

Registrar's Model Codes of Conduct for Board members, staff and members of Local Aboriginal Land Councils

Preface

Background

Codes of Conduct have an important place in the governance framework for Local Aboriginal Land Councils (**LALCs**). They set out rules and standards of conduct for Board members, staff and members and provide a means for holding them to account.

At present, the vast majority of LALCs rely on the model code of conduct prescribed by the *Aboriginal Land Rights Regulation (ALR Regulation)*. That code has a number of limitations, including that it does not apply to staff or to members.

LALCs do not have to use the code of conduct prescribed by the ALR Regulation. A LALC is able to adopt its own codes of conduct and have them approved by the Registrar. This gives the LALC an opportunity to shape its own standards and ensure they are a good fit with the LALC's vision, values and the community context.

The Registrar's Model Codes of Conduct

The ALRA says that, in addition to the code of conduct prescribed by the ALR Regulation, the Registrar can develop model codes of conduct for:

- a. Board members and staff, and
- b. members,

which a LALC *can*, but is not required to, adopt as its own.

This document sets out the model codes of conduct developed by the Registrar.

A LALC can choose to adopt these codes of conduct as they are. Alternatively, a LALC can choose to adapt them – add to or change them – to make them their own.

To adopt a code of conduct, a LALC must have the code approved by the members and approved by the Registrar.

It is hoped these model codes of conduct will provide a useful starting point and structure to assist each LALC to develop its own codes. LALCs are encouraged to consider how these model codes can be adapted to make sure they have particular relevance to them and their communities, and to the sorts of organisation they want to be.

Code of Conduct for Board members and staff

1. Introduction

1.1 What is the purpose of this Code of Conduct?

This is the Code of Conduct for X Local Aboriginal Land Council (**X LALC**) Board members and staff referred to in section 177(1)(a) of the *Aboriginal Land Rights Act 1983 (ALRA)*.

The immediate purpose of this Code of Conduct is:

- to clearly set out for each LALC Board member and each staff member (together referred to in this Code of Conduct as **LALC officials**) the standards of conduct that are expected of them,
- in doing that, to assist X LALC officials to comply with their duties set out in section 176 of the ALRA, and
- provide clear standards against which X LALC officials can be held to account, which might include using the processes in Parts 3A and 6 of the ALRA.

By observing this Code of Conduct, X LALC officials can help ensure that the LALC is run well and is better able to pursue and achieve its goals. If this Code is observed by X LALC officials, this will also help give LALC members, other Aboriginal people in the LALC's area and the public, confidence in X LALC and confidence in Aboriginal Land Councils generally.

Likewise, failing to observe the standards in this Code of Conduct can have serious impact on the functioning and standing of X LALC. For that reason, breaches of this Code of Conduct may result in action being taken against the LALC official.

X LALC officials should also note that the protection from personal liability in section 242 of the ALRA only applies to things they do in good faith and for the purpose of carrying out the ALRA. Observing this Code of Conduct will help to ensure that X LALC officials get the benefit of this important protection.

1.2 Relationship to duties and obligations under the ALRA and other laws

There is overlap between the standards in this Code of Conduct and some duties and obligations of LALC officials under the ALRA and other laws (such as the *Independent Commission Against Corruption Act 1988 (ICAC Act)*).

For example, section 176 of the ALRA imposes general duties on LALC officials such as the duty to act honestly and with a reasonable degree of care and diligence. Very similar general duties are contained in this Code of Conduct.

This Code of Conduct does not alter or take away from any duties and obligations imposed by the ALRA or other law.

This Code of Conduct is a stand-alone source of standards and rules. It has been developed and adopted by X LALC to apply only to X LALC officials.

1.3 Reading and understanding this Code of Conduct

The spirit as well as the word

This Code of Conduct is intended to clearly set out rules and standards that X LALC officials have to observe. X LALC officials are expected to uphold the spirit as well as the word of this Code of Conduct.

Importance of X LALC's Core Values

X LALC's values are set out in Part 2 of this Code of Conduct.

This Code of Conduct should be read in the light of those values, and it should be understood and applied in a way that reflects and supports those.

