

Australian Capital Territory

Surveyors (Surveyor-General) Continuing Professional Development Directions 2010 (No 1)

Notifiable instrument NI2010-202

made under the

Surveyors Act 2007, section 9 (Registration Condition)

1 Name of instrument

This instrument is the *Surveyors (Surveyor-General) Continuing Professional Development Directions 2010 (No. 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3. Revocation

This instrument revokes *Surveyors (Continuing Professional Development) Guidelines 2008* (NI2008-203)

Bill Hirst
Surveyor-General

23 April 2010



SURVEYOR-GENERAL DIRECTION
CONTINUING PROFESSIONAL DEVELOPMENT
FOR REGISTERED SURVEYORS

Established in accordance with the Surveyors Act 2007
(ACT) Section 9 (2)

Endorsed by the Survey Practice Advisory Committee - March 2010

Edition 2 (Previously Guideline 6)
March 2010

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CONTINUING PROFESSIONAL DEVELOPMENT

Note: These directions have been based upon the NSW Board of Surveying and Spatial Information (BOSSI) 'Continuing Professional Development Determinations' (the Determinations). It is a condition of registration as a surveyor within the ACT to undertake continual professional development in accordance with these directions. For surveyors with joint ACT / NSW registration, compliance with the Determinations is considered to be compliance with these directions.

2 Background and Definitions

'Continuing Professional Development' ("CPD") has been defined as "*the process by which a professional surveyor maintains and develops the ongoing quality and relevance of his/her professional practice.*"

To enable CPD to be consistently and fairly administered and to assist surveyors to comply with the CPD Directions the Surveyor-General, in consultation with the Survey Practice Advisory Committee (SPAC) has prepared this document for distribution to all surveyors registered in the Australian Capital Territory.

Under Section 9 (1) of the Surveyors Act 2007 (ACT), it is a condition of a surveyor's registration that the surveyor undertakes continuing professional development in accordance with directions. These directions have been established under Section 9(2) for that purpose.

Recognising the fact that the majority of surveyors registered in the ACT are also registered in NSW, these directions have been developed to be compatible with the CPD requirements of the NSW Board of Surveying and Spatial Information (the Board) to the extent possible.

For surveyors with joint ACT/NSW registration, compliance and acceptance with the Board's CPD Determination will be considered to be compliance with these directions.

In this document:

The Act means the Surveyors Act 2007 (ACT)

the Board means the NSW Board of Surveying and Spatial Information.

The Surveyor-General means the Surveyor-General of the ACT as defined by the Surveyors Act 2007 (ACT)

Jointly registered surveyors means surveyors who are registered with both the Surveyor-General and the Board.

ACT only registered surveyors means surveyors registered with the Surveyor-General however not registered with the Board. ACT only registered surveyors may have registration in another jurisdiction (other than NSW) however they will be considered to have only ACT registration for the purposes of CPD requirements and compliance.

3 Objectives of Continuing Professional Development

Through the implementation and maintenance of a Continuing Professional Development requirement, the Surveyor-General of the ACT, in consultation with the Board, has set a number of objectives for registered surveyors:

- ◆ To maintain professional service in surveying at the peak level of competence;
- ◆ To encourage the sharing of ideas amongst surveyors in common fora;
- ◆ To improve the quality of surveying services to the community;
- ◆ To extend an individual's professional knowledge;
- ◆ To preserve and enhance the high standard of professional performance by surveyors throughout their career;
- ◆ To increase individual surveyor's capabilities as a contribution to national development;
- ◆ To encourage relevant Continuing Professional Development activities by employers of professional surveyors as part of their employees' normal duties.

4 Requirements for Registered Land Surveyors

The Surveyor-General requires surveyors applying for renewal of annual registration to certify that they have met the continuing professional development (CPD) requirements set by these directions for the period prior to renewal. This CPD period is aligned to the financial year, extending from 1 July in one year to 30 June in the following year.

Proof of compliance with these directions is demonstrated through the surveyor's attainment of CPD 'points'. As a rule, one CPD point is awarded for each hour in attendance at any recognised and assessed CPD activity as detailed in Section 5. This may take the form of a lecture, seminar, workshop, conference or demonstration. Points may also be awarded for the research, preparation and initial presentation of papers at such activities and/or for the publication of technical papers, in accordance with these directions.

The Surveyor-General's requirements for compliance with the Continuing Professional Development Determination are:

1. a minimum of 15 points per annum without provision for carry over of surplus points into the following year.
2. for registered land surveyors, at least 3 NSW / ACT specific cadastral points to be included in this minimum of 15 points. Note that ACT and NSW cadastral points are considered to be equivalent for CPD requirements.
3. The remainder of the 15 points are in 'Survey Practice'.

