



Native Title Unit
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

By email only: native.title@ag.gov.au

Dear Sir/Madam

NSWALC Submission on Reforms to the *Native Title Act 1993 (Cth)*– Options Paper

Thank you for the opportunity to comment on the Attorney-General's Department's 'Reforms of the *Native Title Act 1993 (Cth)* Options Paper'. The New South Wales Aboriginal Land Council (**NSWALC**) makes the following submission for your consideration.

Overview

This submission will provide an overview of the role and functions of NSWALC and of the *Aboriginal Land Rights Act 1983 (NSW)* (**ALRA**) more generally. It will also provide context about the interaction of the ALRA and the *Native Title Act 1993 (Cth)* (**NTA**) from both a legal and practical perspective. Lastly, it will provide specific responses to proposals raised in the Options Paper. As a general comment, NSWALC wishes to highlight the unique nature of Land Rights in NSW and the potential for unintended consequences if amendments to the NTA are considered without reference to the implications for NSW.

NSWALC also draws the Commonwealth Government's attention to Article 27 of the United Nations Declaration on the Rights of Indigenous People, which outlines that:

"States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process."¹

NSWALC recommends principles embedded in the United Nations Declaration on the Rights of Indigenous People are central to any reforms of the NTA.

¹ UN Declaration on Rights of Indigenous People Article 27.

NSWALC

NSWALC is the peak body representing Aboriginal peoples in NSW and with over 22,000 members, is the largest Aboriginal member based organisation in Australia. Established under the ALRA, NSWALC is an independent, self-funded non-government organisation that has an elected governing Council and the objective of fostering the aspirations and improving the lives of the Aboriginal peoples of NSW.

Pursuant to the ALRA, NSWALC has the following functions amongst others:

- The acquisition, control, and management of (and other dealings in) land in accordance with the ALRA, including the claiming of Crown land;
- The protection and promotion of Aboriginal culture and heritage in NSW;
- The facilitation of business enterprises; and
- The provision of advice to the NSW Government of matters related to Aboriginal land rights.

NSWALC provides support to the network of 120 autonomous Local Aboriginal Land Councils (**LALCs**) that exist in NSW. As elected bodies, LALCs represent not only the interests of their members, but of the whole Aboriginal community.

The Aboriginal Land Rights Act

The preamble of the ALRA recognises that '*Land is of spiritual, social, cultural, and economic importance to Aboriginal peoples*'. The ALRA was enacted by the NSW Parliament to facilitate the return of land in NSW to Aboriginal peoples through claim over Crown land. The network of Aboriginal Land Councils (**ALCs**) was established to acquire and manage land as an economic base for Aboriginal communities, as compensation for historic dispossession and in recognition of the ongoing disadvantage suffered by Aboriginal communities. When introducing the *Aboriginal Land Rights Bill 1983* into the NSW Parliament, the then Minister for Aboriginal Affairs, the Hon. Frank Walker identified that '*...land rights has a dual purpose – cultural and economic*'.²

The key mechanism by which the ALRA facilitates the return of land is the land claims provisions. Under the ALRA, Crown land that is not lawfully used or occupied; is not needed for an essential public purpose or residential lands; and is not the subject of a registered native title application or determination is 'claimable Crown land'.³ If the Crown Lands Minister is satisfied that the whole or

² The Hon. Frank Walker, NSW Parliament Hansard, Legislative Assembly, 24 March 1983, at 5090, available at: [http://www.parliament.nsw.gov.au/Prod/parlment/hanstrans.nsf/V3BvKey/LA19830324/\\$file/473LA046.PDF](http://www.parliament.nsw.gov.au/Prod/parlment/hanstrans.nsf/V3BvKey/LA19830324/$file/473LA046.PDF)

³ Section 36(1) *Aboriginal Land Rights Act 1983* (NSW)

part of the land is claimable Crown land, the Minister must grant the claim by transferring the land to the ALC.⁴

