

TWEED BYRON LOCAL ABORIGINAL LAND COUNCIL (LALC)



Membership Policy

Policy and Procedure - Membership Applications.

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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 second 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

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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 9584 6327 Fax 9584 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:

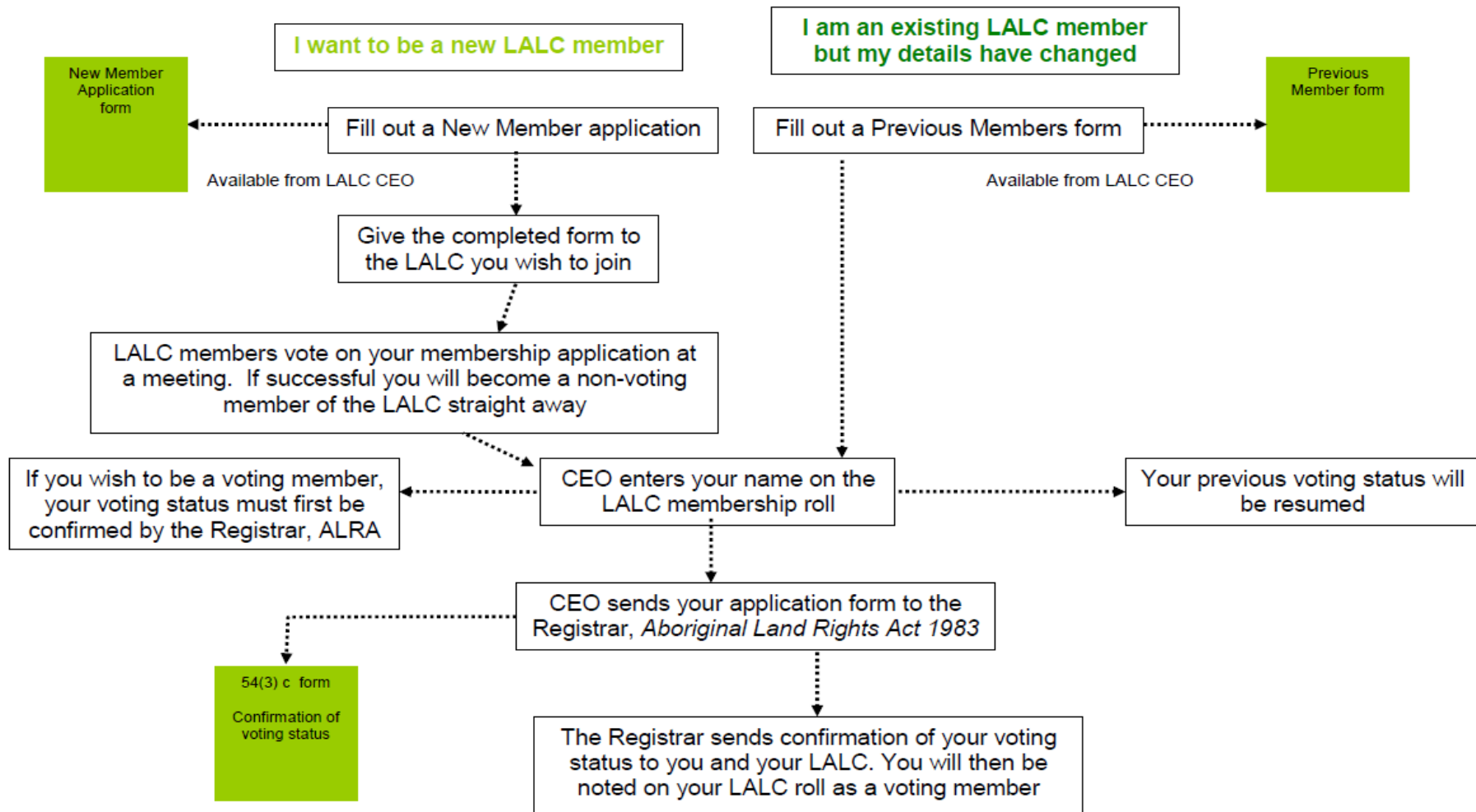
Signature: Date:

March 2011

Attachment (D)

How do I join a LALC

HOW DO I JOIN A LALC?



Tweed Byron Local Aboriginal Land Council

Code of Conduct for Members

1. Introduction

1.1 What is the purpose of this Code of Conduct?

This is the Code of Conduct for Tweed Byron Local Aboriginal Land Council (**TBLALC**) members referred to in section 177(1)(b) of the *Aboriginal Land Rights Act 1983* (**ALRA**).

