



Queensland

Aboriginal Land Amendment Regulation (No. 3) 2013

Explanatory Notes for SL 2013 No. 62

made under the

Aboriginal Land Act 1991

General outline

Short title

Aboriginal Land Amendment Regulation (No. 3) 2013.

Authorising law

The 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* (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 an area of available State land as transferable land.

The Queensland Government has made a commitment to convert existing national parks on Cape York Peninsula to "national parks (Cape York Peninsula Aboriginal land)", which are jointly managed by the Aboriginal Traditional Owners and the Queensland Government. The subject land is unallocated State Land (USL) described as Lot 37 on USL8141. It is

located at Ninian Bay and is surrounded by Cape Melville National Park, which is proposed to be converted under the Cape York Peninsula (CYP) Tenure Resolution Program to "national park (Cape York Peninsula Aboriginal land)". The park is to be jointly managed by the Aboriginal traditional owners and the Queensland Government.

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 Aboriginal freehold title to Aboriginal people 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

The regulation is consistent with the policy objectives of other legislation. The regulation will enable subsequent transfer of Aboriginal freehold land under the *Aboriginal Land Act 1991* and the *Land Act 1994* and dedication of national park (Cape York Peninsula Aboriginal land) under the *Nature Conservation Act 1992*.

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 5(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 has consulted extensively with the relevant Aboriginal people, the Cape York Land Council and Balkanu Cape York Development Corporation in relation to the regulation and the subsequent actions under the Cape York Peninsula Tenure Resolution Program. Consultation has also been undertaken with Cook Shire Council. The parties consulted have no objection to the regulation of the land as transferable.

ENDNOTES

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

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