A successful determination of an Aboriginal land claim generally delivers freehold title to land which includes rights to certain minerals in the freehold land. This freehold can be dealt with via sale, lease, etc and the owner of the freehold land (the ALC) has the same rights as other freehold owners, subject to compliance with the ALRA. ALCs' are also entitled to make agreements with other land owners or persons in control of land to access land for hunting, fishing and gathering, and have rights to apply for access permits.⁵ ALCs' also have consultation rights in relation to Aboriginal culture and heritage, and have functions to protect and promote Aboriginal culture heritage.⁶

Unlike other land rights regimes in Australia, ALCs' are granted an estate in fee simple that is able to be dealt with on the open market so long as ALCs' comply with the "land dealing" provisions contained within Division 4 ALRA. However, for claims lodged after 28 November 1994⁷, that fee simple interest is granted subject to any native title rights and interests existing in relation to the lands immediately before the transfer to the ALC, and the ALC cannot deal with that land until the land has been the subject of a native title determination.⁸

Legal Context: the interaction between Land Rights and Native Title

It is important that any amendments are developed with an awareness of the complex interaction of the NTA and the ALRA, as well as the historical experience of Aboriginal people in NSW.

Native title and land rights laws both provide important mechanisms to recognise and provide for Aboriginal people's rights and interests. However, the interaction of the NTA and the ALRA can be complex.

Generally speaking, native title law provides that the grant of a freehold title extinguishes native title absolutely⁹ and this extinguishment of native title is permanent and cannot be revived¹⁰. However, these two principles of native title law do not apply in the usual manner to land held by ALCs' under the ALRA.

As noted above, the ALRA provides that while the ALC is granted an estate in fee simple, this is subject to any native title rights that may exist in the land. Further, where the ALC's title is not subject to native title (for example, because native title had been extinguished in the land before it was granted to the ALC), it is possible for that historical extinguishment to be disregarded where the requirements of section 47A of the NTA are met. As you are aware, section 47A operates to revive

⁴ Section 36(5) *Aboriginal Land Rights Act 1983* (NSW)

⁵ Sections 47 and 48, ALRA

⁶ Sections 52(4) and 106(7), ALRA

⁷ The date the ALRA was amended by the *Native Title (New South Wales) Act 1994* following the enactment of the Commonwealth NTA.

⁸ Section 42 of the ALRA.

⁹ *Mabo v Queensland (1992) 175 CLR 1*.

¹⁰ *Fejo v Northern Territory (1998) 195 CLR 96* at paragraph 112.

native title on land held expressly for the benefit of Aboriginal people. This means that native title can be revived on land that was vested in an ALC and was occupied by a member of the native title claim group at the date of the native title claim. Further information about the interaction between land rights and native title is provided in the **enclosed** fact sheet.

While similar issues may arise in other jurisdictions, NSW is unique in that Aboriginal freehold land granted under the ALRA can be dealt with (including sold) by ALCs. In particular, although the ALC's interest prevails because it is an existing interest under section 47A, this section can still create significant confusion in communities, particularly where the ALC proposes to utilise those lands for economic development.

Relationship between Aboriginal Land Councils and Native Title groups

NSWALC is supportive of legislative changes which promote co-operation between the two systems to ensure both native title claimants and ALCs are given the opportunity to promote and utilise both legislative regimes to obtain the maximum benefit for Aboriginal communities. NSWALC advocates for simplified, less expensive and clearer interactions between land rights and native title to achieve better outcomes for Aboriginal peoples in NSW.

Claims Resolution and Process (Proposals E1 to E6)

We wish to provide specific comments only in relation to the following proposal regarding 'Claims Resolution and Process.'

