



BY-LAWS

(Revised 2019)



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1. PREAMBLE

- 1.1. The following By-Laws are made under authority of Section 13 of The Land Surveyors Act, 1991.
- 1.2. In these By-Laws: "Association", "Board", "Council", and "Land Surveying" shall have the meaning as set forth in Section 2 of The Land Surveyors Act, 1991 and "Act" shall mean The Land Surveyors Act, 1991, Revised Statutes of Newfoundland, 1991, Chapter 37 and amendments thereto.
- 1.3. In these By-Laws: "Land Surveying" means the interpretation of boundary evidence, the spatial measurement, the demarcation and the textual and graphical definitions of either or both boundaries and points on, over or under the earth or a combination or all of those.
- 1.4. "Professional Services" means all services necessary for carrying out Land Surveying as defined in Section 2 of The Land Surveyors Act, 1991.
- 1.5. "Survey Plan" means the textual, which pertains to a plan, and graphical interpretation of a survey.
- 1.6. "Subdivision Survey" means the planned survey of two or more parcels of land within the limits of a larger, surveyed tract of land.
- 1.7. "Surveyors Real Property Report" means a report on a specific parcel of Real Property compiled by a Newfoundland Land Surveyor, in a manner approved by the Association and in compliance with the bylaws and regulations of the Association; such report shall consist of a textual and graphical component either in hard copy or digital format or both. The textual and graphical components are integral and not to be separated; such separation or copying shall be considered to be an infringement of copyright unless approved by the authoring Newfoundland Land Surveyor.
- 1.8. "Firm" means an unincorporated business entity maintained by any self-employed surveyor or sole proprietorship practicing land surveying for the general public.
- 1.9. "Official Copy" means a copy of a survey plan and/or description previously prepared by a Newfoundland Land Surveyor. The survey plan and/or description shall be stamped OFFICIAL COPY and a note should be attached indicating that the subject property may be affected by easements and/or encroachments since the time the survey was prepared.

2. GENERAL BUSINESS

- 2.3. Council shall convene a special general meeting at the written and signed request of the majority of the voting members in good standing.
- 2.4. Ten members shall form a quorum at a meeting of the Association for the transaction of business, provided that four of the members present are members of the Council.
- 2.3. The following shall be the order of business at annual or general meetings:
 - 2.3.1. Reading of minutes of previous meeting.
 - 2.3.2. Reading of correspondence.
 - 2.3.3. Reports and papers.
 - 2.3.4. Nomination and election of Nominating committee.
 - 2.3.5. Unfinished business.
 - 2.3.6. New business.
 - 2.3.7. Election of officers and council.

- 2.3.8. Resolutions.
- 2.3.9. Adjournment.

- 2.4. All motions which may affect the interests of the Association must be in writing and shall contain the name of the mover and seconder and must be read from the chair before being discussed.
- 2.5. No member shall speak on any subject more than once, except the introducer of the subject, who shall be entitled to reply; every member, however, shall have the right to explain his view subject to the discretion of the Chairman.
- 2.6. When a motion has been finally put to the meeting by the Chairman, all discussion thereon shall be closed.
- 2.7. Any motion may be reopened by a majority vote of those present.
- 2.8. When, in the interest of the Association, a resolution should be rescinded, notice of motion must be given to the Secretary-Treasurer and signed by no fewer than twenty members in good standing and the matter set out on the notice to members calling the Annual General Meeting or Special General Meeting.
- 2.9. Every member while speaking shall address the Chairman.
- 2.10. Voting at an Annual General Meeting or Special General Meeting shall be by standing vote, unless a ballot vote is considered to be the necessary voting procedure and prescribed by the Chairman. Upon the decision to initiate a ballot vote, the Chairman shall appoint three scrutineers to count the ballots.
- 2.11. Parliamentary rules shall govern in all cases not provided for in the preceding sections.

3. **THE COUNCIL**

- 3.1. In addition to the duties assigned to the Council by the Act, it shall have the direction and management of all affairs of the Association. The Council shall supervise and control the business, property and funds of the Association and shall determine the yearly fee of the Board of Examiners.
- 3.2. It shall be the duty of each committee to report in writing to the Council as required or deemed necessary and to make such recommendations as may seem desirable.
- 3.3. Meetings of any special committee shall be at the call of the Chairman of the committee. A majority of the members shall form a quorum.
- 3.4. All payments must be made by cheque bearing the signature of the Secretary-Treasurer, where possible and practical, and by one officer or any two of the following officers: The President, Vice-President, or a Councillor designated by Council if deemed necessary. All payments and financial matters must be made subject to the supervision and control of Council as in accordance with Section 12.2 of the Land Surveyors Act, 1991.
- 3.5. The Association's books of account shall be audited at least once each year. The Auditor or Auditors shall be named by the Council.
- 3.6. No member of council or committee member appointed by council will infer by way of written correspondence an opinion of the Association without approval of a vote of council.
- 3.7. Meetings of the Council and Committees by conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other, and a member of the Council or Committees participating in such a meeting shall be deemed to be present in person at the meeting

