



Council of Aboriginal Services Western Australia (CASWA) – Membership Policy

Approved by the Board	28 October 2025
Version	1.1 (aligned with Constitution 2023, Document 003)
Next Review	28 October 2025

1. Purpose

The purpose of this policy is to provide a clear, transparent, and culturally grounded framework for membership with the Council of Aboriginal Services Western Australia (CASWA).

Membership with CASWA strengthens collective Aboriginal representation and supports Aboriginal-led decision making across Western Australia, consistent with Priority Reform Two of the *National Agreement on Closing the Gap — Building the Community-Controlled Sector*.

This policy operates in accordance with Article 4 and Schedules 2–3 of the CASWA Constitution and must be read alongside that governing document.

1A. Interpretation

1A.1 Definition of Aboriginal Community Controlled Organisation (ACCO)

For the purposes of this policy, an Aboriginal Community Controlled Organisation (ACCO) has the meaning set out in Schedule 3 of the CASWA Constitution and Clause 44 of the National Agreement on Closing the Gap:

“An organisation that delivers services, including land and resource management, that builds the strength and empowerment of Aboriginal and Torres Strait Islander communities and people and is:

- (a) incorporated under relevant legislation and not-for-profit;
- (b) controlled and operated by Aboriginal and/or Torres Strait Islander people;
- (c) connected to the community or communities in which they deliver services; and
- (d) governed by a majority Aboriginal and/or Torres Strait Islander governing body.”

Community control requires a collective governance structure, not an individual. Accordingly, an entity will not be recognised as an ACCO if it:

- Has only one director, member or shareholder;
- Operates primarily for the personal or financial benefit of an individual or family group; or
- Lacks evidence of community endorsement or representation.



1A.2 Interpretation of Aboriginality

CASWA adopts the tripartite test recognised by the High Court in *Mabo v Queensland (No 2)* (1992) 175 CLR 1 and *Shaw v Wolf* (1998) 83 FCR 113, that Aboriginality involves:

1. Descent from an Aboriginal person;
2. Self-identification as an Aboriginal person; and
3. Recognition and acceptance by the Aboriginal community in which the person lives or is connected.

For an organisation, Aboriginal control requires that the majority of the Board and voting membership are comprised of individuals who satisfy this test and are acknowledged by their communities.

1A.3 Aboriginal Governance Standard for Membership

To ensure membership is limited to organisations that reflect genuine Aboriginal community control, CASWA requires that:

1. Minimum Aboriginal Directors:
Each organisation applying for membership must have a minimum of three (3) Aboriginal Directors on its governing body at all times.
 - For entities incorporated under the CATSI Act, this standard complements section 246-10, which requires a minimum of five (5) directors.
 - For entities incorporated under the Associations Incorporation Act 2015 (WA) or other relevant legislation, this policy establishes CASWA's minimum threshold of three Aboriginal Directors, consistent with CASWA's own constitutional structure.
2. Majority Aboriginal Control:
The governing body must consist of a majority (50% + 1) of Aboriginal Directors who satisfy the *tripartite test* of Aboriginality as established in *Mabo v Queensland (No 2)* and *Shaw v Wolf*.
3. Evidence of Aboriginal Governance:
Organisations must provide documentation confirming Aboriginal control of governance, including:
 - A current list of Directors and their identification of Aboriginal status;
 - Evidence of community endorsement or connection (e.g. letters of support, minutes of community meetings, or cultural authority statements).
4. Ongoing Compliance:



- Membership is contingent on maintaining the required Aboriginal majority on the governing body.
- If an organisation's composition falls below this standard, the organisation must notify CASWA within 30 days, and CASWA may suspend membership until compliance is restored.

5. Community Representation:

Aboriginal Directors must be drawn from and recognised by the community or region in which the organisation primarily operates, ensuring decisions reflect local knowledge and community authority.

1A.4 Cultural and Legal Authority

In line with *Commonwealth v Tasmania* (1983) 158 CLR 1 (*Tasmanian Dams Case*) and *Mabo v Queensland (No 2)*, Aboriginality is understood as encompassing cultural, social and community recognition.

CASWA therefore considers both:

- Objective evidence (e.g. incorporation details, membership registers, governance structures); and
- Community evidence (e.g. letters of support from Elders, regional ACCOs or cultural authorities).

An organisation's community legitimacy and accountability must be demonstrable beyond its corporate documents.

1A.5 Precedence of Community Recognition

Where ambiguity arises regarding Aboriginal control or authenticity, CASWA will:

- Seek advice from relevant regional Elders, cultural authorities or recognised ACCOs; and
- Give precedence to community-based recognition over self-declaration.

Community recognition will be the decisive factor in determining whether an organisation meets the definition of "Aboriginal-controlled" for the purposes of CASWA membership.

1A.6 Exclusions

For clarity, the following are not eligible to be recognised as ACCOs or Associate Members under this policy:

- Sole traders or entities with only one member or director;
- Proprietary-limited companies or partnerships established for private profit without community governance;



- Entities that cannot demonstrate connection to or endorsement from an Aboriginal community in Western Australia.

1A.7 Purpose of Interpretation

This interpretation ensures that CASWA membership reflects genuine Aboriginal community control, in both structure and spirit, consistent with the precedents of Mabo, Tasmanian Dams, and Shaw v Wolf, and with the intent of CASWA's Constitution to represent the collective, not individual, authority of Aboriginal people in WA.

