

Method of Choice and Terms and Conditions of Holding Office

COMMONWEALTH OF AUSTRALIA

Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)

I, Senator the Hon KATY GALLAGHER, Minister for Finance, Minister for Women, Minister for the Public Service, Minister for Government Services, hereby approve the method of choice of members for the Northern Land Council under section 29 of the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)* with respect to the following community, areas or organisations in the Council area as listed below and identified in the maps attached at Annexure A.

Borroloola Barkly

Alexandria	1
Balbarini	1
Bauhinia	1
Borroloola and outstations	4
Brunette Downs	1
Elliott	2
Muckarty	2
Murranji	2
Nicholson River North	1
Nicholson River South	1
North Barkly	1
Rockhampton Downs	1
Robinson River	1
Wombaya	1
SUB TOTAL	20

Darwin Daly Wagait

Daly River West	1
Darwin	3
Daly River	2
Daly River North	1
Daly River South	1
Darwin East	1
Darwin North West	1
Darwin South	2
Darwin South West	1
Darwin West	1
Palumpa	1
Peppimenarti	1
Pine Creek	1
Wadeye	2
Wadeye North	1
Wadeye Outstations	3
SUB TOTAL	23

East Arnhem

Blue Mud Bay	2
Galiwinku	3
Galiwinku Outstations	3
Gapuwiyak	2
Laynhapuy Homelands	2
Milingimbi	2
Ramingining	2
Ski Beach	1
Yirrkala	2
SUB TOTAL	19

South East Arnhem

Minyerri	2
Nugukurr and outstations	4
Numbulwar	4
Nutwood/Cox River	2
Urapunga	1
SUB TOTAL	13

VRD

Amanbidji	1
Bulla	1
Nitjpurru	1
Keep River	1
Lingarra	1
Menngen	1
Timber Creek	2
Yarralin	1
Yingawunari	1
Sub Total	10

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<u>Katherine</u>		<u>West Arnhem</u>	
Barunga/Manyallaluk	2	Coburg	1
Bulman	1	Gunbalanya	4
Katherine	2	Kakadu	2
Mataranka/Djambra (Jilkminggan)	1	Maningrida and outstations	6
Weemol	1	Minjilang and mainland outstations	2
Wugularr	2	Waruwi	1
SUB TOTAL	9	Waruwi Outstations	1
		SUB TOTAL	17
		TOTAL	111

NB – The regions that the areas listed in above are headings only and do not form part of the method of choice

Definitions

1. In this document, unless the contrary intention appears:

Chair means the chair of the Northern Land Council.

Executive Council means the committee of the Northern Land Council under section 29A of the Land Rights Act known as the Northern Land Council Executive Council or any committee that is established to replace it.

Full Council means a meeting of all the members of the Northern Land Council.

Land Owner means traditional Aboriginal owner as defined by the Land Rights Act.

Land Rights Act means the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

PGPA Act means the *Public Governance, Performance and Accountability Act 2013* (Cth)

Recognised Entity means an incorporated Aboriginal organisation in an area designated for representation which has been recognised under the terms of this document to be the representative entity for the areas.

Remuneration Tribunal means the independent statutory authority established under the *Remuneration Tribunal Act 1973* or any entity that replaces it.

Qualifications

2. Members shall be Aboriginal residents in the area of the Northern Land Council or whose names are set out in the Register of Land Owners of Aboriginal land in the area of the Northern Land Council.

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Recognised Entities

3. An initial list of Recognised Entities and the designated area or communities that they represent is attached to this document at Annexure B.
4. The Northern Land Council may nominate an entity to be a Recognised Entity for an area designated by resolution.
5. The Northern Land Council must maintain a list of Recognised Entities and publish a copy of such list on its website.
6. The Northern Land Council may nominate an entity to be a Recognised Entity by:
 - a. convening a meeting of an area or community and seeking feedback from the community as to which entity would be an appropriate; and
 - b. the Northern Land Council by resolution nominating the entity as a Recognised Entity.
 - c. If a petition is circulated and signed by:
 - i. in areas or communities of less than 500 people – the lesser of 10% of Land Owners or Aboriginal Residents in the area or 50 Land Owners or Aboriginal Residents; or
 - ii. in areas or communities of more than 500 people – 50 Land Owners or Aboriginal Residentsa meeting of the community must be convened with the assistance of an employee of the Northern Land Council to determine whether the area or community:
 - iii. keep the current Recognised Entity;
 - iv. nominate a new Recognised Entity; or
 - v. remove the Recognised Entity and have future members for that area or community determined by a community meeting.

