

Local Aboriginal Land Council Membership Guide

Registrar's Guidelines

23 March 2026



OFFICE OF THE REGISTRAR

ABORIGINAL LAND RIGHTS ACT 1983 (NSW)

Note: This guide is intended for information purposes only. It is not intended as legal advice and should not be relied upon as legal advice.

Table of contents

1. Introduction	Page 4
Purpose	
Making membership decisions	
2. The LALC membership process	Page 5
Who are a LALC's members?	
How does a person become a member?	
3. Application for membership	Page 6
How does a person apply for membership?	
The Registrars standard form	
Application made on the grounds of residence or association	
Application made on the registered Aboriginal owner ground	
4. Qualified for membership	Page 8
What does qualified for membership mean?	
The residence and association grounds-acceptance by members	
Applications made on the registered Aboriginal owner ground	
5. Accepted by the members	Page 9
What is the membership decision the members must make?	
The members' decision must be made lawfully	
Arranging and holding the members' meeting	
Timing	
Should the applicant attend?	
Good practise suggestions where the applicant does attend	
Applications made on the residence ground	
Applications made on the association ground	
Is the applicant an adult?	
Is the applicant an Aboriginal person?	
Member of the Aboriginal race-descent?	
Identifies as an Aboriginal person?	
Accepted by the community?	
Is the applicant a resident in the LALC area?	
Does the applicant have a sufficient association with the LALC area?	
Who is qualified for membership on the registered Aboriginal owner ground?	
Who are Aboriginal owners?	
Dealing with applications for LALC membership on the registered Aboriginal owner ground	

Table of contents

6. Information for LALC CEO's	Page 19
Can the LALC members consider membership applications as a group?	
What form should the members' resolution take?	
What if the members cannot decide?	
Is provisional membership possible?	
Informing unsuccessful applicants	
7. Membership roll	Page 21
Duty to maintain the membership roll	
Listing a new member on the LALC membership roll	
Timing	
Details to be recorded	
Co-ordination with the office of the Registrar	
Other details	
Communicating with the new member	
Updating the membership roll and sending it to the Registrar	
Voting status	
Change of voting	
Suspension of members	
Inactive members	
Declaring a member to be inactive	
Inactive members can become active again	
Removing a member's name from the membership roll	
When a member cannot be removed	
When a member moves out of the LALC area	
If a member is removed from the LALC membership roll	
Previous member declaration	
8. Information for applicants	Page 29
Not accepted by the members	
Removed from the roll	
Change of details	
Change of voting	

1. Introduction

Purpose

The purpose of this guide is to assist office holders, staff and members of Local Aboriginal Land Councils (LALCs) and Aboriginal people who are wanting to become members of LALCs.

The Guide covers:

- The importance of good governance and fair decision making
- Understanding and applying the membership provisions of the Aboriginal Land Rights Act 1983 (ALRA)
- The key steps in the application and acceptance processes
- The roles and responsibilities of applicants, members, CEOs and the Registrar

Making membership decisions

When LALC members determine a membership application under the ALRA, they are performing a statutory function that affects not only the makeup of the LALC community, but also the applicant's interests and the integrity of the land rights network.

The LALC and its members have a legal responsibility to make membership decisions:

- fairly
- in good faith
- consistent with the ALRA
- consistent for all applicants over time

LALC membership decisions that are not fair and consistent with the ALRA can be legally challenged and create financial and reputational risks for LALCs.

Good governance

Making membership decisions is more than just following the processes of the ALRA and the ALRR. LALC members, office holders and staff should adopt good governance in relation to membership decisions and processes.

Good governance includes:

Timeliness

- dealing promptly with each membership application
- ensuring that membership rolls are up to date and changes are submitted to the Registrar promptly

Good communication

- giving the applicant complete and consistent information about how their application will be dealt with
- keeping applicants advised of progress

- providing the Registrar with clear and complete information
- providing members with clear information about their role and responsibility in making membership decisions

Respect

- ensuring an applicant is treated with respect and courtesy
- ensure that the decision by the members is implemented

Consistency

- ensuring all applications are assessed in the same way
- ensuring all applications are treated in the same way over time

2. The LALC Membership Process

Who are the LALC members?

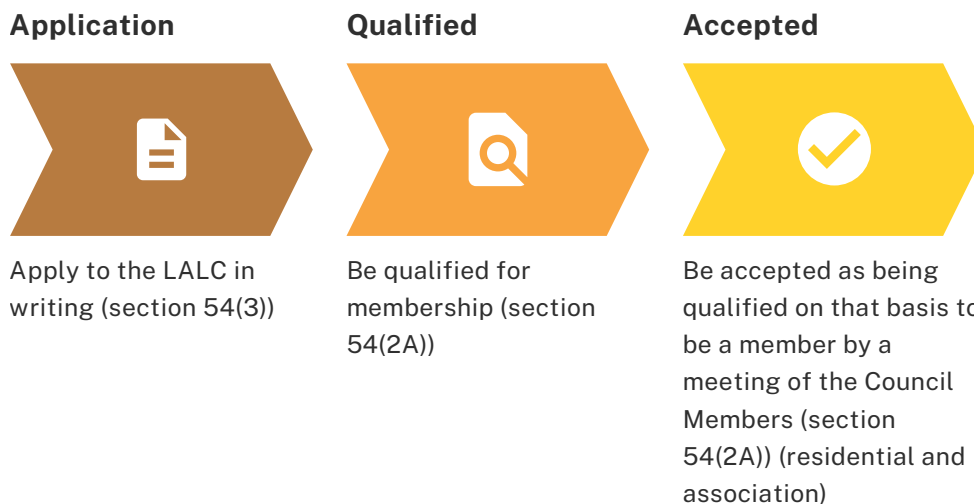
LALC members are all the adult Aboriginal persons who are listed on the LALC membership roll.

