

THE MINISTER'S COMMITTEE ON THE DRAFT BILL OF
THE SURVEYORS ACT, 1965

by W. Harry Williams

The following is a summary of the second part of the Report of the Legislation Committee, which details the activities of the "Minister's Committee". It is published here so that those members who did not attend the Annual Meeting will have an appreciation and understanding of the background of the long and arduous effort on the part of your Council and the Committee to work out a Draft Bill of The Surveyors Act, acceptable not only to Council and the Association, but also to the Minister of Lands and Forests and the Department of the Attorney General.

It may be well to outline the steps which have taken place resulting in the formation of the "Special Committee" and the "Minister's Committee" referred to as such during the last 2 years.

The revision of The Surveyors Act, Chapter 389, R.S.O. 1960, prepared by the Committee on Legislation was submitted and approved by Council at its meeting on December 12, 1962. At that meeting a "Special Committee", which has on occasion been referred to as a Sub-Committee, composed of Messrs. F.W. Beatty, R.G. Code and W.H. Williams was set up to work with Mr. G.H. Ferguson, Q.C., of the Law Branch of the Department of Lands and Forests, in preparing the draft Bill. This Committee carried on until May 12, 1964.

At a meeting held on the last mentioned date (May 12, 1964) in the office of the Hon. A. Kelso Roberts, Q.C., Minister of the Department of Lands and Forests, attended by Messrs. M.J. McAlpine, F.W. Beatty, A.C. McEwen, W.H. Williams, R.G. Code and G.H. Ferguson, the Minister suggested that Mr. R.G. Code and Mr. G.H. Ferguson, from his Department, along with a representative from the Association, proceed with the final preparation of the draft Bill in conjunction with the Department of the Attorney General. At that meeting I was requested to be the Association's representative, and Mr. F.W. Beatty was asked to assist this group, which has since been referred to as the "Minister's Committee".

Following the meeting with the Hon. A. Kelso Roberts, Q.C., we met with Mr. A.N. Stone, Q.C., Director of the Legislation Branch of the Department of the Attorney General on June 12, 1964. At this meeting Mr. Stone made certain changes in the wording of the draft Bill having in main to do with legal phraseology. These changes were submitted to Council at its meeting on June 15, 1964. A summary of the decisions of Council was circulated to each member of Council under a letter dated June 18, 1964.

Our next meeting with Mr. Stone was on July 9, 1964. Certain items were noted and at this stage the draft Bill required only a few minor changes which were presented to Council at its meeting on July 13, 1964. Again, a summary of the decisions of Council was circulated to each member of Council in a letter dated July 27, 1964.

A re-draft of the Bill was then prepared by Mr. Ferguson and forwarded to Mr. Stone under cover of letter dated July 14, 1964.

The Committee again met with Mr. Ferguson on August 7, 1964, to finalize

outstanding items regarding the draft Bill as of July 14, 1964. This draft Bill was presented to Council on August 17, 1964. A summary of items discussed and approved by Council at this meeting was circulated to all members of Council on September 2, 1964. A further meeting of the Committee with Mr. Ferguson was held on October 30, 1964. The draft Bill dated September 28, 1964, cleared by the Department of the Attorney General, was received from Mr. Ferguson on November 3, 1964. Copies of this draft were forwarded to all members of Council on November 5, 1964. Council met on November 15, 1964, for the purpose of a final review of the Bill, prior to its circulation to all members of the Association.

The purpose of the President's letter accompanying the draft Bill is self-explanatory, namely; to give each and every member the opportunity to make his comments and state his views.

The following are a few of the major changes from The Surveyors Act R. S. O. 1960, which might merit mentioning at this time.

The new Act provides that the immediate Past President will be a member of Council, that the Secretary and the auditors will be appointed instead of elected and the election of the President, Vice President, and Councillors will be by secret ballot.

It will be noted that Section 13, Pages 3 and 4, which gives the Association powers to pass by-laws, has been greatly expanded. This Section and Sections 29 and 30, on Page 10, "Inquiries and Investigations" and "Powers on Investigation" will have the effect of increasing considerably our responsibility in regard to the management and administration of the Association's business and affairs.

Presently we are required to keep both a register and a roll of surveyors. The new Act, Section 15, Subsection 1, Page 5, will provide only for the roll of surveyors and this will be the official document as to the membership.

Section 31, Page 10, is new. The Discipline Committee will consist of not fewer than five members of Council.

Section 32, also on Page 10, gives the Discipline Committee the power to reprimand or suspend or expel a member.

Presently the Discipline Committee is a committee under the by-laws, which can only make recommendations to Council.

It was not until I read the third paragraph of the President's letter of January 22, 1965, did I fully realize that I had attended every meeting of Council during the year, presenting, in its various stages, the draft Bill of The Surveyors Act 1965.

I can assure you that all matters concerning the Bill were thoroughly, conscientiously, and with caution, reviewed, having in mind the membership as a whole and the future of the Association. If I recall correctly there was only one out of a total of eight meetings when less than six members were in attendance, for an average of eight per meeting, out of a full Council of ten. At each, and every meeting, more than half of the time was spent on the draft Bill and on two occasions we returned after dinner to continue well on towards midnight. Now why should I be telling you all this? Only to try to impress upon you that this matter has not been taken lightly by your Council.

I believe that in the main every suggestion made by the members of Council, and every comment received by Council made by the membership, have been met, with the exception of one, Section 17, Page 6, "Qualifications of survey students".

As mentioned in the third paragraph of the President's letter of January 22nd last, that the draft Bill, to quote, "has been well received by the membership and is considered by Council to have achieved complete acceptance, with the possible exception of Section 17."

There have been rumours indicating considerable consternation regarding the raising of educational requirements of students. The idea that a student must attend a university for 4 years to obtain the required educational qualifications is incorrect. However, the Bill does require that the student must obtain educational requirements beyond that of Senior Matriculation, namely; a degree from a university or its equivalent.

In recent years a great deal of discussion has been carried on at the annual meetings of our Association declaring the need to raise our educational requirements, and to improve our professional status. It is obvious that we, as an Association, have committed ourselves to take positive steps in that direction. I say it is "obvious" because you have only but to read the proceedings of the annual meetings for the last 3 or 4 years.

This improvement is the most important single requirement among surveyors today, because, should this be accomplished, many other improvements in the surveyors' lot would follow almost automatically. It is my firm conviction that this is the responsibility of our Association. I would strongly advise that you take a good long look at this problem, if you wish to take your place in your community and in the eyes of the public along with the other professional bodies.

Our professional status, while difficult to define and even more difficult to evaluate, is not what it might be. To improve our status we must improve our profession. No public relations, no matter how effective, can project a better image than the material being projected.

Your Council, in approving the draft Bill, has endeavoured to maintain and increase the effectiveness of the Association in the interests of the advancement of the surveying profession; to develop a high standard of professional competence and conduct on the part of the members; and to create a public appreciation of Professional Land Surveying and the services of the Surveyor.

I hope even if the Bill fails to be introduced or is defeated that it has brought to our membership an awareness of the shortcomings of our Association and the need for new legislation.

Now, Gentlemen, I throw the ball to you. It's yours to decide, whether this Association is going on record as having met the challenge of facing our responsibilities as a professional body by taking this important step forward, or if not, then be prepared to accept the inevitable of, maybe, being something slightly above the technician level, but nothing more.

May I take this opportunity to thank you and all members of Council for your kind co-operation and assistance and for the privilege of serving the Association.