



LANDS **surveying alert**

Review of Surveying Regulations

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Review of Surveying Regulations

The regulations made under the *Surveyors Act 2003* and the *Survey and Mapping Infrastructure Act 2003* are due to expire on 1 September 2024. Prior to that date, the department will develop a proposal to make new regulations. Members of the surveying profession and industry bodies are invited to provide input into a review of the surveying regulations.

Submissions can be made through professional associations (such as Consulting Surveyors National or the Geospatial Council of Australia, both of which have been invited to make a submission), or directly to the department, c/o the Director of Surveys, via email to surveying@resources.qld.gov.au. Submissions are requested by **26 May 2023**.

The following sections provide more detail about the review and may provide some guidance in formulating a response. Please note that this review does not encompass the primary Acts but deals only with subordinate legislation under the Acts.

Background to the review

The [Surveyors Regulation 2014](#) and the [Survey and Mapping Infrastructure Regulation 2014](#) expire on 1 September 2024. Under the *Statutory Instruments Act 1992*, a regulation automatically expires (or 'sunset') after ten years, unless action is taken to preserve it. To prepare for the making of new surveying regulations, the surveying industry is invited to provide feedback about their continued relevance, effectiveness, and efficiency of the existing regulations.

In line with the government's objective to regularly review regulation so it has continued relevance to the economic, social and general well-being of Queensland, the review of the surveying regulations should also consider their impact on related standards and guidelines – such as the Cadastral Survey Requirements and the Survey Requirements for Mining Tenures documents.

What is addressed in the surveying regulations?

The Surveyors Regulation 2014 provides for a limited number of administrative matters that empower the Surveyors Board of Queensland to perform its responsibilities under the Act. The most significant is the setting of fees for professional registration and registration endorsements. The registration fees enable the board to raise funding for its operations.

Other matters prescribed in the regulation include setting the qualifications and experience of board members, the minimum level of professional indemnity insurance to be held by consulting surveyors, criteria for registration as an emeritus surveyor and prescribing particulars that should accompany an application for competency assessment. Professional indemnity insurance is an important public protection measure, ensuring surveying clients have protection in the event a consulting surveyor causes fault or loss to them.

The Survey and Mapping Infrastructure Regulation 2014 supports the Act by stating the principles to be applied in carrying out surveys, provides for

survey standard and guideline matters, sets the geodetic reference framework used in Queensland and provides several key spatial definitions.

Scope of this review

While the review deals with subordinate legislation relevant to surveying, it does not deal with the two primary surveying Acts – the *Surveyors Act 2003* (SA) and the *Survey and Mapping Infrastructure Act 2003* (SMI Act). This legislation provides the authority and framework for the subordinate legislation that is subject to review.

Guiding principles

The primary Acts give a range of guiding principles that continue to be relevant to the practice of surveying. This review seeks input from the surveying profession to ensure the regulations continue to support the following principles, at the lowest cost to the community necessary:

- Surveys are carried out in a manner that protects the public (SA, s.3(1)(a)).
- Surveys contribute to the integrity of the land boundary system (SMI Act, s.3(1)(b)).
- Plans of survey clearly disclose all information relevant to the landowner, and adjoining landowners (SA, s.3(1)(c)).
- Surveys place and plans of survey clearly disclose sufficient evidence to assist future survey of the boundaries (SMI Act, s.3(1)(b)).
- Plans of survey satisfy the requirements for the creation and recording of interests in land (*Land Title Act 1994*, s.50; *Land Act 1994* s.286B, s.290J) - to the extent that the requirements of these Acts are addressed by the subordinate legislation under the SA and SMI Act.

Questions you may consider for feedback

The following are provided to stimulate thought and generate suggestions. Please give any feedback you may have about the surveying regulations.

- Do you agree with the current level of regulation placed on industry?
- Is there an item of the surveying regulations that you do not agree with? If this item was to be changed, would it negatively affect any of the guiding principles?
- Is there any aspect of the surveying process that the regulations (or by extension, the standards) should cover, but currently do not? If additional requirements were added to address this aspect, how would this contribute to supporting the guiding principles?
- Have advances in technology and survey practice made any item in the regulations or standards out-dated? If so, how can this be updated in line with the guiding principles?
- Do the current regulations place unnecessary constraints on the use of new data sources (e.g. remotely sensed data or GNSS)? If so, how can the regulation (or standards) be modified to provide additional flexibility, in line with the guiding principles?
- When working over other surveys, do you come across practices that you would like to see addressed in regulation (or by extension the standards)? How would addressing this contribute to achieving the guiding principles?
- The requirement for consulting surveyors to hold a minimum of \$1 million professional indemnity insurance was set in 2004 and has not been subject to increase due to inflation. Does this value continue to provide adequate protection for the public? If not, what should be the minimum amount of professional indemnity insurance?