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Authorised by:	GLALC Board	Date:	17/6/2024
	GLALC Members	Date:	19/6/2024
	Registrar	Date:	

1. Policy Statement

The purpose of this Code is to ensure that the Board Members of the Gandangara Local Aboriginal Land Council (GLALC) observe the highest standards of conduct and ethical behaviour in all of their activities.

By adhering to the standards as set out in this policy Board Members enhance their own standing as well as that of the Group, as representatives of the Aboriginal Community, and increase public confidence in the management and administration of the Group.

This policy was developed in conjunction with of the Code of Conduct described in Part 10 of the [Aboriginal Land Rights Act 1983 No 42](#) (ALRA) and Schedule 3 of the [Aboriginal Land Rights Regulation 2020](#).

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2. Scope

This Code of Conduct (the Code) applies to all Gandangara Local Aboriginal Land Council (GLALC) Board Members. This Policy applies to the workplace both inside and outside normal operating hours, including face-to-face interactions as well as all other forms of interactions (i.e. electronic communication, and workplace events such as conferences or social functions).

3. Policy Description

3.1 Principles

- (a) The Board Members are required to be familiar with and uphold this Code of Conduct.
- (b) As the conduct of an individual Board Member can reflect on the wider Aboriginal Land Council network. This Code sets out what are considered to be appropriate standards of conduct by Board Members.
- (c) Board Members are to acknowledge that this Code is to be 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.
- (d) This Code of Conduct must be read in reference to the Aboriginal Land Rights Act 1983 (NSW) (ALRA). It must be interpreted and applied only in a way that is consistent with the ALRA.
- (e) Board Members must uphold the objectives of the Gandangara Group by complying with the policies and procedures of the Group (including the GLALC Board Governance Charter) as well as those established by the New South Wales Aboriginal Land Council (NSWALC).
- (f) The Gandangara Group 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.
- (g) The Code provides a framework for the identification and resolution of issues relating to the behaviour of all personnel, including Board Members, in the workplace.
- (h) It is the intention of this Policy to guide Board Members in their dealings with colleagues, management, the organisation, service users and the general public.
- (i) This Policy does not cover all conceivable situations but establishes the standard of behaviour expected from individuals who represent the Gandangara Group.
- (j) This Policy does not replace any expectations of behaviour required by Law.

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- (k) The Gandangara Group commits to carrying out its functions in a manner that promotes fairness, equity and ethical behaviour, in a safe, respectful, inclusive and healthy environment for its personnel and all members of the general public who have any dealings with the Group.
- (l) The Gandangara Group commits to providing a workplace that is safe, healthy, free from discrimination and harassment and one that allows personnel to manage their work life with private activities and responsibilities.

(m) This Policy complies with the 2023 Revision of the Model Code of Conduct for LALCs published by the Office of the Registrar of the Aboriginal Land Rights Act (ORALRA; https://www.oralra.nsw.gov.au/pdf/forms/20230523_Revised_Model_Codes_FINAL.pdf)

(n) If necessary, GLALC can take action to enforce this Code of Conduct.

3.2 Purpose of the Code of Conduct

(a) This is the Code of Conduct that Board members are referred to in section 177(1)(a) of ALRA.

(b) The purpose of this Code of Conduct is:

- (i) To clearly set out for each LALC Board member the standards of conduct that are expected of them,
- (ii) In doing that, to assist GLALC Board members to comply with their duties under the ALRA, and
- (iii) Provide clear standards against which GLALC Board members can be held to account.

3.3 Relationship between duties and obligations under this Code of Conduct and duties and obligations under ALRA and other laws

(a) This Code of Conduct is a stand-alone source of standards and rules. It has been developed and adopted by GLALC to apply only to GLALC Board members.

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

(c) For example, section 183 of the ALRA imposes general duties on LALC officials such as the duty to act honestly, in good faith and in the best interests of the Aboriginal Land Council. Very similar general duties are contained in this Code of Conduct.

