

Aboriginal Land (Bromley) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 51

made under the

Aboriginal Land Act 1991

General Outline

Short title

Aboriginal Land (Bromley) Amendment Regulation 2017.

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 (Bromley) Amendment Regulation 2017* (Amendment Regulation) amends the *Aboriginal Land Regulation 2011* to declare an area of available State land as transferable land.

The subject lands proposed for transfer as Aboriginal freehold land are described as lot 152 – 154 on SP288864 and referred to as the Bromley State land dealing. The dealing covers a total area of 160,730 hectares and is situated approximately 600 kilometres north of Cairns and 30 kilometres north of Lockhart River.

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

The proposed outcomes is for 160,730 hectares to become Aboriginal freehold land and 51,030 hectares of the property to be dedicated as Bromley (Ampulin) National Park (Cape York Peninsula Aboriginal land) and Bromley (Kungkaychi) National Park (Cape York Peninsula Aboriginal land).

The State has been negotiating with the Bromley Traditional Owners Negotiating Committee since November 2014 and they have nominated the Bromley Aboriginal Corporation RNTBC ICN 8374 to be grantees of the 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.

Queensland Treasury was also consulted.

All parties consulted raised no objection to the dealing with the land under the Act.