

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

26 FEBRUARY 20 20

In the name and on behalf of the Queen, I assent to this Bill.

Naudee Jones

Government House,

Brisbane,

26 February 2020



Queensland

No. 9 of 20

A BILL for

An Act to amend the Cape York Peninsula Heritage Act 2007, the Geothermal Energy Act 2010, the Gold Coast Waterways Authority Act 2012, the Greenhouse Gas Storage Act 2009, the Land Act 1994, the Land Title Act 1994, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the South Bank Corporation Act 1989, the Survey and Mapping Infrastructure Regulation 2014 and the Transport Infrastructure Act 1994 for particular purposes



Queensland

Natural Resources and Other Legislation (GDA2020) Amendment Bill 2020

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2020

A Bill

for

An Act to amend the Cape York Peninsula Heritage Act 2007, the Geothermal Energy Act 2010, the Gold Coast Waterways Authority Act 2012, the Greenhouse Gas Storage Act 2009, the Land Act 1994, the Land Title Act 1994, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the South Bank Corporation Act 1989, the Survey and Mapping Infrastructure Regulation 2014 and the Transport Infrastructure Act 1994 for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Natural Resources and Other Legislation (GDA2020) Amendment Act 2020*.

2 Commencement

The following provisions commence on a day to be fixed by proclamation—

- (a) parts 3 to 5;
- (b) part 6, division 3;
- (c) parts 8 to 11;
- (d) parts 13 and 14.

Part 2 Amendment of Cape York Peninsula Heritage Act 2007

3 Act amended

This part amends the *Cape York Peninsula Heritage Act 2007*.

4 Amendment of s 7 (Meaning of *Cape York Peninsula Region*)

Section 7(4), definition *designated map*, paragraph (a)—
omit, insert—

- (a) called ‘Map 3 Cape York Peninsula Region’; or

[s 9]

9 Amendment of sch 1 (Gold Coast waters)

(1) Schedule 1, section 1, paragraphs (a) to (c)—

omit, insert—

- (a) starting at the point on the boundary of the Gold Coast City local government area that is latitude 28°07.597' south, longitude 153°28.791' east (the *starting point*);
- (b) to latitude 28°07.392' south, longitude 153°28.972' east;
- (c) to the point on the boundary of the Gold Coast City local government area that is latitude 28°07.475' south, longitude 153°29.219' east;

(2) Schedule 1, section 2, paragraphs (c) and (d)—

omit, insert—

- (c) to latitude 27°55.899' south, longitude 153°27.060' east;
- (d) to latitude 27°56.099' south, longitude 153°27.060' east;

(3) Schedule 1, section 3, paragraphs (a) to (c)—

omit, insert—

- (a) starting at the point on the boundary of the Gold Coast City local government area that is latitude 28°05.424' south, longitude 153°27.580' east (the *starting point*);
- (b) to latitude 28°05.583' south, longitude 153°27.879' east;
- (c) to the point on the boundary of the Gold Coast City local government area that is latitude 28°05.897' south, longitude 153°27.713' east;

(4) Schedule 1—

insert—

4 Definition of position

- (1) In this schedule, position is defined by reference to GDA2020.
- (2) In this section—

GDA2020 means the Reference Frame under the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017* (Cwlth) as in force on the commencement.

Note—

‘Commencement’ refers to the commencement of this section, not of the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017* (Cwlth). See the *Acts Interpretation Act 1954*, section 32F(2).

Part 5 Amendment of Greenhouse Gas Storage Act 2009

10 Act amended

This part amends the *Greenhouse Gas Storage Act 2009*.

11 Omission of s 26 (Graticulation of earth’s surface into blocks and sub-blocks)

Section 26—

omit.

12 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *block* and *sub-block*—
omit.
- (2) Schedule 2—

[s 13]

insert—

block see the Common Provisions Act, section 11A(1).

sub-block see the Common Provisions Act, section 11A(2).

Part 6 Amendment of Land Act 1994

Division 1 Preliminary

13 Act amended

This part amends the *Land Act 1994*.

Division 2 Amendments commencing on assent

14 Insertion of new s 123A

After section 123—

insert—

123A Deeds of grant of unallocated State land under indigenous land use agreements

- (1) This section applies if the Minister is satisfied—
- (a) the State is a party to an indigenous land use agreement; and
 - (b) the indigenous land use agreement provides for the grant of unallocated State land to a person as trustee of a trust, the beneficiaries of which are identified or identifiable Aboriginal or Torres Strait Islander people; and

- (c) a native title party to the indigenous land use agreement—
 - (i) holds or claims to hold native title rights and interests in relation to the land; or
 - (ii) would have held native title rights and interests in relation to the land but for any prior extinguishment of those native title rights and interests.
- (2) A deed of grant of the land may be granted to the person without competition.
- (3) The purchase price for the land is—
 - (a) if consideration is provided for under the indigenous land use agreement—that consideration; or
 - (b) otherwise—the consideration decided by the Minister in the way prescribed by regulation.
- (4) An expression defined in the *Native Title Act 1993* (Cwlth), other than *indigenous land use agreement*, and used in subsection (5) has the same meaning in subsection (5) as it has in that Act.
- (5) In this section—

native title party, in relation to an indigenous land use agreement, means a party to the indigenous land use agreement that is—

 - (a) a registered native title body corporate; or
 - (b) a registered native title claimant; or
 - (c) a person who claims to hold native title in relation to land or waters in the area of the indigenous land use agreement.