Importance of the ALRA and law

This Code of Conduct should be read together with and in the light of the ALRA and law generally. It should be interpreted and applied only in a way that is consistent with the ALRA and with law generally.

The use of "you"

To make reading and understanding this Code of Conduct easier, throughout the Code – apart from this part 1 "Introduction" – the word "**you**" is used to mean the X LALC official reading the Code.

1.4 Enforcing this Code of Conduct

All X LALC officials need to be familiar with and to uphold this Code of Conduct.

If the conduct of an X LALC official ever becomes an issue, X LALC can take action to enforce this Code.

Action for a breach of this Code of Conduct could range from an informal meeting to mediation to formal action under Part 10 of the ALRA to deal with an X LALC official for misconduct. The most appropriate and useful way of dealing with a breach will depend on a range of factors.

A breach of this Code of Conduct could also be corrupt conduct for the purposes of the ICAC Act, and in that case X LALC's Chairperson will have a legal duty to report the matter to Independent Commission Against Corruption (**ICAC**).

This Code of Conduct also includes dismissal provisions of the kind referred to in section 177(5) of the ALRA. If a Board member breaches one of these provisions, X LALC's members can decide to dismiss him or her from office.

2. X LALC's values

[It is intended that the LALC will develop a statement of its key values and insert them here.

[It may be that the LALC has already developed such a statement and that this is set out in its community, land and business plan. In that case, that statement can be copied here.

[Some examples of values a LALC might consider appropriate to include are:

- **Respect** – for land and culture, for elders and family and for each other,

- **Support** – for each other and for those within our LALC community most in need of it, and
- **Inclusion** – making a place within our LALC community for all Aboriginal people in the LALC area.
- **Dedication and commitment** – being selflessly committed to the protection of the X LALC's interests and the interests of its members and the X LALC community.
- **Fairness and impartiality** – making decisions and taking actions fairly and impartially, without favour or discrimination.
- **Honesty and integrity** – always acting honestly and not allowing private interests or obligations to influence decisions.
- **Accountability and openness** – being as open and transparent about actions and decision making, allowing X LALC and its members to hold you to account.]

3. General duties and standards

3.1 Conduct generally

- (1) You must always conduct yourself and exercise your authority:
 - (a) in the best interests of X LALC, its members and the community it serves,
 - (b) in compliance with the ALRA, the ALR Regulation and law generally and with X LALC's Rules, this Code of Conduct and X LALC's policies, and
 - (c) in a way which upholds X LALC's core values and its core leadership and governance values.
- (2) You must not conduct yourself in a manner detrimental to or likely to be detrimental to X LALC's interests, or those of its members and the community it serves.
- (3) You must not conduct yourself in a manner that is likely to bring X LALC or Aboriginal Land Councils generally into disrepute.

3.2 Care and attention

- (1) You must always be reasonably attentive to your office or your duties.
- (2) Whatever your level of knowledge, skill or experience, you must always perform your duties and carry out your functions with reasonable care.

3.3 Fairness, impartiality and proper purpose

- (1) You must make your decisions and exercise your authority objectively and consistently and according to any laws, policies or procedures that apply. You must base your decisions on merit, taking account of all relevant matters and ignoring irrelevant matters.
- (2) You must always act fairly and impartially. You must not engage in favouritism or prejudice in relation to the provision of benefits or services to LALC members or other Aboriginal people in the LALC's area.
- (3) You must make your decisions and carry out your functions only for a proper purpose.

3.4 Respect for others

- (1) Your interactions with others – including X LALC officials, members and other community members – must always be respectful, polite and professional so as to help foster:
 - (a) a well run LALC that members and other community members are pleased to be involved with,
 - (b) a good workplace, and
 - (c) a positive image of the LALC amongst its members, its community and within the wider community.
- (2) You must never harass, discriminate against, or encourage or support others who harass and discriminate against other X LALC officials, members or community members. This includes, but is not limited to, harassment and discrimination on the grounds of sex, pregnancy, age, race, marital status, disability, homosexuality or transgender grounds.

