



Queensland

Torres Strait Islander Land Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 223

made under the

Torres Strait Islander Land Act 1991

General outline

Short title

Torres Strait Islander Land Amendment Regulation (No. 1) 2013.

Authorising law

The regulation amends the *Torres Strait Islander Land Regulation 2011* to declare an area of available State land as transferable land.

Section 9(1)(c) of the *Torres Strait Islander Land Act 1991* (TSILA) 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 *Torres Strait Islander Land Regulation 2011* to declare an area 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 Torres Strait Islander people under the TSILA.

The Department of Natural Resources and Mines (the department) is currently in the process of transferring all land on Badu Island, other than road, to Torres Strait Islander ownership under the TSILA. Badu Island, located in the Torres Strait, is primarily a Torres Strait Islander deed of grant in trust which is transferable land in terms of section 9(1)(a) of the TSILA.

The parcel of land which this regulation is dealing with is the Badu Island airstrip, and it is described as Lot 9 on SP235269 and has an area of 13.77 hectares. This land's use as an airstrip benefiting the Badu Island community will not be affected by the regulation and transfer of the land under the TSILA.

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 inalienable freehold title to Torres Strait Islanders under the TSILA.

Consistency with policy objectives of authorising law

The regulation is consistent with the policy objectives of the TSILA, which provides for the grant of land as Torres Strait Islander 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 Torres Strait Islander freehold land under the TSILA 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 Torres Strait Islander 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 has consulted extensively with the Badu Island community and the Torres Strait Island Regional Council 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.