

# Natural Resources and Other Legislation (GDA2020) Amendment Act 2020

Explanatory notes for SL 2020 No. 93

made under the

*Natural Resources and Other Legislation (GDA2020) Amendment Act 2020*

## General Outline

### Short title

*Natural Resources and Other Legislation (GDA2020) Amendment Act 2020.*

### Authorising law

Section 2 of the *Natural Resources and Other Legislation (GDA2020) Amendment Act 2020* (the Amendment Act).

### Policy objectives and the reasons for them

The objective of the proclamation is to fix 1 July 2020 as the commencement date for the remaining provisions of the Amendment Act, which will implement the latest national standard of measurement of position, Geocentric Datum Australia 2020 (GDA2020), in Queensland and provide a more efficient process for making model by-laws for trust land and conducting ballots for interests in state land.

The Amendment Act ensures Queensland legislation is responsive to national measurement standards for position as they evolve or new ones are adopted. The Amendment Act amends the *Geothermal Energy Act 2010*, *Gold Coast Waterways Authority Act 2012*, *Greenhouse Gas Storage Act 2009*, *Land Act 1994*, *Mineral Resources Act 1989*, *Mineral and Energy Resources (Common Provisions) Act 2014*, *Petroleum Act 1923*, *Petroleum and Gas (Production and Safety) Act 2004*, *Survey and Mapping Infrastructure Regulation 2014* under the *Survey and Mapping Infrastructure Act 2003*, *Transport Infrastructure Act 1994* to either:

1. Require the definition of position information in a particular format using the latest standard for position (i.e. GDA2020).

2. Ensure that historical position descriptions that regulate activities at a specific location/position or within an administrative area are referenced correctly and, where appropriate, updated to GDA2020.

The Proclamation also commences *Land Act 1994* provisions of the Amendment Act to:

3. Streamline the process for making model by-laws for trust land (section 24) by transferring the Governor in Council's functions to the Minister; aligning more closely with the *Local Government Act 2009* processes; and publishing the model by-laws on a Queensland government website to make them more accessible to trustees and the public.
4. Provide that the competitive ballot process for allocating an interest in state land is carried out in a manner the chief executive considers a fair and transparent manner (section 25)—this replaces the outdated ballot process currently prescribed under the *Land Regulation 2009*.

Commencement of these provisions is timed to coincide with the remake of the expiring *Land Regulation 2009*. The remake regulation will give effect to the amendments in section 24 and 25 as follows:

- Making of model by-laws—allow the Minister (not the Governor in Council by regulation) to make model by-laws; relocating model by-laws from the Land Regulation to a Queensland government website.
- Adopting model by-laws—provide a simplified process for non-local government trustees to adopt model by-laws, removing the requirement for public consultation as model by-laws are developed by the Department of Natural Resources, Mines and Energy and must be adopted in-full without modification.
- Ballot process—repealing the antiquated and prescriptive use of marbles and containers for draws when allocating state land with competition.

Aligning the commencement of sections 24 and 25 of the Amendment Act with the remake of the *Land Regulation 2009* ensures seamless implementation of regulatory changes and avoids customer confusion.

## **Achievement of policy objectives**

The policy objective to implement GDA2020 is achieved by fixing the commencement day of 1 July 2020 for parts 3, 4, 5, 8, 9, 10, 11, 13, 14 and sections 26, 27 and 28 in part 6, Division 3 of the Amendment Act. These provisions support the adoption of Australia's latest standard for measurement of position (GDA2020) in Queensland, by either replacing datum references with the new datum or where this is not appropriate, clarifying which historical datum applies.

The commencement of sections 24 and 25 in part 6, Division 3 of the Amendment Act achieve the objective to amend the *Land Act 1994* to streamline the process for making model by-laws for trust land, and provide a competitive ballot process for allocating an interest in state land.

## **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the policy objectives of the authorising law.

## **Inconsistency with policy objectives of other legislation**

The Proclamation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The Proclamation ensures adoption of GDA2020 in Queensland, providing benefits to industries and professions that rely on spatial position information, both in the mapping and surveying community and other areas of our technologically advanced society e.g. automated vehicles, remote controlled industrial equipment (e.g. in the mining/agriculture sectors) and drone technology.

The Queensland Government's spatial infrastructure is being upgraded as part of the adoption of GDA2020. The long lead-time for implementation (since 2017) and early engagement with systems owners has allowed costs to be met from existing departmental budget allocations.

Not adopting GDA2020 and upgrading Queensland's spatial infrastructure could have potential significant costs for systems owners and end users. Costs would arise from managing the disparity between outdated GDA94 spatial data references and updated GDA2020 spatial datasets or spatial data available through Global Navigation Satellite Systems technology (e.g. GPS).

The commencement of amendments to the *Land Act 1994* support more effective and efficient administration of state land in Queensland. There are no substantial costs associated with commencement of these amendments, as they will be absorbed within current operational requirements.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles.

## Consultation

The Department of Natural Resources, Mines and Energy (DNRME) is continuing to work with Queensland's surveying and spatial profession and other spatial data custodians across state and local government on the technical implementation.

External stakeholders were not consulted on the Proclamation as the commencement day is of a machinery nature and the adoption date for GDA2020 in Queensland has been broadly communicated.

The amendments in sections 24 and 25 of the Amendment Act are minor and administrative in nature and did not warrant targeted public consultation. They were flagged in the consultation paper on proposed reforms to the *Land Regulation 2009* arising from the sunset review of that regulation. Targeted consultation occurred with AgForce and the Local Government Association of Queensland on the sunset review reforms. No specific issues were raised in these consultation processes nor during the development and passage of the Amendment Act.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. DNRME applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (g) – Regulatory proposals that are of a machinery nature.

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