



Aboriginal Land Claims

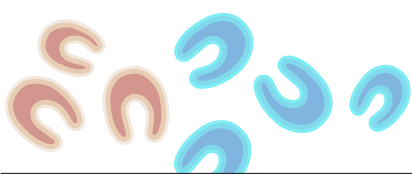
Consolidated Service Charter

March 2024



New South Wales
Aboriginal Land Council





Acknowledgement of Country

We acknowledge Aboriginal peoples are the Traditional Custodians of New South Wales. We pay our respects to Elders, past and present, and recognise their ongoing connection to and custodianship of lands, seas and skies. We recognise the strength of Aboriginal communities, their self-determination, traditions and histories.

Acronyms used in this document

| | |
|--------|---|
| AANSW | Aboriginal Affairs NSW |
| ALC | Aboriginal land claim |
| ALRA | Aboriginal Land Rights Act 1983 (NSW) |
| CAPO | Coalition of Aboriginal Peak Organisations |
| DPC | Department of Premier and Cabinet |
| DPHI | Department of Planning, Housing and Infrastructure |
| ICIP | Indigenous Cultural and Intellectual Property |
| LALC | Local Aboriginal Land Council |
| NSWALC | NSW Aboriginal Land Council |
| ORALRA | Office of the Registrar, Aboriginal Land Rights Act |
| PDNSW | Property and Development NSW |

Published by NSW Department of Planning, Housing and Infrastructure

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First published: March 2024

Artwork by [Black Logic](#)

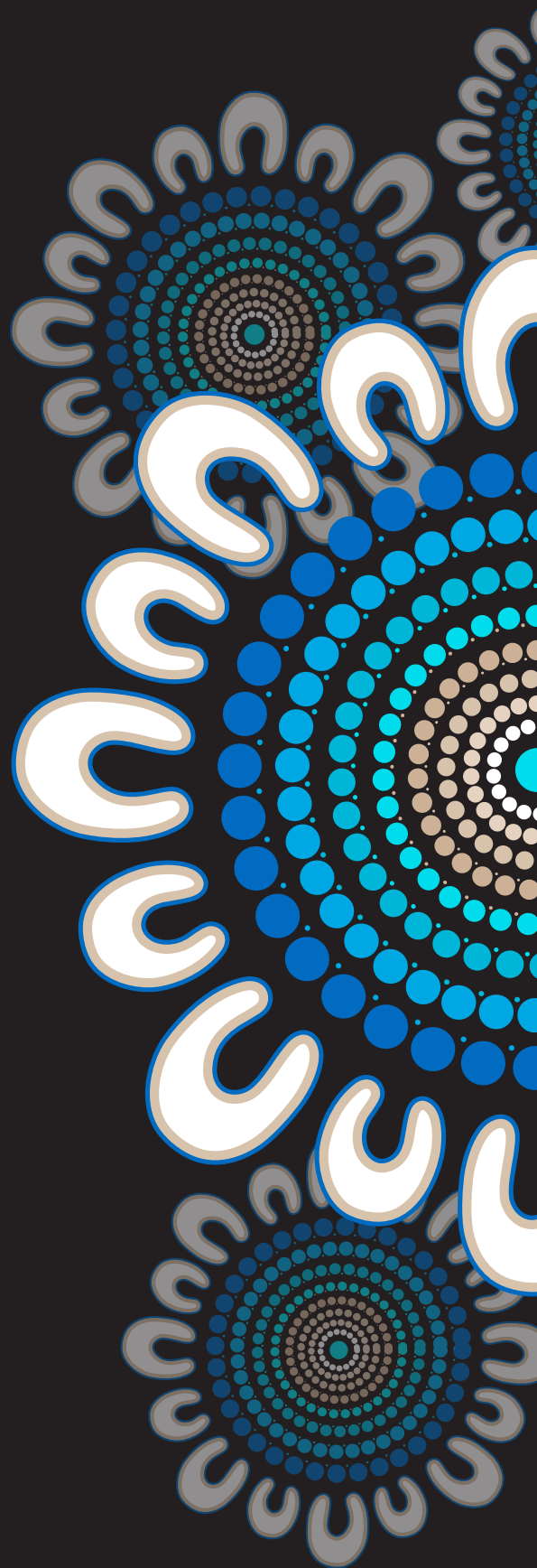
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Introduction

Purpose of this document

This document is intended for use primarily by LALCs and their representatives as guidance and a source of information when engaging in ALC processes. It can also be used by government employees seeking to better understand ALC processes and what might be expected of them, as well as how they can appropriately engage with LALCs.