'Survey Practice' includes survey matters related to:

- Technology Use related to Surveying
- Infrastructure and Engineering
- Environment and Planning
- Building Development
- Subdivision Development
- Project Management
- Professional Practice Management
- Mine surveying, Planning and Development
- Risk Management

Any excess cadastral points can be counted as 'Survey Practice' points in the total of 15 points (minimum) gained during the CPD period.

For the purpose of CPD assessment, 'cadastral' has been defined as "anything to do with the determination and delimitation of rights and interests of parties in real property".

For the purpose of CPD assessment, 'Infrastructure and Engineering' has been defined as anything to do with:

- Urban road design; Urban drainage design; Urban contract supervision
- Rural road design; Rural drainage design; Rural contract supervision
- Water mains design; Water mains contract supervision
- Sewer mains design; Sewer mains contract supervision
- On site detention and drainage design

For the purpose of CPD assessment, 'Environment & Planning' may include Project Management; Effective Communication, Negotiation & Mediation; Economics of Development; Professional Ethics and; Legislation & Governance as included in the Certified Practising Planner course provided by the Planning Institute of Australia.

For the purpose of CPD assessment, 'Risk Management' includes but is not necessarily restricted to areas such as Risk Averse Procedures and Practices, Occupational Health & Safety, Quality Assurance and Professional Liability.

It is strongly emphasised that each CPD twelve month period ends on June 30 and the required points should have been achieved by this date.

5 CPD Activities

Any CPD undertaking should seek to complement and update existing knowledge, enhance skills or prepare a surveyor for additional responsibilities or tasks. Courses and activities must be relevant to the surveyor's immediate or long-term needs, in relation to the practice of surveying.

A surveyor's CPD should relate to the theory and general practice of surveying in its broadest sense. However, content could also include education for, and acquisition of, other skills and related professional practices including business management, environmental management, and professional responsibilities.

Evidence of CPD must be made available to the Surveyor-General for the assessment of compliance with these directions.

5.1 Professional Experience

Acceptable CPD activities include but are not restricted to:

- Being a personal member of a professional organisation which issues a professional journal, accruing 1 CPD point per organisation to a maximum of 2 'Survey Practice' CPD points per CPD period;
- Attendance, to a total maximum allowable points for all service on all Committees and Sub-Committees of 6 CPD points per CPD period:

- at a professional surveying organisation's meetings (for example, the Executive Committee of the Canberra Division of the Institution of Surveyors);
- at a professional surveying organisation's sub-committee meetings;
- at technical committee meetings of Local Government or State Government instrumentalities;
- Supervising Surveyor activities for enrolled, financial, candidates to a maximum of 1 cadastral and 2 'Survey Practice' points per CPD period;
- Unsupervised structured self-education (whether by print material or electronic media, including internet, DVD and so on, or any other form of private study) is not encouraged, because of the difficulty of ensuring diversity of content and opinion. Some self-education will be accepted, but it is to be limited to 3 points and is counted at one point per two hours of study. In special circumstances, including illness, or remoteness, or for surveyors overseas (to help them obtain NSW mining or cadastral points) the limit can be exceeded, but this is regarded as special consideration and requires the approval via an application to the Surveyor-General: see Section 10.

Prior to undertaking any self education activities, a surveyor must submit the proposed program and intended learning outcomes to one of the ratified organisations referred to in Section 6.1, for assessment of CPD points. The ratified organisation approving such activities should be satisfied that there will be education outcomes.

Notes:

- i) Any completely unstructured self-education, which could extend to such activities as generally searching the internet for surveying material, or reading a book without a prior plan, is not acceptable.
- ii) Activities which provide confirmation of supervision, such as interactive internet based activities, are not regarded as unsupervised self-education, (but are still limited to 3 points).

It is emphasized that undocumented self assessed points are not acceptable. Suitable supporting evidence must be available to assist the Surveyor-General in evaluating the claim if it is subject to audit. Failure to provide sufficient detail introduces an undesirable delay as it invariably involves the Surveyor-General requesting the surveyor to substantiate the claim. Inability to satisfactorily support any claim will lead to its rejection.

Activities which do not warrant the allocation of CPD points include but are not restricted to:

- Unstructured conversations with other surveyors or professionals;
- General meetings with clients, lawyers, government officers, instrument companies or similar;
- Unstructured learning of instrument operations;
- Attending and contributing to community service organisation meetings or local government association (local Council) meetings;
- Marking out a sports oval or similar setting out work for charitable organisations;
- Ad hoc training of fieldhands and assistants.

