

**Grafton Ngerrie Local
Aboriginal Land Council
(LALC)**

**Membership
Policy**

Policy and Procedure - Membership Applications.

Approved by members on: [enter date]

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1) Overview: Purpose of policy and procedure:

The LALC has developed this policy and procedure for how that LALC will deal with membership applications as per Section 54 of the Aboriginal Land Rights Act 1983 (ALRA).

This policy assists the LALC Members to:

1. Make fully informed decisions regarding membership;
2. Have a consistent and fair approach when considering applications, and
3. be confident in the decision they make in compliance with the ALRA 1983.

2) Eligibility:

[Eligibility to make an application for membership](#)

A person is qualified for membership if:

1. the person is an Aboriginal person who resides within the area of the LALC, or
2. the person is an Aboriginal person who has sufficient association* with the area of the LALC, or
3. the person is an Aboriginal owner in relation to land within the area of the LALC.

*as determined by the voting members of the Council at a meeting of the Council.

A person who is eligible needs to apply AND needs to be accepted by the members at a meeting of the Council.

(Section 54(2A) of the Aboriginal Land Rights Act 1983)

[Definition of an Aboriginal person \(refer to eligibility clauses\)](#)

As defined in the ALRA an Aboriginal person means a person who:

- (a) is a member of the Aboriginal race of Australia, and
- (b) identifies as an Aboriginal person, and
- (c) is accepted by the Aboriginal community as an Aboriginal person.

(Section 4 of the Aboriginal Land Rights Act 1983)

3) Membership approval process

(a) Before the Members meeting

Step 1:

CEO provides this policy including Membership application (Attachment A) and info sheet (Attachment D) to applicant.

Step 2:

Applicant completes membership application form this must include evidence based on the above qualifications for membership, i.e. proof of address, birth certificate, proof of Aboriginality forms from other organisations, family tree or any relevant information that asserts the applicants claim for membership.

Step 3:

Application is received by the CEO for review, the CEO will establish if sufficient evidence is provided and will liaise directly with the applicant before proceeding to step 4.

Step 4:

LALC CEO advises the applicant by written correspondence (email or letter) of the next upcoming members meeting and requests a RSVP for attendance in person or by skype/other method, if no response is forthcoming the LALC CEO will defer the application to a further date at which the applicant will be advised. If non-attendance for two consecutive members meetings at which an applicant has been invited the CEO will discontinue the process until contact is made with the CEO.

*****Please note if an applicant cannot attend the members meeting in person or other method provided, an apology must be forthcoming and the Members will determine if apology suffices to consider the application without their attendance. *****

(b) During Members meeting

Step 1:

Applicants will be invited by the Chairperson to provide a statement to the Members of the LALC regarding their entitlement for membership. This statement must include reference to the eligibility requirements in clause 2 of this policy.

Step 2:

The CEO or nominated person of the LALC will ask questions to each applicant in relation to clause (2) eligibility requirements.

Step 3:

The Chairperson will allow Members five (5) minutes of question time per applicant.

Step 4:

Applicant will be asked by the Chairperson to depart the meeting and Members will discuss their application and applicant's statement for membership.

Step 5:

The Chairperson will call for a motion and if it is moved and seconded a vote is conducted and must be recorded in the minutes. (Only voting members can participate)

(c) After the Members meeting

Step 1:

The LALC CEO writes to the applicant advising the outcome of their application within 14 days of the members meeting.

Step 2: (If approved by members)

The LALC CEO enters new Member on the membership roll as non-voting. For new voting memberships the CEO will list them as non-voting on the roll up until a s. 54 (3)(c) notice in step 3 is received by the CEO.

Step 3:

CEO sends approved application to the Registrar and if applicable requests a s. 54 (3)(c) notice (for voting members only)

Step 4:

CEO maintains a copy of the application on file.

Step 5:

If the applicant has been approved by members, the CEO can now provide a proof of Aboriginality to the new member.