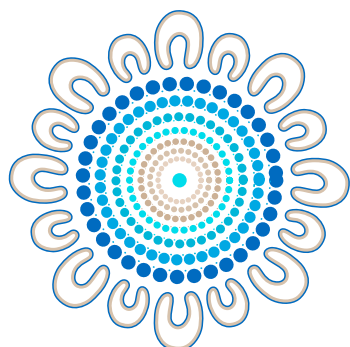
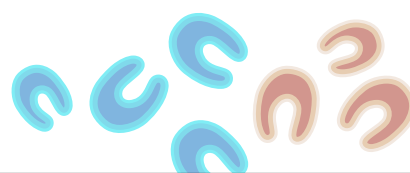
It commits to a number of key principles of engagement and service expectations, details operational roles and responsibilities for parties engaged in ALCs, and includes a risk register and mitigating actions to ensure ALC processes deliver the best outcomes for Aboriginal communities.

Aboriginal land rights in NSW

The ALRA provides land rights for Aboriginal peoples in New South Wales. The principle of Aboriginal self-determination underpins the ALRA, which establishes and details the powers of both NSWALC and LALCs. Under the ALRA, land is granted to Aboriginal Land Councils who work to deliver tangible economic, social and cultural benefits to Aboriginal communities in New South Wales.

Under the ALRA, Aboriginal Land Councils make an ALC through lodging the claim with the Registrar of the Act, an independent statutory officer supported by ORALRA. ORALRA registers claims and refers them to Crown Lands for assessment. The administrative resourcing of ORALRA is supported through AANSW in DPC, who have responsibility for reviewing and amending the ALRA.

Once a claim is registered, ORALRA refers the claim to Crown Lands in DPHI which reviews the claim, makes an assessment on claimability and provides a recommendation to the Crown Lands Minister, who then makes a determination. A successful determination generally delivers freehold title and rights to the claimant LALC.



Principles of engagement

The following principles of engagement have been developed by the NSW Government and NSWALC to ensure meaningful engagement of Aboriginal peoples in ALC processes, and to seek to ensure that the voices of Aboriginal peoples are at the centre of decision-making. The principles are inter-related and should be considered together throughout all stages of ALC processes in New South Wales.

Self-determination and connection to Country

We are guided by the principle of Aboriginal self-determination – being that Aboriginal peoples are recognised as being best placed to make decisions on matters which affect them and their communities.

We recognise Aboriginal peoples' enduring connection to Country which underpins their social, cultural and economic prosperity.

This is recognised by the purpose of the Aboriginal Land Rights Act 1983 (NSW), being: a) to provide land rights for Aboriginal persons in New South Wales b) to provide for representative Aboriginal Land Councils in New South Wales c) to vest land in those Councils d) to provide for the acquisition of land, and the management of land and other assets and investments, by or for those Councils and the allocation of funds to and by those Councils; and e) to provide for the provision of community benefit schemes by or on behalf of those Councils.

We also recognise that the ALC process in New South Wales is a critical mechanism to achieving Aboriginal land rights and should be guided by the stated priorities of LALCs and their communities.

Valuing Aboriginal culture and heritage

We will be considerate of and respect the cultural rights and protocol requirements of LALCs in all that we do to ensure their respective communities are supported to participate in a culturally safe environment. We acknowledge that these rights and protocols differ between places, peoples and landscapes. We will also engage with LALCs and, where LALCs consider it appropriate, other Aboriginal stakeholders in recognition and respect of their social, cultural and economic rights, and consider how our initiatives and actions promote these rights.

Honesty and transparency

We are committed to engagement based on clear and agreed information up front and feedback processes. These engagements will be underpinned by truth and in the spirit of progressing reconciliation and Aboriginal land rights. We will act with transparency in our work involving Aboriginal communities to ensure that we are accountable to the purposes of the ALRA while proactively seeking and responding to feedback.