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

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3.4 GLALC's Values

- (a) GLALC values are referred to as "The Gandangara Way – Our Values"
- (b) These values are the pillars that unify us, nurturing a sense of connection, belonging, and thriving. They play an essential role in healing and addressing the intergenerational trauma that has and in some cases, continues to impact our community.
- (c) Despite a history marred by racism, discrimination, and injustice, our values protect and strengthen our spirit, guiding us toward a hopeful future where we can achieve our vision – shoulder to shoulder – side by side.
- (d) The Gandangara Group aims to create One Team, One Plan, One Dream.
- (i) **One Team:** We work together through unity and cooperation.
 - (ii) **One Plan:** We create a connected, cohesive, and healthier community.
 - (iii) **One Dream:** We become stronger and progress our community's future.
- (e) The Gandangara Way is a philosophy rooted in unity, excellence, and accountability. This approach not only guides our conduct but also informs how we engage with each other and serve our community.
- (f) The Gandangara Way reflects our deepest attitudes and behaviours, firmly anchored in our core principles and values.
- (i) Respect and Understanding - Honour, cherish and uphold the dignity of our Elders, embrace cultural protocols and principles, Faithful to LORE and preserving the integrity of our culture.
 - (ii) Diversity and Inclusion through Unity - Embrace uniqueness, ensuring every voice is heard and valued. We foster a welcoming, empathetic environment where interactions are conducted with care, and each community member is deeply respected.
 - (iii) LAW and LORE - Our Members and the community actively honour local cultural protocols, including traditional ceremonies and stewardship practices. This commitment helps preserve our rich heritage, ensuring that our actions not only reflect but also sustain our ancestral values and strengthen our cultural identity for future generations.
 - (iv) Accountability and Responsibility - Our Board is accountable and responsible to the Members through monitoring & reporting back to Members about implementation of the objectives and strategies established in the Community, Land, and Business Plan. Our CEO is accountable and responsible to the Board for the implementation of the Community, Land & Business Plan.
 - (v) Care for Family and Country - Committed to nurturing our families and cherishing our loved ones, in unity with our lands. By nourishing the heart of our community through our connection to Country, we foster a thriving environment for all.

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3.5 Protection from Liability

- (a) The Gandangara Group will indemnify all personnel including Board Members from liability while they are carrying out their duties for the Group so long as they were behaving in a manner consistent with this Policy and the Law of Australia.
- (b) The Gandangara Group will support its personnel and meet the costs of legal proceedings brought against personnel if they were acting in good faith and in a manner consistent with this Policy and the Law of Australia.
- (c) Personnel, including Board Members, performing their duties in good faith for the Organisation are protected from personal liability under section 242 of ALRA.

3.6 Professional Conduct

Board Members are expected to:

- (a) Develop and maintain knowledge and understanding of their role within the Gandangara Group, their area of expertise and their field more generally.
- (b) Exercise their best professional and ethical judgement when carrying out their duties for the Gandangara Group, so that their conduct conforms to the highest standards of personal and ethical behaviour.
- (c) Board Members must not abuse their authority.
- (d) Do their best to uphold the good name, reputation **and values** of the Gandangara Group and the NSW Aboriginal Land Council as they carry out their duties. This means that Board Members must not enter into any agreement or undertake any activity that may be in conflict with the interests of the GLALC, or that would prejudice the performance of their duties
- (e) Act in the best interests of the Gandangara Group and the Community it serves.
- (f) Carry out their duties diligently, considerately and to the best of their ability.
- (g) Act fairly, honestly and impartially, and exercise their authority objectively.
- (h) Act with Integrity, ensuring that external interests or obligations do not improperly influence their decision making.
- (i) Give due credit to the work of others.
- (j) Be accountable for their work.
- (k) Treat all individuals they have dealings with while carrying out their duties with integrity, respect, courtesy, impartiality, sensitively and with fairness.

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- (l) Do their best towards creating and maintaining a pleasant, cooperative, collaborative workplace and to refrain from behaving in a way that undermines, demeans or creates division between other Personnel.
- (m) Carry out their duties in a manner consistent with the Policies and Procedures of the Gandangara Group.
- (n) Board Members may not:
- (i) Conduct themselves in a manner that is likely to bring the Gandangara Group, or Aboriginal Land Councils generally, into disrepute by engaging in any of the following behaviours that include, but are not limited to:
 - Breaking the law
 - Behaving unethically
 - Threatening physical harm to anyone
 - Insulting, making personal reflections on, or implying improper motivations on anyone
 - Bullying, harassing or discriminating against anyone
 - Behaving in a manner that would not be considered appropriate by accepted social norms
 - (ii) Engage in favouritism or prejudice in relation to the provision of benefits or services to GLALC members or other Aboriginal people in the service area of the Gandangara Group.
 - (iii) Use information or resources from the Gandangara Group to gain advantage for themselves or others or to compete with or harm the Gandangara Group.
 - (iv) Steal from the Gandangara Group or obtain a benefit by deception.
 - (v) Seek to influence other Board members or staff to gain personal advantage or benefit for themselves or another person or organisation, or to cause detriment to GLALC.
- (o) Board members must at all times comply with all relevant laws and regulations including but not limited to the requirements in the:
- (i) Aboriginal Land Rights Act 1983 (NSW)
 - (ii) Aboriginal Land Rights Regulation 2020 (NSW)
 - (iii) Australian Charities and Not-for-profit Commission Act 2012 (Cth)
 - (iv) Australian Charities and Non-for-profit Commission Governance Standards
 - (v) Corporations Act 2001 (Cth)

3.7 Workplace Relationships

- (a) Board Members are expected to manage their personal relationships in a way that does not adversely affect the smooth running or good name of the Gandangara Group.
- (b) Where personal relationships result in an actual or perceived conflict of interest, the relationship must be declared as a non-pecuniary interest according to the [Conflict of Interest Policy](#).

