

Getting Noticed for All the Wrong Reasons: BOSSI Investigations of Complaints Against Surveyors

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ABSTRACT

In New South Wales, land and mining surveyors are registered under the provisions of the Surveying and Spatial Information Act 2002 ('the Act'). The Act is administered by the Board of Surveying and Spatial Information (BOSSI) of NSW, a statutory authority created under the Act. Pursuant to section 28 of the Act, BOSSI's principal functions include the registration of land and mining surveyors and ongoing administration of the register, the investigation of complaints against registered land and mining surveyors, and the taking of disciplinary action which may arise as a result of the investigations. I have been a member of the Board of Surveying and Spatial Information of NSW since 2001. In 2002, I was appointed the Convenor of the BOSSI Professional Audit & Investigation Committee. The purpose of the Committee is to investigate complaints against registered surveyors. Since 2002, BOSSI has received about five complaints against surveyors per annum. One of these investigations resulted in the registered land surveyor being removed from the register, demonstrating that the consequences of a finding of professional incompetence or professional misconduct can be most severe. This presentation outlines some of the complaints that are lodged against registered land surveyors, the process that BOSSI employs to investigate them and the results of these investigations. The terms 'professional incompetence' and 'professional misconduct' are explained, as is the Board's interpretation of the difference between professional incompetence and an unfortunate mistake. A registered land surveyor's obligations under the Act in relation to the supervision of unregistered persons is also highlighted, as this is increasingly becoming a factor in errors made by surveyors that could be subject to a claim of professional incompetence. The presentation includes actual case studies.

KEYWORDS: *BOSSI, professional incompetence, professional misconduct, investigation, supervision.*