We commit to sharing information where it is available and able to be shared, and to making sure this information is easy to access and easy to understand. If we possess information that cannot be shared, we will give you clear reasons as to why. Where a LALC shares information with us, we will hold that information in confidence and ensure it is used only for purposes approved by the LALC and adheres to the principles of Indigenous Cultural and Intellectual Property (ICIP).



Collaboration and partnership

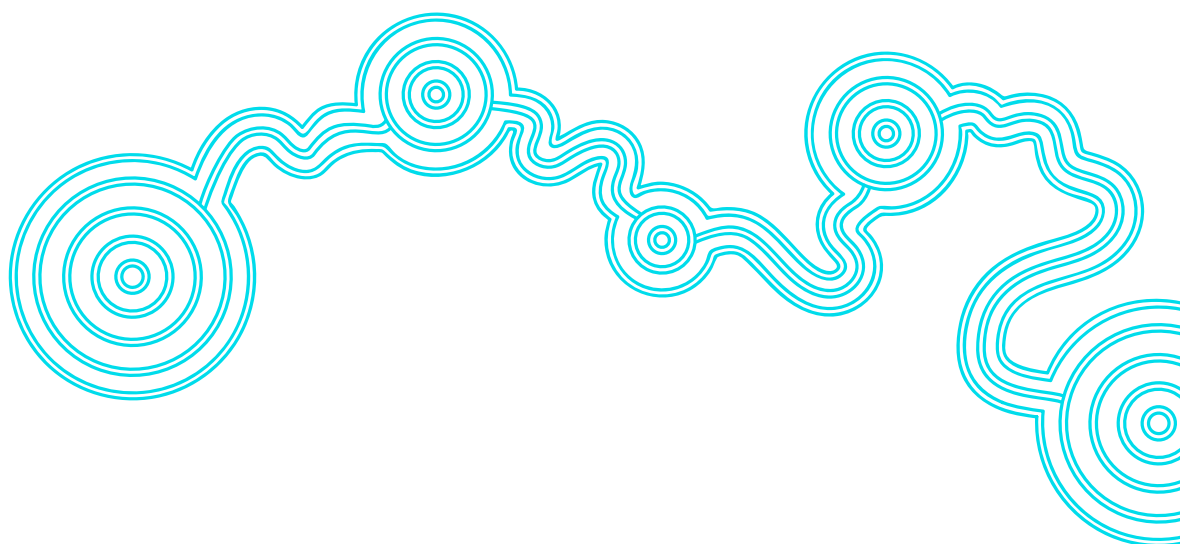
We are committed to working in partnership with LALCs as equal participants in ALC processes and all processes involving their communities. To reduce imbalances in our relationship with LALCs, we will work closely and collaboratively with LALCs to provide access to information, build knowledge, and support engagement with ALC and Crown Lands processes. We seek to elevate and magnify the perspectives, voices and priorities stated by LALCs throughout ALC processes.

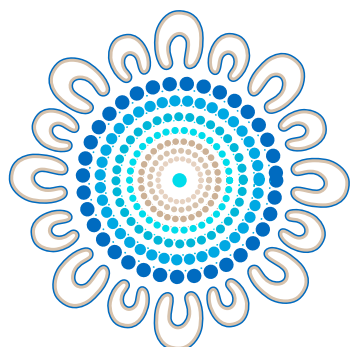
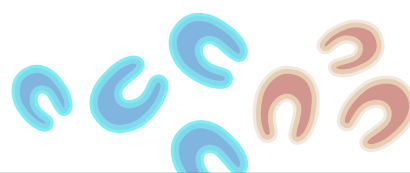
Respect and trust

We recognise the difficult history between governments and Aboriginal communities and acknowledge that much work is needed to repair and maintain this relationship. We are committed to building a relationship of mutual respect and trust with LALCs. We commit to working in partnership with LALCs as equal partners towards the shared goal of leveraging ALCs to progress beneficial cultural, social and economic outcomes for LALCs in New South Wales. We commit to treating people with dignity and professionalism and building trust through responsible actions and honest relationships.