[s 15]

15 Amendment of s 157A (Chief executive's approval required for renewal)

Section 157A(1)—

omit, insert—

- (1) A term lease may be renewed only if, under this subdivision, the chief executive has made an offer of a new lease and the offer has been accepted.

16 Amendment of s 159 (General provisions for deciding application)

- (1) Section 159, heading—

omit, insert—

159 Deciding whether to offer new lease

- (2) Section 159(1), after 'offer a new lease'—

insert—

to the lessee of a term lease

17 Amendment of s 159A (Provisions for decision about most appropriate form of tenure)

Section 159A(4)(a), after 'renewal'—

insert—

application

18 Amendment of s 160 (Notice of chief executive's decision)

- (1) Section 160(1), 'applicant'—

omit, insert—

lessee under the existing lease

- (2) Section 160(2), 'the renewal'—

omit, insert—

a renewal

19 Amendment of s 162 (Issuing of new lease)

Section 162(2), ‘the subject of the renewal application’—

omit, insert—

being renewed

20 Insertion of new s 290R

After section 290Q—

insert—

290R Registering an electronic conveyancing document

For registering an electronic conveyancing document, the chief executive may rely on a certification made under the participation rules determined under the Electronic Conveyancing National Law (Queensland).

21 Amendment of s 335 (Subleases must be registered)

Section 335(2), from ‘also include’—

omit, insert—

identify the land being subleased by reference to whichever of the following the chief executive requires—

- (a) a sketch plan in the appropriate form, drawn to a standard to the chief executive’s satisfaction;
- (b) a building lease plan, drawn to a standard to the chief executive’s satisfaction;
- (c) a plan of survey.

[s 22]

22 Omission of ss 358A and 358B

Section 358A and 358B—

omit.

23 Amendment of s 374 (Details of trust must be given)

Section 374(1)(b)—

omit, insert—

- (b) either of the following has been given to the chief executive—
 - (i) a document in the form required by the chief executive stating the details of the trust;
 - (ii) a certified copy of the document creating the trust.

Division 3 Amendments commencing by proclamation

24 Amendment of s 56 (Model by-laws)

(1) Section 56(1)—

omit, insert—

(1) The Minister may make model by-laws for trust land.

(1A) The chief executive must publish a model by-law made under subsection (1) on a Queensland government website.

(2) Section 56—

insert—

(10) In this section—

Queensland government website means a

website with a URL that contains ‘qld.gov.au’,
other than the website of a local government.

25 Replacement of s 119 (Conduct of ballot)

Section 119—

omit, insert—

119 Conduct of ballot

- (1) A ballot must be conducted in the way decided by the chief executive.
- (2) In deciding the way a ballot must be conducted under subsection (1), the chief executive must consider the importance of fairness, transparency and equity.

26 Amendment of s 167 (Provisions for deciding application)

(1) Section 167(3)(b)(ii)—

omit, insert—

- (ii) a description of the boundary of the part by reference to the prescribed datum.

(2) Section 167—

insert—

(7) In this section—

prescribed datum means the geodetic reference framework prescribed under the *Survey and Mapping Infrastructure Act 2003*, section 6(4).

required particulars, for a map of a part of lease land, means each of the following—

- (a) the boundary of the area or part on an image base;

[s 27]

- (b) 5 or more points visible in the image base that correspond to identifiable fixed features;
- (c) coordinates for each point defined by reference to the prescribed datum;
- (d) a description of the feature that each point represents.

27 Insertion of new ch 9, pt 5

Chapter 9—

insert—

Part 5

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

540 Existing applications to convert leases

Section 167(3)(b)(ii) as in force immediately before the commencement continues to apply to a conversion application made under section 166 but not decided before the commencement.

28 Amendment of sch 6 (Dictionary)

Schedule 6, definitions *Map Grid of Australia 1994* and *required particulars—*

omit.

[s 32]

32 Amendment of s 105 (Lapsing of caveat)

Section 105, heading, ‘caveat’—

omit, insert—

objector’s caveat

33 Amendment of s 106 (Further caveat)

Section 106, heading, ‘caveat’—

omit, insert—

objector’s caveat

34 Amendment of sch 2 (Dictionary)

Schedule 2, definition *sketch plan*—

omit.

Part 8 Amendment of Mineral and Energy Resources (Common Provisions) Act 2014

35 Act amended

This part amends the *Mineral and Energy Resources (Common Provisions) Act 2014*.

