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|----------------|---|---------------|-----------|
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| Responsible:   | Chief Executive Officer<br>Director of Enterprise Sustainability, Property, Corporate Services & Transport<br>Program Director<br>Health Services Manager<br>Transport Services Manager<br>Marumali Team Leader |               |           |
| Authorised by: | GLALC Board   | Date:         | 17/6/2024 |
|                | GLALC Members   | Date:         | 19/6/2024 |
|                | Registrar   | Date:         |           |

## 1. Policy Statement

The purpose of this policy is to ensure that all personnel understand what behaviours are acceptable and which are unacceptable when working for Gandangara Local Aboriginal Land Council (GLALC) and its entities Gandangara Health Service (GHS), Gandangara Transport Service (GTS) and Marumali Ltd, referred to collectively in this document as “the Gandangara Group”. It is expected that all personnel observe the highest standard of conduct and ethical behaviour in all their activities.

By adhering to the standards set out in this policy, personnel enhance their own standing as well as that of the Gandangara Group as representatives of the Aboriginal Community and increase public confidence in the management and administration of the Gandangara 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 policy applies to all personnel, paid and voluntary, and visitors to the Gandangara Group. 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) This Code of Conduct applies to all personnel, either paid or voluntary, who perform in any role within the Gandangara Group.
- (b) All personnel are required to be familiar with and uphold this Code of Conduct.
- (c) The Code provides a framework for the identification and resolution of issues relating to the behaviour of personnel in the workplace.
- (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) It is the intention of this Policy to guide personnel in their dealings with colleagues, management, the organisation, service users and the general public.
- (f) This Policy does not cover all conceivable situations but establishes the standard of behaviour expected from individuals who represent the Gandangara Group.
- (g) This Policy does not replace any expectations of behaviour required by Law.
- (h) 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 Gandangara Group.
- (i) The Gandangara Group commits to making culturally safety a priority in all its activities as described in the [Cultural Safety Policy](#).
- (j) It is the intention of this policy to create a workplace that is healthy, free from discrimination and harassment and one that allows personnel to manage their work life with private activities and responsibilities.

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- (k) 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](https://www.oralra.nsw.gov.au/pdf/forms/20230523_Revised_Model_Codes_FINAL.pdf))
- (l) 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 Staff 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 all LALC Personnel the standards of conduct that are expected of them,
  - (ii) In doing that, to assist GLALC Personnel to comply with their duties under the ALRA, and
  - (iii) Provide clear standards against which GLALC personnel 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 personnel.
- (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.

### **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.

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- (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.

### 3.5 Protection from Liability

- (a) The Gandangara Group will indemnify all personnel 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 safeguard 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.

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- (c) This Code of Conduct was written in accordance with section 177(1)(a) of ALRA. Personnel performing their duties in good faith for the Organisation are protected from personal liability under section 242 of ALRA.

### **3.6 Professional Conduct**

All personnel are expected to:

