

The Land Surveyors and Professional Surveyors Act

being

Chapter L-3.1 of the *Statutes of Saskatchewan, 1995* (effective January 1, 1997) as amended by the *Statutes of Saskatchewan, 1996, c.E-9.3; 2001, c.18; 2004, c.15; 2007, c.4; 2009, c.T-23.01; and 2010, c.B-12, and c.19 and 20.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER L-3.1

An Act respecting Land Surveyors and Professional Surveyors

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Land Surveyors and Professional Surveyors Act*.

Interpretation

2 In this Act:

- (a) “**administrative bylaw**” means a bylaw made for a purpose set out in subsection 15(1);
- (b) “**association**” means the Saskatchewan Land Surveyors Association continued pursuant to section 3;
- (c) “**bylaws**” means the valid and subsisting bylaws of the association;
- (d) “**council**” means the council of the association;
- (e) “**court**” means the Court of Queen’s Bench;
- (f) “**executive director**” means the executive director appointed pursuant to section 12;
- (g) “**firm**” means an association of persons, a partnership, corporation, joint-venture corporation, sole proprietor operating under a registered business name, or a government department or an agency of any municipal government or of the provincial or federal government and includes a provincial or federal Crown corporation;
- (h) “**land surveyor in training**” means a person who is admitted to the association as a land surveyor in training pursuant to subsection 19(3);
- (i) “**licensed member**” means a member who is the holder of a licence to practise as a Saskatchewan land surveyor or professional surveyor;
- (j) “**member**” means a member of the association who is in good standing;
- (k) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (l) “**practice of professional land surveying**” means:
 - (i) the measurement of land, water or air space to determine or establish boundaries delineating any right or interest in land, water or air space above or below the surface of the earth;
 - (ii) the determination and certification of the location, relative to a boundary, of any natural or man-made features above or below the surface of the earth;

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(iii) cadastral surveying, that is, the conducting of surveys or reporting on surveys to establish, locate, define or describe lines, boundaries or corners of parcels of land or land covered by water, and includes the recording of those boundaries and related details of surveys;

(iv) the integration of any monument defining a boundary, either directly or indirectly, with a network of geodetic points of any order of precision and the determination of co-ordinate values for the monument when those values are used in the development or maintenance of a geographic information system which will be used in whole or in part for the purpose of determining or establishing boundaries;

(v) the establishment of photogrammetric control points for the purpose of determining or establishing boundaries; and

(vi) the preparation of maps, plans and documents and giving advice with respect to determining or establishing boundaries;

(m) **“practice of professional surveying”** means:

(i) the determination, establishment or recording, by any means and for any purpose, of the positions of points or natural or man-made features above or below the surface of the earth;

(ii) the determination of the form of the earth;

(iii) the manipulation, integration and analysis of spatial information;

(iv) the preparation of maps, plans, systems and documents and giving advice with respect to any of the activities described in subclauses (i) to (iii);

(n) **“professional surveyor”** means a person who is admitted to membership as a professional surveyor pursuant to subsection 19(5);

(o) **“register”** means the register kept pursuant to section 18;

(p) **“regulatory bylaw”** means a bylaw made for a purpose set out in subsection 15(2) or (3);

(q) **“Saskatchewan land surveyor”** means a person who has been granted a commission as a Saskatchewan land surveyor pursuant to subsection 19(4);

(r) **“student land surveyor”** means a person who is admitted to the association as a student land surveyor pursuant to subsection 19(2).

1995, c.L-3.1, s.2.

ASSOCIATION

Association continued

3 The Saskatchewan Land Surveyors Association is continued as a corporation.

1995, c.L-3.1, s.3.

Objects

4 The objects of the association are:

- (a) to ensure the proficiency and competency of its members to the public;
- (b) to regulate its members in the practice of professional land surveying and the practice of professional surveying; and
- (c) to govern its members in accordance with this Act, the bylaws and any other Acts or laws.

1995, c.L-3.1, s.4.

Membership

5 The membership of the association consists of:

- (a) those persons who are members of the association on the day before this Act comes into force; and
- (b) those persons who are admitted as members of the association pursuant to this Act and the bylaws.

1995, c.L-3.1, s.5.

Property

6(1) The association may acquire, hold, mortgage, lease, sell or dispose of any property.

(2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the association.

(3) The association may:

- (a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act, 2009*; and
- (b) sell or otherwise dispose of those investments and reinvest the proceeds in similar investments.

1995, c.L-3.1, s.6; 2009, c.T-23.01, s.64.

Meetings

7(1) An annual meeting of the association is to be held at the time and place that is determined by the council in accordance with the bylaws.

(2) A special meeting of the association for the transaction of the business that is specified in the resolution or demand is to be held:

- (a) on resolution of the council; or
- (b) on the demand, in writing, of the number of members specified in the bylaws.

(3) The procedure at an annual or special meeting is to be determined by bylaw.

