New South Wales Aboriginal Land Council

Application for Approval of a Dealing with Land

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| Land dealing approval application number *(for office use)* |  |

## Part A: Information about this application

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| Applicant’s Details | | |
| 1. Name of LALC submitting application | |  |
| 1. Name and position of authorised LALC officer/staff making the application for the LALC | |  |
| 1. Name and position of authorised LALC officer/staff who may be contacted to discuss this application | |  |
| 1. Contact details for the LALC’s contact person | | |
| BusinessPhone |  | |
| Mobile Phone |  | |
| Fax |  | |
| Email |  | |
| Postal address |  | |

Part B: Prescribed Information

*Aboriginal Land Rights Act 1983,* s.42, s.42F(2)

*Aboriginal Land Rights Regulation 2014,* cl.102

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| What land dealing does the LALC propose to deal with (this will be referred to in this application as the land dealing)? | | | | | | | | | | | | | | | |
| **5.** Street Address/Location | | |  | | | | | | | | | | | | |
| **6.** Other means by which the land is known or identified (e.g. “Sydney Harbour Bridge project”) | | |  | | | | | | | | | | | | |
| **7.** Folio reference (this can be found on the title search of the land.)  *If more space is required, please attach to application.* | | | Property | | | Lot | | DP | | | | Parish | | County | |
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| **8.** Does the title search of the land indicate that section 42 of the ALRA applies to the land? Section 42 states that an Aboriginal Land Council must not deal with land vested in it subject to native title rights and interests unless the land is the subject of an approved determination of native title. If section 42 applies to the land, the LALC cannot deal with the land and NSWALC will not consider an application from a LALC for approval to deal with the land until this reference is removed or evidence is provided of a native title determination or unless the type of land dealing falls into one of the categories specified in section 42(2). | | | | | | | |  | | | | | | | |
| What does the LALC intend doing with the land? | | | | | | | | | | | | | | | |
| **9**. What are all of the ways in which the LALC proposes to deal with the land? (ie is this application for approval of sale of LALC land, a lease, a creation of an easement over LALC land, etc – please tick all the boxes below that apply, attach a title search and provide details if the boxes do not apply) | | | | | | | | | | | | | | | |
| Easement | Lease | | | Sale | | | | | Subdivision | | | | Option to Purchase | | |
| Biobanking | Development application | | | | | | | | | Mortgage | | | | | |
| Other (please specify) | | | | | | | | | | | | | | | |
| **10**. Please provide further details of the proposed dealing(s) and what it involves, including information about the stage that planning and negotiations for the dealing are at. If there are documents in existence that describe the proposed land dealing(s) (eg meeting papers provided to members, or draft development application), please state what the documents are and attach them. | | | | | | |  | | | | | | | | |
| What are the proposed terms and conditions for, or details of, the land dealing(s)? | | | | | | | | | | | | | | | |
| **11**. What are the proposed terms or conditions for the proposed land dealing(s)? If there are draft documents setting out the proposed terms and conditions (eg a draft contract for sale of land, a lease, a letter of offer or a heads of agreement or memorandum of understanding, ie MOU), please state what they are and attach them. | | | | | | |  | | | | | | | | |
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| The Members’ meeting and resolution | | | | | | | | | | | | | | | |
| 12. Is a copy of the resolution by which the members approved the dealing/s attached? Please attach a copy of the official minutes signed by the Chairperson (as it may answer some of the questions below.) | | | | | | | | | | | | | | | Yes/No |
| 13. Details of meeting at which resolution(s) passed | | Date | | |  | | | | | | | | | | |
| Time | | |  | | | | | | | | | | |
| Place | | |  | | | | | | | | | | |
| 14. Was notice of the meeting given as required (see s.42G(5), ALRA and cl.101, ALRR)? | | | | | | | | | | | | | | | Yes |
| 15. What documentation (eg newspaper advertisement with date of circulation or copy of notice that was mailed out to members and proof of date of mail out) is attached to prove this? | | | | | | | | | | |  | | | | |
| 16. Was a quorum present (at least 10% of all voting members eg 101 voting members requires at least 11 voting members present)? | | | | | | | | | | | | | | | Yes/no |
| 17. What documentation (eg legible attendance list and membership roll, official minutes) is attached to prove this? | | | | | | | | | | |  | | | | |
| 18. Was the resolution passed by 80% or more of the voting members present? | | | | | | | | | | | | | | | Yes/No |
| 19. What documentation (eg official minutes or resolution(s) showing the total number of voting members at the time of the resolution and the number of voting members in favour of resolution) is attached to prove this? | | | | | | | | | | |  | | | | |
| Valuation | | | | | | | | | | | | | | | |
| 20. Is a valuation of the relevant land attached? *Please attach a copy of the valuation.* | | | | | | | | | | | | | | | Yes/No |
| **Application fee** | | | | | | | | | | | | | | | |
| **21.** Is a cheque or money order payable to the NSW Aboriginal Land Council (NSWALC) for $250 for the application fee attached? The $250 application fee can also be paid via electronic funds transfer to the following NSWALC account:  Bank: National Australia Bank  Account Name: NSWALC Admin Account  BSB: 082-330  Account number: 813033870  Reference: Name of your LALC  *Please not that if the land dealing consists of only a development application, no application fee is required.* | | | | | | | | | | | | | | | Yes/No |
| **Request for assessment by panel?** | | | | | | | | | | | | | | | |
| **22.** Does the LALC want to request that the land dealing be assessed by an expert? | | | | | | | | | | | | | | | Yes/No |