Accountability

We are committed to engaging with LALCs transparently to ensure that we are held accountable. We will be proactive in seeking feedback and ensuring Aboriginal voices are listened to, heard, considered, and incorporated where achievable. We will ensure that information and decision-making is transparent, and we commit to ensuring there are adequate pathways to access, review, appeal and to escalate decisions. We also commit to transparent reporting processes, which clearly show how beneficial, community-prioritised outcomes are being delivered through the ALC process. We are responsible for our words, actions, decisions and results.










Service charter

This Service Charter has been developed by the NSW Government and NSWALC in consultation with LALCs to clearly outline service expectations in the facilitation of the ALC processes. It is designed to be used primarily by LALCs to better understand what they should expect and what may be asked of them from parties engaged in ALC processes. It will also be used by NSW Government employees to better understand what service standards the NSW Government has committed to throughout ALC processes





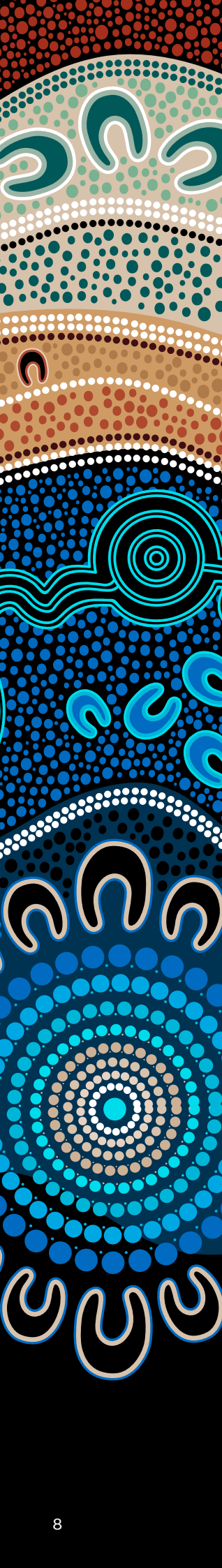
Clear and responsive

We will:

-  communicate in a way that is culturally appropriate and accessible
-  make it easy to access and understand our information and decisions
-  provide accurate information where we have access, and it can be shared.
If we possess information that cannot be shared, we will give you clear reasons as to why
-  respond quickly and courteously to requests for information or services,
and usually confirm or acknowledge a request within two business days
-  check in with you to make sure we have provided the right assistance
or if there is anything else we can help you with






We ask that you:

-  provide as much information as you can, so we can find the best way to assist
-  ask us for clarification if something is not clear or if you have any questions





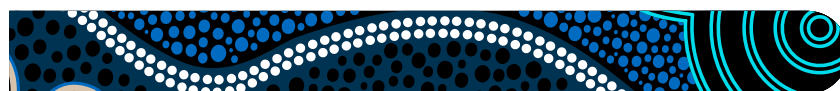
Informative and helpful

We will:

-  communicate with you throughout the course of the process, including on all major updates, or periodically when there is no major update
-  work with our colleagues across government to deliver beneficial outcomes for LALCs, consistent with the intent and purpose of the preamble of the ALRA
-  find someone who can help if we cannot assist you directly
-  follow up to ensure that you have received the assistance you need
-  respect the decision of LALCs to withhold information as they see fit









We ask that you:

-  give as much information as you can when you contact us, so we can give you the right assistance
-  share your contact details with us so we can follow up






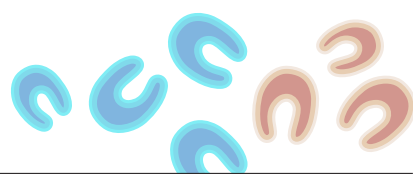
Professional standards of behaviour

We will:

-  treat you in the same way that we would like to be treated
-  treat you in a professional way with courtesy, fairness and honesty
-  explain how we make our decisions and the reasons for them
-  explain how you can complain or appeal a decision if you are not happy
-  manage and respect privacy and confidentiality at all times
-  ensure information is only used for the purposes for which it is provided
-  take responsibility for our words, actions, decisions and results
-  behave in a manner that is ethical, proper and just

