



Form 4

Section 28C *Torres Strait Islander Land Act 1991*

Trustee application to the Chief Executive for land to be granted in freehold

Trustee making this application
Full name of trustee:
Contact person:
Postal address:
Phone:
Fax:
Mobile:
Email:
Eligible person's/persons' details
Full name of eligible person/s:
Postal address:
Phone:
Fax:
Mobile:
Email:



Description of the land the subject of this application

Lot on plan description (land must be surveyed) (e.g. Lot 1 on SP12345)

.....

Street address of the land offered to be allocated

.....

.....

Tick yes or no

Does the subject land have road access? Yes No

Further details of the land offered to be allocated (such as buildings, structures, fences, etc., and any encumbrances e.g. other leases, easements, permits)

.....

.....

.....

.....

.....

Tick yes or no

Details attached due to insufficient space Yes No

**Approved freehold instrument (freehold schedule and freehold policy)
[see end note 1]**

Tick yes or no

- The applicant/s is/are an eligible person/s Yes No
- The land the subject of this application is in the Trustee’s freehold schedule Yes No
- The offer is consistent with the freehold policy Yes No

Details of the eligible person’s/persons’ interest in the land [see end note 2]

Tick the interest which the eligible person/s has in the land offered to be allocated

- A registered lease granted under the *Torres Strait Islander Land Act 1991* or the *Land Act 1994*, other than a townsite lease
- A lease entitlement under the *Aboriginal and Torres Strait Islander Land Holding Act 2013*
- A lease granted under the *Aborigines and Torres Strait Islanders (Land Holding) Act 1985*
- A lease granted under the *Aboriginal and Torres Strait Islander Land Holding Act 2013*
- A registered sublease, including a registered sublease of a townsite lease
- A residential tenancy agreement for a social housing dwelling situated on the available land

Tick yes or no

- There is more than one interest holder Yes No

<ul style="list-style-type: none"> If yes, the offer to allocate available land has been made to all interest holders Yes <input type="checkbox"/> No <input type="checkbox"/> If no, all other interest holders consent Yes <input type="checkbox"/> No <input type="checkbox"/>
Mortgage
<p>Tick yes or no</p> <ul style="list-style-type: none"> There is a mortgage over the land offered to be allocated Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, the mortgagee has consented to the applicant making the application Yes <input type="checkbox"/> No <input type="checkbox"/>
Social housing
<p>Tick yes or no</p> <ul style="list-style-type: none"> Social housing is on the land offered to be allocated Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, the offer to allocate is subject to a condition that the eligible person must purchase the dwelling at the decided value under section 28R(5) of the <i>Torres Strait Islander Land Act 1991</i>. (Also see 'Agreements or arrangements' below) Yes <input type="checkbox"/> No <input type="checkbox"/>
Allocation process
<p>Tick yes or no</p> <p>The trustee has followed the allocation process for the land the subject of this application Yes <input type="checkbox"/> No <input type="checkbox"/></p>
Agreements or arrangements [see end note 3]
<p>Certain agreements or arrangements may be necessary to permit the granting of the subject land as freehold.</p> <p>For example, if native title exists over the land; there is a social housing dwelling on the land; or road access to the land is required, then an agreement or arrangement is required prior to the granting of the land as freehold.</p> <p>Tick yes or no</p> <ul style="list-style-type: none"> An agreement or arrangement is necessary Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, all agreements or arrangements appropriate to granting the land the subject of this application as freehold have been entered into or are in place Yes <input type="checkbox"/> No <input type="checkbox"/> Attached are copies of the necessary agreements or arrangement Yes <input type="checkbox"/> No <input type="checkbox"/>
Probity advisor [see end note 4]
<p>Tick yes or no</p> <ul style="list-style-type: none"> The land the subject of this application is allocated under section 28ZF of the <i>Torres Strait Islander Land Act 1991</i> Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, a probity advisor has certified the probity of the allocation process for the land the subject of this application Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, attached is a copy of the certification by the probity advisor Yes <input type="checkbox"/> No <input type="checkbox"/>

Statutory declaration [see end note 5]

I, [insert name], [insert position held in the trustee if the trustee is a body corporate or other entity]....., of [insert address of person making the Statutory Declaration].....

.....
make this solemn declaration by virtue of the provisions of the *Oaths Act 1867* that, to the best of my knowledge, information, and belief, the information supplied in this application is true and correct.

Signature of declarant

Taken and declared before me at

this

day of

A Justice of the
Peace/Commissioner for Declarations/Solicitor

.....

End note 1

To be eligible a person must meet the requirements of A, and B (if any).

A. The person must be either:

- an Aboriginal person
- the spouse of an Aboriginal person
- the former spouse of an Aboriginal person
- the spouse of an Aboriginal person who is deceased
- the former spouse of an Aboriginal person who is deceased
- a Torres Strait Islander
- the spouse of a Torres Strait Islander
- the former spouse of a Torres Strait Islander
- the spouse of a Torres Strait Islander who is deceased
- the former spouse of a Torres Strait Islander who is deceased

B. The person must also meet any additional criteria for participating in the allocation process for available land set out in the trustee's freehold policy.

End note 2

Only complete this section if the eligible person/s has/have one of the interests listed.

End note 3

Examples:

- Evidence that native title has been extinguished or surrendered (e.g. by an Indigenous Land Use Agreement) must be attached
- If dedicated road access does not exist, evidence of an arrangement for dedicated access will need to be attached

End note 4

Land is only allocated under section 28ZF of the *Torres Strait Islander Land Act 1991* if the eligible person/s does not have one of the following interests in the land the subject of this application:

- registered lease granted under the *Torres Strait Islander Land Act 1991* or the *Land Act 1994*, other than a townsite lease
- lease entitlement under the *Aboriginal and Torres Strait Islander Land Holding Act 2013*
- lease granted under the *Aborigines and Torres Strait Islanders (Land Holding) Act 1985*
- lease granted under the *Aboriginal and Torres Strait Islander Land Holding Act 2013*
- registered sublease, including a registered sublease of a townsite lease
- residential tenancy agreement for a social housing dwelling situated on the available land

End note 5

- All trustee applicants must sign the Statutory Declaration and have it witnessed by a Justice of the Peace, a Commissioner for Declarations, or a Solicitor