E6: Introduce a new section into the Act allowing for historical extinguishment over areas of national, state or territory parks to be disregarded, where the parties agree, for the purposes of making a native title determination

Existing laws in NSW provide for Aboriginal people to own lands that can be managed as parks or other forms of nature reserve. Part 4A of the *National Parks and Wildlife Act 1974* (NSW) ('NPW Act') provides for certain types of lands to be vested in ALC's on behalf of Aboriginal Owners¹¹ and then leased back to the NSW Government as jointly-managed national parks or other forms of nature reserve. ALCs may also make claims over Crown land that has been set aside for the purpose of nature conservation. In some cases, where the land is "lawfully used and occupied" or needed for the "essential public purpose of nature conservation" (as those phrases have been interpreted by the Courts) those lands may be granted to an ALC.

In our view, these lands would come within the scope of the proposed section 47C (as set out in the *Native Title Amendment (Reform) Bill (No. 1) 2012*), which extended to areas sets aside "for the purpose of preserving the natural environment of the area, whether that setting aside, granting or vesting resulted from a dedication, reservation, proclamation, condition, vesting in trustees or

¹¹ Sections 170 – 175, *Aboriginal Land Rights Act 1983* (NSW)

otherwise". For these reasons, ALCs may have an interest in lands that fall within the scope of this proposal.

NSWALC supports the intention of this proposal, however NSWALC submits that it will be important to consider the impact of this proposal on ALCs and to ensure that the agreement of the relevant ALCs are required and that any interests of the ALCs in the land are protected.

State and Territory Proposals (Proposals G1 to G27)

We wish to provide specific comments only in relation to the following proposals provided by the State and Territory.

G13: Amend section 211 to ensure adequate protection for native title rights against the government's need to regulate certain actions for public purposes, eg hunting with firearms in national parks or hunting endangered species.

NSWALC advocates for improved recognition of and protections for Aboriginal people's cultural rights and interests, including rights to hunt, fish and gather. Section 211 is an important provision that Aboriginal people can utilise if prosecuted for hunting or fishing for cultural purposes.

As a general principle, government regulation of Aboriginal people's cultural rights is not supported. Any framework relating to Aboriginal peoples cultural rights should be based on the principles outlined in the United Nations *Declaration on the Rights of Indigenous Peoples*, in addition to:

- **Recognition of Aboriginal people's self-determination,**
- A commitment to a ***genuine partnership*** between Aboriginal people and Government¹²,
- Recognising **Aboriginal people's spiritual, social, cultural and economic relationship with lands and waters,**
- The development of a framework that facilitates ***working together for the sustainable management of natural resources*** for future generations, and provide for ***self-regulation*** and management, through local decision-making,
- ***Ensuring that Aboriginal people's rights to practice culture are not criminalised,*** but facilitates the maintenance and transmission of traditional knowledge and cultural practices - it is essential that, in any legislation enacted or policies developed, compliance and penalty processes must be culturally appropriate and operate so as to not contribute to the ongoing high rates of incarceration for Aboriginal people in NSW,
- ***That provides economic pathways*** for Aboriginal peoples, and

¹² The principle underpinning fisheries management in New Zealand is partnership between the New Zealand Government, Department of Fisheries, and Maori, and sustainable use for future generations. This is based on a shared understanding of each others' understandings Ministry of Fisheries Te Tautiaki i nga tini a Tangaroa, 'Customary Fishing Information Manual' 2009 <http://www.fish.govt.nz/NR/rdonlyres/4C12BC8D-1CE8-4B14-AEEF-4AE4B82562/0/63585_MOF_CustomaryFishingManual.pdf> Introduction page

- *Is supported by evidence based research* conducted in partnership with Aboriginal communities.

NSWALC seeks further clarification from the Commonwealth Government regarding proposed amendments to section 211.

G17: Amend section 61A to remove restriction on bringing a claim over an area subject to a previous exclusive possession act.

As outlined above, the ALRA provides that the Minister must refuse Aboriginal land claims where the circumstances at the date of claim meet a set of criteria listed in section 36, otherwise the land claim must be granted. Section 36(1)(d) ALRA provides that a claim over land that is the subject of an application for a determination of native title that has been registered in accordance with the NTA must be refused by the Minister. Similarly, Section 36(1)(e) ALRA provides that a claim over land that is the subject of an approved determination of native title must be refused by the Minister.

