

# FACT SHEET



NEW SOUTH WALES  
ABORIGINAL LAND COUNCIL

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## Fact Sheet 3

### Land Dealing Meeting Notice

After Local Aboriginal Land Councils (LALCs) have established that land is “vested” in them and they wish to deal with the land (see Fact Sheet 1) and that there are no impediments to dealing with the land (see Fact Sheet 2), LALCs are required to obtain members’ and NSWALC’s approval under the *Aboriginal Land Rights Act 1983* (ALRA), before carrying out the land dealing.

The *Aboriginal Land Rights Regulation 2020* (ALRR) and the ALRA are specific as to how LALCs must notify their members of a land dealing meeting.

### Notice of Meetings

Clauses 46(4) and (5) of the ALRR state:

#### “46 Notice of meetings

(4) *Notice of a meeting of a Local Aboriginal Land Council must —*

- (a) *be published in a newspaper, magazine or periodical circulating in the*

*area of the Local Aboriginal Land Council (whether in print or online), or*

- (b) *be given to all the members of the Local Aboriginal Land Council by any other efficient and practicable means approved by the Council.*
- (c) *The notice must specify a time and place for the meeting and the date on which it is to be held, not being a date earlier than 7 clear days after the notice is given.*

Clause 7 of the ALRR states:

#### “7 Notice of meetings of LALCs

- 1) *For the purposes of section 42G(5)(a) of the Act, notice of a meeting to approve a land dealing must be given not less than 7 clear calendar days before the day on which the meeting is to be held.*
- 2) *The notice must:*
  - (a) *clearly identify the land subject to the dealing, and*

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- (b) *state the manner in which the land is to be dealt with, and*
- (c) *state that at the meeting it is proposed to decide whether or not to approve of the land dealing.*

Clause 46(5) of the ALRR refers to “7 clear days” and clause 7(1) of the ALRR refers to “7 clear calendar days” but they both mean the same thing, i.e., there needs to be **at least 7 days between** the date the notice is given and the date of the meeting (not counting those 2 dates).

LALCs often give notice to members by post. This method, or any other method of issuing notices other than by newspaper advertisement, must be approved by LALC members at a properly convened LALC meeting. LALCs should be mindful that if they give notice to members by posting the notice, then, section 76(1)(b) of the *Interpretation Act 1987* means that the notice is not given to the members until the **7<sup>th</sup> business/working day after** the notice was posted. Attached to this fact sheet as **Attachment 1** is a calculation to assist LALCs on how 7 clear calendar days are calculated.

If LALCs issue meeting notices to members by a method other than newspaper advertisement or postal notice, NSWALC suggests that the LALC contact the Land and Property Team (**LPT**) (**Quick Reference Guide and Contacts**) to discuss what meeting notice information a LALC will need to provide in support of its Land Dealing Application.

Attached to this fact sheet as **Attachment 2** is an example of a meeting notice that may assist a LALC to advertise/post a meeting notice to members in compliance with clauses 46 and 7 of the ALRR.

In addition to the sample meeting notice attached and in order to ensure, as far as possible, that LALC notices calling land dealing meetings comply with the ALRR, LALCs or their legal advisors should prepare a draft meeting notice and are encouraged to provide the draft meeting notice to the LPT for further assistance and comments prior to placing the advertisement or sending out the meeting notice to members.

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## Attachment 1

### Calculating when to give Members notice

1. In order to hold a meeting on Friday 18 September 2020, a LALC must ensure that the newspaper, containing the advertisement, is circulated in the LALC's area and is published no later than **10 September 2020** (to comply with the 7 clear calendar days' notice required under clause 7 of the ALRR).

The calculation is as follows:

- 18 September 2020 - date proposed for land dealing meeting;
- 17 September 2020 - 1 calendar day before the meeting;
- 16 September 2020 - 2 calendar days before the meeting;
- 15 September 2020 - 3 calendar days before the meeting;
- 14 September 2020 - 4 calendar days before the meeting;
- 13 September 2020 - 5 calendar days before the meeting;
- 12 September 2020 - 6 calendar days before the meeting;
- 11 September 2020 - 7 calendar days before the meeting; and
- 10 September 2020 - 7 clear

calendar days before the meeting.

