

# ***Surveyors Regulation 2024***

## **Human Rights Certificate**

### **Prepared in accordance with Part 3 of the *Human Rights Act 2019***

In accordance with section 41 of the *Human Rights Act 2019*, I, Scott Stewart MP, Minister for Resources and Critical Minerals provide this human rights certificate with respect to the *Surveyors Regulation 2024* made under the *Surveyors Act 2003*.

In my opinion, the *Surveyors Regulation 2024*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### **Overview of the Subordinate Legislation**

The purpose of the *Surveyors Act 2003* (Surveyors Act) is to protect the public by ensuring surveys are carried out by registrants in a professional and competent way, uphold the standards and practice within the profession and maintain public confidence in the profession. This is done through a system of registration for surveyors administered by the Surveyors Board of Queensland (the Surveyors Board). Section 192 of the Surveyors Act provides for the Governor in Council to make regulations under the Act.

Although members of the Surveyors Board are appointed by the Governor in Council, the Surveyors Board is an independent body corporate which does not represent the State. The impact of this on the profession is effectively a level of self-regulation. Experienced members of the profession are appointed to decide about matters of competency and professional conduct, and most of the Surveyors Board's operating costs are met by professional registration fees.

The *Surveyors Regulation 2024* (the Surveyors Regulation) will replace the expiring *Surveyors Regulation 2014*, with minor amendments to provide for a limited number of administrative matters that empower the Surveyor's Board to carry out its responsibilities under the Surveyors Act. A significant matter of the Surveyors Regulation is the setting of fees for registration as a surveyor and registration endorsements. The registration fees enable the Surveyors Board to raise funding for their operations.

Other matters prescribed by the Surveyors Regulation include setting the qualifications and experience of Surveyors Board members, prescribing the minimum level of professional indemnity insurance to be held by consulting surveyors, criteria for registration as an emeritus surveyor and the approved form for an application for competency assessment. Professional indemnity insurance is an important public protection measure, ensuring surveying clients are sufficiently protected in the event a consulting surveyor causes a fault or loss to them.

Setting the qualification and experience required of Surveyors Board members is another vital component of the Surveyors Regulation. Members who hold appropriate levels of experience

are necessary for the board to uphold its regulatory responsibilities. These relate to competency assessment, registration, and disciplinary decisions regarding cadastral and mining surveyors.

## **Human Rights Issues**

### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

Keeping a register of professional surveyors affects the human right to privacy and reputation. Section 68 of the Surveyors Act authorises the Surveyors Regulation to detail particulars required to be recorded in the register. The details prescribed in section 7 of the Surveyors Regulation are necessary to maintain a register of professional surveyors and ensure compliance with regulatory requirements. The register may be inspected at no cost, or a copy may be obtained for a fee set by the board. To preserve the right to privacy of registrants, their addresses are only listed in the publicly available part of the register with the registrant's permission.

Section 7(2) of the Surveyors Regulation prescribes that conditions placed on a registrant's registration must be available on the public part of the register while those conditions are in force, or when a professional conduct review panel or Queensland Civil and Administrative Tribunal decides disciplinary action taken against the registrant must be included in the public part of the register for a stated period. Any disciplinary decision is subject to measures for procedural fairness governed by the Surveyors Act, and potential inclusion of such information in the register is both necessary and proportionate to the legitimate aim of the Surveyors Act, being the protection of public who commission surveys.

### **Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)**

No human rights have been identified as being limited by the Surveyors Regulation.

## **Conclusion**

I consider that the Surveyors Regulation is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**SCOTT STEWART MP**  
MINISTER FOR RESOURCES AND CRITICAL MINERALS

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