

PBC Membership



Yamatji Country
(Photo: José Kalpers)



Yamatji Marlpa
ABORIGINAL CORPORATION



Membership to your Prescribed Body Corporate (PBC)¹ entitles you to participate in members meetings and have a say in how the corporation is run, how it spends its money, and how it manages its services.

Who is a member?

A member of a PBC – as an Aboriginal and Torres Strait Islander corporation – is someone who:

- was a member at the time of the corporation's registration, or
- after registration, applies for membership and is accepted through the corporation's membership process outlined in its rule book.

Am I eligible for membership?

Each corporation's rule book defines who is eligible for membership. Examples of common eligibility requirements found in rule books require that members must:

- be 18 years or older,
- be an Aboriginal or Torres Strait Islander person,
- be from the (insert name) family group or (insert name) descendant, and
- have been living in the corporation area for at least 12 months.

How do I become a member of my PBC?

PBCs must follow the membership process outlined in its rule book.

Are there fees for membership?

This depends on your PBC's rule book. A corporation can only charge membership fees if it has a rule about charging fees in its rule book. If a corporation wants this rule, members would need to pass a resolution at a General Meeting.

Can I be a member of more than one PBC?

Yes. PBC's eligibility requirements for membership must provide for all the Common Law Holders of native title to be represented. PBCs cannot refuse membership to applicants who meet the eligibility criteria.

1 The term 'PBC' is commonly used to refer to both Prescribed Bodies Corporate (PBCs) and Registered Native Title Bodies Corporate (RNTBCs). The term 'RNTBC' refers to a PBC that has been officially registered with the Office of the Registrar of Indigenous Corporations (ORIC) post-determination. Whereas the term 'PBC' may refer to a corporation that has been registered, or it may refer to a corporation in the pre-determination claim space that has not yet been registered. For simplicity, YMAC uses the term "PBC" in most publications to refer to both PBCs and RNTBCs. This is in line with terminology that is regularly used in the native title sector.

What can I do if my PBC won't accept my membership?

The PBC's rule book must include a process for dealing with internal disputes (CATSI Act² s 66-1(3A)) and disputes with a person who is or claims to be a Common Law Holder (CATSI Act s 66-1(3B)) about whether or not the person is a Common Law Holder and the PBC's performance of its native title functions.

Under the CATSI Act, PBCs can make their own rules to fit their specific circumstances and it is recommended to add rules about resolving disputes about PBC membership. All PBC rule books are publicly available on oric.gov.au.

Follow the steps in your PBC's rule book to have your dispute resolved.



Can my membership be cancelled?

PBC members can cancel a membership at a General Meeting with a Special Resolution (which involves a majority vote of 75% of members regardless of what is in the PBC rule book), on the following grounds. The member:

- is un-contactable for 2 years at their recorded address,
- is not an Aboriginal or Torres Strait Islander person, or
- seriously misbehaves to the extent of disrupting the corporation's business.

A PBC's Board of Directors can also cancel a membership (after giving the member 14 days to object) on other grounds set out in its rule book. These grounds could include:

- The member no longer meets eligibility requirements;
- The member no longer pays membership fees; and
- The member no longer attends any meetings.

How do I stop being a member?

A person's membership stops when:

- the member resigns in writing,
- the member dies, or
- the corporation cancels the membership.

Nyangumarta Country
(Photo: José Kalpers)

How can I get more involved in the decisions made by my PBC?

PBCs must hold meetings for members on certain matters according to the CATSI Act. PBCs must also hold Common Law Holder meetings for Native Title Holders according to the *Native Title Act 1993* (Cth).

There are several ways for Traditional Owners to get involved in the decisions made by their PBC.

Become a PBC member.

It is important to know that, following a native title determination, the transition to being a PBC member is not automatic. You will need to apply to your PBC for membership. Memberships are managed by PBCs, not YMAC – unless we have been contracted to do so under a service agreement with the PBC.

Become a Director of your PBC.

Members will be eligible to become directors of their PBC, subject to meeting the eligibility criteria in the PBC's rule book and as set out in the CATSI Act.

Attend Annual General Meetings of your PBC.

Annual General Meetings provide a chance to hear from Directors and staff of PBCs on the previous financial year's activities.

Attend Common Law Holder meetings or community information sessions called by your PBC.

Common Law Holder meetings are meetings held to make native title decisions (decisions that affect native title rights and interests, such as the grant of a mining lease). Common Law Holder meetings occur once the PBC Directors have substantially negotiated an agreement and will recommend the agreement to their Native Title Holders for a decision. For large projects and agreements, the PBC may hold a community information session to inform and consult with Native Title Holders before a decision-making meeting.

Contact them direct.

Call your PBC and make an appointment to ask specific questions and learn more about its activity. Contact details can be found on oric.gov.au.

Note, the terms Native Title Holder and Common Law Holder are interchangeable.

Photographs used in this fact sheet are done so with the appropriate permissions.

Current at June 2023. Please note, information in this fact sheet is provided by YMAC in good faith on an "as is" basis; it does not constitute any form of legal advice. YMAC believes this information to be accurate and current at the date of publication, however, inadvertent errors can occur and the applicable laws, rules, policies and regulations often change. YMAC will not be liable for any loss or damage whatsoever suffered as a result of reliance upon this information, or through directly or indirectly applying it.

Geraldton

171 Marine Terrace
Geraldton WA 6530
PO Box 2119
Geraldton WA 6531
T: 08 9965 6222

Perth

Level 8,
12 The Esplanade
Perth WA 6000
PO Box 3072
249 Hay Street
East Perth WA 6892
T: 08 9268 7000

Hedland

8 Manganese Street
Wedgefield WA 6721
PO Box 2252
South Hedland
WA 6722
T: 08 9160 3800

Broome

Shop 2/24
Clementson Street
Broome WA 6725
PO Box 2059
Broome WA 6725

Carnarvon

4 Francis Street
Carnarvon WA 6701
PO Box 1424
Carnarvon WA 6701
T: 08 9965 6222
(open Tues, Wed, Thurs)