5.2 Continuing Education

CPD points may also be gained through attendance at CPD events. All such CPD events, activities and courses must be of significant technical, intellectual and practical content and should deal primarily with matters directly relating to the practice of surveying. Presenters of any course must have the appropriate practical experience or academic qualifications in the course subject. Acceptable CPD points may be gained through the following categories:

- *Conferences, Congresses and Conventions:*
These include conferences, congresses or conventions run by professional bodies and which provide subjects of interest and education for surveyors.

- *Courses, Seminars, Workshops and Lectures:*
Similarly, these can include those provided by a wide range of organisations including educational bodies, government departments, and private providers.

- *Institution of Surveyors (etc) Regional Group Meetings and Discussion:*
Institution Group meetings should provide a regular opportunity for regional members to gain CPD points. Attendance at these functions is highly recommended.

- *Development Activities:*
It is recommended that a surveyor submit the proposed program to an organisation ratified by the Board for assessment of CPD points prior to undertaking the activity. Supporting information must outline the content, duration and proposed learning outcomes of the program. Surveyors must ensure they receive a record of attendance as proof of completion of the activity. Such activities include:
 - *Structured in-house learning.*
This type of CPD activity is presented by in-house experts and is common in larger enterprises. It may also be a joint activity conducted by a number of smaller enterprises.

 - *Structured learning - external provider.*
These would be similar to structured in-house learning except the provider is external to the enterprise.

- *Tertiary Courses:*
These are specific education courses delivered by accredited adult vocational, Registered Training Organisation, technical colleges or university institutions.

- *Research and Writing of Technical Publications and Presentation of Technical Paper:*
This would include preparation of papers published in seminar papers or professional journals.

6 CPD Compliance

6.1 Assessment of CPD Points

Surveyors with joint ACT/NSW registration will be assessed and potentially audited by the Board in accordance with Section 6.1 of the Board CPD Determination. Surveyors registered within ACT but not NSW will be assessed and audited by the Surveyor-General as detailed below.

Subject to their formal ratification by the Board, organisations may:

- assign CPD points to their own activities;

- assess any activities of other organisations, except other ratified organisations, and assign CPD points accordingly;
- at their discretion, assess any other activities of a surveyor, whether a member or a non-member, and assign CPD points accordingly.

Note: to ensure consistency between the ACT and NSW, only the Board can formally ratify organisations as described above.

An organisation ratified by the Board for the assessment of activities and the assignment of CPD points shall not assess the activities of another organisation ratified by the Board but shall accept the assessment made by that other organisation of its own activities.

When assigning CPD points, a ratified organisation when relevant can identify “Survey Practice” points as “Infrastructure and Engineering” or “Environment & Planning”. This breakdown is to enable an individual to demonstrate CPD in these areas for other interested parties such as Councils. CPD in either “Infrastructure and Engineering” or “Environment & Planning” is not mandatory.

The Board shall establish a CPD Committee with representation from organisations ratified by the Board for the assessment of activities and the assignment of CPD points. This Committee shall meet regularly, with a particular focus on the assessment of activities by other organisations that are not ratified by the Board. In the event of a dispute in the assignment of CPD points between organisations ratified by the Board, the Board (for jointly registered surveyors) or the Surveyor-General (for ACT only registered surveyors) shall be the final arbiter.

The five ratified organizations are:

- Institution of Surveyors NSW,
- Association of Consulting Surveyors NSW,
- Australian Institute of Mine Surveyors Limited,
- University of Newcastle and
- Surveying and Spatial Sciences Institute (ACT Division)

6.2 Certification

Surveyors are required to certify, as part of their registration renewal, that they comply with these directions for renewal of registration. The surveyor’s certification shall certify that the required number of CPD points, in the required categories, has been obtained during the relevant CPD period.

6.3 CPD Compliance Certificate

Organisations ratified by the Board from time to time may issue Certificates of CPD Compliance to surveyors who meet CPD compliance requirements. The Surveyor-General will accept this Certificate as sufficient and absolute proof of a surveyor’s compliance with CPD requirements within the specified period.

7 Audit

Surveyors with joint ACT/NSW registration will be audited by the NSW Board in accordance with Section 7 of the Board's CPD Determination. Surveyors registered within ACT but not NSW will be audited by the Surveyor-General as follows.

The Surveyor-General shall audit approximately 20% of surveyors each year. The Surveyor-General funds this audit. Although this audit is nominally of a random nature, the Surveyor-General reserves the right to audit members of the surveying profession to the extent where the Surveyor-General is satisfied that the objectives of these directions and the requirements of Territory legislation have been met.

