Aboriginal Land (Bollon USL and Eromanga USL) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 202

made under the

Aboriginal Land Act 1991

General Outline

Short title

Aboriginal Land (Bollon USL and Eromanga USL) Amendment Regulation 2017

Authorising law

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

Policy objectives and the reasons for them

The *Aboriginal Land (Bollon USL and Eromanga USL) Amendment Regulation 2017* 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 *Aboriginal Land Act 1991*.

Bollon Unallocated State Land

On 16 January 2017, an Indigenous Land Use Agreement to which the State is a party, was registered with the National Native Title Tribunal. The Indigenous Land Use Agreement provides for, amongst other things, that a parcel of unallocated State land be transferred as inalienable freehold under the *Aboriginal Land Act 1991*.

The parcel, described as Lot 37 on SP260565, is located approximately 107 kilometres west of St George, and has an area of 2.605 hectares.

Eromanga Unallocated State Land

On 22 March 2017, an Indigenous Land Use Agreement to which the State is a party, was registered with the National Native Title Tribunal. The Indigenous Land Use Agreement provides for, amongst other things, that a parcel of unallocated State land be transferred as inalienable freehold under the *Aboriginal Land Act 1991*.

The parcel, described as Lot 10 on SP260562, is located near the town of Eromanga, approximately 300 kilometres west of Charleville, and has an area of 156.4 hectares.

Achievement of policy objectives

The *Aboriginal Land (Bollon USL and Eromanga USL) Amendment Regulation 2017* will achieve its objective 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 *Aboriginal Land Act 1991*.

Consistency with policy objectives of authorising law

The *Aboriginal Land (Bollon USL and Eromanga USL) Amendment Regulation 2017* is consistent with the policy objectives of the *Aboriginal Land Act 1991*, which provide for the grant of land as Aboriginal land.

Inconsistency with policy objectives of other legislation

The *Aboriginal Land (Bollon USL and Eromanga USL) Amendment Regulation 2017* is consistent with the policy objectives of other legislation. The *Aboriginal Land (Bollon USL and Eromanga USL) Amendment Regulation 2017* will enable the subsequent transfer of land as Aboriginal land under the *Aboriginal Land Act 1991* and the *Land Act 1994*.

Benefits and costs of implementation

The benefit of the *Aboriginal Land (Bollon USL and Eromanga USL) Amendment Regulation 2017* is that it will allow for the grant of land as Aboriginal land. Implementing the *Aboriginal Land (Bollon USL and Eromanga USL) Amendment Regulation 2017* will have negligible costs.

Consistency with fundamental legislative principles

The *Aboriginal Land (Bollon USL and Eromanga USL) Amendment Regulation 2017* 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 to the identification of the parcels proposed for regulation as transferable land and the Indigenous Land Use Agreements, the Department of Natural Resources and Mines consulted with stakeholders, including traditional owners, Indigenous Corporations and State agencies. This was in relation to, amongst other matters, the most appropriate use and tenure for the parcels in consideration that they might be made transferable land and transferred to Aboriginal people under the *Aboriginal Land Act 1991* as part of the Indigenous Land Use Agreement negotiations; if, taking into consideration their most appropriate use and tenure, are the parcels appropriate for making transferable land; the proposed regulation process that is required to make the parcels transferable land; and the subsequent actions and approvals required for the Department of Natural Resources and Mines and the Minister to transfer the parcels should they be declared transferable land.

In determining if the parcels were appropriate for regulation as transferable land, any submissions received by the Department of Natural Resources and Mines were considered as a part of land evaluation processes undertaken by the Department of Natural Resources and Mines to determine the parcels most appropriate use and tenure. Submissions made by parties to Indigenous Land Use Agreement negotiations regarding the parcels proposed declaration as transferable land took into account the recommendation made on their most appropriate use and tenure. All parties to the Indigenous Land Use Agreements accept the legislative processes required to declare the parcels transferable land and to transfer that land under the *Aboriginal Land Act 1991*.

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Natural Resources and Mines applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (g) - Regulatory proposals that are of a machinery nature).