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THE  
INSTITUTION OF SURVEYORS  
AUSTRALIA, SOUTH AUSTRALIA DIVISION  
INCORPORATED

RULES

*Adopted 5 August 2009*

*As amended 22 May 2010; 20 September 2017; 19 September 2018 and 16 September 2020*

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**THE INSTITUTION OF SURVEYORS AUSTRALIA,  
SOUTH AUSTRALIA DIVISION INC  
RULES**

**1. NAME**

The **NAME** of the Association is The Institution of Surveyors Australia, South Australia Division Incorporated.

**2. OBJECTS**

The objects for which the Division is established include the following:

- 2.1 to promote the science and practice of surveying in all its branches and the usefulness and the efficiency of persons engaged therein;
- 2.2 to provide and maintain high standards of competence and conduct in surveying practice;
- 2.3 to perform the duties and fulfil the functions provided for in the Act;
- 2.4 to secure uniformity of professional practice;
- 2.5 to represent, generally the views and to maintain and raise the integrity and status and character of the profession of surveying;
- 2.6 to provide a competent and sufficient authority to pronounce the opinion of the whole profession upon the conduct of any of its members;
- 2.7 To work co-operatively with the University of South Australia and other tertiary institutions for education of professional surveyors; to provide a fund to establish scholarships or annual prizes to students in Surveying;
- 2.8 to acquire, or dispose of, any assets, rights and privileges which the Division may regard as necessary or convenient for advancing the interests of the profession;
- 2.9 to purchase, take on lease or exchange, hire or otherwise acquire any real and personal property and to erect any building or buildings required for the purposes of the Division;
- 2.10 to invest upon such securities as may from time to time be determined the monies of the Division not immediately required for the attainment of the above objects;
- 2.11 to sell, improve, lease, mortgage, dispose of or otherwise deal with all or any part of the property of the Division;
- 2.12 to accept any gift or property of any nature or kind whether subject to any Trust or otherwise;
- 2.13 to cooperate with any other institution or association having objects altogether or in part similar to the objects of the Division;

- 2.14 to exercise all the powers referred to in section 25 of The Associations Incorporation Act 1985; and
- 2.15 to do all such other things as are incidental or conducive to the attainment of the above objects, and for any or all of these said purposes to petition Parliament or take such other proceedings as may be deemed expedient.

3. **DEFINITIONS**

In these Rules unless there is something in the subject or context inconsistent therewith:

- 3.1 ‘Act’ and the ‘Survey Act’ means the Survey Act 1992 of the State of South Australia;
- 3.2 ‘Board’ means the Surveyors Board of South Australia established by the Division;
- 3.3 ‘Continuing Member’ means a Member pursuant to Rule 34.3;
- 3.4 ‘Division’ means the Institution of Surveyors Australia South Australia Division Incorporated;
- 3.5 ‘Division Circular’ means the circular referred to in Rule 32.1;
- 3.6 ‘Emeritus Surveyor’ means a member pursuant to rule 8A;
- 3.7 ‘Financial Year’ of the Division shall be as allowable under the Act;
- 3.8 ‘Land Surveying Commission’ means the relevant Commission relating to land surveying established pursuant to Clause 28 of the Constitution of SSSI;
- 3.9 ‘Member’ means a Member pursuant to Rules 6 and 7;
- 3.10 ‘Membership List’ means the list of all members of the Division;
- 3.11 ‘Minister’ means the Minister of the Crown whose portfolio includes responsibility for the Survey Act;
- 3.12 ‘Office Bearer’ means any member holding honorary office in the Division for the time being;
- 3.13 ‘Professional Practice Rules of Surveyors Board of South Australia’ means the Professional Practice Rules of the Surveyors Board – Code of Ethics in Appendix A as altered by By-Laws made pursuant to Rule 29.1;
- 3.14 ‘Regional Committee’ means the Regional Committee of the South Australia Region established pursuant to Clause 27 of the Constitution of SSSI;
- 3.15 ‘Register’ means the register of all licensed and registered surveyors required pursuant to the provisions of the Survey Act;
- 3.16 ‘Registrar’ means the Registrar appointed by the Division;

- 3.17 'Regulations' means the Survey Regulations 2020 being regulations made under the Act;
- 3.18 'South Australia Region' means the South Australia Region established pursuant to Clause 27 of the Constitution of SSSI;
- 3.19 'SSSI' means the Surveying and Spatial Sciences Institute Limited (ABN 22 135 572 815);
- 3.20 'Standing Operating Procedures' means operation procedures established by the Board pursuant to rule 14.1.3;
- 3.21 'Surveyor' means a licensed or registered surveyor licensed or registered pursuant to the Act;
- 3.22 'Surveyors Board' means the Surveyors Board of South Australia established by the Division;
- 3.23 'Surveyor-General' means the Surveyor-General referred to in the Survey Act.
- 3.24 Words importing the singular number only include the plural number and vice versa.

