




Speech By
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MEMBER FOR BURDEKIN

Record of Proceedings, 20 February 2020

NATURAL RESOURCES AND OTHER LEGISLATION (GDA2020) AMENDMENT BILL

 **Mr LAST** (Burdekin—LNP) (5.03 pm): I rise to contribute to the debate on the Natural Resources and Other Legislation (GDA2020) Amendment Bill 2019 on behalf of the LNP. From the outset I want to clarify that the LNP will not opposing this bill as it includes many sensible, pragmatic and run-of-the-mill amendments that are needed to ensure our state continues to tick over and operate. I note too that the State Development, Natural Resources and Agricultural Industry Development Committee only had one recommendation, and that was for the bill to be passed. In saying that, I will work through the details of the bill and highlight a number of stakeholders' concerns with particular aspects that I would ask the minister to address.

With regard to the GDA2020, one of the primary focuses of the bill is to implement the new national standard of measurement of position, Geocentric Datum Australia 2020, for the future collection and provision of location data. The Australian government adopted GDA2020 as the standard for measurement of position by making a determination under the Australian government's National Measurement Act 1960 in 2017. ANZLIC agreed that all Australian jurisdictions would adopt GDA2020 by 30 June this year.

This bill includes legislative amendments required in Queensland to support the adoption of GDA2020. In Australia, coordinates for features on our maps—for example, roads and buildings—most commonly use the Geocentric Datum Australia 1994, GDA1994. GDA1994 is 'static', meaning that coordinates for features are fixed in relation to Australia's continental plate and do not change over time. In contrast, global satellite positioning system coordinates for features on the earth's surface will change over time, as these systems take into account the movement of tectonic plates.

By 2020, Australia will have moved about 1.8 metres in a north-easterly direction since the adoption of GDA94. I just want to acknowledge how good it is to see Queensland making a firm jump to the right! In all seriousness though, with increased use of devices that provide precise satellite positioning for smartphones, people will notice discrepancies between a satellite position and GDA94 mapped features.

With the adoption of GDA2020, there will be better alignment between Australia's national datum and satellite positioning measurements. While position information has always been important for the mapping and surveying community, its importance to our technologically advanced community is increasing. Examples of where position is important include automated vehicles, remote controlled industrial equipment—for example, in the mining or agricultural sectors—and drone technology. All Australian jurisdictions have been collaborating since 2015 to define and implement GDA2020. I can certainly attest to the importance of GPS systems on agricultural machinery. When you are talking about sugarcane farming, for example, distances as small as 10 centimetres or 20 centimetres can make a big difference. It is important that we get this technology right.

The bill makes necessary legislative amendments to support the adoption of GDA2020 in Queensland by the implementation date. The bill amends the Geothermal Energy Act 2010, the Gold Coast Waterways Authority Act 2012, the Greenhouse Gas Storage Act 2009, the Land Act 1994, the

Mineral Resources Act 1989, the Minerals and Energy Resources (Common Provisions) Act 2014, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the Survey and Mapping Infrastructure Regulation 2014 and the Transport Infrastructure Act 1994.

By making these amendments Queensland ensures it clarifies the historical datum for position references or upgrade position references to GDA2020, where appropriate, as well as ensuring that Queensland legislation is responsive to national measurement standards as they evolve or new ones are adopted. All these amendments associated with introducing GDA2020 are uncontroversial and are welcomed and supported.

Another aspect of the proposed bill is to improve the effectiveness of processes for renewing term leases, land title registration, making model by-laws for trust land and conducting ballots for interests in state land. Under the current provisions in the Land Act, renewal of a term lease is contingent on the lessee lodging an application. I note that the bill will amend the Land Act to enable the chief executive to make an offer of a new lease prior to the lessee lodging an application. The bill also seeks to fix issues associated with granting freehold land under an Indigenous land use agreement.

The Queensland government regularly enters into Indigenous land use agreements under the Native Title Act 1993 where the grant of land to First Nation peoples is a key component of the agreement. This can be readily achieved where native title has not been extinguished, as the native title holders meet the priority criteria for granting land without competition under the Land Act. This is not the case where native title has been extinguished and can prevent the terms of the Indigenous land use agreement from being met, frustrating the aspirations of First Nation peoples and other parties to the agreement.