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- (c) Where personal relationships result in an improper power dynamic e.g. Doctor and patient, manager and subordinate worker, the relationship must be declared as a non-pecuniary interest according to the [Conflict of Interest Policy](#) and the conflict managed so as to remove the improper power dynamic.

3.8 Personal Dealings with GLALC

- (a) It is possible that board members will have reason to deal with GLALC in a personal capacity (e.g. as a tenant in one of the LALC's houses). The Board member must not expect or request preferential treatment in relation to any matter. The Board member must avoid any action that could lead members or members of the community to believe that they are seeking or receiving preferential treatment.

3.9 Board member interactions with staff and consultants

- (b) Board members, 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 the Gandangara Group generally, staff and consultants are under the direction of the Chief Executive Officer. Board Members must not:
- (i) Try to direct staff or consultants (other than by a resolution of the Board giving an appropriate direction to the Chief executive Officer),
 - (ii) Try to influence staff or consultants, including by things said at an Organisational meeting or other forum.
- (c) 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.

3.10 Board members attendance at Board meetings

- (a) All Board members must make a reasonable effort to properly prepare for, attend, and participate constructively in all Board meetings and any sub-committee meetings they may be required to participate in.
- (b) An attentive and careful Board member will:
- (i) Take the time needed to gain a reasonable level of knowledge and understanding about the function of the Gandangara Group, its operations and priorities (as set out in its community, land and business plan) and its overall financial position
 - (ii) Make an effort to attend all Board meetings (as well members meetings and any relevant Committee meetings)
 - (iii) 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
 - (iv) Pay attention at meetings and do his or her best to understand the matters being discussed, and

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- (v) Apply his or her knowledge and understanding about the functions, operations and priorities of the Gandangara Group to those matters.
- (c) If a board member is unable to attend a meeting they must request leave of absence from the Board, identifying:
 - (i) the meeting they wish to be excused from, and
 - (ii) the grounds on which they wish to be excused.
- (d) The Board Member should note that if they are absent from 2 consecutive meetings of the Board of which reasonable notice has been given, except on leave from the Board or unless they are excused by the Board for having been absent, the office of that Board Member may be vacated by operation of section 67 of the ALRA.

3.11 Behaviour at the meetings of the Gandangara Group

- (a) Meetings and collective decision making have an important place in land rights and the life of the Gandangara Group. It is essential to the proper governance of the Gandangara Group that meetings are participatory, orderly and effective forums for issues to be discussed, opinions to be voiced and decisions to be made.
- (b) When at meetings of the Gandangara Group (including meetings of GLALC members, Board meetings and sub-committee meetings) Board Members must observe and comply with the behaviours listed below at (d) and (e).
- (c) When at a meeting, Board Members must take care to not misuse information that they have because of their office or position.
- (d) At all meetings Board Members must:
 - (i) Respect and follow the directions of the Chairperson,
 - (ii) Speak in turn, as permitted by the Chairperson, and not over the top of other people,
 - (iii) Listen to what others are saying,
 - (iv) Address others and their points of view respectfully and without any disparagement,
 - (v) Not be argumentative, inflammatory, or abusive, and
 - (vi) Not be disruptive or disorderly.
- (e) Without limiting any of the general standards of behaviour set out in paragraph (d), at a meeting you must not:
 - (i) Be argumentative, inflammatory, or abusive,
 - (ii) Be disruptive or disorderly, and
 - (iii) Deliberately seek to impede the consideration of the business of a meeting
 - (iv) Assault or threaten to assault another person present at the meeting,
 - (v) 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 the Gandangara Group or the Board, or address or attempt to address the Organisation or the Board on such a motion,

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- (vi) Insult or makes personal comments about, or impute an improper motive to another official or member, or
- (vii) Act in a manner that is likely to bring the Gandangara Group or the Board into disrepute or contempt.
- (viii) Leave a meeting in order to deprive the meeting of a quorum.