4) Code of Conduct

The Local Aboriginal Land Council requires its members and officers to observe the highest standards of conduct and ethical behaviour in all of their activities. By maintaining such standards, members and officers enhance their own standing as representatives of the Aboriginal community and increase the public confidence in the management and administration of the Local Aboriginal Land Council.

Full Code of Conduct is located at (Attachment E).

5) Removal of Members from the Membership Roll

The CEO of a LALC **must** remove the name of a person from the Councils Membership roll if, and only if:

- the person dies;
- the person resigns from Membership in writing;
- the Council decides (at a meeting) that the person does not have a sufficient association with the area to continue as a Member if the person's Membership was based on residency within the Councils area and they no longer reside within the Council's area; or
- The CEO is satisfied that the residential address of the person is unknown after making reasonable enquiries.

In relation to the last point, it is up to each individual Member to update their address with the LALC if their residential address changes at any point in time. If the LALC posts various items to its Members and the CEO receives multiple "return to sender" items, this is sufficient for the LALC CEO to remove persons from the Membership roll provided that the LALC CEO retains all return to sender items within the LALC records.

6) Previous Member form (Attachment C)

If a person is removed from the Membership roll due to not updating their address, that person may submit a previous Member form to the LALC which must be sent to the Registrar's Office for confirmation that the person was in fact a previous Member of the LALC.

The LALC will receive confirmation from the Registrar's office that the person was in fact a Member of the LALC upon which the CEO must then reinstate the person onto the Membership roll.

If the Registrar notifies the LALC that the person was not a previous Member, that person must apply to the LALC for Membership using (Attachment A).

7) Change LALC voting area (s.56 (5) notice: (Attachment B)

As per Section 56 of the of the Aboriginal Land Rights Act 1983 (ALRA). A person who is a member of more than one Local Aboriginal Land Council may, by notice in writing given to the Registrar, ALRA make a nomination to change the Council in relation to which the person has voting rights (being a Council of which the person is a member). A person must not make more than one nomination to change his/her voting area in any 12 month period.

8) Review of decision – Registrar ALRA 1983

If an applicant is unhappy with the decision they are able to contact the CEO to discuss or alternatively they are able to contact the Registrar of the Aboriginal Land Rights Act 1983 and request a review on the following details:

Office of the Registrar

Aboriginal Land Rights Act 1983 (NSW)

Level 3, 2-10 Wentworth Street, Parramatta NSW 2124

Mailing Address: PO Box 5068, Parramatta NSW 2124


Phone: 02 8633 1266

Email: adminofficer@oralra.nsw.gov.au

Attachment (A)

New member application form

New Membership Application Form for Local Aboriginal Land Council (LALC)



OFFICE OF THE REGISTRAR
ABORIGINAL LAND RIGHTS ACT (1983) (NSW)

111-13 Mansfield Street
Glebe NSW 2037
PO Box 112, Glebe NSW 2037
Phone 9350 6327 Fax 9350 6350

PLEASE USE BLOCK LETTERS

Name of the LALC you wish to join:

Personal Details: (PLEASE USE BLOCK LETTERS)

Title (Mr, Ms, Mrs, etc.): First Name:

Middle Name(s): Surname:

Known by Any Other Names: (If applicable)

Date of Birth: (dd/mm/yyyy) Sex: (Circle one) Male or Female

Email Address: (Optional)

Contact Number: (Optional)

Residential Address: (Required - PLEASE USE BLOCK LETTERS)

Street Number Street Name:

Suburb/Town: Postcode:

Postal Address: (If different from residential address - PLEASE USE BLOCK LETTERS)

Street Number and Name or P.O. Box:

Suburb/Town: Postcode:

Please set out the basis upon which you assert your Aboriginal descent: (Required)
(Attach additional information if necessary)

Are you a registered Aboriginal owner (as listed on the Register of Aboriginal Owners) in relation to land within the area of the LALC? Yes or No

Do you reside within the LALC Boundaries? (Circle one) Yes or No

If no, please set out the basis of your association to the LALC area:
(Attach additional information if necessary)

Do you wish to join the LALC as a Voting or Non-Voting Member? (Circle one) Voting Member or Non-Voting Member