(4) The executive director shall send a notice of an annual meeting or special meeting to each member at least 14 days before the meeting.

1995, c.L-3.1, s.7.

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COUNCIL

Council

- 8(1) The council shall manage and regulate the affairs and business of the association.
- (2) The council consists of:
- (a) the number of licensed members prescribed in the bylaws, which is not to be less than seven, elected by licensed members in accordance with this Act and the bylaws; and
 - (b) the person appointed pursuant to section 9.
- (3) Subject to subsection (3.1), any licensed member is eligible to be elected as a member of the council.
- (3.1) At no time are more than three licensed members who reside outside Saskatchewan to be members of the council.
- (4) Members of the council elected pursuant to clause (2)(a) are entitled to remuneration and reimbursement for expenses in the amounts prescribed in the bylaws.
- (5) Each member of the council elected pursuant to clause (2)(a) holds office for the term prescribed in the bylaws.
- (6) A majority of members of council must be licensed members who are Saskatchewan land surveyors.

1995, c.L-3.1, s.8; 2004, c.15, s.2.

Public appointee

- 9(1) The Lieutenant Governor in Council may appoint one person who resides in Saskatchewan as a member of the council.
- (2) Where the Lieutenant Governor in Council appoints a person as a member of the council, the term of office of that person is not to exceed three years.
- (3) Subject to subsection (4), a member of the council appointed pursuant to this section holds office until that person's successor is appointed, and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.
- (4) A member of the council appointed pursuant to this section ceases to hold office if that person ceases to be a resident of Saskatchewan.
- (5) A member of the council appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of the council.
- (6) A member of council appointed pursuant to this section shall be a member of the discipline committee.
- (7) The absence or inability to act as a member of the discipline committee by a member of the council appointed pursuant to this section or the failure to appoint a member of the council pursuant to this section does not impair the ability of the other members of the discipline committee to act.

(8) The association shall remunerate and reimburse for expenses the member of the council appointed pursuant to this section at the rate determined by bylaw.

1995, c.L-3.1, s.9.

Resignation

10(1) An elected member of the council may resign by giving written notice of his or her resignation to the council.

(2) A member of the council appointed pursuant to section 9 may resign by giving written notice of his or her resignation to the minister.

(3) The resignation of a member of the council pursuant to subsection (1) or (2) is effective:

(a) on the date stated in the written notice; or

(b) if no date is stated in the written notice, on the date the written notice is received by the council or the minister, as the case may be.

1995, c.L-3.1, s.10.

Vacancy

11(1) When a vacancy occurs in the elected membership of the council, the remaining members of the council may appoint another licensed member to fill the vacancy until the earlier of:

(a) the expiry of the term of office of the council member who ceased to be a member of the council; or

(b) the date on which a licensed member is elected to fill the vacancy in accordance with this Act and the bylaws.

(2) A vacancy in the membership of the council does not impair the power of the remaining members of the council to act.

1995, c.L-3.1, s.11.

Officers and employees

12(1) The officers of the association are to be those that are:

(a) designated in the bylaws; and

(b) appointed or elected in accordance with the bylaws.

(2) The council shall appoint an executive director.

(3) The council may engage any employees that it considers necessary to carry out the duties and functions of the association.

(4) Subject to this Act and the bylaws, the council shall determine the duties, responsibilities and remuneration of employees of the association.

1995, c.L-3.1, s.12.

Committees

13(1) The council may establish any committees that are provided for by the bylaws or that it considers necessary.

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- (2) The council shall appoint persons to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).
- (3) Subject to this Act and the bylaws, the council, on any terms or conditions that it may determine, may delegate any of its powers or duties to a committee provided for by this Act, the bylaws or established pursuant to subsection (1).
- (4) The council shall not delegate the power to make bylaws.
- (5) Subject to this Act and the bylaws, a committee may establish its own procedures.

1995, c.L-3.1, s.13.

BYLAWS

Procedures

- 14(1) The council, with the approval of two-thirds of the members of the council, may make bylaws for any purpose set out in subsection 15(1).
- (2) With the approval of two-thirds of those licensed members who are Saskatchewan land surveyors who vote at an annual or special meeting, the association may make bylaws for any purpose set out in subsection 15(2).
- (3) With the approval of two-thirds of those licensed members who vote at an annual or special meeting, the association may make bylaws for any purpose set out in subsection 15(3).
- (4) The executive director shall forward copies of proposed bylaws to all members at least 14 days before the date of the annual or special meeting at which the bylaws are to be presented.
- (5) The executive director shall notify each member of each bylaw made pursuant to subsection (1), (2) or (3) within 150 days after the bylaw is made.
- (6) Failure to comply with subsection (5) does not invalidate a bylaw.
- (7) No regulatory bylaw made by the association comes into force until it is:
 - (a) approved by the minister pursuant to section 16; and
 - (b) published in the Gazette.

1995, c.L-3.1, s.14.