- (a) Perform their duties in a culturally safe manner as described in the [Cultural Safety Policy](#).
- (b) Develop and maintain knowledge and understanding of their role within the Gandangara Group, their area of expertise and their field more generally.
- (c) Maintain any appropriate registrations through relevant professional bodies.
- (d) Exercise their best professional and ethical judgement when carrying out their duties for the Gandangara Group, so that an employee's conduct is governed by the highest standards of personal and ethical behaviour.
- (e) 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.
- (f) Act in the best interests of the Gandangara Group and the Community it serves.
- (g) Carry out their duties diligently, considerately and to the best of their ability.
- (h) Give due credit to the work of others.
- (i) Be willing to ask for and accept help.
- (j) Be willing to help others.
- (k) Be accountable for their work.
- (l) Respond positively to any reasonable, lawful request or directive given by the Gandangara Group or managers.
- (m) Seek to improve the quality of services, processes and facilities offered by the Gandangara Group by actively engaging in Continuous Quality Improvement initiatives, or through taking their own initiative to improve these same services, processes or facilities.
- (n) 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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- (o) All interactions with Service Users are expected to be conducted at the highest possible standard and all personnel are expected to perform their role with a customer-centric approach as described in the *Customer Engagement Policy and Customer Engagement Procedure*. [\(Link\)](#)
- (p) Staff are expected to ensure customer service is carried out efficiently, respectfully and as seamlessly as possible.
- (q) Do not leave a customer waiting, ensure good and timely communication occurs and that a customer's needs are provided for as rapidly and as completely as possible.
- (r) Try to anticipate a customer's needs and fulfil those needs as completely as possible without needing to be chased up.
- (s) Keep on top of each customer's service and follow them through on behalf of the customer until the task is complete. Don't lose track of what tasks need to be performed to service each customer.
- (t) 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.
- (u) Carry out their duties in a manner consistent with the Policies and Procedures of the Gandangara Group.
- (v) Be punctual when starting and finishing work each day – shows respect to the organisation and managers. Where flexible working arrangements are negotiated between managers and workers this will be expressed in writing as an agreement and provided to the staff member.

Personnel may not:

- a) Put the Gandangara Group into disrepute by carrying out any of the following behaviours:
  - i. Breaking the law
  - ii. Behaving unethically
  - iii. Threaten physical harm to anyone
  - iv. Insult, make personal reflections on or imply improper motivations on anyone
  - v. Bullying, harassing or discriminating against anyone
  - vi. Behaving in a manner that would not be considered appropriate by accepted social norms
- b) Use information or resources from the Gandangara Group to gain opportunity for themselves or others or to compete with or harm the Organisation (see section "3.11 Communication" for more detail).

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- c) Steal from the Gandangara Group or obtain a benefit by deception.
- d) Eat at reception.

### **3.7 Deadlines and Overtime**

- (a) Personnel should notify their supervisor if their deadlines overlap potentially impacting on their ability to complete their work by the deadline.
- (b) Staff need to obtain approval from their line manager before working overtime.
- (c) Overtime is not to be worked if the health and wellbeing of the employee is likely to be compromised.

### **3.8 Attendance and Workhours**

- (a) Personnel are expected to be punctual and in a fit state to carry out their duties during workhours.
- (b) Core working hours for administrative and managerial staff are generally 08.30 to 17.00 hours Monday to Friday. These are set to facilitate attendance at team meetings and business appointments.
- (c) Personnel are expected to return to work on time from lunch or other designated breaks during scheduled working hours.
- (d) Unauthorised absence from work will not be permissible if the employee has failed to comply with the relevant leave policy. Employees who are absent from work for a period greater than 72 hours without informing their manager or supervisor may be considered to have abandoned their employment.

### **3.9 Dress Code**

- (a) The personnel of the Gandangara Group are ambassadors for the company and so they are expected to maintain good standards of dress and grooming at all times to maintain the image of the Group.
- (b) Personnel should be clean and neat during working hours.
- (c) Administrative and Managerial Staff need to wear attire that is:
  - (i) Professional in appearance and in good condition
  - (ii) Safe and appropriate to the duties being performed
  - (iii) GLALC branded clothing and accessories may be worn to work
  - (iv) Special days may occur to include personnel choosing to wear smart casual clothing on “casual” Fridays.
  - (v) Personnel should have well-groomed hair, discreet makeup and should not wear excessive body jewellery
- (d) Personnel and visitors to some designated areas, e.g. Transport, must wear safety clothing or approved uniforms which are provided by the Gandangara Group.

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- (e) Staff who are not suitably attired as described above may be asked to go home to change.

