

Acting in the Public Interest

BY WILLIAM D. SNELL, O.L.S., REGISTRAR

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 *Terraview*: "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 Canada, 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

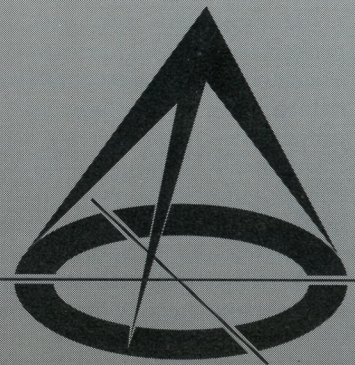
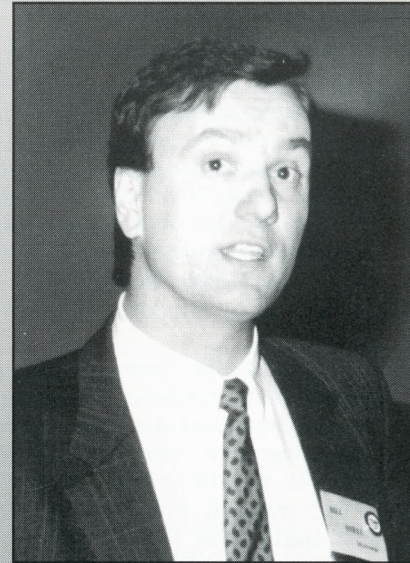
All Regulations must be approved by the Lieutenant Governor in Council with prior review by the Minister of Natural Resources before becoming effective.

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 accordance 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.



MINDING YOUR BUSINESS

of this profession. The bigger step is dealing with an old argument -- how can we raise rates with the spectre of competition being what it is?

I believe the answer only takes some rational thinking and, more profoundly, courage. The first logical step is to analyze the cost of doing business. I have been all over the country lecturing to land surveyors, and I find that they universally have little knowledge of the actual costs of conducting their businesses.

In every circumstance, when a cost analysis is constructed using rational input, the surveyors conclude that they couldn't possibly charge the kind of rate it would take to make a substantial income. They feel they would price themselves out of business. The implication is that the "competition", who would charge less, would have it all. Do you think that is really true? I certainly don't.

Like any other service, land surveying is a matter of value. Consider if you will the impact of changes in surveying technology in the past 15 years. Instead of three people yelling at each other while dragging around transits, 300-foot chains and five-place trig tables, we now work with auto-reducing total stations. We routinely use powerful hand-held electronic calculators and portable radios. The same work that once took three people can be accomplished by two people in a fraction of the time.

Who has benefited most from these improvements? Is the land surveyor better off? Or have things actually gotten worse?

Keep in mind that surveying a property boundary is the equivalent of providing boundary insurance. It is single premium, unlimited liability, unlimited term insurance that extends to third parties who you may not even know.

Real property has appreciated at a proportionately higher rate than other assets. It would seem that the value of determining the boundaries of that real property would appreciate accordingly. If we were still using the old technology, would boundary surveys cost more or less? It seems to me that surveying would cost about the same.

So why do we use new equipment? Do we make more or less money? Is the

survey or property boundaries a higher or lower fraction of the total value of the real property.

It seems to me that if a boundary survey were typically worth four percent (just to adopt a figure to work with) of the value of the property, it still should be worth the same proportionate amount using new technology. Given that land surveyors typically charge by the hour for their services, does it make sense to do the job faster, with more accuracy and with fewer people? If we can do the same job in half the time, should that increased efficiency be represented by higher profits and better salaries for land surveyors, or should it be passed along to the land owners?

If the service is as valuable as it has always been, is it immoral to charge what it is worth in a higher-priced economy?

I find no reason to spend \$50,000 on computers, total stations, plotters, software, radios, and calculators so that I may work three times as fast, charge my clients less, and have to scrape up three times as many jobs just to make the same, or relatively the same, revenue as I did with the old gear. On top of that, I am still faced with the cost of acquiring all that new technology, not to mention the learning involved, and the late-night hours spent fussing over software that doesn't work like it is supposed to.

*Who should benefit most
from your efficiency?
You or your clients?*

Many surveyors do just that without reflecting it in their charges because of fear that the guy down the street will do it for less. What about that guy down the street then? He has the same problems that you do. We all do more or less the same thing.

What do you think the guy down the street would do if he found out, for instance, that you have taken this matter to heart, and that you are charging \$700 for a lot survey instead of the prevailing rate of \$200? What's more, what will he think when he finds out you are getting it? Do you think he might be inclined to think about raising

his rates a little? If he found out that you were charging four percent of the assessed value of the property (regardless of the hours involved), do you think he might want to have some of that action?

Does it make sense for only the client to benefit from your more efficient work, or should you? Would you feel better or worse about the profession if the average income were twice what it is today?

Work out the math sometime. Land surveyors are good at arithmetic. What would happen if you were to double the price of surveying and lose half your work? Would you make more or less money? Think about it.



Daniel Beardslee is a Land Surveyor in Washington State who lectures on business management for surveyors.

Upcoming Events...

November

- 4-6 Nova Scotia AGM
Chateau Halifax, Halifax
- 25 AERC Oral
Professional Exams
Chimo Hotel, Markham
- 26 AERC Written
Professional Exams
Chimo Hotel, Markham

February '94

- 8-12 102nd AOLS AGM
Westin Hotel, Ottawa

(The AGM will coincide with
Ottawa's Winterlude, so...
REGISTER EARLY!!!
Expect your package shortly.)

June '94

- 6-10 GIS / ISPRS
Conference
Ottawa