

Survey and Mapping Infrastructure (Survey Standards) Notice 2021

Explanatory notes for SL 2021 No. 154

made under the

Survey and Mapping Infrastructure Act 2003

General Outline

Short title

Survey and Mapping Infrastructure (Survey Standards) Notice 2021.

Authorising law

Section 6 of the *Survey and Mapping Infrastructure Act 2003*.

Policy objectives and the reasons for them

The objectives of the *Survey and Mapping Infrastructure (Survey Standards) Notice 2021* are to give effect to survey standards contained within the Cadastral Survey Requirements.

The objectives of the Cadastral Survey Requirements are to set out a range of requirements that surveyors must meet and provide information that surveyors may require in relation to the conduct of cadastral surveys, including standards and guidelines under the *Survey and Mapping Infrastructure Act 2003*, information about requirements under other legislation and specific requirements related to actions under other legislation.

The government takes action to maintain the accuracy and integrity of the cadastre to ensure certainty with regard to property boundaries and thus underpin the many other processes that depend on certainty with regard to property boundaries.

Within the broader context of the surveying legislative framework, government action is being taken to respond to the changing context and technology of cadastral surveying, and to ensure that modern cadastral surveying is not disadvantaged by unnecessarily restrictive regulation.

The review of the Cadastral Survey Requirements has also sought to streamline the Cadastral Survey Requirements and reduce the overall regulatory burden on surveyors.

Achievement of policy objectives

The objectives are to be achieved through an update of the Cadastral Survey Requirements. This involves amendments affecting survey practice or plan preparation; clarification of requirements with no change to survey practice or plan preparation and editorial changes to improve readability and ease of comprehension.

The changes address the following:

- signature requirements for plans, to support e-Lodgement with the Titles Registry
- updated requirements for how accuracy is expressed for surveys, reflective of national standards
- clarification of requirements for notification of improvements existing on or near a boundary
- expanding the scope of the (voluntary) 'Large-scale land development' standard (Standard 3.22)
- clarification of requirements to mark boundary corners
- updated requirements for 'connection to datum' (Standard 3.28)
- updated requirements for survey reinstatement reports
- updated requirements for the plan notations used for water boundaries.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the main objects of the *Survey and Mapping Infrastructure Act 2003* to provide an appropriate level of legislative support for the development and maintenance of the state's survey and mapping infrastructure.

Introduction of the updated Cadastral Survey Requirements, i.e. Version 8.0, will provide for continuity with necessary changes to keep surveying practice in Queensland up to date with relevant technological developments and improvements to government processes. Version 8 will support government and industry efforts to improve the quality and availability of surveying information while reducing regulatory burden. Update of the Cadastral Survey Requirements is also critical to maintaining confidence in land title and hence security of tenure. In turn, this supports economic activity and development.

Inconsistency with policy objectives of other legislation

The subordinate legislation is consistent with the policy objectives of other legislation. It provides standards and guidelines for surveying to achieve an acceptable level of survey quality, which complements the *Surveyors Act 2003* which has objectives to protect the public who commission surveys, through a system of registration for surveyors.

Alternative ways of achieving policy objectives

The Department of Resources (the department) carefully considered each proposed change in consultation with industry and weighed the possible options for achieving a better outcome.

The following high-level options were considered:

1. Repeal Cadastral Survey Requirements i.e. no regulation.
2. Co-regulation.
3. Retain the current Cadastral Survey Requirements with updates to reflect changes in the industry, technology and legislative framework including streamlining and reduction of regulatory burden. (Preferred option).

Option 1 (no regulation) was not considered to be a viable option, mainly because the Cadastral Survey Requirements are part of a regulatory framework that has already been reviewed and supported, most recently in the remake of the *Survey and Mapping Infrastructure Regulation 2014*. It is important to note that the surveying industry is not pushing for less regulation, but rather is concerned, as is government, with maintaining performance standards.

Failing to provide the Cadastral Survey Requirements would lead to a lack of standards and thus lead to:

- Variable and unacceptable variation in surveying practice and recording and sharing of surveying information.
- Variable and inaccurate inputs to a number of key survey and mapping infrastructure datasets, including the cadastre and titles registry. Variation in inputs would make updating and maintaining these datasets more difficult for government.
- State and local government would need to rework surveying data to make it compatible with the state dataset with consequent cost increases for state and local government.
- Undermining integrity of the spatial datasets would lead to a decline in the current high level of confidence in spatial data held by stakeholders (including the public) and thus to uncertainty in the ownership of property.