#### 4. **PROPERTY**

- 4.1 The income and property of the Division howsoever and whensoever derived shall be applied solely towards the attainment of promotion of the objects of the Division, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend or bonus or by way of profit to the members of the Division provided always that nothing herein contained shall prevent the payment in good faith of remuneration to any officer or servant of the Division, or to any member of the Division in return for any services actually rendered to the Division, or of the reasonable expenses incurred by any member of the Division in attending meetings or otherwise undertaking business of the Division at the instance of the Board, or prevent the payment of honoraria to office bearers.
- 4.2 If, on the winding up or dissolution of the Division, there remains after the satisfaction of all its debts and liabilities any property whatsoever, then the same shall not be paid to, or distributed among, members of the Division, but shall be given or transferred to any other Corporation or Association having objects the same, or similar to, the objects of the Division.

#### 5. **MEMBERSHIP**

There shall be two classes of membership, Emeritus Surveyors and Members.

#### 6. **MEMBERSHIP - Qualifications for Membership**

- 6.1 Members must be licensed or registered as a surveyor pursuant to the Survey Act.
- 6.2 An Emeritus Surveyor shall have been a long standing member of the Division or a former member of the Division of Seniority or service to the Division.

**7. MEMBERSHIP - The Membership List**

- 7.1 The Registrar shall keep and maintain from time to time the Membership List and the Membership List shall contain such information as the Board may from time to time require. Every member shall furnish the Registrar with all information required when called upon so to do.
- 7.2 The Membership List shall be kept in such a form as to readily show the various classes of membership.

**8. MEMBERSHIP - Proposals for Admission**

- 8.1 A proposal for admission as a member class except an Emeritus Surveyor shall be in accordance with a prescribed form in which the applicant's signature name, postal address, qualifications or registration under the Survey Act shall be stated and which shall contain an undertaking by the candidate if and when admitted to conform with these Rules.
- 8.2 A proposal for admission as a Member of the Division shall be sent in the first instance to the Registrar. The suitability of a candidate for admission into the class of Member shall be determined by the Board following consideration of any recommendation made thereon by the Registrar.
- 8.3 When an applicant is admitted the applicant shall be notified by the Registrar and his or her name shall be enrolled on the Membership List of the Division.

**8A Emeritus Surveyor**

- 8A.1 Two Members of the Division may nominate a person as an Emeritus Surveyor.
- 8A.2 Such class of membership shall be honorary and upon such nomination being received by the Division the nomination shall be considered by the Board at its next regular meeting and the Board may appoint the nominee as an Emeritus Surveyor.
- 8A.3 Upon appointment the provisions of Rule 8 shall not apply to Emeritus Surveyors.
- 8A.4 An Emeritus Surveyor shall not be a Member.
- 8A.5 Emeritus Surveyors shall not pay any fees to the Division.

**9. MEMBERSHIP - Resignation**

A member of any class desiring to discontinue membership of the Division shall tender his or her resignation in writing to the Registrar and the Board shall accept the resignation.

**10. SURVEYORS BOARD OF SOUTH AUSTRALIA**

- 10.1 The affairs of the Division are to be managed by a body to be called the Surveyors Board of South Australia.
- 10.2 The Surveyors Board of South Australia shall consist of the following office bearers:
- 10.2.1 Chairman;

