

Western Australia

Acts Amendment (Australian Datum) Act 2000

As at 28 Nov 2000

No. 54 of 2000

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Acts Amendment (Australian Datum) Act 2000

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Western Australia

**Acts Amendment (Australian Datum)
Act 2000**

No. 54 of 2000

An Act to amend various Acts to enable regulations to be made under those Acts to prescribe a datum or datums by reference to which the position on the surface of the Earth of a point, line or area may be determined.

[Assented to 28 November 2000]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Acts Amendment (Australian Datum) Act 2000*.

2. Commencement

- (1) This Act comes into operation on a day fixed by proclamation.
- (2) Different days may be fixed under subsection (1) for different provisions.

3. *Fish Resources Management Act 1994* amended

- (1) The amendments in this section are to the *Fish Resources Management Act 1994**.

[* *Act No. 53 of 1994*.

For subsequent amendments see 1998 Index to Legislation of Western Australia, Table 1, pp. 95-6.]

- (2) Section 216(1) is amended by deleting “Australian Geodetic Datum.” and inserting instead —
“ prescribed Australian datum. ”.
- (3) Section 216(2) is repealed and the following subsections are inserted instead —

“

- (2) Regulations that prescribe a datum for the purposes referred to in subsection (1), or amend that datum or prescribe another datum to replace that datum, may make any transitional or savings provisions that are necessary or convenient to be made —
 - (a) in relation to authorisations, aquaculture leases or exclusive licences granted before the regulations take effect;

- (b) in relation to applications for authorisations, aquaculture leases or exclusive licences pending when the regulations take effect;
 - (c) in relation to management plans, orders, notices or other instruments made under this Act and in force when the regulations take effect; or
 - (d) for any other purpose.
- (3) Regulations referred to in subsection (2) may modify or otherwise affect the operation of this Act.

”.

4. *Land Administration Act 1997* amended

Before section 6 of the *Land Administration Act 1997** the following section is inserted —

“

5A. Position on the Earth’s surface

- (1) If for the purposes of this Act it is necessary to determine the position on the surface of the Earth of a point, line or area, that position is to be determined by reference to the prescribed Australian datum.
- (2) Regulations that prescribe a datum for the purposes referred to in subsection (1), or amend that datum or prescribe another datum to replace that datum, may make any transitional or savings provisions that are necessary or convenient to be made.

- (3) Regulations referred to in subsection (2) may modify or otherwise affect the operation of this Act.

”.

[* Act No. 30 of 1997.

For subsequent amendments see 1998 Index to Legislation of Western Australia, Table 1, p. 136, and Acts Nos. 26 and 60 of 1999.]

5. Mining Act 1978 amended

- (1) This section amends the *Mining Act 1978**.

[* Reprinted as at 26 July 1999.

For subsequent amendments see Acts Nos. 42 and 60 of 1999.]

- (2) The following section is inserted at the end of Part I —

“

9B. Position on the Earth’s surface

- (1) Where for the purposes of this Act, or the regulations made for the purposes of this Act, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position is to be determined by reference to the prescribed Australian datum.
- (2) Regulations that prescribe a datum for the purposes referred to in subsection (1), or amend that datum or prescribe another datum to replace that datum, may make any transitional or savings provisions that are necessary or convenient to be made —
- (a) in relation to mining tenements granted or acquired before the regulations take effect;

- (b) in relation to applications for mining tenements pending when the regulations take effect; or
 - (c) for any other purpose.
- (3) Regulations referred to in subsection (2) may modify or otherwise affect the operation of this Act.

”.

- (3) Section 56B is repealed.

6. *Pearling Act 1990* amended

- (1) The amendments in this section are to the *Pearling Act 1990**.

[* *Act No. 88 of 1990.*

For subsequent amendments see 1998 Index to Legislation of Western Australia, Table 1, pp. 185-6.]

- (2) Section 4(1) is amended by deleting “Australian Geodetic Datum.” and inserting instead —

“ prescribed Australian datum. ”.