Bylaws

- 15(1) Subject to this Act, administrative bylaws may be made pursuant to section 14 for the following purposes:
 - (a) prescribing the seal of the association;
 - (b) providing for the execution of documents by the association;
 - (c) respecting the banking and financial dealings of the association;
 - (d) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
 - (e) respecting the holding, voting at and procedures of meetings of the council and annual and special meetings of the association;

- (f) providing for the receipt, management and investment of contributions, donations or bequests;
 - (g) establishing and governing scholarships, bursaries and prizes;
 - (h) regulating joint participation by the association with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the association;
 - (i) establishing any committees that the council considers necessary and prescribing the manner of election or appointment of committee members;
 - (j) prescribing the remuneration and reimbursement for expenses for members of the council and committee members;
 - (k) providing for the establishment of branches and specialized practice groups of the association.
- (2) Subject to this Act, regulatory bylaws may be made pursuant to section 14 governing members who are Saskatchewan land surveyors, land surveyors in training or student land surveyors for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency for:
 - (i) the registration of persons as Saskatchewan land surveyors, land surveyors in training and student land surveyors; and
 - (ii) the issuing of licences to Saskatchewan land surveyors;
 - (b) prescribing:
 - (i) the procedures governing registration of persons as Saskatchewan land surveyors, land surveyors in training and student land surveyors;
 - (ii) the procedures governing the issuing of licences to Saskatchewan land surveyors; and
 - (iii) the terms and conditions of licences for Saskatchewan land surveyors;
 - (c) setting standards of professional conduct, competency and proficiency of Saskatchewan land surveyors, land surveyors in training and student land surveyors;
 - (d) providing for a code of ethics for Saskatchewan land surveyors, land surveyors in training and student land surveyors;
 - (e) setting standards regarding the manner and method of practice of Saskatchewan land surveyors, land surveyors in training and student land surveyors;
 - (f) prescribing procedures for:
 - (i) the review, investigation and disposition by the professional conduct committee of complaints alleging that a Saskatchewan land surveyor, land surveyor in training or student land surveyor is guilty of professional misconduct or professional incompetence; and
 - (ii) hearings by the discipline committee of complaints alleging that a Saskatchewan land surveyor, land surveyor in training or student land surveyor is guilty of professional misconduct or professional incompetence;

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- (g) establishing categories of membership in the association and prescribing the rights and privileges of each category;
 - (h) prescribing the circumstances under which Saskatchewan land surveyors, land surveyors in training and student land surveyors are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
 - (i) governing the approval of education programs for the purpose of registration as Saskatchewan land surveyors, land surveyors in training and student land surveyors and prescribing terms and conditions for initial or continued approval of those programs;
 - (j) setting standards for continuing education and the participation of Saskatchewan land surveyors, land surveyors in training and student land surveyors in continuing education;
 - (k) governing the reinstatement of a Saskatchewan land surveyor, land surveyor in training or student land surveyor who has been expelled;
 - (l) setting requirements for maintenance of membership as a Saskatchewan land surveyor, land surveyor in training or student land surveyor;
 - (m) prescribing the minimum amount of liability protection that Saskatchewan land surveyors practising on a fee-for-service basis are required to obtain;
 - (n) respecting the sale and distribution by the association of monuments and markers used to reference the location of monuments;
 - (o) prescribing the amounts of registration, licensing and other fees payable to the association by Saskatchewan land surveyors, land surveyors in training and student land surveyors, and the times of payment and penalties for late payment;
 - (p) prescribing the number of land surveyors in training or student land surveyors that a licensed member who is a Saskatchewan land surveyor is permitted to supervise at one time;
 - (q) prescribing any other matters considered necessary for the regulation of Saskatchewan land surveyors, land surveyors in training and student land surveyors.
- (3) Subject to this Act, regulatory bylaws may be made pursuant to section 14 for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency for:
 - (i) the registration of persons as professional surveyors; and
 - (ii) the issuing of licences to professional surveyors;
 - (b) prescribing:
 - (i) the procedures governing registration of persons as professional surveyors;
 - (ii) the procedures governing the issuing of licences to professional surveyors; and
 - (iii) the terms and conditions of licences for professional surveyors;

- (c) setting standards of professional conduct, competency and proficiency of professional surveyors;
- (d) providing for a code of ethics for professional surveyors;
- (e) setting standards regarding the manner and method of practice of professional surveyors;
- (f) prescribing procedures for:
 - (i) the review, investigation and disposition by the professional conduct committee of complaints alleging that a professional surveyor is guilty of professional misconduct or professional incompetence;
 - (ii) hearings by the discipline committee of complaints alleging that a professional surveyor is guilty of professional misconduct or professional incompetence; and
 - (iii) reviews pursuant to subsection 21(4);
- (g) prescribing special categories of practice for professional surveyors and the requirements for admission to each of those categories;
- (h) prescribing the circumstances under which professional surveyors are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
- (i) governing the approval of education programs for the purpose of registration as a professional surveyor and prescribing terms and conditions for initial or continued approval of those programs;
- (j) setting standards for continuing education and the participation of professional surveyors in continuing education;
- (k) governing the reinstatement of a professional surveyor who has been expelled;
- (l) setting requirements for maintenance of membership as a professional surveyor;
- (m) prescribing the minimum amount of liability protection that professional surveyors practising on a fee for service basis are required to obtain;
- (n) prescribing the amounts of registration, licensing and other fees payable to the association by professional surveyors, and the times of payment and penalties for late payment;
- (o) respecting the management of the property of the association;
- (p) prescribing the number and terms of office of elected members of the council;
- (q) prescribing the officers of the association and governing the procedure for the appointment or election of those officers;
- (r) prescribing the duties of members of the council and of officers and employees of the association;
- (s) governing the procedures for the election of members of the council;

