

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

## 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, Dr Anthony Lynham, Minister for Natural Resources, Mines and Energy provide this human rights certificate with respect to the Natural Resources and Other Legislation (GDA2020) Amendment Regulation 2020 (Amendment Regulation) to the extent that it is made under the *Mineral and Energy Resources (Common Provisions) Act 2014*, the *Mineral Resources Act 1989* and the *Vegetation Management Act 1999*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is to the extent that it is made under the *Mineral and Energy Resources (Common Provisions) Act 2014*, the *Mineral Resources Act 1989* and the *Vegetation Management Act 1999*, compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Furner, Minister for Agricultural Industry Development and Fisheries provide this human rights certificate with respect to the Amendment Regulation to the extent that it is made under the *Biosecurity Act 2014* and the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is to the extent that it is made under the *Biosecurity Act 2014* and the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*, compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

In accordance with section 41 of the *Human Rights Act 2019*, I, Coralee O'Rourke, Minister for Communities and Minister for Disability Services and Seniors provide this human rights certificate with respect to the Amendment Regulation to the extent that it is made under the *Forensic Disability Act 2011*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is to the extent that it is made under the *Forensic Disability Act 2011*, compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

In accordance with section 41 of the *Human Rights Act 2019*, I, Shannon Fentiman, Minister for Employment and Small Business and Minister for Training and Skills Development provide this human rights certificate with respect to the Amendment Regulation to the extent that it is made under the *Recreation Areas Management Act 2006*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is to the extent that it is made under the *Recreation Areas Management Act 2006*, compatible with the

human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

In accordance with section 41 of the *Human Rights Act 2019*, I, Leeanne Enoch, Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts provide this human rights certificate with respect to the Amendment Regulation to the extent that it is made under the *Nature Conservation Act 1992*, the *Queensland Heritage Act 1992* and the *Recreation Areas Management Act 2006*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is to the extent that it is made under the *Nature Conservation Act 1992*, and the *Queensland Heritage Act 1992* and the *Recreation Areas Management Act 2006*, compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Bailey, Minister for Transport and Main Roads provide this human rights certificate with respect to the Amendment Regulation to the extent that it is made under the *Transport Infrastructure Act 1994*, the *Transport Operations (Marine Pollution) Act 1995*, the *Transport Operations (Marine Safety) Act 1994* and the *Transport Operations (Road Use Management) Act 1995*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is to the extent that it is made under the *Transport Infrastructure Act 1994*, the *Transport Operations (Marine Pollution) Act 1995*, the *Transport Operations (Marine Safety) Act 1994* and the *Transport Operations (Road Use Management) Act 1995*, 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 Australian Government adopted the Geocentric Datum of Australia 2020 (GDA2020) as the latest national standard for measurement of position by making a determination under the Australian Government's *National Measurement Act 1960* (Cwlth) in 2017. GDA2020 replaces the previous standard for measurement of position, Geocentric Datum Australia 1994 (GDA94).

The Australia and New Zealand Land Information Council (ANZLIC) agreed for all Australian jurisdictions to adopt GDA2020 by 30 June 2020. The Amendment Regulation supports the adoption of GDA2020 in Queensland.

The policy rationale for the Amendment Regulation is to:

- Adopt the new national standard of measurement of position (GDA2020) in Queensland for the future collection and provision of location/position data.
- Correct errors identified through the review of location/position references in regulation.
- Establish a consistent method for referencing position descriptions in Queensland law.
- Ensure Queensland law is responsive to changes in the national measurement standard.

A single point of truth reference (that is the datum prescribed in the Survey and Mapping Infrastructure Regulation 2014) will be applied to existing datum references for the future collection and provision of location data in the:

- Chemical Usage (Agricultural and Veterinary) Control Regulation 2017
- Mineral Resources Regulation 2013
- Vegetation Management Regulation 2012.

The effect of this amendment will be to require that location information be provided consistently with the GDA2020 standard.

