Surveyors Board of Victoria

13 March 2003

Mr. Hinton, Commissioner
MRA Review
Productivity Commission
PO Box 80
Belconnen ACT 2616
AUSTRALIA

Dear Mr Hinton

REVIEW OF MUTUAL RECOGNITION

Thank you for the opportunity to make submission to the Review.

The Surveyors Board of Victoria, has been one of the pioneers of mutual recognition, having first entered into agreements for reciprocal registration with each of the Australian states and New Zealand in 1892. This was later extended to include the two Australian territories. The catalyst for these arrangements was a conference of colonial Surveyors General hosted by Victoria in Melbourne.

Mutual recognition legislation has formally enshrined the reciprocal arrangements between the respective Surveyors Boards of Australia and New Zealand over past century.

Today, cooperative arrangements for reciprocal registration of surveyors, is the primary issue for the Council of Reciprocal Surveyors Board Australia and New Zealand (CRSBANZ).

The Council has the following functions:

> The Council is the body representing all the land survey jurisdictions of Australia and New Zealand. The primary objective of the Council is to ensure sufficient and common standards of survey practice and registration/licensing to enable full reciprocity (mutual recognition). See also the council website for further details, www.surveyor.asn.au .
>
> Five strategic matters are being progressed by the Council :-

- Maintain a strategic overview of the implications of land 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.
- Develop generic guidelines for land and boundary surveys.

These strategic matters are in line with the Council's critical role to ensure reciprocity is supported by jurisdictions.

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Where appropriate, stakeholders such as Australia New Zealand Land Information Council (ANZLIC), Intergovernmental Committee on Survey and Mapping (ICSM) and Institution of Surveyors Australia Inc (ISA) are consulted by Council.

Extensive National Competition Policy (NCP) reviews, undertaken separately by each jurisdiction, all have independently established the net public benefit of the on-going regulation of surveyors. It is noted that these extensive reviews were not undertaken on a cohesive national basis and could be biased towards local issues.

Land surveyors have a primary duty to apply established principles of property boundary surveys to client projects as agents of the Crown. The interpretation of survey information is expected to be independent of a client's perception or demands regarding the position of a boundary or possessory rights. The registration of surveyors ensures that the property system is supported by surveyors with competence to undertake boundary surveys in a consistent manner

The Board fully supports mutual recognition, which enables registered surveyors to be efficiently granted reciprocal registration in other jurisdictions.

We have addressed the issues set out in appendix C of the research study terms of reference. See the table attached with additional comments below.

The Board does not have appropriate statistics to quantify the benefits of reciprocity however the number of reciprocal registrations may be indicative of the validity of the process. In the previous five financial years there have been 20 reciprocal registrations in Victoria and 40 local registrations. Reciprocity represents one-third of Victorian total registrations in the past 5 years. The number of reciprocal registrations in Victoria tends towards 4 to 5 each year with a marked increase in local registrations rising from 2 in 1998 up to 18 in 2002. See the table attached.

The process of formulating of Acts and associated Regulations appears to disregard the effect of introducing new requirements which create different technical standards (eg. accuracy specifications) and legal aspects (eg. possessory rights to occupied land).

The administration of the Commonwealth Mutual Recognition Agreement 1992 (MRA) and the Trans Tasman Mutual Recognition Act 1997 (TTMRA) as facilitated by Victorian Acts adopting the Commonwealth Acts is considered by the Board to be very efficient. The process basically involves exchange of letters of accreditation and statutory declaration by the applicant for reciprocal registration. The surveyor seeking reciprocal registration is required to make a statutory declaration that he/she is not subject to inquiry or disciplinary matters in their home state which would otherwise make them ineligible for reciprocal registration.

There is evidence of issues of a general nature that have detracted from the effectiveness of the arrangements relating to surveyors. The Surveyor General of Victoria has established a program whereby 200 or so surveys are subject each year to audit to ascertain compliance with regulations. Although this program is to monitor competence of all practicing surveyors in Victoria and does not target reciprocal surveyors it is noted that reciprocal surveyors tend to have higher audit non-conformances, especially in their early period practicing in this state. This may be due to insufficient self-education to familiarise themselves with the subtle but significant differences in principles of boundary definition. This aspect indicates a need for documentation of differences between jurisdictions with a proviso that new reciprocal registrants undertake to familiarise themselves about the differences in principles and procedures.

There has been suggestion by some jurisdictions that 3 year rather than 4 year degrees should be accepted as the minimum university qualification. This could jeopardise the high educational standards necessary for professional surveyors. If standards of qualification and registration vary between jurisdictions then additional local requirements to practice may be imposed on registered surveyors. This has already occurred in Western Australia where practicing certificates are required before a surveyor may deposit plans.

Another issue relating to uniform standards is the various requirements placed on over-seas entrants. Whilst their qualifications are assessed by a national body (BOQA or NOOSRA) the individual jurisdictions generally impose particular registration requirements which relate to competence in land surveying within the local jurisdiction. The Council has no direct authority over the jurisdiction "conversion" arrangements other than the benefits of CRSBANZ provided by guidelines on standards, networking and communications between jurisdictions, generic training agreements and links with professional, industry and Intergovernmental bodies.

Please contact me if you require further input into the review.

