



Public consultation document

Surveyors Australia Ltd has prepared a professional standards scheme under *Professional Standards Act 1994* (NSW). Each state and territory has professional standards legislation to:

- protect consumers of professional services and other occupational services
- improve occupational standards
- allow scheme participants to limit their civil liability.

The Professional Standards Council of New South Wales invites public comments and submissions on our scheme by 21 January 2026.

Your comments will provide valuable insight into how consumers view and understand our proposed scheme. This will help the Council decide whether to approve the scheme or not. If Council approves the scheme, it will then need the relevant attorney-general or minister's authorisation.

This document covers:

1. Surveyors Australia Ltd and our members
2. Our proposed scheme
3. The benefits of our scheme
4. Comments and submissions.

1. Surveyors Australia Ltd and our members

Who is Surveyors Australia?

Surveyors Australia (formerly the Association of Consulting Surveyors National) represents Surveyors as an occupational group nationally and the association is incorporated under the *Corporations Act 2001* (CTH). Surveyors are defined as a professional or technical surveyor in land, engineering or mine surveying and includes a person engaging in any of the following professional activities:

- (a) practising the science of measurement;
- (b) assembling and assessing land and geographic related information; and
- (c) using the information referred to in paragraph (b) for the purpose of planning and implementing the efficient administration of the land, the sea and structures thereon.

The association exists:

- (a) to consider issues affecting the interests and image of Surveyors and initiate, watch over and, if necessary, petition any Government Agency or industry body or association on issues affecting Surveyors;
- (b) to promote and encourage the highest possible standards of professional conduct in accordance with the best practice of Surveyors, or other consultants and professionals whose practice is deemed by the Board in its absolute discretion to be kindred to Surveyors;
- (c) to undertake everything in its power to ensure that each Surveyor, and in particular each practitioner who is a Member, conducts himself or herself and their practice in accordance with the law, and at all times renders faithful service to their clients in a fair and just manner;
- (d) to take from time to time such disciplinary action as the Board considers necessary or desirable, and within its power, to protect the interests of the Company and its Members;
- (e) to apply money for any charitable or educational or benevolent purpose, consistent with promoting Surveyors in Australia; and
- (f) to do all such other things as are incidental to the attainment of the above objects.

Who are our members?

Our members are corporate, corporate employee and individual members as defined in the constitution and by-laws who practice land, engineering or mine surveying.

What types of work do our members do?

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2. Our proposed scheme

What is a professional standards scheme?

A Scheme is a legal instrument approved by the PSC under Professional Standards Legislation (PSL). A Scheme creates a statutory cap on the damages that participating members of an occupational association may be liable for if a court upholds a claim against them, provided the claim meets certain criteria. Schemes do not cap liability for death or personal injury, breach of trust, fraud or dishonesty.

For a Scheme to be approved under the Act, occupational associations such as SA are required to demonstrate a high commitment to professional standards and consumer protection and implement comprehensive risk management strategies.

The PSC, and the councils in other states and territories, are independent statutory bodies established under PSL to facilitate, approve and supervise Schemes of occupational associations. The Professional Standards Authority (PSA) is the PSCs' national regulatory support agency. The PSA is typically the first point of contact for associations applying to operate a Scheme. When the PSC approves a Scheme, a regulatory relationship between the PSC and the association is established. The PSC oversees the association's regulation of its members.

What is the Surveyors Australia scheme?

The SA Scheme is a legal instrument that is designed to promote professional standards within the profession and enhance consumer protection by mandating professional indemnity insurance and allowing participating members to cap their occupational liability.

How does the scheme operate?

The Scheme operates to protect members of the public who use surveying services provided by members of SA, while improving the overall professional standards of those members.

The Scheme limits the 'Occupational Liability' of a participant for damages arising from a claim to the extent to which the claim results in damages exceeding prescribed minimum liability caps from \$2 million to \$10 million.

Occupational Liability is defined in the relevant legislation as “civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of an occupational association acting in the performance of his or her occupation”. For the purposes of the Scheme and the legislation, the occupation is the profession of surveying.

The Scheme does not limit liability for damages awarded arising for any matter to which the Act does not apply. This includes but is not limited to death or personal injury, a breach of trust, fraud or dishonesty, and liability the subject of proceedings under Parts 13 and 14 of the *Real Property Act 1900* (NSW).

The Scheme operates on a fee for engagement basis and in the same manner for all participating members regardless of whether the participating member is a corporate, corporate employee or individual, and in the case of corporates, regardless of firm size or legal structure. The statutory cap will apply on a per claim basis. The Scheme does not operate so as to cap a participant’s total liabilities.

Who administers the scheme?

Responsibility for administering the Scheme and ensuring compliance with the requirements of the Act and the PSL rests with SA which has delegated authority to Consulting Surveyors Administration Pty Ltd (**CS Admin**) for functional accountability for operating and administering the professional standards scheme on behalf of SA with oversight from the Chief Executive Officer and the Group Executive, General Counsel and Corporate Assurance.

