

# Communication and referral of surveying issues to the Surveyors Board of Queensland

Procedure

SIG/2013/569  
Version 2.01



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## Version History

Date	Version	Author	Description/Comments
16/08/2004	1.00		Incorporation of Communication Protocols, updated for new legislation and conversion to new presentation format. Updates document PBO/022/000 Referral of Surveying Issues to the Surveyors Board of Queensland V1.01.00 24 February 2005 revised and inclusion of process to Part 3 Division 5 of the Surveying and Mapping Infrastructure Act 2003.
24/02/2005	1.01		Revised and inclusion to process to Part 3 Division 5 of the Survey and Mapping Infrastructure Act 2003
31/10/2013	2.00		Replacing former NRW policy RPS/2005/2189. Rebranding due to departmental name change and organisational structure changes.
23/11/15	2.01		Minor amendments including updated references to policies and legislation

## Approval

Russell Priebbenow Director, Cadastral and Geodetic Services	24 November 2015
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## Purpose

To set out the protocols for referring any surveyor or survey related issue to the Surveyors Board of Queensland (the Surveyors Board).

## Objectives

This procedure is designed to achieve the following objectives:

- To support the integrity of the cadastral boundary system by reporting underperforming surveyors to the Surveyors Board.
- To support disciplinary action by the Surveyors Board by ensuring appropriate information is recorded and communicated to the Surveyors Board.

## Scope

The procedure:

- specifically addresses the communication of information about a surveyor's performance between the department and the Surveyors Board.
- only applies to matters relating to cadastral surveys.
- applies to all departmental officers involved in the processing of survey plans within the department.

## Rationale

The department processes cadastral survey plans that are either lodged for registration or deposited with the department, in accordance with SIG/2013/565 Survey Plan Processing & Pre-Lodgement Advice. As part of that processing, each survey plan (and additionally in some cases, field survey) is assessed against the published standards, guidelines and directions. Where instances of non-compliance are found, requisitions are issued and recorded, and are the basis of a surveyor's performance record.

The key elements underpinning this procedure are:

- Prudent record keeping is fundamental to any Surveyors Board investigation.
- The Job Tracking System (JTS) in MIS is the point of truth for all requisition information.
- CISP serves as an index of surveyors' performance, supported by a regional filing system as appropriate.
- Performance details for a surveyor shall be made available to that surveyor; or their delegate on the production of authorisation by the surveyor.
- Performance details shall be made available to the Surveyors Board, when required for investigation of a complaint.

## Procedure

### Referral of Survey Matters

In general terms, performance issues may be categorised as relating to:

- Technical issues – associated with published documentation such as RTDPP, CSR; or
- Conduct – incompetence and/or unprofessional conduct.

Any officer involved in processing survey plans is able to raise any matter that relates to the performance of any surveyor. Whilst individual technical issues are unlikely to warrant referral to the Surveyors Board, repeated non-compliance with technical requirements may. Performance reports from CISP provide the history and classification of all previous non-compliances for each surveyor. Where an officer is unsatisfied with the performance of a surveyor, the matter must be brought to the attention of the local Senior Surveyor in the first instance. The local Senior Surveyor, often in consultation with fellow Senior Surveyors, will consider if the matter is serious enough to warrant referral.

Matters considered as serious may satisfy one or more of the following:

- Affects public interest in an adverse manner;
- Integrity of the register is placed at risk;
- Integrity of the cadastre is placed at risk;
- Incompetence or unprofessionalism;
- Repeat occurrences.

Where the matter is considered serious, any reports and supporting information from operational staff are to be directed to the Director of Surveys or Registrar of Titles, with a recommendation as to any further action.

Matters arising from a survey plan deposited with the department, but not yet lodged for registration, are to be raised with the Director of Surveys. Matters arising from a survey plan already lodged for registration in the Titles Registry are to be raised with the Registrar of Titles.

Survey assessors are to be mindful that disciplinary investigations and actions by the Surveyors Board are dependent on reliable evidence. Departmental records are part of that evidence, particularly where referrals emanate from the department. The procedure Survey Plan Processing and Pre-Lodgement Advice SIG/2013/565 sets out the requirements for record keeping in relation to processing of plans, which support evidence preservation.

### **Process for deposited plans**

The Director of Surveys will determine whether to refer the matter to the Surveyors Board or not. Matters referred to the Surveyors Board will be in writing and indicate the issue/concern and will include sufficient documentation to ensure that the Surveyors Board has an understanding of the issue/concern. If considered appropriate, the Surveyors Board may request additional information from the Director of Surveys.

The Surveyors Board will determine whether the matter requires investigation or is to be noted for future reference. The Director of Surveys will be advised of the Surveyors Board's decision.

If the Surveyors Board decides to investigate the matter and appoints an investigator, the Director of Surveys will determine whether processing of the plan is to be delayed until the investigation is completed.

In general, a requisition may issue from the department once the investigator has been appointed and the Surveyors Board advises the Director of Surveys. However where this may be inappropriate, subsequent consultations between the Director of Surveys and the Surveyors Board may determine an alternative commensurate with the facts of any case.

If the Surveyors Board decides to take no further action on the matter, the Director of Surveys will advise any action internal to the department that should be undertaken with a view to progressing the plan through the normal processes.

Where the matter is not referred to the Surveyors Board, the Director of Surveys will advise any action internal to the department that should be undertaken.

