

FACT SHEET 5

LAND ACCESS AGREEMENTS

Questions and Answers about Negotiated Land Access Agreements

The following information is used to illustrate some questions and answers about negotiating a Land Access Agreement with members of the Aboriginal community to conserve and protect aspects of the catchment area that are culturally significant to them.

Question Can the Central West CMA help me to contact members of the Aboriginal community to find out if any-one is interested in working with me to conserve Aboriginal cultural heritage sites?

Answer Yes, the Central West CMA employs Aboriginal Community Support Officers who work with the catchment community to assist you to identify Aboriginal community groups and organisations in your local government area.

Question If I allow Aboriginal community members access to the land that I manage can they make a Native Title claim for my land?

Answer Native title may be claimed over Crown land (eg Crown leases, national parks, state forests etc), land held under land rights and water areas. Native Title cannot be claimed over private freehold land or on land under an exclusive lease. Native title cannot take away anyone else's valid rights to land including owning a home, holding a pastoral lease or having a mining licence. Australian law does not recognise Native title over places where people have exclusive possession of the land, like privately owned freehold land.

Question How often are members of the Aboriginal community likely to visit?

Answer This will depend on the type of site and its relative significance to the Aboriginal community. This can be negotiated as part of your Land Access Agreement.

Question Will the land that I manage be left as the people visiting it found it, for example gates closed, no rubbish left and nothing removed from the site

Answer It is your right to negotiate who comes onto the land that you manage and how it is left.

Question How will I know who comes onto my farm?

Answer Negotiated Land Access Agreement's can determine many things for example: who has permission to enter your farm, ways of relating to one another, how the land owner should be notified of an Aboriginal community visit, exclusion zones, camping, the use of fire, Traditional use of flora and fauna, allowing dogs onto your farm, how the site will be conserved and protected in the future, etc.

For further information contact

WELLINGTON

Central West CMA
141 Percy St
Phone: 6840 7800