(f) Board Members must not make an unauthorised recording in any kind of meeting.

3.12 Conflicts of Interest

- (a) The Gandangara Group acknowledges that Board Members may have commitments outside of the Organisation.
- (b) Board Members must take all reasonable steps to ensure that their decision making is not improperly influenced by and is not perceived to have been improperly influenced by any conflict of interest.
- (c) If the Board Member has a pecuniary interest in any matter being considered at a meeting, they 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.
- (d) All Board Members must also disclose any non-pecuniary interest, including existing or previous personal relationships, in relation to any matter being discussed at any meeting, as if it was a pecuniary interest and as if the ALRA disclosure provisions (Part 10 Division 3 Subdivision 2 Duty to disclose pecuniary interests of ALRA) and [clause 3.12\(c\)](#) of this Code of Conduct applied. This means Board Members must disclose non-pecuniary interests as if they were pecuniary interests.
- (e) A non-pecuniary interest is to be regarded as significant if it involves:
 - (i) 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)
 - (ii) another relationship that is particularly close (e.g. a friend or business associate), or
 - (iii) an affiliation between you and an organisation, sporting body, club, political party, corporation or association that is particularly strong, and
 - (iv) if it could appear to a reasonable observer that the non-pecuniary interest could improperly influence the Board Members' participation in decision making about the matter
- (f) Board Members should actively seek to avoid or remove themselves from any situation in which they have an actual, or may reasonably be perceived to have, a conflict of interest.
- (g) Further, unless the Gandangara Group determines otherwise, on any matter in which a Board Member has a Conflict of interest the Board Member must not be present at, or in sight [or hearing](#) of, the meeting:

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- (i) at any time during which the matter is being considered or discussed, or
 - (ii) at any time during which the Gandangara Group is voting on any question in relation to the matter
- (h) In complying with the ALRA disclosure provisions, **Board members** must assume that any reference to “a meeting of the Council” includes a meeting of the Board of the Gandangara Group and a meeting of any sub-committee of the Board. That means that **Board members** must comply with **s185** of the ALRA not only in relation to Board meetings, but also in relation to member meetings and sub-committee meetings.

3.13 Outside Employment

(a) Board Members must not:

- (i) Allow external work to interfere with the performance of their duties for the Gandangara Group.
- (ii) Use Gandangara Group resources for any non-Organisation related activities.
- (iii) Discredit or disadvantage the Gandangara Group.

3.14 Gifts and Benefits

(a) Board Members may occasionally be offered gifts or benefits while performing their duties for the Gandangara Group. It is not the intention of this policy to stifle expressions of gratitude common amongst the community, but it is important that the impartiality of Personnel carrying out their duties not be compromised, or be seen to be compromised by others even if it is not.

(b) A gift or benefit will be taken to be one that may create a sense of obligation on the part of Board members or may be perceived to be intended or likely to influence Board members, if it:

- (i) is for more than nominal value, or
- (ii) 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.

(c) Board Members must not:

- (i) Seek or accept a bribe or other improper inducement,
- (ii) Solicit gifts or benefits from anyone while performing their duties for the Gandangara Group,
- (iii) Accept any gift or benefit that may create a sense of obligation or be seen to create a sense of obligation or influence the individual as they carry out their duties.

(d) Board Members may only accept gifts or benefits if:

- (i) It would be culturally inappropriate or cause offence to decline the gift or benefit.
- (ii) It would not compromise or be seen to compromise the impartiality of the interaction of Personnel with the giver.

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- (iii) The gift or benefit is not cash or a cash-like gift, e.g. gift vouchers, as these are typically seen to generate a sense of obligation in the recipient
 - (iv) **Is less than \$50 in value.**
- (e) Any gift or benefit offered to Board Members, **which is over the value of \$50, or is likely to create a sense of obligation, real or perceived**, must be declared at the next board meeting.
- (f) Any declared gift or benefit must be surrendered to GLALC, and returned to the donor unless the nature of the gift or benefit makes either surrender or return impractical.**
- (g) Any gift or benefit that is offered with the expectation of being provided special or inappropriate treatment must be refused and must be declared at the next board meeting.

3.15 Maintaining Security

All Board Members are expected to:

- (a) Maintain confidentiality of knowledge that they become aware of while performing their duties for the Gandangara Group as described in the [Confidentiality Policy](#). This information includes, but is not limited to:
 - (i) Board papers and their knowledge of things said during Board meetings, and
 - (ii) Any other information or document that by its nature is confidential and that the Board Member knows or ought to know is confidential.
- (b) Maintain confidentiality of Personal and Sensitive information that they become aware of while they are performing their duties for the Gandangara Group as described in the [Privacy Policy](#) and be aware that this information may be protected by Privacy Law.
- (c) Only access Gandangara Group information that is needed to perform their duties.
- (d) Only use Gandangara Group information as needed to perform their duties.
- (e) Take all reasonable precautions to prevent unauthorised access to any facility owned and run by the Gandangara Group.
- (f) Use Gandangara Group IT infrastructure in accordance with the *IT Policy*.

