



## **Execution of Documents**

Local Aboriginal Land Councils (LALCs) can execute documents in several ways under the *Aboriginal Land Rights Act 1983* (ALRA) and the *Aboriginal Land Rights Regulation 2020* (ALRR).

## 1. By the Chairperson

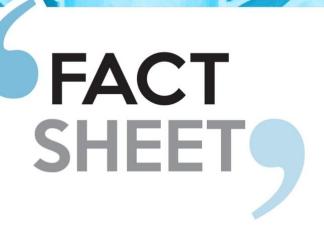
This is the most common and easiest way for a LALC to execute documents.

<b>Executed</b> for and on behalf of	
the [insert name] LOCAL ABORIGINAL LAND	
COUNCIL ABN [insert ABN] in accordance with	
Section 245 of the Aboriginal Land Rights Act 1983	
(NSW) by its Chairperson in the presence of:	
Signature of Witness	
	Signature of Chairperson
Full name of Witness	
	Full name of Chairperson

For the NSW Land Registry Services (LRS) forms or other documents to be registered at the LRS, the execution clause needs to satisfy the LRS's requirements and should be varied as follows:

Note: The content of this fact sheet is intended for information purposes only. It is not intended as advice and should not be relied upon as advice. All parties should seek independent advice that is suited to their own specific circumstances.

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I certify that I am an eligible witness and that an authorised officer of the [insert name] Local Aboriginal Land Council ABN [insert ABN] signed this dealing in my presence:

Certified correct for the purposes of the *Real Property Act 1900* by the authorised officer named below.

Signature of Witness: [Witness to sign]

Signature of authorised officer: Chairperson to sign]

Full name of Witness: [insert full name]

Authorised officer's name: [Insert Chairperson's full

nsert full namej

Authority of officer: Chairperson

namel

Address of Witness: [insert Street address]

Signing on behalf of: [insert name] Local Aboriginal Land Council pursuant to Section 245 of the

Aboriginal Land Rights Act 1983

## 2.By a person authorised by the Chairperson.

This method of execution is usually used if it is difficult to get access to the Chairperson, e.g., the Chairperson is expected to be on leave when the document is required to be signed.

The Chairperson must have, in writing and pursuant to section 245 of the ALRA, authorised the person to sign the document prior to the authorised person signing the document. The Chairperson's signature on the authorisation must be witnessed by an adult.

An example of an authorisation under section 245 of the ALRA:

"I, [insert full name of chairperson], Chairperson of [insert LALC name] Local Aboriginal Land Council, on [insert date] pursuant to section authorise 245 of the *Aboriginal Land Rights Act 1983*, authorise [insert full name of authorised person and the person's position at LALC], to sign [list all the documents they can sign or insert the words "and do all things necessary to give effect to [insert the transaction, e.g. sale of xx"]].

Signature of Chair: Signature of Witness. [Note the witness should not be the person authorised under the authorisation.]

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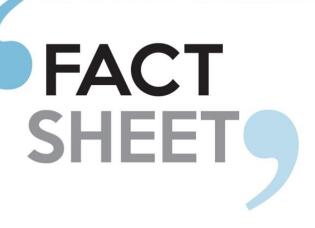
#### [insert full name of witness]"

LALCs should provide a copy of the authorisation when it provides the document, signed by the authorised person.

Executed for and on behalf of	
the [insert name] LOCAL ABORIGINAL LAND	
COUNCIL ABN [insert ABN] in accordance with	
Section 245 of the Aboriginal Land Rights Act 1983	
(NSW) by [insert the authorised person's name],	
who is duly authorised by the Chairperson of [insert	
name] Local Aboriginal Land Council, in the	
presence of:	
Signature of witness	Signature of person authorised by Chairperson
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Full name of witness	Full name and position of person authorised by
	Chairperson

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For the LRS forms or other documents to be registered at the LRS, the execution clause should be varied as follows. LALCS will need to provide a copy of the authorisation to the LPI at the same time it lodges, for registration, the document signed by the authorised person:

I certify that I am an eligible witness and that an authorised officer of the [insert name] Local Aboriginal Land Council ABN [insert ABN] signed this dealing in my presence:

Certified correct for the purposes of the *Real Property Act* 1900 by the authorised officer named below.

Signature of Witness: [Witness to sign]

Full name of Witness: [insert full name]

Address of Witness: [insert Street address]

Signature of authorised officer: [Authorised officer to sign]

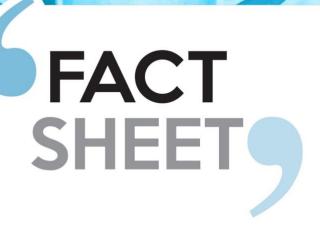
Authorised officer's name: [Insert authorised person's full name]

Authority of officer: As authorised by the Chairperson of [insert name] Local Aboriginal Land Council pursuant to Section 245 of the *Aboriginal Land Rights Act 1983*.