- 10.2.2 Treasurer;
  - 10.2.3 three Committee Members;
  - 10.2.4 a person engaged in the teaching of surveying at an institution of tertiary education appointed by the Board;
  - 10.2.5 the person elected to the Regional Committee of the SSSI by members of the Land Surveying Commission, or the nominee of that person, ex officio;
  - 10.2.6 Surveyor General, ex officio; and
  - 10.2.7 an eighth person appointed by the Board.
- 10.3 No person other than a Member shall be eligible for election to the Board.
- 10.4 Subject to clause 10.10, the tenure of office of the Board members shall be two years provided that such members shall be eligible for re-election.
- 10.5 The Board shall elect the Chairman and the Treasurer from the elected members of the Board.
- 10.6 The Chairman shall not be the Treasurer.
- 10.7 If through any cause the office of Chairman or Treasurer become vacant, the Board shall elect from its own number a successor for such office.
- 10.8 The Board shall fill any casual vacancy on the Board by the appointment of any Member of the Division for the unexpired term of the office bearer ceasing to hold office.
- 10.9 The Chairman shall have the following responsibilities:
- 10.9.1 to nominate the convenors of all subcommittees; and
  - 10.9.2 to nominate a suitable person to investigate complaints lodged with the Division pursuant to the Survey Act.
- 10.10 The Board may appoint an Academic Member under clause 10.2.4 for any period of tenure up to two years.
- 10.11 The Board, when making the appointment required by clause 10.2.7 shall appoint a person:
- 10.11.1 who brings diversity to the Board, including in the form of gender balance; or
  - 10.11.2 who brings diversity to the Board in the form of a user of the services of a surveyor; and
  - 10.11.3 having engaged Members in the nomination of a person to the position.



**11. BOARD - Election**

- 11.1 Every twelve months, following the end of the financial year, the Registrar shall call for nominations for half of the Board members;
- 11.2 Each nomination for election as a member of the Board shall be made by Members on the prescribed form, and be in the hands of the Registrar at least 14 days prior to the third Friday of the second month following the end of the financial year.
- 11.3 In every case the signed consent of the candidate nominated for election stating that the Member is willing to accept such office if elected shall accompany the nomination paper.
- 11.4 Where nominations are in excess of the number required to fill the vacancies, a ballot of Members entitled to vote will be held.
- 11.5 Where nominations are below the number required to fill the vacancies, the Board then elected shall fill the vacancy or vacancies by the appointment of any Member.
- 11.6 A ballot paper containing an alphabetically ordered list of the names of the offices for which they have been nominated, shall be prepared and forwarded by the Registrar to each Member before the third Friday in the second month following the end of the financial year and shall be returned to the Registrar by mid-day on the first Friday of the third month following the end of the financial year.
- 11.7 Three scrutineers shall be appointed by the Board to examine the ballot papers and report in writing to the Chairman, the names of the successful candidates in alphabetical order, without disclosing the number of votes obtained by each. No candidate participating in the ballot shall be eligible for appointment as a scrutineer.
- 11.8 After the counting of the ballot, all the ballot papers, together with the scrutineers' reports, shall be placed in an envelope by the scrutineers, sealed and handed to the custody of the Registrar, who shall be responsible for the destruction of these records immediately after the Annual General Meeting.
- 11.9 The Chairman of the Board shall announce at the Annual General Meeting the names of the successful candidates elected to office.
- 11.10 In the event of there being an equality of votes for any office, the candidate holding office at the time of the election shall be deemed to be re-elected. Where the equality of votes occurs in regard to two or more candidates, neither of whom holds office at the time of the election the Chairman shall have a casting vote.

**12. BOARD - Meetings**

There shall be at least four meetings of the Board in each year. A quorum of the Board shall comprise four members. The Chairman, or in the Chairman's absence the Treasurer or any two members of the Board, may at any time require a meeting thereof to be convened or summon a meeting thereof.

**13. BOARD – Proceedings**

- 13.1 The Chairman shall preside at all meetings of the Board, and if at any meeting the Chairman is not present, within ten minutes after the time appointed, for holding the same, the members present shall choose someone of their number to be Chairman of the Meeting.
- 13.2 Decisions requiring a vote at any meeting of the Board shall be decided by a majority of votes and in the case of any equality of votes the motion shall pass in the negative unless the Chairman, in its absolute discretion, casts a further and deciding vote.
- 13.3 No resolution passed at any meeting of the Board shall be rescinded at any subsequent meeting unless notice of the intention to propose such rescission shall have been given in the circular convening the meeting.
- 13.4 Subject to the provisions of these rules, the Board may make such procedures as it thinks proper as to the summoning and holding of meetings, and for the transaction of business thereat, and may adjourn or postpone any meeting.
- 13.5 A report of the activities of the Division shall be given by the Board at each Annual General Meeting of the Division covering the proceedings since the last Annual General Meeting.

