



Surveying and Spatial Sciences Institute

ABN: 22 135 572 815

Spatial Information and Cartography · Land Surveying · Engineering and Mining Surveying · Remote Sensing and Photogrammetry · Hydrography

8 November 2019

Committee Secretary
State Development, Natural Resources and
Agricultural Industry Development Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Secretary

Thank you for the opportunity for the Surveying & Spatial Institute to respond to the Call for submissions - Natural Resources and Other Legislation (GDA2020) Amendment Bill 2019.

Please see below for our responses.

1. GDA2020 Amendments

We consider these appropriate. We also commend the drafting of this bill in that where possible it refers to a single place in the Surveying and Mapping Infrastructure Act 2014.

2. Amendments to the Land Act

We read with interest the amendments to the Land Act 1994 sect 123A, and we are at a loss to understand why the negotiators have made these commitments given that without this change they couldn't legally live up to the commitment. One can only assume it was an honest oversight of the Native Title Unit. Sections 121-123 are based on a long history of land being granted with competition unless it couldn't reasonably be used by another party (this has a number of principles at its core, keeping land productive and allocated fairly).

We suggest two amendments:

1. Section 123A (c) (i) be specific about non-exclusive of exclusive rights and omit "claims to hold". This would then be consistent with the principle of competition as once these rights have been determined to exist no other party can reasonably utilise the land. It's not wise for the state to attempt to circumvent the Native Title Act 1993 by granted land freehold without a determination over that land. Note also that "claims to hold" also circumvents the principles of section 61 in Native Title Act (Cth) in that a party can "claim to hold" inside an existing determination area or where a non-claimant application has been successful.



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2. Omit Section 123A (c) (ii). The Native Title Act (Cth) 1993 has a mechanism for dealing with this under 47B and, should this land be sort, a registered native title determination over the land should exist to confirm that competition is not appropriate. 47B is a better mechanism as it requires some sort of occupation by the claimant thus we avoid the situation of historic mistakes that end up with dwellings on state land. Would that then be equitable to be granted without competition? A house that has been continuously occupied for 100 years. Again it is not wise for the state to attempt to circumvent the Native Title Act 1993 by granted land freehold without a determination over that land.

3. General notes on Unallocated State Land (USL)

Remember that most USL has not been surveyed, areas can vary considerably when the freehold survey is completed any ILUA based on USL should make note of this. Also it is impossible without survey to determine where structures or improvements exist on this land, there are many provisions in the Property Law Act that deal with these historic mistakes, this need also some consideration.

Should you have any queries, don't hesitate to contact me.

Yours sincerely

Dale Atkinson

Queensland Land Surveying Commission Chair

SSSI