



FACT Sheet



CROWN LAND MANAGEMENT AMENDMENT (STATUTORY REVIEW) BILL 2026

September 2026

WHAT IS HAPPENING?

The NSW Government introduced the Crown Land Management Amendment (Statutory Review) Bill 2026 earlier this year.

The Bill included new powers that would allow the Minister for Lands and Property to retrospectively validate or vary some Crown land leases, licences and other holdings. NSWALC and Local Aboriginal Land Councils raised serious concerns about how these powers could affect undetermined Aboriginal land claims.

Following advocacy from NSWALC and the Land Rights Network, the Government paused debate on the Bill and consulted on proposed changes. Crown Lands received 23 submissions from LALCs and met with NSWALC and LALC representatives, including through regional forums.

The Government has now announced further proposed amendments and intends to resume debate on the Bill in mid-September 2026.

WHAT CHANGES HAVE BEEN MADE?

The Government has addressed or partly addressed several concerns raised by NSWALC and the Network.

Removal of the “lawful use” provision

The Government will remove the provision that could have treated the granting of a Crown land lease as a lawful use of the land under

other legislation, including the Aboriginal Land Rights Act 1983.

This was a significant concern because it could have affected whether land was claimable under the ALRA.

At least 28 days for consultation

Where land is subject to an undetermined Aboriginal land claim, the relevant LALC must be given at least 28 days to comment on a proposed validation or variation.

A longer period may be provided for complex matters.

More information for LALCs

When consulting a LALC, the Government must provide relevant information about the tenure, including:

- the purpose of the lease, licence or other holding;
- the claimed community benefit;
- the length of the tenure;
- the parties involved;
- the location of the land; and
- the area of land affected.

Some information may still be withheld where the Government considers it confidential.



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Decisions must be made by the Minister

The decision to validate or vary a Crown land tenure must be made personally by the Minister for Lands and Property.

The Minister will not be able to delegate these powers to departmental officers.

Limits on changing a validated tenure

If a tenure is retrospectively validated because it provides a community benefit, its purpose could not later be changed to a purpose that does not continue to provide the specified type of community benefit.

Variations limited to minor errors

The variation power would be limited to correcting minor errors that do not significantly increase the area, length or purpose of the tenure.

Reasons and reporting

After deciding, the Minister must notify the affected parties and provide reasons.

The Minister must also report annually on the use of the powers where the land is subject to an Aboriginal land claim.

KEY ISSUES THAT REMAIN

While these amendments provide some additional safeguards, they do not resolve NSWALC's central concern.

The Bill remains retrospective

The Bill would still allow the Minister to validate or vary a tenure from a date before the decision is made or published.

This means a lease, licence or other holding that may not have been legally valid at an earlier time could be treated as though it had been valid from that earlier date.

LALC agreement is not required

A claimant LALC must be consulted, but the LALC does not have to agree before the Minister validates or varies the tenure. Consultation is not the same as consent.

No concurrence from the Minister administering the ALRA

The Minister administering the ALRA must also be consulted and their views considered. However, that Minister does not have to agree with the decision.

NSWALC sought a requirement for the agreement, or concurrence, of the Minister administering the ALRA where an Aboriginal land claim may be affected.

No express protection against prejudicing a claim

The Minister must consider the cultural, social and economic impacts on an existing Aboriginal land claim.

However, the Bill does not expressly prevent the Minister from validating or varying a tenure where the decision may prejudice an undetermined claim.

Existing protections do not have to be considered first

The Government has not accepted NSWALC's proposal that existing planning, zoning or



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other statutory protections should be considered before using the validation powers.

NSWALC considers that retrospective validation should not be used where a community asset can be protected through existing laws or a negotiated outcome.

What about land already granted to a LALC?

The Government has stated that land already granted in freehold to a LALC will not be affected.

NSWALC's concern is about Crown land that remains subject to an undetermined Aboriginal land claim.

NSWALCs POSITION

NSWALC acknowledges that the Government has responded to several concerns raised by NSWALC and the Land Rights Network.

However, the fundamental issue has not changed: the Bill still allows Crown land tenures to be retrospectively validated.

Process safeguards such as consultation, reasons and reporting do not remove the retrospective power or provide sufficient protection for undetermined Aboriginal land claims.

NSWALC therefore cannot support the Bill and continues to call on the NSW Government to withdraw it.

NSWALC's participation in consultation has been aimed at protecting Aboriginal land rights if the Government proceeds. It should not be interpreted as NSWALC or Network support for the Bill.

NSWALC remains opposed to the Bill in its current form. Aboriginal Land Rights and the integrity of the ALRA must be protected. Progress cannot require Aboriginal people to give up rights to land.

WHAT HAPPENS NEXT

The Government has indicated that it intends to resume debate on the Bill in mid-September 2026.

NSWALC will seek and review the final Parliamentary amendments, continue advocating for the Bill to be withdrawn and keep the Land Rights Network updated.

STAY INFORMED

Updates and resources available via the NSWALC webpage: [Crown Land Management Amendment Bill - NSW Aboriginal Land Council](https://www.alc.org.au/crown-land-management-amendment-bill-nsw-aboriginal-land-council)

Direct contact can be made via policy@alc.org.au for additional information and support.