

Second Reading

The Hon. TONY KELLY (Minister for Primary Industries, and Minister for Lands) [5.56 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Surveying Amendment Bill 2009 introduces a series of legislative amendments, which have import for the discipline of surveying and the area of spatial information in New South Wales.

These amendments reflect several recommendations for reform that were raised during the review of this Act, in accordance with section 40 of the principal Act. The review, which was required to be undertaken five years after the introduction of the principal Act, was to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

The report on the Review of the Surveying Act 2002, which was tabled before Parliament in October 2008, indicated that while there were some areas for reform, the policy objectives of the Act did remain valid and the terms of the Act were, in the main, appropriate to secure those policy objectives. This bill reflects the report recommendations, the outcomes of further consultation with key professional groups and Government agencies, as well as collateral amendments, which clarify aspects of the principal Act.

In 2002 the Board of Surveying and Spatial Information was formed. Amendments were made to the Surveying Act in 2002 and again in 2005 when the term "spatial information" was incorporated into the legislation.

As the former Minister for Lands noted when introducing the amendments in 2002, the board would continue its former functions. This included the registration of land surveyors, the investigation of complaints, disciplinary actions, and matters relating to reciprocal recognition of registration and licensing schemes. As a result of that amendment, the board also undertook the registration of mining surveyors, complementing its existing role. In relation to the registration of mining surveyors, the board membership was expanded to incorporate the nominee of the Minister to administer the Coal Mine Health and Safety Act 2002. The 2005 amendments introduced a definition of "spatial information" in section 3A of the Act.

To some people it may have seemed a bold step to introduce into legislation a definition that sought to articulate an emerging but rapidly growing area of innovation, particularly as the intent was not to regulate spatial information professionals but to empower the board to provide "advice on the collection, collation and dissemination of spatial information other than surveys". The logic supporting this amendment was, of course, that surveyors typically are involved with the measurement and delineation of interests in relation to land—not just the dimensions of length and breadth, but also in relation to height and depth below the Earth's surface, whether that surface is terrestrial or aquatic. The surveying profession are the forefathers of the modern spatial information industry.

The 2009 bill adds to the title of the principal Act to become the Surveying and Spatial Information Act 2002 and reflects the significant changes that have occurred and the importance of this particular area of information.

Members of the general public have become more familiar with spatial information products. Data may be collected through a variety of technologies incorporating traditional surveys, from remote sensing to photogrammetry and Light Detection and Ranging, or LiDAR. The derived products are used for a wide variety of applications. These include urban and regional planning, land and resource management, emergency response and disaster recovery, analysis of climate change impacts, as well as planning trips and locating local restaurants.

The growth of services in this area over the last seven years since the terminology was introduced into New South Wales legislation has been impressive. This is evidenced in the leadership role taken in this ministerial portfolio in the spatial information arena. For example, the statewide network of Continuous Operating Reference Stations, or CaRS, is an on-ground integrated system that continuously records, distributes and archives satellite data to support global navigation and positioning systems. The Land and Property Management Authority, formerly the Department of Lands, has overseen the implementation of the CaRS network in New South Wales. The authority continues to investigate and implement technology solutions to provide more efficient information delivery outcomes.

To support improved data collection, the implementation of E-Plan enables surveyors to submit land surveys in electronic form directly from their office locations, wherever they may be across the State, to the Land and Property Management Authority office for processing. This is complemented by the Spatial Information Exchange, which is also known as SiX. SiX is a web-based portal that allows integrated access to a range of location-based information sources, thereby providing a seamless service delivery channel for use by Government agencies and the general public.

The 2008 report entitled "The Value of Spatial Information" stated that spatial information had a direct impact upon the gross domestic product of Australia of between \$6.43 billion and \$12.57 billion. It also noted that spatial information was likely to become "a mainstream enterprise resource in Government and business organisations as it penetrates mainstream consumer markets [increasing] the direct impacts in some sectors up to 50 per cent over the medium term". The growth of location-based information services into the future will, I am sure, be more astounding as Government and industry embrace new ways of communicating and delivering spatial information services to the

community. There is a great deal more potential and value to be realised in this area.