4. NOMINATION AND ELECTION OF OFFICERS

- 4.1** The members of the Association shall elect annually from their membership a Vice-President, Secretary-Treasurer and Councillors in accordance with the Land Surveyors Act, 1991, and the by-laws.
- 4.2** The Association may elect a maximum of two (2) Councillors from outside the membership of the Association (i.e. Lay Councillors).
- 4.3** Lay Councillors shall be subject to the same duties, procedures, and voting rights on Council matters as members of Council elected from the Association membership.
- 4.4** The term of office for Councillors shall be two years.
- 4.5** If for some reason the Vice-President does not assume the position of President as provided in Section 10(2) and 10(3), of the Land Surveyors Act, 1991, the President shall be elected by majority vote from the members of the Association.
- 4.6** Except in the case of the Lay Councillors, no person shall be eligible for election to any office unless that person is duly qualified under the provisions of the Act and By-Laws; and the member is in good standing at the time of the election.
- 4.7** The Nominating Committee shall consist of the immediate Past President, who shall chair the Committee, and two members who shall be elected by the membership at the Annual General Meeting to serve for the ensuing year. The Council shall fill any vacancies which may occur in the Committee.
- 4.8** The duties of the Nominating Committee shall be to make nominations, with the consent of those nominated, and to prepare a ballot for the election of such officers.
- 4.9** One month before the Annual General Meeting, the Nominating Committee shall submit to Council one or more nominees for each office to be filled.
- 4.10** Three weeks before the Annual General Meeting, the Secretary-Treasurer shall issue a ballot to each member in good standing listing the candidates to be voted upon. Each ballot shall be stamped with the Seal of the Association. Each ballot shall have addition spaces to add names for each position.
- 4.11** On the day of the Annual General Meeting the Nominating Committee Chair or his / her designate shall conduct an election of Officers. Additional members for each position may be nominated from the floor of the meeting. The nomination must be seconded and the nominee must accept the nomination. Each voting member shall print the additional nominees on their ballot. Members in good standing who cannot attend in person may provide a proxy to another member to vote on his / her behalf provided the proxy is signed and dated appropriately by the member providing the proxy. A Newfoundland Land Surveyor who votes may:
 - 4.11.1** Appropriately mark his/her ballot for the candidate(s) of his/her choice shown on the ballot.
 - 4.11.2** The number of names voted for each office must not exceed the number to be elected at that time to such office.
 - 4.11.3** Ballots shall be placed in the ballot box in front of the Registrar who shall insure that each person voting is in good standing with the Association.
- 4.12** On the day previous to the Annual General Meeting (AGM), the President shall appoint three scrutineers to

count the ballots, after the membership has voted.

4.12.1 In the case of a draw between two or more officers or members of Council, the scrutineers shall follow a tie-breaking procedure as such:

4.12.1.1 Separately write the name of each candidate on one (1) ballot that had an equal number of votes in the primary election, and place those ballots into a ballot box.

4.12.1.2 The Registrar shall then draw from the ballot box, in the presence of scrutineers, one or more ballots sufficient to fill the required number of Council vacancies.

4.12.1.3 The candidate(s) whose name appears upon the ballot so drawn by the Registrar shall be the officer(s) or member(s) of the Council as the case may be.

4.13 The scrutineers shall report the results to the President who shall announce the results during the Annual General Meeting.

5. DUTIES OF OFFICERS

5.1. The President shall:

5.1.1. Preside at meetings of the Association and of Council.

5.1.2. Be responsible for directing the affairs of the Association in accordance with the Act and these By-Laws.

5.1.3. Be an ex-officio member of all committees of the Association.

5.1.4. Not vote at any meeting at which he is acting as Chairman, except that he shall vote in case of a tie.

5.2. In the absence of the President, the Vice-President shall have the power of the President.

5.3. The Secretary-Treasurer shall be responsible to Council for the duties assigned to him by the Act, these By-Laws and Regulations, and other such duties as may be assigned by Council, including:

5.3.1. Recording or directing the Executive Assistant to record the minutes of all meetings of the Association and Council.

5.3.2. Record the minutes and act as Secretary for the Board of Examiners.

5.3.3. Compose or cause to be composed all correspondence, in accordance with decisions and policies arrived at in such meetings.

5.3.4. Receiving or causing to be received application for Registration and Certificates of Authorization.

5.3.5. Collecting or causing to be collected all moneys due the Association.

5.3.6. Certifying all bills or vouchers before presentation to Council for payment.

5.3.7. Keeping or causing to be kept records showing source and disposition of all income.

5.3.8. Depositing or causing to be deposited moneys received in financial institutions selected by Council.

5.3.9. Submitting or causing to be submitted to Council at the last Council Meeting before the Annual General Meeting a financial statement duly certified by the auditors appointed by Council.