Audit notices will be sent to the selected surveyors prior to the end of an audit year. As the audit is a proof of CPD compliance, the results of the audit for each surveyor shall be recorded in the register.

Surveyors selected for audit are required to provide documentary evidence to support that they have met the Surveyor-General's CPD requirements. An example of documentary evidence would be a CPD certificate issued by an organisation ratified by the Board. Surveyors who fail to demonstrate compliance with these directions shall be subject to disciplinary action under Division 3.3 of the Surveyors Act 2007 (ACT) Surveyor-General.

The Audit Record of a surveyor will be considered before re-enrolment each year and if it is unsatisfactory special conditions may be imposed. These conditions may include attendance at selected CPD activities, an interview, or an examination.

7.1 Restoration

Restoration of ACT registration involves those surveyors who were previously registered but have been removed from the register either through personal choice or by the Surveyor-General (for example, non payment of fees, disciplinary action or non compliance with the CPD requirements).

The initial re-enrolment of a surveyor applying for restoration will not require any certification of previously acquired CPD points unless the surveyor had been subject to an audit in the year of his/her removal. If the surveyor had been subject to an audit, the surveyor should then supply that information which would normally be required. Any shortfall in CPD points may then be required to be completed in the following CPD year. The surveyor would be subject to an audit on their next re-registration.

When a surveyor is removed from the ACT and/or NSW Register of Surveyors for non compliance with the CPD Policy the surveyor cannot apply for restoration until such time as satisfactory evidence of compliance for his/her failed CPD audit year is made available to the Board or ACT Surveyor-General. Once the surveyor has been restored his or her CPD requirements for the current CPD year would only be for the period that they were actually registered and not for the period of their removal.

For all other restorations the following requirements will be imposed and the surveyor will be audited on their next re-registration

The CPD requirements for a surveyor who has enrolled part way through a CPD year will be as follows:

<i>If there is 9 months or more to run</i>	<i>Full CPD points.</i>
<i>6 to 9 months to run</i>	<i>9 points including the three specialist points</i>
<i>3 to 6 months to run</i>	<i>6 points including the three specialist points</i>
<i>3 months or less to run</i>	<i>three specialist points.</i>

If there are six months or less to run, any shortage of CPD in the year of enrolment can be acquired as additional points in the following year.

Surveyors who were financial the previous year and missed the 31 August deadline and are therefore required to apply for restoration will still be required to comply with the CPD requirements.

The Board may audit those organisations ratified by the Board for the assessment of activities and the assignment of CPD points. This is to provide quality assurance that the process is under control and there is no bias in the assessment procedures between different organisations.

8 Initial registration

The initial New South Wales registration process recognised by the Board, which includes the successful completion of a Professional Training Agreement or the Board's examinations, is construed to satisfy the Board's CPD requirements for that particular CPD period. This means that surveyors achieving initial registration by these methods during a particular CPD period are exempt from the CPD requirements of NSW and the ACT for the remainder of that period.

9 Reciprocity

The ACT Surveyor-General is committed to the maintenance of reciprocity between the various jurisdictions in Australia. If an accredited surveyor from another jurisdiction applies to practise in the ACT the Surveyor-General will register that person in accordance with the provisions of the Mutual Recognition Act, 1993 (Commonwealth) irrespective of any deficiency in CPD points held at that time.

However, the Surveyor-General shall require all CPD requirements to be satisfied upon renewal of registration. If the reciprocal registration becomes effective so late in the current CPD period that insufficient time is available to accumulate the required points, the surveyor must apply to the Surveyor-General for an extension of time so that the necessary points may be gained. The application procedure for an extension of time is contained in the next Section of this Determination. In any case the registration process must be completed before 31 August.

10 Exemption or Extension of Time

Surveyors with joint ACT/NSW registration can appeal to the NSW Board for an exemption or extension of time in accordance with Section 10 of the Board's CPD Determination. Surveyors registered within ACT but not NSW can appeal to the Surveyor-General for an exemption or extension of time as detailed below:

Occasionally individual surveyors may indicate to the Surveyor-General that they are unable to satisfy the CPD requirements within the specified period. The Surveyor-General will consider any genuine extenuating circumstances on its merits, especially where a surveyor has experienced justifiable and genuine hardship.

10.1 Exemptions

The Surveyor-General may exempt a surveyor from compliance with all or part of the annual CPD requirements on any compelling grounds that may be considered just. Any such exemption would apply only for the current period and conditions may be imposed. For example, a surveyor may have a temporary exemption from compliance with CPD requirements for registration on the basis of absence from practice while on extended parenting leave. Applications for exemption must be submitted to the Surveyor-General for approval. CPD points may be required, after the expiry of the exemption period, at the Surveyor-General's discretion and an extension of time may be allowed to enable the surveyor to achieve the required CPD points.