Option 2 (co regulation) was not considered to be a viable option because:

- During extensive consultation, key industry stakeholders have not asked for co-regulation and in the absence of industry commitment, the arrangement is likely to be not workable.
- Industry is already given the opportunity to provide input into the Cadastral Survey Requirements through being on joint industry/government committees and through departmental consultations with them every time changes are proposed. Formalising this arrangement would lead to extra costs and commitment from industry. The extra cost would either have to be met by government or by private surveyors increasing their charge out rate to clients. At the same time costs for government's input would not decrease.

Option 3 (retain and amend the current Cadastral Survey Requirements) is the preferred option because:

- In its current form it is meeting a clear need.
- There has been no call from stakeholders for its repeal.
- Costs for government or stakeholders will probably be lowered as adoption of technology is supported.

- The surveying industry feels the current level of regulation is reasonable and necessary.

Benefits and costs of implementation

The remake and update of the Cadastral Survey Requirements will provide for continuity and ensure the quality of surveys remains at an adequate level. No additional costs to government would be incurred. While providing for continuity, the updates will support government moves to address significant concerns about the quality of the work of some surveyors.

This will provide clear guidance to business. The updated Cadastral Survey Requirements are also easier to read and understand and contain fewer prescriptive requirements. The cost burden on surveyors is expected to decrease through the facilitation and encouragement of more efficient technologies and processes.

This continuity of the current regulatory framework supports quality surveying services and consequently will contribute to continuing community confidence in the accuracy of surveyed boundaries.

Consistency with fundamental legislative principles

The subordinate legislation is generally consistent with fundamental legislative principles.

The use of subordinate legislation is justified as opposed to using primary legislation because surveying standards need to be reviewed regularly to ensure they are relevant to current survey practices, legislation, technologies and departmental processes. The updated Cadastral Survey Requirements contain many amendments to address matters that have been identified by the department in the last six years.

Evidence for change includes:

- The standards becoming out of date due to changes in standards, technology, Ministerial policy and the legislative framework, e.g. the *Planning Act 2016* has replaced the *Sustainable Planning Act 2009*, as well as the related machinery of government changes.
- Incorrect interpretation on the part of industry members.
- Consultation with industry stakeholders.

Consultation

Stakeholders responsible for maintenance of the cadastre includes state and local governments. Spatial Information of the department and the Titles Registry have contributed to the update of the survey standards. The Department of Transport and Main Roads and a number of local authorities have surveyors on staff who have been involved in consultation reviews and workshops.

The department facilitates a Surveying Reference Group, consisting of both government and private sector participants, to consult the surveying and spatial

profession on technical surveying matters. The department regularly interacts with stakeholders through hosting the Surveying Reference Group, through presentations at industry workshops and conferences and through its representative on the Surveyors Board. Another method used by the department to engage the surveying industry are Surveying Alerts. These alerts are published on the department's website and have 859 email subscribers.

Preliminary consultation for this review of the survey standards commenced in March 2019, with a request for submissions on potential survey standard issues ([Surveying Alert 33](#)). Items subject to detailed review were discussed at a Surveying Reference Group meeting held on 28 August 2019.

The department coordinated a series of workshops with the profession across the State to further engage on review of the surveying standards ([Surveying Alert 36](#)). Between October and November 2019, the department hosted seven workshops, both online and across Queensland, to give surveyors an opportunity to comment on the current regulatory model. A number of issues were raised relating to revision of the survey standards.

In January 2020, a further survey requirements workshop was hosted by the Surveying and Spatial Sciences Institute at Souths Leagues Club. Another call to the profession for submissions concerning review of the survey standards was issued in July 2020 ([Surveying Alert 41](#)).

A consultation draft, incorporating changes in response to the industry submissions, was released to the profession by Surveying Alert on 1 June 2021 ([Surveying Alert 45](#)). The Surveyors Board of Queensland, Surveying and Spatial Sciences Institute, Spatial Industry Business Association and Consulting Surveyors National were formally asked for comment on the consultation draft of version 8.0 of the standards.

The consultation draft of the *Cadastral Survey Requirements*, version 8.0 consultation draft was available for industry and public comment, ([Cadastral Survey Requirements v8 \(consultation draft\)](#)), with submissions closed on 28 June 2021.

A workshop was held with the Surveying Reference Group on 14 June 2021 to discuss the feedback and subsequent changes to the consultation draft of the survey standards. The reference group generally supported all proposed changes. Feedback from the meeting led to further refinement of several proposed amendments to standards relating to notification of encroachments and boundary marking requirements.

All submissions received throughout the review were considered, and were addressed before finalisation of version 8.0 of the standards.

In accordance with the Queensland Government Guide to Better Regulation (the guidelines) the Office of Best Practice Regulation was consulted in relation to the proposal.

The Office of Best Practice Regulation advised that the proposal appears unlikely to result in significant adverse impacts. No further regulatory impact analysis is required under the guidelines.

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