

Aboriginal Land Amendment Regulation (No. 2) 2014

Explanatory notes for SL 2014 No. 36

made under the

Aboriginal Land Act 1991

General Outline

Short title

Aboriginal Land Amendment Regulation (No. 2) 2014.

Authorising law

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 inalienable freehold title to Aboriginal people under the Act.

On 12 August 2006, the then Department of Natural Resources, Mines and Water received an Indigenous expression of interest in having particular land in Duaringa made transferable land under the Act. The land, described as Lots 131 and 139 on D1931, is located approximately 94 kilometres south-west of Rockhampton, and has a total area of 0.4046 hectares.

The Department of Natural Resources and Mines (the department) carried out an evaluation of the land under section 16 of the *Land Act 1994* (Land Act) to determine the land's most appropriate use and tenure. The evaluation recommended that the land's most appropriate use is urban and tenure is freehold, and that the lots are suitable for declaration as transferable land under the Act.

The department gave consideration of the recommendations on the most appropriate use and tenure, as it relates to the expression of interest, and approval was given that the land be made transferable land.

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 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.

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

The government consulted extensively with stakeholders and other interested parties in evaluating the most appropriate use and tenure of the land, and for the proposed regulation and the subsequent actions. Parties included State government agencies, the local authority and a local Aboriginal land holding entity.

Submissions raised no objection to dealing with the land under the Act.