



Queensland

Survey and Mapping Infrastructure (Survey Standards—Requirements for Mining Tenures) Notice (No. 1) 2011

Explanatory Notes for SL 2011 No. 221

made under the

Survey and Mapping Infrastructure Act 2003

General outline

Short title

Survey and Mapping Infrastructure (Survey Standards—Requirements for Mining Tenures) Notice (No. 1) 2011.

Authorising law

Section 9(1) of the Act states “A survey standard has no effect unless the Minister notifies the making of the standard by gazette notice.” Section 9(5) states “The gazette notice is subordinate legislation.”

Policy objectives and the reasons for them

Section 3(2)(a) of the Act identifies the making of standards as one of the mechanisms for achieving the main purposes of the Act.

Achievement of policy objectives

Section 6 of the Act authorises the chief executive to make standards for surveying to achieve an acceptable level of survey quality. Standards have been made for the surveying of mining and petroleum tenures, to ensure that these tenures are appropriately marked on the ground, measured and recorded on plans of survey. After the survey standards have been made by the chief executive, this notice commences their operation.

Consistency with policy objectives of authorising law

The survey standards for mining and petroleum tenures contribute to achieving the following purposes of the Act set out in Section 3(1):

- (a) developing, maintaining and improving the State survey and mapping infrastructure;
- (b) maintaining and improving cadastral boundaries throughout the State and information held by the department about the boundaries;
- (c) coordinating and integrating survey and mapping information;
- (d) improving public access to survey and mapping information.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation. It provides standards for surveying which is carried out by persons registered under the *Surveyors Act 2003*.

Alternative ways of achieving policy objectives

The options are to modify the standards or to withdraw from giving government approval for the standards. A modified form of standards is not considered to provide any significant greater or lesser benefit to either the community or the profession. An absence of standards would lead to inconsistency in survey practice, and reduced certainty for the community.

Benefits and costs of implementation

Survey standards provide for consistency of practice, which benefits:

- surveyors, by setting a minimum quality to which surveys must adhere, enabling them to conduct surveys in a consistent manner, and to have a level of confidence in the quality of other surveys which are relied on;
- business, by ensuring that those engaging the services of surveyors can have confidence that surveys will be conducted, and information presented, to a prescribed minimum standard;
- community, by providing certainty in the proper definition of the extent of interests in, and rights to use, land;
- government, by supporting the administration of systems for allocation and recording of interests in, and rights to use, land.

The significant costs associated with surveying are in deciding that measurements and other observations should be made in the first place rather than in deciding how they will be made and reported. The decisions to make observations are usually matters of professional judgement rather than matters of compliance with standards.

Consistency with fundamental legislative principles

The legislation is consistent with the fundamental legislative principles. The use of subordinate legislation is justified because it enables the standards to be modified readily to adapt to changes in legislation and technology, within a framework of principles established in the *Survey and Mapping Infrastructure Regulation 2004*.

Consultation

The Act makes provision for consultation with relevant entities before standards are made. In this instance, formal consultation has not taken place. However, it has been in part through interaction with surveyors that the need for minor amendments has been identified. Previous versions of the standards have been accepted by stakeholders, and the changes from the previous version are generally for the purpose of clarifying some existing standards and addressing a number of administrative matters. The only change of substance is to bring one standard into line with modern surveying practice and is not expected to be of concern.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.

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