We ask that you:

-  treat us the same way that you would like to be treated
-  commit to working with us in a professional manner
-  understand that we might not have all the information, but we will do our best to help



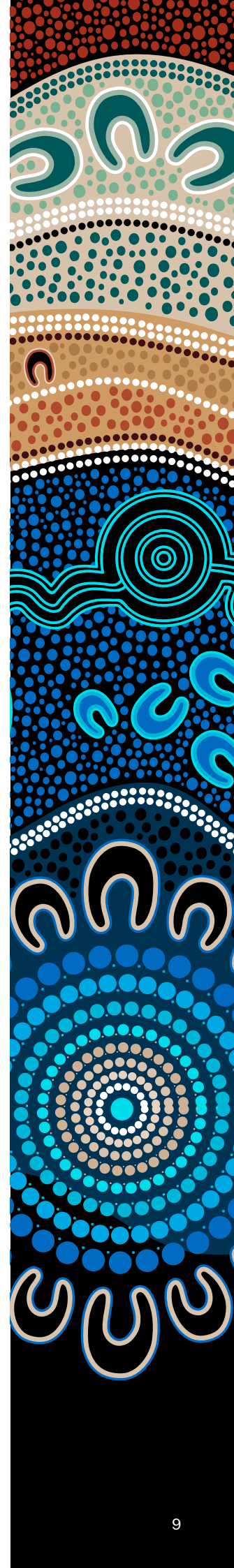
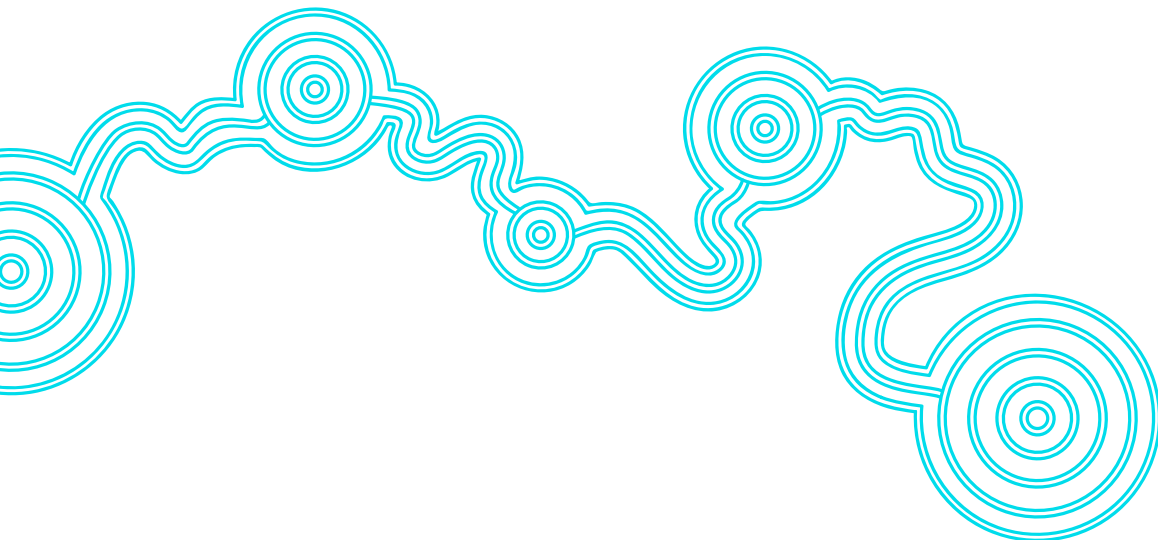
Meaningful engagement

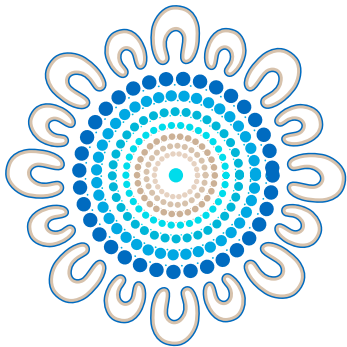
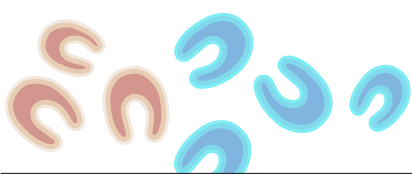
We will:

- acknowledge that LALCs are best placed to make decisions on matters which affect them
- recognise and understand individual lived experience and acknowledge Aboriginal ways of doing business, incorporating customs, traditions and histories
- invest in building relationships based on honesty, integrity, fairness, justice, mutual respect and understanding
- promote a responsive environment where you feel safe to engage with us and discuss issues
- ensure our staff are culturally competent and sensitive to cultural protocols and issues
- listen carefully and confirm what we have heard when people share information with us or make useful suggestions on how we can improve our services, and seriously consider what you have shared by responding in writing to outline any action taken and reasons for that outcome
- if we ask for something (a meeting, information, etc.) we will explain why and what it will be used for

We ask that you:

- engage with us and openly share your feedback
- let us know if something doesn't feel right, so we can address the issue
- raise any issues that you feel are not being addressed adequately

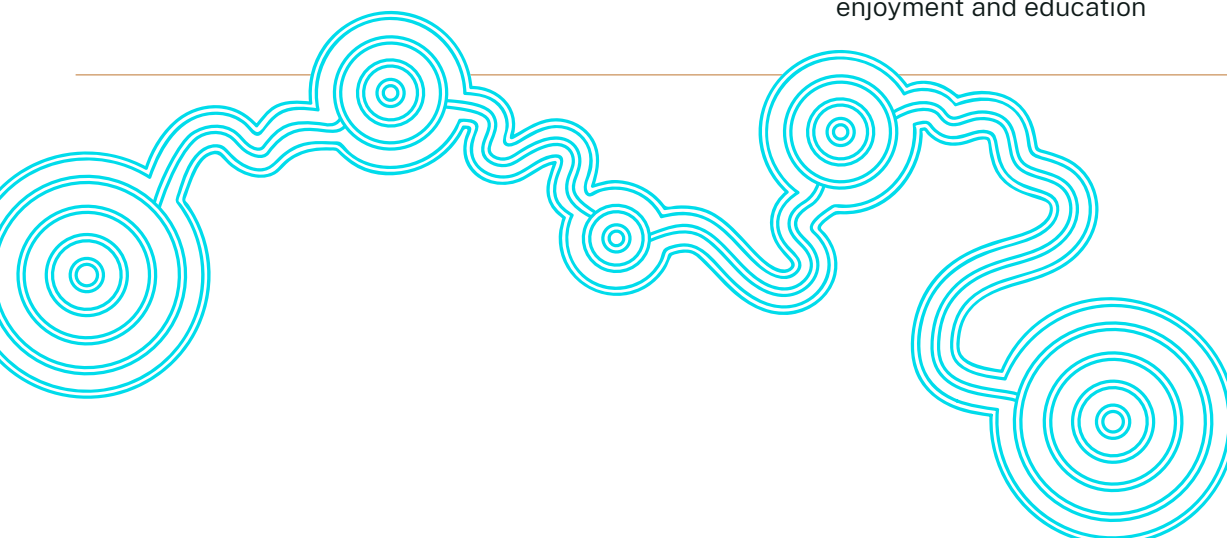


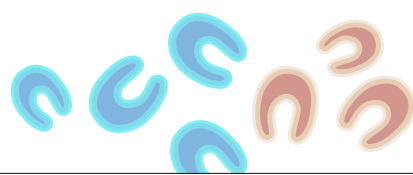


Operational roles and responsibilities

Local Aboriginal Land Councils

| ALRA | Additional |
|---|--|
| <ul style="list-style-type: none">✓ Prepare an ALC✓ Lodge a claim with Registrar✓ Appeal to the Court against the Registrar's refusal to refer the claim, or any part of the claim✓ Request a Crown Lands Minister to supply information about Crown land or dealings in Crown land✓ Appeal to the Court against the Crown Land Minister's refusal of all or part of the claim✓ Commence or withdraw from negotiations for an Aboriginal Land Agreement in writing | <ul style="list-style-type: none">✓ Represent the interests of the Aboriginal communities within their boundaries✓ Engage with governments to advocate for these interests✓ Manage and maintain successfully claimed land for the benefit of their communities✓ Share information and knowledge about ALCs and related processes with their communities✓ Manage claims throughout and post the lodgement process✓ Responsibility for cultural heritage, protection, enjoyment and education |



