



Determinations

- 1. Surveyor's Assistant**
- 2. Recognised Qualifications**
- 3. General or Immediate Supervision**
- 4. Board Examinations**
 - a) Part A – Land Surveying Projects**
 - b) Part B – Mining Surveying Projects**

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Any enquiries relating to the policy may be address to the Board of Surveying and Spatial Information at bossi@finance.nsw.gov.au

Author: Board of Surveying and Spatial Information

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Board of Surveying and Spatial Information

346 Panorama Avenue

Bathurst NSW 2795 or

PO Box 143

Bathurst NSW 2795

T: 02 6332 8238

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In accordance with the *Surveying and Spatial Information Regulation 2012* (NSW), Part 3, Division 2, Clause 75(1), the Board makes the following Determinations:

1. Surveyor's Assistant.
2. Recognised Qualifications.
3. General or Immediate Supervision.
4. Board Examinations:
 - a. Part A – Land Surveying Projects
 - b. Part B – Mining Surveying Projects.

Where these Determinations are made by the Board, variations or exemption applications may be considered on application in writing to the Board.

Authority to practice surveying

Under Sections 21, 22 and 22A of the *Surveying and Spatial Information Act 2002* (NSW) only the following persons can undertake surveys prescribed under the Act:

- registered surveyors or
- students of surveying or surveyor's assistants under general supervision of a registered surveyor or
- any other person under the immediate supervision of a registered surveyor.

A student of surveying is defined by the *Surveying and Spatial Information Regulation 2012* (NSW) as 'a person who is enrolled in a course of studies that leads to a recognized qualification'. The term 'enrolled' is defined by the tertiary institution and commonly equates to a person who is completing at least one subject per semester. This common definition has been adopted by the Board.

1. Surveyor's Assistant Determination

This formal Board determination defines a surveyor's assistant as a person:

- a) who is the holder of a recognised qualification or
- b) is the holder of a technical qualification in surveying and who has three years practical experience acceptable to the Board in surveying since completion of that course of study or
- c) who has at least 10 years practical experience in surveying acceptable to the Board.

Application can be made to the Board with the appropriate form and fee to have a determination that the person's abilities and experiences qualify the person to be a surveyor's assistant.

All of whom carry out surveys under the general supervision of a registered surveyor who takes responsibility for their work.

2. Recognised Qualification Determination

This formal Board Determination defines a 'recognised qualification' as a four year university degree in surveying for a land surveyor and a three year degree in surveying for a mining surveyor. Alternate qualifications may be considered on application to the Board.

For the purpose of a 'recognised qualification' such a degree program must be approved by the Board of Surveying and Spatial Information (BOSSI) from time to time.

The Registrar shall publish the current list of recognised qualifications on the BOSSI website.

3. General or Immediate Supervision Determination

3.1 Background

'Supervision' may be defined as the act, process or function of overseeing, directing or managing work, workers or a project. The supervising surveyor takes full responsibility for the work of the supervised person.

A 'supervising surveyor' means a person who is a registered surveyor and supervises the activities of others in order to fulfil legal and professional responsibilities and obligations.

A supervised person may include:

- an unqualified person who acts under the registered surveyor's direction and assists the registered surveyor in the performance of the registered surveyor's legal and professional responsibilities
- a surveyor's assistant
- a student of surveying
- a candidate for examination
- other such person as the Board may determine from time to time.

A supervised person is a 'worker' as defined in the *Work Health and Safety Act 2011*.

In the land and mining survey context, a supervising surveyor has an important role in guiding the training of future professionals and also has certain obligations in undertaking the preparation and instruction of any supervised person.

Under the previous *NSW Surveyors Act 1929*, an interpretation of 'immediate supervisor' was adjudicated in the District Court by Justice Nield.

The Board is now empowered by Clause 77(1)(f) of the *Survey and Spatial Information Regulation 2017* ('the Regulation') to make a determination as to what constitutes general or immediate supervision.

A supervising surveyor must provide appropriate direction to employed persons and should provide guidance and direction in relation to the preparation of a person for relevant Board of Surveying and Spatial Information ('the Board') examinations. Supervision, in terms of the Act and the related Regulation, may be through the exercise of 'general supervision' and/or 'immediate supervision' both in the office environment and in the field.