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- (t) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (u) prescribing the form of reporting a licensed member's practice within a firm;
- (v) regulating advertising by members;
- (w) prescribing the number of members required to demand a special meeting of the association;
- (x) governing the information to be engraved on professional seals and the use of professional seals;
- (y) prescribing the form, content and maintenance of the register and the information to be provided by members for the purposes of the register;
- (z) respecting the reporting and publication of decisions and reports of the council and committees;
- (aa) respecting the types and service of notices that may be served via electronic means;
- (bb) defining the activities in which members are deemed to have a conflict of interest and prohibiting the participation of members in those activities;
- (cc) respecting the storage and maintenance of a member's records and field notes of surveys;
- (dd) respecting the association's access to and inspection of a member's records and field notes of surveys;
- (ee) prescribing any other matters considered necessary for the regulating of professional surveyors or the functioning of the council.

1995, c.L-3.1, s.15.

Filing of bylaws

16(1) The association shall file with the minister two copies, certified by the executive director to be true copies, of:

- (a) all regulatory bylaws; and
 - (b) any amendment to a regulatory bylaw together with two certified copies of the regulatory bylaw to which the amendment relates.
- (2) Where the minister does not advise the association in writing within 90 days of receiving copies of the regulatory bylaw or amendment that the minister approves the regulatory bylaw or amendment, the regulatory bylaw or amendment is deemed not to be approved.
- (3) Where the minister approves a regulatory bylaw or an amendment to a regulatory bylaw, the minister shall file with the Director of Corporations two copies, certified by the executive director to be true copies, of the regulatory bylaw or amendment.
- (4) Where an amendment to a regulatory bylaw is filed pursuant to subsection (3), the minister shall file two copies, certified by the executive director to be true copies, of the regulatory bylaw with the amendment.

(5) Within 30 days after administrative bylaws or amendments to administrative bylaws are made, the council shall file with the Director of Corporations two copies, certified by the executive director to be true copies, of all administrative bylaws and all amendments made to those bylaws.

(6) Where an amendment to an administrative bylaw is filed pursuant to subsection (5), the council shall also file two copies, certified by the executive director to be true copies, of the administrative bylaw with the amendment.

(7) An administrative bylaw or an amendment to an administrative bylaw that is not filed within the time required by subsection (5) is deemed to be revoked on the expiration of the 30 days mentioned in subsection (5).

1995, c.L-3.1, s.16; 2010, c.B-12, s.33.

MEMBERSHIP

Admission

17(1) The council, in accordance with this Act and the bylaws, may admit persons as members.

(2) The council may issue licences to members.

1995, c.L-3.1, s.17.

Register

18(1) In accordance with the bylaws, the council shall keep a register in which shall be entered the name and address of every member.

(2) The register shall indicate the category in which the member is registered.

(3) The register is to be:

(a) kept at the head office of the association; and

(b) open for inspection by all persons, without fee, during normal office hours of the association.

(4) A certificate purporting to be signed by the executive director and stating that a named person was or was not, on a specified day or during a specified period, a member, a licensed member or a suspended member, a Saskatchewan land surveyor, land surveyor in training, student land surveyor or professional surveyor according to the register, or an extract from the register that is certified by the executive director, is admissible in evidence as proof, in the absence of evidence to the contrary, of its contents without proof of the executive director's appointment or signature.

1995, c.L-3.1, s.18.

Registration

19(1) The council may admit as a member a person who produces evidence establishing to the satisfaction of the council that the person:

(a) has paid the prescribed fees;

(b) has complied with the bylaws with respect to registration as a member in a particular category;