Part C: Further information and documentation required by NSWALC

*Aboriginal Land Rights Act 1983,* s.42F(4)

Please note that s.42F of the ALRA gives NSWALC power to require further information and documents. Some additional information and documentation required by NSWALC as a matter of policy is set out in this part of this application form. NSWALC may require further information or documents after reviewing the application if this is considered necessary.

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| Disclosure of sales to LALC members and other LALC land dealings directly in favour of LALC members and others | | | |
| 23. Will the proposed land dealing (ie sale or other LALC land dealing) give one or more LALC members, officers, staff or consultants, or a company controlled by them, an interest in the LALC’s land? | | |  |
| 24. If the answer to question 23 is yes: | | | |
| a) What are the details of this (include names and details of the nature of the interest)? | |  | |
| b) Was this fact disclosed to the LALC’s members when the LALC members decided to deal with the land? | | | Yes/No |
| c) Were the LALC officers, staff, members or consultants present at or in sight of the LALC meeting when the proposed land dealing was being considered or discussed? | | | Yes/No |
| d) Were the LALC officers, staff, members or consultants present at or in sight of the LALC meeting when the land dealing was discussed and voted on? | | | Yes/No |
| e) What documentation showing this is attached? |  | | |
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| Proposed LALC land dealings in which LALC officers or staff members or consultants otherwise have a pecuniary interest | | | |
| 25. Do one or more LALC officers, staff, members or consultants otherwise have a pecuniary interest in the proposed land dealing(s) by the LALC? | | | Yes/No |

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| 26. If the answer to question 25 is yes: | | | | | |
| 1. What are the details of this? | |  | | | |
| 1. Was this fact disclosed to the LALC’s members when the decision to deal with the land was made (whether or not the LALC officer, staff, member or consultant was present at the meeting)? | | | | | Yes/No/NA |
| 1. Were the LALC officers, staff, members or consultants present at or in sight of the LALC meeting when the proposed land dealing was being considered or discussed? | | | | | Yes/No/NA |
| 1. Were the LALC officers, staff, members or consultants present at or in sight of the LALC meeting when the land dealing was discussedand voted on? | | | | | Yes/No/NA |
| 1. What documentation showing this is attached? |  | | | | |
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| Disclosure of proposed LALC land dealings from which LALC members will benefit directly other than by acquiring an interest in the land | | | | | |
| 27. Will one or more known LALC members, or a company controlled by them, directly benefit in some other way from the proposed land dealing (eg a benefit through a business or joint venture arrangement)? | | | | | Yes/No/NA |
| 28. If the answer to question 27 is yes: | | | | | |
| 1. What are the details of this? | | |  | | |
| 1. Was this fact disclosed to the LALC’s members when the decision to deal with the land was made (whether or not the LALC officer, staff, member or consultant was present at the meeting)? | | | | Yes/No/NA | |
| 1. Were the LALC officers, staff, members or consultants present at or in sight of the LALC meeting when the proposed land dealing was being considered or discussed? | | | | Yes/No/NA | |
| 1. Were the LALC officers, staff members or consultants present at or in sight of the LALC meeting when the land dealing was discussed and voted on? | | | | Yes/No/NA | |

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| 1. What documentation showing this is attached? |  | |
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| Consistency of the LALC land dealing with the approved LALC community, land and business plan | | |
| 29. Does the proposed LALC land dealing(s) form part of the LALC’s approved community, land and business plan? | | Yes/No |
| 1. If so, please provide details and references to the relevant parts of the plan. |  | |
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| b) If not, is the proposed land dealing still consistent with the approved community, land and business plan? If so, please explain and provide references to the relevant parts of the plan. |  | | | |
| **30.** If the proposed land dealing may not be consistent with the approved community, land and business plan, please give the reasons why the proposed land dealing should nevertheless be approved. |  | | | |
| **31.** If the proposed land dealing may not be consistent with the approved community, land and business plan, please advise whether the LALC proposed to amend the community, land and business plan. | | | Yes/No/NA | |
| **Consideration of cultural and heritage significance of the land** | | | | |
| **32**. Did the LALC, in passing the resolution approving the land dealing, consider the cultural and heritage significance of the land to Aboriginal persons? | | | | Yes/No |
| **33.** Please attach any information if appropriate (eg resolution or official minutes). | |  | | |

