

Aboriginal Land Amendment Regulation (No. 4) 2016

Explanatory notes for SL 2016 No. 166

made under the

Aboriginal Land Act 1991

General Outline

Short title

Aboriginal Land Amendment Regulation (No. 4) 2016.

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. 4) 2016* (the Amendment Regulation) amends the *Aboriginal Land Regulation 2011* to declare areas of available State land as transferable land.

The subject lands proposed for transfer as Aboriginal freehold land are described as lot 3 and 24 on SP288847 and is referred to as the Sandstone West land dealing. The dealing covers a total area of 36 710 hectares and is situated approximately 60 kilometres north-west of Cooktown.

The 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 the outstanding environmental values are protected in national parks and nature refuges.

The proposed outcomes is for 20 220 hectares to become Aboriginal freehold land and 16 490 hectares of the property to be dedicated as Ngaynggarr National Park (Cape York Peninsula Aboriginal land).

The State has been negotiating with Sandstone West Traditional Owners Negotiating Committee since February 2014, and they have nominated the Balnggarrawarra Aboriginal Corporation ICN 8403 to be grantees of the Aboriginal freehold land.

Achievement of policy objectives

The Amendment Regulation will achieve its objective by the declaration of the subject lands 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, which provides for the grant of land as Aboriginal land. The Amendment Regulation will enable subsequent transfer of the land under the Act and the *Land Act 1994*.

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 regulation and the subsequent actions proposed under the Cape York Peninsula Tenure Resolution Program. The Government also consulted with other stakeholders including Cook Shire Council. The parties consulted raised no objection to the dealing with the land under the Act.