



## Code of Conduct for Council Members

Revised April 2025

### **A. Introduction**

1. This Code of Conduct is a set of rules, made by the full Council, for how Council members must behave. It also includes the important obligations that you as a member have as an official under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).
2. By keeping to this Code of Conduct, you can help ensure the CLC is run well and can achieve its goals. This will help give Council members, other Aboriginal people in the CLC region and the public confidence in the CLC.
3. As a Council member, you must uphold this Code and help monitor it. If necessary, the Council can take action to enforce this Code. Some of the actions Council could take are listed at the end of this Code. Some breaches may be best dealt with by discussion in an informal meeting or mediation. For other breaches, the Council may consider investigation and disciplinary action is necessary. In some cases, you can be dismissed as a member if you breach this Code.

### **B. General duties and standards**

#### **B.1 Conduct generally**

4. You must always conduct yourself:
  - (a) in the best interests of the CLC, its members and the community it serves;
  - (b) in compliance with the *Aboriginal Land Rights (Northern Territory) Act 1976* (Land Rights Act), the PGPA Act, and the law generally, and with the CLC's rules and policies;
  - (c) honestly and ethically; and
  - (d) in a way that upholds the CLC's values and guiding principles.
5. The CLC's guiding principles include:
  - (a) respect for people and traditional owners;
  - (b) respect for country;
  - (c) respect for culture and Aboriginal law;
  - (d) achieving justice and equality;
  - (e) respecting Australian law.
6. You must not do things which may harm the CLC, its Council members or the community it serves. You must not do things that cause the CLC to breach its duties, including duties to other members, traditional owners, staff or visitors. Council members are expected to uphold the spirit as well as the word of this Code.



## **B.2 Care and attention**

7. You must always perform your duties with reasonable care and attention, for the CLC's benefit.
8. You must represent your region and your constituents to the best of your ability and make careful decisions.
9. You must tell the Chair if there is some problem or reason why you cannot carry out your duties as a member or some problem or reason why you cannot comply with this Code.

## **B.3 Honesty, good faith and proper purpose**

10. You must always act honestly and with integrity.
11. You must always act and make decisions:
  - (a) in good faith; and
  - (b) for a proper purpose.

## **B.4 Fairness and impartiality**

12. You must always act fairly and impartially. You must not give people special treatment or act with bias.
13. This especially applies to decisions concerning benefits or services for CLC members and other Aboriginal people in the CLC's area.

## **B.5 Respect for others**

14. You must always act with respect for others.
15. Your interactions with others – including other Council members, traditional owners, staff, and community members – must always be respectful, civil and professional.

## **B.6 Integrity**

16. You must never allow any private or outside interest to influence your decision making in a way which is improper. A private or outside interest could include a corporation you're an employee, member or director of, or a family member.
17. You must not improperly use your office to gain a personal advantage or benefit for yourself or another person or organisation, or to cause harm to the CLC.
18. You must not improperly use information that you have access to because of your office to improperly gain a personal advantage or benefit for yourself or another person or organisation, or to cause harm to the CLC.
19. You must not seek to influence other Council members or staff to gain a personal advantage or benefit for yourself or another person or organisation, or to cause harm to the CLC.



## C. Conflicts of interest, duties of disclosure and personal benefit

### C.1 Avoiding and managing conflicts of interest

20. A conflict of interest can happen when your duty, roles and responsibilities as a Council member conflict with your interests. A conflict can happen where what's best for you or your family goes against what is in the best interests of the CLC.
21. You must declare any material personal interests you have that may relate to the affairs of the CLC. You must declare the material personal interest as soon as you become aware of it.
22. Some examples of material personal interests include:
  - (a) You work at an organisation which applies to the CLC for a consultancy, grant or land use agreement;
  - (b) You're a member or director of an organisation that provides goods or services to the CLC;
  - (c) Your family member wants to do some work for CLC as a contractor.
23. A material personal interest does not include being a traditional Aboriginal owner in relation to land, or having traditional rights to enter, occupy or use land.
24. It is okay to have a material personal interest as long as you declare it and don't let it conflict with your role as a Council member. Many Council members wear many hats because they work for or sit on different boards, councils or organisations.
25. You will be asked to fill out a written declaration once every Council term, and maybe more regularly. You must fill out the written declaration when asked.
26. If you are at a CLC meeting, you must speak up about any conflicts of interest. You must tell the meeting about your conflict before a matter related to your conflict is discussed. You must leave the meeting while the matter is discussed. Council may pass a resolution to allow you to participate in the discussion, but if you have a conflict of interest, you must not vote on the matter.
27. You must not be present while the Council is considering whether you can participate in the discussion of the matter.
28. You must take reasonable steps to avoid both perceived and real conflicts of interest. A perceived conflict is when it appears to others that your private interests could impact your performance of your duties as a Council member. A real conflict is when your private interest does impact the performance of your duties.