**14. BOARD - Powers**

- 14.1 The Surveyors Board:
  - 14.1.1 is authorized to exercise all of the powers of the Division, and shall have the sole control, management and superintendence of the property, income, affairs and concerns of the Division and may appoint such officers and sub-committees as shall in its discretion be deemed necessary, make procedures for the conduct of and holding of meetings and if not contrary to or inconsistent with the provision of the rules, may do all such acts as may appear to it to be necessary or desirable for the purpose of carrying out the objects of the Division;
  - 14.1.2 shall have management and control of the obligations of the Division under the Survey Act 1992 and shall exercise all of the powers devolving upon the Division under the Survey Act 1992; and
  - 14.1.3 may from time to time establish Standing Operating Procedures in respect of the matters set out in Rules 14.1.1 and 14.1.2.
- 14.2 Where the Board shall appoint a sub-committee for any purpose, it shall nominate a member of such sub-committee to act as convenor. The convenor so appointed shall be responsible for convening all meetings and doing such things as are necessary to the attainment of the purpose for which the sub-committee was appointed and shall furnish reports to the Board, such reports to be in the hands of the Registrar prior to each meeting of the Board. The Chairman shall be ex-officio member of all sub-committees.
- 14.3 Any member representing the Division in any way shall be responsible for furnishing a report to the Registrar prior to each Board meeting.

14.4 Any sub-committee or member appointed by the Board shall cease to hold office at the Annual General Meeting.

15. **REGISTRAR**

15.1 The Board may appoint a Registrar who shall:

15.1.1 subject to the Act and these Rules comply in all things with the direction of the Board;

15.1.2 perform such duties and fulfil the functions provided for by the Survey Act for the position of Registrar; and

15.1.3 be required to convene all Annual General Meetings and Special General Meetings of the members of the Division in accordance with the resolution of the Board or upon requisition of the Members pursuant to Rule 21.

15.2 The Board may from time to time appoint any person to act temporarily in the place of the Registrar, and the acts of such person shall, for the purposes of these presents, be deemed to be those of the Registrar of the Division.

16. **TREASURER**

The Treasurer shall take charge of the books of account of the office and shall be required:

16.1 to keep an accurate record of the finances of the Division;

16.2 to prepare the accounts of expenditure of the funds;

16.3 to present all the accounts to the Board for inspection and approval;

16.4 to receive all monies belonging to the Division and pay the same to the credit of the Division into such Bank or other financial institution as the Board may from time to time determine;

16.5 to furnish to the Annual General Meeting of the Division a detailed report of the Division's financial position and accompany such report by a properly drawn Statement of Income and Expenditure and Balance Sheet which shall be vouched for and certified to by the Auditors of the Division; and

16.6 to be prepared at all meetings of the Board to give statement of the Division's finances.

17. **FINANCIAL - Provisions and Procedure**

17.1 The Board shall collect all fees due in respect of membership of the Division, and shall retain such fees for the general business of the Division.

17.2 The Board shall cause true accounts to be kept of all sums of money received and expended by the Division, and of matters in respect of which such receipts and expenditure takes place and of all the property, assets and liabilities of the Division.

17.3 All monies belonging to the Division and received by it shall be deposited in the account of the Division at a Bank or other financial institution approved by the Board, and payments of all accounts that are certified as correct by the Board shall be made by either:

17.3.1 By cheque on such Bank or other financial institution signed by any two of the officials appointed as signatories; or

17.3.2 by electronic funds transfer, or credit card payment, by a person authorised by the Board and in accordance with any procedures passed by the Board for such transfers.

18. **REGISTRATION AND LICENCE RENEWAL FEES**

Members shall pay the registration fee payable under the Survey Act.

19. **AUDITORS**

19.1 The Auditors shall be those appointed by the Board as the Division auditors.

19.2 The Auditors shall have right of access to the books of account and all relevant documents and shall satisfy themselves as to the accuracy of the finances of the Division as presented in the annual statements of income and expenditure and the Balance Sheet and shall provide an opinion as to whether these records are free from material errors or misstatement and ensure that any errors or deficiencies in these records are communicated through the audit report.

19.3 The Auditors shall be responsible that the financial statements are checked at least seven days prior to the Annual General Meeting.

20. **MEETINGS – Annual**

20.1 The Annual General Meeting shall be held in the third month after the end of the financial year at such time and place as the Board shall think fit, provided always that, if the Board deems it impracticable, for any reason, to so hold the Annual General Meeting in that month, then the same shall be held at such time as the Board shall nominate, not being more than eighteen months from the date of the last Annual General Meeting.

20.2 At least seven days notice of the calling of the Annual General Meeting shall be given by the Registrar to members of the Division.

20.3 The business of the Annual General Meeting shall include the presentation of the audited financial statements of account, and the report of the Board of the transactions of the past year, the declaration of the election of office Bearers and the consideration of any other business as notified

21. **MEETINGS - Special**

21.1 The Board may, and shall, upon a requisition made in writing by not less than ten members, convene a Special General Meeting for any purpose contemplated by the objects or purposes of the Division or in connection with its affairs.