Signing on behalf of: [insert name] Local Aboriginal Land Council

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## 3. By Common Seal

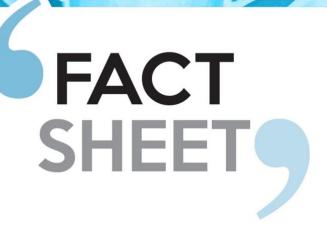
If LALCs wish to execute by common seal, then they need to check that their rule 17(3) has not changed from the Model Rules stated in Schedule 1 of the ALRR. If their rules have been amended, then the execution clause should refer to that amended rule.

The Common Seal needs to be affixed in the presence of 2 Board members who then need to sign. Please note that the Chief Executive Officer is **not** a Board member.

Executed by [insert name] LOCAL ABORIGINAL LAND COUNCIL ABN [insert ABN] by the affixing of its Common Seal under authority of its Board and in accordance with Rule 17(3) of Schedule 1 of the Aboriginal Land Rights Regulation 2020 (NSW) in the presence of the following Board Members:	
Signature of Board Member	Signature of Board Member
Full name of Board Member	Full name of Board Member

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For the LRS forms or other documents to be registered at the LRS, the execution clause should be varied as follows:

Certified correct for the purposes of the *Real Property Act 1900* by the company, the common seal of which was affixed pursuant to the authority specified and in the presence of the authorised person(s) whose signtures(s) appear(s) below.

Company: [insert name] Local Aboriginal Land Council ABN [insert ABN]

Authority: Rule 17(3) of Schedule 1 of the Aboriginal Land Rights Regulation 2020 (NSW)

Signature of authorised person: [Board member

to sign]

Signature of authorised person: [Board member

to sign]

Name of authorised person: [insert full name of

Board Member]

Office held: Board Member

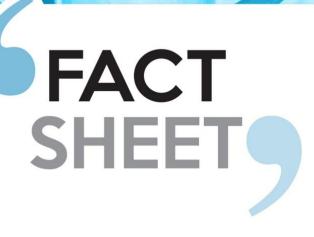
Name of authorised person: [insert full name of

Board Member]

Office held: Board Member

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## 4. By an Administrator Appointed.

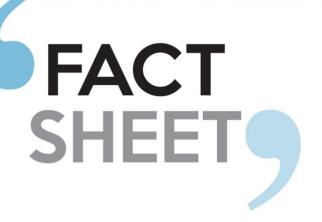
If an Administrator has been appointed to the LALC then this would be the most appropriate execution clause.

<b>Executed</b> for and on behalf of	
the [insert name] LOCAL ABORIGINAL LAND	
COUNCIL ABN [insert ABN] by its	
Administrator, appointed under section	
222(1) of the <i>Aboriginal Land Rights Act 1983</i>	
(NSW) [ <mark>if relvant add</mark> "and whose	
appointment has been extended under	
section 231(2) of the said Act"], in the	
presence of:	
Signature of witness	Signature of Administrator
Signature of withess	Signature of Administrator
Full name of witness	Full name of Administrator

For the LPI forms or other documents to be registered at the LPI, the execution clause should be varied as follows:

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I certify that I am an eligible witness and that an authorised officer of the [insert name]

Local Aboriginal Land Council ABN [insert ABN] signed this dealing in my presence:

Certified correct for the purposes of the *Real Property Act 1900* by the authorised officer named below.

Signature of Witness:

Signature of Authorised officer:

Full name of Witness: [insert full name]

Address of Witness: [insert Street address]

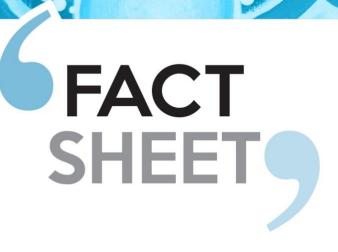
: [Insert Administrator's full name]

Authority of officer: Administrator, appointed under section 222(1) of the *Aboriginal Land Rights Act 1983* (NSW) [if relevant add "and whose appointment has been extended under section 231(2) of the said Act"]

Signing on behalf of: [insert name] Local Aboriginal Land Council

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# 5. By a LALC's solicitor/licensed conveyancer/barrister, on LRS forms, where the LALC is not disposing of an interest in land

This execution clause is only relevant for LRS forms and where the LALC is not disposing of an interest in land. For example, this cannot be used where the LALC is selling land (the transferor) but can be used where the LALC is buying land (the transferee). The signature of the LALC's solicitor/licensed conveyance/barrister does **not** need to be witnessed.

Certified correct for the purposes of the *Real Property Act 1900* on behalf of the [transferee/lessee/applicant] by the person whose signature appears below:

Signature:

[insert name of solicitor/licensed conveyancer/barrister]

[insert solicitor/licensed conveyancer/barrister]

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