

# Surveyors (Surveyor-General) Practice Directions 2023

## Disallowable Instrument DI2023-112

made under the

**Surveyors Act 2007, s 55 (Surveyor-general practice directions)**

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### EXPLANATORY STATEMENT

This explanatory statement relates to the Surveyors (Surveyor-General) Practice Directions 2023. It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

This statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision.

#### **Background**

The *Surveyors Act 2007* is an Act to regulate the practice of land surveying and provides for the issuing of instructions to surveyors. Section 55 provides for the Surveyor-General to issue Surveyor-General Practice Directions in relation to the practice of surveying.

This instrument establishes the Surveyors (Surveyor-General) Practice Directions 2023 and revokes the Surveyors (Surveyor-General) Practice Directions 2021 (No. 1) (DI2021-51).

Changes from the earlier Directions are primarily designed to:

1. Adopt the Geocentric Datum of Australia 2020 (GDA2020) and Map Grid of Australia 2020 (MGA2020).
2. Allow registered surveyors working in the ACT under the *Mutual Recognition Amendment Act 2021* (Commonwealth) and Automatic Deemed Registration (ADR) to certify relevant survey plans.
3. Modernise the Directions to reflect current best practice and surveying techniques.
4. Improve the clarity of the wording in some of the previous Directions.

5. Remove the previous Schedule 3 regarding Supervision and incorporate the information into Guideline No. 13.

### **Consultation**

There has been extensive consultation on this instrument both internally and externally to the Office of the Surveyor-General and Land Information (OSGLI). The adoption of the GDA2020 will rationalise ACT mapping systems and integrate the ACT spatial data with the rest of Australia, including NSW where GDA2020 has already been adopted.

Two discussion papers outlining the suggested changes to supervision requirements were widely distributed to industry. Feedback from the papers has been incorporated as necessary.

The amendments have been provided to all registered surveyors for comment and have been approved by the Survey Practice Advisory Committee. This instrument has been supported by Government and Industry.

### **The Amendments**

The changes made to the Surveyors (Surveyor-General) Practice Directions include general updates to grammar and wording to ensure the practice directions align with current drafting practices, and amendments to:

1. the definitions for:
  - a. Define (added): Qualified Surveyor; Surveyors Assistant; Cadastre; GDA2020; MGA2020; Positional Uncertainty; SCDB; SP1 v2.2; Supervised Person; Supervising Surveyor; Transfer and Grant of Easement.
  - b. Refine the definition: Established Survey Control Mark; Guideline; Monument; SP1; Survey Mark; Surveyor.
2. Direction 10 (c): to include a reference to Form 2A to account for surveyors working in the ACT under Automatic Deemed Registration.
3. Direction 11 (b): to exclude provisions of Direction 12 (a)(c)(d)(e) and to include the provisions of Direction 22 (b)(c)(d)(e) when making an identification or re-marking survey.
4. Direction 12 (a): to remove the reference to Direction 11.
5. Direction 12 (b): to replace “Identification Surveys” with “surveys made under Direction 11” and amended to require that surveys be prepared in accordance with

- Guideline 15. Direction also amended to include that the Surveyor-General must a keep record of plans.
6. Insert Direction 12 (h) which requires that “the Surveyor shall lodge SCDB data in a manner or a form prescribed by the Surveyor-General”.
  7. Replace the title and content of Direction 13 to emphasise the role of both the supervised person and their supervising surveyor. Information that was previously in Schedule 3 has been incorporated into 13 (b), including the responsibility of the supervising surveyor in making the supervised person aware of the roles of a surveyor.
  8. Replace the title and content of Direction 14: to clarify the supervision requirements. This Direction includes some information that was removed from Schedule 3 and some new requirements. For example, 14 (b) has been included to allow for the use of remote electronic supervision techniques and 14 (d) requires that surveyors maintain evidence of their supervision. 14(g) has been included to clarify that a person under Immediate Supervision is a Surveyors Assistant. 14 (h) and (j) have been written to clarify site attendance requirements for each level of supervision. 14(i) has been included to clarify that a person under General Supervision is an Qualified Surveyor.
  9. Direction 15: to remove references to “Greenfields Survey” and “Infill surveys” in the title of the section.
  10. Direction 15 (a): added “Marks defining the” to the title.
  11. Direction 15 (b) amended to clarify the preferred order of methods to determine the datum line bearing, included grid bearing from MGA2020 coordinates and to include that the datum must be established pursuant to Guideline No.4.
  12. Direction 16: amended to clarify the method of determining the datum for reduced levels.
  13. Direction 17 (d): to remove “on request”.
  14. Direction 21 (a): rewritten to clarify requirements regarding connection to monuments.
  15. Direction 22: to replace the title of the section with “Easements”.