The bill also sets out the key objects of the Act. These items outline fundamental elements providing some guidance to the public as to the overall purpose of the Act. These objects provide for, first, the registration of surveyors to ensure that only appropriately qualified surveyors carry out land or mining surveys; secondly, registered surveyors to provide services to the public in a professional and competent manner; thirdly, the maintenance of the State cadastre and ensuring its integrity; fourthly, the coordination of surveys by public authorities and establishing the State control survey; and, fifthly, the investigation of and giving of advice to Government relating to the collection, collation and dissemination of spatial information other than surveys.

In addition, the bill introduces a definition of "State cadastre" for the first time in our legislation. While those involved in property and spatial information areas often use the term "cadastre", the word has an ancient history and meaning generally referencing a register of land ownership and value. In the twenty-first century the term has come to mean more than "ownership". It is, as more particularly described in the bill, the description and delineation of rights, interests, restrictions and responsibilities, above and below the earth's surface.

Increasingly the rights, interests, restrictions and responsibilities of the New South Wales Government and its citizens are becoming more complex. Traditionally, the rights of others may have impacted land ownership. For example, a landowner may hold a title in fee simple, subject to an easement or a right of way to a neighbour.

However, today we record not only the rights and obligations as between private landowners but public values and interests, such as the protection of vegetation, the acknowledgement of carbon sequestration interests or the protection of marine ecosystems. These rights, interests, restrictions and responsibilities are defined by reference to their spatial location and extent, with the potential that different entities or individuals may have co-located interests.

The existing definition of land survey is amended to incorporate references to the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986. This amendment removes any doubt that a registered land surveyor must undertake such surveys. New section 22A provides that a firm, defined in the bill as "a corporation, partnership or other incorporated association of persons", may offer land surveying or mining surveying services for fee and reward. It is a requirement that the survey be carried out by a registered land or mining surveyor, as is appropriate, or a person acting under the general or immediate supervision of a registered land or mining surveyor. The intention is to allow firms involved in land and mining surveys to conduct their business as other professional firms may.

Through the registration of land surveyors and mining surveyors, the Board of Surveying and Spatial Information can ensure that only appropriately qualified persons carry out the surveys as defined by the Act and ensure that services are provided in a professional and competent manner. The constitution of the board is amended at section 27 (2) (e) by clarifying that nominations to the board relating to the spatial information industry representatives may be made by professional associations comprised of persons or bodies of persons. This amendment removes any potential misinterpretation of who can nominate a board member.

Collateral to the inclusion of the definition of State cadastre, the functions of the board are expanded to include subsection 28 (1) (f1) to provide advice to the Minister in relation to the maintenance of the integrity of the State cadastre. New section 29 outlines the role of the board in providing information to the public in respect of the discipline of surveying, particularly land and mining surveying, but also in relation to allied disciplines. This proposal arose from the consultation process. Members of the surveying profession indicated a need for further information about their services to be made available to the public.

Access to information will assist members of the public in understanding and locating the services they require.

An example of a related survey discipline is hydrographic surveying. Hydrographic surveys focus on the measurement of physical characteristics of waters and surrounding marginal land in order to portray the detail of coastal or estuarine areas. Historically, this information has related to navigation. This area is becoming increasingly important as we map the potential impact of sea level rise over periods of time. This information will assist Government and the public in understanding possible impacts of sea level rise, climate change and coastal erosion. Hydrographic surveyors may also undertake work in relation to other bodies of water too; for instance, collating information in relation to dams and port infrastructure. It is not the intention that the board be involved in the registration of these disciplines. It is intended that information on these specialities be made available so that the public can make informed decisions about the services they require.

Finally, it is noted that the board has the power to make a determination about what, in its opinion, constitutes general or immediate supervision for the purposes of section 21 (3) of the principal Act, as outlined at clause 75 (2) of the Surveying Regulations 2006. The bill amends section 36 of the principal Act to allow regulations to be made prescribing what constitutes supervision. This amendment confirms the board's power to make a determination on what, in its opinion, constitutes general or immediate supervision and clarifies the foundation of the existing regulation. In recent times, the issue of what constitutes an appropriate level of supervision required for different survey activities has become an item of discussion within the profession itself. This issue can be resolved after further consultation through a determination of the board.

These amendments will bring certainty to some areas of minor contention within the survey profession, which have been brought about, in part, by changes in technology and work practices, as well as the ever-expanding role of spatial information. Overall, the purpose of these changes is to ensure the public are provided with competent and professional services that meet their needs and expectations.

I commend the bill to the House.