This determination is intended to provide guidance to supervising surveyors regarding their role and responsibilities in relation to the supervision of persons.

3.2 Objectives of supervision of persons by registered surveyors

The supervising surveyor is responsible for ensuring that the supervised person is aware of the importance of the surveyor's role in the following.

- Maintaining the integrity of the cadastre and the high quality of surveys.
- Providing professional and high quality services to the public.
- Producing a high quality survey product prepared in accordance with regulatory requirements.
- Ensuring that work is undertaken in a safe and responsible manner pursuant to the *Work Health and Safety Act 2011* (WHS) and in accordance with other relevant legislation.
- A continuing professional responsibility to the wider survey profession.

3.3 Levels of supervision – ‘immediate’ and ‘general’

- A supervising surveyor is solely responsible for surveys carried out under his or her supervision.
- A supervising surveyor owes a duty of care in regard to the health and safety at work of the supervised person. This is particularly relevant with respect to a supervised person in the field, even if the supervising surveyor is not present in the field with the supervised person. The supervising surveyor must ensure the provision of information, instruction, training and supervision to the supervised person that is needed for them to work without risks to their health and safety and that of others around them.
- A supervising surveyor should exercise a standard of supervision that will ensure the survey reflects his or her professional responsibilities and complies with relevant statutes.

The extent of supervision required will vary according to the experience, skills and ethics of the supervised person. It is a matter for the supervising surveyor in the circumstances relating to each individual supervised person and each individual project as to the level of oversight required. The supervising surveyor must be confident that the supervised person is capable of carrying out their role at the required level of ability.

For different projects, the same supervised person may require general supervision in one task and immediate supervision in another. The supervising surveyor is responsible for correctly and appropriately allocating or assigning tasks commensurate with the abilities of the supervised person and providing the appropriate level of supervision for each task. In particular, for students of surveying and candidates for examination, this involves an exposure to a broad range of surveys and experience to appropriately prepare them for their future role as a professional surveyor.

In New South Wales, the Act refers to ‘immediate’ and ‘general’ supervision.

The following information is provided for guidance only and is not intended to be an exhaustive list of matters which may be considered by a supervising surveyor in the exercise of the role.

3.4 Immediate supervision

In relation to immediate supervision, the supervising surveyor is expected to have a significant level of involvement with the supervised person. This involves but is not necessarily restricted to the following.

- Briefing the supervised person on the purpose and details of their required duties before the supervised person commences his or her involvement with the survey and associated tasks.
- Consultation with the supervised person in regard to the identification and resolution of work health and safety risks in the workplace.
- Accompanying the supervised person on site as deemed necessary, particularly at the early stage of the supervised person’s training.
- Being present on sufficient occasions to ensure that the supervised person’s questions and issues are able to be addressed expeditiously.
- Inspecting the marking and physical aspects of the survey and associated tasks, including but not limited to the field notes, closes, etc upon completion and effecting such checks and verification of the supervised persons work as to be confident of the quality and accuracy of the work product supplied. Again it is noted that the supervising surveyor is solely responsible for the correctness of the surveys undertaken by a supervised person under their supervision and direction.
- Discussing all aspects of the survey at the completion of their work.

It is a matter for the supervising surveyor to determine on the circumstances of each case when this level or frequency of ‘immediate’ supervision should be reduced, taking into consideration the demonstrated ability of the supervised person to plan and implement their work program including addressing work health and safety risks and undertaking a leadership role in undertaking the survey.

3.5 General supervision

In relation to general supervision the supervising surveyor continues to be wholly responsible for the work of the supervised person however the level of oversight and review is reduced, as compared to immediate supervision, reflecting the supervising surveyor's professional assessment of the knowledge, skill and competency of the supervised person in undertaking the task.

General supervision may involve the following.

- Instruction on the requirements for, and any unusual or difficult aspects of, the survey and associated tasks and possible methods of approach, especially if new procedures are involved.
- Consultation with the supervised person in regard to the identification and resolution of work health and safety risks in the workplace.
- Progress checks of the unusual or complex features of the survey task.
- A detailed and comprehensive review of the assignment on completion.

