



fact sheet

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

Common Myths about Land Rights

MYTH: The Native Title Legislation superseded Land Rights.

FACT:

Although the Aboriginal Land Rights (NSW) Act was in place before the federal Native Title legislation, the two acts co-exist in NSW. While the Native Title legislation is about recognising Indigenous peoples' connection and rights to land and water, the Land Rights Legislation is about compensating Aboriginal people in NSW for past dispossession, dislocation and removal of land.

MYTH: Through Land Rights, Aborigines can be granted anyone's land.

FACT:

Land Rights claims are extremely limited. Only Crown (Government) land, which is not required for essential public purpose or for sale on the open market, can be claimed. Although Land Councils can buy private property, they do not have any special rights in regard to the purchase of private property.

MYTH: Land Rights are just another Government handout.

FACT:

The Land Rights Act was specifically designed to allow Aboriginal people the opportunity to take responsibility for themselves. Self-determination and self-sufficiency have always been preferred to welfare hand-outs. One of the roles of the Land Council is to work with its members towards economic independence.

The NSWALC is achieving this through its work to acquire land for housing and business enterprises, through education and training and importantly, by promoting Aboriginal culture, identity and heritage for the long-term empowerment of Aboriginal people.

MYTH: Aborigines now own most of New South Wales through Land Rights claims.

FACT:

As of 30 June 2007, Local Aboriginal Land Councils around the State have been granted 2211 of 15,583 claims lodged. There are 8,945 awaiting consideration by the Minister. This area of land that these claims cover is 82,945 hectares, accounting for less than 1 per cent of the land mass of NSW.

MYTH: Taxpayer fund special privileges for Aborigines under the Land Rights Act.

FACT:

The Land Council is a non-Government, self-funding statutory authority under the NSW Minister for Aboriginal Affairs.

Under the Aboriginal Land Rights Act 1983, a NSWALC Account was established. For fifteen years, the State paid 7.5 per cent of NSW Land Tax collected (on non-residential land) to NSWALC, as compensation for land lost by Aboriginal people of NSW. That annual payment ceased in 1998 when a clause in the Act, known as the Sunset Clause, took effect.

Since then, the NSW Aboriginal Land Council had been self sufficient.