The purpose of this Code of Conduct is to clearly set out for each member – whether they be a voting or non-voting member – the standards of conduct that are expected of them.

By observing the standards set out in this Code of Conduct, members can help enhance the governance of TBLALC and support the greater involvement of the TBLALC community in the LALC.

Failure to observe the standards in this Code of Conduct can have serious impact on TBLALC. For that reason, serious breaches of this Code of Conduct may result in action being taken against member concerned.

1.2 Relationship to the ALRA and other laws

This Code of Conduct does not alter or take away from duties and obligations imposed by the ALRA or other law.

This Code of Conduct is a stand-alone source of standards and rules. It has been developed and adopted by TBLALC to only TBLALC members.

1.3 Reading and understanding this Code of Conduct

The spirit as well as the word

This Code of Conduct is intended to clearly set out rules and standards that TBLALC members are expected to observe. TBLALC members are expected to uphold the spirit as well as the word of this Code of Conduct.

Importance of TBLALC's Core Values

TBLALC's values are set out in Part 2 of this Code of Conduct.

This Code of Conduct should be read in the light of those values, and it should be understood and applied in a way that reflects and supports those.

Importance of the ALRA and law

This Code of Conduct is meant to be entirely consistent with the ALRA and with law generally.

This Code of Conduct should be read in the light of the ALRA and law generally, and it should be understood and applied only in a way that is consistent with the ALRA and with law generally.

The use of “you”

To make reading and understanding this Code of Conduct easier, throughout the Code – apart from this part 1 “Introduction” – the word “**you**” is used to mean the TBLALC official reading the Code.

1.4 Enforcing this Code of Conduct

All TBLALC members need to be familiar with this Code of Conduct and the standards and rules in it.

If the conduct of an TBLALC member should become an issue, TBLALC can take action to enforce this Code.

Action for breach of this Code of Conduct could range from an informal meeting to mediation to suspension under section 57(1) of the ALRA. The most appropriate and useful way of dealing with a breach will depend on a range of factors.

2. TBLALC’s values

The values held by the TBLALC are:

- **Respect** – for land and culture, in being guided by our traditions and our spiritual connection to country, for elders and family and for each other,
- **Faith** – in our youth as the future leaders of our community, hearing their voices and helping them grow
- **Support** – for each other and for those within our LALC community most in need of it, and
- **Inclusion** – making a place within our LALC community for all Aboriginal people in the LALC area.
- **Dedication and commitment** – being selflessly committed to the protection of the TBLALC’s interests and the interests of its members and the TBLALC community.
- **Fairness and impartiality** – making decisions and taking actions fairly and impartially, without favour or discrimination.
- **Honesty and integrity** – always acting honestly and not allowing private interests or obligations to influence decisions.
- **Accountability and openness** – being as open and transparent about actions and decision making, allowing TBLALC and its members to hold you to account.

3. Conduct of members

3.1 Conduct generally

- (1) You must always abide by the ALRA, the ALR Regulation and law generally.

- (2) You must also abide by TBLALC's Rules and this Code of Conduct.
- (3) You must not act in a manner detrimental to or likely to be detrimental to TBLALC's interests, or those of its members.
- (4) You must not act in a manner that is likely to bring TBLALC or Aboriginal Land Councils generally into disrepute.

3.2 Honesty and integrity

- (1) In all your dealings with TBLALC, including any dealings with the TBLALC as someone receiving a community benefit from the LALC, you must always act honestly and in good faith.
- (2) You must not engage in any conduct intended to adversely affect, or that is likely to adversely affect, the honest or impartial exercise of any official functions by either TBLALC, its Board or its staff. This includes, but is not limited to, offering or receiving bribes or inducements and making threats.

3.3 Conflicts of interests

- (1) You must take all reasonable steps to ensure that your decision making is not improperly influenced by, and is not perceived to have been improperly influenced by, any conflict of interest.
- (2) If you have a pecuniary interest in any matter being considered at a meeting, you must disclose the existence and nature of the interest to the meeting. This is especially important at meetings where decisions about proposed land dealings are made. Any such disclosure should be recorded in the minutes.

*Note: **pecuniary interest** in this context has the same meaning as in ss 182-183 of the ALRA.*

- (3) Further, unless TBLALC determines otherwise, you must not be present at, or in sight of, the meeting:
 - (a) at any time during which the matter is being considered or discussed, or
 - (b) at any time during which TBLALC is voting on any question in relation to the matter.

