



Queensland

Land Title and Other Legislation Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 188

made under the

Building Units and Group Titles Act 1980

Land Act 1994

Land Title Act 1994

Water Act 2000

General outline

Short title

Land Title and Other Legislation Amendment Regulation (No. 1) 2012.

Authorising law

Section 134 of the *Building Units and Group Titles Act 1980*

Section 448(2)(b) of the *Land Act 1994*

Section 199(2)(b) of the *Land Title Act 1994*

Section 1014(2)(a) of the *Water Act 2000*

Policy objectives and the reasons for them

The Department of Natural Resources and Mines (DNRM) manages a high number of land and cadastral information systems including several that are fundamental elements underpinning Queensland's economic framework and are mission-critical to the State. A number of these systems

are legacy systems that require replacement or significant enhancement, but have been retained because of the prohibitive and unfunded cost to support replacement or enhancement. Funding for investment in these systems is urgently required to mitigate the risk of major critical failure in key systems, ensure ongoing investment certainty for property owners and other stakeholders, improve the systems to meet ever changing requirements and to provide a better service to users.

DNRM is responsible for the capture, maintenance and delivery of nine foundation data themes (cadastre, property address, imagery, elevation, drainage, administrative boundaries, geodesy and positioning, roads and place names). There is a growing demand for this information to be available to interested clients 24/7. Effective 24/7 service requires improved data discovery tools, capacity to store large data sets and meet peak demands, system infrastructure maintenance, and automatic failover so that, should the primary environment fail, customers are diverted to an alternate site. There is also utility in converting historical non-digital imagery to provide a better service to clients. Funding is required to enable effective 24/7 service and to provide a better product for clients.

The objective of the regulation is to obtain the necessary funding for these areas in circumstances where sufficient funding is not available.

Achievement of policy objectives

The policy objectives will be achieved by:

increasing the regulatory fees for:

- (A) the lodging of specific land and water allocations documents in the titles registry; and
- (B) specific searches conducted at a departmental business centre or through an online broker of titling information held in the land registry and water allocation register including current title search, historical title search, copy of title or survey plan and copy of document/instrument; and

using the projected additional revenue raised from the adjusted fees to fund:

- (A) a rolling program for the replacement and enhancement of DNRM land and cadastral information technology systems that will ensure ongoing reliability, integrity and competitiveness; and

- (B) uninterrupted 24/7 access by business and the public to cadastre, property address, imagery, elevation, drainage, roads, geodesy and positioning, administrative boundaries and place names.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objects of:

- the *Land Act 1994*, that is to ensure effective decision making relating to the management of non-freehold land for the benefit of the people of Queensland by utilising information held in the land registry.
- the *Land Title Act 1994*, that is to ensure the continued improvement of the system for registering title to and transferring interests in freehold land and to assist the keeping of registers, particularly relating to information technology.
- the *Water Act 2000*, that is to ensure effective decision making for a sustainable management framework for the planning allocation and use of water utilising information held in a water allocation register.

Inconsistency with policy objectives of other legislation

The regulation is not inconsistent with the policy objectives of other legislation. In addition, a similar approach has been adopted by the former Department of Mines in that the fee for lodgement of a resource tenure application under the *Mineral Resources Regulation 2003* was increased to be reinvested in system replacements and enhancements.

Benefits and costs of implementation

Revenue from the adjusted fees will be used to:

- (A) ensure the ongoing reliability, integrity and competitiveness of DNRM land and cadastral information technology systems; and
- (B) provide uninterrupted 24/7 access by business and the public to cadastre, property address, imagery, elevation, drainage, roads, geodesy and positioning, administrative boundaries and place names.

There will be no additional implementation costs to Government in adjusting the lodgement and search fees.

Consistency with fundamental legislative principles

The amendment is consistent with relevant authorising laws which state that a regulation may be made by the Governor in Council under the Act and that such regulations may be made about fees under the Act.

Consultation

Due to the nature of the amendments no consultation has been undertaken.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Natural Resources and Mines.

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