



Speech by

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MEMBER FOR CALLIDE

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SURVEYORS BILL; SURVEY AND MAPPING INFRASTRUCTURE BILL

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (11.53 a.m.): I am pleased to make a contribution to this consideration of the Surveyors Bill 2003 and Survey and Mapping Infrastructure Bill 2003 and to lend the opposition's support to their passage through the House. The Surveyors Bill 2003 and the Survey and Mapping Infrastructure Bill 2003 replace legislation dealing with surveyors, surveying and mapping in Queensland. The bills are designed to protect the public by ensuring that surveys are carried out in a professional and competent manner through a system of registration for surveyors and to update and modernise the system that governs that activity in Queensland.

Surveyors provide a range of important services for Queensland residents. They provide an important range of services for investors and businesses. Surveyors provide the positional control for most engineering projects. They ensure that roads, railways and bridges are in their right places. Indeed, they ensure that all property boundaries and land titles are properly identified and identifiable. Surveyors ensure that our ports and rivers can be navigated safely through the provision of accurate mapping systems and the information they provide on the terrain that exists, both marine and geographical. They also have an important role to play in a range of industries, such as mining, where they have an important role in controlling the location of shafts and tunnels in underground mining operations and, once again, identifying and locating particular titles. The surveyors collect the mapping information that forms the basis for planning and development in Queensland.

The bills before the House arise from a national competition policy review of the Surveyors Act 1977 and concerns about disciplinary provisions in the old act and the need to modernise and consolidate old legislation. Two bills allow for the repeal of the Surveyors Act 1997. The Surveyors Bill 2003 essentially rewrites the old legislation, replacing those parts of the Surveyors Act 1997 that provide for the system of registration of surveyors in Queensland. Overall, the general structure and operation of the registration and disciplinary system provided for in the act will be continued in this bill. But there are, of course, some changes to be made.

The bill retains the current system of registration but removes restrictions that require the majority of surveying company directors to be registered surveyors. This is designed, according to the explanatory notes, to allow flexibility in the way surveying companies are set up. The Surveyors Board of Queensland, which administers the registration system, will be able to assess the competence of individual surveyors employed by any surveying firm. Corporations may be registered in a particular category if they employ a person who holds registration in that category and if they meet other requirements, such as holding a specified level of insurance. The company is obliged to maintain the employment of appropriately registered surveyors for as long as it holds that registration. This is understandably important as it helps to ensure that the public can have continued confidence in the surveying services of the company that they are using.

The registration of cadastral surveyors will be mandatory, because they undertake work that contributes to the issuing of land titles and the importance of the accuracy and the integrity of those land titles cannot be understated. Registration of other surveyors remains voluntary and it is to be based on competency rather than academic qualifications. This recognises that qualifications alone cannot adequately test an applicant's ability to work as a professional surveyor. This is in line with national trends in assessing those in professional and technical disciplines. Further, the board may also issue registrations for surveying graduates, surveying associates, and emeritus surveyors.

The board is required under this legislation to develop a code of practice to provide guidance as to what is appropriate professional conduct. The code will also provide the basis for assessing whether or not there has been professional misconduct as part of a disciplinary process. The complaint handling and disciplinary procedures and processes have been refined under the new legislation with a three-tiered process available to the board to ensure that complaints are handled properly and penalties are appropriate. The board will be able to ask a registered person to meet with board members and caution or reprimand a person for misconduct. If the matter is more serious, the board will be able to authorise an investigation and may then refer the matter to a professional conduct review panel or a disciplinary committee.

This bill before the House will change the appointment of the eight-member Surveyors Board of Queensland to ensure that there is one less surveyor and one more community representative. The bill will also change the structure of the nominations for industry bodies and provide for half the board members to be appointed each year. Under the current renewal system, there had been potential for a completely new board to be appointed. But the changes encompassed in this legislation will mean that the board will always have at least four continuing members and the corporate knowledge of that organisation will be ensured. This is important for skills retention on the board and to provide continuity and stability for the business community.

I note that there were two other anticompetitive provisions identified in the competition policy review of the Surveyors Act and these have not been reproduced in this bill. One was the issue of business names, which do not need to be regulated by the board as business names can be assessed and approved using the Business Names Act 1962. The second issue identified was the provision for the board to set fees. This has not been used by the board for many years and was judged not to be required.

The second bill—the Survey and Mapping Infrastructure Bill 2003—provides a consolidated legislative regime for the development and maintenance of the state's survey and mapping infrastructure. Along with the Surveyors Bill 2003, it allows the existing Surveyors Act 1997 to be completely repealed. This bill consolidates a number of acts and replaces parts of the Surveyors Act that deal with survey standards and obligations on surveyors.

The bill deals with issues concerning survey marks, various data sets kept by the government, and defining and interpreting administrative boundaries established under the act. The demand for spatial data is increasing within the community, especially due to advances in technology and advances in the data available. It is important that the government maintains and keeps the state's survey and mapping infrastructure up to date.

This bill before the House will set out survey standards and survey guidelines, and it will require the department to consult with appropriate stakeholders when establishing these standards. It also sets out processes for establishing and maintaining survey marks and protects them with appropriate penalties from interference.

The bill also details the obligation of surveyors to capture and provide information to the department about new and existing survey marks to ensure the survey control register is as up to date as possible. The bill goes into detail about obligations on surveyors when entering land to perform surveys in clauses 22 to 24. Obviously surveyors have to take measurements outside the property being measured at times, and sometimes that requires their entry onto neighbouring land.

The bill sets out a process where surveyors must first seek the occupier's consent. If they are unable to obtain consent, then the bill will give them the power to enter property in appropriate circumstances. However, in doing so, they are not exempt from other requirements such as those under the Workplace Health and Safety Act, and they do not have permission obviously to damage property. The bill outlines processes for notice of damage. Obviously the bill is seeking to strike a balance to ensure surveyors are able to do their jobs, but recognise the responsibilities they have to other property owners.

The bill carries over a number of provisions from the Administrative Boundaries Terminology Act 1985, but no longer requires the chief executive to have a dispute resolution function. This function dates back to the days when Queensland had a surveyor-general, a position which was abolished in 1992. Essentially, removal of this section leaves disputes resolution in the hands of the court. Overall, this legislation should ensure that the Surveyors Board can function more effectively and the community can have confidence in Queensland surveyors' professionalism.

The Survey and Mapping Infrastructure Bill 2003 also provides a more modern, up-to-date legislative regime for the state's survey and mapping infrastructure. This is vitally important, as accurate and detailed information about land and land titles is crucial to ensuring sustainable social, economic and environmental development in Queensland. I commend the bills to the House.