

Notice of a LALC Meeting

Resources for Local
Aboriginal Land Councils



**New South Wales
Aboriginal Land Council**

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If you have any questions about the period of notice required for a meeting of the LALC, please contact the Office of the Registrar on (02) 9562 6328

or

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or via email on Clare.McHugh@alc.org.au

How must the LALC provide Notice of a Meeting?

Clause 27(1) of the *Aboriginal Land Rights Regulations 2002* (“the Regulations”) describes how a Local Aboriginal Land Council (“LALC”) must provide notice to all members of meetings (ordinary and extraordinary) of the LALC:

- (a) By publishing a notice in a newspaper, magazine or periodical circulating in the LALC area; or
- (b) To all members by such means as may appear to the LALC to be efficient and practicable and are approved by the members of the LALC.

What does this mean?

Unless the members of the LALC have passed a resolution stating otherwise, the LALC must publish notice of its meetings in a newspaper or other circular, such as a local Courier or magazine.

If the LALC prefers to provide notice of meetings to all members by mail or other means, the members of the LALC must first pass a resolution approving how the LALC intends to provide notice of meetings.

EXAMPLE:

The _____ LALC approves notice of all meetings of the _____ LALC being posted to all members by mail. Where notice is posted by mail, the _____ LALC will provide an additional four (4) working days to the period of notice required by the NSW Aboriginal Land Rights Act (1983).

More information is provided later in this document about the requirement to provide an additional four (4) working days notice when posting a meeting notice by mail.

It is important that the LALC include the minimum period of time required for postal notices in the resolution.

This will ensure that the staff, the Board and the members of the LALC can clearly identify the necessary time required for sending notice of meetings by mail in years to come.

Note: If the LALC intends to pass a resolution approving that notice of meetings are to be provided by other means, such as by post, the LALC must pass the resolution at a meeting where the LALC has provided notice in accordance with clause 27(1) of the Regulations.

What information must be included in a Notice of a Meeting?

Clause 27(2) of the Regulations describes the information that a LALC must put in a notice of a meeting as follows:

- (a) The time the meeting will commence;
- (b) The place of the meeting; and
- (c) The date on which the meeting will be held.

If the LALC is holding a meeting for the purpose of an election to the Board, the LALC must include further detail in the notice, as described in clause 27(3) of the Regulations as follows:

- (a) That an election will be held; and
- (b) Persons who are eligible to vote at the meeting.

What does this mean?

It is important the LALC include the time, place (including the address) and date of the LALC meeting in all meeting notices.

If the meeting deals with an election to the LALC Board, the notice must state that an election will be held and list the criteria for voting eligibility (*see note below*).

If the LALC fails to include all the required detail in the meeting notice, or fails to give the sufficient period of notice, the meeting and any decisions made at the meeting can be ruled invalid.

Note: Refer to section 55 of the *Aboriginal Land Rights Act 1983* (“the ALRA”) for information relating to persons who are eligible to vote.

Is there a difference between publishing a Notice in a newspaper and posting a Notice in the mail?

YES. It is important the LALC is aware of the different timeframes required for giving notice of a meeting by publishing as compared to posting by mail.

How many days notice must be given for a Meeting of a LALC if the LALC publishes a Notice in a newspaper?

Clause 27(2) of the Regulations describes the period of notice that must be given for a meeting of the LALC and the information that must be provided:

- (a) Not being a date earlier than 7 clear days after the notice is given.

What does this mean?

If the LALC publishes or advertises a notice of a meeting in a newspaper or other circulation, the LALC must not count the day the notice is published or the day the meeting is held.

This is what is meant by “clear days”.

For example, if the LALC wishes to hold a meeting on the 9th day of the month, the notice of the meeting must be published not later than the 1st of the month to give 7 clear days notice of a meeting.

NOTICE OF A LALC MEETING

EXAMPLE: Notice of a LALC meeting published in newspaper.

JUNE 2009					
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
1	2	3 NOTICE PUBLISHED	4 NOTICE STARTS DAY 1	5 DAY 2	6 DAY 3
					7 DAY 4
8 PUBLIC HOLIDAY DAY 5	9 DAY 6	10 NOTICE FINISHES DAY 7	11 MEETING ON THIS DAY	12	13
					14
15	16	17	18	19	20
					21
22	23	24	25	26	27
					28
29	30				

How many days notice must be given for a meeting of a LALC if the LALC posts a notice in the mail?

Section 76 of the *Interpretations Act* 1987 describes how a notice is given by mail:

- (a) Notice is taken to have been effected on the 4th working day after the letter was posted; and
- (b) A working day meaning a day that is not a Saturday or Sunday, and is not a public holiday or bank holiday in the place to which the letter was addressed.

What does this mean?