Nomination of Members

7. Nomination of members shall be sought via two methods:
 - a. nomination at a community meeting; or
 - b. nomination via Recognised Entity Nomination via Community Meeting
8. Where there is not a Recognised Entity for an area or community, the area or community shall with the assistance an employee of the Northern Land Council, hold a meeting to nominate a person or persons, as the case may be, to be the member or members of the Northern Land Council.

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9. Reasonable steps must be taken to ensure that:
 - a. the area or community has a chance to find out that nominations must be made and have a good chance to have their say over who the member should be;
 - b. that the area or community, and nominee are aware that the nominee must be able to represent all traditional owner groups and Aboriginal residents within the community or area;
 - c. the nominee has good knowledge of their community or area and land rights matters, so that they can adequately fulfil their role at Northern Land Council meetings, represent their community and the Northern Land Council at meetings and bring back news to communities of events that occur at meetings; and
 - d. the nominee has cultural authority and the capacity to represent the multiple groups that exist within the community or area.
10. Following the meeting, the Northern Land Council employee shall prepare a report detailing the date, time, attendance and member nominated from the community meeting and deliver that report to the Chair of the Northern Land Council.
11. Upon receipt of the report by the Chair, the person nominated in the report shall become a member of the Northern Land Council and their name shall be recorded in the Register of Land Council Members.

Election via Recognised Entity

12. Six months before the end of the existing Council's term, an employee of the Northern Land Council must write to the appropriate office holder, public officer, chairperson or equivalent to that role of the relevant Recognised Entity for that area seeking a nomination for a member for the Northern Land Council from that area or community.
13. The Northern Land Council correspondence to the Recognised Entity must state, and the Recognised Entity must take reasonable steps to ensure that:
 - a. the area or community has a chance to find out that nominations must be made and have a good chance to have their say over who the member should be;
 - b. that the area or community, and nominee are aware that the nominee must be able to represent all traditional owner groups and Aboriginal residents within the community or area;
 - c. the nominee has good knowledge of their community or area and land rights matters, so that they can adequately fulfil their role at Northern Land Council meetings, represent their community and the Northern Land Council at meetings and bring back news to communities of events that occur at meetings; and
 - d. the nominee has cultural authority and the capacity to represent the multiple groups that exist within the community or area.

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14. A Recognised Entity elects a member for the Northern Land Council via ordinary resolution of its governing body and by writing to the Chair of the Northern Land Council with such correspondence to be signed by the appropriate office holder, public officer, chairperson or equivalent to that role. The nomination must be supported by a copy of the resolution of the governing body.
15. Upon receipt of the report by the Chair, the person nominated in the correspondence shall become a member of the Northern Land Council and their name shall be recorded in the Register of Land Council Members.
16. If a Recognised Entity does not respond to the correspondence within three months, a member for that area will be selected via a nomination at a community meeting convened by the Northern Land Council.

Replacement of Members and Vacancies

17. Recognised Entities may at any time change their member at any time by sending the Northern Land Council Chair correspondence signed by the appropriate office holder, public officer, chairperson or equivalent to that role in the Recognised Entity, a copy of the resolution of the governing body and an accompanying acceptance of nomination signed by the nominated member.
18. A community or area where there is no Recognised Entity may change their member following a meeting convened by the petition of:
 - a. in an area or community of less than 500 people – the lesser of 10% of Land Owners or Aboriginal Residents in the area or 50 Land Owners or Aboriginal Residents; or
 - b. in communities of more than 500 people – 50 Land Owners or Aboriginal Residents
19. If a petition referred to in 17 above is received by the Northern Land Council, a meeting of the area or community must be convened with the assistance of an employee of the Northern Land Council to determine whether the member should be replaced. At that meeting, the area or community may also decide to determine a Recognised Entity for the area or community.
20. Any vacancy that arises shall be filled by:
 - a. the Chair writing to the nominating community, area or Recognised Entity requesting it nominate another person to be its member on the Northern Land Council; and
 - b. applying the nomination via Recognised Entity nomination process or nomination by community meeting.
21. Where a new member is nominated by a community, area or Recognised Entity to fill a vacancy, the new member's name must be recorded in the Register of Land Council Members.

