

PART 16

Amended in its entirety March 2021

APPLICATIONS PURSUANT TO A DOMESTIC TRADE AGREEMENT

Applications

- 16.1 A person who is registered or licensed as a land surveyor in any other jurisdiction in Canada may apply to the Registration Committee, in accordance with any domestic trade agreement pursuant to The Labour Mobility Act, CCSM Cap. L5, for a licence as a Manitoba Land Surveyor and the application shall be assessed in accordance with the provisions of such agreement.
- 16.2 The applicant shall submit an application to the Registrar in the form as set out in Appendix 16-A and a certificate of conduct (Appendix 16-B) from each association in which the applicant is registered or licensed to practise land surveying.
- 16.3 The applicant shall not be the subject of any pending, ongoing, or outstanding complaints or discipline proceedings, that relate to the competence, conduct or character of the applicant, in any jurisdiction in Canada.
- 16.4 An application from an applicant whose registration or licence to practise land surveying in any other jurisdiction in Canada is encumbered or restricted in any way may not be approved.
- 16.5 Any information provided by an applicant that is found at any time to be false or designed to be misleading shall be grounds to suspend or cancel the applicant's membership in the Association.
- 16.6 The application shall be accompanied by payment of the application fee and examination fee as established in accordance with Part 8 of this by-law.
- 16.7 The Registration Committee shall assess each application made under this Part 16 and shall either accept or reject the application.
- 16.8 The Registrar shall notify every applicant under this Part 16 of the Registration Committee's decision to accept or reject the application.

- 16.9 The Registrar shall notify the Board of Examiners when the Registration Committee has accepted an application.
- 16.10 When an application is rejected, the Registrar shall set out the reasons for the rejection in the notice delivered to the applicant.
- 16.11 The notice of rejection may be delivered in the first instance by electronic means but shall be followed immediately by postal letter or courier delivery.
- 16.12 Any applicant whose application is rejected by the Registration Committee may appeal the rejection to the council, setting out the reasons for the appeal.

Jurisdictional Examination

- 16.13 Every applicant under this Part 16 whose application is accepted by the Registration Committee shall be required to write a jurisdictional examination of no more than 4 hours duration.
- 16.14 A jurisdictional examination shall consist only of questions on the subjects and topics listed in the Syllabus for Jurisdictional Examinations as amended from time to time by the Board of Examiners.
- 16.15 Following the acceptance of an application made under this Part 16, the Board of Examiners shall set the date, time and location for a jurisdictional examination.
- 16.16 The date set for any jurisdictional examination shall not be more than 30 calendar days from the date of receipt of the completed application, subject to Sections 16.19, 16.20 and 16.21.
- 16.17 Upon request of the applicant, a jurisdictional examination may be held in any location approved by the Board of Examiners provided that the applicant be responsible for procurement of that location and all costs associated with holding the examination in that location.
- 16.18 The pass mark for the jurisdictional examination shall be 70%.
- 16.19 For the second attempt at the jurisdictional examination by an applicant, the examination will be available within a maximum 30 calendar days after the appeal period for the first attempt expires, or if the right to appeal is waived by the applicant, within a maximum 30 calendar days of receiving the notice of waiving the right to appeal.

16.20 For the third attempt at the jurisdictional examination by an applicant, there will be a waiting period of 90 days after the appeal period for the previous attempt expires, or if the right to appeal is waived by the applicant, 90 calendar days after receiving the notice of waiving the right to appeal.

16.21 For subsequent attempts, there will be a waiting period of 365 days after the appeal period for the previous attempt expires, or if the right to appeal is waived by the applicant, 365 calendar days after receiving the notice of waiving the right to appeal.

16.22 If a jurisdictional examination is appealed, no application for another attempt of a jurisdictional examination will be accepted until the outcome of the appeal is decided.

Invigilator

16.23 The Board of Examiners shall appoint an invigilator for every jurisdictional examination sitting, but when the examination is held in a location of the applicant's choosing, the applicant shall provide an invigilator who is acceptable to the Board of Examiners.