### **Process for plans lodged in Titles Registry**

The Registrar of Titles will determine whether to refer the matter to the Surveyors Board or not. Matters referred to the Surveyors Board will be in writing and indicate the issue/concern and will include sufficient documentation to ensure that the Surveyors Board has an understanding of the issue/concern. If considered appropriate, the Surveyors Board may request additional information from the Registrar of Titles.

The Surveyors Board will determine whether the matter requires investigation or is to be noted for future reference. The Registrar of Titles will be advised promptly of the Surveyors Board's decision so that s/he may address the registration of the dealing if the Surveyors Board decides not to take any action. If the Surveyors Board decides to investigate the matter and appoints an investigator, the Registrar of Titles will determine whether processing of the dealing is to be delayed until the investigation is completed.

In general, a requisition may issue from the Titles Registry once the investigator has been appointed and the Surveyors Board advises the Registrar of Titles. However where this may be inappropriate, subsequent consultations between the Registrar of Titles and the Surveyors Board may determine an alternative commensurate with the facts of any case.

Where the matter is not referred to the Surveyors Board, the Registrar will advise any action internal to the department that should be undertaken.

Registration of the dealing will depend on the circumstances of each case, and shall be at the discretion of the Registrar of Titles.

### **Communication with the Surveyors Board**

For the mutual benefit of both organisations, it is desirable that communication between the department and the Surveyors Board of Queensland should be conducted in a formal manner. Formal means written and may be any of the following or a combination thereof – letter or electronic mail.

Except for ongoing communication matters, contact with the department should be through the Director of Surveys or Registrar of Titles. If the matter is of an urgent nature, the Surveyors Board may contact an individual officer of the department directly, and advise the Director of Surveys or Registrar of Titles in due course of that contact. Where the communication to the department is a request for assistance or information, the Director of Surveys or Registrar of Titles will ensure that the request is addressed in a timely and appropriate manner. Staff requested to contact the Surveyors Board or any other party nominated by the Surveyors Board must do so at their earliest opportunity or in a timeframe nominated by the Director of Surveys or Registrar of Titles, whichever is the shortest.

## **Documentation**

The documentation provided to the Surveyors Board on each individual case will be determined by the facts of that case and will vary from case to case at the discretion of either the Director of Surveys or the Registrar of Titles.



## Responsibilities

The responsibilities outlined below do not abrogate the total and absolute responsibility of the department for the plan registration process, nor does it abrogate the total and absolute responsibility of surveyors for the accuracy of their surveys.

### Senior Surveyors

- Monitoring and reporting surveyors' performance in accordance with SIG/2013/565 Survey Plan Processing & Pre-Lodgement Advice.
- Maintaining a filing system to store documents associated with the performance of cadastral surveyors.
- Advising cadastral surveyors of all information associated with their performance on cadastral survey plans deposited/lodged with the department.
- Providing information to the Director of Surveys or the Registrar of Titles where a survey is not of a professional standard.

### The Director of Surveys

- Reviewing matters raised by Senior Surveyors.
- Referring complaints to the Surveyors Board.

### The Registrar of Titles

- Reviewing matters raised by Senior Surveyors.
- Referring complaints to the Surveyors Board.

## Definitions

**Department** – The State government agency that administers the *Survey and Mapping Infrastructure Act 2003* and the *Land Title Act 1994*.

**Senior Surveyor** – Includes Senior Surveyors, Principal Surveyors or other senior surveying operatives of the department.

**Survey Assessor** – An officer of the department who undertakes processing of plans deposited or lodged with the department.

**Director of Surveys** – The director within the Land & Spatial Information Group of the department who holds delegations from the Chief Executive of the department for surveying matters.

**Registrar** – The Registrar of Titles within the Titles Registry of the department.

**The Surveyors Board** – The Surveyors Board of Queensland.

**Complaint** – A complainant aggrieved by an action of a registered person, may lodge a complaint to the Surveyors Board (Section 85 of the Surveyors Act 2003).

**Plan** – A plan prepared under the provisions of an Act as a record of a cadastral survey.

**Deposited Plan** – A Deposited Plan is defined as a plan that has been submitted to the department in accordance with SIG/2013/565 Survey Plan Processing & Pre-Lodgement Advice or a plan that has been submitted to the department for the purpose of satisfying Section 16 (1) of the SMI Act 2003.

**Lodged Plan** – A Lodged Plan is defined as a plan that has been submitted to the department for registration under an Act, such as the Land Title Act, Land Act, Body Corporate and Community Management Act, etc.

**RTDPP** – The Registrar of Titles Directions for the Preparation of Survey Plans.

**CSR** – Department of Natural Resources and Mines Cadastral Survey Requirements.

**ATS** – Automated Title System.

**CISP** – Computer Inventory of Survey Plans.

## References

Cadastral Survey Requirements

<https://www.business.qld.gov.au/industry/titles-property-construction/surveying/standards-forms>

Registrar of Titles Directions for the Preparation of Plans

<https://www.business.qld.gov.au/industry/titles-property-construction/titles-property/survey-plan-requirements/registrar-titles-plans>

SIG/2013/504 Accreditation of Surveyors

SIG/2013/565 Survey Plan Processing & Pre-Lodgement Advice

## Legislation

Information Privacy Act 2009

Surveyors Act 2003

Surveyors Regulation 2014

Survey and Mapping Infrastructure Act 2003

Survey and Mapping Infrastructure Regulation 2014