

“Land in the State of New South Wales was traditionally owned and occupied by Aborigines. Land is of spiritual, social, cultural and economic importance to Aborigines and it is fitting to acknowledge the importance which land has to Aborigines and the need of Aborigines for land. It is accepted that as a result of past Government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation.”

fact sheet



New South Wales
Aboriginal Land Council
www.alc.org.au

FACT SHEET #2: How do I make a land claim?

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Who can make a claim?

A land claim can be made by a Local Aboriginal Land Council (LALC) or by the New South Wales Aboriginal Land Council (NSWALC). The claim is lodged with the Registrar of the Aboriginal Land Rights Act 1983.

Usually the CEO of the LALC will work with a small team to identify and submit claims in the local region based on any available data and mapping.

More detailed information on the procedure and protocol in making a claim can be found on the NSWALC website:

<http://www.alc.org.au/land-councils/make-a-land-claim.aspx>

LALC Membership

Individuals cannot make a land claim, however Aboriginal residents of NSW are encouraged to become members of their Local Aboriginal Land Council (LALC) to participate in decisions about LALC land.

NSWALC's role

As the umbrella statutory organisation, NSWALC is able to make land claims on behalf of the LALCs and independently too. It's often the case that NSWALC will make a secondary claim subsequent to a LALC claim for legal and strategic reasons.

The Land Rights Unit of NSWALC also assists LALCs wanting to make claims.

Point in time

Claims are processed and determined based on the 'status' of the land claimed when the claim was made.

For example, a parcel of land could be considered to have a use or essential purpose on one date, but that status could change rapidly, requiring another claim to be lodged in response.

Determinations

Once lodged, claims are then assessed by the Land and Property Management Authority (LPMA) and the ultimate determination (decision) is made by the Minister (currently Tony Kelly). The time for determination varies, but the process can take many years. NSWALC and LALCs are still awaiting determination of approximately 300 claims made over 10 years ago.

The state government recently announced increased resources in the Budget for the processing of land claims. NSWALC calls on the Government to work with NSWALC to ensure this money is used to negotiate claims in a way that results in better outcomes for the Land Council network.

Commonly held myths

Myth: NSWALC and LALCs have recently flooded the Land and Property Management Authority with claims, resulting in long delays and community frustration.

Truth: This is simply not the case. There are currently 18,000 claims yet to be determined by the Minister. These have accumulated predominantly over the last 5 years. NSWALC and the LALCs are simply doing what they were created to do, but are, in some cases, waiting two decades to get claims determined so our mob can use that land to their economic advantage. This delay is unacceptable. No private citizen would expect to wait over 2 decades to get a decision from Government so why should Aboriginal people?