How does a person become a member?

The ALRA states that there are 3 things that must happen for a person to become a LALC member.

The person must:

1. **apply** to the LALC in writing,
2. **be qualified** for membership, and
3. **be accepted** as being qualified on that basis to be a member by a meeting of the Council Members (residential and association).



3. Application for membership



How does a person apply for membership?

The ALRA states that a person who wants to become a member of a LALC must make a written application for membership to the LALC.

The application must:

- declare that the applicant is eligible for membership
- state the grounds on which the applicant is qualified for membership
- set out the basis on which the applicant asserts they are of Aboriginal descent
- if the applicant applies on the basis that they have an association with the LALC area – set out the basis of that association
- if the person wishes to be a voting member of the LALC – attach a notice from the Office of Registrar of the Aboriginal Land Rights Act 1983 (ORALRA) declaring that the person is not a voting member of any other LALC (section 54(3))

An application must include all of this information. Incomplete applications may not be put forward to members.

A person must not make a membership application which they know, or ought to know, is false or misleading. If they do, they commit an offence and are liable to prosecution.

The Registrar’s standard form

To make applying for membership simpler, ORALRA has developed a standard form. Using the ORALRA standard form is not compulsory. But using the form will:

- help the applicant – by making sure their application complies with the ALRA, and
- help the LALC – by making sure that the application includes what the LALC needs in order to make its membership decision.

ORALRA strongly recommends as good practice that applicants use the standard form.

The screenshot shows the 'LALC Membership Application Form' from the Office of the Registrar. It is divided into several sections: Section 1: Applicant Details (Name, Surname, Date of Birth, Residential Address, etc.); Section 2: Basis of Membership (Do you live within the LALC boundaries?); Section 3: Voting Status (Do you wish to join the LALC as a Voting or Non-Voting Member?); Section 4: Applicant Declaration (I declare that I am a member of the Aboriginal Land Council...); and Section 5: For LALC Use Only (Signed by Chief Executive Officer). The form includes a 'RETURN COMPLETED FORM TO THE LALC AT WHICH YOU SEEK MEMBERSHIP' instruction and a 'CLEAR SAVE' button at the bottom right.

If a person is interested in applying for membership of a LALC, the LALC can give the form to the person, the LALC can refer the person to the ORALRA website (www.oralra.nsw.gov.au) or suggest that they call ORALRA (02) 8575 1160.

The ALRA does not require a person seeking LALC membership to submit any particular documents in support of their written applications.

However, making a written application is the primary opportunity for an applicant to include everything they want the members to know.

LALCs should adopt a membership policy that includes what documentation applicants should provide with their application. While it is up to each LALC to determine, information such as how the applicant is descended from known elders or ancestors or how long the applicant or their family has lived in the LALC area could be included.

LALCs need to adopt a consistent and fair approach when developing and applying the policy. Different treatment of applicants is unlawful. Even if a person is well known to some LALC members, the process must be applied fairly.

Applications made on the grounds of residence or association

If the application has been made on the grounds of residence or association there will need to be a LALC members' meeting.

As well as acknowledging receipt of the application, the LALC should:

- advise that the application must be considered by the LALC members at a LALC members' meeting
- confirm with the applicant that they have provided all the information and documents they want the LALC to consider (or advise that further information is required)
- provide the details of when the members' meeting will take place
- if the member is invited to attend the LALC members' meeting – make that invitation
- provide a copy of the LALC membership policy if the LALC has one

Applications made on the registered Aboriginal owner ground

If the application has been made on the ground that the applicant is a registered Aboriginal owner for an area of land within a LALC area, the membership application can be dealt with by the CEO for that LALC. In this case, the written response to the application will advise that the person's name has been entered onto the LALC roll.

