



CENTRAL LAND COUNCIL

Code of Conduct for Council Members

Updated October 2023

Introduction

As members of the Central Land Council (CLC) we have responsibilities to the Council, our fellow members and to our region. The CLC Code of Conduct has been developed and agreed to by members as our rules for how CLC members are expected to behave.

It also includes the important obligations that we members have as officials under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). Both members and staff are called 'officials' in the PGPA Act and so the general duties in the PGPA Act apply to everyone in the CLC.

Council members have a responsibility to make decisions that are in the best interests of Aboriginal people in our region and to keep the Central Land Council strong.

Duties under the PGPA Act

Duty of care and diligence (s.25 PGPA Act)

Members must represent their region and constituents to the best of their ability and make careful decisions.

Acting honestly and with integrity (s.26 PGPA Act)

All members are expected to act honestly and with integrity. This means acting in good faith, making fair decisions and being open and accountable for decisions made.

Acting with integrity also means that all members agree to use their powers in a responsible and proper way.

Proper use of the position (s.27 PGPA Act)

Members must not improperly use their position or seek to gain a benefit from their decisions in Council.

Members must act in the best interests of the Land Council and not seek to cause harm to the CLC or to any person.

Keeping information confidential (s28 PGPA Act)

Members may during meetings, or at other times during Land Council business, be told information is confidential. Confidential information is secret information that cannot be told to anyone other than members.

Members must not use information they get from being a Land Council member for their own benefit or for the benefit of another person. They also cannot use that information to cause harm to the Land Council or to any other person.

Apart from the official minute taker no one else is permitted to record by electronic device, broadcast or transmit the proceedings of a Council meeting without the explicit permission of the Chair and the consent of the Council members present being first obtained and noted in the minutes.

Declaring a conflict of interest (s.29 PGPA Act)

A conflict of interest is where an official uses their position in Land Council to benefit themselves or their relations.

A conflict of interest can also happen if Land Council is making a decision that directly benefits you, your friends, or your family.

Many Council members wear a number of different hats because they sit on different boards or councils. So there could be a conflict of interest because of the different jobs we have - if we wear many different hats we must make sure that at a CLC meeting we speak and make decisions in our role as a Council member.

It is important to speak up about any possible conflicts of interest. If there is a conflict with other interests and a matter being considered by Council a member should:

- Declare the possible conflict of interest to the meeting as soon as a relevant agenda item is commenced, and before discussion takes place;
- Absent themselves from the meeting while discussion takes place, if requested by the Chair;
- Not participate in voting on the relevant matter;
- Council may permit (by resolution) a member with a conflict participating in discussion, but not voting, on the matter.

A member does not have to disclose a conflict of interest if the decision relates to land over which the member is a traditional owner or has traditional rights to enter, use or occupy that land. This is not deemed to be a conflict of interest that can result in personal benefit.

Using CLC resources

The resources of CLC, including motor cars, can only be used for CLC business. Council members are not authorised to drive CLC vehicles unless it is under exceptional circumstances.

Attendance

Council members are expected to attend all meetings of the Council. If a member cannot come to a Council meeting they may send a proxy and the rules about proxies are set out in the 'Council Rules for Meetings' (2015).

Acceptable standards of behaviour

No Alcohol or illicit drugs are to be carried or consumed in CLC vehicles or during meetings, and no alcohol or illicit drug is to be brought to the meeting place.

Council members must not come to meetings if they are affected by alcohol or illicit drugs. If anyone is drunk or affected by illicit drugs at meetings they will be asked to leave and must do so without disrupting the meeting. They will also be told that they cannot speak to the meeting.

Visitors must not attend Council meetings if they are affected by alcohol or drugs. Visitors who do so will be asked to leave.

Council members are expected to be courteous and respectful in their dealings with CLC staff, each other and any family members or other people who are attending a meeting.

Council Members do not have the right or authority to make personal demands on CLC staff or to request the private phone numbers or addresses of any CLC employee. CLC employees would be in breach of Privacy laws if they provided this information to anyone.

Leadership

All Council members should show leadership. Being a good leader means being someone who listens and who is a good communicator, caring for the community and people, speaking up for your community and letting people know what Land Council is doing.

Failure to comply with the Code of Conduct

This Code of Conduct is important. Breaking the Code of Conduct is called a breach.

Breaches of the Code of Conduct would involve:

- Unacceptable behaviour at meetings
- Abusive behaviour or harassment of Guests, CLC staff or other delegates
- Bringing alcohol or illicit drugs to a meeting
- Being intoxicated at a meeting
- Unsatisfactory performance of duties
- Failure to disclose a conflict of interest

If as a Council member you have breached the Code of Conduct then disciplinary action can be taken against you. This may include:

- Non-payment of sitting fees
- Suspension or termination from being a Council or Executive member
- Being disqualified from re-election for a period of time
- Being permanently disqualified from re-election

With less serious offences members may be given a warning before action is taken.

Breaches that occur during a meeting should be dealt with at the meeting by the relevant Executive member from the region in consultation with the Chair and Deputy Chair.

More serious or repeated breaches will be dealt with by Executive who are authorised to take any of the disciplinary actions listed above, including disqualifying a member.