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22. A new member's term of membership shall expire at the end of the remainder of the previous member's term of membership, and shall not extend beyond the three-year term of the other members of the Northern Land Council, except if that person is reappointed for a further term.

Terms and conditions for membership

23. The appointment of a member shall be for a term expiring three years after the date of the first Northern Land Council meeting following entry of the names of the members in the Register of Land Council Members, unless that person ceases to be a member, and a member may be reappointed for further terms if so nominated.
24. Members of the Northern Land Council other than the Chair hold office on a part-time basis.
25. Remuneration and allowances payable to members are in accordance with section 77 of the Land Rights Act and as determined by the Remuneration Tribunal.

Removal and disqualification of Members

26. If a member of the Northern Land Council fails to attend three consecutive meetings of either the Northern Land Council, or a Committee of the Northern Land Council on which he or she is a member, without prior approval of the Chair, that member will be taken to have vacated their position on the Northern Land Council and the Chair will write to the nominating community, area or Recognised Entity requesting it nominate another person to be its member on the Northern Land Council.
27. A member must advise the Chair of any disqualifying event, as outlined in subsection 29(5) of the Land Rights Act, in relation to himself or herself as soon as is practical after the event.
28. Upon becoming aware that a member is subject to a disqualifying event the Northern Land Council shall make arrangements for the member to be replaced in accordance with the procedures as if the position was vacant.
29. A member may be removed from office if:
- a. the member does not comply with rules approved by the Minister under subsection 31 (7) of the Land Rights Act;
 - b. the member is on a Committee and the member does not comply with the committee rules as approved by the Northern Land Council under subsection 29A (4) of the Land Rights Act;
 - c. the member does not comply with the requirements of the code of conduct for Northern Land Council members;

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- d. whether or not an offence is proven, the member does not comply with one or more of the requirements of the PGPA Act; or
 - e. a member does an action that brings or has the potential to bring the Northern Land Council into disrepute.
30. The process for removing a member with respect to 29 (a), (b), (c) and (e) above is as follows:
- a. the Chair will conduct an investigation, assisted by those staff of the Northern Land Council or any other person that they deem appropriate to assist with the investigation;
 - b. the investigation must be conducted applying the principles of procedural fairness and natural justice to the relevant member;
 - c. the Chair will make findings from that investigation and present on those findings to the Executive Council;
 - d. the Executive Council meeting shall then determine whether the member should be removed and may decide that a member be removed via ordinary resolution; and
 - e. a member, former member, complainant or any other impacted person may appeal the decision of the Executive Council to the Full Council.
31. The process for removing a member with respect to 29 (d) is by the Chair writing to the member outlining the non-compliance with the PGPA Act and advising of their removal.

Dated this 19 day of August



Senator the Hon Katy Gallagher
Minister for Finance
Minister for Women
Minister for the Public Service
Minister for Government Services

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Annexure A – Maps

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Annexure B – Initial List of Recognised Entities

