



BY-LAWS
(Revised May 2010)

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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", "By-Laws", "Council", and "President" 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 practice of determining and/or interpreting the two or three dimensional characteristics of points on or about the earth's surface and all activity related thereto.
- 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 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

- 2.1. Council shall convene a special general meeting at the written and signed request of the majority of the voting members in good standing.
- 2.2. 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 maybe 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 and signed by no fewer than twenty members in good standing and the matter set out on the notice to members calling the Annual or General Meeting.

2.9. Every member while speaking shall address the Chairman.

2.10. The voting for the Officers and Council shall be by sealed ballot, and voting at any general meeting shall be by a standing vote unless a ballot shall be taken and 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 special 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 any other signing officer or otherwise by any two of the Signing officers. 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. Signing officers shall be the Secretary- Treasurer, the President, the Vice-President, and a Councillor designated by Council if deemed necessary.
- 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.

4. NOMINATION AND ELECTION OF OFFICERS

- 4.1. The members of the Association shall elect annually from their number by sealed ballot 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), The Land Surveyors Act (1991), the President shall be elected by majority vote, by sealed ballot, 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 a member in good standing as of the date when the Nominating Committee's report is due to be presented to Council and such member is duly qualified under the provisions of the Act and By-Laws.
- 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 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. Two months before the Annual General Meeting, the Nominating Committee shall submit to Council one or more nominees for each office to be filled.
- 4.10. One month before the Annual General Meeting, the Secretary 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.
- 4.11. Members may remove names from the printed ballot and may substitute the name or names of any other person or persons eligible for any office, but the number of names voted for each office must not exceed the number to be elected at that time to such office. Ballots shall be placed in a sealed envelope and returned to the Secretary not later than three days before the day of the Annual General Meeting.
- 4.12. On the day previous to the Annual General Meeting, the President shall appoint three scrutineers to count the ballots thereto and in the case of equality of votes between two or more officers or members of Council undecided, the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, once for each candidate, and the Secretary shall draw from the ballot, in the presence of scrutineers, one or more of the papers sufficient to make up the required number and the person or persons whose name or names are upon the paper so drawn shall be the officer or officers or the member or members of the Council as the case may be. Then the scrutineers shall report the results to the President who shall announce the same at 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-Secretary to record the minutes of all meetings of the Association and Council.

- 5.3.2. record or direct the Executive-Secretary to 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. keeping or causing to be kept a Register in which shall be entered the names and addresses of all members, holders of Certificates of Authorization, and honorary members.
- 5.3.12. recording or causing to be recorded the names of members removed from the Register together with the dates and reason for removal.
- 5.3.13. preparing or causing to be prepared and certifying an index of all members eligible to vote and to hold office for use at meetings of the Association for conducting elections or for voting on change to these By-Laws.
- 5.3.14. receiving or causing to be received and presenting or causing to be presented to the Board of Examiners all applications for membership.
- 5.3.15. provide a report on minutes of Council meetings to be included in the Annual Report.
- 5.3.16. 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:
 - 5.3.16.1. 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 members place of residence (i.e. St. John's).
 - 5.3.16.2. 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.
- 5.3.17. 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.
 - 5.3.17.1 If for any reason the liability insurance plan referred to in Section 5.3.17 lapses or cannot be renewed the membership will be notified in writing within fourteen days.

5.4 Council may hire, where and when necessary, an Executive Director and/or an Executive-Secretary or Manager to assist the Executive of the Association in directing the affairs of the Association and to assist the elected Secretary-Treasurer undertake their duties as outlined in Section 5.3.

5.4.1 The Executive Director shall be under the direct supervision of Council.

5.4.2. The Executive-Secretary or Manager shall be under the direct supervision of Council and the Executive Director

5.4.3. The compensation for all such positions shall be set by Council.

5.4.4. All such positions can only be hired or dismissed by Council.

6. COUNCIL VACANCIES

6.1. A member of Council shall be deemed to have resigned from Council for any of the following reasons:

6.1.1. death of the Member.

6.1.2. the Member having left the Province for an extended period of time.

6.1.3. the Member having failed to attend three consecutive Meetings of Council without prior consent of Council.

6.1.4. the Member having submitted a letter of resignation which is accepted and approved by Council.

6.1.5. 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. Convention Committee

- 7.1.2. Education Committee
 - 7.1.3. Publications Committee
 - 7.1.4. By-Laws and Act Committee
 - 7.1.5. Finance Committee
 - 7.1.6. Liaison Committee
 - 7.1.7. Technicians and Technologists Committee
 - 7.1.8. Committee from Industry
- 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.

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 the Association or profession by a member, 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 appointed as Life Member under the authority of Section 14.3 of the Act previous to these changes to the By-Laws may continue to practice land surveying for the public provided that such member pay an Annual Authorization Fee.

