

30 March 2015

Mr Jonathan Coppel
Presiding Commissioner
Mutual Recognition Schemes Study
Productivity Commission
Locked Bag 2, Collins Street East
Melbourne VIC 8003
By email to: mutual_recognition@pc.gov.au

Dear Mr Coppel,

The Council of Reciprocating Surveyors Board of Australia and New Zealand (Council) welcomes the opportunity to comment on the Productivity Commission's Mutual Recognition Schemes Study.

The Council is the body representing all jurisdictions of Australia and New Zealand, with the primary objective of ensuring sufficient and common standards of survey practice and registration/licensing, to enable full reciprocity (mutual recognition) between jurisdictions.

The statutory boards which affiliated with the Council are involved in licensing (or registering) land surveyors, giving them an endorsement which allows land surveyors the legal authority to carry out land boundary definition surveys within the relevant Board's jurisdiction.

Land surveyors must be distinguished from some other groups with whom they may at times be confused, namely: "quantity surveyors", "building surveyors" and "marine surveyors", with whom they have little in common.

History

Surveyors initially met in 1892, 'To deal with questions of reciprocity in the issue of Certificates to Surveyors – Surveys of Land and the adoption of the Hour Zone system of time'. The meeting was recorded as the 'Intercolonial Conference of Surveyors', and attendees came to Melbourne from New South Wales, New Zealand, Queensland, South Australia, Victoria and Western Australia.

The Conference (1892) unanimously adopted '...reciprocal recognition by each Colony...' and agreed for each Colony to establish '...Board(s) of Examiners...' and that '... regulations for examination of Surveyors ... and the standard(s) of efficiency required throughout the Australian Colonies should be identical'.

Mutual Recognition was established in that '...the licence to practise as a Surveyor in any Colony should include the right to practise both as a Surveyor of Crown Lands, and as a Surveyor under the Real Property and Transfer of Land Acts'.

The voluntary reciprocal arrangements between the jurisdictions was acknowledged and enshrined through the Mutual Recognition legislation.

To-day the Council is comprised of all the 'Surveyors Boards' (jurisdictions) established under the following legislation:

- the Queensland Surveyors Act 2003,
- the Surveyors Act 2007 of the Australian Capital Territory,
- the Surveying And Spatial Information Act 2002 of New South Wales,
- the Surveyors Act 2002 of Tasmania,
- the Surveying Act 2004 of Victoria,
- the Licensed Surveyors Act of the Northern Territory,
- the Survey Act 1992 of South Australia, and
- the Licensed Surveyors Act 1909 of Western Australia

The Survey Boards responsible for licensing/registering cadastral surveyors are as follows:

- **NZ** Cadastral Surveyors Licensing Board

- **ACT** Not a body – the Surveyor-General of the ACT. Although there is a separate registration system in the ACT, surveyors wanting to qualify for registration in the ACT must do so via the examination system of the NSW Board of Surveying and Spatial Information (BOSSI). ACT provides examiners in these cases.
- **NSW** Board of Surveying and Spatial Information
- **NT** Surveyors Board of NT
- **QLD** Surveyors Board of Qld
- **SA** Surveyors Board of SA which is a subcommittee of the Institution of Surveyors Australia (ISA)
- **TAS** The Institution of Surveyors Australia (ISA) administers the post-graduate training and examination of candidates through its sub-committee, the Tasmanian Land Surveyors Accreditation Board (TLSAB). Once accreditation is achieved, the Surveyor-General administers mandatory, ongoing registration on receipt of evidence of competency.
- **VIC** Surveyors Registration Board of Vic
- **WA** Land Surveyors Licensing Board of WA.

Strategic Matters for the Council

The Council has the following goals, all of which address in some manner, the concept of mutual recognition.

- Maintain a strategic overview of the implications of surveying reforms as they relate to regulations and competencies required of surveyors.
- Maintain a strategic outlook for the occupational regulation of surveyors.
- Develop standards for training and competency assessment.
- Maintain a strategic outlook for the standards of surveying practice and best practice methods to meet the expectation and requirements of the community.
- Develop generic guidelines for land boundary surveys.

Where appropriate, stakeholders such as the Australia New Zealand Land Information Council (ANZLIC), Intergovernmental Committee on Survey and Mapping (ICSM), Surveying & Spatial Sciences Institute (SSSI), and the New Zealand Institute of Surveyors (NZIS) are consulted by the Council.

The Council is pleased to offer a response to the following questions posed in the Productivity Commission Issues Paper.

1. *What have been the benefits of mutual recognition under the MRA and TTMRA, and what evidence is there to support your assessment?*

As detailed above the Council has demonstrated over 100 years of successful full reciprocity or mutual recognition between jurisdictions to ensure surveyors are able to operate across borders

2. *What have been the costs of implementing and maintaining mutual recognition under the MRA and TTMRA, and to what extent are these outweighed by the benefits?*

The costs are negligible with a small annual administration fee paid by Survey Boards and an individual fee paid by surveyors on application.

5. *For which goods and occupations is mutual recognition a better alternative than other forms of regulatory cooperation (for example, harmonisation) in the sense that it generates a greater net benefit to the community?*

The regulations of each jurisdiction achieve consistent objectives and community expectations, with differences based on historical or institutional arrangements. Regulatory cooperation or harmonising is not supported by the Council as the significant cost impost would not benefit the community, as demonstrated by successful reciprocal arrangements in operation since 1892.

32. *Which occupations require registration by some, but not all, practitioners? What would be the costs and benefits of expanding the MRA and TTMRA to these occupations?*

Universal registration requirements exist for land surveyors who undertake or certify cadastral surveys. However non universal registration requirements exist for non-cadastral surveyors as shown below.

