

Survey and Mapping Infrastructure Regulation 2014

Explanatory notes for SL 2014 No. 182

made under the

Survey and Mapping Infrastructure Act 2003

General Outline

Short title

Survey and Mapping Infrastructure Regulation 2014

Authorising law

Section 136 of the *Survey and Mapping Infrastructure Act 2003*

Policy objectives and the reasons for them

The objective of the *Survey and Mapping Infrastructure Regulation 2014* (the Regulation) is to continue the effect under the *Survey and Mapping Infrastructure Act 2003* (the Act) of the provisions of the expiring *Survey and Mapping Infrastructure Regulation 2004* (the SMI Regulation) subject to a minor amendment to terminology used regarding the standardisation of surveying equipment.

Achievement of policy objectives

The Regulation achieves the policy objective by repealing the expiring SMI Regulation and continuing the existence of its provisions in the Regulation without significant change. The Regulation will provide for the principles that surveyors must observe when carrying out surveys under the Act. These principles also guide the preparation of surveying standards under the Act.

The principles are set out in a general form in that they apply to all surveys carried out under the Act. The Regulation expands these to a set of specific principles that have particular application to cadastral or land boundary surveying. The Regulation also deals with a number of specific matters, with Part 3 specific to a definition of the official reference system for

describing location (i.e. latitude and longitude); Part 4 further developing principles in relation to cadastral surveying and standards; and Part 5 specific to principles relating to the identification of watercourse features for establishing the location at law of non-tidal watercourse boundaries.

Any other approach will leave certain administrative requirements of the principle Act only partially described, thereby limiting effective implementation of the Act.

Consistency with policy objectives of authorising law

The Regulation is consistent with the main objectives of the Act, which are to provide for the development, maintenance and improvement of the State's survey and mapping infrastructure, including the cadastre or land boundary system. The Regulation supports the Act in achieving these objectives by stating the principles which are to be applied in carrying out surveys and by providing for some key spatial definitions.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

Three options were considered, these options were:

- Option 1: No regulation. This option would allow for the current SMI Regulation to lapse without replacement.
- Option 2: Co-regulation (industry and government). This option would give industry a more formalised role in the regulatory process than they have now.
- Option 3: Remake the current legislation. This option is to remake the current legislation so that the government continues to take responsibility for the legislation (with industry input).

Under Option 1, the principles that surveyors must observe when carrying out surveys and some spatial definitions would be lost, allowing for variable and unmanageable levels of interpretation of the Act. The work of surveyors feeds into and underpins a number of key survey and mapping infrastructure datasets, including the titles register and related cadastral datasets. Without regulation and guiding principles these inputs would begin to vary, making the maintenance of these datasets more difficult for government. The spatial integrity of the datasets would decline, which eventually would lead to a reduction in the level of confidence in spatial data held by stakeholders, including the public.

Consequently, Option 1 was rejected.

Under Option 2, industry would be given a formalised role in the regulatory process. Key industry stakeholders already are given the opportunity to have input into regulation through participation in joint industry/government committees and through the department consulting with stakeholders each time changes are proposed. Formalising this arrangement would lead to increased commitment and cost to industry. At the same time, the cost of the government's regulatory input would not be significantly decreased.

Consequently, Option 2 was rejected.

The preferred option was Option 3; to remake the legislation with minor changes as in its current form the SMI Regulation is meeting a clear need. There was no consultative feedback received from stakeholders regarding a need for a significant review of the regulation, as industry feels that the current level of regulation is necessary and reasonable. Remaking the legislation will not increase cost to industry or to government and will provide for continuity.

Benefits and costs of implementation

A qualitative summary of the benefits and costs of implementing the Regulation under Option 3, compared to no regulation under Option 1 is outlined below.

Benefit to business:

Surveying businesses as both producers and users of surveying information derive benefits from the existence of standards. The costs of complying with a particular form of standards are only a small component of the overall cost of the surveying process. Business would carry additional cost if it were required to develop and maintain its own standards, or work from inconsistent information provided by others. The regulation guides and is complementary to the cadastral survey standards administered by the Department.

Cost to business:

The minor cost of compliance to business from the existence of the Regulation is offset by the benefit.

Benefit to community:

The value of surveying and mapping to the community depends on the extent to which surveys and maps can be relied upon. Increasing the integrity of information processes and avoiding fraudulent practice is important for many situations, such as in security of title to land. The existence of surveying principles and standards provide benefit to the community and maintains community confidence in the work of surveyors.

Cost to community:

The cost of compliance by business has minimal impact on the fees charged to the community.

Benefit to Government:

No regulation would lead to inconsistency within the work and information provided by surveyors. The work of surveyors underpins several fundamental government datasets such as the titles register and related cadastral datasets. A benefit of providing for the quality and consistency of surveying is maintaining the integrity of these important government systems. It strengthens the capacity for certainty of title for land to sustain a secure land market.

Cost to Government:

There is limited cost to government regarding the provision and administration of the Regulation.

Risks of not providing for quality and consistent survey and mapping infrastructure are:

- A break down in public confidence in the cadastre.
- Delays in the land development process.
- Inconsistent approaches to marking and presentation of cadastral surveys, leading to uncertainty in interpreting surveys and plans.
- Inconsistent spatial data of unknown quality being fed into key government spatial data sets, which are used to manage assets such as roads, sewerage and water.

Qualitative cost benefit analysis confirms that remaking the regulation is the best alternative and it will not impose any additional costs to stakeholders or to government.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

Stakeholder consultation was undertaken with the Surveyors Board of Queensland, the Surveying and Spatial Sciences Institute, the Spatial Industry Business Association and practising surveyors in general. Ten stakeholder workshops were held across capital and regional centres by the Department of Natural Resources and Mines to encourage feedback on the Regulation and other surveying related regulation. Stakeholders were encouraged to supply their feedback and comments in writing. The provision of feedback regarding the Regulation was limited due to industry satisfaction with the current provisions.