Board Members must not:

- a) Use Gandangara Group information for personal benefit.
- b) Allow any other individual to use or access any keys, swipe cards, proximity/RFID cards or other devices allowing access to Gandangara Group facilities that they were issued with.

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3.16 Authorised Public Comment

- (a) Only the Chairperson of the Board or anyone authorised by the Board may make any public statement of any kind including to any newspaper, radio, TV station or other media outlets, or in a post on Facebook, Twitter or any other social media service:
 - (i) On behalf of the Gandangara Group,
 - (ii) About the Gandangara Group or its affairs, or
 - (iii) About other officials of the Gandangara Group.
- (b) Board members especially must not make any such public statement about GLALC or its affairs or about Board members, staff or members:
 - (i) that Board members intend will, or that is likely to, damage GLALC's interests, or
 - (ii) that you intend will, or that is likely to, lower the reputation or standing of GLALC or Aboriginal Land Councils generally.

3.17 Use of Gandangara Group Resources

Board Members must ensure that:

- (a) Gandangara Group Resources (including its property, vehicles, and also its name, letterhead and logo) are used only for carrying out the business of the GLALC except when express permission has been granted by Executive Management to use the resources for another use, eg personal use, donation to another organisation.
- (b) They avoid any action or situation that could create an appearance that the resources of the Gandangara Group are being improperly used for the benefit of the individual or for the benefit of any other person or body.
- (c) Gandangara Group Resources are used efficiently and in a manner that is not wasteful or harmful to the environment. See *Environmental sustainability policy* (Link when done)

Board Members are reminded that:

- (d) All electronic communications including personal emails sent using Gandangara Group IT infrastructure remain the property of the Organisation and may be accessed by the Gandangara Group as described in the *IT Policy* (Add link when document is set up) and as is consistent with Australian Law.
- (e) All documents of any kind produced by Personnel during the execution of their work duties using Gandangara Group Resources remain the property of the Organisation. Staff personal transactions should therefore only be executed using personal resources as described in the *IT Policy* (Add link when document is set up).

Personal information

- (f) You must also take special care with any personal information of others that you have access to because of your office or position.
- (g) You must assume that such personal information is protected by privacy law and that you must comply with privacy law, including the Australian Privacy Principles.

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3.18 Use of information generally

- (a) Information that a Board member has access to as a result of their office or position must not be abused. Board members must only access GLALC information that they need to perform their duties. Board members must use LALC information only as needed to perform their duties. Board members must not use LALC information for their own personal purposes.
- (b) Board members must not destroy, alter, or dispose of LALC information or records, unless authorised to do so.

Confidential information:

- (c) Board Members must take special care with confidential information. This includes:
 - (i) Board papers and your knowledge of things said during Board meetings, and
 - (ii) any other information or document that by its nature is confidential and that Board members know or ought to know is confidential.
- (d) Board members must:
 - (i) protect confidential information, and
 - (ii) not release or disclose confidential information unless they are authorised to do so.

3.19 Reporting Wrongdoing

- (a) No Gandangara Group Policy replaces any Australian Law.
- (b) Nothing in this Code of Conduct, including [clause 3.15 Maintaining Security](#), is intended to discourage or hinder any LALC official, staff or member from making a public interest disclosure under the [Public Interest Disclosures Act 2022 \(NSW\)](#) (PID Act).
- (c) No personnel including Board Members are permitted to carry out any activity which contravenes either Gandangara Group Policies or Australian Law
- (d) All personnel must report any wrongdoing according to the *Reporting Wrongdoing Policy* and the *Reporting Wrongdoing Procedure* (Add Links when these documents are written)
- (e) The Gandangara Group stands behind individuals who report wrongdoing within the Gandangara Group and makes the commitment that no disadvantage will be experienced by any Personnel who report wrongdoing.
- (f) Reports of wrongdoing are investigated and acted upon by the CEO and Executive Managers. If the reported wrongdoing involves one of these individuals, personnel reporting wrongdoing should seek to make their report to:
 - (i) an independent manager within the Gandangara Group

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- (ii) Chairperson of the Board
- (iii) CEO of the NSW Aboriginal Land Council
- (iv) NSW Ombudsman (Aboriginal Inclusion Unit NSW Ombudsman: au@ombo.nsw.gov.au)
- (v) Australian Securities and Investment Commission (ASIC; <https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/>)
- (vi) The Police (https://www.police.nsw.gov.au/online_services/providing_feedback/report_suspected_corruption)
- (vii) In the limited circumstances set out in **section 28** of the PID Act, a Member of Parliament or journalist

(g) Anyone reporting wrongdoing must take care to ensure their reports of wrongdoing are made responsibly and in accordance with the PID Act. They must honestly believe on reasonable grounds that the information being reported shows or tends to show wrongdoing.