- **NZ** one class of registration
- **ACT** one class of registration
- **NSW** cadastral and/or mining registration
- **NT** one class of registration
- **QLD** general registration for surveyors. Cadastral endorsement is required to undertake cadastral surveys, and consulting endorsement required to carry on a business providing cadastral surveying services. Endorsements also available for engineering and mine surveying.
- **SA** cadastral licensing, general registration for non-cadastral areas
- **TAS** one class for cadastral surveys (voluntary general registration and registration in other specific fields of surveying is available)
- **VIC** two classes of registration i.e. practising and non-practising
- **WA** one class of registration

Some groups of surveyors, notably “hydrographic surveyors” and “engineering surveyors”, are in fact sub-groups of the overall profession of surveyor. Land surveyors are very closely allied to “mine surveyors” (or “mining surveyors”), and some surveyors may do the work of both. The land and mining surveying groups have much in common technically and professionally, and may have the same tertiary qualifications.

Currently only Western Australia, Queensland and New South Wales require mine surveyor registration.

38. *How often do occupation registration bodies impose conditions on people registering under mutual recognition? In which occupations or jurisdictions does this most often occur, and what conditions are imposed?*

Unconditional mutual recognition for cadastral surveyors operates in all jurisdictions except for Western Australia where local knowledge requirements are imposed on the Practising Certificate.

However, on some jurisdictions applicants who have not practised as a surveyor within the past five years may have conditions imposed on their general registration or licence until such time as their competency to practise as a surveyor is proven. This may require an individual to undertake an approved re-entry programme.

Registered or licensed surveyors are subject to disciplinary procedures or arrangements under the law in the jurisdiction where they practise. If a surveyor’s licence is cancelled, or not renewed, or has conditions imposed on it as a result of a disciplinary process, the secretary or registrar will forward a copy of the effect of the decision or order to the secretary of the Council for distribution to each jurisdiction.

41. *Should people registered under mutual recognition be subject to the same ongoing requirements as other licence holders in a jurisdiction? Why or why not?*

Surveyors need to comply with ongoing requirements of further training and continuing professional development in the jurisdiction they practise in. This provides equity and ensures surveyors are kept up to date with local issues and are competent to practise in that jurisdiction.

No regulation exists for recognition of ongoing continuing professional development requirements conducted in other jurisdictions, but requests are considered by a Survey Board on application.

43. *Is there any evidence of jurisdiction 'shopping and hopping' occurring for occupations which is leading to harm to property, health and safety in another jurisdiction via mutual recognition? If so, what is the extent of the problem and is it a systemic issue affecting an entire occupation? Is there evidence of any benefits, such as regulatory competition and innovation between jurisdictions?*

To seek registration as a cadastrally endorsed land surveyor in Australian states and territories or in New Zealand, a surveyor must have a degree in surveying and then enrol with one of the Boards associated with the Council. Approved surveying degrees are prescribed by the Survey Boards.

The Council has established a report *The Attributes of Surveying Degrees recognised by CRSBANZ* into the appropriate content and other attributes of land surveying degrees. The primary purpose of this report is to offer Boards an up-to-date specification of the core undergraduate content of those surveying degrees. The report ensures qualification consistency across jurisdictions and a basis for academic equivalence assessment of overseas qualifications.

Although jurisdictions have individual regulations regarding training and competency assessment there is no evidence of 'shopping and hopping' due to ongoing strategic alignment of Council members.

An issue for the Queensland and New South Wales Boards is that the Mine Survey Board of Western Australia, which is a separate board to the Western Australian Land Surveyors Licensing Board, does not require a three year university degree qualification for registration as a mine surveyor in Western Australia. Both the Queensland and New South Wales Boards require a three year university degree for registration as a mine surveyor. Both Queensland and New South Wales register Western Australian registered mine surveyors via mutual recognition in accordance a memorandum of understanding even though these surveyors would not meet the requirements for registration if they sought their original registration in either Queensland or New South Wales.

In Queensland, the process to demonstrate mine surveying competency is a multiple step process that will usually take a number of years mine surveying experience after university graduation. Some Queensland mine surveyors have expressed concern that it is easier, quicker and cheaper to gain registration in Western Australia and then seek registration in Queensland via mutual recognition. In Queensland, once registered as a mine surveyor, a registrant can seek other levels of registration endorsement that they would not normally be able to apply for with a three year university degree.

There continues to be ongoing discussion with the Mine Survey Board of Western Australia to improve the level of qualification required for registration as a mine surveyor takes on significant responsibility in respect of workplace health and safety.

46. *Is there a strong case for adopting automatic mutual recognition more widely? What would be the implications for the MRA and TTMRA?*

It is not desirable to adopt an 'automatic mutual recognition' model with respect to the registration of cadastrally endorsed land surveyors in Australian states and territories and New Zealand. Such a model would present a challenge for the Survey Boards in monitoring (1) the maintenance of competency of practitioners who achieve registration through automatic mutual recognition and (2) compliance with surveying standards / practice directives that are issued by the Surveyor-General.

62. *What is the potential for greater acceptance of international standards and conformity assessments by Australia and New Zealand? What would be the implications for the MRA and TTMRA?*

Surveyors from outside the Australasian jurisdiction are accepted if their qualifications are evaluated to be equivalent to a prescribed programme. For this purpose, Boards have sought advice from an organisation which they established in 1992, namely the Bureau for the Assessment of Overseas Qualifications (BAOQ). The BAOQ has introduced some uniformity into the acceptance (or otherwise) of overseas academic qualifications. Over 400 applications have been processed, with a 60% acceptance rate.

Surveyors from outside Council jurisdictions are required to undertake further study and training in order to attain the competency necessary to become a licensed or registered surveyor with a Survey Board.