



# SUPERVISION POLICY

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# Supervision

## Definitions

'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 or a Registered Surveyor with an endorsement and supervises the activities of others in order to fulfil legal and professional responsibilities and obligations.

For the purposes of this policy, a supervised person is a registered:

- Surveyor;
- Surveying Graduate;
- Surveying Associate

working under the direction of a supervising surveyor.

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.

## 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 the relevant Surveyors Board of Queensland ('the Board') registration process;
- Is solely responsible for surveys carried out under his or her supervision;
- 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; and
- Must exercise a standard of supervision that will ensure the survey reflects his or her professional responsibilities and complies with relevant statutes.

The supervision of candidates for either surveyor registration or registration endorsement is a fundamental responsibility of a well-trained survey professional. 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 registration process.

## Purpose

The *Surveyors Act 2003* stipulates, in Section 75, that:

- (1) A person must not carry out a cadastral survey unless the person is—
- (a) a cadastral surveyor; or
  - (b) **a surveyor, surveying graduate or surveying associate carrying out the survey under the supervision of a cadastral surveyor who, expressly or impliedly, accepts responsibility for the survey’s survey quality.**

The Board’s Code of Practice stipulates, in Section 2.3 – Professional Conduct, that:

*Surveyors shall assist in preventing unauthorised practice of the profession, and shall:*

- (a) **Only sign a certificate, report, or plan relating to work that was completed and prepared by the surveyor personally or under the surveyor’s supervision.**
- (b) **Assume professional responsibility for all works carried out under their control and direction.**
- (c) *Where the surveyor becomes aware of a significant error in a survey undertaken by the surveyor, correct the error.*
- (d) **Not knowingly enter into any arrangement that would enable any unauthorised person or unauthorised body corporate to practice the profession of surveying directly or indirectly.**
- (e) **Inform their clients or any relevant party of any conditions, requirements, limitations or assumptions arising from the implementation of their instructions or enquiries or imposed from any other source as may affect the conduct of the work, or relate to or qualify the data provided as a result of that work.**
- (f) *Not knowingly make false or misleading statements in relation to the practice of surveying.*
- (g) *Take all necessary steps to complete instructions promptly and inform clients of any significant delays, the reasons for those delays, and any actions to be taken to rectify same.*
- (h) *Not claim the work of another person, body or authority as their own.*
- (i) **Not falsify any plan, document or data or knowingly misuse any data or deliberately misuse their position to achieve a predetermined result which is:**
  - i. Inconsistent with normally accepted survey practice; or**
  - ii. Has been specified by the client or a third party.**
- (j) *Not knowingly become an accessory to a misdemeanour by failing to report what appears to be a breach of the Act or Regulation.*
- (k) **Employ the expertise of others when their knowledge and ability are inadequate for addressing specific issues.**
- (l) *Act in accordance with the Codes of Ethics of the relevant professional associations.*
- (m) *Consider the appropriate level of insurance for the surveying service being provided by the surveyor.*

The application of these requirements to cadastral surveying is clear, because the Act makes explicit provision for supervision of cadastral surveying.

The following provisions in mining legislation, together with the above requirements, also have implications for supervision in relation to the preparation of mine plans.

The *Coal Mine Safety and Health Act 1999* stipulates, under Section 67, that:

- (6) *The accuracy of the plans mentioned in this section must be certified by—*

- (a) *for a surface mine—*
  - (i) *a person registered, under the Surveyors Act 2003, as a surveyor with a registration endorsement of 'mining (A)' or 'mining (O)'; or*
  - (ii) *a person with other competencies for surface mining surveying the committee considers is at least equivalent to the competencies mentioned in subparagraph (i); or*
- (b) *for an underground mine—*
  - (i) *a person registered, under the Surveyors Act 2003, as a surveyor with a registration endorsement of 'mining (A)'; or*
  - (ii) *a person with other competencies for underground mining surveying the committee considers is at least equivalent to the competencies mentioned in subparagraph (i).*

The *Mining and Quarrying Safety and Health Act 1999* stipulates, under Section 58, that:

*(5) The accuracy of the plans mentioned in this section must be certified by—*

- (a) *for a mine other than an underground mine – a person having the competencies for surface mining surveying recognised by the council, or registered as a surveyor or surveying associate under the Surveyors Act 2003; or*
- (b) *for an underground mine – a person having the competencies for underground mining surveying recognized by the council.*

Therefore, in relation to mine plans, no surveyor shall sign the accuracy of mine plans unless duly endorsed and registered with the Board. A surveyor without the relevant registration or endorsement is not permitted to sign the plans but has the ability to assist providing the necessary information to prepare these plans under the necessary supervision.