4. Qualified for Membership



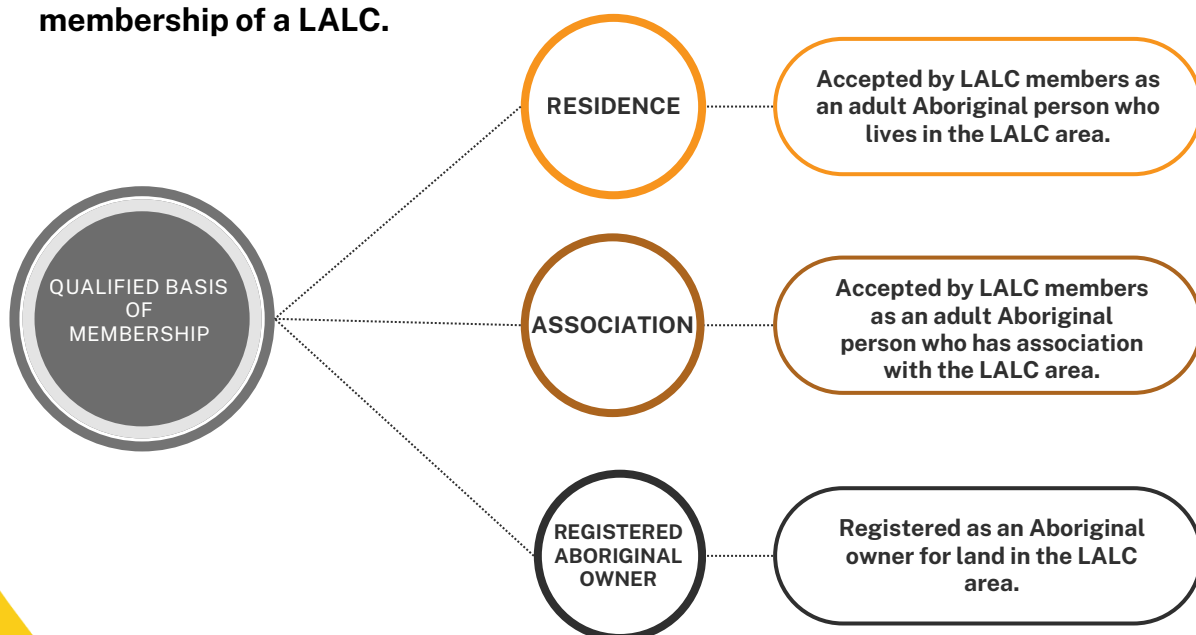
What does qualified for membership mean

Being qualified for membership of a LALC means being entitled to be a member of that LALC.

The ALRA states that there are 3 separate grounds on which a person can be qualified for membership of a LALC:

1. **Residence** –being accepted by the members as an adult Aboriginal person who is resident in the LALC area
2. **Association** –being accepted by the members as an adult Aboriginal person who has a sufficient association with the LALC's area
3. **Registered Aboriginal owner** –being registered as an Aboriginal owner of land within the LALC area (*there is no requirement for acceptance by the members*)

A person only needs to satisfy one of these 3 grounds to be qualified for membership of a LALC.



The residence and association grounds- acceptance by members

Applications on the grounds of residence or association must be decided by the LALC members at a members' meeting.

Board members or the Chief Executive Officer (CEO) can provide advice and support to LALC members during a meeting when considering membership applications. However, neither the CEO nor the Board can decide membership applications made on the grounds of residence or association.

An applicant is only qualified for membership of a LALC on either residence or association grounds if, at a meeting of the LALC members, the members accept that the applicant is qualified.

The members cannot delegate this function under any circumstances. The LALC might have an internal process for reviewing applications but neither the staff, the Board nor any committee can reject or delay applications. Complete applications must be put forward to the members to decide.

5. Accepted by the members



What is the membership decision the members must make?

Do the members accept that the applicant is qualified for membership?

When an application for membership of a LALC is made on the grounds of residence or association the members must decide, at a LALC members' meeting, whether the applicant is qualified for membership of the LALC.

The question the members must answer is:

Do we accept that the applicant is qualified for membership of the LALC?

This is the only matter the members should decide.

The members' decision must be made lawfully

The members must make their decision lawfully. Making the decision lawfully includes:

- using a fair process
- giving an applicant a fair opportunity to put forward all of the information and documents that they want the members to consider
- giving the applicant an opportunity to answer any questions or concerns the members may have
- correctly applying the ALRA
- making the decision in good faith and for a proper purpose
- making the decision rationally (including having regard to all relevant matters and disregarding irrelevant matters)
- making the decisions consistently with all new members being treated equally

Arranging and holding the members' meeting

If an application has been made to a LALC on the grounds of residence or association, the LALC will need to hold a members' meeting at which the members will decide whether they accept that the applicant is qualified on either of those grounds.

In practice, this will usually mean adding consideration of the applications to the agenda for an upcoming ordinary members' meeting.

Timing

The ALRA does not set out a timeframe for dealing with membership applications. However, a LALC that unreasonably delays dealing with an application could find itself the subject of a complaint, a compliance direction or even legal proceedings.

Just as it is good practice to respond promptly in writing to each membership application, it is also good practice to ensure that each new membership application made on the residence or association grounds will be on the agenda for a members' meeting as soon as possible. Unless there is some reason why it is not possible to do so, a membership application should be part of the agenda for the next available members' meeting.

Should the applicant attend

The ALRA does not require a LALC to invite applicants to the meeting at which their applications will be considered.

LALCs have a legal duty to make sure their membership decisions are made using a fair process. Inviting the applicant to attend may help to ensure the process is fair.

The potential benefits include:

- the existing members and applicant have an opportunity to meet each other if they have not done so already
- the members can gain a better understanding of who the applicant is
- the members can ask questions and the applicant can provide further information, which helps make sure the applicant has a good opportunity to provide all relevant information in support of the application

However, there are also potential downsides for a LALC inviting applicants to attend. These include:

- applicants may feel intimidated by attending in person, and this feeling is likely to increase if they form the view they are being made to wait unreasonably or are being disrespected
- the applicant and members may find themselves in an emotionally charged meeting, and in this situation ill-considered comments may be made on either side
- an unsuccessful applicant could walk away from the meeting feeling that the members did not treat them fairly, were biased against them or did not look at the merits of their application

All of these things could increase the risk that an unsuccessful applicant may decide to make a complaint or even commence legal proceedings.

Good practice suggestions where the applicant does attend

If an applicant is invited to attend the meeting, it is good practice to take care that they are treated respectfully and fairly.