### C.2 Gifts and benefits

29. You must not:
  - (a) seek or accept a bribe;
  - (b) seek gifts or benefits of any kind in connection with the performance of your duties as a Council member; or



- (c) accept any gift or benefit that may create a sense of obligation or influence you in carrying out your duties.
- 30. If you receive a gift or benefit valued at over \$200 that could be seen to influence you in performing your duties as a Council member, you should declare it to the Chair and CEO and record it on a your conflicts of interest declaration. You may be asked to hand over the gift or benefit to the CLC or return it.

### **C.3 Personal dealings with the CLC**

- 31. You might have reason to deal with the CLC in your personal capacity. You must not expect or request special treatment in relation to any matter because you are a Council member.
- 32. You must avoid any action that could lead people to believe that you are seeking or receiving special treatment.

## **D. Other specific duties and standards**

### **D.1 Grievances**

- 33. There are proper ways to raise and deal with any concerns or grievances you might have about Council members or staff. You must follow those proper ways. You must talk to the Chair or CEO first and try to resolve the concerns or grievances that way.
- 34. You must not make personal attacks on Council members or staff, or otherwise act in an offensive or inflammatory way towards Council members or staff. This applies to direct interactions, CLC meetings, community and public forums, and also to online and social media and other ways of communicating, including email, Facebook, X and Instagram.

### **D.2 Harassment and discrimination**

- 35. You must not harass, discriminate against others, or encourage or support others who harass and discriminate against others.
- 36. In this Code, “harassment” means any form of behaviour towards a person that:
  - (a) is not wanted by the person;
  - (b) offends, humiliates or intimidates the person; and
  - (c) creates a hostile environment.

### **D.3 Bullying**

- 37. You must not engage in bullying behaviour towards other people, including other members, traditional owners, staff, consultants and visitors.
- 38. In this Code, “bullying behaviour” means any verbal, physical or social behaviour:
  - (a) in which a person or group of people repeatedly acts in an intimidating or hurtful way towards another person or group of persons; and
  - (b) which causes physical, social or psychological harm.



## **D.4 Attendance at meetings**

39. You are expected to attend all meetings of the full Council and committees you are a member of.
40. You must make a reasonable effort to properly prepare for, attend, and participate in full Council and committee meetings.
41. If you cannot come to a meeting, you may send a proxy. The rules about proxies are set out in the Meeting Rules.
42. You must not bring alcohol or illicit drugs into, or consume alcohol or illicit drugs in, CLC vehicles or during meetings.
43. You must not come to a CLC meeting if you are affected by alcohol or illicit drugs. If you are drunk or affected by illicit drugs, you will be asked to leave and you must leave without disrupting the meeting.
44. If you do not attend three consecutive meetings without either prior approval of the Chair or a proxy attending in your place, you will be asked to resign. You must then resign within 14 days.

## **D.5 Meeting behaviour**

45. Meetings and collective decision-making have an important place under the Land Rights Act and in the life of the CLC. It is essential for the proper governance of the CLC that its meetings are inclusive, participatory, orderly and effective forums for issues to be discussed, opinions to be voiced and decisions to be made.
46. At all meetings, you must:
  - (a) respect and follow the directions of the Council member chairing the meeting;
  - (b) only address the meeting through the Chair;
  - (c) speak in your turn, as permitted by the meeting Chair, and not over the top of other people;
  - (d) listen to what others are saying; and
  - (e) address others and their points of view respectfully.
47. At all meetings, you must not:
  - (a) be argumentative, inflammatory or abusive;
  - (b) be disruptive or disorderly;
  - (c) assault or threaten to assault another person present at the meeting;
  - (d) insult or make personal comments about a Council member or staff member; or
  - (e) act in a manner that is likely to harm CLC's reputation.
48. You must not make an unauthorised recording of any kind of a meeting. Apart from the official minute taker, no one else is permitted to record the proceedings of any meeting without the prior consent of all Council members present.