- 21.2 Any requisition so made by these members shall express the object of the meeting proposed to be called.
- 21.3 Upon the receipt of such requisition, a Special General Meeting shall be convened forthwith by the Registrar, to be held within twenty eight days from the time of the requisition being so made, and if the same shall not be convened within fourteen days from the time of such requisition being so made, requisitionists or any ten members may themselves convene a meeting.
22. **MEETINGS - Notices**
- 22.1 A notice to be given under these Rules shall be served either personally or by dispatch electronically or through the post in a prepared letter addressed to the person concerned at the address as entered in the Membership List or Register, or at the last known business address, or place of abode of that person.
- 22.2 A notice shall be deemed to have been served at a time when it could be assumed that the same arrived in due course electronically or by post.
23. **MEETINGS - Proceedings**
- 23.1 At any Annual General Meeting or Special General Meeting the Chairman of the Board shall preside. In the absence of the Chairman the Members present shall elect one of their numbers to be the Chairman.
- 23.2 Five members of the Division being personally present at any Annual General Meeting or Special General Meeting shall constitute a quorum with power to act.
- 23.3 If at any Annual General Meeting or Special General Meeting a quorum be not present within thirty minutes after the time appointed for the meeting:
- 23.3.1 in the case of the Annual General Meeting, the business that may be considered shall be restricted to the reception of the annual report and statements of account, and the election of the office bearers and persons to fill other positions; and
- 23.3.2 in the case of a Special General Meeting, the whole of the business of the meeting shall be deferred for consideration at an adjourned meeting.
- 23.4 If at an Annual General Meeting or Special General Meeting all the business appointed to be done be not completed, the Chairman, with the consent of the meeting shall adjourn the meeting from-time to time and from place to place.
24. **MEETINGS - Voting**
- 24.1 Any motion or amendment proposed and seconded at an Annual General Meeting or Special General Meeting including a motion to amend, alter or mark additions to these Rules not being a motion involving a winding up of the Division shall be put by the Chairman and decided by a majority of the members on a show of hands.
- 24.2 A declaration by the Chairman that a motion has been carried or lost and an entry to that effect in the minutes of proceedings of the Division shall be conclusive evidence

of the fact without proof of the votes recorded in favour of, or against, such motion. A motion if carried shall be a resolution of the Division.

- 24.3 The Chairman of a meeting shall have one vote by virtue of his or her capacity as a Member and upon an equality of votes, shall have a casting vote.
- 24.4 All Members (but not Emeritus Surveyors) shall be entitled to vote on any matters raised in any Annual General Meeting or Special General Meeting of the Division.

25. **MEETINGS - Disputes**

In all cases of disputes, doubt or difficulty, respecting or arising out of matters of procedure or order, the decision of the Chairman shall be final and conclusive.

26. **PRIVILEGED COMMUNICATIONS**

All communications, correspondence, reports, minutes and other papers and documents relative to the admission or advancement of members including the reports of the Committees or the suspension or forfeiture of membership of any member shall be privileged and confidential.

27. **SEAL OF THE DIVISION**

The Common Seal of the Division shall be in the custody of the Board. It shall not be affixed to any instrument except by the authority of a resolution of the Board, and in the presence of the Chairman and Registrar, or such other persons as the Board may, from time to time, appoint for that purpose. The Chairman and Registrar, or other persons appointed by the Board, shall sign every instrument to which the seal is so affixed and in their presence.

28. **INDEMNITY OF MEMBERS**

No member of the Board, Office Bearer, Auditor, Registrar, or other officer of the Division shall be liable for the acts, receipts, neglects or the faults of any other member, Office Bearer, officer or committee, or for joining in any receipt or other act for conformity, or for any loss or expense happening to the Division through the insufficiency or deficiency of title to any property required by, or on half of, the Division, or for the Division or for the insufficiency or deficiency of any security in or upon which any of the monies of the Division shall be invested, or for any loss or damage arising from the bankruptcy, insolvency of any persons with whom any loss or error of judgment, omission, default or oversight on his own part or for any other loss, damage or misfortune whatever, which shall happen in relation to the execution of the duties of his office, or in relation the etc, unless the same happens through his own wilful default or neglect.