5.3.10. Two weeks before the Annual General Meeting issue or cause to be issued the audited financial statement to all members for review as well as a projected financial statement for the upcoming year.

5.3.11. Ensure a liability insurance plan is in place which covers professional fault and negligence of any actions taken by members of this Association related to carrying out of any duties or responsibilities related to Council business.

5.3.12. If for any reason the liability insurance plan referred to in Section 5.3.11 lapses or cannot be renewed the membership will be notified in writing within fourteen days.

- 5.4. As per Section 20 of the Act Council shall at the first full meeting of Council after the election of officers appoint a member of Council as Registrar of the Association.
- 5.4.1 The duties of the Registrar shall be as follows:
- 5.4.1.1 Keep or cause to be kept a register in which names and addresses of all members, honorary members, associate members, articling students and holders of certificates of authorization.
 - 5.4.1.2 Record or cause to be recorded the names of members removed from the register with the dates and reasons for removal.
 - 5.4.1.3 Preparing or causing to be prepared and certifying an index of all members eligible to vote and hold office for use at meetings of the Association for conducting elections and changes to By-Laws.
 - 5.4.1.4 Publishing or causing to be published in a provincial newspaper a correct representation of the Register as of April 1, of each calendar year. The publication may include, but not be limited to:
 - 5.4.1.4.1 An alphabetical list, by surname, of the members of the Association, as well as associate, life and honorary members, specifying the later designations as well as each member's place of residence (i.e. St. John's).
 - 5.4.1.4.2 An alphabetical list, by surname, of all holders of Certificates of Authorization as well as their office locations as specified in their Certificate of Authorization.
- 5.5 Council may hire, where and when necessary, an Executive Director and/or an Executive Assistant to assist the Association's Council in directing the affairs of the Association and to assist the elected Secretary-Treasurer undertake his/her duties as outlined in By-law 5.3.
- 5.5.1. The Executive Assistant shall be under the direct supervision of Council and the Executive Director.
- 5.5.2. The compensation for all such positions shall be set by Council.
- 5.5.3. All such positions can only be hired or dismissed by Council.

6. COUNCIL VACANCIES

- 6.1.1. A member of Council shall be deemed to have resigned from Council for any of the following reasons:
- 6.1.1.1. Death of the Member.
 - 6.1.1.2. The Member having left the Province for an extended period of time.
 - 6.1.1.3. The Member having failed to attend three consecutive Meetings of Council without prior consent of Council.
 - 6.1.1.4. The Member having submitted a letter of resignation which is accepted and approved by Council.
 - 6.1.1.5. The Member being no longer in good standing.
- 6.2. Should the office of the President become vacant, the Vice President shall assume the functions and duties of the President for the remainder of that term of office. This shall constitute a vacancy in the office of the Vice President.
- 6.3. A vacancy in the office of the Vice-President may be filled by Council. This appointment shall be for the remainder of the term of office of the Vice-President. The appointment of a member of Council in this case shall constitute a vacancy in Council.
- 6.4. A vacancy in Council shall be filled by appointment by Council. The appointed Councillor shall hold office until the next election. Where the term of office of the replaced Councillor would have extended beyond the date

of the next regular election of Council, the office shall be filled at the next regular election for the remainder of that term of office.

7. COMMITTEES

7.1. In addition to other committees of Council or of the Association, Council may appoint each year as soon as possible after the Annual General Meeting, the following committees:

7.1.1. Governance -
7.1.1.1 Nominating
7.1.1.2 Executive
7.1.1.3 Liaison
7.1.1.4 Act & Standards of Professional Conduct, Knowledge and Skill
7.1.1.5 By-Laws & Regulations
7.1.1.6 Finance

7.1.2. Professional Standards and Practice -
7.1.2.1 Discipline
7.1.2.2 Continuing Professional Development
7.1.2.3 Quality Assurance
7.1.2.4 Technicians & Technologists
7.1.2.5 Industry

7.1.3. Member Service -
7.1.3.1 Annual General Meeting (AGM)

7.1.4. Communications -
7.1.4.1 Archives
7.1.4.2 Public Relations

7.2. The Committee from Industry shall review periodically, business in the Land Surveying community and make recommendations to Council.

7.3. With the exception of the President and the Secretary-Treasurer of the Association no person shall serve on more than two Committees simultaneously.

7.4. The Common Terms of Reference for committees is reviewed by Council annually and given to each committee member at the beginning of their term.

8. HONORARY OFFICERS AND HONORARY MEMBERS

8.1. Where, in the opinion of the Council, it is desirable that the Association should recognize outstanding services rendered by a member to the Association or profession, the Council may recommend at the Annual General Meeting the appointing of such a member to the office of Honorary President or Honorary Vice-President of the Association.

8.2. Where, in the opinion of the Council, it is desirable that the Association should recognize outstanding services rendered the Association by any person other than a member, the Council may recommend appointing such person an Honorary member of the Association.

