



Queensland

Aboriginal Land Amendment Regulation (No. 4) 2012

Explanatory Notes for SL 2012 No. 233

made under the
Aboriginal Land Act 1991

General outline

Short title

Aboriginal Land Amendment Regulation (No. 4) 2012.

Authorising law

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

Policy objectives and the reasons for them

The regulation 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 freehold title to Aboriginal people under the Act.

Horn Island

On 9 October 2000, the State entered into an Indigenous Land Use Agreement (ILUA), which provided, amongst other things, for the transfer of six parcels of unallocated State land on Horn Island located in the Torres Strait, to the Kaurareg People under the Act.

To date, four parcels have been transferred with two parcels remaining to be dealt with. One of these remaining parcels, described as Lot 48 on SP142707, was subject to mining activity and upon rehabilitation is to be transferred under the Act as soon as practicable, in accordance with the ILUA. This parcel is now ready for transfer.

The parcel is unallocated State land and has an area of 62.81 hectares.

Girramay Land

On 24 November 2009, the State entered into an ILUA which provided amongst other things, for the transfer of the land under the Act. The ILUA has three separate stages providing for the transfer of the land under the Act, the first stage being the transfer of two parcels of land described as Lots 131 and 132 on SP218277.

The two parcels of unallocated State land are located approximately 30 kilometres north-west of the Town of Cardwell and have a total area of 2.1371 hectares.

Achievement of policy objectives

The subordinate legislation will achieve its objective by the regulation of the subject land as transferable land to allow for the grant of freehold title to the Aboriginal people under the Act.

Consistency with policy objectives of authorising law

The regulation is consistent with the policy objectives of the Act, which provide 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 the subsequent transfer of land to Aboriginal freehold land under the Act and the *Land Act 1994*.

Benefits and costs of implementation

The benefit of the regulation is 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

Through the Horn Island ILUA and the Girramay ILUA negotiations, the Government consulted extensively with traditional owner groups, State and local government agencies and other relevant stakeholders 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.