

# Aboriginal Land Amendment Regulation (No. 5) 2014

Explanatory notes for SL 2014 No. 205

made under the

*Aboriginal Land Act 1991*

## General Outline

### Short title

*Aboriginal Land Amendment Regulation (No. 5) 2014*

### Authorising law

Sections 10(1)(e) and 294(1) of the *Aboriginal Land Act 1991* (the Act)

### Policy objectives and the reasons for them

The *Aboriginal Land Amendment Regulation (No. 5) 2014* amends the *Aboriginal 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 Aboriginal people under the Act.

The subject land is described as lots 4, 17, 18 and 20 on SP189951 and Lot 3 on SP189937, known as Shelburne. The land is located on Cape York Peninsula, approximately 800 kilometres north of Cairns, and has an area of 117,938.6 hectares.

This land was acquired by the Queensland Government for inclusion in the Cape York Peninsula Tenure Resolution Program, which returns ownership of land to Aboriginal Traditional Owners and ensures that outstanding environmental values are protected in national parks and nature refuges.

The Government has negotiated with the relevant Aboriginal people for the grant of the land as Aboriginal land under the Act and subsequent declaration of a national park (Cape York Peninsula Aboriginal land) (CYPAL) over lots 17 and 20 on SP189951. The park is to be jointly managed by the Aboriginal Traditional Owners and the Queensland Government. The Amendment Regulation will allow for these tenure outcomes.

## **Achievement of policy objectives**

The Amendment Regulation will achieve its objective by the declaration of the subject land as transferable land, which will allow for the grant of inalienable freehold to Aboriginal people under the Act.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the policy objectives of the Act. The Amendment Regulation will enable subsequent transfer of the land under the Act and the *Land Act 1994*. This will allow the subsequent dedication of national park, CYPAL, over part of the land under the *Nature Conservation Act 1992*.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefit of the Amendment Regulation is that it will allow for the grant of land as Aboriginal land. Implementing the Amendment Regulation will have negligible costs.

## **Consistency with fundamental legislative principles**

The Amendment 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 the Aboriginal people particularly concerned with the land, Cape York Land Council and Balkanu Cape York Development Corporation in relation to the Amendment Regulation and the subsequent actions proposed under the Cape York Peninsula Tenure Resolution Program. The Government also consulted other stakeholders including Cook Shire Council. The parties consulted raised no objection to the dealing with the land under the Act.