

Acting in the Public Interest

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The principal object and primary responsibility of the Association of Ontario Land Surveyors is to regulate the practice of professional land surveying and to govern its members and holders of Certificates of Authorization in accordance with the Surveyors Act (R.S.O. 1990, c.S.29), Regulation 1026 (R.R.O. 1990), and the By-laws in order that the public interest may be served and protected. (S.2, Surveyors Act).

Ken Allred stated in the Autumn 1983 *Terraviva*: "The professional association must clearly stand up as the protector of the public interest and must actively operate to ensure that all its members fulfil their obligation to the public". As a profession, we have been granted the privilege of self-governance. It has been judged that those in a profession are best able themselves, rather than governments or regulators, to set entrance standards and competency levels which protect the public interest. Every activity undertaken by a professional association, such as the Association of Ontario Land Surveyors, must have the public interest as its primary goal. Council policies, committee terms of reference, and staff initiatives must place the public's interest as paramount. This mandate is often misunderstood by members who believe that the Association is in place to represent their personal and business interests and concerns. The Association of Ontario Land Surveyors is not an advocacy group whose job it is to lobby on behalf of the members or to promote their betterment. Some representations can be made on behalf of the membership but only when it is shown that it is ultimately in the public interest. The legal and medical professions have the resources which have allowed the establishment of advocacy groups which represent the industry interests. The bar and medical associations are very active and often their comments are newsworthy, but their role remains quite distinct from that of the governing professional body (i.e. - Law Society of Upper Can-

ada, College of Physicians and Surgeons).

The Acts of provincial parliament, which oversee the ongoing operation of professional bodies, are carefully drafted to ensure that the principal object of protecting the public interest is maintained for every profession. The Surveyors Act is no exception.

Below is a list of some of the provisions of our Act which ensure that the public interest remains paramount.

Section 3 - Lay Members

This section requires that three members of Council be persons who are not members of the Association. They are appointed by the Lieutenant Governor in Council. One is a lawyer of at least ten years standing in Ontario. These Council members ensure that Council maintains the public interest as the foremost consideration in all discussions and decisions.

Section 6 - Minister of Natural Resources

The Minister can review the activities of Council and may request Council, presumably when he or she perceives or is aware that the public interest is not being served, to undertake such other activities that are necessary to ensure that the primary object of the Act is upheld.

Section 7 - Regulations

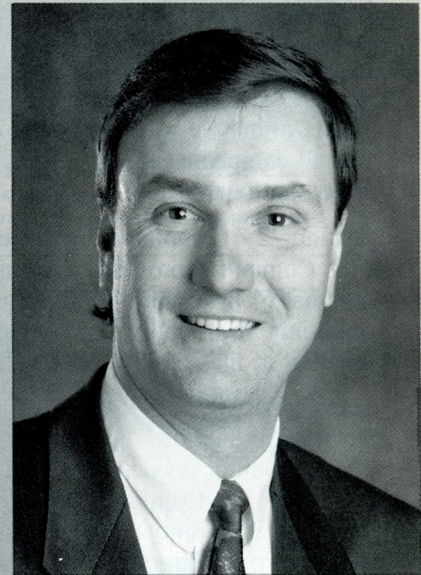
All Regulations must be approved by the Lieutenant Governor in Council with prior review by the Minister of Natural Resources before becoming effective.

Section 12 - Issuance of License

This section, together with Regulation 1026, sets out the requirements for a license. The minimums established ensure that all new members are competent professionals.

Section 14 - Issuance of Certificate of Authorization

This section provides that only those who will engage in the business of providing cadastral surveying in accord-



ance with the law, and with honesty and integrity, will be issued a Certificate of Authorization. Subsection 6 permits the Registrar to refuse a Certificate of Authorization to a member with less than five years experience.

Section 16 - Issuance of Certificates of Registration

This section, together with Regulation 1026, sets out the requirements for a Certificate of Registration. As with Section 12, the minimums established ensure that all new members are competent professionals.

Section 21 - Complaints Committee Composition

At least one of the Lieutenant Governor in Council appointees to Council is a member of the Complaints Committee. This Committee member helps ensure that all complaints are dealt with objectively and fairly.

Section 22 - Complaints Committee

This Committee provides a forum for a member of the public to raise concerns regarding the conduct or action of a member of the Association.

Sections 23 and 24 - Complaints Review Councillor

This councillor is one of the Lieutenant Governor in Council appointees to Council. The Complaints Review Councillor may examine, at any time, the general treatment of complaints by the Association or, when requested, by a complainant, the treatment of an individual complaint by the Complaints Committee.

Section 25 - Discipline Committee Composition

The Lieutenant Governor in Council appointee to Council shall be a member

of the Discipline Committee and is required for a quorum of the Committee; a similar role to the Lieutenant Governor in Council appointee to the Complaints Committee.

Section 26 - Discipline Committee

The Committee will hear and determine allegations of professional misconduct or incompetence against a member of the Association. The Committee has the power to impose fines, and suspend or revoke the license or registration of a member of the Association who has acted in an unethical or incompetent manner.

Section 29 - Fees Mediation Committee

The Committee may mediate or arbitrate a dispute between a client and a member of the Association with respect to a fee charged for services provided to the client in the practice of professional land surveying.

Section 32 - Liability Insurance

No member of the Association shall engage in the practice of professional land surveying unless they are insured against professional liability. A member of the public can be reimbursed for any losses due to an error or omission by a member of the Association in the carrying out of professional surveying duties.

Section 33 - Compensation Fund

The Council of the Association may make grants from the Compensation Fund in order to relieve or mitigate a loss sustained by a member of the public as a result of dishonesty or incompetence on the part of a member of the Association.

Section 40 - Regulation 1026 - Peer Competence Review

The Survey Review Department conducts periodic reviews of each firm, including government agencies, practicing cadastral surveying in the Province of Ontario. Cadastral survey products are reviewed to ensure compliance with the Code of Ethics, the Standards of Practice, and the Regulation under the Surveyors Act or any other Act which governs surveying standards.

Ensuring continuing professional competency is one of the most important aspects of protecting the public's interest. The Survey Review Department is the key component in the surveying profession's leading role in professional peer review.

The sections noted above are the salient points of the Surveyors Act respecting the protection of the public interest. While only a few portions of the Act are listed, a careful scrutiny reveals that every section can be seen, in some way, to protect the public.

As a profession we are continuing to struggle to survive in difficult economic times, which tends to direct our attention at ourselves, but if we are to maintain our professional status into the next century, we must be even more vigilant to ensure that we place the public interest ahead of our own.



In the Winter 1994 issue of the Ontario Land Surveyor, this article was printed incorrectly and is now herein printed in its entirety.

We regret any inconvenience this may have caused.