This could include:

1. they are given good directions and instructions about where and when to arrive
2. they are given somewhere comfortable to wait until their matter is reached, with access to a toilet and perhaps with a refreshment
3. they are treated with respect and courtesy, they are listened to attentively, and good order is kept in the meeting
4. they are given an opportunity to present all relevant information they want the members to have, and to answer the members' reasonable questions, but they do not remain in the meeting room (or within hearing of the members) while the members are deliberating and a decision about their application is being made

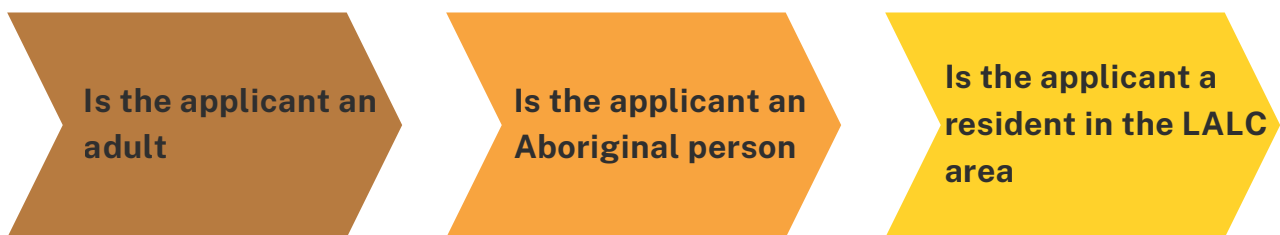
Applications made on the residence ground

The ALRA states that a person is qualified for membership of a LALC on the residence ground for membership if:

The person is an adult Aboriginal person who resides within the area of the Local Aboriginal Land Council concerned and is accepted as being qualified on that basis to be a member by a meeting of the Council.

The members must decide whether they accept that:

- the applicant is an adult
- the applicant is an Aboriginal person (using the 3 part test described under Part 4.7 below)
- the applicant resides within the LALC area, (section 54(2A)(a))



An applicant is qualified for membership of a LALC on the ground of residence only if the members accept that the applicant meets all 3 of these criteria.

Making a decision about whether an applicant is qualified for membership on the residence ground can be approached by asking yourself a series of questions.

If all of the questions are answered “yes” then you accept that the applicant is qualified for membership on the residence ground.

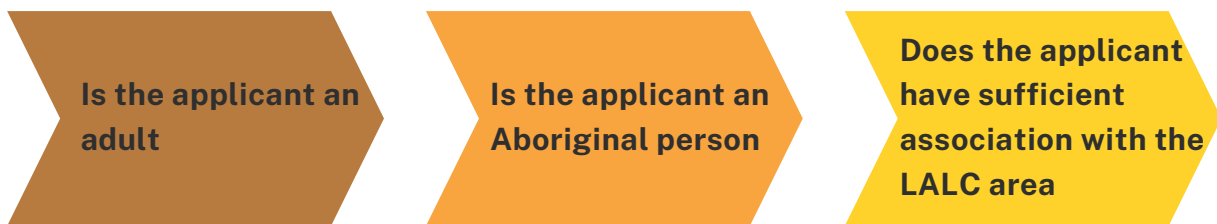
Applications made on the association ground

The ALRA states that a person is qualified for membership of a LALC on the association ground if:

The person is an adult Aboriginal person who has a sufficient association with the area of the Local Aboriginal Land Council concerned (as determined by the voting members of the Council at a meeting of the Council) and is accepted as being qualified on that basis to be a member by a meeting of the Council.

The members must decide whether they accept that:

- the applicant is an adult
- the applicant is an Aboriginal person (using the 3 part test described below)
- the applicant has a sufficient association with the LALC area



The applicant must have sufficient association with the LALC area (as determined by the LALC members).

Good practice is for the LALC members to decide how they will assess applications based on association and provide that guidance and criteria to people wanting to join the LALC.

Decisions based on association should be documented so that all new applicants can be assessed in a fair and consistent process over time.

Is the applicant an adult

For the purposes of the ALRA, an adult Aboriginal person is one who is 18 years of age or older (see the definition of adult Aboriginal person in section 4 of the ALRA).

Being satisfied that the applicant is an adult is usually straightforward. If the Registrar's standard application form has been used, this will include the applicant's date of birth.

If the applicant's date of birth is in any doubt, an applicant could prove their age by providing supporting documentation such as a driver's licence, a proof of age photo card or some other form of identification.

Is the applicant an Aboriginal person

The next thing the members must ask themselves is "is the applicant an Aboriginal person?".

The ALRA definition of an Aboriginal person is someone who:

1. is a member of the Aboriginal race of Australia, and
2. identifies as an Aboriginal person
3. is accepted by the Aboriginal community as an Aboriginal person

(see the definition of Aboriginal person in section 4 of the ALRA)

For the purposes of the ALRA, a person is only an Aboriginal person if they meet all 3 requirements of this definition.

Member of the Aboriginal race-descent

The idea that people belong to distinct races is outdated. But it is generally accepted that what laws mean when they refer to a person being a member of the Aboriginal race is that the person is of Aboriginal descent.

In other words, to be satisfied that an applicant is a member of the Aboriginal race of Australia, the members must be satisfied that the applicant is descended from at least one Aboriginal person.

If an applicant's family is well known to the members, the members may have no trouble accepting this is the case.

However, if the applicant's family is not well known, the members may be unsure and the applicant may need to demonstrate to the members that they are of Aboriginal descent.