29. **PROFESSIONAL PRACTICE**

29.1 The Division may at any Annual General Meeting or Special General Meeting make By-Laws (called 'Professional Practice Rules of the Surveyors Board of South Australia') which shall include rules relating to advertising, supervision, ethics and training. The Professional Practice Rules of the Surveyors Board – Code of Ethics in Appendix A shall be the initial Professional Practice Rules of the Surveyors Board of South Australia and remain until altered by the making of a By-Law.

29.2 All Surveyors and members of the Division shall observe and shall be bound by the Professional Practice Rules of the Surveyors Board of South Australia and all members of The Division shall be bound by the Standing Operating Procedures.

29.3 Any alleged breach of this Rule shall, when brought under the notice of the Board, be investigated, and the Division may exercise such power with respect of the remedying of such breach as it shall deem advisable.

30. **ALTERATION TO RULES**

These rules shall not be amended, altered or repealed except at an Annual General Meeting or at a Special General Meeting at which the members present shall vote in favour of the resolution for amendment, alteration, addition or repeal in accordance with Rule 24.1.

31. **WINDING UP**

Any resolution to wind up the Division shall be a special resolution in accordance with Section 41 of the Associations Incorporation Act.

32. **NOTIFICATION**

32.1 The Division Circular is the formal means of written communication with Members and any document which in the opinion of the Board contains members' information which needs to be brought to the attention of Members.

32.2 A Division Circular is sufficient means to notify any matter to members and Surveyors.

32.3 No member may claim disadvantage of being unaware of such information through not having received a Division circular which has been posted to the address provided to the Registrar by the member or sent electronically to the member by email or facsimile transmission to an email or facsimile address in the records of the Division not less than seven days before a meeting or other event affecting members. The onus lies with members to notify the Registrar in writing of any change of postal address, email or facsimile address.

32.4 A Division Circular shall be posted to all persons on the Membership List of the Division and the Register of Surveyors required to be established under the Act or may be sent electronically by email or facsimile transmissions to the electronic mailing address or facsimile number.

33. **POLICY STATEMENTS**

The Board may prepare Policy Statements and subject to acceptance at an Annual General Meeting or Special General Meeting, such policy statements shall be binding on all members.

34. **TRANSITIONAL – Membership**

34.1 Upon the passing of the Special Resolution to adopt this Constitution members classification shall change.

34.2 The Board shall determine the classification of each member in its discretion and allocate a class to that member.

- 34.3 If the Board determines that a member does not qualify as a Member pursuant to Rule 6, such member shall continue as a member with the classification 'Continuing Member' until the end of the current financial year when that members membership shall cease unless that member applies for new membership and has the qualifications specified in Rule 6.



## APPENDIX A

### PROFESSIONAL PRACTICE RULES OF THE SURVEYORS BOARD – CODE OF ETHICS

#### Annexure to the Standard Operating Procedures

(Adopted as a By-Law pursuant to Rule 29.1 of the Institution of Surveyors Australia, South Australia Division Incorporated Rules)

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##### A Preamble

Ethics are the rules of conduct based on honesty, integrity and courtesy. To merit the trust of the community, the respect of colleagues and the support of the Institution of Surveyors Australia, South Australia Division (“ISASA”), Members are required to comply with the Professional Practice Rules of the Surveyors Board – Code of Ethics (“the Code”) regardless of the manner in which they provide Surveying Services, including but not limited to the provision of Surveying Services as an individual as an occupier of a position of authority in a trust or corporate entity (as that term is defined in section 4(6) of the *Survey Act 1992*) or as the occupier of a position of authority in a public sector organisation.

In order to maintain public confidence in the professional standards of Members of the ISASA, it is essential that Members exhibit professional standards and conduct in carrying out their duties at all times.

Every Member of the ISASA must comply with the Code. A Breach of the Code may constitute unprofessional conduct, which may be investigated by the ISASA in accordance with the complaints process outlined in sections 35 and 36 of the *Survey Act 1992*, and the Standing Operating Procedures of the Surveyors Board of South Australia.

## **B Interpretation**

*Act* means the *Survey Act 1992*;

*Board* means the Surveyors Board of South Australia, the body established pursuant to the Rules to manage the affairs of the ISASA;

*Cadastral Survey* means any process of determining the boundaries of land by the measurement of angles and distances or point positioning;

*Code* means the Professional Practice Rules of the Surveyors Board – Code of Ethics;

*Graduate Surveyor* has the same meaning as a Registered Surveying Graduate and means a person who holds the prescribed academic qualifications and is registered as a surveying graduate with the Institution of Surveyors Australia, South Australia Division Inc. (ISASA);

*Interested Parties* means any one (1), or a combination of, a client, member of the public, employer, colleague or another Member;

