# 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 2014* (**ALRR**).

## 1.    By the Chairperson

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

| | |
|---|---|
| **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 its Chairperson in the presence of:<br><br>_____<br>Signature of Witness<br><br>_____<br>Full name of Witness | <br><br><br><br><br><br><br>_____<br>Signature of Chairperson<br><br>_____<br>Full name of Chairperson |

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

| | |
|---|---|
| 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:<br><br><br>Signature of Witness: [Witness to sign]<br><br>Full name of Witness:  [insert full name]<br><br>Address of Witness: [insert Street address] | Certified correct for the purposes of the *Real Property Act 1900* by the authorised officer named below.<br><br><br>Signature of authorised officer: [Chairperson to sign]<br><br>Authorised officer's name:[Insert Chairperson's full name]<br><br>Authority of officer: Chairperson<br><br>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.]

[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: | |
|---|---|
| _____<br>Signature of witness | _____<br>Signature of person authorised by Chairperson |
| _____<br>Full name of witness | _____<br>Full name and position of person authorised by Chairperson |

For the LPI forms or other documents to be registered at the LPI, 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:<br><br><br>Signature of Witness: [Witness to sign]<br><br>Full name of Witness:  [insert full name]<br><br>Address of Witness: [insert Street address] | Certified correct for the purposes of the *Real Property Act 1900* by the authorised officer named below.<br><br><br>Signature of authorised officer:[Authorised officer to sign]<br><br>Authorised officer's name: [Insert authorised person's full name]<br><br>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*.<br><br>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 2014* (NSW) in the presence of the following Board Members: | |
| _____<br>Signature of Board Member | _____<br>Signature of Board Member |
| _____<br>Full name of Board Member | _____<br>Full name of Board Member |

For the LPI forms or other documents to be registered at the LPI, 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.<br><br>Company:  **[insert name] Local Aboriginal Land Council** ABN [insert ABN]_<br>Authority:   Rule 17(3) of Schedule 1 of the *Aboriginal Land Rights Regulation 2014* (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] | Name of authorised person: [insert full name of Board Member] |
| Office held:   Board Member | Office held:   Board Member |

## 4. By an Administrator Appointed.

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

| | |
|---|---|
| **Executed** 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 *Aboriginal Land Rights Act 1983* (NSW) [if relvant add "and whose appointment has been extended under section 231(2) of the said Act"], in the presence of: | |
| _____ <br> Signature of witness | _____ <br> Signature of Administrator |
| _____ <br> Full name of witness | _____ <br> 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:

| | |
|---|---|
| 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: <br><br> Signature of Witness: <br><br> Full name of Witness: [insert full name] <br><br> Address of Witness: [insert Street address] | Certified correct for the purposes of the *Real Property Act 1900* by the authorised officer named below. <br><br> Signature of Authorised officer: <br><br> Authorised officer's name: [Insert Administrator's full name] <br><br> 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"] <br><br> Signing on behalf of: [insert name] Local Aboriginal Land Council |

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

This execution clause is only relevant for LPI 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:

Signatory's name: ==[insert name of solicitor/licensed conveyancer/barrister]==

Signatory's capacity: ==[insert solicitor/licensed conveyancer/barrister]==