Are you a Voting Member of any other LALC? (Circle one) Yes or No

If yes, please indicate which LALC(s):

Are you a Non-Voting Member of any other LALC? (Circle one) Yes or No

If yes, please indicate which LALC(s):

I hereby declare that:

**I have attained the age of 18 years; and
I am a member of the Aboriginal race of Australia; and
I identify as an Aboriginal; and
I am accepted by the Aboriginal Community as an Aboriginal; and I reside within the LALC area, or have an association with the area (as described).**

APPLICANT'S SIGNATURE

DATE:

March 2011

LALCs should supply the following information to the Registrar ALRA regarding new member applications so that the voting status of the new members can be authorised.

FOR USE OF LALC ONLY - (PLEASE USE BLOCK LETTERS)

A membership application from
was considered at a meeting of LALC.
Date of LALC Meeting
Minute Number of Meeting: (If applicable)
Result: (Circle One) Accepted as a Member / Not Accepted as a Member
Date new member entered on LALC roll

Signed by Chief Executive Officer only

PLEASE USE BLOCK LETTERS
Name:
Signature:
Date:

For **new** members who want to be voting members of the LALC

s.54 (3) (c) NOTICE

To become a voting member all applicants must obtain a s.54 (3) (c) notice from the Office of the Registrar, ALRA which declares that the applicant is not a voting member of any other Land Council. (Please select from one of the following)

- Please issue a s. 54 (3) (c) notice for this applicant.
- A s.54 (3) (c) notice has been received from the applicant and is attached to this form.

For **new** members who **are** voting members at another LALC and want to change their voting rights.

s.56 (5) NOTICE


Voting members of another Council wanting to change the Council at which they vote must notify the Registrar ALRA of the change and obtain a 56 (5) notice. (Please select from one of the following)

- Please issue a s.56 (5) notice for this applicant.
- A s.56 (5) notice has been received from the applicant and is attached to this form.

Attachment (B)

Change to Voting Area

Request to the Registrar, Aboriginal Land Rights Act 1983 (ALRA) to change Voting Area and to issue s.56 (5) notice



OFFICE OF THE REGISTRAR
ABORIGINAL LAND RIGHTS ACT 1983 (NSW)

11-13 Mansfield Street
GLEBE NSW 2037
PO BOX 112, GLEBE NSW 2037
T 02 9562 6327 F 02 9562 6350

As per Section 56 of the of the *Aboriginal Land Rights Act 1983 (ALRA)*.

A person who is a member of more than one Local Aboriginal Land Council may, by notice in writing given to the Registrar, ALRA make a nomination to change the Council in relation to which the person has voting rights (being a Council of which the person is a member).

A person must not make more than one nomination to change his/her voting area in any 12 month period.

Please change the Council at which I have voting rights as set below.

Personal Details: (PLEASE USE BLOCK LETTERS)

Title (Mr, Ms, Mrs, etc.): First Name:

Middle Name(s): Surname:

Known by Any Other Names: (If applicable)

Date of Birth: (dd/mm/yyyy) Sex: (Circle one) Male or Female

Email Address: (Optional)

Contact Number: (Optional)

Residential Address: (Required - PLEASE USE BLOCK LETTERS)

Street Number: Street Name:

Suburb/Town: Postcode:

Postal Address: (If different from residential address - PLEASE USE BLOCK LETTERS)

Street Number and Name or P.O Box:

Suburb/Town: Postcode:

Do you reside in the LALC Boundary? Yes or No

Local Aboriginal Land Council at which I am currently a voting member: PLEASE USE BLOCK LETTERS

Local Aboriginal Land Council at which I am requesting voting rights: PLEASE USE BLOCK LETTERS

Signed: Date:

This form, once completed, should be forwarded:

Rolls Officer
Office of the Registrar ALRA
PO BOX 112
GLEBE NSW 2037

OR Fax: (02) 9562 6350


March 2011

A notice will be issued by the Office of the Registrar as per Section 56 (5) of the **NSW Aboriginal Land Rights Act (1983)** to confirm this request, a copy of which will be forwarded to yourself and the relevant Local Aboriginal Land Council(s).