3.5 Honesty and integrity

- (1) You must always act honestly and in good faith.
- (2) You must never allow any private interest or obligation to improperly influence your decision making or the exercise of your authority.
- (3) You must not improperly use your office or position to gain a personal advantage or benefit for yourself or another person or organisation, or to cause detriment to X LALC.
- (4) You must not improperly use information that you have access to because of your office or position to improperly gain a personal advantage or benefit for yourself or another person or organisation, or to cause detriment to X LALC.
- (5) You must not seek to influence other X LALC officials in order to gain a personal advantage or benefit for yourself or another person or organisation, or to cause detriment to X LALC.

4. Conflicts of interests and duties of disclosure

4.1 Avoiding conflicts of interests

- (1) You must take reasonable steps to avoid actual and perceived conflicts of interests from arising in relation to the performance of your duties.
- (2) When conflicts of interests do arise, you must take all reasonable steps to disclose and manage them, to ensure they are visible and do not improperly influence, or appear to improperly influence, the performance of your duties.
- (3) Without limiting paragraph (2), you must disclose pecuniary and non-pecuniary interests in accordance with this Code of Conduct and the ALRA.

4.2 Disclosure of pecuniary interests

- (1) You must comply strictly with your duties of disclosure in relation to ***pecuniary interests*** set out in Part 10, Division 4 of the ALRA (**ALRA disclosure provisions**).

- (2) In complying with the ALRA disclosure provisions, you must assume that any reference to “a meeting of the Council” includes a meeting of X LALC’s Board and a meeting of any sub-committee of the Board. That means that you must comply with s 184 of the ALRA not only in relation to member meetings, but also in relation to Board meetings and sub-committee meetings.
- (3) In addition:
 - (a) if you are the chief executive officer, you must disclose in writing to the Board, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.
 - (b) if you are a member of staff other than the chief executive officer, you must disclose in writing to the chief executive officer, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

4.3 Disclosure of non-pecuniary interests

- (1) You must also disclose any **non-pecuniary interest** in relation to any matter being discussed at a X LALC meeting, as if it was a pecuniary interests and as if the ALRA disclosure provisions and provisions 4.2(1) to 4.2(3) of this Code of Conduct applied. This means you must disclose non-pecuniary interests as if they were pecuniary interests.
- (2) If you are required by paragraph (1) to disclose a non-pecuniary interest at a meeting, you must also have to leave the meeting and remain out of sight of the meeting unless the Board has decided the disclosed interest is not significant.
- (3) A non-pecuniary interest is to be regarded as significant if it involves:
 - (a) a family relationship that is particularly close (e.g. a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, child or grandchild of you or of your spouse, your current or former spouse or partner, de facto or other person living in the same household),
 - (b) another relationship that is particularly close (e.g. a friend or business associate), or
 - (c) an affiliation between you and an organisation, sporting body, club, political party, corporation or association that is particularly strong.and if it could appear to a reasonable observer that the non-pecuniary interest could improperly influence your participation in decision making about the matter.

4.4 Gifts and benefits

- (1) You must not:
 - (a) seek or accept a bribe or other improper inducement,
 - (b) seek gifts or benefits of any kind in connection with the performance of your duties, or
 - (c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your duties, including any gift or benefit.

- (2) Without limiting paragraph (1)(c) above, a gift of benefit will be taken to be one that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you, if it:
- (a) is for more than nominal value, or
 - (b) consists of cash or a cash-like gift (gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts), regardless of the amount.
- (3) If you receive a gift or benefit of a kind referred to in paragraph (1), you must:
- (a) if you are a Board member – disclose the gift to the next Board meeting,
 - (b) if you are the Chief Executive Officer or a Board member – disclose it to the next Board meeting, or
 - (c) if you are a staff member other than the Chief Executive Officer – disclose it to the Chief Executive Officer as soon as practicable.

In each case, the gift or benefit must be surrendered to X LALC and then returned, unless the nature of the gift or benefit makes either surrender or return impractical.

4.5 Other business or employment – staff members

- (1) If you are a staff member considering outside employment or contract work that relates to the business of X LALC or that might conflict with your duties to X LALC, you must notify and seek the approval of the Chief executive Officer in writing. If you are the Chief Executive Officer, you must notify and seek the written approval of the Board.
- (2) As a staff member, you must ensure that any outside employment or business you engage in will not:
- (a) conflict with your duties to X LALC,
 - (b) involve using information or resources obtained through your work with X LALC,
 - (c) require you to work while on duty for X LALC, or
 - (d) discredit or disadvantage X LALC.