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- (c) is of good character;
 - (d) has attained the age of 18 years; and
 - (e) meets the criteria listed in the subsection particular to the category to which he or she is seeking admission.
- (2) In the case of an applicant for admission as a student land surveyor, the person:
- (a) **Repealed.** 2007, c.4, s.2.
 - (b) is enrolled in a course of study in surveying approved in the bylaws, to qualify for admission as a land surveyor in training.
- (3) In the case of an applicant for admission as a land surveyor in training, the person has successfully completed:
- (a) a Baccalaureate degree in Surveying Engineering, Survey Science, Geomatics or an equivalent degree from a university or college approved in the bylaws; or
 - (b) a course of study in surveying approved in the bylaws.
- (4) In the case of an applicant for a commission as a Saskatchewan land surveyor, the person:
- (a) completes the period of service in actual practice in Saskatchewan as a land surveyor in training required by the bylaws; and
 - (b) passes the examinations prescribed in the bylaws.
- (5) In the case of an applicant for admission as a professional surveyor, the person:
- (a) is a Saskatchewan land surveyor; or
 - (b) has successfully completed a Baccalaureate degree in Surveying, Photogrammetry, Geodesy, Hydrography, Geomatics or any other branch of professional surveying that is prescribed in the regulatory bylaws.
- (6) Notwithstanding subsection (4), in the case of an applicant for a commission as a Saskatchewan land surveyor, the person is registered as the equivalent of a land surveyor in good standing pursuant to the legislation of another jurisdiction in Canada.
- (7) Notwithstanding subsection (5), in the case of an applicant for admission as a professional surveyor, the person is registered as the equivalent of a professional surveyor in good standing pursuant to the legislation of another jurisdiction in Canada.

1995, c.L-3.1, s.19; 2007, c.4, s.2; 2010, c.19,
s.14.

Licence

- 20(1)** The council may issue a licence to practise to a Saskatchewan land surveyor who:
- (a) complies with this Act and the bylaws; and
 - (b) pays the fee prescribed in the bylaws.

- (2) The council may issue a licence to practise to a professional surveyor who:
- (a) complies with this Act and the bylaws; and
 - (b) pays the fee prescribed in the bylaws.

1995, c.L-3.1, s.20.

Delegation and appeal

21(1) The council may delegate to the executive director the power to:

- (a) admit persons as members;
 - (b) issue licences to members; or
 - (c) do either or both of the things mentioned in clauses (a) and (b).
- (2) Where a power is delegated pursuant to this section, the exercise of that power by the executive director is deemed to be an exercise of the power by the council.
- (3) The council may impose any terms and conditions that it considers appropriate on a delegation of its powers.
- (4) A person who is aggrieved by a decision of the executive director made pursuant to a delegated power may apply to the council to review that decision.
- (5) On a review pursuant to subsection (4), the council shall hear the review and may:
- (a) direct the executive director to exercise the power in a manner that the council considers appropriate; or
 - (b) confirm the executive director's decision.
- (6) On a review pursuant to subsection (4), the person aggrieved by the decision of the executive director has the right to appear in person before the council in support of the application.
- (7) The council shall cause the applicant to be informed in writing of its decision regarding the review.

1995, c.L-3.1, s.21.

PROHIBITION

Protection of title

- 22(1)** No person other than a licensed member who is a Saskatchewan land surveyor shall use the title "Saskatchewan Land Surveyor" or "Land Surveyor", the abbreviation "S.L.S.", or any word, title or designation, abbreviated or otherwise, to imply that the person is a licensed member who is a Saskatchewan land surveyor.
- (2) A Saskatchewan land surveyor who is not a licensed member may use the abbreviations "S.L.S.(Retired)" or "S.L.S.(Ret.)".
- (3) No person other than a licensed member who is a professional surveyor shall use the title "Professional Surveyor" or the abbreviation "P.Surv."

1995, c.L-3.1, s.22.

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Scope of practice

23(1) Subject to subsections (2) and (4), no person other than a licensed member who is a Saskatchewan land surveyor shall, directly or indirectly, for gain engage in the practice of professional land surveying.

(2) Nothing in this Act prohibits persons other than professional surveyors from carrying out all or any of the activities mentioned in clause 2(m).

(3) **Repealed.** 2001, c.18, s.2.

(4) Subsection (1) does not apply to a person registered as a professional community planner pursuant to *The Community Planning Profession Act* unless that person holds himself or herself out as a Saskatchewan land surveyor.

(5) **Repealed.** 2001, c.18, s.2.

1995, c.L-3.1, s.23; 1996, c.E-9.3, s.62; 2001, c.18, s.2.

DISCIPLINE

Interpretation re discipline provisions

23.1 In sections 23.2 to 37, “**member**” includes a former member.

2010, c.20, s.30.

Proceedings against former members

23.2(1) No proceedings conducted pursuant to this Act shall be commenced against a former member more than two years after the day he or she became a former member.

(2) For the purposes of this section, a proceeding is commenced when the professional conduct committee, pursuant to subsection 25(1), is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence.

2010, c.20, s.30.

Professional conduct committee

24(1) The professional conduct committee is established consisting of at least three persons appointed by the council, the majority of whom shall be licensed members.

(2) No member of the discipline committee is eligible to be a member of the professional conduct committee.

(3) Where the member whose conduct is the subject of an investigation is a Saskatchewan land surveyor, land surveyor in training or student land surveyor, a majority of the professional conduct committee shall be licensed members who are Saskatchewan land surveyors.