Regardless of what level of supervision is exercised, the supervising surveyor should be aware of any risks or circumstances which may not be evident from office examination and deliberations. This may require the supervising surveyor to visit the site.

3.6 Supervision in the office and in the field

Whether the supervised person is working in the office or the field it is the role of the supervising surveyor to ensure that the supervised person is appropriately supervised. Any deficiencies in their skills, the quality of their work product, and professionalism (particularly in relation to clients) should be addressed and rectified. The supervising surveyor takes full responsibility for the work of the supervised person undertaken in the course of their supervision.

During the course of their employment supervised persons should be exposed to a variety of surveys including complex and challenging situations through which they can gain a wide range of experience.

In addition a supervising surveyor should impress upon the supervised person the importance of:

- professional presentation and ethical conduct, through both example and instruction and
- adherence to, and maintenance of, safe work methods, practices and procedures in the field and in the office environment.

3.7 Power of entry

Section 18 of the Act provides that a registered surveyor has a power of entry onto land 'together with his or her assistants'.

Section 26 of the Act provides that at all times a person must carry and produce on demand a certificate of authority when exercising power of entry. This Certificate of Authority is issued to registered surveyors or persons authorised by the Surveyor General, in accordance with the Regulation.

An unaccompanied supervised person does not have a power of entry under the Act.

In all circumstances where a power of entry is exercised a land owner must be given notice in accordance with Clause 86 of the Regulation. Without this notice, entry onto land may be regarded as trespass.

3.8 Supervision in relation to Board Examinations

The supervision of candidates for land and/or mining survey qualification is a fundamental responsibility of a well-trained survey professional.

The Board recognises the importance of academic qualification and the examination and granting of certificates of competency by the Board itself as key elements in preparing a supervised person for their future professional role. However, it is the role of the supervising surveyor to assist the supervised person for the examination of the candidate's competency and to prepare the supervised person for their work as a survey professional.

The supervising surveyor is best placed to assess the character, level of knowledge and preparedness of the candidate to undertake the examination process.

Before a candidate can attend the survey examinations conducted by the Board, they must have their supervised time certified by their supervising surveyor.

For candidates for examination, a supervising surveyor must also certify that they have carried out supervision of that candidate's survey projects.

At the completion of the supervision period, the supervised person should have attained a broad range of training and experience.

Poorly presented candidates reflect on the reputation of the supervising surveyor.

4. Board Examination Determination

The following is applicable to both land surveying candidates and mining surveying candidates, unless otherwise stated.

4.1 Enrolment as a candidate

- (1) A person is entitled to be enrolled as a candidate for the purpose of obtaining a Certificate of Competency if the person:
 - (a) is supervised by a NSW Registered Surveyor in the field of competence sought and
 - (b) is enrolled in a course of studies leading towards a recognised qualification or
 - (c) is the holder of a recognised qualification.
- (2) An application for enrolment as a candidate must:
 - (a) be in writing with the appropriate form and
 - (b) be accompanied by evidence that the applicant satisfies sub-clause 4.1(1) above and (c) be accompanied by the appropriate fee and
 - (d) be lodged with the Board.
- (3) If the Board is satisfied that an applicant for enrolment as a candidate is entitled to be so enrolled, the Registrar must enroll the applicant as a candidate.
- (4) The Registrar will advise the candidate whether they have been enrolled or not.
- (5) A candidate should pay to the Registrar the annual enrolment fee before 31 July each year.
- (6) If a candidate fails to pay the annual enrolment fee before 31 July in any year, the Board may remove the candidate's name from the roll of candidates.

4.2 Candidate recognised practical experience

- (1) Recognised practical experience is practical experience in surveying under the supervision of a NSW Registered Surveyor in specific areas that have been accepted as counting towards the Board Examination process.
- (2) The specific areas of practical experience are:
 - (a) land boundary surveys in rural areas
 - (b) land boundary surveys in urban areas
 - (c) mining surveys
 - (d) other surveys (including engineering and control surveys).

