



**Mudth-Niyleta Aboriginal and Torres Strait Islander Corporation,**

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**MEMBERSHIP APPLICATION.**

**\*Please attach a copy of some form of colored photo identification and \$5.00. If your membership is declined, this \$5.00 will be returned to you. If your membership is accepted, the \$5.00 will be used for your membership fee.**

Date of Application; ...../...../.....

Full Name .....

Date of Birth...../...../.....

Address.....

Email.....

I have lived in Sarina for .....years, or..... months

Please indicate you're Heritage.

-Required by *The Corporation(Aboriginal and Torres Strait Islanders) ACT 2006*

**Aboriginal.**     **Torres Strait Islander.**

**Australian South Sea Islander**     **Other**

I hereby apply for membership to the Mudth-Niyleta Aboriginal & Torres Strait Islander Corporation. I agree to be bounds by the Constitution of the Corporation & any resolutions made by the Board of Directors of the Corporation.

Why are you seeking membership?

.....  
.....  
.....

**Signature** of the person for membership.....

**Office use only.**

**Approval**

**Date of board meeting which application was discussed** ...../...../.....

- Full membership
- Associate membership
- Declined.

**Signature of Chairman** \_\_\_\_\_.

Correspondence sent...../...../.....

**Receipt number of \$5.00 application fee**\_\_\_\_\_.

- Register updated

# Membership constitutional rules.



## 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 by using the approved membership application form.
- (b) the person is eligible for membership
- (c) the directors accept the application
- (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 (choose from the examples below):

- (a) at least 18 years of age and an Aboriginal and Torres Strait Islander person
- (b) Complies with the additional membership criteria as set out by the Corporation.
- (c) Normally and permanently a resident within the Sarina community for at least 6 months or more.

### 5.2.3 Membership application

- (a) A person (the applicant) who wants to become a member must apply to the corporation.
- (b) An Aboriginal and/or Torres Strait Islander associate member will be able to apply for full membership 12 months after their original associate membership application was approved.

### 5.2.4 Deciding membership applications

- (a) The directors will consider and decide membership applications.
- (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:
  - (i) applies according to rule 5.2.3
  - (ii) meets all the eligibility for membership requirements.
- (d) The directors must not accept an application if it results in a majority of members being non-Indigenous
- (e) The directors may refuse to accept a membership application even if the applicant has applied in writing and complies with all the eligibility requirements.
- (f) However, they must notify the applicant in writing of the decision and the reasons for it within 7 days of the decision being made.

### 5.2.5 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,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 will impose a membership fee as deemed appropriate by the Board of Directors.

- 5.3.1 A \$5.00 membership fee is payable. If the member has left the area for more than two years and returns, a further \$5.00 must be paid on acceptance of their renewal application for membership. The membership fee can be changed by a motion made by the Board of Directors.



**5.3.2** The membership fees collected by the Corporation shall be used for the following activities:

- (a) Provide beverages and refreshments at the Annual General Meeting.
- (b) Provide a copy of the Corporation's Constitution to members at the Annual General Meeting.
- (c) Whatever purpose the Board of Directors deems beneficial to the Corporation's members.

**5.3.3** Full and Associate Membership Fees are to be set at the same amount.

**5.3.4** The Corporate Membership Fee will be set at an amount deemed appropriate by the Board of Directors.

**5.3.5** No membership fee shall be imposed on Observers.

## **5.4 Members rights and obligations**

### **5.4.1 Members rights**

- (a) Each member has rights under the Act and these rules including the rights set out below. A member:
- (i) can attend, speak and vote at a general meeting of the corporation
  - (ii) can be elected or appointed as a director
  - (iii) cannot be removed as a member unless the directors and the corporation have complied with rule 5.7
  - (iv) can put forward resolutions to be voted on at a general meeting of the corporation in accordance with rule 7.6
  - (v) can ask the directors to call a general meeting of the corporation in accordance with rule 7.3.2
  - (vi) can access the following books and records of the corporation:

(A) the register of members, under rule 6.5

(B) the minute books, under rule 14.9

(C) the corporation's rule book, under rule 14.11

(D) certain reports prepared by or for the directors and the corporation, in accordance with the Act

(vii) can ask the directors to provide access to any other records or books of the corporation in accordance with rule 14.10

(viii) can have any disputes with another member or with the directors dealt with under the process in rule 17.

(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 17.

### **5.4.2 Members' responsibilities**

Each member has the following responsibilities:

(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 and the directors with respect and dignity

(e) to not behave in a way that significantly interferes with the operation of the corporation or of corporation meetings.

(f) must make an active contribution towards the Corporation, and attend at least one meeting in a calendar year.

(i) if members do not attend at least one meeting per year without an appropriate excuse, the Board of Directors has the right to review their membership status if they so wish and take appropriate action such as:

(A) a reminder letter to the member outlining their constitutional responsibilities or cancellation of membership as set out in Rule 5.7.1 (a)(iii).

### **5.4.3 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.



## 5.5 How a person stops being a member

### 5.5.1 A person will stop being a member if:

- (a) the person resigns as a member (see rule 5.6)
- (b) the person dies
- (c) the person's membership of the corporation is cancelled (see rules 5.7.1 to 5.7.4)
- (d) the member is a body corporate and it ceases to exist.

