

"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 which land has 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 #5: What is limited title?

August 2, 2010

New South Wales has a torrens title system of land ownership. Under this system, title is absolute evidence of ownership of land. Most commonly, people hold an ordinary title which guarantees their ownership of the land and guarantees its boundaries. However, if the boundary of the land is uncertain because the land has not been surveyed, the Land and Property Management Authority will issue a limited title.

What title do LALCs get?

Until November 2009, LALCs always received an ordinary, surveyed freehold title following a successful land claim. However, in November 2009 the LPMA started issuing limited title to some LALCs, even for land that was granted many years ago but had not yet been transferred.

Cost shifting to LALCs

In short limited title means land is being returned to Aboriginal people without any completed surveying work. The limitation will not be removed from the title until the land is surveyed. This means LALCs are responsible for undertaking that work, which could cost hundreds of thousands of dollars depending on the size of the land parcel in question.

Value

Limited title limits the economic potential of land rights. Limited title undermines the value of the land granted to LALCs and could limit opportunities for commercial development of the land.

Inheriting a debt

This all equates to a debt for LALCs who have successfully claimed land but need to survey the land to remove the limitation on title

You have a choice

NSWALC believes that the State government is required by the ALRA to transfer ordinary, surveyed freehold title to LALCs and has asked the LPMA to stop transferring limited title to LALCs. NSWALC is now encouraging all LALCs who are being offered limited title by the Department, to reject them immediately and to contact the Land Rights Unit.

Commonly held myths

Myth: It will not matter if LALCs get limited title, because they only use the land for cultural purposes anyway.

Truth: While some land claimed may be culturally significant, many LALCs own land that they wish to develop commercially. Land Rights is about allowing LALCs to use their land as they choose, including for economic development.