- 8.3. Any member who has held membership in the Association for at least 30 years and who wishes to retire from active membership may apply to Council to become a Life Member. Council may, at its discretion, recommend appointing any such member a Life Member.
- 8.4. Pursuant to the authority of By-Law 8.3 and pursuant to the recommendation of Council, members appointed Life Members of the Association under the authority of Section 14.3 of the Act, are exempt from the payment of annual membership fees.
- 8.5. Any member satisfying all requirements for life membership who does not wish to provide surveying services to the general public but wishes to maintain regular membership may request Council to waive the member's annual dues. Council may waive the dues if that member volunteers in a significant manner to help facilitate the objectives of the Association. Volunteering may include but is not limited to:
- a) Serving on committees.
 - b) Offering for Council positions.
 - c) Facilitating PD seminars.
 - d) Chairing regional meetings.
 - e) Mediating complaints.
 - f) Assisting in office operations.
 - g) Carrying out quality assurance reviews with field and office investigations.

Council would reserve the right to review all and if necessary revoke the arrangement at any time.

9. EMBLEM & LOGO

- 9.1. There shall be an emblem & logo of the Association. There may be a logo created for the Association. The emblem shall be used on all licencing documents of the Association. The logo may be used for advertisements, public awareness and Association stationary.

10. ADMISSION TO THE ANLS

- 10.1. A candidate for admission to the Association shall meet the requirements set out in the Association Regulations.
- 10.2. The Board of Examiners shall make a report to the Council at the last meeting of the Council preceding the Annual General Meeting. This report shall consist of a list of articulated pupils and sponsors.

11. FEES AND DUES

- 11.1. The fees and dues of the Association shall be as follows:
- | | | |
|---------|--|-------------------|
| 11.1.1 | Registration for NLS member number | \$390.00 |
| 11.1.2 | Cost of framed Licence for a member | \$150.00 |
| 11.1.3 | Cost of copy of By-Laws | \$50.00 |
| 11.1.4 | Replacement Cost of Surveyor Stamp | \$40.00 |
| 11.1.5 | Yearly Certificate of Registration Renewal | \$400.00 |
| 11.1.6 | Certificate of Authorization per member | \$1,500.00 |
| 11.1.7 | AGM Subsidy Levy | \$100.00 |
| 11.1.8 | Articling Student | \$100.00 |
| 11.1.9 | Dues for Professional Surveyors Canada | \$200.00 |
| 11.1.10 | Application for company name | \$250.00 |
- 11.2. In accordance with Section 25 of the Act, any firm, partnership or corporate body which wishes to practice land surveying for the general public must have a Certificate of Authorization renewable at the fee outlined in By-Law 11.1.6.

- 11.3 A member who has been included in the fee for a Certificate of Authorization may be exempt from paying the prescribed fee if the person no longer engages in the practice of land surveying for the general public, makes a request in writing to the Association and has the exemption approved by Council. Any such request must be submitted for the approval prior to the commencement of the year the exemption is requested.
- 11.3.1 Any member who has been exempted from payment of a Certificate of Authorization who wishes to engage in the practice of land surveying for the general public again must;
- 11.3.1.1 Have a valid Certificate of Registration
- 11.3.1.2 Have the firm, partnership or corporation holding the Certificate of Authorization apply to have the person re-instated
- 11.3.1.3 Once approved by Council, pay the yearly fee for the Certificate of Authorization for the year of re-instatement.
- 11.4 A member may request to be exempt from paying a Certificate of Registration Fee as provided for in Section 23 of the Act by applying in writing to the Council for such exemption. No member who has been exempted from paying the Certificate of Registration Fee may practice land surveying to the public
- 11.4.1 Any member who has been exempted from paying the Certificate of Registration Fees and wishes to once again practice land surveying to the public must;
- 11.4.1.1 Apply to Council to have the Certificate renewed
- 11.4.1.2 Once approved by Council, the member must meet all requirements as outlined in Section 11.8 of the By-Laws for the Reinstatement of a Member.
- 11.4.1.3 Apply to Council for a Certificate of Authorization as outlined in Section 11.3 of the By-Laws
- 11.5 Any Life Member shall not practice land surveying to the public.
- 11.6 The annual dues, for the Certificate of Registration, shall be for April 1 to March 31 and are due and payable in advance on or before the 31st day of March in each calendar year to the Secretary/Treasurer as provided for in Section 23 of the Act. Any applicant admitted as a member after the first day of October in each year shall pay only one-half the dues for that year.
- 11.7 Certificate of Registration dues are in arrears if they are not paid by March 31 of the calendar year. A member shall cease to be in good standing when his/her dues are in arrears. As such the member's name shall be removed from the Register until such time as Council shall direct otherwise.
- 11.8 Reinstatement of members shall proceed as follows:
- 11.8.1 Any member who ceases to be in good standing for a period of less than twelve months may apply to become reinstated. Council may approve such an application provided all outstanding fees are paid along with a **fee of \$350.00**.
- 11.8.2 Any person who ceases to be in good standing for a period in excess of twelve months may apply to Council to become reinstated as a member.
- 11.8.3 Council shall direct all such inquiries to the Board of Examiners for investigation.
- 11.8.4 Council may, upon the recommendation of the Board of Examiners, require that the applicant pass any set of examinations up to the full requirement of Section 21 of the Land Surveyors Act, 1991, including an articleship period, before such applicant is reinstated.