16. Direction 22 (b): rewritten to clarify requirement regarding easement connection to monuments.
17. Direction 22 (c): rewritten for clarity, to include “diagram to accompany the Transfer and Grant of Easement” and to remove “dimensions need not be determined by measurement unless the circumstances so require”.
18. Direction 22 (d); rewritten for clarity.
19. Direction 22 (e): included to require that surveyors lodge digital spatial information for easements, in a manner prescribed by the Surveyor-General.
20. Direction 22 (f): included to clarify that an easement may only be created by a Transfer and Grant of Easement, and not by a Deposited Plan and to refer to the Land Titles Practice Manual.
21. Direction 24 (a): rewritten for clarity.
22. Direction 24 (b): removed as it is a duplicate of Direction 37.
23. Direction 24 (c): removed as it is a duplicate of Direction 63.
24. Direction 25: Generalised to include “marks” rather than “corner peg and reference mark or control mark”.
25. Direction 27 (b): removed redundant terms “street or lane” and “adjacent”.
26. Direction 28: to replace the title of the section “Reference to old marks” with “Monuments”.
27. Direction 29: rewritten to improve clarity and 10 km component removed.
28. Direction 30: renamed the title to “Accuracy of Angular closure” and rewritten to reflect the title.
29. Direction 32 (e): removed as area is not relevant to the subject matter of the direction.
30. Direction 35: removed the redundant term “ACT Government Survey Office”.

31. Direction 38 (a) (i) & (ii): amended to improve clarity, and (iii) removed as it is a duplication of Direction 25.
32. Direction 38 (d): amended the distance from 25m to 30m that a reference mark need not be placed near another, to be consistent with Direction 43 (a).
33. Direction 39: rewritten to clarify that in greenfield surveys CRMs placed and Established Survey Control Marks found must be connected to the subject land by a closed traverse.
34. Direction 41 (c): removed 2400m limit for the placement of additional reference marks.
35. Direction 41 (d): rewritten for clarity.
36. Direction 42 (b) & (c): removed redundant reference to Direction 33.
37. Direction 43 (a) & (d): removed redundant reference to Direction 35.
38. Direction 44: removed the words “made by the surveyor” for clarity.
39. Direction 45: (a) rewritten to clarify that for an infill survey, a surveyor shall connect to Established Survey Control Marks within the limits of the survey rather than 300m. References to corresponding guidelines removed from (a) and added to (b) and (c).
40. Direction 51 (c): removed the requirement of showing the traverse and replaced with a single connection for the purposes of a mathematical close of the boundary dimensions.
41. Direction 53 (a): removed reference to GNSS methods.
42. Direction 53 (b): removed, redundant.
43. Division 7: title changed from “Survey Plans” to “Deposited Plans”.
44. Direction 59 (c): has been moved to Direction 63 (f) as it refers to plan information.
45. Direction 60: numbering altered.

46. Direction 63 (a): replace the words “time of survey” with the words “completion date of the survey”.
47. Direction 63 (a) (i): moved and separated to become 63 (b) (i-ii) for clarity.
48. Direction 63 (c): amended the requirement of showing the age of a structure to be “if practicable”.
49. Direction 63 (d): rewritten for clarity.
50. Direction 63 (e): removed as this information is in Guideline No. 6, and replaced with “the complete dimensions (including bearings and distances) of each parcel of land surveyed”.
51. Direction 63 (f): previous Direction 59 (c) moved to Direction 63 as it refers to plan information.
52. Direction 65 (a): to include a reference to Form 3A to account for surveyors working in the ACT under Automatic Deemed Registration.
53. Direction 65 (b): clarified signature requirements and removed requirement that surveyors must lodge a signature with the Surveyor-General.
54. Direction 65 (c): rewritten for clarity.
55. Direction 66 (a): rewritten as 63 (b), (c), (d), (e) & (f) to define the requirements for marking a stratum survey.
56. Direction 66 (b): moved to 66 (a).
57. Direction 66 (c): removed, redundant.
58. Direction 66 (d): moved to 66 (g).
59. Direction 66 (e): moved to 66 (h).
60. Direction 66 (f): removed, redundant.
61. Direction 66 (g): moved to 66 (i).
62. Direction 66 (h): moved to 66 (j).

63. Direction 68 (b): included Directions 9, 12 (g)(h), 13, 22 (c)(d)(e) and 29 to 32, to be a requirement of a Units Plan survey.
64. Schedule 1 Form 2A & Form 3A: added to include certification panel for surveyors authorised to work in the ACT under Automatic Deemed Registration.
65. Schedule 1 Form 4: added to include certification panel for qualified surveyors.
66. Schedule 2: amended based on the introduction of GDA2020.
67. Schedule 3: Removed and incorporated into Directions 13 & 14 and Guideline No. 13.
68. Changed 'plan of survey' & 'survey plan' to 'plan' throughout document to reflect all plan types.

### **Regulatory Impact Statement**

In accordance with section 36(1)(e) of the *Legislation Act 2001*, a regulatory impact statement is not required as the amendments made by this instrument do not fundamentally affect the law's application or operation. This instrument also does not impose appreciable costs on the community, or a part of the community.

### **Human Rights**

This disallowable instrument does not engage with any human rights contained in the *Human Rights Act 2004*.