



5 Membership of the corporation

5.1 Members on registration

- (a) A person only becomes a member when the corporation is registered, as long as the registration complies with the Act.
- (b) Members' names must be entered on the register of members.

5.2 Members by application

5.2.1 How to become a member after registration

A person becomes a member if:

- (a) the person wants to become a member and applies in writing;
- (b) the person is eligible for membership;
- (c) the directors accept the application; and
- (d) the person's name is entered on the register of members.

5.2.2 Who can apply to become a member (eligibility for membership)

A person who is eligible to apply for membership must be an individual who is:

- (a) at least 15 years of age and an Aboriginal and Torres Strait Islander person; and
- (b) an Ewamian Native Title Community member.

5.2.3 Membership application

- (a) A person (the applicant) who wants to become a member must apply to the corporation.
- (b) The application must be in writing.

5.2.4 Nominated Family Group

- (a) A person applying for membership must nominate in his or her application the Family Group in respect of which the applicant wishes to be registered for the purposes of his or her membership ("Nominated Family Group").
- (b) A list of the Family Groups is set out in Schedule 5.
- (c) An applicant may only nominate a Family Group as its Nominated Family Group if the applicant belongs to the Family Group.
- (d) Whilst it is possible that an Ewamian Person may, in accordance with the Traditional Laws and Customs of the Ewamian People, belong to more than one





Family Group, a Member may only nominate one Family Group to which he or she belongs on his or her application for membership, and is entitled to vote only in respect of that Family Group for the purposes of his or her membership.

- (e) If a member wishes to change the Family Group to which he or she belongs for the purposes of his or her membership, then the member must seek confirmation of the change from the existing Family Group to which he or she belongs and the new Family Group and then notify the corporation in writing of the change.

5.2.5 Nominated Region

- (f) A person applying for membership must nominate in his or her application the Region in respect of which the applicant wishes to be registered for the purposes of his or her membership ("Nominated Region").
- (g) A list of the Regions is set out in Schedule 7.
- (h) An applicant may only nominate a Region as its Nominated Region if the applicant lives in that Region.
- (i) A Member may only nominate one Region to which he or she belongs on his or her application for membership, and is entitled to vote only in respect of that Region for the purposes of his or her membership.
- (j) If a member wishes to change the Region to which he or she belongs for the purposes of his or her membership, then the member must notify the corporation in writing of the change.

5.2.6 Deciding membership applications

- (a) The directors will receive and consider membership applications, and may accept them with the ratification or approval of the Committee of Elders.
- (b) Applications will be considered and decided in the order in which they are received by the corporation.
- (c) The directors must not accept an application for membership of the corporation unless the applicant:
 - (d) applies according to rule 5.2.3; and
 - (e) meets all the eligibility for membership requirements.
- (f) The directors may refuse to accept a membership application even if the applicant has applied in writing and complies with all the eligibility requirements.
- (g) However, they must notify the applicant in writing of the decision and the reasons for it.





5.2.7 Entry on the register of members

- (a) If the directors accept a membership application, the applicant's name must be entered on the register of members within 14 days.
- (b) However, if:
 - (i) the applicant applies for membership after a notice has been given for the holding of a general meeting, and
 - (ii) the meeting has not been held when the directors consider the application,
 - (iii) then the corporation must not enter the person on the register of members until after the general meeting has been held.

5.3 Membership fees

The corporation must not impose fees for membership of the corporation.

5.4 Different classes of members

- (a) The corporation shall have the following classes of members:
 - (i) ordinary members which shall comprise all members 18 years of age and over; and
 - (ii) youth members which shall comprise all members aged at least 15 years and under 18 years of age.
- (b) A member's class of membership shall be determined by the directors and entered on the register of members.

5.5 Members rights and obligations

5.5.1 Ordinary Members rights

- (a) Each ordinary member has rights under the Act and these rules including the rights set out below. A member:
 - (i) is entitled to vote or otherwise participate in accordance with the Traditional Laws and Customs of the Ewamian People, in respect of the Family Group to which the member has been accepted for the purposes of his or her membership:
 - (A) in the appointment and removal of one (1) Family Group Committee of Elders Member and two (2) proxy Family Group Committee of Elders Members to form part of the Committee of Elders , to represent the interests of the Family Group; and
 - (B) in determining the manner in which a Committee of Elders Member must vote on matters in respect of which a vote is to be held at a general meeting of the corporation, and if they do so, the Committee of





Elders Member must exercise his or her vote in the manner determined;

- (ii) can attend and speak, but not vote (otherwise than in accordance with rule 5.5.1(a)(i)) at a general meeting of the corporation;
 - (iii) can be elected or appointed as a director or Family Committee of Elders Member, but shall not be both a director and Committee of Elders Member at the same time;
 - (iv) cannot be removed as a member unless the directors and the corporation have complied with rule 5.8;
 - (v) can put forward resolutions to be voted on at a general meeting of the corporation in accordance with rule **Error! Reference source not found.;**
 - (vi) can ask the directors to call a general meeting of the corporation in accordance with rule **Error! Reference source not found.;**
 - (vii) can access the following books and records of the corporation:
 - (A) the register of members, under rule **Error! Reference source not found.;**
 - (B) the minute books for meetings of members, under rule **Error! Reference source not found.;**
 - (C) the corporation's rule book, under rule **Error! Reference source not found.;**
 - (D) certain reports prepared by or for the directors and the corporation, in accordance with the Act;
 - (viii) can ask the directors to provide access to any other records or books of the corporation in accordance with rule **Error! Reference source not found.;** and
 - (ix) can have any disputes regarding the corporation dealt with under the process in rule 27.
- (b) Members do not have the right to share in the profits of the corporation or take part in the distribution of the corporation's assets if it is wound up.
- (c) If a member believes that their rights have been breached or ignored by the directors, the member can use the dispute resolution process in rule **Error! Reference source not found..**

