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fact sheet

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

Amendments to the *Aboriginal Land Rights Act 1983 (NSW) (ALRA)*

What do the new amendments to the ALRA mean for the NSWALC?

The amendments are aimed at improving the land dealings provisions in the ALRA. As a result, the process for LALCs to obtain NSWALC approval before entering into land dealings has changed dramatically. This means NSWALC will be implementing new processes to comply with the new provisions in the ALRA.

In addition to the new approval process, the amendments are introducing several other changes. Briefly, the major changes NSWALC will implement under the new provisions in the ALRA are as follows:

1. NSWALC will be required to assess every land dealing application made by a LALC under the new requirements in section 42G. The amendments have given NSWALC a larger discretionary role in examining whether a land dealing is, or is likely to be, contrary to the interests of the LALC or other Aboriginal people within the area.
2. A new certification process will also operate in relation to land dealings. LALCs will be required to obtain an initial certificate from NSWALC (*a dealing approval certificate*) approving a land dealing, and a second certificate from NSWALC (*a registration approval certificate*) allowing a registrable instrument to be recorded under the *Real Property Act 1900* or the *Conveyancing Act, 1919*.
3. NSWALC or LALCs will be able to constitute an expert advisory panel to assess a land dealing application and provide an opinion to NSWALC on the land dealing.
4. NSWALC will be able to issue approvals for land dealings subject to conditions. These conditions can take the form of *land dealing approval agreements*, which may be registered on the title of the land and bind future owners, or *registration prohibition notices*, which prevent registration on the title to the land unless the imposed conditions are fulfilled.
5. NSWALC will need to ensure that all land dealings carried out by LALCs are consistent with the community, land and business plan of that LALC and any relevant policies of NSWALC. This means NSWALC will need to review its relevant policies for all land dealings.
6. The amendments introduce a community development levy. This is a levy that LALCs must pay on certain land dealings. NSWALC is requested to set up a fund for these payments and match any payment made by a LALC into the fund. NSWALC will use the fund to make payments to LALCs requiring assistance to buy land or enter into development opportunities.

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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