4.6 Personal dealings with X LALC

It is possible you may have reason to deal with X LALC in your personal capacity (for example, as a tenant in one of X LALC's houses). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members or members of the public to believe that you are seeking or receiving preferential treatment.

5. Other specific duties and standards

5.1 Board member interactions with staff and consultants

- (1) If you are a Board member, you must respect the division of roles and responsibilities between the Board and the Chief Executive Officer in relation to the direction of staff and

consultants. While the Board directs and controls the affairs of X LALC generally, staff and consultants are under the direction of the Chief Executive Officer. You must not:

- (a) try to direct staff or consultants (other than by a resolution of the Board giving an appropriate direction to the Chief executive Officer),
 - (b) try to influence staff or consultants, including by things said at a X LALC meeting or other forum.
- (2) Further, while the Chief Executive Officer is subject to the control and direction of the Board, it is not appropriate for individual Board members to try and direct the chief executive officer. As with other functions of the Board, this function may only be exercised by Board resolution.

5.2 Board members attendance at Board meetings

- (1) If you are a Board member, you must make a reasonable effort to properly prepare for, attend, and participate constructively in all Board meetings and any sub-committee meetings you may be required to participate in.
- (2) A reasonably attentive and careful Board member will:
- (a) take the time needed to gain a reasonable level of knowledge and understanding about X LALC's objects and functions, its operations and priorities (as set out in its community, land and business plan) and its overall financial position,
 - (b) make an effort to attend all Board meetings (as well members meetings and any relevant Committee meetings),
 - (c) make an effort to prepare for meetings (e.g. by reading papers that may be provided in advance) so that at the meetings he or she will be ready and able to engage,
 - (d) pay attention at meetings and do his or her best to understand the matters being discussed, and
 - (e) apply his or her knowledge and understanding about X LALC's objects and functions, operations and priorities to those matters.
- (3) If you are unable to attend a meeting you must request leave of absence from the Board, identifying:
- (a) the meeting you wish to be excused from, and
 - (b) the grounds on which you wish to be excused.

You should note that if you are absent from 2 consecutive meetings or the Board of which reasonable notice has been given, except on leave from the Board or unless you are excused by the Board for having been absent, your office may be vacated by operation of s 67 of the ALRA.

5.3 Behaviour at LALC meetings

- (1) When at LALC meetings (including X LALC members' meetings, Board meetings and sub-committee meetings) you must observe and comply with Appendix 1 – Code of meeting behavior.
- (2) When at a members' meeting, you must take care to not misuse information that you have because of your office or position.

5.4 Use of X LALC resources

- (1) X LALC resources (including its property, vehicles and letterhead) are to be used only for the purposes of X LALC business. You must not use them for private purposes unless this use is lawfully authorised.
- (2) You must avoid any action or situation that could create an appearance that X LALC resources are being improperly used for your benefit or the benefit of any other person or body.

5.5 Use of information

- (1) Information that you have access to as a result of your office or possession must not be abused. You must only access X LALC information that you need to perform your duties. You must use X LALC information only as needed to perform your duties. You must not use X LALC information for your own purposes.

Confidential information

- (2) You must take special care with confidential information. This includes:
 - (a) Board papers and your knowledge of things said during Board meetings, and
 - (b) any other information or document that by its nature is confidential and that you know or ought to know is confidential.
- (3) You must:
 - (a) protect confidential information,
 - (b) not release or disclose confidential information unless you are authorised to do so.

Private information

- (4) You must also take special care with any private information that you have access to because of your office or position, being aware that it may be protected by privacy law.

5.6 Unauthorised public comment

Unless you are the Chairperson or have been authorised to do so by the Board, you may not make any public statement, including to any newspaper, radio or TV station, or in a post on Facebook, Twitter or any other social media service:

- (a) on behalf of X LALC,
- (b) about X LALC or its affairs, or
- (c) about other X LALC officials.

