New South Wales Aboriginal Land Council

FACT Sheet

CROWN LAND MANAGEMENT AMENDMENT (STATUTORY REVIEW) BILL 2026
What the changes means for Local Aboriginal Land Councils
October 2026

CURRENT STATUS

The Crown Land Management Amendment (Statutory Review) Bill 2026 passed the NSW Parliament on 16 September 2026.

As at 23 September 2026, the Bill is awaiting assent. The new provisions will commence on a date or dates appointed by proclamation.

This means the new validation powers are not yet in operation. NSWALC will advise the Network when commencement is confirmed.

WHAT HAS CHANGED

The Bill creates a new process allowing the Minister for Lands to validate or vary certain holdings over Crown land.

A holding can include:

- a lease or licence
- a purported lease or licence that may not have been validly created
- a sublease or sublicence
- a purported subholding

Validating a holding

The Minister may declare a holding valid if satisfied that:

- validation is in the public interest
- the holding provides a community benefit
- a community activity, asset or service is provided because of the holding, or the land is used for a community purpose

Before making the decision, the Minister must consider:

- the extent of the claimed community benefit
- the impact on existing Aboriginal land claims
- any cultural, social or economic impacts on the claimant Aboriginal Land Council
- the impact on the holder of the lease, licence or other holding
- any additional matters prescribed by regulation

Correcting a minor error

The Minister may also vary a holding to correct a minor error.

The correction must not significantly increase:

- the area covered by the holding
- the duration of the holding
- the purpose of the holding

Retrospective effect

A validation or variation will be published in the NSW Government Gazette.

The notice may specify an effective date that is earlier than the date on which the notice is

published. This allows a holding to be treated as valid from an earlier date.

What does this mean for Land Claims?

A validation does not automatically determine or refuse an Aboriginal land claim.

However, it may change the legal or factual position relevant to the assessment of the claim. For example, it may affect the evidence considered when deciding whether the land was lawfully used or occupied at the date of claim.

The effect will depend on:

- the date of the land claim
- the date given to the validated holding
- the land covered by the holding
- the purpose and terms of the holding
- evidence of the actual use or occupation of the land
- the circumstances of the individual claim

LALCs should obtain advice about the potential impact on their claim as soon as they receive a notice.

What information must a LALC receive?

Before validating or varying a holding over land under claim, the Minister must give each claimant Aboriginal Land Council written notice.

The notice must include, or be accompanied by, relevant information about the proposal.

This includes:

- the purpose of the holding
- the claimed community benefit
- the term or duration of the holding
- the parties to the holding
- the location of the land
- the area covered by the holding

Some information may be withheld if the Government considers it confidential.

How long will a LALC have to respond?

Where the land is subject to an undetermined Aboriginal land claim, the Minister must provide at least 28 days for submissions.

The Minister must:

- invite the claimant LALC to make a submission
- consider any submission made within the required timeframe
- notify the LALC of the final decision
- provide reasons for the decision

The Minister for Aboriginal Affairs must also be consulted.

However, consultation does not mean concurrence. The claimant LALC and the Minister for Aboriginal Affairs do not have to agree before the Minister for Lands makes the decision.

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What should a LALC do if it receives a notice?

Act quickly and contact the NSWALC Legal immediately via legalservicesunit@alc.org.au

WHAT HAPPENS NEXT?

NSWALC will:

- advise LALCs when the legislation receives assent and commences
- monitor the development of supporting regulations
- provide further guidance on responding to consultation notices
- monitor validation and variation decisions affecting land claims
- continue advocating for transparency and stronger safeguards
- document the impact of the legislation across the Land Rights Network

LALCs are encouraged to notify NSWALC promptly if they receive correspondence about the proposed validation or variation of a Crown holding.

Further information

Contact NSWALC Strategy and Policy:

policy@alc.org.au

This fact sheet provides general information and does not constitute legal advice. The effect of the legislation will depend on the circumstances of each holding and Aboriginal land claim.