5.5.2 Youth Members

Each youth member shall have the same rights as ordinary members, other than those rights set out in rules:

- (a) 5.5.1 (a)(i);
- (b) 5.5.1 (a)(iii);





- (c) 5.5.1(a)(ii); and
- (d) 5.5.1(a)(vii).

5.5.3 Members' responsibilities

Each member has responsibilities which include the following:

- (a) to comply with the Act and these rules;
- (b) to notify the corporation of any change in their address within 28 days;
- (c) to comply with any code of conduct adopted by the corporation;
- (d) to treat other members, employees of the corporation and the directors with respect and dignity and not engage in personal attacks or abusive behaviour; and
- (e) to not behave in a way that significantly interferes with the operation of the corporation or of corporation meetings.

5.5.4 Liability of members

- (a) The members are not liable to contribute to the property of the corporation on winding up.
- (b) If the application for registration of the corporation states that members and former members are:
 - (i) not to be liable to contribute towards the payment of the debts and liabilities of the corporation, then they are not liable to contribute; or
 - (ii) to be liable to contribute towards the payment of the debts and liabilities of the corporation on a particular basis, then they are liable so to contribute on that basis.

5.6 How a person stops being a member

5.6.1 A person will stop being a member if:

- (a) the person resigns as a member (see rule 5.7);
- (b) the person dies; or
- (c) the person's membership of the corporation is cancelled (see rules 5.8.1 to 5.8.5).

5.6.2 When a person ceases to be a member

A person ceases to be a member when the member's name is removed from the register of members as a current member of the corporation.





5.7 Resignation of member

- (a) A member may resign by giving a resignation notice to the corporation in the form set out in Schedule 4.
- (b) A resignation notice must be in writing.
- (c) The corporation must remove the member's name from the register of current members of the corporation within 14 days after receiving the resignation notice.

5.8 Process for cancelling membership

5.8.1 Cancelling membership upon Committee of Elders recommendation

- (a) The directors must, by resolution, cancel the membership of a member if the Committee of Elders has:
 - (i) resolved that the member be removed for a serious breach or repeated breaches of the Traditional Laws and Customs of the Ewamian People; or
 - (ii) resolved that the member:
 - (A) is not eligible for membership; or
 - (B) has ceased to be eligible for membership; and
 - (iii) recommended to the directors in writing that a member's membership should be cancelled.

5.8.2 Procedure for cancellation

- (a) Before cancelling the membership under rule 7.8.1, the directors must give the member notice in writing stating that:
 - (i) the directors intend to cancel the membership for the reasons specified in the notice; and
 - (ii) the member has 14 days to object to the cancellation of the membership; and
 - (iii) the objection must be in writing.
- (b) If the member does not object, the directors must cancel the membership.
- (c) If the member does object as set out in rule 5.8.2(a)(iii):
 - (i) the directors must not cancel the membership; and
 - (ii) only the corporation by resolution in general meeting may cancel the membership.
- (d) If a membership is cancelled, the directors must give the member a copy of the resolution (being either the resolution of the directors or the resolution of the general meeting) as soon as possible after it has been passed.





5.8.3 Membership may be cancelled if member cannot be contacted

- (a) The membership may be cancelled by special resolution in a general meeting if the corporation:
 - (i) has not been able to contact that member at their address entered on the register of members for a continuous period of two years before the meeting; and
 - (ii) has made two or more reasonable attempts to contact the member during that 2-year period but has been unable to.
- (b) If the corporation cancels the membership, the directors must send that person a copy of the resolution at their last known address, as soon as possible after the resolution has been passed.

5.8.4 Membership may be cancelled if a member is not an Aboriginal and Torres Strait Islander person

- (a) If rule 5.2.2 includes an eligibility requirement that an individual be an Aboriginal and Torres Strait Islander person, membership may be cancelled if the member is not an Aboriginal and Torres Strait Islander person.
- (b) The corporation, by special resolution in a general meeting, may cancel the member's membership if the general meeting is satisfied that member is not an Aboriginal or Torres Strait Islander person.
- (c) If the corporation cancels a person's membership under this rule, the directors must give that person a copy of the resolution, as soon as possible after it has been passed.

5.8.5 Membership may be cancelled if a member misbehaves

- (a) The corporation may cancel the membership by special resolution in a general meeting if the general meeting is satisfied that member has behaved in a way that significantly interfered with the operation of the corporation or of corporation meetings.
- (b) If the corporation cancels a membership under this rule 7.8.5, the directors must give that person a copy of the resolution, as soon as possible after it has been passed.

5.8.6 Amending register of members after a membership is cancelled

Within 14 days of a member's membership being cancelled, the corporation must remove their name from the register of current members of the corporation.