There is no set way for an applicant to do this. Applicants will often rely on supporting documents which might include one or more of:

- a letter or statement from someone who does know their family
- a family tree
- archival research (including records of births, deaths or marriages)
- historical research (that could include references to the person's family in a book)
- an anthropological or historical report (perhaps prepared in the course of a native title claim or a similar process)

Identifies as an Aboriginal person

The requirement that the applicant identifies as being an Aboriginal person will usually be a straightforward matter for the members to decide. If a person applies for membership of a LALC they are asserting that they are an Aboriginal person. In other words, the application is an act of self-identification.

Accepted by the community

The third requirement of the Aboriginal person definition – that the applicant must be “accepted by the Aboriginal community as an Aboriginal person” – can be difficult to decide.

If the members do not already know an applicant or their family, how are the members to be satisfied that the applicant is accepted by the Aboriginal community? Or what if the applicant is known to and accepted as Aboriginal by some of members, but there is also known to be genuine disagreement within the community about whether or not they are an Aboriginal person?

It is important to understand that ‘acceptance’ is by the Aboriginal community broadly, and not just the members of a particular LALC.

It may help to be clear about what this part of the Aboriginal person definition asks. The question to be asked here is not so much **‘do we the members accept the applicant?’** but instead, **‘is the applicant accepted by the Aboriginal community as an Aboriginal person?’**.

This can be an important distinction.

If the members already know the applicant or their family and know that they are accepted as part of the local Aboriginal community, it will be easy for them to be satisfied that the applicant is accepted as being Aboriginal by the Aboriginal community.

If the members do not know the applicant – perhaps because they are newly arrived from elsewhere – the applicant may nevertheless be able to satisfy the members that they are well known and accepted as being an Aboriginal person in another Aboriginal community.

In addition to any information or documents they provide about their descent, an applicant might present information or documents showing that, for example:

- a well-known Aboriginal elder, or several Aboriginal elders, has expressed a view that they are an Aboriginal person
- an Aboriginal community elsewhere in the State, or even in another State, knows and accepts them as an Aboriginal person
- they are a member of another LALC or other Aboriginal organisations

Is the applicant a resident in the LALC area

If an applicant has applied for LALC membership on the residence ground, and the LALC's members accept they are an adult Aboriginal person, the next thing the members should ask themselves is: does the applicant reside in the LALC area?

This is usually a straightforward question to answer. The applicant will have provided their address with their membership form.

A LALC could request further records such as driver's license or utilities bills or something similar.

Does the applicant have a sufficient association with the LALC area

If an applicant has applied for LALC membership on the association ground, and the LALC members accept they are an adult Aboriginal person, the next question for the members is: does the applicant have a sufficient association with the LALC area?

But what does sufficient association mean?

Sufficient association is not defined in the ALRA. The ALRA has deliberately left it up to the members to decide what they think sufficient association means.

Typically, however, association with a LALC area has been thought of as the historical or traditional connections with the LALC area.

Information or documents about an applicant's historical or traditional connections to the LALC area would clearly be relevant matters for the members to consider here.

LALC members could develop guidelines for how they will consider applications based on the association ground. This could be a useful way of them reminding themselves how they have made decisions about association in the past, to make sure they are being consistent.

Who is qualified for membership on the registered Aboriginal owner ground

The ALRA states that a person is qualified for membership of a LALC if they are an Aboriginal owner in relation to land within the LALC area and have made a written application for membership (see s 54(2A)(c)).

It is also necessary that the person must be an adult (18 years or over), since only adult Aboriginal people can be LALC members (section 53).

Unlike the case with applications made on the residence or association grounds, qualification for membership of a LALC on the registered Aboriginal owners ground does not depend on a decision of the LALC members.

An adult person who is registered as an Aboriginal owner for an area of land that is within a LALC area, is qualified for membership of that LALC. There is no need for any acceptance decision.

Who are Aboriginal owners

Aboriginal owners are the people listed in the Register of Aboriginal Owners kept by the Registrar under the ALRA.

The ALRA gives the Registrar the responsibility of establishing and keeping the Register of Aboriginal Owners.

The ALRA states that the Registrar may list a person as an Aboriginal owner for an area of land if the person is an Aboriginal person who:

- is directly descended from the original Aboriginal inhabitants of the cultural area in which the land is situated
- has a cultural association with the land that derives from the traditions observances, customs, beliefs or history of the original Aboriginal inhabitants
- has consented to the entry of their name in the Register

To be able to make these determinations, the Registrar commissions research and conducts community consultations. A research project like this results in a research report, including family trees. The Registrar uses the research report to underpin registration decisions.

The following table sets out the areas of land for which a register of Aboriginal owners has been established and the LALC area where the land is:

AO National Park	LALC(s) holding deed/title
Biamanga National Park	Bega and Merrimans
Bulagaranda Aboriginal Area	Anaiwan & Armidale
Gaagal Wanggaan (South Beach) National Park	Nambucca Heads & Unkya
Gulaga National Park	Merrimans & Wagonga
Mt Grenfell Historical Site	Cobar
Mutawintji National Park	Mutawintji
Worimi Conservation Lands	Worimi

Dealing with applications for LALC membership on the registered Aboriginal owner ground

If a LALC receives a written application based on Aboriginal ownership, the LALC CEO can deal fully with the application.

There are two things the LALC CEO needs to check:

- that the applicant is an registered Aboriginal owner
- that the applicant is a registered Aboriginal owner for an area of land within the LALC area. This can be easily checked with ORALRA

This information can be provided in writing.

6. Information for LALC CEOs

Can the LALC members consider membership applications as a group?

Sometimes a LALC may have a number of applications to consider.

It is important that each application is considered individually and is determined separately.