The regulations where it is feasible to update historical position descriptions to GDA2020 position descriptions are:

- Biosecurity Regulation 2016
- Forensic Disability Regulation 2011
- Nature Conservation (Protected Areas Management) Regulation 2017
- Queensland Heritage Regulation 2015
- Recreation Areas Management Regulation 2017
- Traffic Regulation 1962
- Transport Infrastructure (Ports) Regulation 2016
- Transport Infrastructure (Waterways Management) Regulation 2012
- Transport Operations (Marine Pollution) Regulation 2018
- Transport Operations (Marine Safety) Regulation 2016.

The amendments update these position references from GDA94 to GDA2020. For these amendments the coordinate values are different when expressed in GDA94 and GDA2020, but both refer to the same position or location in Queensland. In reviewing the position references occurring within regulation, some coordinates were incorrectly documented and did not correctly refer to the location intended to be regulated. These errors are corrected by the Amendment Regulation.

For the Mineral and Energy Resources (Common Provisions) Regulation 2016, it is not feasible to update to GDA2020 position descriptions, but it is important to retain clarity about which datum applied at the time of drafting the regulation. The Amendment Regulation clarifies the datum as GDA94, this does not change the position or location in Queensland. The amendment ensures legal traceability, and if necessary, accurate transformation/conversion of the historical position description to GDA2020, for example for operational convenience.

## **Human Rights Issues**

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

Changes provided for by the Amendment Regulation do not affect existing powers or requirements of regulation. The purpose of the Amendment Regulation is to make a correction and technical amendments that achieve consistency with the national standard for measurement of position and support adoption of GDA2020 in Queensland.

The updated or corrected position descriptions provided in the Amendment Regulation, do not change the intended location or extent of the boundary or position on the ground. The effect of the Amendment Regulation is to update coordinate values used to describe the boundary of a regulated area to be consistent with the current national standard and intended locations.

No human rights have been identified as being engaged or limited by the Amendment Regulation.

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

No human rights have been identified as being engaged or limited by the Amendment Regulation.

## **Conclusion**

I consider that the Amendment Regulation, to the extent that it is made under the *Mineral and Energy Resources (Common Provisions) Act 2014*, the *Mineral Resources Act 1989* and the *Vegetation Management Act 1999*, is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**DR ANTHONY LYNHAM MP**  
MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY

I consider that the Amendment Regulation, to the extent it is made under the *Biosecurity Act 2014* and the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*, is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**MARK FURNER MP**  
MINISTER FOR AGRICULTURAL INDUSTRY DEVELOPMENT AND FISHERIES

I consider that the Amendment Regulation, to the extent it is made under *Forensic Disability Act 2011*, is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**CORALEE O'ROURKE MP**  
MINISTER FOR COMMUNITIES AND MINISTER FOR DISABILITY SERVICES AND SENIORS

I consider that the Amendment Regulation, to the extent it is made under the *Recreation Areas Management Act 2006*, is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**SHANNON FENTIMAN MP**  
MINISTER FOR EMPLOYMENT AND SMALL BUSINESS AND MINISTER FOR TRAINING AND SKILLS DEVELOPMENT

I consider that the Amendment Regulation, to the extent it is made under the *Nature Conservation Act 1992*, the *Queensland Heritage Act 1992* and the *Recreation Areas Management Act 2006*, is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**LEEANNE ENOCH MP**  
MINISTER FOR ENVIRONMENT AND THE GREAT BARRIER REEF, MINISTER FOR  
SCIENCE AND MINISTER FOR THE ARTS

I consider that the Amendment Regulation, to the extent it is made under *Transport Infrastructure Act 1994*, the *Transport Operations (Marine Pollution) Act 1995*, the *Transport Operations (Marine Safety) Act 1994* and the *Transport Operations (Road Use Management) Act 1995*, is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**MARK BAILEY MP**  
MINISTER FOR TRANSPORT AND MAIN ROADS

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