- (3) The Board determines the minimum recognised practical experience required is as follows.
- (a) For land surveying candidate's 104 weeks, of which no less 52 weeks shall be in experience in undertaking land boundary surveys.
 - (b) For mine surveying candidates 104 weeks in undertaking mining surveys.

4.3 Candidate to give notice of recognised practical experience

- (1) A candidate must, not later than three months after the expiration of:
- (a) the period of 12 months immediately following the enrolment as a candidate and
 - (b) each subsequent period of 12 months, furnish to the Board a notice that specifies the recognised practical experience in surveying obtained by the candidate during the period concerned.
- (2) A notice referred to in this section must:
- (a) be in the approved form and
 - (b) be duly signed by:
 - (i) the candidate furnishing the notice and
 - (ii) the NSW Registered Land Surveyor under whose supervision the candidate has obtained the recognised practical experience specified in the notice.
- (3) On receipt from a candidate of a notice referred to in this section, the Board must determine the length of time for which it is satisfied that the candidate has, during that period, obtained recognised practical experience in the various examination areas.
- (4) For the purpose of making a determination under this section about a candidate's recognised practical experience, the Board may ignore any single period of practical experience of less than four weeks' duration.
- (5) The Registrar must provide the candidate with a notice, personally or by post or email notification, of the Board's determination of the acceptance of recognised practical experience.

4.4 Entitlement to sit for examination

- (1) A person is entitled to sit for the examination if the person:
- (a) is enrolled with the Board as a candidate and
 - (b) has obtained at least 26 working weeks of recognised practical experience together with the specific requirements for each particular examination.

4.5 Application to sit for examination

- (1) An application to sit for the prescribed examination must:
- (a) be in writing and
 - (b) be accompanied by the fee prescribed in Schedule 7 of the Regulation and
 - (c) be lodged with the Board on or before the closing date specified for candidates to sit for the examination.

4.6 Determination of candidate to sit for examination

- (1) If the Board is satisfied that a candidate is entitled to sit for the prescribed examination, the Board:
 - (a) must permit the candidate to sit for the examination and
 - (b) must cause the candidate to be given written notice, in person or by post or email notification, of that fact and
 - (c) must specify in that notice a date for the conduct of the examination of the approved projects on which the candidate will be examined by the Board.
- (2) If the Board is not satisfied that a candidate is entitled to sit for the prescribed examination, the Board:
 - (a) must not permit the candidate to sit for the examination and
 - (b) must cause the candidate to be given written notice, in person or by post or email notification, of that fact and
 - (c) must cause any fee paid by the candidate under paragraph 4.5(1)(b) to be refunded.
- (3) If a candidate gives written notice to the Board that the candidate intends to withdraw from the prescribed examination, the Board may cause any fee paid by the candidate under paragraph 4.5(1)(b) to be refunded.

4.7 Part A: Land surveying

4.7.1 Prescribed examination for land surveying

- (1) The prescribed examination for a land surveying candidate will include the following.
 - (a) Completion of the approved projects for land surveying [see paragraph 4.7.2.], wherein the work displayed must comply with current legislation.
 - (b) An oral test to demonstrate competency in each of the approved projects specified.
- (2) The approved projects must be current to within two (2) years. If the project is outside the prescribed time frame, steps must be taken to ensure the project reflects current legislation.
- (3) The approved projects must comply with the requirements of this Determination and the current version of the *BOSSI Guidelines for Land Surveying Assessments*

4.7.2 Approved projects for land surveying

- (1) The approved projects consist of:
 - (a) rural, urban, community title/strata title surveys [see subparagraph 4.7.2.(2)] and
 - (b) design of engineering works [see subparagraph 4.7.2. (3)] and
 - (c) town planning [see subparagraph 4.7.2.(4)].
- (2) The **rural, urban, community title and strata boundary definition project** shall consist of the following.
 - (a) A work portfolio which demonstrates knowledge and competency in urban and rural subdivision, redefinition of boundaries, identification surveys and the rights and interests in land. In order to demonstrate competence the candidate must undertake the following.
 - (i) Each urban and rural survey shall require at least two existing plans of survey to redefine at least one boundary.
 - (ii) In the rural survey/s there must be the definition of a boundary from an irregular road, a watercourse, seashore or a tidal inlet.
 - (iii) In the urban survey/s one boundary must have buildings so positioned that the boundary can only be established by indirect methods, such as a party wall.

