



**ETHICAL STANDARDS**

**FOR**

**THE PLANNING PROFESSION IN CANADA**

**Adopted by the National/Affiliate Membership  
Committee, November 16<sup>th</sup>, 2008**

# Table of Contents

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	<b>PAGE</b>
<b>1. INTRODUCTION AND BACKGROUND</b>	<b>3</b>
<b>2. RECOMMENDATIONS</b>	<b>6</b>
<b>Appendix A – Code of Ethics</b>	<b>11</b>
<b>Appendix B – Codes of Professional Conduct</b>	<b>12</b>
<b>Appendix C – Guidelines for Code Administration</b>	<b>16</b>
<b>Appendix D –Task Force Members</b>	<b>19</b>

# 1. INTRODUCTION AND BACKGROUND

As part of the Membership Continuous Improvement Project (MCIP), the Ethical Standards Task Force was formed to address a variety of recommendations to support improvements in the ethical standards area. The task force is comprised of representatives from all Affiliates and the Affiliate/National Membership Committee.

The task force used extensive information on ethical standards from similar professional planning groups and other professional organizations. It reviewed and discussed the comments from Affiliates and members on the suggested recommendations to make improvements in the ethical standards area. They also reviewed the differences between the Canadian Institute of Planners (CIP) Statement of Values and Code of Professional Practice to Codes in place with the Affiliates.

Discussions were held on administration and disciplinary policies, expectations of members in terms of understanding ethical standards, verifying intent to comply and compliance, the role of planning schools, international members, reciprocity arrangements, and access to information to inform the public.

*What is the current CIP Statement of Values and Code of Professional Practice?*

CIP has in place a CIP Statement of Values and Code of Professional Practice. The Statement of Values is to serve as a source of inspiration and guidance for professional planners in Canada. The Code of Professional Practice forms the basis of planning practice by members. It is enforceable through disciplinary provisions of the national membership by-law or through the complementary codes of professional practice and by-laws as may be adopted by the Institute's Affiliates. By-laws without disciplinary processes will make enforcement of the code difficult.

*How is the current Statement of Values and Code Applied?*

Some Affiliates have endorsed the full CIP document and others have variations. Each Affiliate has the authority to establish its own code. Where possible, and in the best interest of the profession, all Affiliates should have the same core values and standards. With national standards it is easier to link to competencies and other qualifications the profession may establish. The development and delivery of related learning activity is cost effective and the knowledge becomes portable as members move around the country. Variances in standards are not in keeping with public perception and expectations. A professional planner's capability and compliance to ethical standards should be the same no matter where they live or practice in Canada.

*How is the Statement of Values and Code Communicated?*

Informing members of the public or employers that planners have ethical standards helps to reinforce their status as professionals. The main method for providing information on ethical standards is on Affiliate websites. It has been noted that references to the fact that a Code of Professional Practice exists is limited. The Code is not always available in the public domain area. The fact the planners as a professional group have a Code is a positive attribute. It should be promoted and made convenient for those contemplating a complaint against a member. A member of the public or an employer will currently find limited direction or advice on how to bring an ethical complaint before an Affiliate.

### *How are members educated in Ethics?*

Some members can obtain their professional designation with limited exposure to learning about ethical topics and issues and evaluation thereof. It is also possible that one could become a professional planner without reading codes established by their Affiliate and without agreeing to comply with the codes in writing.

Professional programs offered post-university by professional associations often provide value added education which usually includes ethical topics. There is often limited support provided by CIP and its Affiliates for this usual practice by professional associations.

Ethical education provided by university planning programs may vary as the accreditation process being applied is not always able to confirm that standards as outlined in the Membership Manual Volume 3 Recognition of University Degrees are complied with.

The level of education provided by Affiliates around the Code is limited and varies with Affiliates. Members are looking for clearer information to support their understanding around ethical behaviour. In fact there is no ongoing process to remind members about the code and the importance of member compliance.

### *How is the Statement of Values and the Code Administered?*

Information gathered through discussions indicates that complaints are rare, or there should be more, or there is uncertainty in this area. There appears to be no common approach to the disclosure of decisions regarding complaints and decisions made. There is a strong consensus that more attention to this type of activity is required.

Compliance may become a problem for some Affiliates if there is more focus on compliance and more complaints occur. Some Affiliates have limited policy and processes to support handling discipline or the administration of the Code.

