

TASMANIA

SURVEYORS AMENDMENT BILL 2023

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SURVEYORS AMENDMENT BILL 2023

*(Brought in by the Minister for Parks, the Honourable Nick
John Henry Duigan)*

A BILL FOR

An Act to amend the *Surveyors Act 2002*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Surveyors Amendment Act 2023*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Surveyors Act 2002** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *published* and substituting the following definition:

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published means –

- (a) in relation to a publication under section 34(4A), published in such a manner as the Director thinks fit; and
- (b) in relation to all other matters under this Act, published in such a manner, whether by advertisement or otherwise, as the Surveyor-General thinks fit;

5. Section 9 amended (Particulars to be entered in register)

Section 9 of the Principal Act is amended as follows:

- (a) by omitting paragraphs (a) and (b) from subsection (3) and substituting the following paragraphs:
 - (a) if the name of a registered surveyor is removed from the register in accordance with section 12(da) or (e), and that surveyor is subsequently recorded on the register, make a note in the register, in relation to the surveyor, of the date and particulars of each disciplinary action that resulted in the previous removal of the name of the surveyor from the register; and

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- (b) make a note in the register of the date and particulars of each disciplinary action, other than a disciplinary action referred to in paragraph (a), determined or ordered under this Act in relation to a registered surveyor; and
 - (c) remove a note made under paragraph (b) as soon as practicable after the end of the period of 3 years commencing on the date on which it was made.
- (b) by inserting the following subsection after subsection (3):
- (3A) Subsection (3)(c) does not prevent the Surveyor-General from removing a note made under subsection (3)(b) before the expiry of the period referred to in subsection (3)(c).

6. Section 16 amended (Only registered land surveyors to survey land or practise as land surveyors)

Section 16(2) of the Principal Act is amended by omitting “directly”.

7. Section 34 amended (Disciplinary action)

Section 34 of the Principal Act is amended by inserting after subsection (4) the following subsections:

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- (4A) The Director may publish the details and particulars of an order made under this section in relation to a registered surveyor.
- (4B) If, under subsection (4A), the Director publishes the details and particulars of an order made under this section, the Director –
- (a) may withdraw the publication at the Director’s discretion if that publication is made in relation to an order under subsection (1)(a) or (b); or
 - (b) must withdraw the publication as soon as practicable after the end of the period of 3 years commencing on the date on which the publication was made if that publication is made in relation to an order under subsection (1)(c), (d), (e), (f), (g) or (h).
- (4C) Subsection (4B)(b) does not prevent the Director from withdrawing a publication specified in that paragraph before the expiry of the period referred to in that paragraph.

8. Section 46A inserted

After section 46 of the Principal Act, the following section is inserted in Part 6:

46A. Repeal of regulations postponement

(1) In this section –

the regulations means the *Surveyors Regulations 2014*.

(2) The repeal of the regulations that, but for this section, would have, in accordance with section 11 of the *Subordinate Legislation Act 1992*, been effected on 10 December 2024 is postponed until 10 December 2026.

(3) Subsection (2) does not prevent the regulations from being rescinded before 10 December 2026.

9. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.