



Legislative Council

Surveying Bill Hansard - Extract

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SURVEYING BILL

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Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [9.27 p.m.]: I move:

That this bill be now read a second time.

As the second reading speech has already been delivered in the other place and is lengthy, I seek leave to have it incorporated in *Hansard*.

Leave granted.

The Surveying Bill 2002 arises from the recommendations of the National Competition Policy Review of the Surveyors Act 1929 and consultation with key stakeholders.

The National Competition Policy Review process recommended that:

- (a) the objectives of the Act be clarified;
- (b) the role of the Board of Surveyors be broadened to include the supervision of surveyors in coal mining, metalliferous mining and extractive industries;
- (c) the system of registration of the survey profession be retained in the public interest;
- (d) the existing restrictions upon advertising, ownership of survey firms by non-surveyors and the naming of survey firms be removed;
- (e) membership on the Board be expanded to include representatives of government, the survey profession, consumers and other professional groups having an interest in survey and spatial information.
- (f) the retention of current standards and requirements for registration, subject to ongoing review and some professional training requirements being included in the undergraduate degrees course for surveyors.

Some of these matters are not included in this Bill.

The removal of restraints on naming and ownership will be dealt with through the regulatory process, as will other specific matters relating to the content of the *Survey (Practice) Regulation*.

Educational and professional training issues will be addressed by the Board through ongoing discussions with relevant education and training providers.

In addition to the NCP recommendations that are included in this Bill, broader consultation with stakeholders has resulted in the inclusion of certain other amendments:

- (g) the renaming of the Board of Surveyors to the "Board of Surveying and Spatial Information"; and
- (h) review and improvement of the Board's ability to investigate complaints against surveyors and clarification of the appeal mechanism to the Administrative Decisions Tribunal.

In drafting these amendments the opportunity has also been taken to consolidate existing land survey legislation in New South Wales including:

- (i) the Surveyors Act, 1929,
- (j) the Survey Marks Act, 1902,
- (k) the Survey Co-ordination Act, 1949 and
- (l) the Survey (Geocentric Datum of Australia) Act, 1999.

As a result, this single Bill incorporates all aspects of regulation of land surveying in New South Wales.

I would like to outline the key aspects of the Bill.

Part 2 of the Bill incorporates many of the provisions of the Survey Co-ordination Act 1949 and the Survey (Geocentric Datum of Australia) Act 1999.

The Survey Co-ordination Act, introduced shortly after the Second World War, related to public authorities only and sought to prevent duplication of survey activities in a time of rapid infrastructure development.

The objective of the Act in preventing duplication remains relevant today.

This Part provides for the creation of the State Control Survey and for the Surveyor General to establish and maintain a register of public surveys ensuring that information concerning surveys by public authorities is available to the Government and community at large.

Part 3 of the Bill concerns the registration of surveyors.

The National Competition Policy Review of the Surveyors Act 1929, recommended that registration of surveyors be retained in the public interest.

Registration, professional education requirements and disciplinary processes are overseen by the Board of Surveyors to ensure consistency and quality service of delivery.

Without the protection of these regulatory measures, the public may be vulnerable to unscrupulous or inadequately qualified persons undertaking survey work.

In the case of land or cadastral surveyors, ill-prepared plans of survey may result in costly and time-consuming disputes over land boundaries and substantial financial loss.

The NCP review also recommended that the scope and membership of the existing Board of Surveyors be broadened to include the supervision of coal mine surveyors and surveyors in the metalliferous mining and extractive industries, a consumer representative and representatives of other professional groups.

I am pleased that the mining surveyors have agreed to formalise their relationship with land surveyors in this way, and welcome their involvement in the new look Board, which will become known as the Board of Surveying and Spatial Information.

As Honourable Members may be aware, the debates concerning the Surveyors Act 1929 involved some discussion of whether coal mine surveyors ought to come within the terms of that Act. At that time, the Bill was passed into law without the issue being resolved.

For several years, land and mining surveyors have been working collaboratively to ensure consistency in their competencies and standards. This relationship is now recognised by representatives of the mining surveyors becoming formal members of the new Board.

The broadening of the scope of the Board to include mining surveyors will provide a formal forum for the discussion of common issues, standards and safety requirements.

The membership of the Board will also be expanded to include a consumer representative and up to three representatives of the broader spatial information industry.

The addition of these members will open the Board to new perspectives and opportunities.

This part also deals with the power of the Board to take certain actions in relation to professional incompetence by a surveyor or professional misconduct.

The Board has several new options in managing a complaint, such as the issuing of cautions or the imposition of conditions on the surveyor's registration which provides more flexibility in handling a complaint than the existing legislation.

Part 4 confers on surveyors the power of entry onto land for the purpose of conducting surveys, and regulates the way in which the power can be exercised.

The power of entry is not a new provision, but those familiar with the previous sections in the Surveyors Act will note that there are changes in this Bill.

These changes ensure that the power of entry is consistent with the powers of other authorised persons such as certain local government personnel and utility workers.

A person exercising a power of entry must carry and produce on demand, a certificate of authority.

Not to do so will be an offence.

The form of the certificate of authority is to be defined by the regulations.

Offences are dealt with at Part 5 of the Bill.

In the public interest, it is an offence for a person to carry out a land or mining survey for fee or reward, or to advertise their willingness to carry out a survey if they are not a registered surveyor, or within a limited class of persons such as survey drafters, survey assistants or survey students.

The restriction is warranted by the need to ensure that persons undertaking surveys are appropriately qualified and competent to undertake the work.

Similarly, other provisions ensure that the state survey infrastructure is protected.

It is an offence, in the terms of this Bill:

- (m) damage, remove or destroy a survey mark;
- (n) to use a mark resembling a permanent survey mark without lawful authority or
- (o) to hinder the Surveyor General or a person authorised by him or her, in the exercise of their obligations under the Bill.

As I mentioned earlier the current *Board of Surveyors* will become known as the *Board of Surveying and Spatial Information*.

The renamed Board will retain many of its former functions including:

- (p) the registration of surveyors
- (q) matters concerning the reciprocal recognition of registration and licensing schemes in other states,
- (r) the investigation of complaints
- (s) the taking of disciplinary action.

The functions of the Board will be enhanced to include investigation and advice on matters concerning the collection, collation and dissemination of spatial information other than surveys.

The Board will include the Surveyor General, land and mining surveyors, representatives from government and representatives of the spatial information industry.

Although the Board of Surveying and Spatial Information will include representatives of the spatial information industry, I wish to make it clear that the Board will not be *regulating* the broader spatial information industry.

The Board's registration powers relate only to the land and mining surveyors.

The spatial information industry is currently an unregulated industry. It is also a difficult industry to succinctly define.

In Australia, it encompasses a wide variety of disciplines including, for example:

- (t) Surveying;
- (u) Mapping;
- (v) Land administration;
- (w) Geographic information systems,
- (x) Remote sensing and
- (y) Photogrammetry.

Spatial information is used in a variety of applications including:

- (z) Planning and land and resource management;
- (aa) Emergency services and disaster recovery;
- (bb) Environmental monitoring;
- (cc) Asset management

Reliable and accurate spatial information is fundamental to efficient and effective communication, planning and coordination at all levels in society.

The *Board of Surveying and Spatial Information* will provide the forum in which the survey and spatial information disciplines can discuss, investigate and advise government on issues relating to the broader spatial information industry and its contribution to the economic, environmental and social well being of the state.

The Surveying Bill 2002 encapsulates the future of surveying.

It will ensure ongoing consistency in standards and quality of service in land and mining surveying, while also encouraging increased innovation across the spatial information sector.

I commend the Bill to the House.