### *How does the Statement of Values and Code apply to International Members?*

Provincial and Territorial organizations are normally responsible for ethical standards in Canada. The CIP has ethical standards responsibility for international members. This type of activity calls for CIP to establish a structure and resources to inform, educate, and administer ethical matters for an international membership of fewer than 50 members. Normally, the national organization plays an important coordinating role in working with the Affiliates to establish national standards. An international member can also be a member of an Affiliate where provisions exist and this places the member in a situation where they have two organizations from the profession with responsibility for their ethical behaviour. There can't be two bodies responsible for dealing with ethical behaviour. In addition, CIP has no process to deal with ethical behaviour.

### *How can we improve upon the current Values and Code?*

Ethical standards are a key element that distinguishes professionals from nonprofessionals. Professionals subscribe to ethical standards and hold themselves accountable to the public based on their adopted principles and responsibilities. Accordingly the planning profession needs to ensure that what they do in

this area represents best practices used by professional associations.

Opportunities exist to improve the development, application, related administration, education and public awareness of the Institute's ethical standards,. The Ethical Standards Task Force has reviewed the current situation and developed improvement recommendations. Recommendations provided in this report will play a key role in establishing core national ethical standards and provide support to align ethical policy and practices for the profession in Canada.

## **2. RECOMMENDATIONS**

### **Recommendation 1**

*The Canadian Institute of Planners (CIP) and its Affiliates represent the planning profession in Canada. To ensure consistency and portability for the profession, it is recommended that each Affiliate formally adopt by By-law the Code of Ethics (outlined in Appendix A) as a national standard.*

#### **Background**

It is in the best interest of the planning profession in Canada to formally adopt a standard Code of Ethics. The Provincial and Territorial Governments and the Government of Canada actively support efforts by professional associations to ensure consistency and portability for members.

As noted in the introduction, the public have expectations that there will be consistency in standards for professional groups in Canada.

The Code of Ethics being advanced for approval has been adjusted to reflect key ethical principles and other ethical related information that will be in Codes of Professional Conduct.

### **Recommendation 2**

*That each Affiliate support the Code of Ethics with Codes of Professional Conduct. It is recommended that all Affiliates agree to meet the minimum standards for Codes of Professional Conduct outlined in Appendix B and adjust their by-laws as required and these minimum standards be noted as a requirement in CIP By-Laws and Regulations and Affiliation Agreements*

#### **Background**

Prior to the work of the Ethical Standards Task Force all Affiliates met minimum national standards for Codes of Professional Practice. The task force has improved the listing of the minimum standards and Affiliates will be asked to review the improvements and adjust their Code as required. Some of the items listed in the prior standards are not necessarily standards that are enforceable and have been removed.

It is the responsibility of each Affiliate to deal with professional conduct and discipline. Affiliates if required by provincial or territorial law and/or preference will be able to build on the new minimum national standard.

CIP plays a key role coordinating the setting of the minimum standard. CIP By-laws and Regulations and Affiliate Agreements should specify that as a requirement of affiliation, all affiliates should meet the minimum standards. This move will assist to strengthen the profession nationally. The minimum standards will be used to support education and examination activity along with portability and general consistency. All Affiliates should meet this requirement by the end of 2008.

### **Recommendation 3**

*Affiliates review their regulations, policies and practices that support administration of their Codes of Ethics and Codes of Professional Conduct and compare them to the Guidelines for Code Administration as outlined in Appendix C to ensure documentation is comprehensive in nature, provides for natural justice and reduces risk and liability for the Institutes and members of the planning profession.*

#### **Background**

It has been proposed that CIP and its Affiliates approve a Code of Ethics for the planning profession in Canada. To support the Code of Ethics, each Affiliate will require a Code of Professional Conduct that meets minimum national standards. One of the minimum standards is that each Affiliate shall establish, by By-Law, such policy and practices necessary to support administration of its Codes of Professional Conduct.

Current policy and practices in this area vary from Affiliate to Affiliate. Affiliates with legislation covering disciplinary matters can use the guidelines to determine if improvements to legislation or policy are desirable. To support more consistency in this area and strengthen the quality of the administrative support for the Code of Ethics and Codes of Professional Conduct, guidelines have been developed.

