

# Surveyors Regulation 2014

Explanatory notes for SL 2014 No. 183

made under the

*Surveyors Act 2003*

## General Outline

### Short title

*Surveyors Regulation 2014*

### Authorising law

Section 192 of the *Surveyors Act 2003*

### Policy objectives and the reasons for them

The objective of the *Surveyors Regulation 2014* (the Regulation) is to continue the effect under the *Surveyors Act 2003* (the Act) of the provisions of the expiring *Surveyors Regulation 2004* (the Surveyors Regulation), subject to the following minor changes:

- clarifying the criteria for registration as an emeritus surveyor
- updated information and modernised terminology.

### Achievement of policy objectives

The Regulation achieves the policy objectives by repealing the expiring Surveyors Regulation and continuing the existence of its provisions in the Regulation without significant change. The Regulation will provide for a limited number of administrative matters, including the setting of fees, to empower the Surveyors Board of Queensland to meet its responsibilities under the Act.

Any other approach would leave the Board without adequate funding to fulfil its responsibilities under the Act, thereby limiting the effective implementation of the Act.

## **Consistency with policy objectives of authorising law**

The Regulation is consistent with the main objectives of the Act, which are to maintain public confidence in the surveying profession and uphold the standard of practice within the profession by ensuring that surveys are carried out by registrants in a competent and professional way. This is achieved through a system of registration of surveyors administered by the Surveyors Board of Queensland.

The Regulation assists in meeting the objectives of the Act by ensuring that operational funding for the system of registration continues.

## **Inconsistency with policy objectives of other legislation**

The Regulation is consistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

Two policy options were considered:

- Option 1: No regulation. Under this option the Surveyors Regulation would expire without notice. Fees for applications for registration and registration renewal would not be prescribed and the minimum amount of professional indemnity insurance cover to be held by registrants would not be prescribed.
- Option 2: Remake the current regulation. This option proposed to remake the Surveyors Regulation with minimal change.

Under option 1 the administration of the Act would be compromised as the Surveyors Board would not be able to raise funds to fulfil its obligations under the Act. Protection of the public interest would be compromised because of this and because registrants may not take out adequate professional indemnity insurance cover.

Consequently option 1 was rejected.

The preferred option was option 2, to remake the regulation with minor changes. The existing regulation has been successfully operating for the past ten years and there have been no drivers to change it from either government or key stakeholders. Remaking the current regulation will ensure that confidence in the profession by the public and broader industry is maintained at the current high level.

## **Benefits and costs of implementation**

The benefit of the Regulation is that there will be no weakening of the registration system for surveyors and confidence in the profession by the public and broader industry will be maintained.

The risk of not taking any action would be a weakening of the registration system for surveyors which in turn could lead to a decline of confidence in the profession and a decline

in the quality of work carried out by surveyors. A drop in the standard of practice would result in an increase in land boundary disputes and a decline of confidence in our land titling system, upon which much of the economy is based.

A drop in the standard of practice would affect the civil engineering and mining sectors as they too are dependent on the work of competent and professional surveyors.

In terms of cost, the Surveyors Board is autonomous and largely self-funded through the collection of fees from registrants. Registrants do not see these fees as unreasonable and the system as it operates now is seen as cost effective. Remaking the regulation in this continued form will maintain the status quo and will not impose any additional cost on registrants or stakeholders.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with fundamental legislative principles.

## **Consultation**

Consultation took place with the Surveyors Board, key industry stakeholders (Surveying and Spatial Sciences Institute and the Spatial Industries Business Association) and practising surveyors in general. The Department of Natural Resources and Mines ran a series of workshops throughout Queensland to discuss this and other surveying related regulation. All stakeholders were encouraged to provide their views and comments in writing.

Very limited comment was received about the Regulation on the basis that stakeholders are satisfied with it in its current form.