(4) Where the member whose conduct is the subject of an investigation is a professional surveyor:

- (a) a majority of the professional conduct committee shall be licensed members who are professional surveyors, if there is a sufficient number of licensed members who are professional surveyors; or

(b) where there is an insufficient number of licensed members who are professional surveyors, a majority of the professional conduct committee shall be licensed members who are Saskatchewan land surveyors.

1995, c.L-3.1, s.24.

Investigation

25(1) Where the professional conduct committee is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence, the committee shall:

- (a) review the complaint; and
- (b) investigate the complaint by taking any steps it considers necessary, which may include:
 - (i) summoning before it the member whose conduct is the subject of the complaint;
 - (ii) appointing a licensed member who is a Saskatchewan land surveyor to conduct a survey; or
 - (iii) either or both of the things mentioned in subclauses (i) and (ii).

(2) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending:

- (a) that the discipline committee hear and determine the formal complaint set out in the written report; or
- (b) that no further action be taken with respect to the matter under investigation.

(3) The formal complaint set out in a written report made pursuant to clause (2)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or the investigation conducted pursuant to subsection (1).

(4) The professional conduct committee shall provide, or cause the executive director to provide, a copy of a written report made pursuant to clause (2)(b) to:

- (a) the council;
- (b) the person, if any, who made the complaint; and
- (c) the member whose conduct is the subject of the complaint.

1995, c.L-3.1, s.25.

Discipline committee

26(1) The discipline committee is established consisting of at least five persons appointed by the council, one of whom shall be the member of the council appointed by the Lieutenant Governor in Council and the majority of whom shall be licensed members.

(2) No member of the professional conduct committee is eligible to be appointed as a member of the discipline committee.

(3) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and proceedings.

(4) Where the member whose conduct is the subject of a hearing is a Saskatchewan land surveyor, land surveyor in training or student land surveyor, a majority of the discipline committee shall be licensed members who are Saskatchewan land surveyors.

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(5) Where the member whose conduct is the subject of a hearing is a professional surveyor:

- (a) a majority of the discipline committee shall be licensed members who are professional surveyors, if there is a sufficient number of licensed members who are professional surveyors; or
- (b) where there is an insufficient number of licensed members who are professional surveyors, a majority of the discipline committee shall be licensed members who are Saskatchewan land surveyors.

1995, c.L-3.1, s.26.

Discipline hearing

27(1) Where a report of the professional conduct committee recommends that the discipline committee hear and determine a formal complaint, the executive director shall, at least 14 days before the date the discipline committee is to sit:

- (a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and
 - (b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.
- (2) The professional conduct committee shall prosecute or direct the prosecution of the complaint, but its members shall not participate in any other manner in the hearing of the complaint except as witnesses when required.
- (3) The discipline committee shall hear the complaint and shall determine whether or not the member is guilty of professional misconduct or professional incompetence, notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any question to a court for adjudication.
- (4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.
- (5) The discipline committee may employ, at the expense of the association, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at his or her own expense, may be represented by counsel.
- (6) The testimony of witnesses is to be under oath or affirmation administered by the chairperson of the discipline committee.
- (7) At a hearing by the discipline committee, there is to be full right:
- (a) to examine, cross-examine and re-examine all witnesses; and
 - (b) to present evidence in defence and reply.
- (8) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to:
- (a) a member whose conduct is the subject of a hearing pursuant to this Act;
 - (b) a member of the professional conduct committee;
 - (c) a member of the discipline committee.

- (9) Where a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (10) Where the member whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in his or her absence.
- (11) If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall notify the member of that fact.
- (12) If the discipline committee proposes to amend, add to or substitute the charge in the formal complaint, the discipline committee shall adjourn the hearing for any period that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended formal complaint, unless the member consents to continue the hearing.
- (13) The person, if any, who made the complaint pursuant to section 25:
- (a) is to be advised orally or in writing by the executive director of the date, time and place of the hearing; and
 - (b) subject to subsection (15), is entitled to attend the hearing.
- (14) Subject to subsection (15), the discipline committee shall conduct all hearings in public.
- (15) The discipline committee may exclude the public and the person who made the complaint from any part of the hearing where the discipline committee is of the opinion that evidence brought in the presence of the person or the persons to be excluded will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.

1995, c.L-3.1, s.27.

