

Aboriginal Land (North Stradbroke Island) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 170

made under the

Aboriginal Land Act 1991

General Outline

Short title

Aboriginal Land (North Stradbroke Island) Amendment Regulation 2018.

Authorising law

Section 294(1) of the *Aboriginal Land Act 1991*.

Policy objectives and the reasons for them

The *Aboriginal Land (North Stradbroke Island) Amendment Regulation 2018* amends the *Aboriginal Land Regulation 2011* to redescribe transferable land and to redescribe areas of land identified in a change to the boundaries of a city, as is defined and provided for under the *Aboriginal Land Act 1991*.

The parcels subject the *Aboriginal Land (North Stradbroke Island) Amendment Regulation 2018* were previously, under *Aboriginal Land (North Stradbroke Island USL) Amendment Regulation 2018*, declared to be transferable land and were identified as parcels in an amendment to the boundaries of Redland city in the *Aboriginal Land (North Stradbroke Island USL) Amendment Regulation*.

The parcels described as Lot 101 on AP23230, Lot 64 on AP23224, Lot 156 on AP23225, Lot 55 on AP23226, Lot 159 on AP23227, Lot 60 on AP23219 and Lot 62 on AP23229 in the *Aboriginal Land (North Stradbroke Island USL) Amendment Regulation 2018* have now been redescribed on survey plans. The area footprints of the parcels remain the same, and their redescription on survey plans will enable their proposed grant as inalienable freehold under the *Aboriginal Land Act 1991*. Grants of inalienable freehold under the *Aboriginal Land Act 1991* are made on survey plans.

The parcels are redescribed as Lot 101 on SP303645 and Lot 11 on SP305447 (previously Lot 101 on AP23230), Lot 64 on SP304068 (previously Lot 64 on AP23224), Lot 4 on SP307583 (previously Lot 156 on AP23225), Lot 1 on SP304067 (previously Lot 55 on AP23226), Lot 159 on SP292439 (previously Lot 159 on AP23227), Lot 3 on SP304067 (previously Lot 60 on AP23219 and Lot 62 on AP23229). The parcels are located on North Stradbroke Island, approximately 44 kilometres east of Brisbane.

Achievement of policy objectives

The *Aboriginal Land (North Stradbroke Island) Amendment Regulation 2018* will achieve its objective by enabling the subject land, now redescribed on survey plans, to be identified on those survey plans in the *Aboriginal Land Regulation 2011*. With the parcels shown on survey plans it will allow for their grant as inalienable freehold title to Aboriginal people under the *Aboriginal Land Act 1991*.

Consistency with policy objectives of authorising law

The *Aboriginal Land (North Stradbroke Island) Amendment Regulation 2018* is consistent with the policy objectives of the *Aboriginal Land Act 1991*, which provides for the grant of land as Aboriginal land.

Inconsistency with policy objectives of other legislation

The *Aboriginal Land (North Stradbroke Island) Amendment Regulation 2018* is consistent with the policy objectives of other legislation. The *Aboriginal Land (North Stradbroke Island) Amendment Regulation 2018* 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 (North Stradbroke Island) Amendment Regulation 2018* is that it will allow for the grant of land as Aboriginal land. Implementing the *Aboriginal Land (North Stradbroke Island) Amendment Regulation 2018* will have negligible costs.

Consistency with fundamental legislative principles

The *Aboriginal Land (North Stradbroke Island) Amendment Regulation 2018* 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

Stakeholders including traditional owners, an Indigenous Corporation, the local authority and State agencies were made aware of the parcels' proposed redescrptions.

No submissions were received from stakeholders over the proposed redescription of the parcels.

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, Mines and Energy applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (g) - Regulatory proposals that are of a machinery nature).