The current exclusion for land that has been subject to a previous exclusive possession act provided by section 61A of the NTA means that land claims over land that falls within the outer boundary of a registered native title application, but which is in fact over land where there has been a previous exclusive possession act, are still able to be determined by the Minister under the ALRA as that land was never part of the registered native title claim. If Section 61A is amended to remove restrictions on bringing a claim over an area subject to a previous exclusive possession act, this could have the unintended consequence of bringing all land within the outer boundary of the native title claim within the definition of lands that are not claimable Crown land under the ALRA. The situation could then arise where a land claim would fail due to Section 36(1)(d) ALRA and native title would also be determined not to exist on that land. The Aboriginal community would then lose any interest in the land.

It is critical that any amendments to section 61A are made with careful consideration of any unintended implications for the operation of the ALRA.

G20: Confirm the purpose of a non-claimant application by distinguishing between those actively seeking a negative determination and those only seeking section 24FA protection.

As outlined above, section 42 of the ALRA limits an ALC's ability to deal with land that has been granted 'subject to' native title that exists immediately before the transfer of land to an ALC without a determination of native title. This can result in an ALC needing to lodge a non-claimant application for a determination that native title does not exist on that land. To date there have been over 40 non-claimant applications lodged by ALCs in NSW where the Federal Court has determined that native title does not exist.

Reeves J in *CG (Deceased) on behalf of the Badimia People v State of Western Australia* stated that “once an area has gained Section 24FA protection it will have achieved the fullest protection available under that Division of the *Native Title Act*.”¹³

Reeves J went on to discuss the distinction between Section 24FA protection and a determination that no native title exists.

... where an area gains s 24FA protection, it is not easy to identify what is to be gained by the applicant thereafter moving the Court to make a determination that no native title exists in that area. Indeed, because of the necessity for a non-claimant application to remain extant (see at [96] above), such a determination would have the paradoxical effect of finalising the non-claimant application and thereby removing the s 24FA protection. Moreover, given that one of the main effects of s 24FA protection is that any native title that exists in the area concerned is extinguished and replaced by a right to compensation, at least in the case of a non-government non-claimant application, a determination that no native title exists in that area will be pointless.¹⁴

For the reasons outlined above, section 24FA protection is not enough to enable an ALC to deal with land it holds “subject to” native title. ALCs’ require a determination of native title in order to be able to deal with their land. These issues were discussed by Griffiths J in the 2017 decision of *Forster Local Aboriginal Land Council v Attorney-General of New South Wales*.¹⁵ Griffiths J recognised the reasons why ALCs’ require a determination of native title and reached the conclusion that the Court had the power to make the determination sought by the Applicant [that no native title exists] in the particular circumstances of that case.¹⁶

NSWALC does not oppose clarification about the purpose of non-claimant applications, however, any amendments must take into account the vital role that non-claimant applications play for ALCs’ and their ability to maximise the use of their land for economic opportunities that benefit Aboriginal communities in NSW.

More broadly, NSWALC advocates that any policy and law reform proposals affecting Aboriginal peoples must be developed in genuine partnership with Aboriginal peoples and peak Aboriginal organisations. Aboriginal communities must have meaningful opportunities to comment on any proposed reforms. We seek to ensure that any proposed amendments to native title laws are undertaken in line with best practice standards of consultation and engagement with Aboriginal peoples. We trust this information is of assistance and would be happy to discuss these matters further.

¹³ *CG (Deceased) on behalf of the Badimia People v State of Western Australia* [2016] FCAFC 67 at 104.

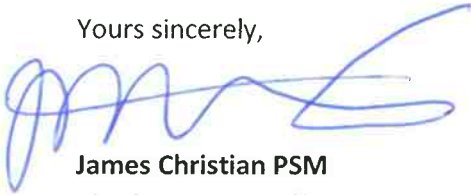
¹⁴ *CG (Deceased) on behalf of the Badimia People v State of Western Australia* [2016] FCAFC 67 at 105.

