

# Crown Lands

Department of Planning and Environment



## Message from the Deputy Secretary

Hi everyone, you may have recently seen media reports about an Aboriginal land claim over a Council managed reserve near Balmoral Beach. The recent media coverage has prompted me to remind councils about the Aboriginal Land Rights Act (ALRA) and the land claims assessment process which is administered by Crown Lands.

It is also an opportunity to recirculate access to online information, resources and training that is

available for Councillors and Council staff about land rights and land claims.

The ALRA recognises that the land and waters in NSW were traditionally owned and occupied by Aboriginal persons and that over time Government decisions have dispossessed Aboriginal people from land without compensation. It recognises the land rights of Aboriginal people in NSW and implements a process to return eligible Crown land to Aboriginal ownership. A link to the ALRA is attached

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1983-042>

The ALRA creates statutory obligations on the State to assess and determine Aboriginal land claims against established and non-discretionary criteria. If land under claim is found to be claimable against the criteria set out in section 36 of the ALRA then the minister responsible for Crown lands (or delegate) must grant the claim. As part of the assessment process Crown Lands seeks information and evidence from other parties as to the use and occupation of the land as at date of the claim. If you are a Crown land manager we will write to you to seek documents and evidence to assist us to assess the claim.

This newsletter provides further information on the process for Aboriginal land claims and a link to the e-learning resource on our website which may be useful for your council. [Council Crown land managers training portal on Vimeo](#).

Nominations for the Community Achievement Awards have now closed, and it's great to see these awards gaining traction with councils. 14 nominations have been received in the NSW Government Council Crown Land Management Excellence Award category, 12 of whom are new nominees. We're looking forward to reviewing submissions and learning more about the important work that councils are doing managing Crown land.

## **Aboriginal land claims process**

Due to a number of recent enquiries, we want to remind councils about the legal process for Aboriginal land claims. The New South Wales Aboriginal Land Council (NSWALC) and/or one or more Local Aboriginal land councils can lodge an Aboriginal land claim for the transfer of ownership of Crown

land with the Registrar appointed under the *Aboriginal Land Rights Act 1983*.

The Registrar then determines whether to refer the claim to the minister responsible for Crown lands. If referred, the minister responsible for Crown lands (or delegate) must assess the claim and be satisfied that the lands are claimable (in whole or part) before granting the claim.

During the assessment of an Aboriginal land claim, the department identifies and gathers relevant information about the land from relevant agencies (including local government and infrastructure providers), land managers and tenure (lease or licence) holders. For Councils, we will request information about and evidence of the use and occupation of the subject land or if the land was needed or likely to be needed for an essential public purpose at the date of the claim. The assessment is a legal, non-discretionary process, which is completed in accordance with statutory criteria.

If land is found to be claimable against the statutory criteria, the minister (or delegate) must grant the claim and the land must be transferred in freehold to the Aboriginal land council. No other agencies or stakeholders have the power to grant or refuse a land claim, whether by vote or any other process.

Visit the [Crown Lands](#) website or contact [alc@crowmland.nsw.gov.au](mailto:alc@crowmland.nsw.gov.au) or phone (02) 6883 3396 for more information about Aboriginal land claims, including the claims process and statutory assessment criteria.



## **Native title manager training wrap-up**

Three native title manager training sessions were held between 20-30 June 2023 in Armidale, Wagga Wagga and Sydney. 73 participants attended the

training representing 48 councils. We recorded a high level of participant satisfaction in the quality of the training, increased level of knowledge about native title, and a greater understanding of the requirements of the role. If your council does not have a native title manager or you would like special consideration for the next round of training, please email [council.clm@crowland.nsw.gov.au](mailto:council.clm@crowland.nsw.gov.au) to be put on the priority list for training. The training program for 2024 and further resources are currently in development.