THE POSTAL RULE

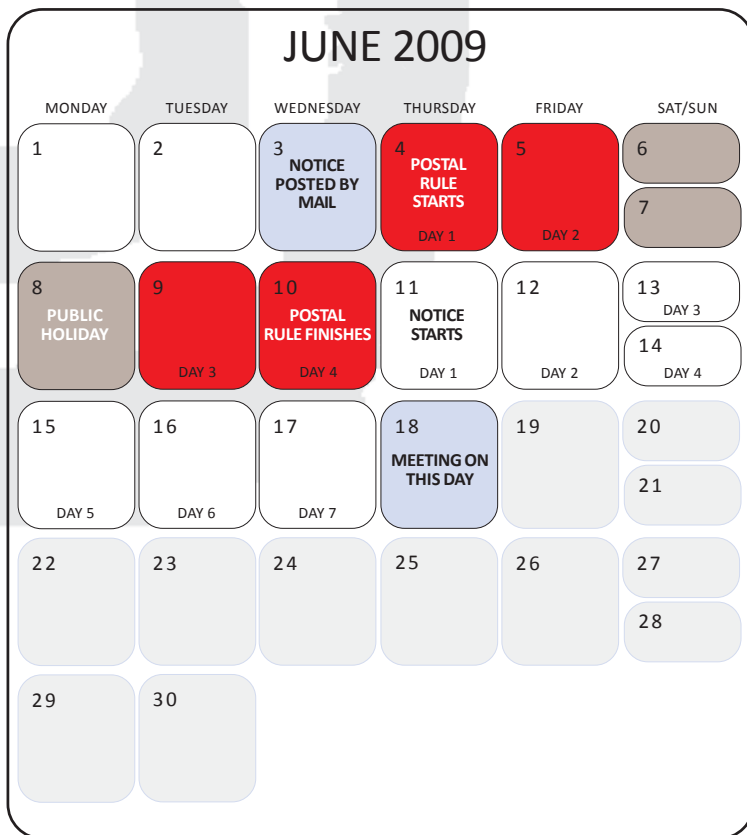
If the LALC posts a notice of a meeting, the postal rule requires that an extra 4 working days be added to the period of notice already required for a meeting.

This is in addition to the 7 “clear days” already required (remember the LALC must not count the day the notice is posted or the day the meeting is held).

When sending a meeting notice by mail, the LALC must factor in extra days required for WEEKENDS, PUBLIC HOLIDAYS and BANK HOLIDAYS as these do not count as notice days.

Note: For information on public holidays and bank holidays refer to the Industrial Relations website www.industrialrelations.nsw.gov.au/about_OIR/PublicHolidays.html

EXAMPLE: Notice of a LALC meeting posted to all members.



Note: Providing insufficient notice to members can result in the meeting, and any decisions made at the meeting, being deemed invalid, causing delays and incurring additional costs. By providing notice of a meeting as early as possible, the LALC can avoid having to potentially call a new meeting (if improper notice of a meeting has been given) and revisit decisions passed at an invalid meeting.

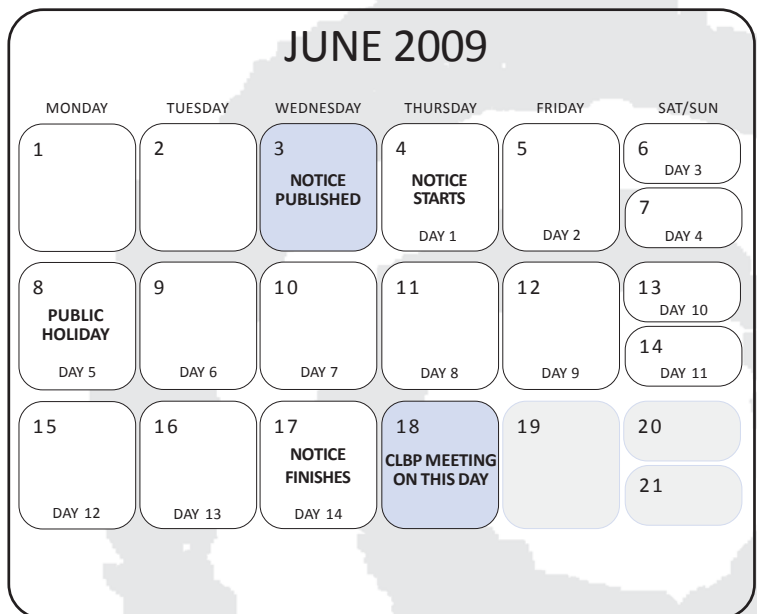
How many days notice must be given for a meeting of a LALC for the approval of a Community, Land & Business Plan?

Section 84 of the *Aboriginal Land Rights Act 1983* (“the ALRA”) requires that a LALC give at least 14 days notice of a meeting of the members to approve a Community, Land and Business Plan (“CLBP”).

What does this mean?

If the LALC wants to hold a meeting to approve a CLBP, the same rules apply as they would to providing a notice of any other meeting of the LALC. The only difference is that the LALC must give not less than 14 days notice.

***EXAMPLE:** Notice of a LALC meeting published in a newspaper to approve a Community, Land & Business Plan.*



NOTICE OF A LALC MEETING

EXAMPLE: Notice of a LALC meeting to approve a Community, Land & Business Plan posted by mail to all members.





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