



Queensland

Aboriginal Land Amendment Regulation (No. 2) 2012

Explanatory Notes for SL 2012 No. 67

made under the

Aboriginal Land Act 1991

General outline

Short title

Aboriginal Land Amendment Regulation (No. 2) 2012.

Authorising law

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

On 4 May 2010, Mr Lew Opie, on behalf of the Gladstone Goorie Centre Indigenous Inc., lodged an expression of interest in terms of the Act over former Lot 1 on SP225788.

In October 2010, 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 Lot 1 be granted as Aboriginal freehold. Lot 1 was formerly a Reserve for Recreation purposes which has since been revoked and resurveyed as Lot 1 on SP245945. The parcel is currently unallocated State land, has an area of 3.297 hectares of land is located approximately four kilometres south west of Gladstone. In accordance with Part 3 of the Act, Aboriginal people may formally express an interest in having particular land to be made 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.

Achievement of policy objectives

The Subordinate legislation will achieve its objective by the regulation of the subject 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 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 subsequent transfer to Aboriginal freehold land under the Act and the *Land Act 1994*.

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 Local, State and Federal Government, Indigenous Groups being the North Queensland Land Council and the Qld South Native Title Services, Community Group and surrounding Property Owners 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.