New South Wales Aboriginal Land Council

FACT Sheet

2 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 and that there are no impediments to dealing with the land (see Fact Sheet 1), 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 a land dealing meeting

Clause 7 of the ALRR provides:

> *"**7 Notice of meetings of Local Aboriginal Land Councils***
>
> *(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 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*
>
> *(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."*

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

> *"**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.*
>
> *(5) 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 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.

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LALCs should be mindful that if they give notice to members by posting the notice, then, pursuant to section 76(1)(b) of the *Interpretation Act 1987*, the notice is taken to have been given to the members on the **7th business/working day after** the notice was posted. Therefore, if notice of a land dealing meeting is given to members by post, LALCs must ensure that **an additional 7 business/working days are added to the 7 calendar days** required under clauses 7(1) and 46(5) of the ALRR (not counting the date of posting and date of the meeting).

In order to ensure 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 Commercial Team of NSWALC for further assistance and comments prior to placing the advertisement or sending out the meeting notice to members.

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