

## Circular Memorandum No. 2 / 2023

TOPIC:	<b>Surveyors Act 2002 Amendments</b> <b>Postponement of the Repeal date of the Surveyors Regulations 2014</b> <b>Proposed Supervision Directions</b>
DATE:	29 September 2023

## All Registered Surveyors and Land Surveyor Candidates

### Surveyors Act 2002 Amendments

Registered Surveyors will be aware that amendments are proposed to the *Surveyors Act 2002* (the Act) in response to two issues identified that are preventing its effective operation. The form of the amendments derives from feedback provided during consultation on the [Issues Paper](#) which offered strong support for the changes. In accordance with the process previously described the Department's response with recommendations for the amendments to the Act were approved by the Government and a Bill containing the amendments has been drafted.

The Bill will shortly go before Cabinet for final approval for submission to Parliament, which it is envisaged will occur later this year. A copy of the Draft Bill is attached for your information.

The amendment clauses :

- Remove the requirement for a registered land surveyor to always 'directly' supervise a person who is not a registered land surveyor assisting them with the survey; and
- Provide for the publishing of all disciplinary orders issued by the Director of Consumer Affairs, and their noting in the register, but requiring all orders that do not relate to suspension or cancellation of a surveyor's registration and / or their right to work in a survey business to be removed from publication after 3 years.

During the development of the Department's position on the amendments it was determined that it was appropriate to utilise the Bill to provide for the postponement of the repeal date of the *Surveyors Regulations 2014* (the Regulations).

### Postponement of the Repeal date of the Surveyors Regulations 2014

The Regulations are due to be automatically repealed on 10 December 2024 as a consequence of section 11(2) of the *Subordinate Legislation Act 1992* and an Act of Parliament is required to extend their operation.

Over 50% of the Regulations' content is concerned with the qualifications, training and accreditation of land surveyors, and to meet the requirements of mutual recognition schemes the Act specifies that Tasmanian requirements must be consistent with the agreed national approach.

The Council of Reciprocating Surveyors Boards of Australia and New Zealand has commenced an initiative aiming to harmonise and modernise training and accreditation requirements nationally. The review of the Regulations will need to consider the results of that initiative and it is predicted the current 10 December 2024 repeal date will leave insufficient time for this to occur. Including clauses in the Bill to extend the repeal date for the Regulations to 10 December 2026 ensures there will be sufficient time to include consideration of this important work in their review and remake and circumvents the potential need to introduce a separate postponement Bill in 2024. Importantly the postponement clause allows for the replacement of the Regulations prior to this date if that is appropriate.

### **Proposed Supervision Directions**

Once the Surveyors Amendment Bill is given Royal Assent it will be possible for the Surveyor-General to issue Directions under section 15 of the Act that specify supervision requirements reflecting current national best practices for the supervision of non-registered persons in a range of circumstances. Currently it is not proposed to commence the consultation on these proposed Directions in accordance with section 15 until after the Bill is given Royal Assent.

In advance of this consultation, practitioners are recommended to review the two most recent determinations related to supervision issued in other Australian jurisdictions that are the equivalent of our Directions:

- ACT: [Surveyors \(Surveyor-General\) Practice Directions 2023](#) which outlines that *Guideline 13 - General and Immediate Supervision by Registered Surveyors* (copy attached) must be followed. The requirements are discussed in the [ACT OSG and Land Information Legislation Update Seminar 1-2023 presentation](#).
- NSW: [BOSSI Determination - Supervision EI.1](#) and [BOSSI Determination - Surveyors Assistant EI](#)



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