To avoid lengthy and costly processes, the bill provides for the grant of land, without competition, to the people who would have otherwise held native title but for historical extinguishment of their native title. The Land Act currently provides that the Governor in Council may by regulation make model by-laws for trust land. The model by-laws are optional to adopt. The process for making and publishing by-laws is both time consuming, outdated and cumbersome, particularly when compared to the process for making and publishing model local laws under the Local Government Act 2009.

The bill amends the Land Act to allow the minister to make the model by-laws and to permit their publication on a Queensland government website. Under the Land Act, interest in state land may be made available with or without competition. Where interests in land are to be made available by competition, the Land Act provides that the processes which may be used are auction, tender or ballot. The current ballot process prescribed in regulation is certainly outdated.

This bill replaces the current head of power for conducting ballots with new provisions that provide the chief executive with the power and flexibility to adopt an appropriate, modern, competitive process. That is certainly long overdue in this state. The new provision specifies the matters the chief executive must take into account when determining the ballot process to be followed. The bill also addresses land titling and minor consequential amendments.

The amendments to the Land Titles Act and corresponding provisions of the Land Act will assist in digital processing. The bill included minor consequential amendments to the South Bank Corporation Act to certificates of title that will be amended to align with March 2019 amendments to the Land Title Act made by the Land, Explosives and Other Legislation Amendment Act 2019.

This bill also addresses issues associated with Cape York Peninsula region maps through amendments. The Department of Environment and Science and DNRME jointly administer the Cape York Heritage Peninsula Heritage Act 2007. This act enables the identification of the significant natural and cultural values of Cape York Peninsula and its cooperative and ecologically sustainable management. The boundary of the Cape York Peninsula region is identified in a map referenced in section 7 of the Cape York Peninsula Heritage Act, and the map is published on the DNRME website. The Cape York Peninsula region map was last updated in 2013 to include lands in the suite of 2007 Eastern Kuku Yalanji Indigenous land use agreements, including the iconic Daintree National Park.

Under the Nature Conservation Act 1992, national parks and state land in the Cape York Peninsula region, including that identified under the Cape York Peninsula Heritage Act, can be transferred to Aboriginal ownership. Parts of the national parks and state land may also be converted to national parks which are jointly managed national parks in that area.

The bill amends the Cape York Peninsula Heritage Act to update the boundary of the Cape York Peninsula region to include additional land parcels. These additional land parcels are: four land parcels added to the Daintree National Park since 2007; two parcels of unallocated state land; and a road parcel adjacent to the park. The three parcels of state land were identified through a statewide land allocation program. The amendment ensures that the additional land is able to be transferred to Aboriginal ownership and parts of the land dedicated as national park area, providing that the Cape York Peninsula

protected area estate is managed uniformly by the Eastern Kuku Yalanji people and the department of environment. The amendment supports negotiations underway with the Eastern Kuku Yalanji people, represented by the Jabalbina Yalanji Aboriginal Corporation, about the transfer of land to Aboriginal ownership in the Cape York Peninsula region.

While there were not a large number of submissions, those that were received were of note. The submission from the Surveying and Spatial Sciences Institute approved of the GDA2020 amendments but raised issues and recommended amendments to the Land Act. They expressed concern that the state government may have already committed to grants of unallocated state land under an ILUA in the way that would be allowed under the proposed new section 123A amending the Land Act. While DNRME advised that the state government has not committed any freehold grants of unallocated state land without competition under an ILUA, I request that the minister address these particular concerns in his reply.

The Queensland Law Society's submission overall was supportive of the bill; however, there is one item of note. Their submission states—

However, we have some concern with proposed section 123A(3)(b) where 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'.

The QLS is concerned that this potentially impacted on the right to negotiate and submitted that any additional process for the grant of land should be carefully considered to avoid any risk of unfairness to traditional owner groups in negotiated settlements. In its response DNRME clarified that the right to negotiate will be maintained through the Indigenous land use process where the parties are expected to document their agreement to the consideration payable for the grant of the freehold. Proposed section 123A(3)(b) in the Land Act is provided to ensure that there is a default fallback position should the parties not decide to document their agreement to the consideration payable in the agreement. If the minister could respond to the QLS's concerns when summing-up, that would be beneficial to the House.

As I said at the beginning of my contribution, the LNP will not oppose this bill, which is both practical and sensible having regard to the changes proposed.