The LALC members should not make a decision about a number of applications as one group even if the applicants are from the same family.

What form should the members' resolution take?

The members' decision about whether they accept that an applicant is qualified for membership must be recorded in the form of a resolution.

When drafting the resolution, it is good practice to use words that properly reflect the nature of the decision required by the ALRA.

If the LALC is dealing with a number of applications at one meeting, there should be a separate members' resolution for each application, or at the very least the members' resolution should refer separately to each individual application.

What if the members cannot decide Is provisional membership possible

Sometimes it is difficult for the LALC members to decide whether an applicant is qualified for membership or not.

Some LALCs have tried to deal with such a situation by allowing an applicant to be recognised as a 'provisional member'.

However, provisional membership is not recognised by the ALRA. Under the ALRA an applicant is either accepted as being qualified for membership or they are not.

If the members are not sure that an applicant is qualified for membership (because the information provided is not sufficient for example), their decision should be that they do not, at that point in time, accept them as being qualified.

This does not have to be the members' decision for all time. There is nothing to prevent the members from being satisfied at a later date that the applicant is qualified for membership, and making a new decision to accept this is so.

Informing unsuccessful applicants

If the members do not accept an applicant as being qualified for membership, it is good practice to communicate this to them in a prompt, clear and respectful manner.

A timely, polite and clear letter from the LALC could help to satisfy them that, while they don't like the members' decision, they have at least been dealt with respectfully and fairly.

7. Membership Roll

Duty to maintain the membership roll

The ALRA states that:

The chief executive officer of a Local Aboriginal Land Council must, in respect of the Local Aboriginal Land Council area, prepare and maintain a Local Aboriginal Land Council membership roll (the membership roll).

and

The chief executive officer of a Local Aboriginal Land Council is to ensure, so far as practicable, that the membership roll of the Council is kept up to date.

A LALC relies on its membership roll for important functions such as:

- notifying members' meetings
- determining whether it has a quorum at each members' meeting
- making decisions such as approving land dealings and the Community Land and Business Plan (CLBP)
- electing its Board
- enabling its members to participate in the elections for the New South Wales Aboriginal Land Council

CEOs must ensure that:

- for each member, the details required by the ALRA and ALRR are recorded
- the details entered for each member are correct
- the roll is, so far as practicable, kept up to date

Listing a new member in the LALC membership roll

The ALRA states that:

The chief executive officer of a Local Aboriginal Land Council must list on the membership roll for the area of the Council the names and addresses of those persons who are qualified for membership.

If a person has been accepted for membership, the LALC CEO must list them as a member on the LALC membership roll. The CEO cannot refuse to do so.

Timing

The ALRA does not state a timeframe within which these details must be recorded.

But as being listed in the membership roll is necessary for a successful applicant to actually become a member, a LALC CEO should not delay taking this action.

It is good practice for a LALC CEO to list new members as soon as practicable after the members' meeting where the application was accepted. In the case of applications made on the registered Aboriginal owner ground, this means as soon as practicable after the CEO has verified that the applicant is qualified on that ground.

Some LALCs defer adding new members to the roll until after the minutes of the meeting accepting the member have been ratified at a subsequent members' meeting. **LALCs should cease this practice.** Once members have made a decision to accept a member it is not open to them to overturn it at a later meeting.

Details to be recorded

The ALRA, together with the ALRR, states that the membership roll must record:

1. the name, residential address and date of birth of each member
2. the date of entry of the member's name on the membership roll
3. whether the member is a voting or non-voting member
4. whether the member's membership is based on residence in the Council's area or association with that area or the person is a member because the person is an Aboriginal owner in relation to land within that area
5. whether the member is suspended from exercising membership rights
6. whether the member is also a member of any other LALC and, if so, the names of those other LALC's
7. whether the member has been declared 'inactive'

Co-ordination with the Office of the Registrar

When recording a new member in a LALC membership roll, the LALC CEO will need to contact the Office of the Registrar for:

- information about what other LALC(s), if any, the new member is a member of
- if the new member wishes to be a voting member of the LALC – confirmation that they are not already a voting member of another LALC

The simplest way to do this is to complete the request to the Office of the Registrar for this information on the standard application form, and send this by email to the Office of the Registrar (membership@oralra.nsw.gov.au)

Other details

The ALRA and ALRR set out the details that must be recorded for each member. This does not prevent the membership roll from recording other details that may be needed for the efficient operation of the LALC. This could include:

- whether the member consents to receiving notices and communications by email and, if so, the member's email address
- whether the member consents to being contacted by telephone and, if so, the member's telephone number

A membership roll should not, however, record personal information about members that is not necessary for the LALC's operations.

Communicating with the new member

When a LALC adds a new member to its membership roll, it is good practice for the LALC to promptly write a clear and welcoming letter to the new member advising:

- that the person has been accepted as being qualified for membership
- that the person has been listed in the LALC's membership roll
- whether they have been listed as a voting or non-voting member (as nominated by the new member)

The letter should also include any notices (voting status) from the Registrar.

Updating the membership roll and sending it to the Registrar

An updated membership roll, certified by the CEO to be correct, must be provided to the Registrar at least once each year and not later than 10 weeks before the commencement of each financial year.

This is necessary to enable the Registrar to compile a consolidated membership roll for all LALCs.