¹⁵ *Forster Local Aboriginal Land Council v Attorney-General of New South Wales* [2017] FCA 997 at 18 to 36.

¹⁶ *Forster Local Aboriginal Land Council v Attorney-General of New South Wales* [2017] FCA 997 at 49.

Please contact Ms Anna Harding, Principal Legal Officer, on 9689 4469 or anna.harding@alc.org.au, should you wish to do so.

Yours sincerely,



James Christian PSM
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NSW Aboriginal Land Council

Date:

28/02/2018



fact sheet



Comparison of Land Rights and Native Title in NSW

In NSW there are two key mechanisms by which Aboriginal peoples can have their rights recognised in land – *Land Rights* and *Native Title*. While these systems are both about recognising and providing for Aboriginal peoples’ rights, the two systems operate under two different laws and differ in the rights they can provide. Native title and land rights can sometimes exist in the same land. It is important that LALCs and Native title Claimants work together to obtain the best of both schemes.

	Land Rights	Native Title
Law	<i>Aboriginal Land Rights Act 1983 (NSW)</i> ⁱ (ALRA)	<i>Native Title Act 1993 (Commonwealth)</i> ⁱⁱ (NTA)
How did it begin?	The New South Wales Aboriginal Land Council (NSWALC) was originally established in 1977 as an independent Aboriginal organisation to advocate for the recognition of Aboriginal land rights. Following recommendations from the 1978-1981 ‘Inquiry of the NSW Select Committee of the Legislative Assembly upon Aborigines’ [sic] the NSW Parliament passed the ALRA in 1983 which, among other things, provides a process for certain Crown lands to be returned to Aboriginal peoples. ⁱⁱⁱ	The Mabo High Court decision in 1992 was the first time that the Australian law recognised the rights and interests Aboriginal people have in land, under a traditional system of law and custom. The Commonwealth Parliament passed the NTA in 1993 which, among other things, provides a process for the determination of native title by the Federal Court of Australia (Federal Court).
Aim of the law	<p>The preamble of the ALRA recognises that “<i>Land is of spiritual, social, cultural, and economic importance</i>” to Aboriginal peoples, and that, “<i>as a result of past Government decisions the amount of land set aside for Aboriginal persons has been progressively reduced without compensation</i>”.</p> <p>The ALRA was principally established to return land in NSW to Aboriginal peoples through a process of lodging claims for certain Crown lands.</p> <p>The ALRA establishes a network of democratically elected Aboriginal Land Councils across the State to acquire and manage land as an economic base for Aboriginal communities, as compensation for historic dispossession and in recognition of the ongoing disadvantage suffered by Aboriginal communities.</p> <p>In 2014, amendments to the ALRA were passed that provide for a new statutory mechanism which allows for negotiation of Aboriginal Land Agreements (ALAs). Aboriginal Land Agreements operate as an alternative option to the land</p>	<p>Native title is the legal recognition of the traditional communal, group or individual rights and interests which Aboriginal people have in land and water, where Aboriginal people have continued to exercise their rights and interests in accordance with traditional law and custom pre-dating European settlement.</p> <p>The NTA seeks to address past injustice by providing a process to recognise and protect native title in addition to providing processes to reach agreements or provide compensation.</p> <p>The NTA also provides a process to reach agreements with the government and other parties, such as farmers and miners, to have a say about acts which affect native title and to be compensated for extinguishment of native title which occurred after 1975.</p>

claims process set out in section 36, ALRA. These agreements are voluntary and provide a broad scope for negotiating beyond whether the land is “claimable Crown land” under section 36.

The ALRA also provides for the provision of Community Benefit Schemes and established a statutory account of compensatory monies to fund Aboriginal Land Council operations.

