

Circular Memorandum No. 1 / 2014

TOPIC: **Amendments to Surveyors Act 2002**
Surveyors Regulations 2014
Survey Directions 10 December 2014

DATE: 12 December 2014

All Registered Surveyors were advised through OSG Circular 2/2013 of progress in the drafting of the Surveyors Amendment Bill 2014, invited to provide submissions on the review of the Regulations, and advised of expected consequential changes to the Survey Directions. The Bill has now received Royal Assent, the Regulations have been Gazetted and the Survey Directions revised accordingly. They are therefore now all in force.

There are significant amendments to the *Surveyors Act 2002* and previous Regulations that will, in the immediate term, affect surveyors as follows:

- Compulsory registration for land surveyors and voluntary registration for surveyors with a specialist competency are retained; voluntary general registration of surveyors on the basis of membership of a relevant institution is no longer available.
- A consequence of this change is that the use of the appellation 'Registered Surveyor' must always include the specialisation for which the surveyor is registered (eg Land, Engineering, Hydrographic). Use of 'Registered Surveyor' without including the specialisation is prohibited.
- Land surveyors will be required to certify their capacity to carry out the practice of land surveying in accordance with all statutory requirements.
- Registration fees are now set by Regulation and for the coming calendar year the registration fee is \$296. Land surveyor registration fees are to be used by the Institute of Surveyors Tasmania for the accreditation of surveyors.
- There is now a three month grace period from 1 January before the previous year's registration is cancelled. In conjunction with this provision, the fee for an application for renewal of registration received after 30 Dec 2014 is \$370.
- Provision of an email address, where available, is now a requirement of registration and will be used for official communications with the surveyor.
- Notification of changes to surveyor details held in the register is now compulsory within a month of the change taking effect.
- Provisions for survey marks, with minor revisions, is now to be found in the Survey Directions rather than the Regulations.

Implications for surveyors in the longer term include the following:

- Eligibility for registration as a land surveyor will become subject to proof of currency of competency in the form of ongoing practice and CPD requirements. These requirements will be developed as Directions in consultation with the profession.
- There are circumstances where grant of a land surveyor's application for renewal of registration may be subject to certain conditions being met:
 - Payment of all outstanding costs of correction of surveys by the Surveyor General and disciplinary action by the Director of Consumer Affairs.
 - Re-accreditation by the Tasmanian Land Surveyors Accreditation Board due to inability to meet ongoing competency requirements or a poor audit record.
- Introduction of a requirement for surveyors responsible for correcting boundary errors to also notify and assist affected parties with the process of correcting their titles.
- Introduction of powers for the Surveyor General to be able to require persons to provide information when investigating problems with surveys. This will overcome the previous difficulty with investigating unregistered survey work.
- Formal authorisation for the Survey Investigations layer in LISTmap and a requirement for surveyors to take into account the results of any investigations relevant to boundaries under survey.
- In relation to complaints against surveyors to the Director of Consumer Affairs, better focussed grounds for disciplinary action and a progressive sequence of remedies able to be applied.
- Removal of the requirement for performance indicators, allowing the Surveyor General's resources to be more effectively targeted to specific audits and investigations.

The amendments consolidated into the Act and new Regulations are available on the Tasmanian legislation website (www.thelaw.tas.gov.au).

The revision of the Survey Directions does not significantly affect survey practice as it involves moving the requirements for the form of survey marks from the previous Regulations to the Survey Directions. A change has been made to the dimensions required for plastic corner pegs to better align with commercial availability and the provisions for marking of mineral leases have been removed as they are no longer required. A copy of the amended Survey Directions is available from the OSG website.



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