As mentioned above, it is also part of a LALC CEO's duty of maintaining the LALC membership roll, to keep the roll up to date (so far as practicable) at all times (section 59(2)). Keeping the roll up to date will include:

- adding new members to the roll
- updating address and contact details when they are known
- updating the voting status of members
- noting when members have been declared inactive (and if they become active again)
- noting when a member has been suspended from attending members' meetings (and when the period of suspension ends)
- removing members from the roll

ORALRA strongly encourages LALC CEOs to send updated membership rolls to the Office of the Registrar whenever the roll is updated.

Voting status

One of the details that a LALC membership roll must record for each member is whether the member is a voting or non-voting member.

Because of the rules about changing a voting status, a LALC CEO is not well-placed to be able to do this.

The ALRA states that:

- a person can be a member of more than one LALC, but is entitled to be a voting member of only one LALC at any one time
- a person may (once in any 12 month period) give the Registrar a written notice changing the LALC they are a voting member of
- the Registrar may require a person to nominate which LALC they want to be a voting member of
- if the person fails to make a nomination, the LALC they are a voting member of is the LALC in whose area they reside

LALC CEOs should ensure that:

- the voting status for each new member is recorded only after receiving advice from the Office of the Registrar
- the voting status for members should be changed only after receiving advice from the Office of the Registrar
- a new member that has elected to be a voting member can only be entered onto the roll as non-voting until notification has been received from the ORALRA (the CEO must change the voting status once notification from ORALRA is received)

Likewise, a LALC CEO can expect that ORALRA will give them written notice whenever a change is made to the voting status of any of the LALC's members.

The voting status and or the decision to change a member's status is completely up to the individual member to decide and the CEO is to reflect that decision on the membership roll. Details for changing of voting status can be found in the Members section.

Suspension of members

A LALC member may be suspended from attending meetings and voting in elections for a period of up to 3 years. The grounds for suspension are limited.

Suspension decisions can only be made by LALC members through a vote at a members' meeting. Suspension does not revoke a person's membership.

- Only LALC members can suspend a member, by voting at a members' meeting
- Membership cannot be revoked for this reason
- It is important that ORALRA is notified if a member is suspended so the ORALRA roll can be updated
- A suspended member cannot change their voting status while suspended

ORALRA can provide more information about the suspension process is requested, such as process guide or correspondence templates.

Inactive members

A number of LALC's have experienced trouble reaching quorums at their members' meetings.

To address this situation, the ALRA allows a LALC CEO to declare voting members to be inactive if they have failed to attend 6 member's meetings in a row. Voting members who have been declared inactive are not counted when determining the quorum for a meeting.

Importantly, a sitting LALC Board member cannot be declared to be an inactive member.

Declaring a member to be inactive

There are strict requirements that must be met to declare a member inactive.

The following sets out the steps:

(a) If a member has been absent for 5 or more meetings in a row, the CEO must give the member at least 20 days' written notice of the date, time and location of a LALC members' meeting after which the CEO intends to declare the member to be inactive.

The notice must also inform the member:

(i) that the member will be declared to be an inactive member if the member does not attend the requisite number of members' meetings

(ii) the process to be followed by the member to prevent the declaration being made or to cease being an inactive member

(b) at the members meeting, the CEO must inform the members in attendance of the CEO's intention

If a member has been declared inactive, the LALC CEO must record this in the LALC's membership roll. As is the case whenever changes are made to a LALC's membership roll, the CEO is also strongly encouraged to provide the updated membership roll to ORALRA.

Inactive members can become active again

A member who has been declared inactive will instantly become active again if they either:

- attend a members' meeting
- request in writing to the Registrar that they not be declared inactive

ORALRA will advise a LALC if it receives a request from a member that they not be declared inactive.

If a member who has been declared inactive has become active again, the LALC CEO must update the membership roll.

As is the case whenever changes are made to a LALC's membership roll, the CEO is also strongly encouraged to provide the updated membership roll to ORALRA.

Removing a member's name

There are few situations in which a person can be removed from a LALC's membership roll. **The ALRA states that this can only be done where:**

- (a) the person dies
- (b) the person resigns in writing
- (c) if the person is a member because the person resided in the LALC area – the person no longer resides in the LALC area and the LALC at a members' meeting decides that the person does not have a sufficient association with the area to continue as a member
- (d) the chief executive officer is satisfied, after making reasonable inquiries, that the residential address of the person is unknown

The first two of these situations are straightforward. The others (including how they interact) warrant some further explanation.

When a member cannot be contacted

The purpose of section 58(d) is clear: if a member's residential address is not known to the LALC CEO after reasonable inquiries have been made, the CEO may remove them from the LALC's membership roll.

This is likely to arise if a member has not been seen or heard of for some time.

Before removing a member from the membership roll on this ground, a LALC CEO must make reasonable inquiries about the member's residential address which could include:

- writing to the member at their last known address and asking them to reply
- writing to the member at their last known email address (if they had one) and asking them to reply
- attempting to contact the member on their last known telephone number
- asking other members if they have seen or heard from the member and/or know where the member is living
- contacting the Office of the Registrar who may have an alternative address for the member (and, if so, may be able to contact the member)

It is good practice to keep a note of all enquiries that are made. This way there will be a record of the reasonable enquiries if there is ever a need to demonstrate they were made. A CEO should let the members know of the reasonable enquiries made at the members' meeting and ensure the decision recorded in the minutes.

When a member moves out of the LALC area

If a member has moved outside of a LALC area, but their address is known to the LALC, a different sort of issue might arise.

If a person was qualified for membership only on the ground of their residence in the LALC area, there may no longer be a proper basis for them to retain their membership of the LALC if they move away.

