

No. 16

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3rd Session, 13th Legislature, Alberta  
5 Elizabeth II, 1957

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## **BILL 16**

A Bill to amend The Alberta Land Surveyors Act

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HON. MR. HOOKE

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EDMONTON, ALBERTA  
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1957

## Explanatory Note

2. The purpose of this amendment is to increase the practical experience required for eligibility for registration as a land surveyor under the Act in the case of university trained surveyors. Section 30 presently reads:

- "30. (1) Every person who,
- "(a) has followed a regular course of study in all the branches of education required by this Act for admission as an Alberta land surveyor for at least three years in any college or university where a complete course of theoretical and practical instruction in surveying is organized,
  - "(b) has received from the college or university a diploma or certificate, and
  - "(c) has been engaged in survey field work,
- is exempt from serving a term of three years under articles to a surveyor as required by section 26 and is entitled to be registered as an Alberta land surveyor upon passing a final examination in such subjects as the board requires and paying the necessary fee.
- "(2) The Board has the sole power to decide
- "(a) whether the course of instruction in the college or university meets the requirements of this section, and
  - "(b) whether the candidate has had adequate experience in the actual practice of land surveying,".

# BILL

No. 16 of 1957

An Act to amend The Alberta Land Surveyors Act

(Assented to \_\_\_\_\_, 1957)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Alberta Land Surveyors Act*, being chapter 169 of the Revised Statutes of Alberta, 1955, is hereby amended.

**2.** Section 30 is struck out and the following is substituted:

**“30.** (1) A person is entitled to be registered as an Alberta land surveyor who

“(a) for at least three years has followed in the Faculty of Engineering of any college or university a regular course of study in all the branches of education required by this Act,

“(b) has received from the college or university a diploma or certificate,

“(c) has served a term or terms totalling one year under articles with an Alberta land surveyor including six months actual practice with him in the field and has produced a certificate from the said surveyor together with his own affidavit in Forms C and D respectively in the Schedule proving his service,

“(d) has passed a final examination in such subjects as the Board may prescribe, and

“(e) has paid the necessary fee.

“(2) The Board, in its absolute discretion, may decide whether the course of instruction in the college or university meets the requirements of this section.

“(3) If a person produces evidence that he has satisfactorily completed the first two academic years of his course of study, he may then enter into articles with an Alberta land surveyor, and such periods of time as he may thereafter spend in the actual service of such surveyor shall be deemed to be service under articles.

“(4) If a person who serves under articles as provided in subsection (3) does not receive a diploma or certificate as required by subsection (1), his term of service under articles and the period of actual field practice to be included therein shall be such as the Board may require, and

3. Section 36 reads as follows:

"36. (1) Before being registered as an Alberta land surveyor, an applicant who has obtained a certificate described in section 35 shall, jointly and severally with two sureties and to the satisfaction of the Council or of the Secretary thereof, enter into a bond

"(a) in the sum of one thousand dollars,

"(b) payable to the Crown in the right of the Province, and

"(c) of which it is a condition that the applicant will duly and faithfully perform the duties of his office.

"(2) The bond shall be forwarded to the Secretary and shall be deposited by him with the Provincial Secretary when the applicant has been registered as hereinafter provided.

"(3) The bond enures to the benefit of any party sustaining damage by breach of the condition thereof."

The amendment would remove the requirement for bonding.

4. New sections. The procedure for disciplinary action by the Council of the Association is revised. Section 38 presently reads as follows:

"38. (1) The Council may in its discretion suspend or dismiss from the Association any land surveyor whom it finds guilty of gross negligence or corruption in the execution of the duties of his office.

"(2) The Council shall not

"(a) take action to suspend or dismiss a land surveyor until a complaint made under oath has been filed with the Secretary-Treasurer and a copy thereof forwarded to the person accused, or

"(b) suspend or dismiss a land surveyor

"(i) without having previously summoned him to appear in order to be heard in his defence, or

"(ii) without having heard the evidence offered in support of the complaint and on behalf of the surveyor inculpated.

"(3) All evidence shall be taken under oath, which may be administered by the chairman of the Council or the person acting as such in his absence or by the Secretary, and all evidence shall be taken down by a competent stenographer and as in the case of evidence taken in the Supreme Court of Alberta.