Disciplinary powers

- 28(1)** Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:
- (a) an order that the member be expelled from the association and that the member's name be struck from the register;
 - (b) an order that the member be suspended from the association for a specified period;
 - (c) an order that the member be suspended pending the satisfaction and completion of any conditions specified in the order;
 - (d) an order that the member may continue to practise only under conditions specified in the order, which may include, but are not restricted to, an order that the member:
 - (i) not do specified types of work;
 - (ii) successfully complete specified classes or courses of instruction;
 - (iii) obtain medical treatment, counselling or both;

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- (e) an order reprimanding the member;
 - (f) any other order that the discipline committee considers just.
- (2) In addition to any order made pursuant to subsection (1), the discipline committee may order:
- (a) that the member pay to the association, within a fixed period:
 - (i) a fine in a specified amount not exceeding \$10,000; and
 - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and
 - (b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the association.
- (3) The executive director shall send a copy of an order made pursuant to subsection (1) or (2) to:
- (a) the member whose conduct was the subject of the order;
 - (b) the person, if any, who made the complaint; and
 - (c) the council.
- (4) Where a member is expelled or suspended, the executive director shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.
- (5) Where the discipline committee finds a member not guilty of professional misconduct or professional incompetence, the executive director shall send a copy of the decision to:
- (a) the member whose conduct was the subject of the hearing;
 - (b) the person, if any, who made the complaint; and
 - (c) the council.

1995, c.L-3.1, s.28.

Professional incompetence

- 29** Professional incompetence is a question of fact, but the display by a member of:
- (a) a lack of knowledge, skill or judgment; or
 - (b) a disregard for the welfare of members of the public served by the profession;

of a nature or to an extent that demonstrates that the member is unfit to continue in the practice of the profession is professional incompetence within the meaning of this Act.

1995, c.L-3.1, s.29.

Professional misconduct

30 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of the public or the members;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the bylaws; or
- (d) it is a failure to comply with an order of the professional conduct committee, the discipline committee or the council.

1995, c.L-3.1, s.30.

Criminal conviction

31 The discipline committee may, by order, expel a member from the association where:

- (a) the member has been convicted of an indictable offence pursuant to the *Criminal Code*;
- (b) a report of the professional conduct committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the member giving rise to the conviction makes the member unfit to continue to be a member.

1995, c.L-3.1, s.31.

Duty to report

32 Where the professional conduct committee in its investigation pursuant to section 25 or the discipline committee at the conclusion of its hearing pursuant to section 27 believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to:

- (a) the president of the association; and
- (b) the Deputy Minister of Justice.

1995, c.L-3.1, s.32.

Suspension

33 A judge of the court, on the application of the council, may direct that a member be suspended pending the disposition of a criminal charge where:

- (a) a criminal charge is laid against the member; and
- (b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

1995, c.L-3.1, s.33.

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Review by Queen's Bench

34(1) A member may appeal the decision or any order of the discipline committee to a judge of the court by serving the executive director with a notice of appeal and filing the notice with the local registrar within 30 days of the decision or order where:

- (a) the member has been found guilty of professional misconduct or professional incompetence by the discipline committee; or
 - (b) the member has been expelled pursuant to section 31.
- (2) An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).
- (3) On receipt of a notice of appeal, the executive director shall file with the local registrar a true copy of:
- (a) the formal complaint and notice served pursuant to section 27 or the report of the professional conduct committee pursuant to section 31;
 - (b) the transcript of the evidence presented to the discipline committee; and
 - (c) the decision and order of the discipline committee.
- (4) The appellant or the appellant's solicitor or agent may obtain from the executive director a copy of the documents filed pursuant to subsection (3) on payment of the costs of producing them.
- (5) On hearing an appeal, the judge may:
- (a) dismiss the appeal;
 - (b) quash the finding of guilt;
 - (c) direct a new hearing or further inquiries by the discipline committee;
 - (d) vary the order of the discipline committee; or
 - (e) substitute his or her own decision for the decision appealed from.
- (6) The judge may make any order as to costs that he or she considers appropriate.

1995, c.L-3.1, s.34.

Effect of appeal

35 The commencement of an appeal pursuant to section 34 does not stay the effect of the decision or order appealed from, but, on five days' notice to the executive director, the appellant may apply to the court for a stay of the decision or order pending the disposition of the appeal.

1995, c.L-3.1, s.35.

Effect of expulsion

36 When a member is expelled or suspended from the association pursuant to this Act, that member's rights and privileges as a member are removed for the period during which he or she is expelled or suspended.

1995, c.L-3.1, s.36.

Reinstatement

37(1) A person who has been expelled as a member may apply to the council for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the council shall:

- (a) review the application; and
- (b) investigate the application by taking any steps it considers necessary.

(3) On completion of its investigation, the council may:

- (a) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the council considers appropriate; or
- (b) by order, refuse to reinstate the person.

(4) Where, on an application pursuant to subsection (1), the council refuses to reinstate the person as a member, the person, within 30 days after the date of the order, may appeal the order of the council to a judge of the court and the judge may allow or disallow the appeal.

(5) On an appeal pursuant to subsection (4), the judge shall consider:

- (a) the proceedings before the council on the application for reinstatement;
- (b) the past record of the appellant as shown by the books and records of the association; and
- (c) the evidence taken before the council and any committee that dealt with the expulsion and application for reinstatement and the report of that committee.

(6) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

1995, c.L-3.1, s.37.

GENERAL**Immunity**

38 No action lies or shall be instituted against:

- (a) members of the council;
- (b) the professional conduct committee;
- (c) the discipline committee;
- (d) any member of any committee; or
- (e) any officer, employee or agent;

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of the association for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

1995, c.L-3.1, s.38.