## **Native title manager notifications**

Council Crown land managers must advise the minister of their council's nominated native title manager(s) each year under section 8.8 of the *Crown Land Management Act 2016*. To fulfill this responsibility, please email Crown Lands at [council.clm@crowland.nsw.gov.au](mailto:council.clm@crowland.nsw.gov.au) with the name(s), email address and phone number of native title manager(s) employed or engaged by your council, before 31 October 2023.



## **Native title manager resources**

There are native title resources available to help build skills and knowledge in this area:

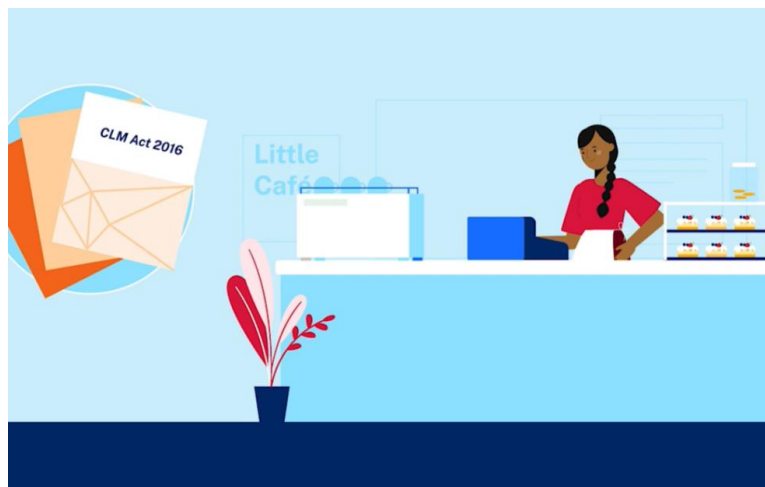
### **Native title video resources**

The council [Vimeo training portal](#) includes the following videos:

- Understanding native title
- Introduction to Aboriginal Land Claims
- Introduction to native title for Councillors
- Introduction to native title for Council Executives

## **Native title non-claimant applications**

The Department of Planning and Environment has released a [fact sheet](#) and [how-to guide](#) to assist with understanding processes for non-claimant applications. Native title non-claimant applications can allow for Crown land dealings and activities to proceed where there is no future act pathway and a native title claim or determination has not been made under the Commonwealth *Native Title Act 1993*. Visit the [council Crown land manager](#) webpage to access more resources for [native title managers](#).



## **Decision-making on Crown land video resource**

As a council Crown land manager you have a crucial role to play in the care, control and management of Crown reserves. This can include making important decisions about the current or proposed use of a reserve and permitting or authorising Crown land dealings and activities. You will need to consider a range of legislation to ensure you are acting lawfully. Crown

Lands has published a short [video](#) which provides an overview of decision-making on Crown land within the requirements of each piece of legislation.



## **Crown Lands welcomes two new team members**

Sharon Rixon has joined Crown Lands as the Manager Strategic Partnerships, from Regional Development Victoria. Sharon has worked in public sector roles in land and water management, infrastructure management, sustainability and regional economic development in NSW, Northern Territory, South Australia and Victoria.

Dan Heather has taken on the role of Manager Reserves Programs and brings a well-rounded skill set and experience from both the private and public sectors. His most recent role with the City of Coffs Harbour involved overseeing Tourism and Economic Development for the city as well as sport development and associated asset management, place management, and major event attraction and delivery.

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## **Updates to Frequently Asked Questions**

The council Crown land manager team has made updates to the [Frequently Asked Questions](#) on the [council Crown land manager](#) web page. We are in the process of developing a fact sheet on Crown reserves devolved to

councils, which will be published on the council Crown land manager web page shortly.

## Contact

Email: [council.clm@crowmland.nsw.gov.au](mailto:council.clm@crowmland.nsw.gov.au)

Further information and resources are available on the [council Crown land manager webpage](#).

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The Department of Planning and Environment acknowledges that it stands on Aboriginal land.

We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.



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