Yours sincerely

Keith C. Bell, RFD
Chairman

The Mutual Recognition Agreement (MRA) and the Trans Tasman Mutual Recognition Arrangement (TTMRA)

Issues and Questions — SURVEYORS BOARD OF VICTORIA COMMENTS 14 March 2003

Broad objectives	
• *How successful have the MRA and TTMRA been in addressing obstacles to trade and labour mobility? Is there any information available that enables an assessment of the impact of the MRA and TTMRA on trade and labour mobility?*	Very successful – no restriction to reciprocal registration of surveyors. Additional requirements have been introduced eg Qld and WA. Western Australia requires surveyors to be accredited if they wish to lodge plans at their Land Registry (or equivalent). Queensland requires surveyors operating their own practice to a Consulting certificate in addition to registration as a cadastral surveyor which is available to reciprocal registrants upon proof of Professional Indemnity insurance.
• *What have been the major benefits and major costs? What has been the net impact?*	• The interstate supply of additional registered surveyors helps counter the number of retirees (assuming that number is staggered across jurisdictions). • Enables volatile cycles in the property development market to be serviced by surveyors moving interstate. This is particularly useful as the property cycles peak at different times between states. • Not all states have surveying courses at local universities and recognition of interstate qualifications provides a means for graduates to undertake an articled period of training and consequent registration in their "home" state. • Surveyors located near jurisdictional borders are able to economically service a broader ranging area. • The Board co-operates with other jurisdiction through the Council of Reciprocal Surveyors Boards of Australia and New Zealand (CRSBANZ) to maintain and develop common practice standards as a means of ensuring the reciprocity arrangements function efficiently with minimal risk to local property markets. • Sharing of data for NCP reviews.
• *Is it possible to quantify (or roughly estimate) the magnitude of the costs and benefits?*	Not possible to quantify.

• *What are the impediments to, and how significant would the benefits be, from greater harmonisation?* • *Have there been any unintended effects? If so, how can they be best addressed?*	Whilst registration may be available, additional requirements by jurisdictions could be regarded as an impediment. Each jurisdiction develops legislation and regulations by consultation with their own stakeholders with some reference to interstate situations. The requirements of local stakeholders inevitably results in different surveying standards and aspects of property law relating to boundaries. This could be addressed by greater weight placed on inter-jurisdiction commonality supported by long term modification of specific jurisdiction practices.
Implementation issues • *How efficient has the administration of the MRA and TTMRA been?* • *Have there been any ongoing implementation issues of a general nature that have detracted from the effectiveness of the arrangements?* • *Are there particular areas of regulation where implementation difficulties arise? For example, has new regulation to address environmental issues posed any concerns from a mutual recognition perspective?* • *How significant are administrative and compliance costs?* • *Are existing dispute resolution mechanisms effective? What improvements, if any, are warranted?*	The administration of the MRA and TTMRA has been very efficient. It is noted that a surveyor seeking reciprocal registration is required to make a statutory declaration that he/she is not subject to inquiry or discipline in their home state which otherwise would make them ineligible for reciprocal registration. Survey audit results indicate inconsistent compliance with regulations by reciprocal registered surveyors due lack of self-induction into local jurisdiction system of regulations and procedures. Apparent variation of standards in some jurisdictions have threatened the integrity of registration and property system in Vic WA is undertaking a review of the reciprocal arrangements which may document differences between jurisdictions. Major cost of CRSBANZ is travelling expenses of two persons per jurisdiction to attend two meetings each year. Cost of Council secretariat which is based within the Surveyors Board Queensland ($12000 pa). Cost of time expended in each jurisdiction on matters relating to CRSBANZ. Disputes between jurisdiction do not occur as such but the audit

	program monitors issues of competence with reciprocal registrants
Exemptions and exclusions to mutual recognition	
• *Are the rationales underlying the placement of laws and regulations in the Schedules to the arrangements still current?*	Still valid..
• *Are the present exemptions and exclusions consistent with the objectives of the MRA and TTMRA arrangements? What, if any, amendments to the existing Schedules are appropriate?*	No exemptions or exclusions relate to surveying.
• *Has adequate progress been made in examining and resolving the application of mutual recognition principles to regulations covered by special exemptions?*	Special exemptions not applicable.
• *What scope is there for improving the operation of the cooperation programs? For example, could the existing administrative processes be streamlined and, if so, how?*	Improved induction of reciprocal registrants to the inter-jurisdiction regulatory system.
• *What would be the costs and benefits of changes to present arrangements for handling exemptions to the MRA and TTMRA?*	Negligible costs – certificates funded by applicant fees
• *Could the objectives underlying exemptions be achieved more efficiently by means outside of the mutual recognition arrangements?*	Not applicable.

The Mutual Recognition Agreement (MRA) and the Trans Tasman Mutual Recognition Arrangement (TTMRA)

Issues and Questions — SURVEYORS BOARD OF VICTORIA COMMENTS 14 March 2003

Scope of mutual recognition • *Are there grounds for broadening the scope of the MRA and TTMRA to cover any of the areas referred to above?* • *Would there be benefits in changing the scope of the MRA and TTMRA in any other ways?*	No broadening of scope of exemptions/qualifications is applicable to surveying however the Council is keen to expand reciprocity to other countries such a South Africa and Singapore
Mutual recognition and policy formulation • *At what stage during the policy development process, and how, are the implications assessed of new government regulations and other initiatives for the ongoing operation of the MRA and TTMRA arrangements?*	