

Aboriginal Land Amendment Regulation (No. 6) 2013

Explanatory notes for SL 2013 No. 254

made under the

Aboriginal Land Act 1991

General Outline

Short title

Aboriginal Land Amendment Regulation (No. 6) 2013.

Authorising law

Section 28 of the *Aboriginal Land Act 1991* (the Act) provides that a regulation may change the boundaries of a city, and that a regulation under that section has effect only for this Act.

Section 10(1)(e) of 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 change the boundaries of a city for the purposes of this Act and to declare an area of available State land as transferable land.

The regulation to change the boundaries of a city will enable a parcel of land within that city to be available State land for the purposes of the Act, and therefore enable it to be declared by regulation as available State land that is transferable land for the purposes of the Act.

The regulation of the available State land as transferable land will allow for the eventual grant of inalienable freehold title to Aboriginal people under the Act.

On 8 December 2011, an Indigenous Land Use Agreement (ILUA) to which the State is a party to was registered with the National Native Title Tribunal. The ILUA provided amongst other things, for the transfer of an area of unallocated State land known as One Mile under the Act.

One Mile, described as Lot 9 on SP247475, is located on North Stradbroke Island (NSI) approximately 36 kilometres east of Brisbane, and has an area of 34.45 hectares.

One Mile is within a city as defined under the provisions of the Act. As land within a city, in order for it to be available State land under the Act, a regulation must be made to change the boundaries of the city for the purposes of the Act.

Achievement of policy objectives

The regulation will achieve its objectives by the declaration of the subject land as transferable land, which will allow for the grant of inalienable 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 as Aboriginal 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

In respect of the NSI ILUA, which deals with One Mile, the government consulted extensively with the traditional owners, an Indigenous Corporation and State agencies in relation to the regulation and the subsequent actions. Submissions made were considered in the development of the ILUA.

©The State of Queensland 2013