3.20 Prevention of Bullying and discrimination

(a) Personnel, including Board Members, must not engage in the following activities towards any other individual both within the Gandangara Group or towards the general public:

- (i) Bullying
- (ii) Harassment
- (iii) Intimidation
- (iv) Physically or emotionally threatening
- (v) Discrimination on the grounds of gender, race, sexuality, disability, cultural background, religion, marital status, age, union affiliation, political conviction or family responsibilities
- (vi) Insulting the personal beliefs of anyone

(b) Bullying, harassment, **intimidation**, threatening behaviour or discrimination of any kind is not acceptable behaviour in any associate of the Gandangara Group and is grounds for dismissal.

(c) "Harassment" means any sort of behaviour towards a person that:

- (i) Is not wanted by the person,**
- (ii) Offends, humiliates or intimidates the person, and/or**
- (iii) Creates a hostile environment.**

(d) "Bullying behaviour" means any verbal, physical or social behaviour:

- (i) In which a person or a group of people repeatedly acts in an intimidating or hurtful way towards another person or a group of persons, and**
- (ii) Which causes physical, social or psychological harm.**

(e) The behaviours described in (a) above include, but are not limited to:

- (i) Unwelcomed and unsolicited physical contact.
- (ii) Lewd or suggestive comments or jokes.
- (iii) Humiliating anyone through comments, jokes, sarcasm, criticism or insults.

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- (iv) Criticism in front of co-workers.
 - (v) Talking about another individual or the quality of their work when that individual is not present.
 - (vi) Putting someone down or ridiculing them.
 - (vii) Maliciously excluding a person from workplace activities.
 - (viii) Displaying, or allowing to be displayed, lewd or offensive images.
- (f) Personnel including Board Members are encouraged to be self-reflective regarding their behaviours and language and examine how those behaviours and language may affect others.
- (g) An employer addressing legitimate employment related issues when these actions are undertaken reasonably do not constitute “harassment”.

3.21 Grievances

- (a) There are proper ways to raise and deal with any concerns or grievances a Board member may have with other Board members, staff or members.
- (b) Board members must not make personal attacks on other Board members, staff or members or otherwise act in an offensive or inflammatory way towards other Board members, staff or members. This applies to direct interactions, to LALC meetings (including any Board meeting or sub-committee meeting), to any other community or public forums, and also to Facebook, Twitter or other social media postings and to other communications.
- (h) The Gandangara Group has developed a *Grievance Procedure* ([Link](#)) describing how to make a complaint for Personnel who feel they are being bullied, harassed, discriminated against or otherwise mistreated at work.

3.22 Work Health and Safety

- (c) All Personnel including Board Members have the right to expect the Gandangara Group to provide a workplace that is safe and fit for purpose.
- (d) All Personnel have the right to refuse to perform a task that they deem to be unsafe.
- (e) Personnel should report any unsafe work area or work practice to their immediate line-manager as described in the *Work Health and Safety Policy* and *Work Health and Safety Procedure* ([Add links when these documents are written](#)).
- (f) All Personnel are expected to have a Duty of Care for their own safety and wellbeing and the safety and wellbeing of others when performing their duties for the Gandangara Group.
- (g) All Personnel are expected to comply with the *Work Health and Safety Policy* and *Mental Health in the Workplace Policy* ([Add links when these documents are written](#)), all Organisational Work Health and Safety Procedures ([add links to Related Documents Section when they are created](#)) and all Work Health and Safety Laws.

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- (h) No Personnel are permitted to perform their duties for the Gandangara Group while they are under the influence of alcohol or any form of non-prescription drug as described in the *Alcohol, smoking and drugs policy* (Add links when these documents are written).
- (i) The Gandangara Group commits to providing a smoke free work environment. No smoking is permitted on any Gandangara Group work site.