- (iv) An identification survey plan and report for an urban parcel.
- (v) For community or strata, the candidate needs to demonstrate an understanding of basic concepts, encroachments, limits of lots, parking areas, easements, plan drawing standards and unit entitlement as well as proficient knowledge of strata and community plans.

The work portfolio will comprise at least.

- A survey plan of rural land.
- A survey of urban land.
- An identification survey.
- A community or strata survey.

The candidate will be required through the documentation for the project and the oral examination to demonstrate a competent understanding of cadastral legislation, land ownership, titles, boundary determination, easements and affecting interests, road alignments, equipment calibration, party walls, adverse possession, possessory titles and work health and safety requirements applicable to field surveys.

- (b) A specific requirement is that a candidate for the rural, urban, community and strata project will have obtained at least 52 weeks of cadastral experience comprising rural, urban, community and strata surveys.
- (c) The oral examinations for the rural, urban, community/strata boundary definition project shall consist of a separate examination in each of these disciplines.

(3) The **engineering design project** shall consist of:

- (a) Either a road, railway or other major structures that include storm water design aspects and the preparation of detailed construction drawings in accordance with a recognised design specification of local government or other appropriate authorities.
- (b) In addition to the construction plans, the candidate shall provide documentation for tendering purposes that includes:
 - (i) the Bill of Quantities and
 - (ii) Construction Specification and
 - (iii) General Conditions of Contract and
 - (iv) Special Conditions that will apply to the project.

The candidate will be required through the documentation for the project and the oral examination to demonstrate a competent understanding of design techniques, preparation of construction plans including survey and design data, the content of the tender documents and general supervision principles that relate to the construction and administration of the contract.

(4) The **town planning** project shall comprise.

- (a) A proposal for a significantly large development in an urban or rural area which meets the provisions of any relevant planning instruments and other planning requirements.
- (b) Documentation of the project will comprise:
 - (i) the development proposal
 - (ii) an associated statement of environmental effects and
 - (iii) a duly completed application form which would normally be completed to seek consent to the proposal.

The candidate will be required through the documentation for the project and the oral examination to demonstrate that they have an understanding of the planning legislation relevant to the proposal. The candidate will also demonstrate that the proposal appropriately addresses the natural and man-made attributes and challenges of the site and reflects current commercial and social expectations for such a proposal.

4.8 Part B: Mining surveying

4.8.1 Prescribed examination for mining surveying

- (1) The prescribed examination for a mining surveying candidate will include the following.
 - (a) Completion of the Approved Projects for Mining Surveying [see paragraph 4.8.2.], wherein the work displayed must comply with current legislation.
 - (b) A written examination (2 hours) wherein the candidate will be required to demonstrate a knowledge and understanding of the relevant legislation as it applies to the mining surveyor.
 - (c) An oral examination to demonstrate competency in mining surveying.

4.8.2 Approved projects for mining surveying

- (1) The approved projects consist of:
 - (a) mining surveys, formal mine survey plans and archival research [see subparagraph 4.8.2.(2)] and
 - (b) design and survey of engineering works [see subparagraph 4.8.2.(3)] and
 - (c) mine planning and mining approvals [see subparagraph 4.8.2.(4)].

Projects can be attempted in one session or at separate sessions and must comply with current appropriate legislation.

- (2) The **mining survey and formal mine survey plans project** shall consist of the following.
 - (a) A work portfolio which demonstrates knowledge and competency in mining surveying. The work portfolio must comprise the candidate's own work and all work must comply with current legislation requirements. If necessary for the purpose of survey definition, surveys by other surveyors may be shown but must be clearly identified and endorsed.