SA address is: Level 12/49-51 York St, Sydney NSW 2000

Where does the scheme operate?

The Scheme is intended to apply in all states and territories under the mutual recognition provisions of the PSL, New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia, Northern Territory and Australian Capital Territory.

When will the scheme apply?

The scheme will commence on 1st July 2026 for a duration of 5 years

Does the scheme apply to all members?

No, the scheme will apply to corporate, corporate employee and individual members of Surveyors Australia who are Scheme Participating Members. A Scheme Participating Member is a member of Surveyors Australia who has satisfied the criteria in the by-laws.

How is participating members’ level of limited liability determined?

The scheme bases the level of limited liability as it has in the current scheme. Liability caps apply to Participating Members who are a Corporate Member, Corporate Employee Member or an Individual Member. The cap is determined by the practice or individuals’ Annual Fee Income.

CLASS 1:	Annual Fee Income up to (and incl.) \$2 million	\$2 million
CLASS 2:	Annual Fee Income greater than \$2 million and up to (and incl.) \$5 million	\$5 million

CLASS 3: Annual Fee Income greater than \$5 million

\$10 million

Can a Surveyors Australia member leave the scheme?

SA members can complete the exemption section of the annual renewal form at any time and apply to be exempted from the scheme. Clause 2.2 in the Scheme provides authority for SA to, on application from a person to whom the scheme applies, exempt that person from the scheme.

How will consumers know if a Surveyors Australia member is covered by the scheme?

Under professional standards legislation, Surveyors Australia Professional Standards Scheme members are required to disclose limited liability on stationery and business documentation using the following wording:

Liability limited by a scheme approved under Professional Standards Legislation.

Documents include but are not limited to:

- letterhead and letters;
- emails;
- newsletters and other publications;
- the Practice Entity's website;
- written advice;
- memoranda of fees and invoices unaccompanied by a separate document with the disclosure statement.

This statement is designed to give consumers clear notice that you operate under an approved Professional Standards Scheme. It must be printed in a size not less than Times New Roman 8-point font. Each year members are required to submit evidence of their compliance with this requirement, and it is held on file by CS Admin. Periodically random checks are made to confirm compliance with the disclosure requirements.

The Scheme confers discretionary authority to SA to allow a higher maximum amount of liability than would otherwise apply under the Scheme. The discretion can be for a specified case or class of case and requires written application to SA Board by the participant in the Scheme and the provision of a certificate of currency for Professional Indemnity insurance to meet or exceed the requested discretionary cap, for approval of the Board or its delegate.

3. The benefits of our scheme

How will consumers benefit from the scheme?

The Scheme is designed to give consumers confidence that services are provided by ethical and competent professionals. Scheme participants must adhere to the highest professional standards and conduct and hold a professional indemnity insurance policy that complies with SA Insurance Standards (PII). Being a member of a profession means being governed by a code of ethics and having a commitment to the public interest and upholding the professional and ethical standards of SA in its code of practice and code of ethics policy – objectivity, competence and due care, integrity, confidentiality and professional behaviour and the promotion of public good within their expertise. Professionals are accountable to those they serve and to the public.

Consumers benefit from the Scheme because:

- SA members are bound to observe ethical and professional standards – thus reducing the risk of failure in professional standards;
- SA monitors Scheme participants to assess adherence to applicable ethical and professional standards;
- Appropriate resources are available to meet claims and pay damages awarded by a court;
- Avenues are available to consumers to make and resolve complaints; and
- Complaints may be made to SA Professional Conduct Committee and disciplinary actions may be taken to prevent and deter recurrence.

The current professional indemnity insurance environment is such that SA members are increasingly dealing with rising professional indemnity insurance premiums. There is a general fear within the industry that premiums may soon rise to a point where it will increase the pricing of services and/or industry wide under insurance. Neither of these outcomes are in the interests of consumers. It is expected that the Scheme will aide in keeping premiums at affordable levels, which is a benefit for members, but more importantly SA expects the Scheme to improve risk management strategies amongst its members (risk management training being a mandatory component of annual COE requirements for SA members), which should raise and strengthen professional standards within the profession and industry generally. This is very much in line with the objects of SA and is in the public interest through reduced claims.

How does the scheme enhance our members' occupational standards?

Being recognised with a Scheme does more than simply limit Members' civil liability. It also shows that SA and its members form a professional community that is committed to delivering ongoing improvements in professional standards and consumer protection.

SA has implemented comprehensive risk management strategies aimed at enhancing the professional standards of its members.

Through annual risk management training for members and their staff the scheme reminds and reinforces the obligations of its members to uphold high standards of professionalism through annual training. This training uses Surveying claims case studies to highlight key risk areas and effective risk management strategies and actions.