"(4) Within fourteen days after an order or resolution of dismissal or suspension or within such further time as the Supreme Court of Alberta or a judge thereof may order, a surveyor who is dismissed or suspended by the order or resolution may

"(a) appeal to a judge of the Supreme Court of Alberta against the order or resolution by giving seven days' notice to the Council, and

"(b) require the evidence taken before the Council to be filed in the office of the Clerk of the Supreme Court for the judicial district in which the appellant resides,

and the judge may on the appeal make such order or direction as to the appeal and as to costs as the justice of the case requires.

"(5) Unless the suspension or dismissal is set aside or the judge or Council otherwise orders, a surveyor so suspended or dismissed shall not practise as a surveyor until after the appeal has been disposed of except where the time for which he was suspended has in the meantime expired.

"(6) The Council may in its discretion suspend or dismiss a member from the Association and cause his name to be removed from the register if such member has been convicted of a crime involving imprisonment for two years or more.

"(7) If the Council thinks fit it may direct the Registrar to restore to the register, either without fee or on payment of such fee not exceeding the arrears of fees due to the Association by such person as the Council may fix, a name or entry removed therefrom and the Registrar shall restore the name accordingly."

upon completing such term of service and fulfilling the requirements of clauses (d) and (e) of subsection (1), such person is entitled to be registered as an Alberta land surveyor.”.

**3.** Section 36 is repealed.

**4.** The heading preceding section 38 and section 38 are struck out and the following heading and sections are substituted:

**“Discipline Committee**

**“38.** (1) The Council shall from time to time appoint and shall always maintain for the purposes hereinafter named, a committee of not less than five members of its own body to be known as the discipline committee.

“(2) Three members of the discipline committee constitute a quorum.

“(3) The Council may at any time alter the number, constitution, and tenure of office of the discipline committee.

**“38a.** Conduct unbecoming a land surveyor is a question of fact which shall be determined by the Council or the discipline committee and any matter, conduct or thing that, in the judgment of the Council or of the discipline committee, is such as to be inimical to the best interests of the public or the profession shall be held to be conduct unbecoming a land surveyor.

**“38b.** For the purpose of completing and reporting upon any matters relating to discipline begun while he was a member of the Council, a member of the discipline committee or of the Council may continue to act as such, notwithstanding that he may no longer be a member of the Council.

**“38c.** The discipline committee shall make a preliminary investigation respecting any allegation of conduct unbecoming a land surveyor on the part of any member

“(a) when a complaint in writing has been made to the Council by any person respecting such member, or

“(b) if in the opinion of the Council or of the discipline committee the conduct of the member ought to be investigated.



**“38d.** When the discipline committee conducts a preliminary investigation or a formal hearing respecting any member the discipline committee shall report its findings to the Council.

**“38e.** (1) Before making any preliminary investigation the discipline committee shall give at least ten days’ notice in writing to the member whose conduct is to be investigated, of its intention to make the investigation.

“(2) The notice shall specify in general terms the matter to be investigated and shall be served either personally or by registered mail addressed and mailed to the member at his last post office address on the register of the Association.

“(3) The member whose conduct is to be investigated shall be given a reasonable opportunity to submit to the discipline committee a written statement respecting the matters under investigation.

**“38f.** If, in the opinion of the discipline committee, the evidence obtained by it on the preliminary investigation does not warrant a charge of conduct unbecoming a land surveyor, the discipline committee shall, with the approval of the Council, dismiss the complaint and so notify the complainant, if any, and the person whose conduct had been subjected to preliminary investigation.

**“38g.** If, in the opinion of the discipline committee, the evidence obtained by it on the preliminary investigation warrants a further investigation, the discipline committee shall notify the Council accordingly with a recommendation that a formal hearing be conducted.

**“38h.** The Council, on receipt of a recommendation from the discipline committee pursuant to section 38g shall inform itself of the facts of the case and in its sole discretion shall thereupon direct the discipline committee either

“(a) to dismiss the complaint and so notify the complainant, if any, and the person whose conduct had been subjected to preliminary investigation, or

“(b) to hold a formal hearing in respect of the matters under investigation.

**“38i.** (1) If a formal hearing is directed by the Council pursuant to section 38h, the discipline committee shall give to the member whose conduct is being investigated at least thirty days’ written notice respecting the time and place at which such hearing will be held, and specifying the matters to be investigated.

“(2) The notice shall be served in the same manner as is provided in section 38e.