Attachment (C)

Previous Member Declaration Form.

Previous LALC Member Declaration Form.



OFFICE OF THE REGISTRAR
ABORIGINAL LAND RIGHTS ACT 1983 (NSW)

11-13 Mansfield Street
Clyde NSW 2031
PO Box 10, Clyde NSW 2037
Phone 9564 6327 Fax 9564 6350

This form is for people who were accepted as members previously but are not currently entered on the LALC membership roll.

Land Council:

Personal Details: PLEASE USE BLOCK LETTERS

Title (Mr, Ms, Mrs, etc.): First Name:

Middle Name(s):

Surname:

Known by Any Other Names: (If applicable)

Date of Birth: (dd/mm/yyyy) Sex: (Circle one) Male or Female

Email Address: (Optional)

Contact Number: (Optional)

Residential Address: (Required - PLEASE USE BLOCK LETTERS)

Street Number: Street Name:

Suburb/Town: Postcode:

Do you reside in the LALC Boundary? Yes or No

I wish to reactivate my status and be added as: a voting / non voting member (Please circle)

*** NOTE:** If your address is outside the boundaries of the LALC then you must make a written application to the LALC setting out the basis for your association with the Council's area.

PLEASE USE BLOCK LETTERS

I declare that I have previously been a member of Local Aboriginal Land Council.

I declare that I am not a voting member of any other LALC.

If you are a member of any other LALCs please provide details:

PLEASE USE BLOCK LETTERS

Signature: Date:

For LALC use.

Previous membership confirmed: (Please circle) Yes or No

Date that the new details were entered onto the roll:

Signed by Chief Executive Officer only

PLEASE USE BLOCK LETTERS

Name:

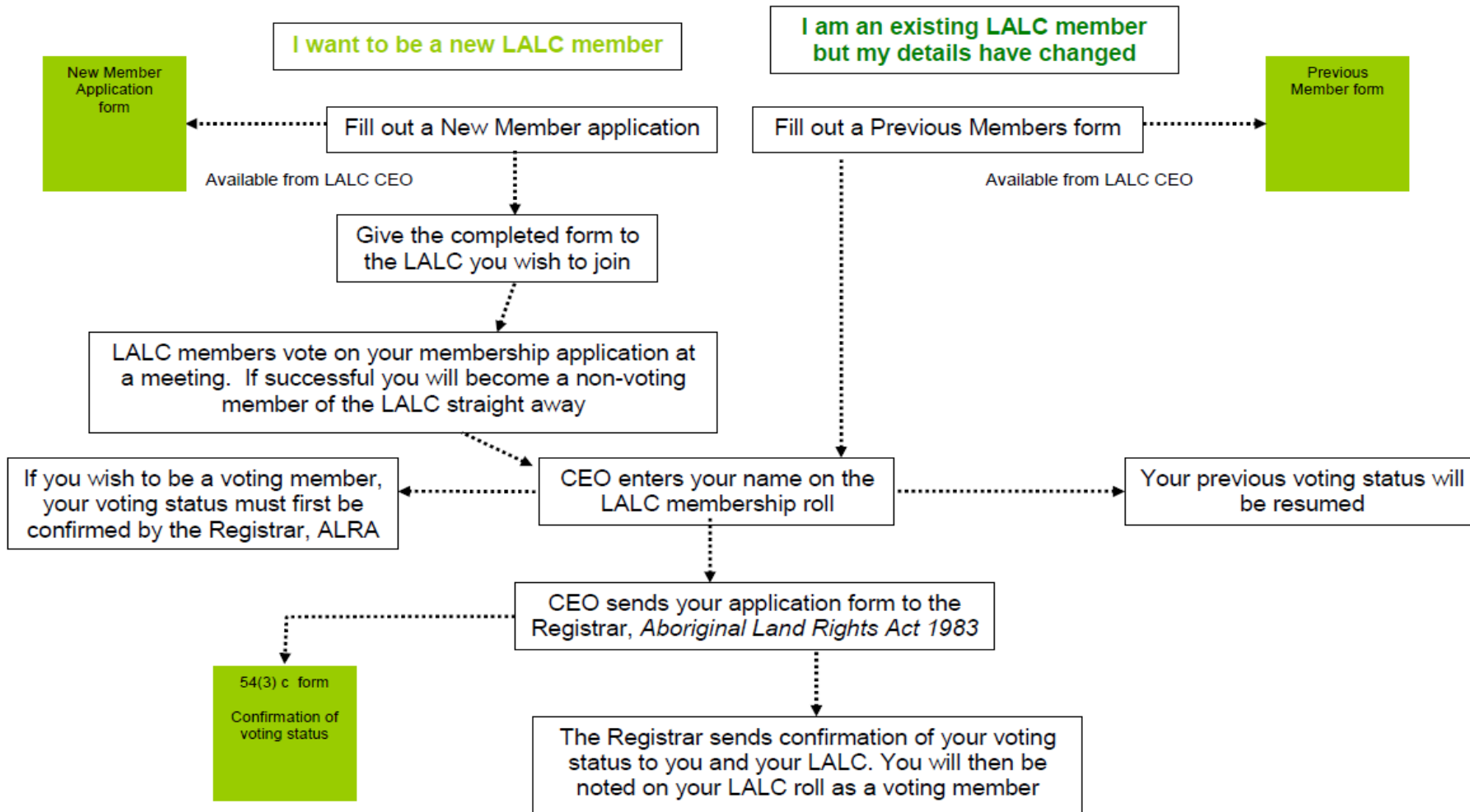
Signature: Date:

March 2011

Attachment (D)

How do I join a LALC

HOW DO I JOIN A LALC?



Attachment (E)

Schedule 3 Model code of conduct for Local Aboriginal Land Councils

(Clause 94 (1))

- 1** The [name] Local Aboriginal Land Council requires its officers to observe the highest standards of conduct and ethical behaviour in all of their activities. By maintaining such standards, officers enhance their own standing as representatives of the Aboriginal community and increase the public confidence in the management and administration of the [name] Local Aboriginal Land Council.
- 2** Officers must uphold the objectives of the [name] Local Aboriginal Land Council and abide by the *Aboriginal Land Rights Act 1983* and associated legislation, as well as policies and procedures established by the New South Wales Aboriginal Land Council.
- 3** As the conduct of an individual officer can reflect on the wider Aboriginal Land Council network as a whole, this Code sets out what are considered to be appropriate standards of conduct by officers.
- 4** Officers must refrain from conduct or action that detracts from the reputation of the [name] Local Aboriginal Land Council.
- 5** Officers are required to exercise complete probity, honesty and diligence in carrying out their duties and responsibilities.
- 6** Officers must at all times safeguard the interests of the [name] Local Aboriginal Land Council and its members, provided that officers must not knowingly be party to any illegal or unethical activity.
- 7** Officers must not enter into any agreement or undertake any activity that may be in conflict with the interests of the [name] Local Aboriginal Land Council, or that would prejudice the performance of their duties.
- 8** Officers must not use confidential information gained in the performance of their duties for any personal gain or in a manner that could be detrimental to the [name] Local Aboriginal Land Council.
- 9** Officers must exercise due care and diligence in performing their duties and ensure that their knowledge, skills and technical competencies suffice to discharge their responsibilities.
- 10** Officers are to acknowledge that this Code is to be adhered to both in spirit and to the letter, so that an officer's conduct is governed by the highest standards of personal and ethical behaviour.
- 11** Officers of the [name] Local Aboriginal Land Council must not, at a meeting of the Council or the Board, do any of the following things:
 - (a) assault or threaten to assault another officer or person present at the meeting,
 - (b) move or attempt to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Board, or address or attempt to address the Council or Board on such a motion,
 - (c) insult or make personal reflections on or impute improper motives to another officer,
 - (d) say or do anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Board into contempt.