5.7 Public interest disclosures

- (1) Nothing in this Code of Conduct, including provision 5.6, is intended to discourage or hinder any LALC official or member from making a public interest disclosure under the *Public Interest Disclosures Act 1994 (NSW) (PID Act)*.
- (2) However, you must take care to ensure your reports of wrongdoing are made responsibly and in accordance with the PID Act. Amongst other things, this means:
 - (a) you must honestly believe on reasonable grounds that the information being reported shows or tends to show wrongdoing,
 - (b) you must make the report to either:
 - an *investigating authority* (which includes ICAC, the NSW Ombudsman, the Auditor-General of NSW or the Information Commissioner),
 - the Chief Executive Officer or, for reports about the Chief Executive Officer, to the Chairperson;
 - if another person is nominated to receive a report of wrongdoing in any X LALC reporting policy or procedure – that person; or
 - in the limited circumstances set out in section 19 of the PID Act, a Member of Parliament or journalist.

6. Dismissal from office – Board members

6.1 Introduction

Each of the provisions under heading 6.2 is a ***dismissal provision*** of the kind referred to in section 177(5) of the ALRA. If you are a Board member, breaching any one of those provisions could lead to you being dismissed from office.

6.2 Dismissal provisions

- (1) You must not:
 - (a) steal from X LALC or obtain a benefit from X LALC by deception,
 - (b) physically assault or threaten to physically assault another LALC official, a member or another community member,
 - (c) physically assault or threaten to physically assault any person at a LALC meeting (whether a members' meeting, a Board meeting or a sub-committee meeting) or otherwise while performing your duties, or
 - (d) attempt to do any of (a), (b) or (c).
- (2) If, pursuant to the processes in Part 10, Division 3A of the ALRA, the Registrar has previously been satisfied that, during your current term of office, you have been guilty of misconduct giving rise to grounds for the taking of disciplinary action, you must not commit any further act of misconduct that gives rise to grounds for the taking of disciplinary action.

- (3) The term ***grounds for the taking of disciplinary action*** has the same meaning as in section 181B of the ALRA.

6.3 Dealing with breaches of dismissal provisions

- (1) X LALC must only consider dismissing a Board member for breach of one of the dismissal provisions in 6.2(1), if the Registrar has found, pursuant to the processes in Part 10, Division 3 of the ALRA, that the Board member has breached the provision.
- (2) X LALC must only consider dismissing a Board member for breach of the dismissal provision in 6.2(2), if the Registrar has on at least 2 occasions been satisfied, pursuant to the processes in Part 10, Division 3A of the ALRA, that the Board member was guilty of misconduct giving rise to grounds for the taking of disciplinary action.
- (3) X LALC must give a Board member not less than 21 clear days' notice of any intention to consider dismissing the Board member at a members' meeting.
- (4) At a members' meeting at which the members are considering the removal of a Board member for breach of a dismissal provision, the Board member must be given a reasonable opportunity to put his or her case about why he or she should not be dismissed. The reasonable opportunity must include allowing the Board member to speak at the meeting or, if the Board member prefers, reading aloud a statement that the Board member has written.

Code of Conduct for members

1. Introduction

1.1 What is the purpose of this Code of Conduct?

This is the Code of Conduct for X Local Aboriginal Land Council (**X LALC**) members referred to in section 177(1)(b) of the *Aboriginal Land Rights Act 1983 (ALRA)*.

The purpose of this Code of Conduct is to clearly set out for each member – whether they be a voting or non-voting member – the standards of conduct that are expected of them.

By observing the standards set out in this Code of Conduct, members can help enhance the governance of X LALC and support the greater involvement of the X LALC community in the LALC.

Failure to observe the standards in this Code of Conduct can have serious impact on X LALC. For that reason, serious breaches of this Code of Conduct may result in action being taken against member concerned.

1.2 Relationship to the ALRA and other laws

This Code of Conduct does not alter or take away from duties and obligations imposed by the ALRA or other law.

This Code of Conduct is a stand-alone source of standards and rules. It has been developed and adopted by X LALC to only X LALC members.