36 Insertion of new s 11A

After section 11—

insert—

11A Graticulation of earth’s surface into *blocks* and *sub-blocks*

(1) A ***block*** is the land resulting from a notional division of the earth’s surface, each block being

bounded—

- (a) by 2 parallels of latitude 5 minutes apart, each parallel being a multiple of 5 minutes of latitude from the equator; and
 - (b) by 2 meridians of longitude 5 minutes apart, each meridian being a multiple of 5 minutes of longitude from the prime meridian.
- (2) A **sub-block** is the land resulting from a notional division of a block into 25 areas, each sub-block being bounded by 2 parallels of latitude 1 minute apart and 2 meridians of longitude 1 minute of longitude apart.
- (3) For subsections (1) and (2), latitude and longitude are defined by reference to the Australian Geodetic Datum 1966.
- (4) Each block and sub-block must be identified in the way approved by the chief executive.
- (5) Nothing in this section prevents the chief executive from representing blocks and sub-blocks in a spatial database by reference to a datum other than the Australian Geodetic Datum 1966.
- (6) In this section—
- Australian Geodetic Datum 1966** means the reference frame with—
- (a) a reference spheroid with a major (equatorial) radius of 6,378,160m and a flattening of 100/29825; and
 - (b) its origin at the Johnston Geodetic Station in the Northern Territory, taken to be at 133°12'30.0771" east longitude and 25°56'54.5515" south latitude and to have a ground level of 571.2m above the reference spheroid.

Part 10 Amendment of Petroleum Act 1923

40 Act amended

This part amends the *Petroleum Act 1923*.

41 Amendment of s 2 (Definitions)

(1) Section 2, definitions *block* and *sub-block*—
omit.

(2) Section 2—
insert—

block see the Common Provisions Act, section 11A(1).

sub-block see the Common Provisions Act, section 11A(2).

42 Replacement of s 143 (Points etc. to be ascertained by reference to Australian Geodetic Datum)

Section 143—
omit, insert—

143 Position to be ascertained by reference to prescribed geodetic reference framework

If it is necessary under this Act to define position, it is to be defined by reference to the geodetic reference framework prescribed under the *Survey and Mapping Infrastructure Act 2003*, section 6(4).

Part 12 Amendment of South Bank Corporation Act 1989

47 Act amended

This part amends the *South Bank Corporation Act 1989*.

48 Amendment of s 21 (Registrar may register instruments etc.)

Section 21(1), ‘and issue certificates of title’—
omit.

49 Amendment of s 105 (Reference to single deed of grant only)

Section 105, from ‘corporation area’ to ‘may refer’—
omit, insert—
corporation area, a plan lodged after the commencement of this section may refer

50 Amendment of sch 4 (Modified Building Units and Group Titles Act)

- (1) Schedule 4, section 9A(6), (6A) and (7) and notes—
omit.
- (2) Schedule 4, section 10A(2)(c)—
omit.
- (3) Schedule 4, section 20(2) and note—
omit.
- (4) Schedule 4, section 21(2), from ‘accompanied by’ to ‘dissent.’—
omit, insert—

[s 51]

accompanied by a certificate under the seal of the body corporate certifying that the resolution authorising the acceptance of the lease, sublease or transfer was a resolution without dissent.

- (5) Schedule 4, section 21(4)(c), ‘the certificate of title or the lease, as the case may be,’—

omit, insert—

the lease

- (6) Schedule 4, section 29(4)(a), ‘(other than certificates of title for leases of lots)’—

omit.

Part 13 **Amendment of Survey and Mapping Infrastructure Regulation 2014**

51 **Regulation amended**

This part amends the *Survey and Mapping Infrastructure Regulation 2014*.

52 **Replacement of s 12 (Geodetic reference framework)**

Section 12—

omit, insert—

12 Geodetic reference framework—Act, s 6

- (1) For section 6(4) of the Act, the geodetic reference framework is—
- (a) for latitude and longitude—GDA2020; or
 - (b) for mapping projection—MGA2020.
- (2) In this section—

GDA2020 means the Reference Frame under the

National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017 (Cwlth) as in force on the commencement.

Note—

‘Commencement’ refers to the commencement of this section, not of the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017* (Cwlth). See the *Acts Interpretation Act 1954*, section 32F(2).

MGA2020 means the system of rectangular coordinates derived from a Universal Transverse Mercator projection of latitudes and longitudes that are based on GDA2020.

Part 14 **Amendment of Transport Infrastructure Act 1994**

53 **Act amended**

This part amends the *Transport Infrastructure Act 1994*.

54 **Amendment of s 93AA (Application of s 93 to QML network)**

(1) Section 93AA—

insert—

(2A) In this section, coordinates shown on map QML 1 are defined by reference to GDA94.

(2) Section 93AA(3)—

insert—

GDA94 means the Geocentric Datum of Australia under the repealed *Recognized-value standard of measurement of position 2012 (No. 1)* (Cwlth) as in force immediately before its repeal by the

[s 54]

National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017 (Cwlth).

Editor's notes—

- 1 GDA94 was originally notified in the Commonwealth Government Gazette No. GN 35 on 6 September 1995 at page 3369.
- 2 The *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017 (Cwlth)* commenced on 14 October 2017.

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