governmental, legislative, administrative and jurisdictional).*  
(Québec, 1970)

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## Conflicting Philosophies

- competitive marketplace vs. professional monopolies
- cost of regulation vs. cost of self-regulation
- need by the public for protection from the improper performance of a service

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“Self-government is a privilege delegated to a professional group by the Legislature only when it is clear the public can best be served by delegating this authority.”

## Shared and Controlled Activities

- exclusive scope of practice
- protection of right to title
- controlled acts system - regulation of specific activities

## Exclusive Field of Practice

*1(i) "practice of land surveying" means*

- *i. the survey of land to determine or establish boundaries;*
  - *ii. the survey of land to determine or establish the boundaries of any right or interest in land or in air space;*
  - *iii. the survey of air space to determine or establish boundaries;*
  - *iv. the survey of land to determine the location of anything relative to a boundary for the purpose of certifying the location of the thing;*
  - *v. the survey of lakes, rivers or watercourses to establish or determine their boundaries;*
  - *vi. the survey by any means, including photogrammetric, electronic or astronomic methods, of land, water or air space for the purpose of preparing maps, plans and documents connected in any way with the establishment or determination of boundaries delineating any right or interest in land, water or air space;*
  - *vii. cadastral operations and compiling and recording information related to the matters specified in sub clauses (i) to (vi); and*
  - *viii. establishing and maintaining a network of geodetic points of any order of precision and establishing photogrammetric controls for the purposes of the work specified in sub clauses (i) to (v).*
- including the preparation of maps, plans and documents and the giving of advice with respect to any of the matters specified in this clause;*

## Public Accountability

- public members on governing councils
- public members on disciplinary tribunals
- government ratification of regulations
- regular reporting mechanisms - annual reports
- periodic review of legislative mandates

## Attributes of a Professional Association

- governmental role
- legislative role
- administrative role
- jurisdictional role

## Functions of a Professional Association

- determination of entrance requirements
- provision of a system of registration
- licensure of professional practitioners
- maintenance of competency
- codes of ethics
- standards of practice
- adjudication of complaints
- discipline

## Need to Maintain Competency

- responsibility to public
- protection of financial assets
- public confidence in profession

## Competence

“... A combination of skill, knowledge and performance. Its attainment is evidenced by an individual’s ability to apply the necessary knowledge, skills, and judgment in his or her practice.”

## Competence

“competent professional practice is as dependent on communication skills, organizing ability and practice settings as on professional knowledge.”

## Codes of Ethics

“professional ethics are that branch of moral science which treats of the duties which a member of a profession owes to the public, to his professional brethren and to his client.”

“The principal object of the Association is to regulate the practice of professional land surveying and to govern its members . . . in order that the public interest may be served and protected

“In place of the cautionary admonition of the market place - caveat emptor - let the buyer beware! professional practice should substitute the encouraging injunction - credat emptor, - let the buyer trust!