Offence and penalty

39 Every person who contravenes any of the provisions of section 22 or 23 is guilty of an offence and liable on summary conviction to a fine of:

- (a) for a first offence, not more than \$2,000;
- (b) for a second offence, not more than \$4,000; and
- (c) for each subsequent offence, not more than \$6,000 or to imprisonment for a term of not more than six months, or to both that fine and imprisonment.

1995, c.L-3.1, s.39.

Limitation of prosecution

40 No prosecution for a contravention of section 22 or 23 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the council.

1995, c.L-3.1, s.40.

Report of termination of employment

41 Any employer who terminates for cause the employment of a member shall report the termination to the association where the employer reasonably believes the cause is professional incompetence or professional misconduct.

1995, c.L-3.1, s.41.

Review by Legislative Assembly

42(1) One copy of every bylaw and amendment filed with the Director of Corporations pursuant to section 16 is to be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act* in accordance with *The Tabling of Documents Act, 1991*.

(2) Where any bylaw or amendment laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, that bylaw or amendment ceases to have any effect and is deemed to have been revoked.

1995, c.L-3.1, s.42; 2010, c.B-12, s.33.

Record of revocation and notification

43(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Legislative Assembly shall immediately:

- (a) forward two copies of the Votes and Proceedings to the Director of Corporations; and
 - (b) advise him or her that the copies are forwarded pursuant to this subsection.
- (2) On receipt of the copies mentioned in subsection (1), the Director of Corporations shall immediately:
- (a) file one of the copies with the bylaw or amendment to which it relates;
 - (b) forward the other copy to the association; and
 - (c) advise the association that the copy is forwarded pursuant to this subsection.

1995, c.L-3.1, s.43; 2010, c.B-12, s.33.

Annual register

44 On or before February 1 in each year, the association shall file with the Director of Corporations a list, certified by the executive director to be a true list, showing:

- (a) the names of all members as at December 31 in the preceding year;
- (b) the addresses of the members mentioned in clause (a) as shown by the records of the association;
- (c) the respective dates of admission of the members mentioned in clause (a); and
- (d) the category to which each member on the list belongs.

1995, c.L-3.1, s.44; 2010, c.B-12, s.33.

Annual report

45 The association shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

1995, c.L-3.1, s.45.

Compliance

46 Every member shall comply with this Act and the bylaws.

1995, c.L-3.1, s.46.

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Service of notices, etc.

47(1) Unless otherwise provided for in this Act or the bylaws, any notice or other document that is required to be served pursuant to this Act may be served by:

- (a) personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
- (b) registered mail addressed to the last business or residential address of the person to be served known to the executive director.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.

1995, c.L-3.1, s.47.

Entry on land and buildings

48(1) A licensed member who is a Saskatchewan land surveyor engaged in the practice of professional land surveying, together with his or her assistants, may:

- (a) pass over, measure along, perform cadastral surveys and ascertain the bearing of any township, section or other governing line and, for that purpose, pass over the lands of any person, doing no actual damage to those lands; and
- (b) for the purposes of obtaining any measurements necessary to the proper and satisfactory performance of his or her duties, enter any building at a time suitable to the rightful occupant or any mine or other premises.

(2) A Saskatchewan land surveyor described in subsection (1) who is, or whose assistants are, hindered in doing anything authorized by that subsection may apply to a judge of the court for an order restraining the hindrance, and the judge may make any order, including an order as to costs, that seems just.

(3) A person who hinders a Saskatchewan land surveyor described in subsection (1) or the Saskatchewan land surveyor's assistants is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

1995, c.L-3.1, s.48.

Field notes

49(1) Every Saskatchewan land surveyor and professional surveyor shall maintain, in accordance with the bylaws, all records and field notes of all surveys that he or she performs in Saskatchewan.

(2) The records and field notes mentioned in subsection (1) are subject to inspection, in accordance with the bylaws, by the association.

1995, c.L-3.1, s.49.

REPEAL, TRANSITIONAL AND COMING INTO FORCE

R.S.S. 1978 (Supp.), c.S-27 repealed

50 *The Saskatchewan Land Surveyors Act* is repealed.

1995, c.L-3.1, s.50.

Transitional – discipline procedure

51 Every complaint and every discipline proceeding commenced pursuant to *The Saskatchewan Land Surveyors Act*, as that Act existed on the day before the coming into force of this Act, is to be concluded pursuant to that Act.

1995, c.L-3.1, s.51.

Transitional – council

52 A person who is a member of council pursuant to *The Saskatchewan Land Surveyors Act*, as that Act existed on the day before the coming into force of this Act, continues as a member of council until the earlier of:

- (a) the date that member of council resigns, dies or is removed in accordance with this Act; or
- (b) the date that members of council are elected or appointed to council in accordance with this Act.

1995, c.L-3.1, s.52.

