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## **Backlog of Aboriginal land claims will take 90 years to clear**

By Michelle Brown  
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Judging by the number of claims that have been made, the New South Wales Aboriginal Land Rights Act is a victim of its own success.

In the past year the number of undetermined land claims has increased to over 29,000. It has been calculated this "land bank" will take 90 years or more to determine.

There have been around 40,000 claims lodged since the Act was introduced in 1983 to compensate Aboriginal people for dispossession of their land.

That just 2,500 claims have been determined is a cause of despair for Aboriginal people whose identity and often economic future is connected to their ancestral lands.

NSW Land Council chairman Roy Ah-See said the importance of land claims could not be underestimated.

"It's who we are. It's our identity, it's country, it's culture," he said.

Now, fresh thinking and changes to the rules of engagement are raising hopes the backlog can be addressed in less than a lifetime.

**Some Bahtabah claims withdrawn in pilot program**

One recent success story is that of the Bahtabah Local Aboriginal Land Council in the Lake Macquarie region, one of a network of 120 land councils across the state formed to make claims on vacant crown lands under the Act.

Frustrated by the lack of progress, Batabah chief executive officer Mick Green hit on a new approach and negotiated a successful outcome.

"We went for the most important things. The ones (claims) we traded off were the ones we thought were no good, the ones that would keep us in a backlog of land claims," he said.

By withdrawing 93 claims and settling 15 with the Crown Lands Office the Bahtabah pilot managed to put a serious dent in the backlog in one go.

The Registrar of the Aboriginal Land Rights Act, Stephen Wright, said the Bahtabah pilot also achieved a new approach to negotiating.

He said that was important because the Act was strong. It is the process that is broken.

"The courts have been very clear in saying once a land claim is lodged the land council's right is to have the claim determined before any other interest in the land is dealt with," he said.

Despite the progress, not one claim has yet been settled under new rules for dispute resolution put in place last July as a result of a review of the Act.

Negotiation process must improve, Land Council chairman says

But Mr Ah-See said there was a way to go before negotiations could take place on a level playing field.

"Bahtabah has sort of started a process and it's worked for them but I don't think it's the silver bullet at this stage," he said.

Mr Ah-See said finding out what crown land was available to claim was still a sticking point.

In inner Sydney the Metropolitan Local Aboriginal Land Council's claim over Wentworth Park is typical of the tens of thousands of claims that have stayed unresolved for years.

The group made the claim in 2007 when the land which once belonged to the Gadigal people became unused by greyhound racing.

Metropolitan Land Council chief executive Nathan Moran suspected government development plans were behind the delay frustrating the intentions of the Land Rights Act.

"I would hope that they would abandon the eyeing off of the land rights system as an asset cow to balance their books and get back to the human realities, it was founded to recompense us for the loss of an entire state," he said.

A spokesperson for Minister for Lands Niall Blair said the Government was committed to addressing the backlog of claims and wanted to seize the opportunity presented by the reforms.