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| **Use of proceeds (section 42G(3)(e) provides that NSWALC may consider whether it is likely that the proceeds of the land dealing will be managed and applied in the interests of members of the LALC and other Aboriginal persons within the area of the Council in deciding whether to refuse to approve a land dealing)** | | | | | |
| **34.** How will the proceeds of the land dealing be used? Please attach relevant documents. |  | | | | |
| **35**. How will the proceeds of the land dealing be managed? Please attach relevant documents |  | | | | |
| **Proposed LALC land dealings form part of a community benefits scheme** | | | | | |
| **36.** Does theproposed LALC land dealing form part of a community benefits scheme? | | | | | Yes/No |
| **37.** If so, has the scheme been approved by NSWALC? | | | | | Yes/No |
| **38.** If the community benefits scheme has not been approved by NSWALC, has an application been made by the LALC to NSWALC for approval of the scheme? | | | | | Yes/No |
| **39.** Please provide a description of the community benefits scheme. | | |  | | |
| **Details relating to legal and other professional advice sought by the LALC in respect to the proposed LALC land dealing** | | | | | |
| **40.** Legal / other professional details | | | | | |
| 1. Registered business name | | | |  | |
| 1. Name and position of professional advisor who may be contacted to discuss this application | | | |  | |
| 1. Contact details for the professional advisor | | | | | |
| Business phone and mobile numbers | |  | | | |
| Fax | |  | | | |
| Email | |  | | | |
| Postal address | |  | | | |
| **41.** Legal / other professional details | | | | | |
| 1. Registered business name | | | |  | |
| 1. Name and position of professional advisor who may be contacted to discuss this application | | | |  | |
| 1. Contact details for the professional advisor | | | | | |
| Business phone and mobile numbers | |  | | | |
| Fax | |  | | | |
| Email | |  | | | |
| Postal address | |  | | | |

Part D: Further information and documents provided by the applicant LALC

Aboriginal Land Rights Act 1983, s.42F(3)

If the LALC wishes to provide additional information and documents in support of this application for NSWALC approval of the LALC land dealing, including information that has been provided to the LALC’s members about the land dealing, please list those documents below and attach copies to this application

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| **Additional Information** |
| **42.** The following additional information is provided in support of this application (list the information): |
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| **Additional documents** |
| **43.** The following additional documents are provided in support of this application (list the documents): |
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| **Attachments Checklist** |
| **44.** Please tick the following boxes to check that you have attached all the necessary information |
| A recent title search for each parcel of land the LALC wants to deal with (Title search to be no more than 3 months old) |
| Documentation (if it exists) describing the proposed land dealing(s) (ie a contract, lease, joint venture agreement etc) |
| Documentation (if it exists) setting proposed terms for the land dealing(s) (eg a draft contract for sale, a lease, a letter of offer or a heads of agreement or memorandum of understanding, ie MOU) |
| A copy of the relevant resolution/s of the LALC members approving the land dealing(s), and the official minutes signed by the Chairperson |
| Documentation establishing that the required notice of the meeting to approve the land dealing was given to LALC members |
| Documentation establishing that a quorum of LALC members was present at the LALC meeting that approved the land dealing |
| Documentation establishing that the LALC members’ resolution/s was/were passed by 80% or more of the voting LALC members present at the members meeting |
| A valuation for each parcel of land that the LALC wants to deal with |
| The $250 application fee |
| Documentation in relation to land dealings directly in favour of LALC members and others (if relevant) |
| Documentation in relation to land dealings in which LALC officers or staff members or consultants have a pecuniary interest (if relevant) |
| Documentation in relation to land dealings from which LALC members will benefit directly other than by acquiring an interest in the land (if relevant) |
| Documentation in relation to LALC’s consideration of the cultural and heritage significance of the land (if relevant) |
| Documentation in relation to the use of the proceeds of the dealing ( if relevant) |
| Additional documents set out at question 43. |

Part E: Declaration

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| I declare that:   * I am authorised to make this application on behalf of the LALC * The application is complete and all documents required to be attached are attached * All of the information in this application (including any attached documents) and any other additional information or documents I may provide in the future relating to this application, is/will be true and correct to the best of my knowledge and belief * All of the documents attached to this application are originals or genuine copies of original documents | |
| Name and title of the LALC officer/staff making the application for the LALC |  |
| Signature of the LALC officer/staff making the application for the LALC |  |
| Date |  |