This guideline is intended to provide information on how to effectively supervise different categories of registrants or registrants seeking endorsement, in order to ensure that the supervision delivers two outcomes, namely the quality of the survey and development of the competence of the registered person.

## **Background**

A number of complaints against surveyors which the Surveyor's Board receives can be traced to a lack of adequate supervision by the registered person who is responsible for a survey performed by other registered persons. The Board, when carrying out its investigations, has discovered a wide range of interpretations by surveyors as to what is required by Section 75 of the *Surveyors Act 2003* (the Act) when it refers to certain surveys having to be carried out under the supervision of a cadastral/mining surveyor.

Amendments to the Act in 2007 assist in clarifying this. Firstly, Section 75 was amended to remove the word “personal” from the phrase “under the personal supervision of a cadastral surveyor”. The explanatory notes for the amending Bill provide the following explanation of the change:

The amendment removes “*the descriptive term “personal” in regard to supervision, recognising that varying levels of supervision may be required for different levels of competency. For example, a newly registered surveying graduate who has recently completed a degree will most likely require direct personal supervision in the field. However, as the person gains experience and understanding, the nature of the supervision may change. In this case, the supervising surveyor would still need to check the graduate’s calculations and decisions about the reinstatement of boundaries, but this could be done in the office.*”

Clearly, the intent is that it is not necessary for the supervising surveyor to have direct personal oversight of all aspects of the work of the supervised person. However, another amendment to the Act in 2007 added to the definition of “professional conduct” an explicit responsibility of a supervising surveyor for the accuracy and quality of a cadastral survey carried out under the surveyor’s supervision.

The implication of these two amendments is that the supervising cadastral or mining surveyor must provide sufficient supervision to ensure the quality and accuracy of all aspects of the survey, as the supervising cadastral or mining surveyor is providing a professional service for which he or she takes personal responsibility.

In a disciplinary hearing against a surveyor in Queensland, presided over by Judge Morley in August 1991, Judge Morley commented that skills and professional services offered by surveyors are personal and that “...the surveyor’s vocation is a profession. The surveyor’s professional services are not business or trade services which are able to be performed by representatives, agents or employees.”

## **Guideline**

Having regard to these matters, the Board considers “supervision” of a registered person carrying out surveys to involve:

- (a) Oversight by the supervising surveyor of the planning and execution of all aspects of the survey;
- (b) Confirmation by the supervising surveyor that the registered person understands the purpose of the survey, the legislative basis on which the survey is to be performed and the nature of the tenures or interests which are to be created;
- (c) Providing direct personal oversight in the field unless the registered person is technically competent to carry out measurements and place marks to an appropriate accuracy, using appropriate techniques;
- (d) An understanding by the supervising surveyor of all evidence collected to assist in determining the location of existing boundaries, survey control and any limits on what evidence was collected (e.g. where decisions are made not to connect to certain evidence, because it will not provide further information to that already collected);
- (e) Personal review by the supervising surveyor of the surveying methodology;
- (f) Personal review by the supervising surveyor of the survey plan;

- (g) Personal verification by the supervising surveyor that all relevant legislative requirements have been met, including approvals and encroachment notifications, authority to mine;
- (h) Feedback by the supervising surveyor to the registered person on all of the above matters, to assist the person on developing their competence in undertaking cadastral or mining surveys; and
- (i) The supervising surveyor recording the nature of supervision which occurred on the survey.
- (j) Frequent face to face meetings with the supervised registered person. In the event that there are issues with surveys carried out by a registered person, the supervising surveyor can be requested to produce the records that this policy requires and to demonstrate and justify the level of supervision provided.

Note:

*Where a cadastral survey is carried out by a corporation that is registered as a cadastral surveyor, the survey must be done by an individual who holds a cadastral endorsement, or by a registered individual supervised by an individual who holds a cadastral endorsement.*