

Friday 10th October 2014

1 Disciplinary Decision

The Board prosecuted Mr Brett Currey of B C Currey Surveys in the Queensland Civil and Administrative Tribunal (QCAT) for professional misconduct, including breaches of sections 75 and 76 of the *Surveyors Act 2003*.

QCAT found Mr Currey guilty of all charges and made the following orders:

1. Mr Currey has engaged in professional misconduct.
2. Mr Currey is not permitted to apply for registration for a period of 3 years.
3. Mr Currey must refrain from offering to provide or carrying out cadastral surveys unless he is registered as a surveyor with a cadastral endorsement.
4. Mr Currey to pay to the Board a fine of \$10,000.
5. Mr Currey to pay the Board's legal costs incidental to the QCAT proceeding in the amount of \$30,000 plus GST.
6. Mr Currey must pay the Board's investigation costs of \$9,596 plus GST.
7. Mr Currey must also pay the outstanding Professional Conduct Review Panel proceeding in the amount of \$14,080.

The QCAT decision is at <http://www.sclqld.org.au/caselaw/QCAT/2014/413>

Mr Currey had been registered with consulting and cadastral endorsements and his registration lapsed at 31 December 2011. In February 2012, a complaint was lodged against Mr Currey and the Board investigated the matter. Evidence of professional misconduct was identified and the Board proceeded with charges via a Professional Conduct Review Panel (PCRP).

The PCRP found Mr Currey,

- failed to comply with the Board's Guideline on Supervision, as he did not personally supervise and review the field work and reinstatement methodology for all cadastral surveys performed by B C Currey Surveys,
- continued to operate a business website advising the provision of cadastral services while not registered with the Board after being formally advised by the Board to amend the website and remove reference to cadastral services,
- failed to comply with a Section 136 request for information by the Board's investigator.

In September 2012, the PCRP issued a formal reprimand and a costs order of \$14,080 was imposed.

In early 2013, the Board received further information that Mr Currey was continuing to perform cadastral surveys while not registered. After further investigation, evidence identified that Mr Currey had performed at least 16 cadastral surveys. As Mr Currey had already faced PCRP charges the Board escalated the matter to QCAT.

In QCAT the Board alleged Mr Currey had engaged in professional misconduct by:

- carrying out a survey without the relevant competency;
- failed to comply with PCRP disciplinary conditions;
- failed to comply with the Act by carrying out cadastral surveys when not authorised to do so;
- failed to comply with the Act by carrying on the business of providing cadastral survey services when he was not a consulting cadastral surveyor.

In finding Mr Currey guilty of all charges QCAT noted.

“Mr Currey was well aware that he was not registered, and as such audaciously devised a complex “work around” scheme involving other surveying companies.”

“Mr Currey endeavoured to find a way to cleverly continue doing exactly what led to the PCRPs previous finding.”

“Mr Currey ought to have known that the arrangements he put in place were not only inappropriate, but were also directly contradictory to the PCRP findings.”

The Board has a responsibility under the Act to protect the public and the performance of cadastral surveys by non-registered people is of great concern to the Board as only people with the relevant competency can and should perform cadastral surveys.

Over the past year the Board has also dealt with a number of other people through the Professional Conduct Review Panel process, for carrying out cadastral surveys without having the appropriate registration or supervision. In each case, the person was found guilty of professional misconduct and required to pay a fine and reimburse the Board’s investigation costs.

Cadastral surveyors are reminded to ensure that they do not become involved in actions which facilitate the performance of cadastral surveys by persons who do not have the appropriate registration.

2 Renewal of Registration

Applications for Renewal of Registration were emailed on 3 October 2014. Applications are due to be completed and returned to the Board by 30 November 2014. Please return your application via the new email process. If you have not received your renewal application please contact the Board office.