However, some applications for exemption, commonly based on pressure of business or geographical location, appear to demonstrate a lack of commitment to both CPD principles and the standards expected of professional surveyors in the modern commercial and competitive environment. These applications are not viewed sympathetically.

10.2 Conditional Compliance

The Surveyor-General may grant a surveyor a conditional compliance, for part of the annual CPD requirements on any compelling grounds that the Surveyor-General may consider just. Any such conditional compliance would apply only for the current period and conditions are imposed. The surveyor will be required to gain the shortfall of points within the next CPD period and will be audited upon renewal. Applications for conditional compliance must be submitted to the Surveyor-General for approval

Applications for exemption from full or part compliance with the CPD requirements within the relevant period, or requests for an extension of time, must be received by the ACT Surveyor-General no later than 31 July. Applications must be in writing and accompanied by any supporting material that will enable the Surveyor-General to make an informed decision. Subject to the right of appeal detailed in Section 12 of this Determination, a surveyor whose application for either exemption or an extension of time is rejected by the Surveyor-General and who has not achieved the required number of CPD points will be considered to have breached Section 26(1)(e) of the Act and may be subject to disciplinary actions in accordance with Division 3.3 of the Act.

Organisations ratified by the Board for the assessment of activities and the assignment of CPD points are not permitted to provide an extension of time for surveyors to complete their CPD requirements, nor can these organisations exempt a surveyor from complying with these CPD requirements, either in part or in full.

It is strongly emphasized that the relevant CPD period ends on 30 June and the required CPD points should have been achieved by this date. If an extension of time has been granted any points earned after 30 June within the extension period to cover a deficiency in the previous period cannot be used again in the following CPD year.

11 Surveyors Overseas

Surveyors with joint ACT/NSW registration working, or intending to work overseas are encouraged to approach the Board in accordance with Section 11 of the Board's CPD Determination. Surveyors registered within ACT but not NSW working or intending to work overseas are encouraged to contact the Surveyor-General as detailed below:

The Surveyor-General encourages registered surveyors who are absent from Australia for an extended period to contact the Surveyor-General prior to their departure, to discuss the requirements regarding retention of their registration whilst they are overseas. The Surveyor-General can also provide advice regarding restoration to the register on return to Australia, should a surveyor's registration lapse whilst overseas.

Each application for exemption on the grounds of overseas work or travel will be considered by the Surveyor-General with regard to the particular circumstances.

General directions to assist surveyors to satisfy CPD requirements whilst overseas have been developed. Further to Section 5 of these directions, CPD points can usually be accumulated by various methods such as:

- maintaining membership of an ACT based professional surveying organisation;
- providing evidence of competence in local professional practice to the relevant extent;
- contact with surveyors and allied professionals and attendance at appropriate congresses, meetings, seminars and discussion groups;
- reading any available Australian or overseas publications, journals, technical bulletins etc. with the intention of maintaining contact with professional activities in Australia and overseas;

- preparing and presenting papers to professional groups;
- preparing and presenting papers on overseas experience to local groups on return to Australia. This method of obtaining CPD points is especially applicable to those working on projects overseas for extended periods i.e. on drilling rigs, major engineering projects or in Antarctica etc.

It should be noted that not all CPD points can be gained by engaging in only one type of activity, for example maintaining membership of a professional organisation.

Generally surveyors travelling, working or studying overseas may obtain relief from CPD requirements at the discretion of the Surveyor-General by submission of a documented self-assessment of activities undertaken. The surveyor must satisfy the assessor that he/she maintained professional standards and competence whilst overseas.

ACT registration may not be withheld from surveyors working overseas for extended periods spanning more than one year. Although such surveyors may not be able to obtain relevant cadastral points during this time, the Surveyor-General may allow an appropriate exemption to cover these circumstances as long as the surveyor applies.

On return to Australia cadastral points will be required at the Surveyor-General's discretion and an extension of time may be allowed if necessary to enable the surveyor to accumulate these points.

12 Right of Appeal

Any assessment of non-compliance with these ACT Surveyor-Generals CPD directions may be considered to be a breach of Section 9(1) of the Surveyors Act 2007 (ACT) and the Surveyor-General may take disciplinary action in accordance with Section 39 of the Act. As such, action taken, or an assessment given, in relation to these directions may be subject to the right of appeal by a surveyor, in accordance with Reviewable Decisions in Section 75 of the Act.