*ISASA* means the Institution of Surveyors Australia, South Australian Division;

*Licensed Surveyor* means a person who holds a licence as a surveyor under Part 3 Division 2 of the Act;

*Member* means a Member of the ISASA pursuant to Rule 6 of the ISASA Rules;

*Registered Surveyor* means a person who holds a registration as a surveyor under Part 3 Division 2 of the Act;

*Regulations* means the *Survey Regulations 2020*, as amended from time to time;

*Rules* means the ISASA Rules;

*Standing Operating Procedures* means the Procedures adopted by the Board, as amended from time to time;

*Supervised Person* means a Licensed Surveyor, a Registered Surveyor, a Graduate Surveyor, a Technical Surveyor or other such person that the Board may approve who carries out work under the direction and supervision of a Licensed Surveyor;

*Supervision* means the act, process or function of overseeing, directing or managing work;

*Supervisor* means a person who is a Licensed Surveyor and supervises the activities of others in the conduct of a cadastral survey, noting that sections 14 and 15 of the Act place obligations for a person carrying out certain work to be a Licensed Surveyor, or a person under the supervision of a Licensed Surveyor;

*Surveyor* means a person who is licensed or registered as a surveyor in accordance with Part 3 Division 2 of the Act;

***Surveying Services*** means

- a. a cadastral survey; or
- b. any process of determining:
  - i. the form of the land; or
  - ii. the position (including height) of a point, object, structure or feature on or in land, by the measurement of distances, angles, heights or point positioning.

**C Ethics**

Members must:

1. put the welfare and rights of the community before their responsibility to the profession of surveying, to other surveyors, and/or to sectional or private interests;
2. uphold the standards, honour and dignity of the profession;
3. not participate in any criminal or otherwise illegal activity during the course of their employment as a Surveyor such that the profession is brought into disrepute;
4. exercise their responsibilities and duties with the highest standards of honesty, integrity and courtesy towards all with whom they deal in their professional capacity, including but not limited to, their clients, employer (where relevant) and colleagues;
5. conform to the decisions of the Board on questions of ethics and conduct;
6. be scrupulous in the use of their employer's property and services (where relevant);
7. not undertake professional responsibilities and duties, and not accept a fee or reward for services, beyond their competence, or authority;
8. endeavour to advance the science and practice of surveying and the objects of the ISASA;
9. continue their professional development throughout their career in accordance with any continuing education requirements determined by the Board pursuant to section 26 of the Act;
10. when acting as a consultant, or when holding public office, perform their responsibilities and duties impartially, without fear or favour;
11. undertake to inform clients and/or employers, as the case may be, of any interests they have, which may adversely affect their judgement and/or the quality of the Surveying Services;
12. not accept any form of compensation for a particular Surveying Service from more than one (1) source without first disclosing the circumstances to, and receiving written approval from, all Interested Parties;

13. consider environmental concerns in accordance with the applicable relevant laws when carrying out professional operations and activities, including but not limited to Surveying Services;
14. build their reputation on merit and refrain from any form of unfair competition including but not limited to:
  - (i) using, or permitting another to use, a professional designation to which they have no entitlement;
  - (ii) offering inducements to secure work or advancement;
  - (iii) knowingly seeking to supplant another Surveyor who has been appointed by the client;
  - (iv) failing to comply, or being recklessly indifferent to ensuring compliance, with statutory provisions, Rules or Regulations governing the practice of surveying;
  - (v) accepting a fee which would preclude the Member from providing professional services at a level expected of a competent and trained professional;
  - (vi) advertising in a false or misleading manner, or in any way not in the interests of, the public or the profession;
15. ensure their professional practice complies with relevant legislation, notices and guidelines including but not limited to the:
  - (i) *Act*;
  - (ii) *Regulations*;
  - (iii) Rules;
  - (iv) Code, as amended from time to time;
  - (v) Notices of the Surveyor-General made under regulations contained in Part 3 of the Survey Regulations 2020;
  - (vi) Standing Operating Procedures of the Board;
  - (vii) Cadastral Survey Guidelines;
  - (viii) Plan Presentation Guidelines;

- (ix) outcome of any action taken against the Member in another State or a Territory, of the Commonwealth, or in New Zealand; and
- (x) any other relevant, applicable, Commonwealth and South Australian legislation.

