

PART 4 CLAN RULES – MEMBERSHIP

A – APPLICATIONS

1. Application Process

- 1.1. Any person who wishes to become a Member and be included on the Clan Register, is required to:
 - 1.1.1. fill out the application form attached to these Rules at Schedule 6 ;
 - 1.1.2. provide the completed Membership Application Form to the Shareholder, and
 - 1.1.3. attend a meeting of the Elders Committee, if requested.
- 1.2. An Elder on the Elders Committee may sign a Membership Application Form on behalf of an Applicant.
- 1.3. The Members at the date of approval of these Rules are set out in Schedule 4.

2. Applications Made To The Shareholder

- 2.1. The Shareholder will check the Membership Application Form that is provided to the Shareholder, to ensure that:
 - 2.1.1. it has been filled out correctly, and
 - 2.1.2. that the Applicant is not already included on one of the other Clans' registers.
 - 2.1.3. If the Shareholder decides that the Membership Application Form has been filled out correctly and that the Applicant is not on one of the other Clans' registers, the Shareholder will provide copies of the Membership Application Form to the Elders Committee.
 - 2.1.4. If the Shareholder considers that the Membership Application Form has not been filled out correctly or that the Applicant is already on one of the other Clans' registers, the Shareholder will return the Membership Application Form to the Applicant, indicating why the Application Form has not been accepted.
 - 2.1.5. The Shareholder will keep a copy of all Membership Application Forms provided to the Shareholder.
 - 2.1.6. The Shareholder will complete this process within 10 working days of receiving a Membership Application Form.

B – ASSESSMENT

3. Shareholder's Assessment

- 3.1. The Shareholder will assess all Membership Application Forms provided to the Shareholder in accordance with the criteria set out below.
- 3.2. If the Shareholder is not satisfied that the Applicant has met the criteria the Shareholder will return the Membership Application Form to the Applicant, indicating why the Application has not been accepted.

- 3.3. The Shareholder will complete this process within 10 working days of receiving a Membership Application Form.

4. Elders Committee

- 4.1. If the Shareholder is satisfied that the Applicant satisfies the criteria the Shareholder will:
- 4.1.1. provide a copy of the Membership Application Form to each Elder on the Elders Committee;
 - 4.1.2. convene a meeting of the Elders Committee; and
 - 4.1.3. invite the Applicant to attend the meeting.
- 4.2. If the Elders Committee is satisfied that each of the criteria have been met, then the Elders Committee must accept the application for Membership and the Shareholder will notify the Directors.
- 4.3. The Elders Committee will complete this process within 15 working days of receiving a copy of the Membership Application Form from the Shareholder.

C – CRITERIA FOR MEMBERSHIP

5. Overview

- 5.1. There are a number of criteria that each Applicant must satisfy before the Applicant will be accepted as a Member of the Clan .
- 5.2. For an Applicant to become a Member, the Applicant must satisfy all criteria set out below.
- 5.3. In particular all Applicants must agree to be bound by the Code of Conduct set out at Schedule 10.

6. Relationship to Clan

- 6.1. Applicants must demonstrate that they are a descendant of one of the Clan's Ancestors, who are:
- 6.1.1. _____(insert name); and/or
 - 6.1.2. a descendant of one of the Members, or
 - 6.1.3. have been legally or traditionally adopted by one of the Members.
- 6.2. Evidence that may be provided to show the Applicant meets this criteria includes originals or certified copies of:
- 6.2.1. genealogical reports;
 - 6.2.2. and/or family trees;
 - 6.2.3. birth certificates;
 - 6.2.4. legal adoption certificates; or
 - 6.2.5. a minimum of three (3) signed statements from Members that recognise that:

- 6.2.5.1. the Applicant has been traditionally adopted; or
- 6.2.5.2. their ancestor was traditionally adopted; by
- 6.2.5.3. a Member; or
- 6.2.5.4. an ancestor of a Member.

7. Age

- 7.1. Applicants must demonstrate that they are over the age of 18 years.
- 7.2. Evidence that may be provided to show the Applicant meets this criteria includes originals or certified copies of the Applicant's:
 - 7.2.1. driving licence;
 - 7.2.2. passport; or
 - 7.2.3. government "proof of age" card.

8. Residence

- 8.1. Applicants must demonstrate that they reside in North Queensland (Townsville and further north) for at least 4 months per year.
- 8.2. Evidence that may be provided to show the Applicant meets this criteria includes originals or certified copies of:
 - 8.2.1. rent receipts;
 - 8.2.2. CDEP or wages payslip details;
 - 8.2.3. electricity bills; or
 - 8.2.4. acknowledgement from a Council of residency;showing the Applicant's name and address.