In such a situation, there is a need for one of two things to occur before the member can be removed from the LALC membership roll. Either:

- the person could be contacted and, if they no longer wish to be a member of the LALC, they could resign in writing from the LALC, in which case they can be removed from the membership roll
- at a members' meeting, with the consent of the member in question, the members could consider whether the person is qualified for membership on the ground of association with the LALC area and, if the members do not accept that the member is qualified for membership on the association ground, they can be removed from the roll

In relation to the second option, note that the same requirements about making membership decisions lawfully need to be observed.

Importantly, this includes the requirement to provide a fair process.

As a matter of best practice, it is recommended that the person be given advance notice that their membership will be considered at an upcoming members' meeting. This notice should ideally be provided at least 20 days beforehand, consistent with the timeframe used when a member is declared inactive.

The person should be invited to provide reasons why they should be accepted as having a sufficient association with the LALC area and to provide any supporting information or document that they wish to rely on.

Further, at the meeting, the question of whether the person has a sufficient association with the LALC area should be approached and made in the same careful way as discussed above (see Part 4.5 above).

If a member is removed from the LALC membership roll

If the LALC CEO removes a member from the LALC membership roll, the CEO is strongly encouraged to provide the updated roll to the Office of the Registrar.

If a member was removed from the roll by resignation, their decision is final. If that member wishes to rejoin the LALC as a member they will need to follow the process for a new member and be accepted by the members of the LALC.

Previous Member Declaration

If a member was removed from the roll because they moved away from the LALC area, or their whereabouts was not known to the LALC, they can apply to become a member again by completing the ORALRA previous member declaration form. Once the form is completed and ORALRA confirms that they are not a voting member at any other LALC, the member can be placed back on the roll.

A previous member declaration does not need the approval of the members as they have already been accepted by the members. A CEO can process this in conjunction with the Registrar.

8. Information for applicants

Not accepted by the members

If your membership application was not accepted by the members at a members' meeting, this does not mean you can never become a member of the LALC.

It is important to ask the LALC why you were not accepted as a member. It may be that the members did not have sufficient information to decide.

After receiving feedback, an individual can reapply for membership as many times as they would like, remembering to consider the feedback and updating their application with further information.

If you believe you have been treated unfairly by the process, you are able to seek further guidance from the Registrar's office www.oralra.nsw.gov.au

Removed from the roll

If you have been removed from your LALC roll and you believe this has occurred incorrectly, in the first instance, you should speak to your LALC to find out the reason why.

A LALC CEO can only remove your name from the roll if the member (see section on removal from roll for more details)

- Is deceased
- Resigns in writing
- Now resides outside the LALC boundaries (and the members have determined that you do not qualify for membership by association)
- Reasonable enquires

If the member believes that the reason is incorrect or completed by mistake, the member can use the Registrar's Previous Member Declaration Form which can be found www.oralra.nsw.gov.au/#forms and provide the completed form to their LALC.

The LALC may request some further information, for example some proof that you have never moved outside the LALC boundaries, or that you have always resided at the same address as on file showing that the LALC did not make reasonable enquires, you may be able to be placed back onto the roll.

If the LALC agrees, the member can be placed back on the roll. The Previous Member Declaration Form does not need to go to the LALC members for a decision.

However, the details do need to be provided to the Registrar's office, so the ORALRA roll can be updated.

If the member was removed from the roll correctly, then the individual will need to complete the membership process again.

Change of details

It is the member's responsibility to advise their LALC when their details change. Change in details can include, name, address, email or phone number.

The simplest way to advise your LALC of a change of detail, is to use the Registrar's change of details form which can be found here www.oralra.nsw.gov.au/#forms

If your change of address results in you residing outside of the LALC boundaries, the LALC is required to invite you to apply to be a member by association and if this is not successful you are required to be removed from the roll.

Change of voting status

A new membership application may state that the applicant wants to be a voting or non voting member.

It is not part of the members' role to make any decision about voting status of a new member.

Making sure that a membership roll accurately records each member's voting status is an important part of the CEO's job in keeping a LALC membership roll up to date. This is covered in Part 6 of this guide.

If a member wishes to be a voting member they must have written notice from the Office of the Registrar that they are not a voting member at any other LALC.

This can occur prior to submitting an application by using the form or after being accepted by the members when the LALC CEO notifies the Office of the Registrar.

When the Registrar checks that a new member is not a voting member of another LALC and informs the LALC, the CEO must add their voting status to the roll.

Note: if the checks are conducted after acceptance, the new member must be entered on the LALC roll as non-voting until ORALRA advises the roll can be updated to voting.

9. Useful Links

➤ [Aboriginal Land Rights Act 1983 No 42](#)

➤ [Aboriginal Land Rights Regulation 2020](#)

➤ [ORALRA website](#)

➤ [NSWALC website](#)

➤ [Map of LALC boundaries](#)

Get in contact with ORALRA

Membership: membership@oralra.nsw.gov.au

Compliance: complianceteam@oralra.nsw.gov.au

Aboriginal Owners: aboriginalowners@oralra.nsw.gov.au

Phone: (02) 8575 1160

Post: PO Box 787 Parramatta NSW 2124

Document Management

Publication details

Publication	Yes/No
Office of the Registrar of the Aboriginal Land Rights Act website	Yes
Approved by	Date of approval
Sally Skyring, Registrar ALRA	23 March 2026

Review record

Date	Action	Version