

printed by: s22

/BG/Health
21/06/2010 12:13 PM

To s22 /OATSIH/Health@Health.gov.au, s22 /O,
cc
bcc

Subject NSW Health and Katungal [SEC UNCLASSIFIED]

UNCLASSIFIED

s22

ATSIC funded Katungal to acquire the Narooma property, and it is therefore likely that the Department's consent will be required before Katungal can sell the Narooma property to contribute the proceeds of sale to the new project.

You will therefore have to go through the consent process which involves:

- obtaining a formal request from Katungal to the sale of the property and application of the proceeds of sale to the new project. I note that s22 will write to NSW Health today requesting that they advise Katungal to seek the Commonwealth's consent to the sale of the property and the application of the proceeds of sale to the new project;
- A • obtaining confirmation from FaHCSIA that the Department has the delegation to consent to the sale. I will send you a list of questions to ask FaHCSIA;
- B • obtain consent from Department of Finance and Deregulation to the disposal of the Department's interest in the property pursuant to the Lands Acquisition Act.
- C • obtain the Departmental delegate's consent to the disposal and communicate the consent to Katungal;
- D • when the sale is occurring, arrange for the ATSIC caveat to be withdrawn and for the State of NSW to attend the settlement and receive the proceeds of sale.

I will write into the funding agreement with the State of NSW that the Commonwealth's funding is conditional upon:

- ✓ • the State contributing \$2 million to the project;
- ✓ • Katungal obtaining the necessary approval to the sale of the Existing Property from the Commonwealth, selling the Existing Property and applying the Proceeds of Sale to the new project. In this regard, one of the conditions of the Department's consent to the sale of the Existing Property will be that the Proceeds of Sale are to be paid to the State of NSW for the State to use in the new project. The State of NSW must attend settlement of the sale of the Existing Property and receive the Proceeds of Sale. If the Proceeds of Sale are in excess of requirements for the new project, the State of NSW must refund the excess Proceeds of Sale to the Commonwealth.
- ✓ • if the State of NSW owns the Property upon which the new clinic is to be constructed (the Property), the State of NSW must enter into a Purposes Deed with the Commonwealth in respect of the future use of the Property;
- ✓ • if the State of NSW transfers the Property to Katungal, Katungal must enter into a tripartite Purposes Deed with the Commonwealth and the State of NSW which requires Katungal to lease the Property to the Commonwealth or the Commonwealth's nominee if it ceases to receive OATSIH service delivery funding or ceases to use the Property for the Designated Use, and if liquidated damages are payable, the liquidated damages will be a percentage of the full cost of the project (which includes the Proceeds of Sale), and the State will receive a refund of a percentage of its contribution, and the rest of the liquidated damages will be paid to the Commonwealth (which includes a percentage of the Proceeds of Sale).

Please confirm that the above is correct.

s22

printed by: s22

Principal Legal Officer
Commercial Group
Legal Services Branch
Department of Health and Ageing

s22

----- Forwarded by s22 /BG/Health on 21/06/2010 10:49 AM -----

s22
OATSIH/Health
To s22 /BG/Health@Health_gov_au
alth
cc: s22 /OATSIH/Health@Health_gov_au
18/06/2010 03:58
Subject: Fw: Title search for Katungal [SEC=UNCLASSIFIED]
PM

Hi s22

For your information as discussed with s22

Kind regards,

s22
Capital Works Section
Office for Aboriginal and Torres Strait Islander Health
Ph: s22

----- Forwarded by s22 /OATSIH/Health on 18/06/2010 03:56 PM -----



s22
18/06/2010 01:50
Subject: RE: Title search for Katungal [SEC=UNCLASSIFIED]
PM

Hi s22

I refer to your email and attach a copy of the following for Shops 1 – 6, 26 Princes Highway, Narcooma:

1. Search of title identifiers 1/SP44201, 2/SP44201, 3/SP44201, 4/SP44201, 5/SP44201 & 6/SP44201
2. Caveat no. 51510
3. PA dated 9 June 1994

Please note that the property is registered in the name of **KATUNGUL ABORIGINAL CORPORATION COMMUNITY & MEDICAL SERVICES**

Shops 1 and 2 were purchased in August 1994 for \$200,000.00. A copy of the transfer is attached.

Shops 3, 4, 5 & 6 were purchased in June 1994 for \$449,000.00. A copy of the transfer is also attached.

The PA, caveat and certificates of title (6) are held in the Deeds Room.

We are investigating the funding source and will advise you further in this regard shortly.

Can you ensure that all search requests are sent to both myself and s22 ?

printed by: s22

Kind regards

s22

Assistant Deeds Room Manager (Whole of Government)
Department of Families, Housing, Community Services and Indigenous Affairs
s22

From: s22 @health.gov.au s22
Sent: Friday, 18 June 2010 10:29 AM
To: s22
Cc: s22 ;@health.gov.au
Subject: Title search for Katungal [SEC=UNCLASSIFIED]

Good morning s22

Could you please do a title search for us on **Katungal Aboriginal Corporation** ABN: 92 697 899 630,
26 Princess Highway Narooma NSW.

Also, could you please tell us who initially funded the property?



Many thanks.

Kind regards,

s22

Capital Works Section
Office for Aboriginal and Torres Strait Islander Health
Ph: s22

"Important: This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you receive this transmission in error please notify the author immediately and delete all copies of

this transmission."   [Aa522e934-d24b-47c9-bab5-5204efc6f205.tf](#) [A443981f6eb87-42bc-90ed-93e09c115524.tf](#)

     
Katungal transfer.pdf Katungal transfer 2.pdf Unit 5 Katungal.pdf Unit 1 Katungal.pdf Unit 2 Katungal.pdf Unit 3 Katungal.pdf
 
Unit 4 Katungal.pdf Unit 5 Katungal.pdf

UNCLASSIFIED

This document was released under the Freedom of Information Act 1982