9. Acceptance

- 9.1. The Elders Committee must be convinced by the Applicant that the Applicant is a member of the Clan.
- 9.2. Evidence that may be provided to show the Applicant meets this criteria includes signed statements from other Members, however, acceptance of this criteria is at the sole discretion of the Elders Committee.

10. Failing to Follow the Code of Conduct

- 10.1. If a Member fails to fulfil their obligations under the Code of Conduct set out at Schedule 10 they can be "warned" and/or "suspended".
- 10.2. The first time that a Member fails to fulfil their obligations under the Code of Conduct set out at Schedule 10, the Elders on the Elders Committee will:
 - 10.2.1. convene a meeting of the Elders Committee;
 - 10.2.2. meet with the Member;

- 10.2.3. provide the Member with a written explanation of why the Elders are of the view that the Member has failed to fulfil their obligations;
 - 10.2.4. warn the Member in writing that the next time they fail in their obligations they either may or will be suspended.
- 10.3. The Chair of the Elders Committee will ensure that a copy of the written explanation and warning is provided to the Director immediately following the meeting.
- 10.4. The next time the Member fails to carry out their obligations under the Code of Conduct they can have their Membership suspended, including suspension of entitlement to receive any Distribution or Payment, for up to 12 months.
- 10.5. The request for the General Meeting to recall the Member will:
 - 10.5.1. be signed by at least 10 Members;
 - 10.5.2. set out the reasons why the Member is being suspended; and
 - 10.5.3. provide the reasons to the Shareholder.
- 10.6. The Shareholder and Proxies will then provide notice of the General Meeting and convene the meeting using the process set out in these Rules.
- 10.7. If a majority of those Members attending the General Meeting decide to suspend the Member, the Shareholder will provide notice to the Directors that states the Member has been suspended and the length of time the Member has been suspended for (up to a maximum of 12 months).
- 10.8. Whilst a Member is suspended the Member will not be recommended to receive any Payments from the Clan's Account.

SCHEDULE 1 – DEFINITIONS

1. **Agenda** means business to be dealt with at a particular meeting;
2. **Agreement** means Ely Bauxite Mining Project Agreement as amended 26 November 1999;
3. **Allocation** means putting aside Trust Funds by the Trustee Company in the Clan's Account for funding Payments to or for the benefit of Members;
4. **Alspac** means Alcan South Pacific Pty Ltd ACN 009 726 0778;
5. **Annual General Meeting** means General Meeting held once each year;
6. **Applicant** means person who wishes to become a Member of the Clan;
7. **Beneficiaries** means Persons named in the Trust Deed as eligible for Distributions and Payments from the Trust Funds;
8. **Clan** means Traditional Owner Group known as the _____ Clan;
9. **Clan's Account** means account maintained by the Trustee Company for the safe keeping and investment of any amounts Allocated to the Clan;
10. **Clan Register** means register of the Members of the Clan;
11. **Clan Rules** means rules contained in this document;
12. **Code of Conduct** means conduct that the Shareholder and Proxies must maintain at all times they are carrying out their roles;
13. **Consensus** means agreement of all persons;
14. **Directors** means directors of the Trustee Company;
15. **Distributions** means distributions of capital or income of the Trust by the Trustee Company to create legal entitlements in Beneficiaries of the Trust;
16. **Elders** means Members who are:
 - 16.1. recognised by the Clan as holding seniority by customary lore; or
 - 16.2. nominated by their family to "speak for country" or
 - 16.3. recognised by the Clan as having sound traditional customary, family and community knowledge; and
 - 16.4. are permitted to speak about their knowledge at Clan meetings;
17. **Elders Committee** means the committee comprising:
 - 17.1. the Elders appointed to the Elders Committee; and
 - 17.2. the Shareholder;
18. **General Meeting** means meeting open to all Members of the Clan;
19. **Member** means a person who has been accepted as a member of the Clan and whose name is included in the Clan Register;

20. **Membership Application Form** means form that an Applicant fills out when applying to become a Member;
21. **Payments** means monies that are paid to or for the benefit of Members by the Trustee Company from Trust Funds;
22. **Payments Guidelines** means guidelines under which the Clan has decided to recommend Payments be made to Members;
23. **Payments Guidelines Form** means form that the Clan gives to the Directors recommending Payments to Members;
24. **Proxies** means persons appointed by the Clan to assist the Shareholder to fulfil the Shareholder's role;
25. **Quorum** means the number of persons who are required to be in attendance before a meeting may be commenced and decisions made;
26. **Recall** means the replacement of the Shareholder at a General Meeting;
27. **Resolution** means agreement made at a meeting by a vote of those entitled to vote at the meeting;
28. **Schedules** means schedules to these Rules;
29. **Shareholder** means person who holds the share of the Trustee Company on trust for the Members;
30. **Shareholder** means person appointed by the Clan to represent the interests of Members in Trust matters;
31. **Shareholder and Proxies Nomination Form** means form that Members must fill out to nominate for the positions of Shareholder or Proxies;
32. **Special General Meeting** means General Meeting other than the Annual General Meeting;
33. **Trust** means Ely Bauxite Mining Project Aboriginal Beneficiaries Trust;
34. **Trustee Company** means Ely Bauxite Mine Beneficiaries Corporation Pty Ltd;
35. **Trust Deed** means Deed dated 1 October 1997 evidencing the establishment of the Trust;
36. **Trust Funds** means money and property held on trust for the Beneficiaries by the Trustee Company under the Trust Deed.

