



BOSSI Update

BOSSI Discussion Paper – Supervision of Candidate Surveyors

There is some confusion within the profession between the roles and responsibilities of a registered surveyor providing immediate / general supervision as required by the Regulation and supervision of a candidate surveyor in preparation for the Board examinations. For this reason, to help provide clarity and separate the roles / responsibilities, BOSSI is proposing to introduce the term 'mentoring surveyor' for the supervision of a candidate surveyor in preparation for the Board examinations.

The Board has developed a [discussion paper](#) to provide contact and explore the proposal. This discussion paper includes specific targeted questions to facilitate feedback. It is preferred that responses be provided to the questions although detailed submissions will be accepted.

Please submit your feedback to bossi@customerservice.nsw.gov.au by close of business **Friday 30 October 2020**.

BOSSI Statistical Review 2019-2020

At the September meeting of the Board, the BOSSI Statistical Review 2019 - 2020 was endorsed for publication on the Boards [website](#). The BOSSI Statistical Review provides an insight into the composition and statistical trends which relate to both Registered and Candidate surveyors listed on the BOSSI Register of Surveyors.

Message from PAIC - Complaint Notification

The Board is very appreciative of the input from the industry regarding its regulation, in particular that of unregistered persons advertising or practicing within the profession and producing land or mining surveys without the supervision of a registered surveyor. The Board's Policy for the Consideration of Complaints against Surveyors does not cover any offences from Section 21 to 25 (inclusive) of the Surveying and Spatial Information Act 2002 and places these investigations in the judicial realm of the Local Court.

As such, the Board would like to increase surveyor's awareness of the number of legislative requirements that are necessary to prove these offences under the Surveying and Spatial Information Act 2002.

Before the Board can start enquiries with the person preparing the survey and commence legal action there needs to be:

- proof of a land survey, or advertising that someone is willing to produce the same
- evidence of either a fee or reward being offered or accepted to produce the survey
- the offence occurred in NSW and in accordance with Sect 179 of the Criminal Procedures Act 1986, the Informant (the Board), has to provide the information to the Court within six months of the offence occurring.

As we progress our investigations, it is also very important that you understand that the Board needs to comply with the added complexity of procedural fairness, i.e.: “the right for the accused to review and address all information used to prove any offence”.

When the Board investigate these offences, we need to ensure that we have documented evidence from the person who engaged / paid for the production of the survey, a copy of the survey produced and that it is less than 6 months old. The Board must then offer the accused person the opportunity to provide a version of the events with a caution applied and that any information they provide may be used in legal proceedings. The onus of proving the offence rests with the Board (establishing the burdens of proof).

Of recent times the Board has been notified of “websites” or provided with “land surveys” that indicate that person(s) are operating outside the Act, however without the above information or making it available within the required time frame, the Board cannot establish the burdens of proof in a timely manner and therefore are unable prosecute.

The Board and PAIC would like the profession to maintain its commitment to the industry in addressing the issues of unregistered surveyors undertaking land or mining surveys. We ask you to consider the evidence required to be provided to pursue prosecution. PAIC cannot commence an investigation without that evidence as the Board is required to show transparency in ALL the information provided to it to successfully enforce the Act.

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Board of Surveying
& Spatial Information