## **D Conduct**

### **1. General Conduct**

In practising the profession of a Surveyor, Members must:

- 1.1. exercise unbiased and independent professional judgement;
- 1.2. not accept a fee or reward for work assignments that are outside of the scope of their professional competence or authority;
- 1.3. keep their knowledge and skills current by participating in relevant programs of continuing professional development (“CPD”) as set out in the Board’s CPD Policy, and as may be amended from time to time;
- 1.4. accurately convey, as far as reasonably practicable, their expertise, extent and limit of Surveying Services that they can provide;
- 1.5. comply with the Advertising Policy, Annexure to the Standing Operating Procedures of the Board, as may be amended from time to time;
- 1.6. not reveal or use any confidential facts, data or information obtained in the course of professional practice to derive a personal pecuniary or non-pecuniary benefit without the written permission of all Interested Parties, or as otherwise required by law; and
- 1.7. not reveal or use any confidential facts, data or information obtained in the course of professional practice to provide a pecuniary or non-pecuniary benefit to another person, partnership, trust or corporate entity, without the written permission of all Interested Parties, or as otherwise required by law.

### **2. Conduct for Supervisors**

In directing or supervising a Supervised Person, a Supervisor must follow the procedures outlined in the Supervision Policy, Annexure to the Standing Operating Procedures of the Board, as may be amended from time to time. In particular, the Supervisor:

- 2.1. must ensure that the assigned duties, services or tasks are competently completed in a timely manner and in accordance with professional standards;
- 2.2. will be held responsible for the quality and accuracy of all Surveying Services carried out by a Supervised Person under their Supervision;

- 2.3. must exercise a standard of Supervision that will ensure the Surveying Services have been carried out in accordance with accepted standards of surveying practice, exercising reasonable care and skill, and complying with all relevant legislation, notices and guidelines;
- 2.4. must take all reasonable steps to ensure that any Supervised Person who carries out delegated or subcontracted Surveying Services preserves the confidentiality of the information obtained through undertaking those Surveying Services;
- 2.5. pursuant to the regulation 19 of the Survey Regulations 2020 ('Regulations') and the Surveyor-General's approved form of certificate to be completed to certify a plan of cadastral survey under regulation 19(1) of the Regulations, as may be amended from time to time, not sign certifications of plans and reports unless they were prepared and completed under their Supervision. For the avoidance of doubt, a Supervisor endorsing the certification of a plan of cadastral survey is responsible for the survey, irrespective of whether it was carried out by them or under their Supervision. A Supervisor certifying a survey carried out under their supervision must ensure the survey reflects their professional responsibilities and complies with relevant legislation, notices made under regulations contained in Part 3 of the Survey Regulations 2020 and guidelines.
- 2.6. must not allow a Supervised Person to undertake professional responsibilities and duties beyond their competence and/or authority; and
- 2.7. must encourage the professional development of all Surveyors, but particularly the development of Supervised Persons.

### **3. Conduct towards Clients**

In dealing with clients, Members must:

- 3.1. be polite, courteous and professional at all times;
- 3.2. so far as reasonably practicable, and before undertaking Surveying Services, ensure the client has been fully informed of the implication of the professional services required, and in particular; the duration, volume of work and approximate cost of the Surveying Services;
- 3.3. immediately advise the client and their employer (where relevant) upon becoming aware of any actual or perceived conflict of interest that may impact the Member's ability to undertake the Surveying Services;
- 3.4. endeavour to return phone calls and other correspondence in a timely manner;
- 3.5. only access properties at reasonable times, and as agreed with the client or other persons for the purposes of carrying out work in connection with Surveying Services;
- 3.6. not reveal or use confidential facts, data or information obtained in the course of professional practice, for their benefit, or the benefit of another, other than the client, without the client's permission, or as required by law;
- 3.7. not make false charges for professional services rendered;

- 3.8. provide a detailed invoice in a timely manner, if requested by the client;
- 3.9. complete Surveying Services within a reasonable timeframe and as agreed with the client;
- 3.10. advise the client of any errors or omissions made while carrying out Surveying Services as soon as a reasonably practicable, and, wherever practicable, take appropriate steps to rectify those errors or omissions within a reasonable timeframe;
- 3.11. respond to complaints in a timely, polite and respectful manner and advise their employer (where relevant) of the fact that a complaint has been received as soon as reasonably practicable; and
- 3.12. if the circumstance requires, inform the client of their right to lodge a complaint with the Board pursuant to section 35 of the Act and section 9 of the Standing Operating Procedures.

#### **4. Conduct towards the Profession**

Members must:

- 4.1. not directly or indirectly act to undermine the reputation or business prospects of another Surveyor;
- 4.2. not knowingly supplant other Surveyors either with, or without, agreement with their client.