

Summary of Complaints and or Disciplinary Action

Below is a summary of matters that have come before the Board in recent months.

Survey practice and supervision

One of the outcomes from a prior Professional Conduct Review Panel hearing for a corporation with a cadastral endorsement was that the Board would randomly monitor the corporation's plans to confirm compliance with professional standards. At the request of the Board, four plans were randomly selected for field inspections by DNRM. After review of the field inspection reports the Board formally appointed an investigator to investigate further and determine if there was evidence of professional misconduct. Both the field inspection reports and the investigator's report raised a number of concerns as;

- pegs were placed in incorrect places (in excess of 1 m) and did not match the placement recorded on the plans,
- bearings and distances did not align with the data disclosed on plans or field notes,
- physical evidence was not found to support pegs or marks listed as placed per the plan,
- supervision in the field was inadequate and quality assurance systems did not readily identify errors that had been made.

The Board prepared charges and a Professional Conduct Review Panel found a number of charges were proven. As this was a second offence by the corporation a significant fine and costs order was imposed.

Cadastral surveys by non- cadastral surveyors

Case 1

The Board received information that indicated that cadastral surveys were being performed by a surveying associate without the supervision of a registered cadastral surveyor. The Board appointed an independent investigator to determine if there was evidence of cadastral surveys being performed by the surveying associate for a fee.

The investigator found significant evidence that the surveying associate was performing cadastral surveys for a fee. The Board initiated disciplinary charges for professional misconduct and the matter was heard by the Professional Conduct Review Panel. The charges were found to be proved and a fine and costs order was imposed.

Case 2

The Board received a complaint from a cadastral surveyor about a surveying graduate providing cadastral advice to a client for a fee. The initial evidence indicated that an identification survey had been performed and heights certified, so the Board appointed an independent investigator. The Board subsequently initiated disciplinary charges for professional misconduct and the matter was heard by the Professional Conduct Review Panel. The charges were not proven however the Surveying Graduate gave an undertaking to the Panel to better clarify all arrangements and documentation in the future to ensure there was no misunderstanding about the performance of cadastral surveys.

Lodging plans within the prescribed timeframe

After an identification survey was performed the adjoining property owner lodged a formal complaint with the Board alleging professional misconduct as there was a period of approximately 65 days between when the field work was performed and when the identification survey plan was signed and dated. After review of the matter the Board requested that the surveyor in future finalise and lodge plans within the prescribed timeframe listed in the *Survey Mapping and Infrastructure Act 2003*.

Access to adjoining property

The Board received a formal complaint from a member of the public about a surveyor entering their property without notice in order to complete a survey for a client who was an adjoining property owner. The Board's representative visited the site with a number of recent plans and explained to the complainant what type of survey had been performed and resolved the concerns of the complainant. The Board again reminds surveyors about the need to communicate with property owners if they need to enter adjoining properties in order to complete a survey.

Business practice

A formal complaint was lodged with the Board from a member of the public alleging unprofessional behaviour by a surveyor. After discussion with both parties about deemed incomplete surveys and non-payment of fees the Board mediated the dispute which saw the client receive all outstanding plans and the surveyor's account paid in full. It is not Board policy to become involved in fee disputes between the surveyor and client. In this case, the process of investigating the complaint led to resolution of the issue.