9. EMBLEM

- 9.1. There shall be an emblem of the Association. The emblem shall be used on official Association stationery and publications.

10. ADMISSION REQUIREMENTS

- 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 a new member	\$300.00
11.1.2.	Annual membership dues	\$300.00
11.1.3.	Cost of a Certificate for a member	\$100.00
11.1.4.	Certificate of Authorization/member	\$1,000.00
11.1.5.	Cost of copy of By-Laws	\$ 10.00
11.1.6.	Annual Dues to offset cost of AGM	\$ 80.00

- 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 11.1.4
- 11.3. A member may be exempt from paying the Annual Certificate of Authorization Fee if the member no longer practices land surveying for the general public and makes a request in writing to the Association.
- 11.4. Any member who has been exempted from paying the Annual Authorization Fee and wishes to once again practice land surveying to the public must:
 - 11.4.1. Pay the Annual Certificate of Authorization Fee where the member has been exempt from paying the Annual Certificate of Authorization Fee for 12 months or less;
 - 11.4.2. Pay the Annual Certificate of Authorization Fee and satisfy the Council of Management of such member's competence, where the member has been exempt from paying Annual Certificate of Authorization Fee for a period of more than 12 months.
- 11.5. In accordance with Section 8.3 of these By-Laws, any Life Member who, upon the passing of this By-Law, practices land surveying to the public may continue to do so provided that such Life member pay an Annual Authorization Fee. Any Life Member appointed after the passing of this By-law may not practice land surveying to the public.
- 11.6. The annual dues shall be for the fiscal year 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, provided that any applicant admitted as a member after the first day of October in each year shall pay only one-half the due for that year.

- 11.7. 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 dues and fees 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 penalty of \$100.
 - 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 penalty 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 fees and 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 fees or 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 membership fees and certificate of authorization fees 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 firm price if, because of the complexity of the survey, the survey cannot be completed within the quoted estimate, further work should not proceed without prior consultation and 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 professional fee of a Newfoundland Land Surveyor is suggested at \$120.00 per hour.

12.3.2 The fee for any technical support staff essential to the proper execution of a survey are as follows:

12.3.2.1	Instrument man under supervision	\$50.00 per hour
12.3.2.2	Survey Assistant	\$45.00 per hour
12.3.2.3	Draftsman	\$55.00 per hour
12.3.2.4	Senior Instrument man	\$65.00 per hour

12.3.3 Suggested Guidelines for Fees for Specified Services:

12.3.3.1 LOT SIZE 0.2 HECTARE AND UNDER

12.3.3.1.1	Individual lot	\$745.00
12.3.3.1.2	Sub-division lots	\$600.00

12.3.3.2 LOT SIZE TO 0.4 HECTARE

12.3.3.2.1	Individual lot	\$975.00
12.3.3.2.2	Sub-division lots	\$700.00

12.3.3.3 SURVEYS WITH AREA OVER 0.4 HECTARES

12.3.3.3.1 Are to be based on hourly rates and are to be commensurate with the risk so involved.

12.3.3.4 SURVEYORS REAL PROPERTY REPORT

12.3.3.4.1 Residential, on a lot previously surveyed to an acceptable standard, to be commensurate with risks involved and potential liability

0.5% of value, but not less than \$450.00

12.3.3.4.2 Commercial and/or industrial, on a lot previously surveyed to an acceptable standard, to be commensurate with risks involved and potential liability

0.15% of value, but no less than \$750.00

12.3.3.4.3 A Surveyor's Real Property Report completed in conjunction with initial residential house or structure stake out before and after excavation \$745.00

12.3.4 Supplementary Fee and Charges

12.3.4.1 Hourly rates for special equipment (not to exceed daily rates) - 0.25 of 1%

12.3.4.2 Daily rates for special equipment – 1% of cost

12.3.4.3 Off road vehicle - \$50.00 per day

12.3.4.4 Chainsaw - \$24.00 per day

12.3.4.5 Vehicle - \$38.00 per day plus \$0.36 per km.

12.3.5 Miscellaneous Expenses

12.3.5.1 Travel expenses, living expenses while in the field, telephone charges, etc., and any other legitimate expenses paid out by the surveyor on client's behalf would be at a charge of cost plus 30 percent to cover the extra administration, clerical and financing costs involved in the carrying out of a project.

12.3.6 Provide an official copy of a survey plan and description \$100.00

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 All Newfoundland Land Surveyors shall adhere to the minimum standards for Newfoundland Land Surveyors as outlined in the Manual of Practice.

13.2 The Manual of Practice 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) or by a majority vote of the membership at an annual general meeting or special meeting .

14 CODE OF ETHICS

14.1 A Newfoundland Land Surveyor shall assist in maintaining the integrity and competence of the Land Surveying Profession by adhering to the Code of Ethics as outlined in the Manual of Practice.

