

Aboriginal Lands Trust
Policy & Guideline Series

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Policy Transfer of ALT Land



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Department of
Indigenous Affairs



DEPARTMENT OF INDIGENOUS AFFAIRS

Policy

Transfer of ALT Land

Aboriginal Lands Trust WA

Introduction

Under current Government policies, the Aboriginal Lands Trust (ALT) is empowered to hand back land held by the Trust, to the Aboriginal community.

When negotiating transfers, the ALT has agreed to work together with Native Title Representative Bodies (NTRB) to determine who will hold the land and has entered into Memoranda of Understanding with NTRB's to outline the procedures to be followed when lands are transferred.

Transfer Policy

The ALT has endorsed the following principles to apply when lands are being considered for transfer:

The ALT will aim for equity at all times.

The transfer of land title will always endeavour to reconcile traditional and historical interests in the land.

The ALT will adopt a maximum level of transparency and openness in its negotiations and decision making.

The ALT will consult with the interested parties in the land, including occupants e.g.

- the lessees if applicable (both registered and unregistered),
- Traditional Owners and/or native title claimants.

Transfers will be in accordance with the process outlined in any Memoranda of Understanding reached between the ALT, NTRBs and DIA.

The ALT will endeavour to deal with issues in a timely manner.

The ALT will comply with all statutory (legal) requirements associated with the land to be transferred.

Resources permitting the ALT will endeavour to transfer land free of liabilities.

Consideration will be given to any alternative land tenure options presented during the transfer process (although the final outcome is subject to the approval of the relevant statutory authorities).

Land will be transferred to legally durable and constitutionally fair Aboriginal organisations and in certain circumstances to individuals

When an ALT property is transferred in freehold, the ALT reserves the right to take the appropriate measures to protect the land from being sold or lost to the Indigenous estate.

The ALT will always endeavour to reach consensus with the NTRB representing the native title claimants/Traditional Owners. However, under the relevant legislation, the Trust and Minister for Indigenous Affairs will ultimately determine the transfer of the land.

The ALT will use its best endeavours to facilitate post transfer support from Government and non Government agencies for land transferees.