Other code related issues were reviewed and the following recommendations were developed:

### **Recommendation 4**

*The planning profession is responsible for the Code of Ethics and Code of Professional Conduct and shall educate and examine its members through the certification processes and continuous professional learning as to their knowledge of the Code of Ethics and Code of Professional Conduct.*

#### **Background**

Ethical standards are linked to other standards of the profession. Ethical requirements are part of Competency Standards and Certification Standards. As part of a Competency Standards requirement, educational activity must occur to ensure that professional members are provided with relevant information to assist them to develop competency in understanding ethical issues and to practice in an ethical and responsible manner. This requires the profession to provide members with resource and reference material to promote awareness and provide guidance with regard to ethical conduct.

To ensure members have developed competency in this area, Certification Standards involve examining members' understanding of ethical issues and conduct. It is often part of certification standards and related criteria to have a member certify that they will comply and are in compliance with ethical requirements.

It is in the profession's interest to ensure that all members have exposure to learning activities about ethical topics and issues and this understanding be evaluated. Professional programs offered post-university by many professional associations provide value added education which includes ethical topics.

## **Recommendation 5**

*Affiliates should have all new members sign a section on the membership application form indicating that they are in compliance with the Code of Ethics and Code of Professional Conduct, they have read and understand the content, there is nothing in their previous conduct that would cause them to be unsuitable for membership, and that it is their intent to continue to remain in compliance. In addition, Affiliates should annually require members to sign the membership dues invoice indicating that they are in compliance with the Code of Ethics and Code of Professional Conduct and it is their intent to continue to remain in compliance.*

### **Background**

It is often part of Certification Standards and related criteria to have a member certify that they will comply and are in compliance with ethical requirements.

By having the membership application and annual dues form signed it helps remind members of their commitment and need to understand ethical requirements. It also assists an Institute should a breach of code occur and a member denies having seen requirements or an understanding thereof.

## **Recommendation 6**

*The Accreditation or Recognition process for Planning Schools shall have a requirement that Planning Schools expose and educate students to a minimum level of ethics and this requirement be confirmed during accreditation reviews.*

### **Background**

It is important that the current recognition process for Planning Schools or any accreditation process ensure that students are being exposed and educated to a minimum level of ethics generally.

Recognition of university planning programs is currently based on guidelines for minimum standards for program content. The standards as outlined in the Membership Manual Volume 3 Recognition of University Degrees calls for specific knowledge components, ethical values component and the planning work experience. The ethical values component should be linked to the planning profession's Competency Standards and Certification requirements.

## **Recommendation 7**

*Affiliates should ensure the public is able to access a copy of the Code of Ethics and Code of Professional Conduct on the Affiliate's website along with information on how to file a complaint.*

### **Background**

Ethical standards are a key element that distinguishes professionals from nonprofessionals. Professionals subscribe to ethical standards and hold themselves accountable to the public and employers based on their

adopted principles and responsibilities. Accordingly the public and employers should have access to ethical requirements and how to make inquiries and complaints.

Affiliate websites should ensure their Code of Ethics and Code of Professional Conduct and complaint information should be easily available for the public or employers.

### **Recommendation 8**

*The Affiliation Agreement between CIP and Affiliates should provide for a protocol for the sharing of information on memberships that have been subject to ethical behavioural issues or have been revoked as a result of unethical behaviour.*

#### **Background**

Sharing of information is required to ensure an Affiliate does not unknowingly accept and approve an individual that has had their membership cancelled by another Affiliate. When members transfer the receiving Affiliate needs to be informed as to complaints filed and decisions made. An administrative protocol to share information on ethical behaviour needs to be established.

### **Recommendation 9**

*Affiliates considering applications for members from other professional planning bodies (outside Canada) should confirm with such bodies that the member is in good standing.*

#### **Background**

Reciprocal agreements with Affiliates and other international bodies may provide for certain protocols to occur around ethical activities. For example sharing information on disciplinary decisions, transferring members and interpretations of codes may be agreed to. While arrangements may be in place, it does not remove responsibility from an Affiliate to ensure that the transferring in of members or new applications for membership are from individuals who are or have been in good standing with other Affiliates or international planning bodies. Accordingly an administrative protocol to confirm “good standing” needs to be established.

