



The Land Negotiation Program (the program) is a new initiative of the NSW Government, established in response to recommendations from the Crown Land Management Review. The NSW Government is committed to ensuring NSW Crown land is held by the most appropriate landholder to achieve the most positive social, economic, cultural and environmental benefits for the people of NSW.

The program involves voluntary, multi-party negotiations between the NSW Government, the NSW Aboriginal Land Council, Local Aboriginal Land Councils (LALCs), and local government councils.

Aboriginal land rights

The program is utilising the new Aboriginal Land Agreement (ALA) mechanism under the *Aboriginal Land Rights Act 1983* (NSW) (ALR Act) to recognise the importance of land to Aboriginal people and the objectives and rights in the ALR Act.

Local land

The program recognises the benefits that local ownership and management of Crown land can bring to local communities. Local government councils will be given the opportunity to consider local land they would like to own and manage to enable efficient and streamlined management.

State land

The program will retain land that is required for the delivery of state services and infrastructure to deliver ongoing benefits and greater certainty to the people of NSW.

How the program works

Voluntary negotiations will be held between the NSW Government, the NSW Aboriginal Land Council, LALCs, and local government councils to consider Crown land in a given area (for example, local government areas or LALC areas) and explore which party may be best placed to own that land in recognition of each party's interests in the land (as outlined above).

Figure 1. The four stages of the land negotiation process



1. Agreement from all parties to participate in the program, including scoping work and access to Crown land data and information via the LandsLink system.
2. Each party undertakes a thorough assessment of land they are interested in, considering the local land and state land criteria.
3. Parties negotiate to determine which party is best placed to own and manage land for optimal local and state benefits.
4. The outcomes of the negotiations are processed in the form of ALAs or Local Land Agreements (LLA).

Aboriginal Land Agreements

On 1 July 2015, the NSW Government enacted Section 36AA of the ALR Act, which provides for ALAs.

ALAs allow for the strategic settlement of multiple land claims and for flexibility in providing the social, cultural and economic outcomes intended by the ALA Act. They are an additional option to the existing land claim mechanism under the ALA Act.

Note that ALAs do not replace the existing Aboriginal Land Claims (ALCs) process. Land claims continue to be processed on an individual basis against criteria specified under Section 36 of the ALR Act. ALAs are a new mechanism based on negotiations that have the potential to allow for the settlement of multiple ALCs.

Aboriginal Land Agreement Negotiation Framework

The NSW Government in partnership with the NSW Aboriginal Land Council developed the Aboriginal Land Agreement Negotiation Framework (2016) to ensure ALA negotiations are fair and likely to succeed in the shared objectives of:

- speeding up the processing of ALCs
- providing more sustainable social, cultural and economic outcomes for LALCs and Aboriginal communities from the return of land
- providing greater certainty to all parties over Crown land.



Crown land considered to be local includes land used mainly by the local community, such as parks, local sports fields and recreation centres.

The framework defines the scope of ALA negotiations, provides principles that will guide how negotiations are conducted, and prescribes procedural elements to ensure negotiations are fair and likely to succeed.

Local Land Agreements

Local land will be transferred to local councils under the new *Crown Land Management Act 2016* via LLAs. Councils will then own and manage that land under the *Local Government Act 1993*.

The majority of Crown land transferred to local government councils will be classified as 'community land' and will continue to be available to the community for social, recreational, sporting, environmental, cultural and economic purposes. Exceptions will be provided for Crown land that clearly meets the definition of 'operational land', for example waste transfer stations.

More information

Download a copy of the [Aboriginal Land Agreement negotiation framework](#)

Contact the Department of Industry—Lands & Forestry:

 www.crownland.nsw.gov.au/crown_land/land-negotiation-program

 land.negotiation@industry.nsw.gov.au

 1300 886 235