**“38j.** In preparation for or in the conduct of any investigation or hearing, the Council or the discipline committee may employ at the expense of the Association such legal or other assistance as it thinks necessary.





**“38k.** In the event of the non-attendance at a hearing of a person whose conduct is the subject of inquiry, the Council or the discipline committee upon proof by statutory declaration or otherwise of the proper service of the notice of the hearing, may proceed with the hearing, and take any action authorized under this Act without further notice to such person.

**“38l.** (1) For the purposes of an investigation by the discipline committee, the discipline committee may summon witnesses and require them

**“(a)** to give evidence on oath, orally or in writing or, if the witnesses are persons entitled to affirm in civil matters, on solemn affirmation, and

**“(b)** to produce such documents and things as the discipline committee deems requisite to the full investigation of the matter before the committee.

**“(2)** The discipline committee has the same powers to enforce the attendance of witnesses and to compel them to give evidence as is vested in a court of record in civil cases.

**“38m.** (1) When, upon completion of the formal hearing, the discipline committee finds the member to be not guilty of conduct unbecoming a land surveyor, the discipline committee shall, with the approval of the Council, dismiss the charge and so notify the complainant, if any, and the person whose conduct has been the subject of the formal hearing.

**“(2)** When, upon completion of the formal hearing, the discipline committee finds the member to be guilty of conduct unbecoming a land surveyor but considers that the offence is not of such gravity or importance as to warrant the suspension or the striking of the name of the member from the register, the discipline committee shall, with the approval of the council, reprimand, censure or warn the member.

**“(3)** When, upon completion of the formal hearing, the discipline committee finds the member to be guilty of conduct unbecoming a land surveyor and considers the offence to be grave, the discipline committee shall, in its report to the Council, recommend either that the member be suspended or that his name be struck from the register.

**“38n.** (1) The council, upon receipt of a recommendation of the discipline committee made pursuant to subsection (3) of section 38m, shall inform itself of the evidence presented at the hearing and having regard to the recommendation of the discipline committee shall, in its sole discretion,

**“(a)** suspend the member for such time as the Council may determine, or

**“(b)** direct the Registrar to strike the name of the member from the register.

5. This amendment will reduce the articling fees and abolish the examination fee. The relevant provisions now read:

"39. The following fees shall be paid to the secretary-treasurer for the use of the association,

".....

"(c) the sum of twenty dollars by each articulated pupil on transmitting to the Secretary his indenture or articles;

"(d) the sum of two dollars by each candidate for final examinations to be sent with the notice of his desire to be examined;

"....."

“(2) When a member is suspended under this section he shall not practise as a land surveyor during the period of the suspension.

“(3) When pursuant to this section the name of a member is struck from the register, the member thereupon ceases to be entitled to practise as a land surveyor.

“**38o.** (1) Any person who has been suspended or whose name has been struck from the register may appeal from the order of the Council to a judge of the Supreme Court at any time within thirty days after the date of the order.

“(2) The court may, upon hearing the appeal, make an order either confirming or reversing the order appealed against.

“**38p.** (1) An appeal, notice of which shall be served upon the Registrar, shall be founded upon

“(a) a copy of the proceedings before the discipline committee, and

“(b) the evidence taken and the order of the Council.

“(2) The Registrar, upon the request of any person desiring to appeal, shall furnish him with a certified copy of all proceedings, reports, orders and papers upon which the Council acted in making the order appealed against.

“**38q.** Upon furnishing the Council with an affidavit to the effect that there is new evidence that could materially have affected the decision of the Council, and upon setting out the evidence, any member who has been suspended or any person whose name has been struck from the register may, either before or after an appeal to a judge of the Supreme Court, apply to the Council for a re-hearing.

“**38r.** Upon receipt of an affidavit pursuant to section 38q the council shall re-hear the matter and render its decision.

“**38s.** No action lies against the Council or the discipline committee or members thereof for any proceedings taken or judgments given or enforced under the disciplinary provisions of this Act.”.

**5.** Section 39 is amended

(a) as to clause (c) by striking out the word “twenty” and by substituting the word “ten”,

(b) by striking out clause (d).

**6.** This Act comes into force on the day upon which the Revised Statutes of Alberta, 1955, come into force.

THIRD SESSION  
THIRTEENTH LEGISLATURE

5 ELIZABETH II

1957

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**BILL**

An Act to amend The Alberta Land  
Surveyors Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. HOOKE

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