### **3.10 Disputes, Complaints, Grievances**

- (a) There are a range of situations that may result in conflict between management, personnel or service users, or any combination thereof. These may include but are not limited to:
  - (i) Complaints about the level or quality of service from the organisation to service users (Complaints).
  - (ii) Complaints about staff members to the organisation (Complaints).
  - (iii) Complaints for how personnel are treated by management (Grievance).
  - (iv) Complaints by management about the behaviour, attitude or performance of personnel (Grievance).
  - (v) Disputes between co-workers e.g. on how a task should be carried out (Dispute).
  - (vi) Disputes between managers and workers e.g. on how a task should be carried out (Dispute).
- (b) 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.
- (c) The freedom to express an opinion that is different from those of colleagues is fundamental to the ability to perform collaborative work such as that undertaken at the Gandangara Group. Differences of opinion should always be expressed calmly, rationally and with respect to the point of view of others.
- (d) Any differences of opinion that result in conflict should in the first instance be resolved between the individuals involved.
- (e) Where conflicts cannot be resolved by the individuals, resolution should be obtained by following the guidelines specified in the *Conflict Resolution Procedure* [\(Link\)](#).
- (f) Complaints by Service users towards the Gandangara Group or specific staff at the Gandangara Group may be lodged as described by the *Feedback Procedure* [\(Link\)](#).

### **3.11 Communication**

- (a) Personnel must use language that is congenial and respectful.
- (b) Personnel must not use language that may reasonably be called discriminatory, abusive, threatening, violent, bullying, aggressive or intimidating. Swearing or the use of racial, sexual, discriminatory or gender-based slurs should be avoided.
- (c) The Gandangara Group uses electronic communication as an official, legal method of communication with Personnel. This includes email as well as notes written in Teams and communication via SharePoint.

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- (d) All staff will be provided with a GLALC email account.
- (e) Email communication should be kept to a minimum and be as short and concise as possible.
- (f) Email communication should be polite and informative.
- (g) Staff members are expected to check their email account daily.
- (h) Widespread distribution of Personal notices should not be sent by work email.
- (i) Personnel and managers are encouraged to communicate with each other verbally and in person whenever possible. This establishes a personal connection between personnel which should be encouraged.
- (j) When answering the telephone staff should be pleasant and courteous. Staff should answer with a greeting, followed by their name and the department/entity in which they work. See the *Customer Engagement Procedure* [\(link\)](#) for more detail around how telephone calls with customers should be carried out for each respective service.
- (k) Only the CEO or Chairperson, or someone they authorise can respond to or instigate communication with the Media or make a post to social media on behalf of the Organisation, about the Organisation or about any Personnel at the Organisation.
- (l) See Customer Experience Policy and Customer Engagement Procedure [\(Links\)](#) for details about how responses to customer enquiries on social media need to be carried out.

### **3.12 Workplace Relationships**

- (a) Personnel are expected to manage their personal relationships in a way that does not adversely affect the smooth running or good name of the Organisation.
- (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](#).
- (c) Where personal relationships result in an improper power dynamic eg 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.

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### 3.13 Personal Dealings with GLALC

- (a) It is possible that personnel 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.

### 3.14 Conflicts of Interest

- (a) The Gandangara Group acknowledges that personnel may have commitments outside of the Group.
- (b) All Personnel are expected to declare any external commitment that may reasonably be perceived to result in a conflict of interest as described in the [Conflict of Interest Policy](#), including existing or previous personal relationships.
- (c) All staff 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.
- (d) All staff must comply with any approved plan for managing conflict of interest that may be applied to them by the Gandangara Group.
- (e) All staff must comply strictly with their duties of disclosure in relation to pecuniary interests set out in Part 10 Division 3 Subdivision 2 "Duty to disclose pecuniary interests" of ALRA. If staff have a pecuniary interest in a matter relating to their duties they must immediately declare that interest to their manager.
- (f) In addition:
  - (i) The Chief Executive Officer, must disclose, in writing to the Board, the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable.
  - (ii) Personnel, other than the Chief Executive Officer, must disclose, in writing to the Chief Executive Officer, the nature of any pecuniary interest they have in any matter they are dealing with as soon as practicable
- (g) Non-Pecuniary interests must also be disclosed as though they were pecuniary interests.
- (h) 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

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- (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 your participation in decision making about the matter.