Who can make claims?	<p>Aboriginal Land Councils constituted under the ALRA can make claims. This includes NSWALC and the network of 120 autonomous Local Aboriginal Land Councils (LALCs) in NSW.</p> <p>NSWALC is an independent, self-funded non-government organisation that has an elected governing council. NSWALC has functions to acquire and manage land and protect Aboriginal culture and heritage.</p> <p>LALCs have similar functions in respect to their boundary area.</p>	<p>A native title claim is made on behalf of a native title claim group. The claim group is the group of Aboriginal people that claims to hold rights and interests in land and waters in accordance with traditional laws and customs. Nominated representatives, known as Applicants, are authorised by the claim group to make the application.</p>
Is traditional connection required?	<p>No. Traditional connection to land does not need to be established for land to be granted to Aboriginal Land Councils under the ALRA.</p>	<p>Yes. Native title will only be determined to exist where Aboriginal People have established to the Federal Court that they are the Traditional Owners for the particular area claimed. To be a Traditional Owner you must have maintained a continuing connection with the area through the acknowledgement and observance of traditional laws and customs and ongoing practice of rights and interests since before European settlement.</p>
Who are the claims lodged with?	<p>The Registrar of the ALRA.</p>	<p>The Federal Court.</p>
Who are claims determined by?	<p>The NSW Minister administering the <i>Crown Land Management Act</i> is responsible for granting or refusing an Aboriginal Land Claims or entering into an Aboriginal Land Agreement. For Aboriginal Land Claims, where the Minister is satisfied that the lands are “claimable Crown land” as defined in section 36 of the ALRA the land must be granted to an Aboriginal Land Council.</p>	<p>The Federal Court determines whether native title exists and whether any native title has been wholly or partially extinguished. If all the parties to a native title claim agree, they can ask the Federal Court to make a determination by consent. In that case, there does not need to be a full Court hearing.</p>
Who holds the rights?	<p>In most cases the land is held by one of the 120 autonomous Local Aboriginal Land Councils (LALCs) across NSW. In some cases the land is held by the New South Wales Aboriginal Land Council.</p>	<p>Traditional Owners who have been recognised as native title holders by the Federal Court of Australia. Native Title holders are required to form a corporation, called a Prescribed Body Corporate (PBC), to represent them as a group and to manage their native title rights and interests.</p>

<p>Rights</p>	<p>A successful determination of a land claim generally delivers freehold title to land which includes rights to certain minerals in the freehold land. This freehold can be dealt with via sale, lease, etc and the owner of the freehold land (the Aboriginal Land Council) has the same rights as other freehold owners, subject to compliance with the ALRA.</p> <p>LALCs can be granted lands that are to be managed as national parks or other form of reserve via a 'lease back' arrangement with the NSW Government, sometimes known as 'joint management'.</p> <p>Aboriginal Land Councils may also negotiate Aboriginal Land Agreements which may deal with a range of matters, including land swaps, joint management of land and compensation.</p> <p>Aboriginal Land Councils are also entitled to make agreements with other land owners or person in control of land to access land for hunting, fishing and gathering, and have rights to apply for access permits.^{iv}</p> <p>Aboriginal Land Councils also have consultation rights in relation to Aboriginal culture and heritage, and have functions to protect and promote Aboriginal culture heritage.</p>	<p>A successful native title determination provides legal recognition of the traditional rights and interests Aboriginal people have in relation to land and water. Native Title is a property right, and may include rights to:</p> <ul style="list-style-type: none"> • access and camp on an area, • visit and protect important places, • hunt, fish and gather food and bush medicine, and • in some cases, the right to possess, occupy, use and enjoy the area. <p>A native title claim can also be successfully resolved through the negotiation of an agreement, such as an Indigenous Land Use Agreement (ILUA) or a Section 31 Deed. Agreements such as these are legally binding and may include rights in relation to employment, economic development, freehold land transfer and compensation.</p> <p>Where a native title claim has not yet been determined, but has passed the registration test applied by the National Native Title Tribunal, native title parties are entitled to certain "procedural rights", including the right to be notified and to negotiate about certain activities such as mining, mineral exploration and some developments.</p>
<p>What areas of land may be granted?</p>	<p>Crown land that is not lawfully used or occupied, not needed or likely to be needed for residential purposes or an essential public purposes and is not the subject of a registered native title claim or determination can be granted.^v Land that is privately owned cannot be claimed or granted.</p> <p>Native title and land rights can exist in the same land.</p>	<p>Native Title can be recognised in Vacant Crown land, National Parks, State Forests, Crown reserves, some types of non-exclusive leases, land covered by permissive occupancies and licences, inland waters and the sea.</p> <p>With some minor exceptions, land that is privately owned cannot be subject to native title rights and interests because the exclusive interest in land extinguishes native title.</p>
<p>How many claims have been successful in NSW?</p>	<p>As at 1 December 2016, 41,986 Aboriginal Land Claims had been lodged since 1983. 30,265 of these are yet to be resolved. Approximately 2,846 land claims have been granted.</p>	<p>In NSW to date eight successful native title determinations have been made that native title exists and 11 ILUAs have been registered. A number of s31 Deeds in relation to exploration, mining and development have also been reached. There are currently 21 native title claimant applications yet to be determined in NSW.</p>
<p>Can the land be sold or otherwise dealt with?</p>	<p>Land rights land can generally be dealt with (ie sold, leased, subdivided etc) just like any other parcel of freehold land.</p>	<p>If a PBC has consulted with native title holders and obtained their consent, a PBC can enter agreements to surrender, affect or otherwise deal with native title rights</p>