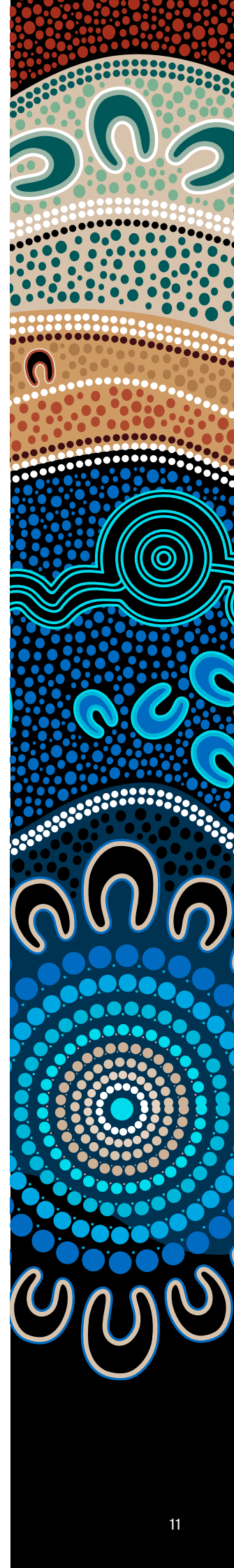


New South Wales Aboriginal Land Council

| ALRA | Additional |
|--|---|
| <ul style="list-style-type: none"> ✓ Prepare an ALC on its own behalf or on behalf of one or more LALCs ✓ Lodge a claim with the Registrar ✓ Appeal to the Court against the Registrar's refusal to refer the claim, or any part of the claim ✓ Request a Crown Lands Minister to supply information about Crown land or dealings in Crown land ✓ Appeal to the Court against the Crown Land Minister's refusal of all or part of the claim ✓ Commence or withdraw from negotiations for an Aboriginal Land Agreement in writing | <ul style="list-style-type: none"> ✓ Represent the interests of the Aboriginal communities within their boundaries ✓ Engage with governments to advocate for these interests ✓ Manage and maintain successfully claimed land for the benefit of their communities ✓ Share information and knowledge about ALCs and related processes with their communities ✓ Manage claims throughout and post the lodgement process ✓ Responsibility for cultural heritage, protection, enjoyment and education |

Crown Lands

| ALRA | Additional |
|------|--|
| N/A | <ul style="list-style-type: none"> ✓ Deliver on identified state outcomes and a number of obligations under Closing the Gap ✓ Hold responsibility for the Crown land estate in New South Wales and the Crown Land Management Act 2016 (NSW) ✓ Assess land claims and making determination recommendations to the Crown Lands Minister ✓ Facilitate the processing of land claims through Aboriginal Land Agreements under section 36AA of the Act ✓ Undertake assessment of ALCs referred to the Crown Land Minister ✓ Notify LALC of assessment status ✓ Respond to requests for information from LALCs/NSWALC under s36(14) ✓ Respond to requests from other NSW Government agencies related to Crown land ✓ Report on ALC process ✓ Educate staff within DPHI on the ALC process and cultural competency ✓ Prevent harm to Aboriginal interests in land under claim ✓ Must not cause anything to happen to land, whilst the LALC has an interest in the land, that would cause a claim to be unsuccessful |



