

# Board Code of Conduct

## Scope

1. This Code of Conduct (the Code) applies to all Gandangara Local Aboriginal Land Council (GLALC) Board members.

## Purpose

2. The purpose of this Code is to ensure that the Board members of the Gandangara Local Aboriginal Land Council observe the highest standards of conduct and ethical behaviour in all of their activities.
3. By maintaining such standards Board members enhance their own, and the Gandangara Local Aboriginal Land Council's, standing as representatives of the Aboriginal community and increase the public confidence in the management and administration of the Gandangara Local Aboriginal Land Council.

## Obligations

4. As the conduct of an individual Board member can reflect on the wider Aboriginal Land Council network as a whole, this Code sets out what are considered to be appropriate standards of conduct by Board members.
5. Board members are to acknowledge that this Code is to have adhered to both in spirit and to the letter, so that a Board member's conduct is governed by the highest standards of personal and ethical behaviour.
6. Board members must uphold the objectives of the Gandangara Local Aboriginal

Land Council by complying with the policies and procedures of the Gandangara Local Aboriginal Land Council (including the Gandangara Local Aboriginal Land Council Board Governance Charter) as well as those established by the New South Wales Aboriginal Land Council.

7. Gandangara Local Aboriginal Land Council is committed to ensuring the highest standards of ethical and professional behaviour. Board members are therefore required to exercise complete probity, honesty and diligence in carrying out their duties and responsibilities.
8. In addition, Board members must exercise due care and diligence in performing their duties and ensure that their knowledge, skills and technical competencies suffice to discharge their responsibilities.
9. Respect in the workplace is imperative. Board members must treat other Board members, their colleagues, customers, stakeholders, members and the community with respect and must not engage in any kind of discriminatory behaviour, harassment, bullying or violent conduct.
10. Board members must act with integrity at all times and must not abuse their authority.
11. Board members must at all times safeguard the interests of the Gandangara Local Aboriginal Land Council and its Members. This means that Board members must not

enter into any agreement or undertake any activity that maybe in conflict with the interests of the Gandangara Local Aboriginal Land Council, or that would prejudice the performance of their duties.

12. The actions, words and the behaviour of Board members not only reflect on them, but can also reflect on the Gandangara Local Aboriginal Land Council. Board members must refrain from conduct or actions that detracts from the reputation of the Gandangara Local Aboriginal Land Council.
13. Board members of the Gandangara Local Aboriginal Land Council must not, at a meeting of the Council or the Board or at any other time in the workplace, do any of the following things:
  - (a) assault or threaten to assault a Board member, employee, member or other person present at the meeting or in the workplace
  - (b) move or attempt to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council, or address or attempt to address the Council or Board on such a motion
  - (c) insult or make personal reflections on or impute improper motives to Board members, employees and Members
  - (d) say or do anything that is inconsistent with maintaining order at a Council meeting or is likely to bring the Council or Board in to contempt.



14. Gandangara Local Aboriginal Land Council takes very seriously its responsibilities to comply with all legal obligations and prohibitions. It is essential that Board members must at all times comply with all relevant laws and regulations including but not limited to the requirements in the:

- (a) *Aboriginal Land Rights Act 1983* (NSW)
- (b) *Aboriginal Land Rights Regulation 2014* (NSW)
- (c) *Australian Charities and Not-for-profit Commission Act 2012* (Cth)
- (d) Australian Charities and Non-for-profit Commission Governance Standards.

15. In the performance of their duties, Board members must not knowingly be a party to any illegal or unethical activity.

16. In the course of performing their duties, Board members may come across confidential information of the Gandangara Local Aboriginal Land Council. Board members must not use any confidential information gained in the performance of their duties for any personal gain or in a manner that could be

detrimental to the Gandangara Local Aboriginal Land Council.

17. Board members must not use language or engage in behaviour that may reasonably be called discriminatory, abusive, threatening, violent, bullying, aggressive or intimidating, whether verbally, physically or emotionally.

#### **Breach of the Code**

18. If a person considers that a Board member has breached the Code, this should be reported to the Chairperson. If the report of the alleged breach is against the Chairperson, the report should be to the Deputy Chairperson.

19. If the Chairperson (or Deputy Chairperson if relevant) has reason to believe that a Board member subject to the Code has failed to comply with it, then this will be investigated.

20. Depending on the outcome of the investigation, it may be necessary for the Gandangara Local Aboriginal Land Council to take disciplinary action against a Board member who fails to

follow the Code.

Disciplinary action will vary depending on the nature and circumstances of the breach of the Code and whether the breach is of a Dismissal Provision.

21. A Dismissal Provision is a breach of any of the clauses 14, 15, 6 and/or 17 of the Code. In accordance with section 177 of the *Aboriginal Land Rights Act 1983* (NSW), the Council may by majority vote remove a Board member from office where that Board member has breached a Dismissal Provision.

22. Disciplinary action may include (but is not limited to):

- (a) Formal censure, counsel or reprimand
- (b) For breach of a Dismissal Provision, removal of the Board member from office if a majority of the Council votes to do so.

23. The Registrar also has the power under section 181F of the *Aboriginal Land Rights Act 1983* (NSW) to take disciplinary action against a Board member in instances of misconduct.