



# NSW ABORIGINAL LAND RIGHTS ACT 2026 REVIEW

## Consultation Discussion Paper for Local Aboriginal Land Councils (LALCs)

The *Aboriginal Land Rights Act 1983* (NSW) (**ALRA**) is scheduled for its next statutory review in 2026.

This presents an important opportunity for Local Aboriginal Land Councils (**LALCs**) to identify reforms that will strengthen the Act, accelerate land return, improve governance, and support economic, cultural and community development.

This Discussion Paper is designed to gather direct feedback from the LALC network. Responses will support NSWALC in developing a strong, evidence-based position ahead of the 2026 Review.

The review is undertaken every 5 years to determine whether the policy objectives of the ALRA remain valid and whether the terms remain appropriate for securing those objectives, in accordance with section 252A of the ALRA.

A copy of the ALRA is here: [Aboriginal Land Rights Act 1983 No 42 - NSW Legislation](#)

A copy of the *Aboriginal Land Rights Regulation 2020* is here: [Aboriginal Land Rights Regulation 2020 - NSW Legislation](#)

### How to provide feedback:

LALCs may submit:

- Written responses to the below questions
- Bullet points or short comments
- Resolutions from LALC meetings
- Any supporting documents or case studies



Submissions can be provided to **NSWALC** via Email: [policy@alc.org.au](mailto:policy@alc.org.au)

This document has been prepared by the New South Wales Aboriginal Land Council (NSWALC) for Local Aboriginal Land Councils (LALCs) and provides general information only. Please note: While all care has been taken in the preparation of this document, it should not be seen as a substitute for independent consideration of the issues and/or legal advice on this subject. This document is current as of January 2026.

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## Background

The ALRA remains the primary legislative mechanism for land justice and economic empowerment for Aboriginal communities in NSW. Despite its strengths, LALCs have consistently identified barriers affecting land claims, activation, governance, and day-to-day administration.

The 2026 Review provides a critical opportunity to modernise the Act, address long-standing issues, and ensure the ALRA remains fit for purpose for future generations.

## Overview of Reform Progress

The last statutory review of the ALRA was undertaken by Aboriginal Affairs NSW in 2021 and the review recommended the following reforms be progressed in the following stages:

### Stage 1 – Completed

- Delivered through the *Aboriginal Land Rights Amendment Act 2022*.
- Focused on administrative and technical or minor operational reforms including land dealings, governance, conduct and disciplinary matters.

### Stage 2 – Outstanding

- Proposed amendments to Section 42 of the ALRA to improve options for Aboriginal Land Councils to undertake land dealings on land subject to native title. While NSWALC continues to advocate for these reforms, they have not yet been undertaken.

### Stage 3 – Outstanding

- Focus on broader reforms including:
  - *Aboriginal Culture and Heritage (ACH)*: Stronger and recognised ACH functions in the ALRA, that may be incorporated in broader ACH reforms or made specifically in relation to the functions of ALCs under the existing ACH provisions of the ALRA.
  - *Strategic Land Use Planning*: Integration of the ALRA and Aboriginal Land Councils into the NSW strategic planning system and processes to provide for better land use opportunities and long-term economic benefits.
  - *Compensation*: Stronger focus and commitment on the compensatory basis and purpose of the ALRA, specifically the return of Crown land to Aboriginal Land Councils in fair and timely ways and consideration of ongoing financial compensation contributions to sustain the ALRA in perpetuity.
  - *Compliance and Regulation*: Streamlining compliance and regulatory roles and responsibilities, including clearer separation of powers between the Registrar ALRA, NSWALC and other regulators of Aboriginal Land Councils.
  - *Social Housing*: Structural or policy setting changes to support housing construction or other home ownership opportunities for Aboriginal people in NSW on Aboriginal Land Council owned land.

Work on these reforms has not yet been commenced by the NSW Government.

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### 3. Discussion Questions

LALCs are invited to provide comments on the following questions:

#### 3.1 Priorities for the 2026 ALRA Review

1. What should be the top priorities for the 2026 Review of the ALRA from a LALC perspective?
2. From a LALC perspective, what should be the key roles for LALCs, NSWALC, the Office of the Registrar and Aboriginal Affairs NSW, particularly with respect to land activation and governance?

#### 3.2 Accelerating the Return of Land

3. What reforms to the ALRA, or broader government reforms, would best accelerate the return of land to Aboriginal Land Councils?
4. What barriers currently slow down claim assessments, land transfers or tenure resolution, and how should these be addressed?

#### 3.3 Supporting Land Activation

5. What changes to the ALRA or related legislation are needed to better support LALCs to activate land (e.g., housing, economic development, culture, heritage, environment)?

#### 3.4 Operational and Administrative Improvements

6. What operational or administrative improvements would help make day-to-day LALC operations more efficient and effective?
7. Are there outdated, unclear, or burdensome processes that should be modernised or removed?

#### 3.5 Streamlining Compliance

8. What improvements could be made to simplify or streamline compliance requirements for LALCs?
9. Which compliance obligations are most challenging or resource-intensive, and what would help resolve these issues?

#### 3.6 Governance, Capability and Support

10. What changes could strengthen governance while keeping it practical for LALCs of different sizes and contexts?
11. Should there be increased penalties for those who misappropriate LALC funds or engage in other forms of misconduct, including longer periods of suspension?
12. What targeted support, training, capacity-building or system improvements (e.g., finance, IT, governance tools) are needed to support LALC operations?

#### 3.7 Other matters

13. Are there any additional reforms, supports, or tools that would help LALCs deliver on community aspirations?

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New South Wales  
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## 5. Next Steps

Responses will be analysed to inform NSWALC's formal advocacy position for the 2026 Review. NSWALC will also provide opportunities for further engagement throughout the process, including workshops, webinars and direct briefings.

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