1.3 Reading and understanding this Code of Conduct

The spirit as well as the word

This Code of Conduct is intended to clearly set out rules and standards that X LALC members are expected to observe. X LALC members are expected to uphold the spirit as well as the word of this Code of Conduct.

Importance of X LALC's Core Values

X LALC's values are set out in Part 2 of this Code of Conduct.

This Code of Conduct should be read in the light of those values, and it should be understood and applied in a way that reflects and supports those.

Importance of the ALRA and law

This Code of Conduct is meant to be entirely consistent with the ALRA and with law generally.

This Code of Conduct should be read in the light of the ALRA and law generally, and it should be understood and applied only in a way that is consistent with the ALRA and with law generally.

The use of “you”

To make reading and understanding this Code of Conduct easier, throughout the Code – apart from this part 1 “Introduction” – the word “**you**” is used to mean the X LALC official reading the Code.

1.4 Enforcing this Code of Conduct

All X LALC members need to be familiar with this Code of Conduct and the standards and rules in it.

If the conduct of an X LALC member should become an issue, X LALC can take action to enforce this Code.

Action for breach of this Code of Conduct could range from an informal meeting to mediation to suspension under section 57(1) of the ALRA. The most appropriate and useful way of dealing with a breach will depend on a range of factors.

2. X LALC's values

[It is intended that the LALC will develop a statement of its key values and insert them here.

[It may be that the LALC has already developed such a statement and that this is set out in its community, land and business plan. In that case, that statement can be copied here.

[Some examples of values a LALC might consider appropriate to include are:

- **Respect** – for land and culture, for elders and family and for each other,
- **Support** – for each other and for those within our LALC community most in need of it, and
- **Inclusion** – making a place within our LALC community for all Aboriginal people in the LALC area.
- **Dedication and commitment** – being selflessly committed to the protection of the X LALC's interests and the interests of its members and the X LALC community.
- **Fairness and impartiality** – making decisions and taking actions fairly and impartially, without favour or discrimination.
- **Honesty and integrity** – always acting honestly and not allowing private interests or obligations to influence decisions.
- **Accountability and openness** – being as open and transparent about actions and decision making, allowing X LALC and its members to hold you to account.]

3. Conduct of members

3.1 Conduct generally

- (1) You must always abide by the ALRA, the ALR Regulation and law generally.
- (2) You must also abide by X LALC's Rules and this Code of Conduct.

- (3) You must not act in a manner detrimental to or likely to be detrimental to X LALC's interests, or those of its members.
- (4) You must not act in a manner that is likely to bring X LALC or Aboriginal Land Councils generally into disrepute.

3.2 Honesty and integrity

- (1) In all your dealings with X LALC, including any dealings with the X LALC as someone receiving a community benefit from the LALC, you must always act honestly and in good faith.
- (2) You must not engage in any conduct intended to adversely affect, or that is likely to adversely affect, the honest or impartial exercise of any official functions by either X LALC, its Board or its staff. This includes, but is not limited to, offering or receiving bribes or inducements and making threats.

3.3 Conflicts of interests

- (1) You must take all reasonable steps to ensure that your decision making is not improperly influenced by, and is not perceived to have been improperly influenced by, any conflict of interest.
- (2) If you have a pecuniary interest in any matter being considered at a meeting, you must disclose the existence and nature of the interest to the meeting. This is especially important at meetings where decisions about proposed land dealings are made. Any such disclosure should be recorded in the minutes.

Note: pecuniary interest in this context has the same meaning as in ss 182-183 of the ALRA.

- (3) Further, unless X LALC determines otherwise, you must not be present at, or in sight of, the meeting:
 - (a) at any time during which the matter is being considered or discussed, or
 - (b) at any time during which X LALC is voting on any question in relation to the matter.

3.4 Respect for others

- (1) In all your interactions and communications with X LALC staff, X LALC Board members and members, you must act with respect and civility.
- (2) There are proper ways to raise and deal with any concerns or grievances you might have about XLALC staff, Board members or members. You must not, in connection with X LALC affairs, make personal attacks on X LALC staff, X LALC Board members or members or otherwise act in an offensive or inflammatory way towards X LALC staff, Board members or members. This applies to direct interactions, to X LALC meetings (including any Board meeting or sub-committee meeting you may be present at), to any other community or public forums, and to Facebook, Twitter or other social media postings and to other communications.

