

"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. It is fitting to acknowledge the importance of such land to Aborigines and the need for Aborigines for land. The Government has 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 #4: Claimable land

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How to find out what land can be claimed

NSWALC and LALCs can use a range of information to identify land that may be claimed, including the street directory, newspaper notices, the on the ground knowledge of LALC members, Parish maps and title searches. Further information about finding land that can be claimed is available on the NSWALC website:

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

The Land Rights Unit of NSWALC can also provide assistance.

Parish maps

NSWALC and LALCs use Parish maps as a starting point to identify land that might be claimed. Parish maps were drawn up at the turn of the century and have not been updated since 2007. Therefore, they are not a reliable source of information about the current status of the land.

What is title searching and how does it fit into the claims process?

Title searches may be undertaken by both NSWALC and LALCs in order to find out who the owner of land is. Title searches are the only way to know with certainty whether the land is currently Crown land.

Any person can get a title search from the Land and Property Management Authority.

Cost of title searching

Title searches currently cost \$11 per search. As this cost needs to be paid for each parcel of land searched, it can quickly become prohibitively expensive for a Land Council that needs to search many parcels.

As a result, Land Councils may decide to make a claim based on the information about the land it can get for no cost. This can result in claims unintentionally being made over privately owned land.

New push NSWALC has been pushing for free title searches for all Land Councils for quite some time. NSWALC also seeks access to any other information that would allow LALCs to make accurate claims. Our argument is that, with the costs waived, LALCs and NSWALC will be able to better identify appropriate claims and avoid making unintentionally spurious or 'bogus' claims.

This will also free up the LPMA's resources to assess land claims that are more likely to result in the transfer of land into the Network. So far this reasonable request has been refused without explanation.

Commonly held myths

Myth: Title searching is an inexpensive, relatively painless exercise for NSWALC and the LALCs.

Truth: Title searches are anything but. The cost of the title searches is one of the central stumbling blocks to ensuring that Land Councils make good land claims.

Myth: Free title searches would only flood government with more claims than they can handle, meaning an even longer wait for claim determination.

Truth: NSWALC and the LALCs are simply doing what they have been set-up to do by the NSW government, and that's to make land claims.

One of key aims of land rights legislation is to better the economic 'lot' of Aboriginal people in NSW.

If government were willing to work cooperatively and in partnership with NSWALC, frustrations at both ends would be avoided.