

Supreme Court – Judicial Review

The Institution of Engineering and Mining Surveyors (IEMSQ) sought a judicial review of the Board's requirement for a qualification being a minimum three year academic qualification within the Surveyor Competency Framework. The first formal hearing was held in the Supreme Court on 27 March 2014, before Justice Dalton. The case was dismissed and costs awarded to the Board as Justice Dalton ruled IEMSQ had no standing.

IEMSQ then lodged an amended application with the Supreme Court and the case was heard on 12 August 2014, before Justice Applegarth. The Court's decision was delivered on 15 August 2014 with the application dismissed and costs awarded to the Board. A copy of the Court's decision can be reviewed at <http://archive.sclqld.org.au/qjudgment/2014/QSC14-190.pdf>

Section 39 of the *Surveyors Act 2003* requires the Board to “establish competency frameworks for the qualifications, skills, knowledge and experience” for registration as a surveyor, surveying graduate and surveying associate. IEMSQ claimed before the Court that the Board had applied to narrow a definition to the word qualification and a qualification is not restricted to an academic qualification and may include other skills, and experience. The Court did not accept the IEMSQ argument.

In recent times, the commercial marketplace has introduced a requirement within some tenders for signoff of as-built infrastructure position by a surveyor registered with the Board. It would appear that the marketplace is looking for a competency benchmark on which some reliance can be placed. The Board becoming aware of this has been working with the broader industry to advise of and support the SSSI engineering accreditation as a viable alternative for inclusion in tenders.