3.4 Respect for others

- (1) In all your interactions and communications with TBLALC staff, TBLALC Board members and members, you must act with respect and civility.
- (2) There are proper ways to raise and deal with any concerns or grievances you might have about TBLALC staff, Board members or members. You must not, in connection with TBLALC affairs, make personal attacks on TBLALC staff, TBLALC Board members or members or otherwise act in an offensive or inflammatory way towards TBLALC staff, Board members or members. This applies to direct interactions, to TBLALC meetings (including any Board meeting or sub-committee meeting you may be present at), to any other community or public forums, and to Facebook, Twitter or other social media postings and to other communications.

3.5 Purporting to represent the LALC

- (1) Every member's views and contributions are important. Unless you are properly authorised, however, you do not represent and have no authority to bind TBLALC, and you must not hold yourself out as being a representative or having authority.
- (2) Without limiting (1), unless you have been properly authorised to do so, you must not make any public statement (which includes a statement to a newspaper, to a radio or TV station, or in a Facebook, Twitter or other social media post) on behalf of the LALC or that others may reasonably understand is made on behalf of the LALC.

3.6 Behaviour at LALC meetings

When at TBLALC meetings (including any Board meeting or sub-committee meeting you may be present at) you must observe and comply with the Code of Meeting Behavior which is set out in Appendix 1.

3.7 Confidential information

Sometimes you might be given access to confidential or private information or documents in at a TBLALC meeting or in connection with TBLALC decision making. You must not use such information or documents for any purpose other than TBLALC business. You must not share such information or documents with people they were not intended for.

3.8 Damaging public comment

There are proper ways to raise and deal with any concerns or complaints that you might have about TBLALC. You must not engage in public comment about TBLALC (including any comment to a newspaper, to a radio or TV station, or in a Facebook, Twitter or other social media post):

- (a) that you know or ought to know is untrue, or
- (b) that you intend will, or that is likely to, damage TBLALC's interests, or
- (c) that you intend will, or that is likely to, lower the reputation or standing of TBLALC or Aboriginal Land Councils generally.

3.9 Public interest disclosures

- (1) Nothing in this Code of Conduct, including provision 3.8, is intended to discourage or hinder any LALC member from making a public interest disclosure under the *Public Interest Disclosures Act 1994* (NSW) (**PID Act**).
- (2) However, you must take care to ensure your reports of wrongdoing are made responsibly and in accordance with the PID Act. Amongst other things, this means:
 - (a) you must honestly believe on reasonable grounds that the information being reported shows or tends to show wrongdoing,
 - (b) you must make the report to either:
 - an *investigating authority* (which includes ICAC, the NSW Ombudsman, the Auditor-General of NSW or the Information Commissioner),

- the Chief Executive Officer or, for reports about the Chief Executive Officer, to the Chairperson;
- if another person is nominated to receive a report of wrongdoing in any TBLALC reporting policy or procedure – that person; or
- in the limited circumstances set out in section 19 of the PID Act, a Member of Parliament or journalist.

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Appendix 1 – Code of meeting behaviour

1. Introduction

- (1) Meetings and collective decision making have an important place in land rights and the life of TBLALC. It is essential to the proper governance of TBLALC that its meetings are participatory, orderly and effective forums for issues to be discussed, opinions to be voiced and decisions to be made.
- (2) For these reasons, it is important that all TBLALC members, Board members and staff members attending an TBLALC members meeting, Board meeting or sub-committee meeting, observe high standards of conduct and orderliness.
- (3) In this code of meeting behavior:

“**meeting**” is to be read as including a meeting of TBLALC’s members, its Board and of any sub-committee, and

“**you**” applies to any TBLALC member, Board member or staff member.

2. Behaviour at meetings

- (1) At all meetings you must:
 - (a) respect and follow the directions of the Chairperson,
 - (b) speak in your turn, as permitted by the Chairperson, and not over the top of other people,
 - (c) listen to what others are saying,
 - (d) address others and their points of view respectfully and without any disparagement,
 - (e) not be argumentative, inflammatory, or abusive, and
 - (f) not be disruptive or disorderly.
- (2) Without limiting any of the general standards of behaviour set out in paragraph (1), you must not at a meeting:
 - (a) assault or threaten to assault another 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 you know or ought to know is beyond the power of TBLALC or the Board, or address or attempt to address TBLALC or the Board on such a motion,
 - (c) insult or makes personal comments about or impute an improper motive to another TBLALC official or member, or
 - (d) act in a manner that is likely to bring TBLALC or the Board into disrepute or contempt.
- (3) You must not make an unauthorised recording of any kind of a meeting.