

# Inactive Members

Section 57A - Aboriginal Land Rights Act

## What is an inactive member?

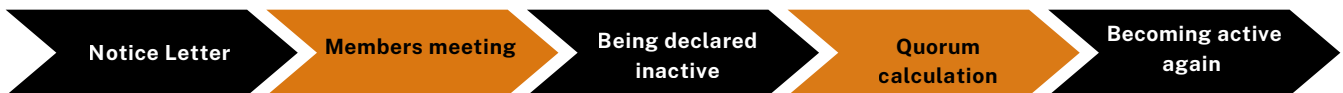
An inactive member is a voting member of a Local Aboriginal Land Council (LALC) who has been absent from at least 6 consecutive meetings of the LALC and has been declared inactive by the CEO.

Once declared inactive, the member will no longer count for purposes of calculating the quorum for a members' meeting unless they attend a meeting in which case they immediately become an active member again.

The inactive member remains on the LALC roll at all times. Their membership status is not affected, they are only inactive.

## What are the steps to declare a member inactive?

The process can commence after a member has been absent from at least 5 meetings.



**The CEO of the LALC must send a written notice to the member not less than 20 days before the next members' meeting.**

Notice Letter

**The letter must advise the member of:**

- a) The CEO's intention to declare them inactive due to being absent from 6 members meetings.
- b) Details for the next meeting including location, date and time.
- c) How the member can avoid becoming inactive.

Members meeting

At the next members meeting, the CEO must inform all present of the intention to declare the member inactive.

The agenda should include an item called 'Proposed members to be declared inactive'.

Being declared inactive

A member who does not attend by the end of the members' meeting will be declared inactive by the CEO, and the membership roll will be updated accordingly.

Quorum calculation

Inactive members are not counted for quorum purposes until they become an active member again.

Further information about quorums can be found on the **quorum fact sheet. (Soon to be released)**

Becoming active again

The member can attend a future meeting and immediately become active again, and participate at that meeting.

or

Write to the Registrar advising they do not wish to be inactive. The Registrar will notify the CEO.

## **Frequently asked questions:**

### **Can the CEO send the letter of intention to declare a member inactive via email?**

Yes. CEOs can send a letter to advise their intention to declare the member inactive by email. An email satisfies the requirements for written notice under the ALRA for this purpose.

### **Does the CEO still need to provide LALC correspondence to the inactive members?**

Yes. The LALC is required to continue correspondence to all members of the LALC which includes voting and non-voting members even if the voting members are inactive.

### **Can the CEO remove the member from the LALC roll once they are officially declared inactive?**

No. A voting member who is declared inactive, remains a member and cannot be removed from the roll.

### **When will the member become active again?**

If an inactive member attends a members' meeting, the member will immediately be restored to active status and may participate in that meeting on the day.

Alternatively, where a member writes to the Registrar advising that they do not wish to be inactive, the Registrar will notify the LALC, and the member's active status will be reinstated and reflected on the membership roll.

### **Can the CEO make non-voting members inactive?**

Inactive status generally only relates to voting members. There would be no benefit making a non-voting member inactive.

### **Does the CEO need to advise ORALRA when a voting member is declared inactive?**

No. Declaring members inactive is an internal LALC process to manage quorum. The Registrar does not require notification of inactive members, unless questions arise concerning the quorum of a meeting.

# Letter of intention to declare member inactive

## Template only

[Date]

[Member's name]

[Member's address]

Examples of draft letters for use by members and LALC are considered best practice by ORALRA

Dear [Member's name],

RE: Intention to declare you an inactive member

I am writing to notify you of my intention to declare you an inactive member of [xx] Local Aboriginal Land Council (LALC). Under section 57A of the *Aboriginal Land Rights Act 1983* (NSW), the CEO of a LALC may declare a member inactive if they do not attend 6 consecutive land council meetings. Our records show that you have not attended the past 5 consecutive land council meetings.

If you do not attend the next land council meeting, you will be declared an inactive member. This means that, unless you attend a meeting, you will not be counted towards the calculation of the quorum. Your membership status will not be affected.

If you are declared an inactive member, you can become an active member again at any time by attending a land council meeting. If you do not wish to attend a meeting, you can write to the Registrar stating that you want to be an active member.

The next land council meeting will be held on **[date]**, at **[time]**, at **[location of meeting]**.

Please attend this meeting to avoid being declared an inactive member.

If you have any questions, please do not hesitate to contact me on [ph#].

Yours Sincerely,

[CEO's name]

Chief Executive Officer

[xx] Local Aboriginal Land Council

# Letter for member to write to the Registrar

## Template only

Examples of draft letters for use by members and LALC are considered best practice by ORALRA

[Date]

Registrar  
Aboriginal Land Rights Act 1983 (NSW)  
PO Box 787  
Parramatta NSW 2124

Dear Registrar,

RE: Request to retain my status as an active member of [XX] Local Aboriginal Land Council.

I received a letter from my Local Aboriginal Land Council notifying me that if I do not attend the next land council meeting, I will be declared an inactive member of the Local Aboriginal Land Council. I wish to remain an active member of the Council.

OR

I have been declared an inactive member of my Local Aboriginal Land Council

I am writing to request that I not be declared to be an inactive member of [XX] Local Aboriginal Land Council. Please notify the Chief Executive Officer of that Council of my request and request that this be noted on the Council's membership roll.

Yours Sincerely,  
[Member's name]  
[XX] Local Aboriginal Land Council