### 5.5.2 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.

## 5.6 Resignation of member

- (a) A member may resign by giving a resignation notice to the corporation.
- (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.

## 5.7 Process for cancelling membership

### 5.7.1 Cancelling membership if member is not or ceases to be eligible

(a) The directors may, by resolution, cancel the membership of a member if the member:

- (i) is not eligible for membership or
- (ii) has ceased to be eligible for membership or
- (iii) has failed to attend at least one meeting in a calendar year as set out in Rule 5.4.2 (f)(i).

(b) Before cancelling the membership, 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
- (c) If the member does not object, the directors must cancel the membership.
- (d) If the member does object as set out in rule 5.7.1(b)(iii):
- (i) the directors must not cancel the membership

(ii) only the corporation by resolution in general meeting may cancel the membership.

(e) 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.

### 5.7.2 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.

### **5.7.3 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 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.



### **5.7.4 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, the directors must give that person a copy of the resolution, as soon as possible after it has been passed.

### **5.7.5 Amending register of members after a membership is cancelled**

- (a) 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.

## **5.8 Different classes of members**

The corporation has different classes of members.

### **5.8.1 Full Member**

Full membership shall be granted to a person who has met all eligibility rules, and their written application has been viewed and passed by the Board of Directors at a general meeting.

- (a) Full members are entitled to all rights as stated in Rule 5.4.1

### **5.8.2 Associate Member**

A person who does not meet the full set of eligibility rules set out for Full Membership by the Corporation, can be granted Associate Membership.

- (a) Associate members are not entitled to the rights as stated in Rules 5.4.1 (a)(i) and (ii).

### **5.8.3 Corporate Member**

A Corporate Member can be any financially operating enterprise, such as a legal business or non-government organisation (NGO).

- (a) Corporate membership is restricted to the the entity in name only. Individuals associated with the entity can apply for Full or Associate Membership of the corporation if they meet the eligibility rules.

### **5.8.4 Observer**

The Directors can approach and appoint professional members from the community to observe meetings, who are deemed as upstanding citizens such as accountants, solicitors or business people. The aim is to promote transparency and accountability within the organisation, when dealing with the wider community, the business sector and government agencies.

- (a) Observers do not need to pay a Membership Fee.
- (b) Observers have the right to be Full or Associate Members if they meet the eligibility rules.
- (c) It is up to the Board to determine if Observers attend every meeting, or upon their request.

## **5.9 Observers**

The Corporation can appoint Observers as deemed necessary by the Board of Directors (Refer to section 5.8.4).

## **6 Registers of members and former members**

### **6.1 Corporation to maintain register of members**

The corporation must set up and maintain a register of members.

## 6.2 Information on the register of members

### 6.2.1 Information about individuals

- (a) The register of members must contain the following information about individual members:
- (b) the member's name (given and family name) and address. The register may also contain any other name by which the member is or was known.
- (c) the date on which the member's name was entered on the register.



### 6.2.2 Information about bodies corporate

- (a) The register of members must contain the following information about body corporate members:
- (b) the member's name and address
- (c) the date on which the member's name was entered on the register.

### 6.2.3 Information about Indigeneity

- (a) If a member is not an Aboriginal and Torres Strait Islander person, their entry in the register of members must say so.

## 6.3 Corporation to maintain register of former members

- (a) The corporation must set up and maintain a register of former members.
- (b) The corporation may maintain the register of former members in one document with the register of members.

## 6.4 Information on the register of former members

### 6.4.1 Information about individuals

The register of former members must contain the following information about each individual who stopped being a member within the last 7 years:

- (a) the member's name (given and family name) and address
- (b) the date on which the individual stopped being a member.

**Note** The register may also contain any other name by which the individual is or was known.

### 6.4.2 Information about bodies corporate

The register of former members must contain the following information about each body corporate that stopped being a member within the last 7 years:

- (a) the member's name and address
- (b) the date on which the body stopped being a member.

## 6.5 Location and inspection of registers of members and former members

### 6.5.1 Location of registers

The corporation must keep the register of members and the register of former members at:

- (a) the corporation's registered office if it is registered as a large corporation, or
- (b) the corporation's document access address if it is registered as a small or medium corporation.

### 6.5.2 Right to inspect registers

- (a) The register of members and register of former members must be open for inspection by any person, and any person has a right to inspect the registers.
- (b) If a register is kept on a computer, the corporation must allow the person to inspect a hard copy of the information on the register (unless the person and the corporation agree that the person can access the information by computer).

### 6.5.3 Inspection fees

- (a) A member may inspect the registers without charge.
- (b) A person who is not a member may inspect the registers only on payment of any fee required by the corporation.

#### **6.5.4 Right to get copies**

The corporation must give a person a copy of the registers (or a part of either register) within 7 days (or such longer period as the Registrar may allow) if the person:

- (a) asks for the copy, and
- (b) pays any fee (up to the prescribed amount) required by the corporation.



#### **6.6 Making register of members available at AGM**

The corporation must:

- (a) make the register of members available for inspection (without charge) by members at the AGM
- (b) ask each member attending the AGM to check and update their entry.

#### **6.7 Provision of registers to Registrar**

If the Registrar requests a copy of the register of members, or the register of former members, it must be provided within 14 days or such longer period as the Registrar specifies.