How does limiting participant liability help consumers?

In return for the benefit of statutorily capped liability, Scheme participants are required to meet the professional standards and conduct behaviours required of them as a condition of SA membership.

Participating in a Scheme enhances:

- The quality of the services provided by members in practice to their clients by encouraging and facilitating higher professional standards;
- Consumer protection for clients of surveying practices through compulsory insurance standards; and
- The viability of the public practice business model so the Australian community is provided with an ongoing pipeline of appropriately qualified, regulated and monitored surveyors to discharge the duties necessary to serve the Australian community.

Is the scheme a professional indemnity insurance scheme?

No. The SA Scheme limits liability for damages based on insurance arrangements. SA's Insurance Standards establishes the minimum professional indemnity insurance requirements for Scheme participants. This complies with the Act which requires that the cover available to a participating member under a relevant insurance policy be at least equal to the amount of the Scheme's monetary ceiling.

What continuing education can members access?

Continuing Professional Development is an important professional obligation applicable to all SA members to ensure their skills and knowledge are maintained and updated. Continuing Professional Development is enabled through Continuing Occupational Education. The overarching objective of COE policy is risk prevention. Through the implementation of its COE requirements, SA seeks to address the following broad categories of risks:

- Ethical issues faced by Members, for example, conflicts between self-interest and the client's interest;
- Issues around technical competence and adhering to client service standards (leading to the implementation of quality control and claims prevention measures); and
- Issues around occupational health and safety (leading to the implementation of adequate staff training and supervisory measures).

SA members are obliged to maintain professional and technical competencies in keeping with their employment and field of expertise through SA's COE policy. In summary and where applicable to a members educational and occupational requirement, a minimum of 15 verifiable CPD points/ hours per annum could be required across a prescribed range of approved learning disciplines provided by a range of approved COE providers without provision of carry over points from the previous year.

In addition to CPD requirements, scheme members are required to undertake compulsory annual Risk Management training for all staff.

How are complaints and discipline managed?

Complaints can be made by clients and consumers directly to any of the following bodies. Each body addresses complaints and disciplinary actions within their jurisdiction against members of the occupational association.

Body	Handles complaints against
Surveyors Australia	Members of SA
NSW Board of Surveying and Spatial Information	Registered surveyors in New South Wales
Surveyor-General ACT	Registered surveyors in the Australian Capital Territory
Surveyors Registration Board of Victoria	Licensed surveyors in Victoria
Land Surveyors Licensing Board of Western Australia	Licensed surveyors in Western Australia
Surveyors Board of South Australia	Licensed and registered surveyors in South Australia
Surveyors Board of the Northern Territory	Land boundary surveyors in the Northern Territory
Director of Consumer Affairs	Land surveyors in Tasmania
Surveyors Board of Queensland	Licensed surveyors in Queensland

The authority of the body to handle Complaints SA – Members

SA is a body corporate registered under the *Corporations Act 2001* (Cth). Section 2.1 of SA's Constitution empowers it to do all things as are incidental or conducive to, among other things:

- (a) to consider issues affecting the interests and image of Surveyors and initiate, watch over and, if necessary, petition any Government Agency or industry body or association on issues affecting Surveyors;
- (b) promoting and encouraging the highest possible standards of professional conduct in accordance with the best practices of Surveyors;

- (c) ensuring each Member conducts itself and its practice in accordance with the law and, at all times, renders faithful service to its clients in a fair and just manner; and
- (d) taking any such disciplinary action as the SA board considers necessary or desirable to protect the interests of SA and Members.¹¹⁴

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Pursuant to clause 2.1(d) of the Constitution, the SA board adopted the Complaints and Discipline Policy.

4. Comments and submissions

How can I make a comment or submission?

In your submission, you may wish to respond to the following questions:

- Are you a member of Surveyors Australia?
- Are you already a consumer of the type of services covered by the proposed scheme?
- Do you think the scope of the scheme is clear? (including work, jurisdictions and membership classes covered)
- Is it clear how you, as a member or consumer, could make a complaint?
- Can you describe how consumers would benefit from Surveyors Australia members' services being covered by a scheme?

Please send comments and submissions (preferably as a letter) to:

The Chief Executive Officer
Professional Standards Councils
Level 2, St James Centre
111 Elizabeth Street
Sydney NSW 2000.

You can also contact the Councils by:

- email: pscinfo@psc.gov.au
- phone: 1300 555 772 or (02) 8315 0800
- website: www.psc.gov.au.

How are comments and submissions managed?

The Council must consider all comments and submissions it receives, in line with the requirements under professional standards legislation.

Comments and submissions will be treated confidentially and will not be disclosed unless required to do so by law, such as public access to government information legislation.

Where can I find out more?

To find out more about Surveyors Australia and our proposed professional standards scheme, please contact:

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