

THE SURVEYORS BOARD OF THE NORTHERN TERRITORY

Reasons for Decision

Licensee:	Warwick Bryant
Proceedings:	Pursuant to Section 33(1)(b) of the <i>Licensed Surveyors Act 1983</i> – Cancellation or Suspension of Registration
Heard Before:	Robert Sarib (Chairperson) Richard Purnell (Deputy Chairperson) David Sach (Member) Alan Thorpe (Member)
Date of Decision:	31 October 2019

Background

On 31 October 2019 pursuant to section 34(1) of the *Licensed Surveyors Act 1983* (NT) (**the Act**), an inquiry was held in which Warwick Bryant, a Licensed Surveyor, appeared before the Surveyors Board of the Northern Territory of Australia (**the Board**) via video link from the Alice Springs Correctional Centre.

The purpose of the Inquiry was to determine whether the Board would render Mr Bryant unfit to practise as a licensed surveyor pursuant to section 33(1)(b) of the Act, on the basis that on 3 October 2019, he was convicted in the Supreme Court of the Northern Territory of three (3) counts of obtaining a benefit by deception, and sentenced to a term of 5 years imprisonment.

The Board reaffirmed that it was regrettable that Mr Bryant had not received the Notice of Inquiry dated 21 October 2019 prior to his appearance at the Inquiry despite the fact that it had been sent to him via Registered Post and was duly delivered to the Darwin Correctional Centre, and that it had not been given to him prior to the transfer to the Alice Springs Correctional Centre. Notwithstanding, Mr Bryant consented to proceed with the Inquiry after Counsel assisting the Board, Stephanie Monck, gave him verbal notice of the grounds for the Inquiry. The Board also notes that Mr Bryant agreed to proceed without legal representation or an agent.

Order of Removal of Name from the Register and Reasons for Decision

Following the Inquiry, the Board was satisfied that Mr Bryant was rendered unfit to practise as a licensed surveyor. Pursuant to section 33(1)(b) of the Act, the Board ordered the removal of Mr Bryant's name from the Register of Licensed Surveyors, effective from the 31 October 2019. At the inquiry, the Board noted that Mr Bryant said he did not object to his name being removed from the register.

In accordance with section 37(1) of the Act, the Board required Mr Bryant to surrender his Certificate of Registration (Certificate) to the Board within 14 days of receipt of the Notice. Section 37(2) of the Act makes it an offence if Mr Bryant fails to comply with the requirement. However, the Board noted that during the Inquiry Mr Bryant expressed he

was unsure where the Certificate was located, and was encourage to make every effort to locate it and keep the Board duly informed.

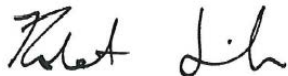
Appeal Right

Section 43(1)(b) of the Act provides Mr Bryant with the right to appeal to the Licensed Surveyors Appeal Tribunal (**Tribunal**) against the decision. The appeal is to be sought within 21 days of receipt of the Notice, and an application must be lodged with the Secretary of the Tribunal in the prescribed form by formally writing to the Secretary of the Tribunal of the intention to appeal, and the reasons for the appeal.

Mr Bryant did not lodge an appeal.

Re-registration Right

Section 38(1) of the Act provides Mr Bryant with the right to again apply for registration as a licensed surveyor. The Board has discretion to authorise an application for registration, or refuse to authorise the registration.



Robert Sarib
Chairperson