

# ***Survey and Mapping Infrastructure 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 *Survey and Mapping Infrastructure Regulation 2024* made under the *Survey and Mapping Infrastructure Act 2003*.

In my opinion, the *Survey and Mapping Infrastructure 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 *Survey and Mapping Infrastructure Act 2003* (the SMI Act) is to provide for the development, maintenance and improvement of the State's survey and mapping infrastructure, including the system of land boundaries across Queensland. Essentially, the SMI Act states how surveys are to be carried out, and how various spatial data are to be managed. Section 136 of the SMI Act authorises the Governor in Council to make regulations under the Act.

The *Survey and Mapping Infrastructure Regulation 2024* (the SMI Regulation) will replace the expiring *Survey and Mapping Infrastructure Regulation 2014* with minor amendments, to continue support for the SMI Act by stating the principles to be applied in carrying out land boundary surveys, providing for technical survey standard and guideline matters, prescribing the geodetic reference framework (datum) used in Queensland, and setting several key spatial definitions.

Many requirements set out by SMI Act, and particularly the SMI Regulation, have the greatest importance for stakeholders within the land surveying industry. The system used to define land boundaries is an important government and community asset. Combined with the land titles registry, the framework of land boundary descriptions which are administered by registered surveyors provides the primary means for the legal recognition of interests in real property. This provides the platform on which the Queensland's land and property market operates and underpins successful operation of the State economy.

### **Human Rights Issues**

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

The SMI Regulation affects the human right of property rights. This right is promoted by obligations placed on surveyors by section 13 of the SMI Regulation to take account of the

rights and obligations of each party (landholders or other interests) affected by a boundary of land. When a surveyor considers an owner of land may be adversely affected by the reinstatement of a boundary, section 20 of the SMI Regulation provides that reasonable steps must be taken to notify the person, so they that they are able to seek advice or commission a survey of their own.

The right to privacy and reputation is also affected. The requirement to notify affected landowners of matters related to boundary reinstatement is not arbitrary nor is it unnecessary. This requirement exists to promote the rights and interests of all landholders.

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

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

**Conclusion**

I consider that the SMI 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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