- (3) Section 4(2) is repealed and the following subsections are inserted instead —

“

- (2) Regulations that prescribe a datum for the purposes referred to in subsection (1), or amend that datum or prescribe another datum to replace that datum, may make any transitional or savings provisions that are necessary or convenient to be made —
- (a) in relation to farm leases, licences or permits issued before the regulations take effect;
 - (b) in relation to applications for farm leases, licences or permits pending when the regulations take effect; or

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- (c) for any other purpose.
- (3) Regulations referred to in subsection (2) may modify or otherwise affect the operation of this Act.

”.

7. *Petroleum Act 1967* amended

- (1) The amendments in this section are to the *Petroleum Act 1967**.
[* Reprinted as at 14 January 2000.]

- (2) Section 8 is repealed and the following section is inserted instead —

“

8. **Position on the Earth’s surface**

- (1) Where, for the purposes of this Act or the regulations, or for the purposes of an instrument under this Act or the regulations, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position is to be determined by reference to the prescribed Australian datum.
- (2) A datum may be prescribed for all or some of the purposes referred to in subsection (1), and different datums may be prescribed for different purposes.
- (3) Regulations that prescribe a datum for a purpose referred to in subsection (1), or amend that datum or prescribe another datum to replace that datum, may make any transitional or savings provisions that are necessary or convenient to be made —
 - (a) in relation to permits, drilling reservations, leases, licences, special prospecting authorities or access authorities granted before the regulations take effect;

- (b) in relation to applications for permits, drilling reservations, leases, licences, special prospecting authorities or access authorities pending when the regulations take effect; or
 - (c) for any other purpose.
- (4) Regulations referred to in subsection (3) may modify or otherwise affect the operation of this Act.
- ”.
- (3) After section 27(3) the following subsection is inserted —
- “
- (4) Without limiting subsection (2) of section 8, a datum is to be prescribed by regulations referred to in that section for the purposes of the determination of the position on the surface of the Earth of a graticular section or a block (including a block constituted as provided by section 135).
- ”.

8. *Petroleum (Submerged Lands) Act 1982 amended*

- (1) The amendments in this section are to the *Petroleum (Submerged Lands) Act 1982**.
- [* Reprinted as at 6 August 1999.]
- (2) Section 10 is repealed and the following section is inserted instead —

“

10. Position on the Earth’s surface

- (1) Where, for the purposes of this Act or the regulations, or for the purposes of an instrument under this Act or the regulations, it is necessary to determine the position on the surface of the Earth of a point, line or area, that

position is to be determined by reference to the prescribed Australian datum.

- (2) A datum may be prescribed for all or some of the purposes referred to in subsection (1), and different datums may be prescribed for different purposes.
- (3) Regulations that prescribe a datum for a purpose referred to in subsection (1), or amend that datum or prescribe another datum to replace that datum, may make any transitional or savings provisions that are necessary or convenient to be made —
 - (a) in relation to permits, leases, licences, pipeline licences, special prospecting authorities or access authorities granted before the regulations take effect;
 - (b) in relation to applications for permits, leases, licences, pipeline licences, special prospecting authorities or access authorities pending when the regulations take effect; or
 - (c) for any other purpose.
- (4) Regulations referred to in subsection (3) may modify or otherwise affect the operation of this Act.
- (5) Without limiting subsection (2), a datum is to be prescribed by regulations referred to in this section for the purposes of the determination of the position on the surface of the Earth of the boundary of the area described in Schedule 2.

”.

(3) After section 17(3) the following subsection is inserted —

“

(4) Without limiting subsection (2) of section 10, a datum is to be prescribed by regulations referred to in that section for the purposes of the determination of the position on the surface of the Earth of a graticular section or a block.

”.

(4) Schedule 2 is amended after the heading by inserting —

“

(Regulations referred to in section 10(5) prescribe a datum for the purposes of this Schedule)

”.

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