### **3.15 Intellectual Property**

- (a) The Intellectual property of all work, notes, ideas, plans, designs, images, audio-visual recordings, teaching materials, assessment materials, documents of any sort, research performed, products, services, processes and inventions when created as a result of performing the duties of the Gandangara Group, or while carrying out the duties of the Gandangara Group, reside entirely with the Gandangara Group.

### **3.16 Outside Employment**

- (a) Personnel working for the Gandangara Group may also be employed, paid or unpaid, elsewhere.
- (b) Staff who are employed outside of the Gandangara Group 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) Perform external work during their work hours for the Gandangara Group.
  - (iv) Discredit or disadvantage the Gandangara Group.
  - (v) Use their knowledge of the Gandangara Group, its processes and operations to assist a competing organisation to gain an advantage over the Group.
- (c) Personnel considering outside employment or contract work that relates to the business of GLALC, or that might conflict with their duties to GLALC, must notify and seek the approval of the Chief Executive Officer in writing. The Chief Executive Officer, must notify and seek the written approval of the Board.

### **3.17 Gifts and Benefits**

- (a) Personnel 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:

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- (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) Personnel may not solicit gifts or benefits from anyone while performing their duties for the Gandangara Group.
- (d) Personnel may not 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.
- (e) Personnel 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 between Personnel and the giver.
  - (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.
- (f) Any gift or benefit offered to personnel, which is over the value of \$50, or is likely to create a sense of obligation, real or perceived, must be immediately declared to management by submitting the Declaration of External Interests Form [\(Link\)](#).
- (g) 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.
- (h) Any gift or benefit that is offered with the expectation of being provided special or inappropriate treatment must be refused and immediately reported to Management using the Declaration of External Interests Form [\(Link\)](#).
- (i) Declarations of Gifts or Benefits will be recorded in the *Gifts and Benefits Register* ([Gifts and Donations Register](#))

### 3.18 Maintaining Security

All Personnel 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](#).
- (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](#).

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- (c) Take all reasonable precautions to prevent unauthorised access to any facility owned and run by the Gandangara Group.
- (d) Use Gandangara Group IT infrastructure in accordance with the *IT Policy* [\(Link\)](#).
- (e) Any keys, swipe cards, proximity/RFID cards or other devices allowing access to Organisational facilities can only be used by the person to whom the device was issued.

### **3.19 Use of Gandangara Group Resources**

Personnel must ensure that:

- (a) Gandangara Group Resources are used only for carrying out the business of the Gandangara Group 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* [\(Link\)](#).

Personnel are reminded that:

- (d) All electronic communications including personal emails sent using Gandangara Group IT infrastructure remain the property of the Gandangara Group and may be accessed by the Group as described in the *IT Policy* [\(link\)](#) 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 Gandangara Group. Staff personal transactions should be executed only using personal resources as described in the *IT Policy* [\(link\)](#).

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.

### **3.20 Use of information generally**

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

Confidential information:

- (c) Personnel must take special care with confidential information. This includes:
  - (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 individual knows or ought to know is confidential.
- (d) Personnel must:
  - (i) protect confidential information, and
  - (ii) not release or disclose confidential information unless they are authorised to do so.

### **3.21 Reporting Wrongdoing**

- (e) No Gandangara Group Policy replaces any Australian Law.
- (f) Nothing in this Code of Conduct, including clause 3.18 Maintaining Security, is intended to discourage or hinder any LALC official or member from making a public interest disclosure under the Public Interest Disclosures Act 2022 (NSW) (PID Act).
- (g) No Personnel are permitted to carry out any activity which contravenes either the Gandangara Group Policies or Australian Law.
- (h) All Personnel must report any wrongdoing according to the [Whistleblower Policy](#) and the *Reporting, Wrongdoing Procedure*. (Links)
- (i) The Gandangara Group stands behind individuals who report wrongdoing within the Group and makes the commitment that no disadvantage will be experienced by any Personnel who report wrongdoing.
- (j) 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 Organisation
  - (ii) Chairperson of the Board
  - (iii) CEO of the NSW Aboriginal Land Council

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- (iv) NSW Ombudsman (Aboriginal Inclusion Unit NSW Ombudsman: [au@ombo.nsw.gov.au](mailto: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](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
- (k) 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. See [Whistleblower Policy](#) and the *Reporting Wrongdoing Procedure* (Links).

