

Tweed Byron Local Aboriginal Land Council

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 Tweed Byron Local Aboriginal Land Council (**TBLALC**) 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 TBLALC and support the greater involvement of the TBLALC community in the LALC.

Failure to observe the standards in this Code of Conduct can have serious impact on TBLALC. 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 TBLALC to only TBLALC 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 TBLALC members are expected to observe. TBLALC members are expected to uphold the spirit as well as the word of this Code of Conduct.

Importance of TBLALC's Core Values

TBLALC'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 TBLALC official reading the Code.

1.4 Enforcing this Code of Conduct

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

If the conduct of an TBLALC member should become an issue, TBLALC 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. TBLALC’s values

The values held by the TBLALC are:

- **Respect** – for land and culture, in being guided by our traditions and our spiritual connection to country, for elders and family and for each other,
- **Faith** – in our youth as the future leaders of our community, hearing their voices and helping them grow
- **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 TBLALC’s interests and the interests of its members and the TBLALC 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 TBLALC 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 TBLALC’s Rules and this Code of Conduct.
- (3) You must not act in a manner detrimental to or likely to be detrimental to TBLALC’s interests, or those of its members.

- (4) You must not act in a manner that is likely to bring TBLALC or Aboriginal Land Councils generally into disrepute.

3.2 Honesty and integrity

- (1) In all your dealings with TBLALC, including any dealings with the TBLALC 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 TBLALC, 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 TBLALC 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 TBLALC is voting on any question in relation to the matter.

3.4 Respect for others

- (1) In all your interactions and communications with TBLALC staff, TBLALC 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 TBLALC staff, Board members or members. You must not, in connection with TBLALC affairs, make personal attacks on TBLALC staff, TBLALC Board members or members or otherwise act in an offensive or inflammatory way towards TBLALC staff, Board members or members. This applies to direct interactions, to TBLALC 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 TBLALC, 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 reasonable understand is made on behalf of the LALC.

3.6 Behaviour at LALC meetings

When at TBLALC 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 TBLALC meeting or in connection with TBLALC decision making. You must not use such information or documents for any purpose other than TBLALC 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 TBLALC. You must not engage in public comment about TBLALC (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 TBLALC's interests, or
- (c) that you intend will, or that is likely to, lower the reputation or standing of TBLALC 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 TBLALC 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.

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 TBLALC. It is essential to the proper governance of TBLALC 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 TBLALC members, Board members and staff members attending an TBLALC 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 TBLALC’s members, its Board and of any sub-committee, and

“**you**” applies to any TBLALC 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 TBLALC or the Board, or address or attempt to address TBLALC or the Board on such a motion,
 - (c) insult or makes personal comments about or impute an improper motive to another TBLALC official or member, or
 - (d) act in a manner that is likely to bring TBLALC or the Board into disrepute or contempt.
- (3) You must not make an unauthorised recording of any kind of a meeting.