2. Guiding Principles

CASWA's approach to membership is guided by the following principles:

- **Self-Determination:** Aboriginal people have the right to determine their own futures and shape the systems that affect them.
- **Cultural Authority:** Membership recognises Aboriginal organisations as legitimate representatives of their communities and cultures.
- **Collective Voice:** CASWA unites Aboriginal-controlled organisations under a shared purpose to strengthen advocacy and influence systemic change.
- **Equity and Inclusion:** Membership is open to eligible organisations across all regions and sectors, regardless of size or funding status.
- **Accountability:** Members are expected to uphold CASWA's values, purpose, and constitution.

3. Membership Categories

Consistent with Schedule 3 – Membership Eligibility of the CASWA Constitution, there are two categories of membership:

3.1 Ordinary Members

Ordinary Membership is open to Aboriginal Community Controlled Organisations (ACCOs) that:

- Operate as not-for-profit entities;
- Are incorporated under the *CATSI Act 2006*, *Associations Incorporation Act 2015 (WA)*, or equivalent legislation;
- Are controlled and governed by a majority Aboriginal Board;
- Are connected to the community in which they deliver services; and



- Deliver programs or services that build the strength and empowerment of Aboriginal communities and people.

Ordinary Members hold full voting rights and may nominate representatives to the CASWA Board and committees.

3.2 Associate Members

Associate Membership is open to Aboriginal-controlled for-profit entities that:

- Are majority Aboriginal-owned and controlled;
- Are connected to Aboriginal communities in which they operate;
- Deliver services, programs, or business activities that strengthen Aboriginal communities and people; and
- Support CASWA's objectives and values.

Associate Members may participate in CASWA meetings, forums, and sector initiatives but do not hold voting rights.

4. Eligibility and Application Process

4.1 Eligibility

To be eligible for membership, an organisation must:

- Meet the relevant criteria for its membership category (Ordinary or Associate); and
- Submit a Valid Membership Application in accordance with Article 4.2 of the Constitution.

A Valid Membership Application includes:

- A completed CASWA Membership Form;
- Confirmation of Aboriginal ownership/control and governance structure;

4.2 Application and Assessment Process

1. Submission: Applicants submit a completed Membership Application Form and supporting documentation to the CASWA Secretariat.
2. Verification: The Secretariat verifies eligibility and documentation.
3. Approval: The CASWA Board (Directors) determine whether to accept or reject each application.
 - If there is uncertainty regarding eligibility as an ACCO or Associate Organisation, the application may be referred to the Members for decision via special resolution.



4. Notification: Applicants are notified in writing of the outcome.
5. Register: Approved Members are recorded in the CASWA Membership Register maintained under Article 4.6 of the Constitution.

Membership takes effect once approved by resolution of the Board or Members, in accordance with Article 4.3.

5. Rights and Responsibilities of Members

5.1 Rights

Under Schedule 2 – Membership Rights of the Constitution:

All Members have the right to:

- Receive notices of, attend, and be heard at CASWA general meetings;
- Access communications, consultations, and member updates; and
- Inspect CASWA's records and documents as permitted by Article 14.

Ordinary Members have the additional right to:

- Vote on resolutions at general meetings;
- Propose resolutions and convene meetings;
- Nominate and elect Directors; and
- Elect the Chairperson of the Board.

Associate Members have the right to:

- Participate in member meetings, forums, and activities;
- Collaborate on sector development initiatives; and
- Be recognised as partners contributing to the strength of the ACCO sector.

5.2 Responsibilities

All Members are expected to:

- Uphold CASWA's purpose, constitution, and values;
- Act in the best interests of the ACCO sector and Aboriginal communities;
- Respond to membership renewal requests; and
- Notify CASWA of any significant governance, ownership, or contact changes.



6. Membership Renewal and Fees

- The CASWA Board may issue a Membership Renewal Notice annually, by no later than 30 March, requesting members to confirm details and renew membership (Article 4.8).
- Members must return completed renewal forms by 30 June each year.
- The CASWA Board may determine an Annual Subscription Fee, but at present, membership is free of charge, with all fees waived in accordance with Article 4.7(c)(ii).

7. Suspension, Termination and Resignation

In accordance with Articles 4.11–4.15 of the Constitution:

Membership may be suspended or terminated if:

- The organisation ceases to meet eligibility criteria (no longer an ACCO or Aboriginal-controlled);
- The organisation acts in a way prejudicial to CASWA's interests or values;
- The organisation fails to comply with the Constitution, by-laws, or this policy.

Before suspension or termination:

- The Member must receive written notice of the allegations and proposed action;
- The Member must be given an opportunity to respond;
- A resolution must be passed by the Board;
- The Member may appeal to the Board within 14 days of notice.

Members may resign by written notice signed by at least two Directors of the Member organisation (or one if applicable), as outlined in Article 4.12.

8. Governance and Oversight

- The Board of Directors retains final approval authority for membership decisions.
- The Membership Register will be maintained by the Secretariat and reviewed annually for accuracy.
- The Board may, under Article 4.9, establish new membership categories or vary rights with the approval of at least 75% of Ordinary Members.



9. Review of Policy

This policy will be reviewed every two years or earlier if required by changes to CASWA's Constitution, structure, or strategic direction.