

Aboriginal Land Amendment Regulation (No.1) 2016

Explanatory notes for SL 2016 No. 45

made under the

Aboriginal Land Act 1991

General Outline

Short title

Aboriginal Land Amendment Regulation (No. 1) 2016.

Authorising law

Sections 10(1)(e) and 294(1) of the *Aboriginal Land Act 1991* (the Act).

Policy objectives and the reasons for them

The *Aboriginal Land Amendment Regulation (No. 1) 2016* amends the *Aboriginal Land Regulation 2011* to declare areas of available State land as transferable land.

The subject land is described as Lot 4 on SP104582 and Lot 66 on SP266612, referred to as Munburra mining lease lands. The land is located on Cape York Peninsula, approximately 80 kilometres north-north-west of Cooktown, and has an area of 5.1561 hectares.

The land was acquired by the Queensland Government for inclusion in the Cape York Peninsula Tenure Resolution Program, which returns ownership of land to Aboriginal Traditional Owners and ensures that outstanding environmental values are protected in national parks and nature refuges.

The land was previously part of Munburra Resources Reserve which transferred to the Juunjuwarra Aboriginal Corporation Land Trust on 16 March 2011 exclusive of the remaining mining areas.

The Government has negotiated with the relevant Aboriginal people for the grant of the land as Aboriginal land under the Act over Lot 4 on SP104582 and Lot 66 on SP266612. The Amendment Regulation will allow for transfer of the lots as Aboriginal freehold land.

Achievement of policy objectives

The Amendment Regulation will achieve its objective by the declaration of the subject land as transferable land, which will allow for the grant of inalienable freehold to Aboriginal people under the Act.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Act, which provides for the grant of land as Aboriginal land. The Amendment Regulation will enable subsequent transfer of the land under the Act and the *Land Act 1994*.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

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

Consistency with fundamental legislative principles

The Amendment 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

The Government consulted extensively with the Aboriginal people particularly concerned with the land, Cape York Land Council and Balkanu Cape York Development Corporation in relation to the regulation and the subsequent actions proposed under the Cape York Peninsula Tenure Resolution Program. The Government also consulted other stakeholders including Cook Shire Council. The parties consulted raised no objection to the dealing with the land under the Act.