

## ELIGIBILITY (CRIMINAL RECORD) CHECK CONSENT FOR LALC BOARD MEMBERS

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The *Aboriginal Land Rights Act 1983 (NSW)* ('ALRA') sets out the grounds on which a person is eligible to hold office as a Board Member of a Local Aboriginal Land Council ("LALC"), and the grounds that disqualify a person from holding this office. The grounds are listed in section 66 of the ALRA; a copy is attached to this form. These are further explained in the Office of the Registrar Fact Sheet *Eligibility Checks – LALC Board members*.

If you are disqualified from holding office for any of the reasons listed in section 66, you **cannot** be a Board member of a LALC.

Under s66 of the ALRA, you are disqualified from holding office for the following reasons:

1. Being convicted, within the last 5 years, in New South Wales (or elsewhere) of an offence relating to the management of a corporation, or;
2. Being convicted of an offence under the *Aboriginal Land Rights Act 1983*, that was recorded in the last 5 years; or
3. Being convicted of an offence in New South Wales that is punishable by imprisonment for 12 months or more, or you were convicted of an offence elsewhere, other than New South Wales, that if committed in New South Wales would be an offence punishable by 12 month or more of imprisonment, and the offence (wherever it occurred) was recorded in the last 5 years;
4. You were a Board members of a LALC prior to the appointment of an **administrator was appointed any time in the last 5 years.**

If you are disqualified due to a conviction, you may request the Registrar of the ALRA to review your disqualification and make a Registrar's Determination, declaring that you may serve as a Board member of the LALC, and are NOT disqualified from holding office as a Board member. The Registrar may or may not decide to declare that you can hold office as a Board member of the LALC, depending on the circumstances of each individual case.

You are asked in this form to authorise the Registrar of the ALRA to make certain inquiries about you.

The inquiries are:

1. A search of the New South Wales Police Service's criminal records database for all offences that may be recorded against you in the last 5 years. This search will include any offences committed under any Australian State, Territory or Federal law;

2. A search of the Australian Securities and Investment Commission's ("ASIC") website database for any offence you may have committed in relation to a corporation and if you are disqualified from holding an office in any corporation; and
3. A search of the Office of the Registrar of Indigenous Corporations ("ORIC") website database for any offence you may have committed in relation to an Aboriginal Corporation and if you are disqualified from holding office in any Aboriginal Corporation.

If you authorise the Registrar to make these inquiries, they will be conducted in strict confidence. The LALC that you have been elected a Board member of will **only** be advised if you are qualified or disqualified to hold office as a Board member: to be clear, the LALC will not be advised of any details discovered during the Eligibility Check. If at this time you are disqualified from holding office, the LALC will also be advised of when you may become qualified to hold office.

**The ORALRA does not provide Working with Children Checks. If you are seeking a Working with Children Check Clearance you should refer to the NSW Office of the Children's Guardian website: <http://www.kidsguardian.nsw.gov.au/Working-with-children/working-with-children-check>**

If you have any questions about the grounds for disqualification from holding office as a member of a LALC Board, or about any of the issues discussed in this form, please contact the Registrar's office on (02) 8633 1266 for assistance.

After you have completed the attached Authorisation for Criminal Record Check, please provide it to the LALC CEO and they will forward it to ORALRA on your behalf.

**Address:** Level 3, 2 – 10 Wentworth Street, PARRAMATTA NSW 2150

**Post:** P.O Box 5068, PARRAMATTA NSW 2124

**Phone:** 02 8633 1266

## AUTHORISATION FOR CRIMINAL RECORD CHECK

Being for the role of **BOARD MEMBER** at \_\_\_\_\_ LALC.

Surname: \_\_\_\_\_ First Name: \_\_\_\_\_

Other Given Names: \_\_\_\_\_ Date Of Birth: \_\_\_\_\_

Were you born in Australia?

YES: \_\_\_\_\_ Place of Birth: \_\_\_\_\_ State: \_\_\_\_\_

NO: \_\_\_\_\_ Country of Birth: \_\_\_\_\_

Daytime Contact Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**ID: [Please provide a photo or photocopy of your licence or other photo ID with this form](#)**

1. Australian Drivers Licence Number: \_\_\_\_\_
2. Photo Identification Card issued in Australia : \_\_\_\_\_
3. Other ID. E.g.: Certified Copy of Birth Certificate: \_\_\_\_\_

Current Residential Address: Number: \_\_\_\_\_ Street: \_\_\_\_\_

Suburb: \_\_\_\_\_ State: \_\_\_\_\_

Previous Residential Address: \_\_\_\_\_

Other Names Used (Former Name, Maiden Name etc.)

Surname: \_\_\_\_\_ First Name: \_\_\_\_\_

Other Given Names: \_\_\_\_\_ Date Of Birth: \_\_\_\_\_

I, \_\_\_\_\_ authorise the Registrar of the Aboriginal Land Rights Act 1983 to search the following records:

1. The New South Wales Police Service's criminal records database for all offences that may be recorded against me in the last 5 years in New South Wales.

I declare the personal information I have provided on this form relate to me and are correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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## **Attachment 1: section 66, *Aboriginal Land Rights Act, 1983***

### **66 Grounds for disqualification from office**

- (1) A person is disqualified from holding office as a Board member of a Local Aboriginal Land Council if the person:
  - (a) has a conviction in New South Wales or elsewhere for an offence relating to the management of a corporation, that was recorded within the last 5 years, or
  - (b) has a conviction for an offence under this Act that was recorded within the last 5 years, or
  - (c) has a conviction in New South Wales for any other offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable that was recorded within the last 5 years, or
  - (d) ceases to be a voting member of the Council, or
  - (e) becomes a councillor of the New South Wales Aboriginal Land Council, or
  - (f) is a mentally incapacitated person, or
  - (g) is or becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - (h) is or was a director or person concerned in the management of a body corporate that is the subject of a winding up order or for which a controller or administrator has been appointed under the *Corporations Act* 2001 of the Commonwealth during the last 3 years, or
  - (i) is disqualified from holding office in or being concerned in the management of a corporation under any law of this or any other State or Territory or the Commonwealth, or
  - (j) is an employee of, or a consultant to, the Council, or
  - (k) was, on 2 or more occasions before an administrator was appointed to the Council, an officer of the Council, or
  - (l) fails, without a reasonable excuse, for a period of 3 months or more to comply with a written requirement by the New South Wales Aboriginal Land Council to undergo training under section 65, or
  - (m) is disqualified from holding office as a councillor.
- (2) The Registrar may determine that an offence committed by a person should be ignored for the purposes of this section because of the time that has passed since the offence was committed or because of the triviality of the acts or omissions giving rise to the offence.
- (3) The Registrar may determine that a person is not disqualified on the ground set out in subsection (1) (k) if the Registrar is satisfied that it is appropriate in the circumstances that the person not be disqualified on that ground.