### 3.22 Prevention of Bullying and discrimination

- (a) Personnel must not engage in the following activities towards any other individual both within the Gandangara Group nor in the general public:
  - (i) Bullying
  - (ii) Harassment
  - (iii) Intimidating
  - (iv) Physically or emotionally threatening behaviour
  - (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 or discrimination of any kind is not acceptable behaviour in any associate of the Gandangara Group and is grounds for termination.
- (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.

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- (ii) Unwanted sexual propositions or advances or demands for sexual favours.
  - (iii) Sending sexually explicit emails, text messages or mail.
  - (iv) Indecent exposure.
  - (v) Suggestive comments about a person's appearance or body.
  - (vi) Lewd or suggestive comments or jokes.
  - (vii) Humiliating anyone through comments, jokes, sarcasm, criticism, or insults.
  - (viii) Criticism in front of co-workers.
  - (ix) Talking about an individual or the quality of their work when that individual is not present.
  - (x) Putting someone down or ridiculing them.
  - (xi) Maliciously excluding a person from workplace activities.
  - (xii) Displaying or allowing to be displayed lewd or offensive images.
  - (xiii) Asking intrusive questions about someone's personal life including their sex life.
  - (xiv) Putting pressure on an individual to behave in an inappropriate or unwanted manner.
  - (xv) Refusing to work with someone because of their gender, race, sexuality, disability, cultural background, religion, marital status, age, union affiliation, political conviction or family responsibilities.
  - (xvi) Excluding or isolating someone because of their gender, race, sexuality, disability, cultural background, religion, marital status, age, union affiliation, political conviction or family responsibilities.
  - (xvii) Withholding information that someone needs to do their job because of their gender, race, sexuality, disability, cultural background, religion, marital status, age, union affiliation, political conviction or family responsibilities.
  - (xviii) Threats to harm or punish someone.
  - (xix) Excluding someone from work interactions or opportunities.
  - (xx) Raising your voice in a threatening manner.
  - (xxi) Engaging in passive-aggressive behaviour that insinuates negative characteristics or intentions about another person, particularly in the presence of other team members.
- (f) Personnel are encouraged to be self-reflective regarding their behaviours and language and 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".
- (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.

### 3.23 Work Health and Safety

- (a) All Personnel have the right to expect the Gandangara Group to provide a workplace that is safe, supportive, and fit for purpose.

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- (b) All Personnel have the right to refuse to perform a task that they deem to be unsafe.
- (c) 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* ([links](#)).
- (d) 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.
- (e) All Personnel are expected to comply with the *Work Health and Safety Policy and Mental Health in the Workplace Policy* ([links](#)), all Organisational Work Health and Safety Procedures ([links](#)) and all Work Health and Safety Laws.
- (f) 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* ([links](#)).
- (g) The Gandangara Group commits to providing a smoke free work environment. No smoking is permitted on any Gandangara Group work site.

### **3.24 Improvements to Code of Conduct**

- (a) All personnel are encouraged to submit suggestions for improvement for this Code of Conduct to their line manager who will submit the suggestion as part of the Continuous Quality Improvement program ([Link](#)).