This is the latest date the Land dealing meeting notice can be published in the newspaper. The meeting notice can be published on **10 September 2020 or earlier**.

2. If members have previously, at a properly convened LALC meeting, approved the LALC notifying members, of future meetings, by post then the LALC can mail the meeting notice to all of its voting and non-voting members by post, no later than **1 September 2020** (for a meeting to be held on 18 September 2020). This is because the notice is taken to have been received by the members on the 7<sup>th</sup> working day after posting (see section 76(1)(b) of the *Interpretation Act 1987*) (**Postal Rule**).

The calculation of the dates are:

- 18 September 2020 - date proposed for land dealing meeting;
- 17 September 2020 - 1 calendar day before the meeting;
- 16 September 2020 - 2 calendar days before the meeting;
- 15 September 2020 - 3 calendar days before the meeting;
- 14 September 2020 - 4 calendar days before the meeting;
- 13 September 2020 - 5 calendar days before the meeting;
- 12 September 2020 - 6 calendar days before the meeting;

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- 11 September 2020 - 7 calendar days before the meeting;
  - 10 September 2020 - 7<sup>th</sup> business day after posting. This is 7 **clear** days before the meeting (equivalent to the date the notice can be published in the newspaper, i.e., the date members are taken to have been given the notice);
  - 9 September 2020 – 6<sup>th</sup> working day after posting;
  - 8 September 2020 – 5<sup>th</sup> working day after posting; and
  - 7 September 2020 – 4<sup>th</sup> working day after posting;
  - 6 September 2020 - Sunday so not a business day;
  - 5 September 2020 - Saturday so not a business day;
  - 4 September 2020 – 3<sup>rd</sup> working day after posting;
  - 3 September 2020 – 2<sup>nd</sup> working day after posting;
  - 2 September 2020 – 1<sup>st</sup> working day after posting; and
  - 1 September 2020 - latest date the meeting notice can be posted to members. The meeting notice can be posted on **1 September 2020 or earlier**.
- at a previous and properly convened meeting their members passed a resolution approving posting meeting notices to members. An example of the required evidence could be a copy of the resolution passed at the previous meeting; and
  - the notice of the land dealing meeting was sent to all members on its membership roll on a date that would give its members 7 clear calendar days' notice, taking into account the **Postal Rule**. An example of the required evidence could be a receipt from Australia Post showing bulk postage paid for the letters, a copy of the LALCs mail log or a declaration by the LALC Chairperson/CEO to that effect.

Where LALCs notify their members of a land dealing meeting by post, LALCs must provide to NSWALC evidence that:

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## Attachment 2 A sample of a land dealing meeting notice

[Please note: this is only a sample and the particulars of the LALC, properties and land dealings are made up.]

**“Abc LALC invites its members to attend a land dealing meeting.**

Date: Friday 18 September 2020  
Time: 2.30pm  
Place: Abc LALC Office, 49 Muriel Road, Mt Dial

At the meeting Members will decide to approve or not approve the following land dealing(s):

- i. selling 12 Smythe Street, Nancyville (Lot 135 of Section 2 in DP 25739);
- ii. lodging a development application for consent to build a single storey house at 98 Seville Road, Maynard (Lot 42 in DP 57321); and
- iii. granting a lease of 84 Daris Road, Broadland (Lot A in DP 278549) for a term of 5 years;
- iv. multi-lot development of Cnr

McCauley Avenue and Meetis Street, Opus Head (Lots 172 and 173 in DP 111352), including lodging a development application to subdivide into multi-lots, granting and releasing easements, dedication of roads/infrastructure to public authorities and sale of the subdivided lots.

Meeting authorised by [insert name and position]”

### **Please note:**

1. The more complex the land dealing, the more information the LALC members should be provided before they are asked to make a decision. Therefore, LALCs should consider holding information sessions leading up to the land dealing meeting or making documents such as proposed plans of subdivision available upon request and stating the availability of the documents, in the meeting notice, such as “Members can view the draft house plans, draft lease and draft concept plans for the subdivision by contacting the Abc LALC office”.
2. LALCs must ensure that all the relevant properties are correctly listed by Lot, Section and DP and by street address (if possible) or by a common name the LALC members call the land, e.g. - Cameera Reserve.

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