### **Recommendation 10**

*CIP should consider dropping the International Member category and arrange for the transfer of existing international members to Affiliates in the applicable membership categories, where possible. The CIP National Disciplinary Committee can be wound up and review and coordination of ethical issues assigned to the National/Affiliate Membership Committee.*

#### **Background**

A practice used by professional associations is to have international members attached to an Affiliate based on their last place of residence, where they will move to, or personal preference. In the planning profession in Canada Affiliates are responsible for certification and compliance and administration of the

ethical codes for their members. Accordingly CIP involvement beyond monitoring ethical issues and coordination in this area is not required.

## Appendix A – Code of Ethics

Ethical planning professionals should be governed by two basic concepts:

1. They must be competent. This means:
  - they must know the competencies for their area of practice, and
  - they must be able to successfully apply the competencies.
2. They must have integrity. This means:
  - they must have a keen sense of responsibility to their profession and employers and the public, and
  - they must retain a sense of independence that will enable them to exercise their professional judgment independently and without bias.

In order to comply with these two basic concepts, members of the profession shall:

1. Practice sustainable planning that considers the use of society's resources and the needs of future generations.
2. Value both the natural and human environments and understand their interrelationships.
3. Acknowledge that planning decisions can have effects that cross jurisdictional boundaries.
4. Balance the interests of communities with the interests of individuals.
5. Offer objective and informed planning advice.
6. Strive to continuously improve their knowledge of applicable planning theory and practice.
7. Foster meaningful public participation by all segments of society.

## Appendix B – Codes of Professional Conduct

### Minimum Standards for Codes of Professional Conduct

*[Examples of possible non-compliance are provided in italics for information]*

#### 1.0 The Planner's Responsibility to the Public Interest

Members shall:

- 1.1 practice in a manner that respects the diversity, needs, values and aspirations of the public and encourages discussion on these matters; *[A Member unreasonably dismisses ethnic and/or religious based concerns.]*
- 1.2 provide full, clear and accurate information on planning matters to decision-makers and members of the public, while recognizing the employer or client's right to confidentiality and the importance of timely reporting; *[A Member releases confidential information, when they have been specifically requested by a client, employer or another planner not to do so.]*
- 1.3 acknowledge the inter-related nature of planning decisions and the consequences for natural and human environments; *[A Member recommends the elimination of an engineering requirement which they know is required to protect public safety.]* and,
- 1.4 provide opportunities for meaningful participation and education in the planning process to all interested parties. *[A Member conducts a public hearing process without the required notice(s) or without indicating to a member of the public that their speaking time will be limited.]*

#### 2.0 The Planner's Responsibility to Clients and Employers

Members shall:

- 2.1 provide independent professional opinion to clients, employers, the public, and tribunals; perform work only within their areas of professional competence; *[A Member provides advice in an area of planning or another discipline where they do not have appropriate training and experience. An example is a Member who does not have professional competence in transportation planning and prepares a report with recommendations in this area.]*
- 2.2 undertake planning services with diligence and render services with appropriate preparation; *[A Member does not take the time and care needed to provide appropriate professional advice and presents a major report which has not been well researched and is poorly written and presented without a factual basis.]*
- 2.3 acknowledge the values held by the client or employer in work performed, unless such values conflict with other aspects of this Code; *[A Member ignores the client or employer's standards or needs in the work being done and does not adhere to the agreed-upon Terms of Reference for a project.]*
- 2.4 respect the client or employer right to confidentiality of information gathered through a professional relationship, unless such right conflicts with other aspects of this Code; *[A Member releases information that is confidential. This right of confidentiality does not extend to, for example, a situation where the Member is required to testify before a tribunal of the Member's Affiliate Institute where a complaint has been made against the Member by the client or employer.]*
- 2.5 inform the client or employer in the event of a conflict between the values or actions of the client or employer and those of this Code in a timely manner; *[A Member who does not immediately*

*notify the client or employer that something they want the Member to do is in conflict with the Member's responsibilities under the Code. An example is a client asking a Member to share with them confidential information that the Member has collected in the course of conducting an assignment for another client.]*