- Barunga/Manyallaluk (2)
 - i. Bagala Aboriginal Corporation (1)
- Blue Mud Bay (2)
 - i. Djalkiripuyngu Aboriginal Corporation (2)
- Borroloola and outstations (4 (2 meeting to nominate))
 - i. Mabunji Aboriginal Resource Indigenous Corporation (1)
 - ii. Mawurli and Wirriwangkuma Aboriginal Corporation (1)
- Daly River (2)
 - i. Naiyu Nambiyu Aboriginal Corporation (1)
 - ii. Green River Aboriginal Corporation (1)
- Daly River North (Wooliana) (1)
 - i. Maddaingya (Malak Malak) Aboriginal Corporation
- Daly River South (Upper Daly) (1)
 - i. Mulyung Aboriginal Corporation
- Darwin (3)
 - i. Larrakia Nation Aboriginal Corporation (3)
- Darwin East (Humpty Doo) (1)
 - i. Pudakul Aboriginal Corporation
- Darwin South (Adelaide River) (2)
 - i. A'Dalangarr Tjirngebe Aboriginal Corporation (2)
- Darwin South West (Litchfield) (1)
 - i. A'Dalangarr Tjirngebe Aboriginal Corporation
- Darwin North West (Belyuen) (1)
 - i. Larrakia Nation Aboriginal Corporation
- Darwin West (Bulgul) (1)
 - i. BulGul Aboriginal Corporation
 - ii. Ngatpuk Aboriginal Corporation
- Galiwin'ku (3)
 - i. Nyak-Nyakngu Aboriginal Corporation
- Galiwin'ku and outstations (3)
 - i. Marthakal Homeland & Resource Centre Aboriginal Corporation
- Gapuwiyak (2)
 - i. Gapuwiyak Culture & Arts Aboriginal Corporation (1)
 - ii. Ngadunggay Homeland Resource Centre Aboriginal Corporation (1)
- Gunbalanya (4)
 - i. Adjumarllarl Aboriginal Corporation (1)
 - ii. DEMED Aboriginal Corporation (3)
- Katherine (2)
 - i. Jawoyn Association Aboriginal Corporation (1)
 - ii. Kalano Aboriginal Corporation (1)
- Laynhapuy Homelands
 - i. Laynhapuy Homelands Aboriginal Corporation (2)
- Maningrida and outstations (6)
 - i. Maningrida Progress Association (1)
 - ii. Bawinanga Aboriginal Corporation (3)
 - iii. Dhukurrdji Development Corporation (2)
- Mataranka/Djambra (Jilkminggan) (1)
 - i. Mangarrayi Aboriginal Corporation

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- Milingimbi (2)
 - i. Milingimbi & Outstations Progress Resources Aboriginal Corporation (1)
 - ii. Nyalka Milingimbi Women's Aboriginal Corporation (1)
- Minyerri (2)
 - i. Alawa Aboriginal Corporation
- Ngukurr and outstations (4)
 - i. Milwarperra Aboriginal Corporation (2)
 - ii. Yugul Mangi Aboriginal Corporation (2)
- Nicholson River North (1)
 - i. Murun Murula Aboriginal Corporation
- Numbulwar (4)
 - i. Numburindi Development Aboriginal Corporation (2)
 - ii. Numburindi Corporation Limited (2)
- Palumpa (1)
 - i. Nganmarriyanga Mensheds Aboriginal Corporation
- Peppimenarti (1)
 - i. Deewin Kirim Aboriginal Corporation
- Pine Creek (1)
 - i. Tjuwaliyn-Wagiman Aboriginal Corporation
- Ramingining (2)
 - i. Bulabula Arts Aboriginal Corporation (1)
 - ii. Arafura Swamp Rangers Aboriginal Corporation (1)
- Rockhampton Downs (1)
 - i. Manungurra Aboriginal Corporation
- Ski Beach (Gunyangarra) (1)
 - i. Gumatj Corporation
- Urapunga (1)
 - i. Urapunga Aboriginal Corporation
- Wadeye (2)
 - i. Kardu Diminin Corporation
 - ii. Tharmarrurr Development Corporation
- Wadeye (North) (1)
 - i. Thamarrurr Development Corporation
- Warruwi (1)
 - i. Yagbani Aboriginal Corporation
- Weemol (1)
 - i. Mimal Land Management Aboriginal Corporation
- Wombaya (1)
 - i. North Barkly Aboriginal Corporation
- Wugularr (1 and 1 being a meeting to nominate)
 - i. Bagala Aboriginal Corporation (1)
- Yarralin (1)
 - i. Walangeri Ngumpinku Aboriginal Corporation
- Yirrkala (2)
 - i. Gumatj Corporation (1) ii. Rirratjingu Aboriginal Corporation (1)