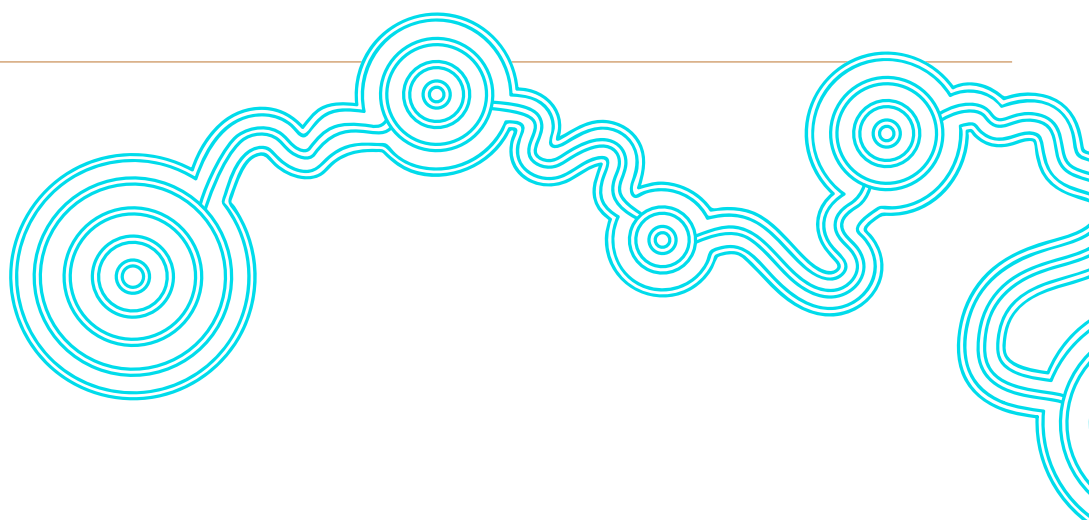


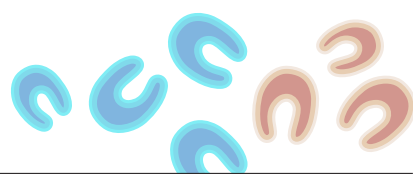
Crown Lands (cont.)

| ALRA | Additional |
|------|--|
| N/A | <ul style="list-style-type: none"> ✓ Work with LALCs to guide assessment of ALCs according to LALC priorities ✓ Provide updates and information on the progress of ALCs and ALAs |

Crown Lands Minister

| ALRA | Additional |
|---|--|
| <ul style="list-style-type: none"> ✓ Grant or refuse a claim, or part of a claim ✓ Commence or withdraw from negotiations for an Aboriginal Land Agreement in writing ✓ If a LALC/NSWALC has appealed the refusal of a claim to the Court, must not cause anything to happen to the land before determination of the appeal that would cause a claim to be unsuccessful ✓ Comply with a request to supply information about Crown land or dealings in Crown land from a LALC/NSWALC under s36(14) | <ul style="list-style-type: none"> ✓ May delegate power to make a determination ✓ Make determinations within a reasonable timeframe ✓ Must not cause anything to happen to land, whilst the LALC has an interest in the land, that would cause a claim to be unsuccessful |





Office of the Registrar of the Aboriginal Land Rights Act

| ALRA | Additional |
|---|--|
| <ul style="list-style-type: none"> ✓ Maintain a register of all ALCs in NSW ✓ Refer or refuse to refer a claim or part of a claim within 60 days ✓ Before refusing to refer a claim the Registrar must: <ul style="list-style-type: none"> - Inform the claimant in writing of their intention - Invite the claimant to provide further information to support the claim within 28 days - Consider further information provided within that period ✓ Where a claim by an Aboriginal Land Council is lodged under section 36 in respect of land which is or is part of a travelling stock reserve within the meaning of the Local Land Services Act 2013 the Registrar shall, in addition to complying with section 36(4)(c), refer a copy of the claim to Local Land Services | <ul style="list-style-type: none"> ✓ Respond to queries from NSWALC, LALCs and the public about the ALRA ✓ Respond to queries from NSWALC and LALCs about the Register of ALCs |

Aboriginal Affairs New South Wales

| ALRA | Additional |
|---|--|
| <ul style="list-style-type: none"> ✓ Conduct statutory reviews of the ALRA ✓ Provide operational resourcing of ORALRA ✓ The Minister has responsibility for the administration of the ALRA | <ul style="list-style-type: none"> ✓ Coordinate the State's efforts under the National Agreement on Closing the Gap ✓ Advise the Minister for Aboriginal Affairs and has legislative responsibility for the ALRA ✓ Responsible for educating Government and the public about Aboriginal land rights in NSW under the ALRA, including ALCs ✓ Provide a link between NSW Government and Aboriginal communities |





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