SCHEDULE 6 – MEMBERSHIP APPLICATION FORM

Name:

Address:

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Clan Group:

Telephone No.:

Mobile No.:

Email address:

Date of birth:

Bank Account Name of account: _____

Name of Bank: _____

BSB _____

Account Number: _____

I have filled in this Membership Application Form honestly and completely.

I am not a member of one of the other clans and am not eligible to receive disbursements from the Trust from any other of the clans.

I understand that the Elders of the Clan have absolute and final discretion to accept or reject my application for membership and that their decision is final.

I understand that I have the right to attend that part of the meeting of the Elders Committee at which my application for membership will be considered, but may not attend that part of the meeting where the Elders' decision is being made, or for any other business of the meeting and that I have the right to present my case as to why I should be accepted as a Member.

I agree to attend a meeting of the Elders Committee for this purpose if requested to do so.

1. Relationship to Clan (tick the box which is applicable)

I am a descendant of the following Clan and have provided evidence to support this statement.

Name of Clan:

I am a descendant of the following Head of Family and have provided evidence to support this statement.

I have been legally or traditionally adopted by the Clan and have provided statements signed by at least three Members of the Clan to support this statement.

NOTE: Evidence that may be provided to show the Applicant meets this criteria includes originals or certified copies of:

- (a) genealogical reports;
- (b) and/or family trees;
- (c) birth certificates;
- (d) legal adoption certificates and/or a minimum of three (3) signed statements from Members that recognise that the Applicant has been traditionally adopted.

2. Age

I am over the age of 18 years and have provided evidence to support this statement.

Note: Evidence that may be provided to show that the Applicant meets this criteria includes originals or certified copies of the Applicant's:

- (a) "proof of age" identity card;*
- (b) driving licence; or*
- (c) passport.*

3. Residence

I have resided in or around Weipa, Napranum, Mapoon or the Northern Peninsula Area for at least 4 months per year for the past _____ (insert number of years) years and have provided evidence to support this statement.

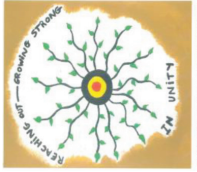
Note: Evidence that may be provided to show the Applicant meets the criteria includes originals or certified copies of:

- (a) rent receipts;*
- (b) CDEP or wages pay slips;*
- (c) Electricity bills;*

showing the Applicant's name and address.

Signed:

Date:



FAMILY TREE FORM

Please complete the Family Tree below. This Family Tree **MUST** be completed prior to approval.
PLEASE COMPLETE INCLUDING THE NAMES OF YOUR GREAT GRANDMOTHER AND GREAT GRANDFATHER OF RELEVANT CLAN.
LIST YOUR CHILDREN ON THE BACK OF THIS FORM.

MOTHER'S FAMILY TREE

Great Grandmother's Name _____ _____ Traditional Owner Group	Great Grandmother's Name _____ _____ Traditional Owner Group	Great Grandfather's Name _____ _____ Traditional Owner Group
Grandmother's Name _____ _____ Traditional Owner Group		Grandfather's Name _____ _____ Traditional Owner Group
Mother's Name _____ _____ Traditional Owner Group		Applicant's Name _____ _____ Traditional Owner Group

FATHER'S FAMILY TREE

Great Grandmother's Name _____ _____ Traditional Owner Group	Great Grandmother's Name _____ _____ Traditional Owner Group	Great Grandfather's Name _____ _____ Traditional Owner Group
Grandmother's Name _____ _____ Traditional Owner Group		Grandfather's Name _____ _____ Traditional Owner Group
Father's Name _____ _____ Traditional Owner Group		Father's Name _____ _____ Traditional Owner Group

This page must be signed by two authorised Clan Elders, as per Clan membership list, before returning to the Ely office at PO Box 1477, Cairns Qld 4870.

Checked by Shareholder: Signature _____ Name _____ Date _____
Checked by two authorised Elders: Signature _____ Name _____ Date _____
 Signature _____ Name _____ Date _____