11.8.5 Any applicant who has been approved to become reinstated must pay all outstanding dues from the time the person ceased to be a member in good standing as well as pay a fee of **\$500** per year for each year the person was not a member in good standing.

11.9 Any member may elect to pay his/her dues by instalments before the commencement of the calendar year or up to March 31 of the calendar year provided all instalments are made and dated to be effective prior to March 31 of the calendar year. Any dues received prior to the commencement of the calendar year shall be deposited in a trust account with a reputable financial institution for safekeeping. Any interest that may accumulate on the trust shall become the property of the Association to be disposed of as the Association sees fit.

11.10 The Secretary-Treasurer of the Association shall mail or caused to be mailed a complete invoice for certificate of registration dues and certificate of authorization dues to members on or before January 1 of the calendar year.

12. SUGGESTED GUIDELINE FOR A MINIMUM SCALE OF FEES

12.1 Suggested guideline for a minimum scale of fees to be taken by Newfoundland Land Surveyors for services rendered.

12.1.1 The fees suggested for Professional Services hereinafter in this By-Law are deemed to be reasonable levels of remuneration for services conscientiously rendered by a member to a client in compliance with the duties and obligations of a Newfoundland Land Surveyor. They are not suggested by the Association with any intention or expectation that members adopt them in their practices, members being free to charge less, or more than the suggested fees at their discretion.

12.1.2 The practice of Land Surveying is a learned and arduous profession. In order to maintain the essential ethical basis and the level of technical excellence required for proper performance of services, the Newfoundland Land Surveyor should be adequately recompensed.

12.1.3 In deciding an appropriate fee for Professional Services, the Newfoundland Land Surveyor shall first and foremost consider the time and effort devoted to the project on behalf of the client along with the value of these services to the client and the potential liability the surveyor is accepting.

12.1.4 A good Client-Newfoundland Land Surveyor relationship is essential. It should be made clear to the Client that any estimate quoted should not be interpreted as a fixed price because of the complexity of the survey. If the survey cannot be completed within the quoted estimate, further work should not proceed without prior consultation with an approval from the Client.

12.1.5 In order to maintain the standards of the Profession, it is clear that a certain level of compensation for services must be maintained.

12.2 Factors considered in establishing fees; In setting fees prescribed in this Tariff, the following factors have been taken into consideration:

12.2.1. the obligation of assuring the public competent services;

12.2.2. the time required to perform certain works for which the operations can be entrusted to specialized employees, and their wages;

12.2.3. the expenses relative to employees: That part of the fringe benefits paid by the employer including unemployment insurance, workers' compensation, pension plans and group insurance plans (health, medical, life and disability);

- 12.2.4. the general costs of a Newfoundland Land Surveyor's office: rent, electricity, telephones, mailing, office expenditures, bad debts, financing, various taxes, insurances, depreciation, accounting upkeep and maintenance of records, legal fees, subscriptions, professional fees, and other similar costs;
- 12.2.5. the obligation of carrying out surveys with an accuracy dictated by the nature of the survey and where applicable, the value of the property surveyed;
- 12.2.6. the proficiency of the Newfoundland Land Surveyor in executing highly specialized surveys;
- 12.2.7. the keeping of records and files;
- 12.2.8. the normal fees that a Newfoundland Land Surveyor in private practice has a right to expect from his activity, in order to provide first for his living, proper retirement and reasonable fringe benefits;
- 12.2.9. the professional responsibility of the Newfoundland Land Surveyor;
- 12.2.10. the time that cannot be charged to the client, either because of vacations, holidays and paid sick leaves or because of the particular nature of the profession. These wages must be paid by the employer in order to keep specialized personnel;
- 12.2.11. changing climatic conditions: cold, snow, rain, and wind;
- 12.2.12. short daylight hours during winter;
- 12.2.13. the forced inactivity of the survey assistants, time spent in office by their senior instrumentation for the immediate preparation of field work;
- 12.2.14. clerical expenses not chargeable to the client in particular;
- 12.2.15. the Newfoundland Land Surveyors' time necessary for the proper administration and management of the office, such time not being chargeable to the client.

12.3 Professional Fees

- 12.3.1 The Council shall appoint a suggested Scale of Fees Committee to do an annual review of the suggested scale of fees.
- 12.3.2 Prior to the AGM, the Committee shall review the suggested scale of fees and make recommendation to Council.
- 12.3.3 The Council, upon approving the Suggested Scale of Fees, shall distribute the information to the membership.
- 12.3.4 **The Suggested Scale of Fees can then be discussed at the AGM if necessary and can be posted to the website after the AGM.**

12.4 This By-Law: Suggested Guideline for a Minimum Scale of Fees; and its associated fees are subject to annual review by a committee appointed by Council.