The portfolio must contain the following:

- (i) a mine workings plan shall be produced by the candidate derived from surveys and calculations undertaken by the candidate and
 - (ii) for mine workings depicted for any surface mine or underground coal mine shall have an area greater than 7.5 hectares and
 - (iii) for mine workings depicted for any metalliferous underground mine an area less than 7.5 hectares may be approved by the Board upon application.
- (b) Mine workings spatial information and metadata statement shall be produced by the candidate derived from surveys, research and calculations undertaken by the candidate.
 - (c) A primary control traverse required for the preparation of the mine workings plan component of the project must include the survey of a minimum of six survey stations. This primary control traverse must demonstrate primary control traversing skills that are common to both surface and underground traversing techniques and requirements.
 - (d) A comprehensive written report detailing and describing all field results, calculations, mine workings plan preparation and Mine Workings Spatial Information data preparation. Electronic field notes and observations must be supported with documentation describing the underlying electronic process and procedures used in the verification of the field observations. Documentation and reduction calculations of the instrument accuracy testing of all survey instruments used in the preparation of the mine survey and formal Mine Plan Project must be included.
 - (e) A comprehensive written report detailing an archival research undertaken by the candidate. This archival research shall be completed in relation to any abandoned or suspected abandoned mining areas.

A specific requirement is that a candidate for the mining survey and formal mine survey plans project will have obtained at least 104 working weeks of recognised practical experience in mining surveys on submission of the project.

(3) **The design and survey of engineering work project** shall comprise a portfolio of the candidate's work. This portfolio will include all surveys, calculations and preparation of survey plan data and engineering drawings associated with two of the following.

- Major water management structure or water reticulation scheme.
- Major surface infrastructure.
- Realignment and re-grading of an existing conveyor belt installation (minimum 500m).
- Major loop take up installation.
- Shaft or drift installation.
- Haul road design including associated water management.
- Major surface rehabilitation.

The candidate will be required through the documentation for the project and the oral examination to demonstrate an understanding of design techniques, preparation of survey and engineering plans/data and general principles that relate to the design and survey of engineering works.

(4) The planning and mining approval project shall comprise a portfolio addressing the following and should have a working mine as a case study:

- (a) a comprehensive report analysing the interaction between valid development consents and mining leases. The report should include a detailed reference to the granting and maintenance of development consents and mining leases and
- (b) a comprehensive report analysing the Mine Operations Plan (MOP) process and development and
- (c) a comprehensive report using one of the following mine approval processes:
 - (i) application and approval for an emplacement area or
 - (ii) application and approval to mine by method other than board and pillar or
 - (iii) Subsidence Management Plan application and approval or
 - (iv) Annual Environmental Management Report (AEMR).

4.9 Conduct of examination

- (1) On the date or dates appointed by the Board for the conduct of the prescribed examination, the Board is to examine each candidate who attends the examination and whom the Board has permitted to sit for the examination.
- (2) The Board may conduct the examination in such manner as it deems fit.

4.10 Competency

- (1) A candidate is accredited with a pass in the each approved project if the candidate reaches the level of competency as determined by the Board.
- (2) In situations where the competency in an approved project of the candidate as judged by the Board requires a small amount of improvement, the Board may advise the candidate of extra work to be undertaken to meet its standards outside the normal examination period.

4.11 Entitlement to certificate of competency

- (1) A person is entitled to be granted a certificate of competency if the person:
- (a) is the holder of a recognised qualification and
 - (b) is a financial candidate and
 - (c) obtains the required practical experience and
 - (d) passes the prescribed examinations and/or completes a recognised Professional Training Agreement (PTA).

Glossary

TERM	DEFINITION
Financial candidate	Those candidates that have paid the appropriate fees to the Board to be added to the role of candidates.
Professional Training Agreement (PTA)	A structured training program to assist a candidate with continuing education, training and development of skills. This provides candidates an alternative pathway to registration other than that proposed throughout this determination.
Projects	Approved projects specified in paragraphs 4.7. Part A: Land Surveying and 4.8. Part B: Mining Surveying
The Act	<i>Surveying and Spatial Information Act 2002 (NSW)</i>
The Board	Board of Surveying and Spatial Information (BOSSI)
The Regulation	<i>Surveying and Spatial Information Regulation 2017 (NSW)</i>