

FACT SHEET

Surveyors Amendment Bill 2014

This Bill amends the *Surveyors Act 2002*, updating its provisions in the light of the past decade of its operation with the aim of improving its effectiveness in the matters of registration of surveyors, their practice and the investigation of complaints. The Act and the amendments provided for in this Bill aim to ensure that surveys made for a statutory purpose are undertaken by competent surveyors who operate according to accepted standards, and that where errors in surveys do occur, they are effectively dealt with.

Surveyors provide a wide range of services that contribute to the community's welfare, including mapping of the State's land and water assets, planning and development of its land and water resources and infrastructure, and production from its mines and forests. Land surveying, in particular, has been regulated by the State since its inception due to the importance of its contribution to the management of the State's land assets.

A secure and efficient land registration system provides for an efficient land market and forms the basis of the State's wealth and prosperity. Accurate and reproducible boundaries are an essential component of that security. In Tasmania this is provided through approximately 100 registered land surveyors, operating in accordance with regulated standards.

As part of the parliamentary debate on the *Surveyors Bill (No. 2) of 2002* it was recognised that there were fundamental changes from the previous Act, the efficacy of which were untested. As a consequence the opinion was expressed that Parliament would be well advised to maintain a watching brief to ensure that no significant emerging problems with its operation were left unremedied.

While there have been no serious flaws detected during the intervening period requiring urgent corrective action, both government and the profession have identified the need for the adjustment of some existing provisions and additional provisions to improve the effectiveness of the Act. In particular, because errors in surveyed boundaries have such a long-lasting impact that significantly increases the costs to the community of dealings in affected land, the Bill has a strong focus on ensuring the competency of surveyors undertaking these surveys, and dealing with the minimisation of errors and their correction.

Input from the profession was sought by the Surveyor-General through direct consultation with survey practices and from the Director of Consumer Affairs in relation to the Director's

complaints and investigations function under the provisions of the Act. A review paper was distributed both internally to government and to external stakeholders, comprising surveyors, the relevant surveying and other professional industry bodies, business associations and infrastructure providers for comment. Public workshops were held in Hobart, Launceston and Devonport to enable stakeholders to request further information and provide input to the review. These were well attended, with strong support from surveyors and their professional bodies for the thrust of the review, and a high degree of consensus as to specific options adopted for the Bill.

The Bill amends the *Surveyors Act 2002* in the following key areas:

- Inclusion in the Act of prescribed fees for registration and their use for the purpose of land surveyor accreditation (currently an administrative arrangement), and stipulating that for registration surveyors require a recognised specialist competency.
- Introduction of a requirement that registered land surveyors maintain competency through an ongoing practice requirement and/or continuing professional development.
- Introduction of limitations on a surveyor's right to renew or maintain registration where corrections or costs required under the Act are outstanding, the surveyor's surveys demonstrate ongoing failure to comply with the relevant standards, or has had his or her registration suspended or cancelled in another State.
- Introduction of wider powers for the Surveyor-General to investigate problems with surveys, including collection of relevant information, and an improved process for managing errors in surveyed boundaries where those errors cannot be immediately remediated.
- Introduction of a requirement for surveyors responsible for correcting boundary errors to notify and assist affected parties of the process of correcting their titles.
- Addition of provisions better enabling the Director of Consumer Affairs to investigate complaints against surveyors, including the introduction of more specific grounds for, and a graduated process of disciplinary action.

The Amendment Bill also ensures that surveys remarking legal boundaries are properly recognised under the Act and reinstates a provision previously inadvertently omitted to allow breaking up of the surface of land to search for evidence of boundaries and survey marks.