



Queensland

# Aboriginal Land Amendment Regulation (No. 1) 2012

## Explanatory Notes for SL 2012 No. 66

made under the

*Aboriginal Land Act 1991*

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## General outline

### Short title

*Aboriginal Land Amendment Regulation (No. 1) 2012.*

### Authorising law

The Aboriginal Land Amendment 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* (Act) provides for available State land to be declared by regulation to be transferable land.

### Policy objectives and the reasons for them

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

In April 1995 the “South Mission Beach State Land Strategy” was released for the future management and administration of State lands in the South Mission Beach area. The strategy included a proposal to transfer three

parcels of unallocated State land, described as Lot 38 on SP247304, Lot 2 on SP247308 and Lot 634 on SP247307.

The parcels of land are located in and around Mission Beach approximately 200 kilometres south of Cairns. They contain areas of 27.93, 28.86 and 10.7534 hectares, respectively.

The former Department of Environment and Resource Management (the department) carried out an evaluation of the land under section 16 of the *Land Act 1994*. The report recommended the subject lots be granted as Aboriginal freehold and subject to arrangements to protect environmental values through a conservation agreement under the Nature Conservation Act 1992. All relevant parties agreed that an agreement could be put into place.

On 29 April 2010 an Indigenous Land Use Agreement (ILUA) between the Djiru people, the Djiru Warrangburra Aboriginal Corporation and the State was registered. The ILUA provided for the transfer of the subject lots under the ALA to the Djiru Warrangburra Aboriginal Corporation RNTBC. 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.

### **Achievement of policy objectives**

The Subordinate legislation will achieve its objective by the regulation of the subject parcels of land as transferable to allow for the grant of freehold to the Aboriginal people particularly concerned with the land under the Act.

### **Consistency with policy objectives of authorising law**

The regulation is consistent with the policy objectives of the *Aboriginal Land Act 1991*, which provides for the grant of land as Aboriginal land.

### **Inconsistency with policy objectives of other legislation**

There are no inconsistencies with policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefits of the regulation are 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**

The Government consulted extensively with State government agencies and surrounding land owners in relation to the regulation and the subsequent actions. All parties support the proposed actions provided the environmental values of the lands were protected. It is proposed this will occur through a conservation agreement under the *Nature Conservation Act 1992* upon transfer.

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### ENDNOTES

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