Any dealing with land (ie a sale, lease, mortgage etc) by a LALC requires NSWALC approval. In some cases a dealing may also require a native title determination from the Federal Court before the land dealing can proceed.

and interests, including on commercial terms.

More information	<p><u><i>NSW Aboriginal Land Council</i></u> Phone: 02 9689 4444 (Policy and Programs Unit) Website: www.alc.org.au NSWALC has developed a series of Fact Sheets and resources available on the NSWALC website.</p> <p><u><i>Local Aboriginal Land Councils</i></u>: Visit the 'Land Councils' page of the NSWALC website to find out about your Local Aboriginal Land Council.</p> <p><u><i>Registrar of the ALRA</i></u> Phone: 02 9562 6327 Email: adminofficer@oralra.nsw.gov.au Website: www.oralra.nsw.gov.au</p>	<p><u><i>NTSCORP Limited</i></u> Phone: 02 9310 3188 Freecall: 1800 111 844 Email: ntscorp@ntscorp.com.au Website: www.ntscorp.com.au NTSCORP is the native title service provider for NSW and the ACT. NTSCORP has produced a range of Fact Sheets on native title available on their website.</p> <p><u><i>National Native Title Tribunal</i></u> Telephone: (02) 9227 4000 Freecall: 1800 640 501 Email: nswenquiries@nntt.gov.au Website: www.nntt.gov.au</p>
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This document has been prepared by the New South Wales Aboriginal Land Council (**NSWALC**) for Local Aboriginal Land Councils (**LALCs**) and Aboriginal communities in NSW and provides general information only. NSWALC acknowledges the assistance of NTSCORP Limited (**NTSCORP**) in the development of this Fact Sheet. **Please Note:** While all care has been taken in the preparation of this document, the advice it contains 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 2017.

ⁱ The *Aboriginal Land Rights Act 1983* (NSW) can be accessed on the NSW Legislation website at: www.legislation.nsw.gov.au under 'Browse' then 'A'.

ⁱⁱ The *Native Title Act* (Cth) can be accessed on the ComLaw website at: <http://www.comlaw.gov.au/Details/C2012C00273>

ⁱⁱⁱ The NSWALC website provides a detailed history of the land rights movement in NSW: <http://www.alc.org.au/about-nswalc/our-history.aspx>

^{iv} Sections 46 and 47 of the *Aboriginal Land Rights Act* outlines provisions to access lands for hunting, fishing and gathering.

^v Section 36 of the *Aboriginal Land Rights Act* outlines the criteria for claimable Crown land.