16.24 The duties of the Invigilator shall be as set out in Appendix 15-E.

16.25 Where the applicant provides an invigilator, the invigilator shall:

- a) prior to the sitting of the jurisdictional examination, sign and forward to the Registrar, a copy of the Undertaking of Invigilator (Appendix 16-C);
- b) subsequent to the sitting of the jurisdictional examination, sign and forward to the Registrar, the Declaration of Invigilator (Appendix 16-D).

Assessment of Examinations

16.26 The Board of Examiners shall make the final determination of marks awarded for each jurisdictional examination, subject to appeal.

16.27 The Registrar shall provide written notice to the applicant stating the mark obtained on the jurisdictional examination.

Notice of successful completion

- 16.28 When the applicant is successful in passing the jurisdictional examination, the Registrar shall provide the following forms to be completed:
- a) Form D – Manitoba Land Surveyor’s Declaration;
 - b) Form H – Application for Membership; and
 - c) Form I – Oath of Office;
- and shall provide a statement of annual fees, prorated in accordance with Section 8.6, and any other related costs.

Requirements for licensure

- 16.29 The successful applicant shall, within 30 days of the date of the notice set forth in section 16.28, deliver to the Registrar the completed forms and payment of the fees and costs referred to in section 16.28, together with a request that the Registrar issue a license to practice.
- 16.30 The successful applicant shall obtain professional liability insurance in accordance with Part 14 of this by-law and shall provide satisfactory proof of same to the Registrar.
- 16.31 When professional liability insurance is not required by virtue of the employment stated in Section 14.7, the successful applicant shall provide a sworn statement to the Registrar of that fact.
- 16.32 The Registrar shall not issue a licence to practice until satisfactory proof has been provided that the successful applicant has obtained professional liability insurance or provides a sworn statement in accordance with Section 16.31.
- 16.33 Failure to provide the deliverables and request as required under section 16.29 shall result in the status of the successful applicant being changed to Suspended Member.

Appeals

- 16.34 Any applicant who fails to obtain the required pass mark on the jurisdictional examination may apply in writing to the Registrar to request an appeal of the assessment of the jurisdictional examination.

- 16.35 Upon receipt of an appeal of the assessment of the jurisdictional examination, the Registrar shall provide copies of the appeal to the Board of Examiners and to the Board of Examiners Appeals Committee.
- 16.36 All requests for appeal shall be submitted to the Registrar within 30 days following the date of the written notice to the applicant stating the mark obtained on the jurisdictional examination.
- 16.37 The request for appeal shall specifically state the grounds for the appeal.
- 16.38 All appeals shall be accompanied by payment in the amount as set forth in the approved fee schedule for the current year in accordance with Section 8.2.
- 16.39 The Board of Examiners Appeals Committee may enlist the assistance of any person in assessing the merits of an appeal.
- 16.40 Upon receipt of a request for appeal, the Board of Examiners Appeals Committee shall request and be provided with all relevant documentation which shall include, as applicable, the examination question paper, the answer sheets of the applicant, and the answer key.
- 16.41 The Board of Examiners Appeals Committee may make inquiries of the appellant or the Board of Examiners with respect to the Board of Examiner's assessment of the jurisdictional examination being appealed.
- 16.42 All commentary, files and documentation provided by the Board of Examiners to the Board of Examiners Appeals Committee shall remain the property of the Board of Examiners and shall be kept confidential.
- 16.43 The Board of Examiners Appeals Committee may uphold or vary the assessment by the Board of Examiners in a manner consistent with this by-law.
- 16.44 The Board of Examiners Appeals Committee shall forward its decision in writing to the Registrar together with all files and documentation relating to the appeal, and the Registrar shall forward a copy of the decision to the Board of Examiners and to the appellant.
- 16.45 The Board of Examiners shall effect the decision of the Board of Examiners Appeals Committee.

16.46 The decision of the Board of Examiners Appeals Committee shall be final.

Other provisions

16.47 For any procedures not stated in this Part 16, the provisions of Part 15 shall apply mutatis mutandis.