Cultural Heritage Information Sheet



FACT SHEET 8 LAND ACCESS AGREEMENTS

Template for negotiating a Land Access Agreement

Aboriginal Community Group

(Insert name of Aboriginal community group i.e.: Local Aboriginal Land Council, Traditional Owner Incorporated Body)

Land Owner

(Insert name of Land Holder, Company, Government, Government Agency)

Background

The ABORIGINAL COMMUNITY GROUP is an incorporated body constituted pursuant to the (for example Land Council pursuant to the Aboriginal Land Rights Act)

Land Owner

The Land Owner holds a Freehold Land Title or Lease to the area shown on the map at: Appendix 1

Agreement Area

The Agreement covers the area shown on the map at: Appendix 1

Agreement Topic

This Agreement is about protecting and conserving Aboriginal cultural heritage in the area shown on the map

Aboriginal Rights and Obligations

The Land Holder and the Aboriginal group acknowledge each others rights and obligations

Negotiation Process

A description of how the Land Holder and the Aboriginal group agreed to enter into this Land Access Agreement

Agreement Purpose

The purpose of this Agreement is to reach an understanding about access to the lands and waters in the Agreement area by the Aboriginal community group

THE AGREEMENT

Aboriginal community Undertakings

The Aboriginal community agrees to exercise access to the agreement area on the following conditions: (INSERT AGREED UNDERTAKINGS - examples are in Appendix 2)

Land Holder Undertakings

The Land Holder agrees to allow Aboriginal community members access to the lands and waters on the following conditions: (INSERT AGREED UNDERTAKINGS – examples are in Appendix 3)

Joint Undertakings

Both parties agree:

(INSERT AGREED UNDERTAKINGS – examples are in Appendix 4)

Native Title, Intellectual Property and Cultural Heritage

Both parties agree nothing in the Agreement is intended to effect: (INSERT AGREED AREAS examples are in Appendix 5)

Review Clause;

The purpose of the review is to determine if the Agreement should continue, be modified or cease.

Both parties will review this Agreement within: (INSERT AGREED TIMEFRAME IN MONTHS/YEARS)





APPENDIX 1

Map covering the Agreement area.

APPENDIX 2

Examples of Aboriginal Party undertakings in the Agreement

- The Aboriginal Party will maintain a Register of Aboriginal people who wish or may wish to access the lands and waters and provide a copy to the Land Manager
- The Aboriginal Party will telephone the Land Manager at least twenty-four (24) hours in advance of each visit (unless otherwise agreed) to give notice of the proposed access
- An Aboriginal person whose name is on the register may bring their family and guests onto the lands and waters but remains responsible for those people
- If an Aboriginal person whose name is on the register is unknown to the Land Manager, then the Land Manager may ask for some form of identification
- Gates will be left as found
- No hunting will occur without notice to the Land Manager
- No stock or crops will be disturbed
- Unless otherwise agreed, motor vehicles will only be driven on existing tracks
- Permission to access the property does not include any person who is or becomes intoxicated on the Land
- All items brought onto the property and rubbish will be removed when leaving
- No guns are to be brought onto the property unless agreed in advance for a specific purpose
- The Aboriginal Party to take all reasonable steps to minimise risks to persons and property during access and to not do any activities excluded by the Land Manager's public liability insurance policy and notified as such by the Land Manager
- The Aboriginal Party will consider public applications by the Land Manager for funding ir assistance in management or conservation of the lands and waters
- The Aboriginal Party will take all reasonable steps to repatriate places, items and/or objects that are associated with the project area and that are culturally significant to them in consultation with the Land Manager
- The Aboriginal Party will take all reasonable steps to comply with the NSW Department of Environment Conservation and Climate change regulations for conserving Aboriginal cultural heritage.

APPENDIX 3

Examples of Land Management undertakings in the Agreement

- The Land Manager will allow the Aboriginal Party to have peaceful enjoyment of the lands and waters being accessed while they are being accessed
- The Land Manager will ensure that all applications for public funding or assistance for conservation of the lands and waters make provision for the Aboriginal Party to participate as partners in works, if the Aboriginal Party wishes
- To give the nominated contact person for the Aboriginal Party three (3) days notice of any restriction on access.

APPENDIX 4

Examples of Joint undertakings in the Agreement

- That this agreement is built on good faith and respect, and each agrees to perform the agreement on that basis
- Each Party to the agreement will allow the other peaceful enjoyment of the agreement area at all times while access is being exercised.

APPENDIX 5

Examples for effect on native title intellectual property and cultural heritage in the Agreement

- Such native title rights or interests as may exist
- Such intellectual property rights as may exist in relation to the lands and waters, knowledge and practices of the Aboriginal Party
- The operation of the State and Commonwealth heritage protections laws.