3.5 Purporting to represent the LALC

- (1) Every member's views and contributions are important. Unless you are properly authorised, however, you do not represent and have no authority to bind X LALC, and you must not hold yourself out as being a representative or having authority.
- (2) Without limiting (1), unless you have been properly authorised to do so, you must not make any public statement (which includes a statement to a newspaper, to a radio or TV station, or in a Facebook, Twitter or other social media post) on behalf of the LALC or that others may reasonably understand is made on behalf of the LALC.

3.6 Behaviour at LALC meetings

When at X LALC meetings (including any Board meeting or sub-committee meeting you may be present at) you must observe and comply with the Code of Meeting Behavior which is set out in Appendix 1.

3.7 Confidential information

Sometimes you might be given access to confidential or private information or documents in at an X LALC meeting or in connection with X LALC decision making. You must not use such information or documents for any purpose other than X LALC business. You must not share such information or documents with people they were not intended for.

3.8 Damaging public comment

There are proper ways to raise and deal with any concerns or complaints that you might have about X LALC. You must not engage in public comment about X LALC (including any comment to a newspaper, to a radio or TV station, or in a Facebook, Twitter or other social media post):

- (a) that you know or ought to know is untrue, or
- (b) that you intend will, or that is likely to, damage X LALC's interests, or
- (c) that you intend will, or that is likely to, lower the reputation or standing of X LALC or Aboriginal Land Councils generally.

3.9 Public interest disclosures

- (1) Nothing in this Code of Conduct, including provision 3.8, is intended to discourage or hinder any LALC member from making a public interest disclosure under the *Public Interest Disclosures Act 1994* (NSW) (**PID Act**).
- (2) However, you must take care to ensure your reports of wrongdoing are made responsibly and in accordance with the PID Act. Amongst other things, this means:
 - (a) you must honestly believe on reasonable grounds that the information being reported shows or tends to show wrongdoing,
 - (b) you must make the report to either:
 - an *investigating authority* (which includes ICAC, the NSW Ombudsman, the Auditor-General of NSW or the Information Commissioner),
 - the Chief Executive Officer or, for reports about the Chief Executive Officer, to the Chairperson;

- if another person is nominated to receive a report of wrongdoing in any X LALC reporting policy or procedure – that person; or
- in the limited circumstances set out in section 19 of the PID Act, a Member of Parliament or journalist.

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Appendix 1 – Code of meeting behaviour

1. Introduction

- (1) Meetings and collective decision making have an important place in land rights and the life of X LALC. It is essential to the proper governance of X LALC that its meetings are participatory, orderly and effective forums for issues to be discussed, opinions to be voiced and decisions to be made.
- (2) For these reasons, it is important that all X LALC members, Board members and staff members attending an X LALC members meeting, Board meeting or sub-committee meeting, observe high standards of conduct and orderliness.
- (3) In this code of meeting behavior:

“**meeting**” is to be read as including a meeting of X LALC’s members, its Board and of any sub-committee, and

“**you**” applies to any X LALC member, Board member or staff member.

2. Behaviour at meetings

- (1) At all meetings you must:
 - (a) respect and follow the directions of the Chairperson,
 - (b) speak in your turn, as permitted by the Chairperson, and not over the top of other people,
 - (c) listen to what others are saying,
 - (d) address others and their points of view respectfully and without any disparagement,
 - (e) not be argumentative, inflammatory, or abusive, and
 - (f) not be disruptive or disorderly.
- (2) Without limiting any of the general standards of behaviour set out in paragraph (1), you must not at a meeting:
 - (a) assault or threaten to assault another person present at the meeting,
 - (b) move or attempt to move a motion or an amendment that has an unlawful purpose or that deals with a matter that you know or ought to know is beyond the power of X LALC or the Board, or address or attempt to address X LALC or the Board on such a motion,
 - (c) insult or makes personal comments about or impute an improper motive to another X LALC official or member, or
 - (d) act in a manner that is likely to bring X LALC or the Board into disrepute or contempt.
- (3) You must not make an unauthorised recording of any kind of a meeting.