13. MINIMUM STANDARDS FOR NEWFOUNDLAND LAND SURVEYORS

- 13.1 A Newfoundland Land Surveyor shall assist in maintaining the integrity and competence of the Surveying Profession by adhering to the Land Surveyor Act, Regulations, By-Laws, Code of Ethics and the Standards of Professional Conduct, Knowledge and Skill.
- 13.2 The Standards of Professional Conduct, Knowledge and Skill may be amended by a majority vote of Council at a regular Council meeting (after the proposed change has been sent to the membership for review and comments) or by a majority vote of the membership at an Annual General Meeting or Special Meeting.

14. STANDARDS OF PROFESSIONAL ADVERTISING PRACTICE

- 14.1 All Newfoundland Land Surveyors shall adhere to the Standards of Professional Advertising Practice as outlined in the Standards of Professional Conduct, Knowledge and Skill.

15. LIABILITY INSURANCE

- 15.1 In accordance with the Act and as specified in the Standards of Professional Conduct, Knowledge and Skill, all Newfoundland Land Surveyors, firms, partnerships, or corporate bodies providing surveying services to the public shall maintain a Professional Liability Insurance Policy approved by the Association.
- 15.2 No firm, partnership or corporate body engaging in the practice of land surveying will be issued a Certificate of Authorization for the coming fiscal year unless that firm, partnership or corporate body has in place a valid professional liability insurance policy in accordance with the stipulations outlined in this by-law and/or the Standards of Professional Conduct, Knowledge and Skill.
- 15.3 The minimum amount of professional liability insurance coverage to be maintained by every firm, partnership or corporate body engaging in the practice of land surveying shall be \$500,000.00.
- 15.4 Every firm, partnership, corporate body, or Newfoundland Land Surveyor engaging in the practice of land surveying who does not subscribe to the professional liability insurance program endorsed by the Association must provide to the Association, on or before May 15th in each calendar year, satisfactory evidence of professional liability insurance coverage in accordance with the provisions of this by-law and/or the Standards of Professional Conduct, Knowledge and Skill for the coming fiscal year. Council may require proof of such other insurance in such manner as Council directs and Council may require that such other insurance policy contains a provision requiring the insurer to forthwith notify the Association in the event that the insurance policy is cancelled for any reason. The Council, if it is satisfied with the evidence presented to it, shall advise the Newfoundland Land Surveyor in writing of its approval, otherwise the Newfoundland Land Surveyor must either subscribe to the Association's group liability insurance policy or obtain a new or revised professional liability insurance coverage acceptable to Council.
- 15.5 Any firm, partnership or corporate body against which a professional liability claim has been made shall forthwith advise Council in writing of such claim.
- 15.6 Failure of compliance by any firm, partnership, corporate body, or Newfoundland Land Surveyor with any of the provisions of this by-law constitutes grounds for disciplinary action against such a firm, partnership, corporate body, or Newfoundland Land Surveyor by or on behalf of Council.

16. PROFESSIONAL DEVELOPMENT

- 16.1 A professional development program may be established and administered by the Association, facilitated by a Continuing Professional Development Committee (CPDC), under the direction of the Council.
- 16.2 All land surveyor members and articulated students, with the exception of life members, are required to participate in the professional development program established by the Association.
 - 16.2.1 A condition of the annual renewal of the member's Licence is that a properly completed MCPD Report Form be submitted as part of the application for licence renewal. If the MCPD Report Form is not submitted, the member's Licence will not be renewed.
 - 16.2.2 If a licenced member does not meet the minimum MCPD requirements, the Registrar will contact the member to determine if there are extenuating circumstances which may give rise to an exemption. Should there be none and the member does not take reasonable steps to meet the minimum requirements, the member's Licence will not be renewed.
- 16.3 The purpose of the professional development program is to assist in maintaining the high standard of quality of service which members provide:

- 16.3.1 By encouraging members to engage in educational activities which maintain and enhance professional practice, and
- 16.3.2 By increasing the participation of the membership in Association activities.
- 16.4 From time to time Council will review developments in industry, technology, and the marketplace with the purpose of targeting relevant seminars and courses that members will be obligated to participate in to ensure the public is receiving a high level of professional service.
- 16.5 Upon receipt of instruction from council regarding courses or seminars needed, the Professional Development Committee will, at its discretion, arrange for courses or seminars to be carried out in eastern, central and western regions of the province:
 - 16.5.1 All courses and seminars should last duration of 0.5 to 2 days.
 - 16.5.2 The cost for such a seminar should not exceed \$300.00.
 - 16.5.3 Unless directed by a majority vote of the membership, a maximum of two seminars per calendar year per region may be carried out.
 - 16.5.4 All members will be billed for seminars as attendance will be expected.
- 16.6 Council will notify members at least 30 days prior to a course or seminar.
- 17. LAND SURVEY REGISTRY SYSTEM
 - 17.1 **Submission of Survey Plans and Descriptions** - Survey plans and descriptions, conducted from a date as designated by the Council of Management, should be submitted to the Association's officially recognized land survey registry system (LandGazette). All documentation inputted shall be in a format consistent with the Standards of Professional Conduct, Knowledge and Skill. All survey information is to remain the property of the authoring surveyor.
 - 17.2 **Distribution of Survey Information** - Persons or survey firms currently engaged in, or retired from, the practice of land surveying in the Province of Newfoundland and Labrador should direct all persons or entities requesting survey information (plans and or descriptions) to land survey registry system. In the event that the requested survey is not in land survey registry system the authoring surveyor shall use his or her professional judgment as how to best distribute the requested information.
 - 17.3 **Council of Management will direct the MCPD Committee to facilitate training seminars to ensure members have the opportunity to train in the usage and processes involved with (Land Gazette).**
 - 17.4 **Association to Provide Notification of Commencement Date** - The Association shall provide at least thirty (30) days written notice, to all registered surveyors, of the official commencement date of land survey registry system. The commencement date being defined as the date which Council decides members have been provided adequate opportunity to be trained in the use of (LandGazette), the land survey registry system project is ready for operations; that is, Council of Management is satisfied that the land survey registry system can provide tools to properly collect, store and distribute land survey information in an Internet environment.
 - 17.5 **Association to Provide Public Notification** - The Association, or its designated agent, shall provide public notification of the official commencement date of the land survey registry system. The said public notification shall clearly inform the public that any surveys conducted in the past, or which may be conducted in the future, may be entered into a publicly accessible survey plan registry system. The public notification shall also inform the public of their right to have their respective names remain confidential until such time as the subject survey becomes part of a public record. For the purpose of this By-Law, confidential shall mean restricted from public viewing or forming an input parameter for a system search.

18. MANDATORY USE OF SPECIAL SURVEY MARKER

- 18.1 Special survey markers are to be purchased from a dealer as designated by the Association at a cost of \$3.00 above the listed price of the dealer. This additional revenue will be funded back into the Association's GIC's.
- 18.2 These special survey markers will have an inscription "Penalty for Removal", The Surveyors Name and/or Company Name as well as the two-year time frame the cap is valid for. All caps will be ordered directly through the Association office.
- 18.3 Special markers must be in use by October 1st, 2003.
- 18.4 A special survey marker must be placed at each corner of a survey or restake where an iron pin can be placed.

19. CERTIFICATE OF AUTHORIZATION

- 19.1 No member of the Association shall, enter into or belong to a firm, partnership, or corporation which practices Professional Land Surveying unless such a firm, or corporation holds a Certificate of Authorization issued under the By-Laws, but nothing contained in this By-Law shall prohibit a member of the Association from accepting employment as a land surveyor for a corporation which does not, as between it and the public, engage in the practice of Professional Land Surveying.
- 19.2 A firm, partnership, association of persons, or corporation, that holds a Certificate of Authorization may, in its own name practice professional land surveying if;
 - 19.2.1 One of its principal customary functions is to engage in the practice of Land Surveying; and
 - 19.2.2 in the case of a corporation, if a majority of each class of shares is owned by and registered in the name of one or more members of the Association; and
 - 19.2.3 in the case of a partnership – the majority of the partner equity and ownership interest is owned by and controlled by one or more members of the Association, and
 - 19.2.4 the practice of Land Surveying is the responsibility of, and is carried out under the supervision of a director of the body corporate who is licensed to practice Land Surveying in this province.
- 19.3 A firm, partnership, or corporation that desires a Certificate of Authorization shall annually submit to the Secretary-Treasurer an application in the prescribed Certificate of Authorization Application containing the names and addresses of all its partners, members, officers or directors, as the case may be, together with such additional information as the Council may require and shall pay the fee prescribed in the By-Laws. The fee shall be based on the number of Members of the Association of Newfoundland Land Surveyors who are owners, directors, share holders, partners or employees of any firm, corporation or partnership practicing surveying to the public.
- 19.4 Every applicant who, in the opinion of Council expressed by a resolution thereof, has complied with the provisions of this Section shall be granted a Certificate of Authorization.
- 19.5 The name of a land surveying firm, partnership or corporation authorized to practice land surveying under these By-Laws must receive approval from Council. The proposed name must be appropriate in its representation of a professional firm.
 - 19.5.1 If a land surveying firm, partnership or corporation wishes to obtain a Certificate of Authorization on a company name which has not been registered prior to this By-Law, it must make application for approval from Council.
 - 19.5.2 Prior to approval from Council a land surveying corporation must provide to Council proof of

name reservation from Service NL.

19.5.3 Upon approval from Council a land surveying corporation must, before usage of the name, provide to Council proof of name registration from Service NL.