3.23 Breach of this Code of Conduct

- (a) 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.
- (b) If the Chairperson (or Deputy Chairperson where relevant) has reason to believe that a Board Member subject to the Code has failed to comply with it, then this will be investigated.
- (c) The Registrar may also conduct an investigation pursuant to the processes in Part 10, Division 4 of the ALRA.
- (d) Depending on the outcome of the investigation, it may be necessary for GLALC to take disciplinary action against a Board Member who fails to follow the Code. Disciplinary action will vary depending on:
 - (i) The nature and circumstances of the breach.
 - (ii) The severity of the breach.
 - (iii) The potential harm such breaches pose to other individuals associated with the Gandangara Group.
 - (iv) The potential harm such breaches pose to the good standing and reputation of the Organisation or the NSW Aboriginal Land Council.
 - (v) The requirements of Australian Law, and
 - (vi) Whether the breach is of a Dismissal Provision.
- (e) Penalties for Breach of this Code may include:
 - (i) Demotion
 - (ii) Mandatory counselling or training
 - (iii) Restriction of duties
 - (iv) Reassigned duties
 - (v) Restriction of workplace accesses
 - (vi) Reduction in access to resources
 - (vii) Restriction of authorisations
 - (viii) Suspension of duties
 - (ix) Mandatory reporting to other legal authorities, e.g. Independent Commission Against Corruption (ICAC)
 - (x) Recovering losses resulting from negligence
 - (xi) Dismissal

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- (f) A breach of this Code of Conduct could also be corrupt conduct for the purposes of the Independent Commission Against Corruption Act 1988 (Cth), and in that case GLALC's Chairperson will have a legal duty to report the matter to the Independent Commission Against Corruption.
- (g) The Registrar of the Aboriginal Land Rights Act 1983 (NSW) also has the power under section 196 of the Act to take disciplinary action against an employee in instances of misconduct.
- (h) If a Board member is found to have repeatedly breached the code of conduct or to have breached a dismissal provision, the Board member may be removed from office by a majority resolution of the council.
- (i) The Gandangara Group must give a Board member not less than **14 full days'** notice of any intention to consider dismissing the Board member at a members' meeting.
- (j) At a members' meeting at which the members are considering the removal of a Board member, the Board member must be given a reasonable opportunity to state 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.

3.24 Dismissal Provisions

- (a) Section 178 of the ALRA allows a LALC's code of conduct to include provisions that, if breached by a Board member, can lead to the members dismissing the Board member from office. These are called dismissal provisions.
- (b) A Board member may be dismissed after only a single incident if the incident is a dismissal provision.
- (c) The GLALC Dismissal Provisions are a breach of any of the **clauses 3.6 (n)(i), 3.6(n)(iii), 3.6(n)(iv), 3.17(a), 3.20(a)(i-v)** of this Code.
- (d) To avoid confusion the dismissal provisions are:
 - (i) Breaking the law
 - (ii) Threatening, or physically or emotionally attacking anyone
 - (iii) Intimidating anyone
 - (iv) Bullying, harassing or discriminating against anyone
 - (v) Using information or resources from GLALC to gain opportunity for themselves or others or to compete with or harm GLALC.
 - (vi) Stealing from the Gandangara Group or obtaining a benefit by deception.
- (e) Repeated misconduct (at least two occasions), other than a dismissal provision, providing cause for disciplinary action.
- (f) If the Registrar has previously found a Board member guilty of misconduct and taken disciplinary action against the board member under Part 10, Division 4 of the ALRA, and the Board member commits a further act(s) of misconduct and the Registrar takes

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disciplinary action against them, the Board member may be removed from office by GALC pursuant to sections 178 and 182 of the ALRA.

3.25 Roles and Responsibilities

(a) The Board are responsible for:

- (i) Passing resolutions guiding the CEO in the maintenance of Staff Conduct
- (ii) Accepting grievances or reports against the CEO
- (iii) Complying with this code of conduct

(b) The CEO And Executive level managers are responsible for:

- (i) Providing a safe and healthy working environment for all Personnel
- (ii) Taking all reasonable steps to ensuring that all Personnel are aware of their rights and obligations in regard to this Code of Conduct Policy
- (iii) Investigating breaches of this Code of Conduct
- (iv) Receiving and acting upon declarations of Gifts and Benefits
- (v) Receiving and acting upon reports of wrongdoing

(c) Managers are responsible for:

- (i) Ensuring that all Personnel they are responsible for are aware of the requirements of this Code of Conduct
- (ii) Requiring all Personnel to complete any mandatory training
- (iii) Ensuring workers are not exposed to workplace harassment
- (iv) Personally demonstrate the highest levels of workplace behaviour
- (v) Model appropriate workplace behaviour to other staff.
- (vi) Set a positive workplace culture.
- (vii) Treat complaints seriously and confidentially
- (viii) Ensure that when a person lodges a complaint or is witness to harassment they are not victimised. See Whistleblowing Policy and Reporting Wrongdoing Procedure. ([Link](#))
- (ix) Communicate work directions to their team with clarity and with an expected outcome and deadlines.
- (x) Encourage their staff to work diligently and to the best of their ability.