- 2.6 ensure timely and full disclosure to a client or employer of a possible conflict of interest arising from the Member's private or professional activities; *[A Member who does not immediately let the client or employer know of a situation where the Member believes they cannot continue to offer independent professional advice. An example is a Member employed as a consultant on the side providing professional planning advice in a municipality where the Member is employed full-time as a professional planner.]*
- 2.7 not offer or accept any financial or other inducements, including prospective employment, that could, or appear to, influence or affect professional opportunities or planning advice; *[A Member asks for or receives a financial or other benefit, including a job, in exchange for providing professional advice that is not independent and objective. An example is a Member providing biased conclusions, at the request of a client, in a report that will be received by a public regulatory body in exchange for gaining further work from the client.]*
- 2.8 not, as an employee of a public agency, give professional planning advice for compensation to a private client or employer within the jurisdiction of the public agency without disclosure to the agency and written consent; *[A Member accepts a bonus payment based on a planning approval achieved]* and,
- 2.9 not, as a consultant to a public agency during the period of contract with the agency, give professional planning advice for compensation to others within the jurisdiction of the agency without disclosure to the agency and written consent in situations where there is the possibility of a conflict of interest arising. *[A Member acts as a consultant providing professional planning advice to a developer on a project in a municipality at the same time as the Member is providing professional planning advice to the municipality on matters that may affect the developer's project.]*

### **3.0 The Planner's Responsibility to the Profession and Other Members**

Members shall:

- 3.1 maintain an appropriate awareness of contemporary planning philosophy, planning theory and practice by obtaining professional education throughout their planning career, including complying with the Institute's continuing professional learning requirements; *[A Member ignores the Affiliate requirements for continuous professional learning ]*
- 3.2 not in professional practice, extra-professional activities or private life, engage in dishonourable or questionable conduct that may cast doubt on their professional competence or integrity or that may reflect adversely on the integrity of the profession; *[A Member at a conference spends all of the program time outside of the conference in a disorderly and disruptive manner.]*
- 3.3 ensure that advertising or promotional activities fairly and accurately communicate the expertise and skills offered, including professional qualifications and affiliations, education and experience; *[ A Member provides false or misleading information on a cv or corporate brochure]*
- 3.4 act toward other Members and colleagues in a spirit of fairness and consideration and not falsely or maliciously injure the professional reputation, prospects or practice of another Member or other colleagues; *[A public sector Member, when asked to recommend a good planner for employment purposes by the public or developer, continuously gives a specific reference rather than referring to an approved list or the Affiliate's Directory of Planning Consultants]*
- 3.5 respect colleagues in their professional capacity and when evaluating the work of another

- Member, show objectivity and fairness and avoid ill-considered or uninformed criticism of the competence, conduct or advice of the Member; *[A Member makes derogatory comments at a Public Hearing on a planning matter about the work performed by another Member.]*
- 3.6 not attempt to supplant another Member once made aware that definite steps have been taken toward the other's employment; *[A Member offers a discount or other incentive to lure a client's business when that client is in the process of securing a contract with another planner.]*
- 3.7 only sign or seal a final drawing, specification, plan, report or other document actually prepared or checked by the Member; *[A Member seals a final site plan, prepared by a friend, who is a non-member, without checking the plan and thoroughly understanding the project.]*
- 3.8 report to the Institute the behaviour of any Member believed to be in breach of this Code in a timely manner; *[In spite of extensive media coverage and personal knowledge, a Member does not report that a fellow CIP member has vociferously criticized a planning scheme proposed by the firm of another Member.]*
- 3.9 only make public statements on behalf of the Institute if authorized to do so *[In the media a Member states that members of the Canadian Institute of Planners are opposed to the demolition of a local heritage building when no such statement has been made];*
- 3.10 comply with any reasonable request of the Institute for information or for the co-operation of the Member in pursuit of any Institute objective; *[A Member refuses to co-operate in an investigation by the Member's Affiliate Institute of alleged professional conduct by either the Member] and,*
- 3.11 respect the process and decision of any discipline proceeding affecting a Member. *[The Member, who is the subject of a disciplinary matter, makes light of the procedure and does not prepare for and participate in the procedure in a professional manner.]*

## **Discipline**

Affiliates shall establish by By-law policies and practices necessary to administer their Codes of Professional Conduct to ensure the proper handling of complaints, investigations, disciplinary reviews, sanctions, and appeals, and to reduce risk and liability. Such information shall reflect legal requirements and best practices used by professional associations.

\*Reference to the “Institute” refers to CIP.