### **3.25 Breach of this Code of Conduct**

- (a) If a person considers that an employee has breached this Code of Conduct, in the first instance the person should attempt to address the matter respectfully to the person breaking the code.
- (b) If a person considers that an employee has breached this Code of Conduct, and they were unable to resolve the matter with the individual concerned, the person should make a report to their line manager. If the report of the breach is against the line manager then the report should be to the division manager or an independent manager in a different part of the Gandangara Group.
- (c) The Manager receiving the report will then investigate the matter. If there is sufficient reason to suspect a genuine breach of the code, the Manager will attempt to resolve the issue informally.
- (d) Personnel who repeatedly breach this Code of Conduct will be subject to disciplinary measures in accordance with:
  - (i) The severity of the breach

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- (ii) The potential harm such breaches pose to other individuals associated with the Gandangara Group
  - (iii) The potential harm such breaches pose to the good standing and reputation of the Gandangara Group or the NSW Aboriginal Land Council
  - (iv) The requirements of Australian Law.
- (e) The Manager should explain the concerns of the breach of the Code and provide the employee in breach the opportunity to explain their actions. Strategies may then be developed in order to alter behaviour or improve performance to prevent future breaches.
- (f) The Manager should make notes of the discussion and provide a copy to the employee in breach of the Code.
- (g) If the matter cannot be resolved or if in the opinion of the Manager the matter is sufficiently serious that a disciplinary process may be necessary the Manager will report the issue to the CEO in writing.
- (h) The managers, or anyone else the CEO delegates the task to, may then take the following steps at the discretion of the CEO:
  - (i) Continued informal discussions
  - (ii) Staff Training and development of the staff member in breach of the code
  - (iii) Investigation of the matter by external investigators
  - (iv) Internal disciplinary process.
- (i) If the CEO is satisfied that a breach has occurred and that it cannot be rectified by informal discussions, the CEO may implement one or more of the following measures:
  - (i) A verbal warning
  - (ii) A written warning
  - (iii) Performance management
  - (iv) Demotion
  - (v) Mandatory counselling or training
  - (vi) Restriction of duties
  - (vii) Reassigned duties
  - (viii) Restriction of workplace accesses
  - (ix) Reduction in access to resources
  - (x) Restriction of authorisations
  - (xi) Suspension of duties
  - (xii) Mandatory reporting to other legal authorities
  - (xiii) Recovering losses resulting from negligence
  - (xiv) Termination of employment or other association with the Gandangara Group
- (j) In response to a suspected breach of this Code the CEO or his/her delegate are not required to follow any particular steps in this Code. The CEO or delegate may

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proceed to any measure available to them as they deem appropriate to the circumstances.

- (k) If the staff member in breach does not change their behaviour and continues to breach the policy, a formal warning process should be commenced following the second breach of the Code.
- (l) The Registrar of ALRA also has the power under section 196 of ALRA to take disciplinary action against an employee in instances of misconduct.

### **3.26 Roles and Responsibilities**

(a) 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

(b) 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)
- (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

(c) 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.

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## **4. Related Documents**

- 4.1 Declaration of External Interests Form
- 4.2 *Gifts and Benefits Register*
- 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), 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.

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- 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 [Public Interest Disclosures Act 2022 No 14](#)
- 7.6 [Corporations Act 2001 \(Corporations Act\)](#) – Whistleblower protection

## **8. Revision History**

|                         |  |
|-------------------------|--|
| <b>Status</b>           | Approved by GLALC Board  |
| <b>Effect Date</b>      | 11 April 2022  |
| <b>Review Date</b>      | 15 April 2025  |
| <b>Revision History</b> |  |
| 15/4/2024               | Reviewed by Board at the 15/4/2024 EBM (Finance)   |
| 4/6/2024                | Code of Conduct – Staff 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 16  |
| 19/6/2024               | Approved by Members at 19/6/2024 OMM Resolution XX   |
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|                         |  |
|                         |  |

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**Employee Declaration**

I have read this document and understand my role and responsibilities as an employee of Gandangara Local Aboriginal Land Council (GLALC) and Controlled Entities

Employee Name: \_\_\_\_\_

Position: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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