19.6 The Certificate of Authorization remains the property of the Association and must be returned on the request of the Association

19.7 The Certificate of Authorization shall be valid only for the remainder of the calendar year of issue and must be renewed annually on the first day of January of each calendar year thereafter to retain its validity.

19.8 No Certificate of Authorization or renewal thereof shall be issued unless the Newfoundland Land Surveyors named in the application are in good standing with the Association.

19.9 Where the Council finds that the holder of a Certificate of Authorization has failed to observe any of the By-Laws or has been guilty of professional misconduct, the Council may reprimand the holder or suspend or revoke the Certificate of Authorization.

19.10 Corporations and Entities holding themselves out to practice land surveying under the Act, must obtain a Certificate of Authorization.

20. QUALITY ASSURANCE COMMITTEE

Under the direction of the Council and/or the Quality Assurance Committee a Quality Assurance Program may be established.

20.1 Under the Quality Assurance Program a review of a Land Surveyors job files and office records may be conducted together with field inspections and office visits. Advice and / or assistance will be provided and/or a program of upgrading recommended.

20.2 All reviews shall be conducted with an emphasis on the on-going professional development of the member. The objective of this review is not to prove a member wrong but to provide relevant, timely advice to each member to help them conduct their business professionally and to protect the public.

21.0 ASSURANCE FUND

21.1. That the ANLS establish a Disciplinary Assurance Fund that shall be held in trust, by the ANLS, on behalf of the membership.

21.2. That the Disciplinary Assurance Fund be administered by the Council of Management of the ANLS.

21.3. That the Assurance Fund be initially financed through a levy on each survey marker ordered through the Association's office, the said levy to come into effect on all orders placed through the Association's office following the coming into force of this bylaw.

The initial levy be set at ***\$1.00 per marker ordered*** to get the fund started.

- 21.4. That the amount of the levy shall be adjusted from time to time to maintain a sustainable balance (suggested minimum of \$50,000) in the Assurance Fund. Council of Management, at a minimum, shall examine, or cause to be examined, the magnitude of the levy on an annual basis and report on the results of the said examination to the Membership at each Annual General Meeting.
- 21.5. That any adjustments to the Disciplinary Assurance Fund levy be approved by a majority vote of the general membership of the ANLS at an Annual General Meeting, or by such other approved voting protocol as approved by Council.
- 21.6. That the Secretary Treasurer, once directed by a motion of the Council of Management, shall prepare a detailed accounting of a respective disciplinary process; the said detailed accounting to provide justification for and highlight any required withdrawals from the Disciplinary Assurance Fund Trust on a case by case basis.
- 21.7. That to be eligible to make a claim against the Disciplinary Assurance Fund the Secretary Treasurer, on behalf of the Association, must establish that the Association:
- 21.7.1 has suffered a financial loss related to a disciplinary process that would be considered outside the realm of regular day to day operations of the Association;
 - 21.7.2 has not been reimbursed from any other source for the amount claimed from the fund;
- 21.8. In the event that the Association at some later date is compensated for expenses related to a disciplinary process, where the said expenses were the subject of a claim against the Disciplinary Assurance Fund, then the Association shall reimburse the Disciplinary Assurance Fund for any such monies received.
- 21.9. That the Secretary Treasurer shall notify the member(s) involved in the disciplinary process, in writing, that a request has been submitted by the Council of Management to the Disciplinary Assurance Fund.
- 21.10. That payment of any money from the Disciplinary Assurance Fund to the Association in no way limits an investigated people's responsibility to the Association as may be determined through a disciplinary process.
- 21.11. That the Council of Management may, at its sole discretion, instruct the Secretary Treasurer to postpone an investigation for a claim against the Disciplinary Assurance Fund pending:
- 21.11.1 final disposition of any disciplinary action, including judicial review or an appeal taken against the member in respect of whom the claim is made;
 - 21.11.2 final disposition of any criminal prosecution, including appeal, taken against or by the member or former member in respect of whom the claim is made;

- 21.12 The Secretary Treasurer shall report his or her findings and recommendations, (along with detailed accounting) with reasons for the same, to the Council of Management with respect to each request for withdrawal of funds from the Disciplinary Assurance Fund.
- 21.13 Following receipt of the Secretary Treasurer's recommendations the Council of Management may, in its sole discretion, and on the terms it thinks fit:
 - 21.13.1 withdraw recommended funds from the Assurance Fund Trust Account, or
 - 21.13.2 determine that no payment shall be made.
- 21.14 Secretary Treasurer's expenses in carrying out a request from Council of Management, shall be considered bona fide expenses paid out by Council in relation to a Disciplinary Processes of the Association and as such may be claimed by Council against the fund. Examples of such bona fide expenses may include, but not be limited to, expenses:
 - 21.14.1 to administer the Assurance Fund
 - 22.14.1 to investigate requests to the Assurance Fund
 - 22.14.2 for any matter relating to the protection and maintenance of the fund.