## **Appendix C – Guidelines for Code Administration**

The following provisions should be considered and, where applicable be included in the By-Law to support administration of the Code of Ethics or the Code of Professional Conduct. Each Affiliate may use wording that is consistent with their respective provincial legislation or policies.

### **Definitions**

This section could include words such as complaint, complainant, reviewer, disciplinary committee, notice, council, member, etc.

### **Lodging Complaints**

This section should indicate the following:

- Who may lodge a complaint
- Whether complaints need to be in writing and signed
- Who is to receive the complaint
- That a record of all complaints and disposition of such be maintained
- Whether the Institute can formulate a complaint
- Time limits for complaints
- When and how the member is to receive a copy of the complaint

### **Reviewing the Complaint**

This section should indicate the following:

- Whether or not there will be a preliminary investigation of the complaint and where the complaint will be directed. (Discipline Committee)
- If a preliminary investigation or review is to occur, who will conduct the investigation (Case Officer, Ethics Officer, Discipline Reviewer, Review Committee, Complaints Committee, etc.)
- Who will appoint the preliminary reviewer
- What is the intent of the preliminary investigation.
- How is it to be conducted and over what time period
- The role of the accused Member as part of the complaint review
- Whether a reviewer can refer the complaint in whole or in part to the Discipline Committee
- Whether a reviewer can dismiss the complaint
- Whether a reviewer can take action to caution or admonish the member
- The type of report to be completed within a specified time period and where it will be sent (Discipline Committee)

## **Appeal of a Reviewer's Decision**

Where a reviewer is given authority to dismiss a complaint and report it as frivolous to the Discipline Committee, the following should be addressed:

- Whether or not the complainant can appeal the reviewer's decision
- Who handles the appeal (Review Appeal Committee)
- The composition of the Review Appeal Committee
- Under what circumstances the Review Appeal Committee can refer a complaint back to the reviewer for reconsideration
- How, what and to whom the Review Appeal Committee will report its decision
- When the reviewer will reconsider and report their decision
- Whether or not upon reconsideration the reviewer's decision is final and subject to no further review

## **Discipline Committee**

This section should indicate the following:

- Who appoints the committee
- Who serves on the committee
- Whether decisions are by simple majority or two-thirds of the committee and other operational considerations
- Receiving and reviewing the Reviewer Report, deciding whether a breach has occurred and a hearing is required
- How notices will be served and what will be included
- Whether the hearing may proceed if the member is absent
- Whether the hearing shall be open to the public and, if so, under what conditions
- That the rules of natural justice are to be used to support the principle of fairness and confidentiality
- When a decision is to be provided to the Member and complainant upon completion of the hearing
- That disciplinary proceedings will be carried out in accordance with specific provincial or territorial legislation as applicable
- The requirement to report on its activities to the Council

## **Sanctions**

This section should indicate the following:

- The types of sanctions to be considered if a breach has occurred (e.g. Letter of Admonition, Censure, Suspension and Probation, Expulsion and Fines up to a specified amount)
- How the sanction is to be delivered to the member
- Based on the type of sanction, who will be advised as to the decision
- How membership fees will apply during suspension or probation

## **Appeal of the Discipline Committee Decision**

This section should indicate the following:

- How the Member or complainant can appeal
- When the appeal should be made (within x days of the hearings final decision)
- To whom the appeal is made (Council)
- How notices for the appeal are to occur
- The decision of the Council is final unless legislation otherwise provides a decision of Council to suspend or expel a member may be appealed to Court of Queen's Bench.

## **Resignation and Termination**

This section should indicate the following:

- Conditions for resignation
- What happens if a Member resigns when a complaint has been lodged but not resolved
- How to deal with failure to pay fines or costs
- Conditions for reinstatement of those who have been terminated pursuant to a decision of the Discipline Committee or Council.

Examples of the provisions noted in the above sections may be found in Affiliate By-laws or By-Laws of other professional associations.

## APPENDIX D – Task Force Members

The Ethical Standards Task Force includes the following individuals:

Dana Anderson MCIP, RPP (Chair)	National/Affiliate Membership Committee
Claude Beaulac MICU, urbaniste	OUQ
Gerry Couture FCIP	MPPI
John Jarvie MCIP, RPP	API
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The task force was assisted by:

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