

Aboriginal Land (Girramay and Wullli Wullli) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 68

made under the

Aboriginal Land Act 1991

General Outline

Short title

Aboriginal Land (Girramay and Wullli Wullli) Amendment Regulation 2019

Authorising law

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

Policy objectives and the reasons for them

The *Aboriginal Land (Girramay and Wullli Wullli) Amendment Regulation 2019* 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 inalienable freehold title to Aboriginal people under the *Aboriginal Land Act 1991*.

Girramay Unallocated State Land

The parcels proposed for regulation are outcomes of an Indigenous Land Use Agreement registered with the National Native Title Tribunal on 8 January 2019, to which the State is a party.

The parcels, described as Lots 3 and 4 on C10412 are located in Ellerbeck, approximately 4 kilometres west of Cardwell and have a total area of 8.094 hectares.

Wulli Wulli Unallocated State Land

The parcels proposed for regulation are outcomes of an Indigenous Land Use Agreement registered with the National Native Title Tribunal on 18 May 2018, to which the State is a party.

The parcels, described as Lots 279 and 542 on SP295927 are located in Theodore, approximately 222 kilometres south of Rockhampton, and have a total area of 20.649 hectares.

Achievement of policy objectives

The *Aboriginal Land (Girramay and Wulli Wulli) Amendment Regulation 2019* will achieve its objective by the declaration of the subject land as transferable land, which will allow for the grant of inalienable freehold title to Aboriginal people under the *Aboriginal Land Act 1991*.

Consistency with policy objectives of authorising law

The *Aboriginal Land (Girramay and Wulli Wulli) Amendment Regulation 2019* is consistent with the policy objectives of the *Aboriginal Land Act 1991*, which provide for the grant of land as Aboriginal land.

Inconsistency with policy objectives of other legislation

The *Aboriginal Land (Girramay and Wulli Wulli) Amendment Regulation 2019* is consistent with the policy objectives of other legislation. The *Aboriginal Land (Girramay and Wulli Wulli) Amendment Regulation 2019* will enable the subsequent transfer of land as Aboriginal land under the *Aboriginal Land Act 1991* and the *Land Act 1994*.

Benefits and costs of implementation

The benefit of the *Aboriginal Land (Girramay and Wulli Wulli) Amendment Regulation 2019* is that it will allow for the grant of land as Aboriginal land. Implementing the *Aboriginal Land (Girramay and Wulli Wulli) Amendment Regulation 2019* will have negligible costs.

Consistency with fundamental legislative principles

The *Aboriginal Land (Girramay and Wulli Wulli) Amendment Regulation 2019* 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

In respect to the identification of the parcels proposed for regulation as transferable land for possible dealing with under the Indigenous Land Use Agreements, the Department of Natural Resources, Mines and Energy consulted with stakeholders including traditional owners, Indigenous Corporations, a non-Indigenous Corporation, and local authorities.

This was in relation to, amongst other matters, the most appropriate use and tenure for the parcels in consideration that they might be made transferable land and transferred to Aboriginal people under the *Aboriginal Land Act 1991*; if, taking into consideration their most appropriate use and tenure, are the parcels appropriate for making transferable land; the proposed regulation process to make the parcels transferable land; and the subsequent actions and approvals required for the Department of Natural Resources, Mines and Energy and the Minister to transfer the parcels should they be declared transferable land.

In determining if the parcels were appropriate for regulation as transferable land, any submissions received by the Department of Natural Resources, Mines and Energy were considered as a part of land evaluation processes undertaken by the Department of Natural Resources, Mines and Energy to determine their most appropriate use and tenure.

All parties to the Indigenous Land Use Agreements accept the legislative processes required to declare the parcels transferable land and to transfer that land under the *Aboriginal Land Act 1991*.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Natural Resources, Mines and Energy applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (g) - Regulatory proposals that are of a machinery nature).