



Queensland

Aboriginal Land Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 20

made under the

Aboriginal Land Act 1991

General outline

Short title

Aboriginal Land Amendment Regulation (No. 1) 2013.

Authorising law

The regulation amends the *Aboriginal Land Regulation 2011* to declare areas of available State land as transferable land.

Section 10(1)(e) of the *Aboriginal Land Act 1991* (the Act) provides for available State land to be declared by regulation to be transferable land.

Policy objectives and the reasons for them

The regulation amends the *Aboriginal Land Regulation 2011* to declare areas of available State land as transferable land.

The regulation of the available State land as transferable land will allow for the eventual grant of freehold title to Aboriginal people under the Act.

Mission Beach

On 22 August 2011 the Djiru People Tenure Resolution Indigenous Land Use Agreement (ILUA), to which the State is party, was registered with the National Native Title Tribunal. The ILUA provides amongst other things, for the transfer of a number of land parcels under the Act. Of those parcels of land, Lot 199 on SP252222 and Lots 341 and 646 on SP252229 are dealt with in the regulation.

The parcels of land are located in the vicinity of Mission Beach approximately 200 kilometres south of Cairns and have a total area of 63.925 hectares.

Western Cape Communities Co-Existence Agreement (WCCCA)

On 24 August 2001 the WCCCA ILUA, to which the State is party, was registered with the National Native Title Tribunal. The ILUA provides amongst other things, for the transfer of a number land parcels under the Act. Of those parcels of land, Lot 623 on SP241402 and Lot 624 on SP241403 are dealt with in the regulation.

The parcels of land are situated on Western Cape York Peninsula and have a total area of 2062.3 hectares.

Achievement of policy objectives

The subordinate legislation will achieve its objective by the regulation of the subject land as transferable land to allow for the grant of freehold title to the Aboriginal people under the Act.

Consistency with policy objectives of authorising law

The regulation is consistent with the policy objectives of the Act, which provides for the grant of land as Aboriginal land.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation. The regulation will enable the subsequent transfer of land to Aboriginal freehold land under the Act and the *Land Act 1994*.

Benefits and costs of implementation

The benefit of the regulation is that it will allow for the grant of land as Aboriginal land. Implementing the regulation will have negligible costs.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles. It complies with relevant requirements of section 4(5) of the *Legislative Standards Act 1992*, namely it:

- (a) is within the power that, under an Act or subordinate legislation (the authorising law), allows the subordinate legislation to be made; and
- (b) is consistent with the policy objectives of the authorising law; and
- (c) contains only matter appropriate to subordinate legislation; and
- (d) amends statutory instruments only.

Consultation

Through the Mission Beach ILUA and WCCCA ILUA negotiations, the Government consulted extensively with the traditional owner groups, State and local government agencies and other relevant stakeholders in relation to the regulation and the subsequent actions. All parties support the proposed actions.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Natural Resources and Mines.