

DRAFT SECOND READING SPEECH

Surveyors Amendment Bill 2023

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Mr Speaker, I move that the Bill now be read a second time.

The purpose of this Bill is to amend the *Surveyors Act 2002* to rectify two issues impacting its effective operation, and to postpone the automatic repeal of the subordinate *Surveyors Regulations 2014* for up to two years to accommodate the consideration of important national initiatives during its review.

The Surveyors Act commenced on 1 January 2003, replacing the *Land Surveyors Act 1909*. The legislation provides for the registration of surveyors with diverse specialist competencies; the regulation of the practice of registered surveyors engaged in surveys authorised or required under any Act, and other related matters.

In particular, it specifies that registered land surveyors are the only persons authorised to survey the location of legal interests in real property, described as a 'survey of land'.

Section 16(2) of the Surveyors Act presently provides that '[a] person who is not a registered land surveyor, or acting directly under the supervision of a registered land surveyor, must not survey land.' Since 'directly' or 'supervision' are not defined, the effect of this wording in relation to a non-registered person undertaking a survey of land, is that they must always be personally and immediately supervised by a registered land surveyor.

Mr Speaker, this does not reflect the current understanding or practice of registered land surveyors in Tasmania supervising non-registered persons, nor does it reflect the requirements and practice in other Australian jurisdictions.

The Bill amends section 16(2) of the Surveyors Act to remove the requirement for 'direct' supervision, thereby allowing the Surveyor-General to issue Directions under section 15 of the Surveyors Act that specify what constitutes effective supervision of a person assisting a registered land surveyor conducting a survey of land in a range of different circumstances.

The Bill also amends the Surveyors Act to provide for the publication of all disciplinary orders imposed on registered land surveyors by the Director of Consumer Affairs. Presently, only orders for suspensions and cancellations of registration can be published as a note in the surveyors register.

Mr Speaker, the purpose of disciplinary proceedings is to protect the public and publication of orders is an important feature of disciplinary outcomes, serving as both a specific and general deterrent to similar behaviour that is consistent with general principles of openness and transparency.

The absence of provisions allowing for publication of all disciplinary decisions contrasts with the modern approach commonly adopted for other professions and trades in Australia.

Mr Speaker, the Bill also postpones the repeal date of the *Surveyors Regulations 2014* from 10 December 2024 until 10 December 2026.

The Surveyors Regulations are due to be automatically repealed as a consequence of section 11(2) of the *Subordinate Legislation Act 1992*, which provides for the systematic repeal of regulations over a rolling 10-year period to ensure they are fully examined and either updated or repealed.

These Regulations primarily deal with the qualifications, and post-graduate training and accreditation of land surveyors. To meet requirements of mutual recognition schemes the Tasmanian Regulations must be consistent with the agreed national approach.

Mr Speaker, the Council of Reciprocating Surveyors Boards of Australia and New Zealand, which is the national committee ensuring common standards for land surveying, has commenced an initiative aiming to harmonise and modernise training and accreditation requirements nationally. It is not envisaged this initiative will deliver outputs until late 2024.

Extending the repeal date for the Surveyors Regulations ensures there will be sufficient time to include consideration of this important work in the review and remake of these Regulations.

Providing for the postponement in this Bill circumvents the potential need to introduce a separate postponement Bill in 2024, but importantly the Bill allows for the replacement of the current Regulations before 10 December 2026 if circumstances warrant.

Mr Speaker, the amendments received strong support from the Institute of Surveyors Tasmania and the Geospatial Council of Australia, the professional bodies who represent land surveyors in Tasmania.

In addition, the postponement of the repeal date of the Surveyors Regulations reflects an Institute of Surveyors Tasmania's recommendation in its 2021 Industry Futures Report to collaborate nationally on redefining competencies and training approaches for land surveying, to accommodate a modernised and federated accreditation process.

Mr Speaker, I commend the Bill to the House.