



fact sheet

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

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

This fact sheet provides information for LALCs and other third parties on some of the important changes they should be aware of and when these changes will come into effect.

What do these changes mean for developers?

The purpose behind the amendments is to provide greater clarity about the operation of the ALRA and to provide more certainty for parties wishing to enter into developments, partnerships or Joint Venture Agreements with Local Aboriginal Land Councils (**LALCs**). The changes will increase the confidence of those engaging in land dealings with LALCs because they provide clear and appropriate regulation of the valuable land holdings owned by LALCs. The amendments will also give Aboriginal people the ability to engage in more complex land dealings that will provide greater economic benefits.

Important transitional provisions

All land dealings relating to land vested in a LALC will be subject to the new land dealings approval process (for more information on this process see the fact sheets on section 42G). This means LALCs, or parties that have entered into dealings with LALCs, will need to be aware of the status of those dealings when the amendments come into force.

At the commencement of the new provisions LALCs will be in one of three positions:

1. A LALC has been issued with a section 40B approval or 40D certificate (under the old provisions) and has lodged the certificate with the Registrar-General at the time the new provisions come into effect. In this situation a LALC will not be subject to the new provisions of the ALRA; or
2. An ALC has been issued with a section 40B approval or 40D certificate (under the old provisions) and has not yet lodged this certificate with the Registrar-General. In this case the ALC may be issued with a Registration Approval Certificate by NSWALC (under the new provisions) to enable it to register the relevant dealing. Note however that in situations where the old approval has been revoked by NSWALC and there is no evidence that the LALC has entered into legally binding contracts prior to the decision of NSWALC to revoke the approval, NSWALC will not be bound to issue a registration approval certificate.
3. A LALC has not been issued with a section 40B approval or 40D certificate in relation to a land dealing and will therefore be subject to all the new provisions in the ALRA.

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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