(d) Staff, external contractors, volunteers and students are responsible for:

- (i) Ensuring they understand what is required of them in this Code of Conduct
- (ii) Ensure they are familiar with all policies and procedures referred to in this Code of Conduct
- (iii) Complying with this code of conduct

4. Related Documents

4.1 Declaration of External Interests Form

4.2 Gifts and Benefits Register

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- 4.3 Reporting Wrongdoing Procedure
- 4.4 Work Health and Safety Procedures
- 4.5 GLALC Communications Procedure

5. Related Policies

- 5.1 *Continuous Quality Improvement Policy*
- 5.2 *Conflict of Interest Policy*
- 5.3 *Confidentiality Policy*
- 5.4 *Privacy Policy*
- 5.5 *IT Policy*
- 5.6 *Whistleblower Policy*
- 5.7 *Work Health and Safety Policy*
- 5.8 *Alcohol, smoking and drugs policy*

6. Definitions

- 6.1 Anonymous feedback - Anonymous feedback will be processed and the issues considered if they are sufficiently serious. Anonymous feedback, however, does not allow the Gandangara Group to fully investigate the client's concerns where applicable, or provide them with details on how the feedback has been resolved.
- 6.2 Associate of the Gandangara Group – Any individual who is in anyway related to the Gandangara Group or carries out any activity on behalf of the Group.
- 6.3 Complainant – The person making a complaint.
- 6.4 Complaint: - An expression of dissatisfaction made to the Gandangara Group, related to its products (including services), or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected.
- 6.5 Entity – Gandangara Health Service (GHS) , Gandangara Transport Service (GTS) or Marumali Ltd.
- 6.6 Feedback - includes complaints, compliments, suggestions or any information regarding the delivery of services or performance.
- 6.7 The Gandangara Group – Gandangara Local Aboriginal Land Council (GLALC), Gandangara Health Service (GHS), Gandangara Transport Service (GTS), Marumali Ltd.
- 6.8 Meeting – is to be read as including a meeting of the members of the Organisation, the Board and of any sub-committee.
- 6.9 Pecuniary interest – Financial interest. Has the same meaning as in ss 182-183 of the ALRA.

- 6.10 Personnel – Refers to any individual performing any sort of role for the Gandangara Group, whether paid or unpaid, including volunteers and students.
- 6.11 Service Users – Any individuals who use the services of the Gandangara Group including customers, clients and patients.
- 6.12 Stakeholder - Any person associated with the GLALC operations.
- 6.13 Wrongdoing – Any activity which contravenes Australian Law or Organisational Policy.

7. Related legislation

7.1 [Privacy Act 1988 - 2A Objects of this Act](#)

7.2 [Aboriginal Land Rights Regulation 2014 – Schedule 3](#)

7.3 [Aboriginal Land Rights Act 1983 No 42 – Part 10](#)

7.4 [Work Health and Safety Act 2011 No 10](#)

7.5 [Australian Charities and Not-for-profit Commission Act 2012 \(Cth\)](#);

7.6 [Australian Charities and Non-for-profit Commission Governance Standards](#).

7.7 [Corporations Act 2001 \(Corporations Act\)](#) – Whistleblower protections

7.8 [Public Interest Disclosures Act 2022 \(NSW\) – Part 3 – Whistleblower protections](#)

8. Revision History

Status	Approved by GLALC Board
Effect Date	11 April 2022
Review Date	15 April 2025
Revision History	
17/12/2018	Code of Conduct – Board accepted by Board (17/12/2018 OBM – Resolution 11)
17/7/2019	Code of Conduct – Board accepted by Members (17/7/2019 OMM – Resolution 4)
20/7/2020	Draft 2020-2024 CLBP including Code of Conduct – Board was reviewed and approved by board (20/7/2020 OBM – Resolution 7)
15/4/2024	Reviewed by Board at the 15/4/2024 EBM (Finance)
4/6/2024	Code of Conduct – Board underwent a major revision and was updated in accordance with the 2023 revisions of the Model code of conduct published by ORALRA.
17/6/2024	Approved by the board at 17/6/2024 EBM, Resolution 15
19/6/2024	Approved by Members at 19/6/2024 OMM Resolution XX

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