14.2. In accordance with the Act and as specified in the Manual of Practice, all Newfoundland Land Surveyors providing surveying services to the public shall maintain a Professional Liability Insurance Policy approved by the Association.

15 STANDARDS OF PROFESSIONAL ADVERTISING PRACTICE

- 15.1. All Newfoundland Land Surveyors shall adhere to the Standards of Professional Advertising Practice as outlined in the Manual of Practice.

16 LIABILITY INSURANCE

- 16.1 Every firm, partnership or corporate body engaging in the practice of land surveying must put in place and maintain a valid professional liability insurance policy in accordance with the stipulations outlined in this by-law and/or the Manual of Practice.
- 16.2 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 Manual of Practice.
- 16.3 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 \$250,000.00.
- 16.4 Every firm, partnership or corporate body 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 Manual of Practice 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 such Newfoundland Land Surveyor must either subscribe to the Associations's group liability insurance policy or obtain new or revised professional liability insurance coverage acceptable to Council.
- 16.5. Any firm, partnership or corporate body against which a professional liability claim has been made shall forthwith advise Council in writing of such claim.
- 16.6. Failure of compliance by any firm, partnership or corporate body with any of the provisions of this by-law constitutes grounds for disciplinary action against such firm, partnership or corporate body by or on behalf of Council.

17. Professional Development

- 17.1 A professional development program may be established and administered by the Association, facilitated by a professional development committee, under the direction of the executive Council.
- 17.2 All land surveyor members and articled students, with the exception of life members, are required to participate in the professional development program established by the Association.
- 17.3 The purpose of the professional development program is to assist in maintaining the high standard of quality of service which members provide:
- 17.3.1 By encouraging members to engage in educational activities which maintain and enhance professional practice, and
 - 17.3.2 By increasing the participation of the membership in Association activities.
- 17.4 From time to time Council will review developments in industry, technology, and the marketplace with the purpose of targeting relevant seminars and courses members will be obligated to participate in to ensure the public is receiving a high level of professional service.
- 17.5 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:
- 17.5.1 All courses and seminars should last duration of 0.5 to 2 days.
 - 17.5.2 The cost for such a seminar should not exceed \$300.00.
 - 17.5.3 Unless directed by a majority vote of the membership, a maximum of two seminars per calendar year per region may be carried out.
 - 17.5.4 All members will be billed for seminars as attendance will be expected.
- 17.6 Council will notify members at least 30 days prior to a course or seminar.

18. LAND SURVEY REGISTRY SYSTEM

- 18.1 **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 (Land Gazette). Plans and descriptions submitted shall be in a format approved by Council. All survey information is to remain the property of the authoring surveyor.

- 18.2 **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.
- 18.3 **Timeline for Submission of Survey Data** - All surveys completed following the commencement date should be submitted to land survey registry system within thirty (30) days of the date of survey.
- 18.4 **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 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.
- 18.5 **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.

19. MANDATORY USE OF SPECIAL SURVEY MARKERS

- 19.1 Special survey markers are to be purchased from a dealer as designated by the Association at a cost of \$1.50 above the listed price of the dealer. This additional revenue will go to the Association's general revenue.
- 19.2 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.
- 19.3 Special markers must be in use by October 1st, 2003.
- 19.4 A special survey marker must be placed at each corner of a survey or restake where an iron pin can be placed.

20. CERTIFICATE OF AUTHORIZATION

- 20.1 No member of the Association shall for, enter into or belong to a firm, partnership, association of persons, or corporation which practices Professional Land Surveying unless

such firm, partnership, association of persons, 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.

- 20.2 A firm, partnership, association of persons, or corporation, that holds a Certificate of Authorization may, in its own name practice professional land surveying if;
1. One of its principal customary functions is to engage in the practice of Land Surveying; and
 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
 3. 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.
- 20.3 A firm, partnership, association of persons, or corporation that desires a Certificate of Authorization shall annually submit to the Secretary an application in the prescribed form containing the names and addresses of all its partners, members, officers or director, 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.
- 20.4 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.
- 20.5 The name of a firm, partnership, association of persons, or a corporation authorized to practice under the By-Laws contain only the names of the members of the firm, partnership or association of persons and in the case of a corporation, the names of the shareholders together with the words "Limited" or "Company Limited" as the case may be; provided that the name of a corporation shall not contain the name of a shareholder who is not a member of the Association, except that the name of a deceased member of the Association may be retained in the name of a corporation. Companies incorporated prior to the enactment of this amendment (1975) may be issued a Certificate of Authorization at the discretion of Council.
- 20.6 The Certificate of Authorization remains the property of the Association and must be returned on the request of the Association.
- 20.7 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.
- 20.8 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.

20.9 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.