## **E. Information and resources**

### **E.1 Information**

49. Many agenda items discussed at CLC meetings are sensitive or commercial-in-confidence and must not be discussed outside the meetings, even with family members.
50. You must take care not to misuse information that you have because you are a Council member.
51. You must only access and use CLC information as needed to perform your duties. You must not use CLC information for your own purposes.
52. You must not destroy, alter or dispose of CLC information or records unless authorised to do so.
53. You must take special care with confidential information. For example, legal advice and financial records are confidential. You must not release or disclose confidential information unless you are authorised to do so.
54. You must also take special care with any personal information of others that you have access to because you are a Council member. Personal information could include an address or phone number. You must assume such personal information is protected by law and you should not release or disclose personal information unless you are authorised to do so.
55. You 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.

### **E.2 Public comments**

56. The Council and Executive can speak for themselves by passing resolutions to issue media releases.
57. The Chair and the CEO are the CLC's only official spokespersons.
  - (a) The Chair typically talks on behalf of Council about policy matters and the Chair's comments must reflect Council's views and the CLC's guiding principles.
  - (b) In accordance with the CEO's delegation from Council, the CEO typically talks about operational matters and, if required, policy and political matters.
58. The Chair and CEO may approve others to speak for the CLC from time to time on particular subjects. The Chair can nominate another Executive or Council member and the CEO can nominate another staff member to act as a spokesperson.
59. Anyone talking on behalf of the CLC must be truthful in what they say and check their facts are correct.
60. You may talk publicly about issues affecting your region or community, but you must not talk publicly about the CLC's affairs unless you have approval from the Council, Executive, Chair or CEO.



61. Unless you have been authorised by the full Council or Executive or Chair or CEO, you must not make any public statement, including to any newspaper, radio or TV station, or online or in social media including Facebook, X and Instagram:
  - (a) on behalf of the CLC, or that others may reasonably understand is made on behalf of the CLC;
  - (b) about the CLC or its affairs; or
  - (c) about Council members or staff.
62. You especially must not make any public statement about the CLC or its affairs or about Council members or staff:
  - (a) that you intend will, or that is likely to, damage or harm the CLC's interests; or
  - (b) that you intend will, or that is likely to, lower the reputation of the CLC.

### **E.3 Resources**

63. The CLC's resources including its property, cars, name and logo can only be used for CLC business. You must not use them for private purposes.
64. You are not authorised to drive CLC cars unless under exceptional circumstances.
65. You must avoid any action or situation that could make people think that the CLC's resources are being improperly used for your benefit or the benefit of any other person or body.
66. When staying in accommodation supplied or paid for by the CLC, you must behave respectfully, leave the room/area clean, tidy and in good condition, and not do anything that would cause the CLC to be banned from staying at that accommodation in the future.

### **F. Disciplinary action**

67. If you breach one or more provisions of this Code, the Executive Council might investigate and might take action against you. The action might be one or more of:
  - (a) counselling or issuing a warning or reprimand to the member;
  - (b) non-payment of sitting fees;
  - (c) directing you to appoint a proxy to attend meetings on your behalf;
  - (d) referring your behaviour to the community or recognised entity that nominated you so that community / entity can consider whether your behaviour is acceptable to them;
  - (e) suspending or dismissing you as a Council member;
  - (f) another action that Executive thinks is appropriate in all the circumstances.
68. If Executive is considering whether you breached the Code, both you and Executive must act in good faith and cooperate to try to resolve the matter.
69. If Executive is considering taking action against you that could involve non-payment of sitting fees, referring your conduct to your community/recognised entity, directing you to appoint a proxy or suspending or dismissing you as a Council member, then Executive must:



- (a) give you 7 days' notice of their intention to consider your conduct, including by giving you full particulars of the alleged breach(es);
  - (b) give you an opportunity to make a submission about the alleged breach(es);
  - (c) consider all of the circumstances, including but not limited to the seriousness of the conduct, whether there is a history of the member not complying with rules, the impact that has on other members, traditional owners and staff, and the operations and reputation of the Land Council as a whole.
- 70. If Executive thinks that it would be better for full Council to make decisions about your behaviour, then Executive can refer the matter to full Council.
- 71. If you want to dispute a decision of the Executive, you can ask the full Council to review the matter. When the full Council reviews the matter, the full Council:
  - (a) must give you 14 days' notice of the meeting of the full Council at which it will be considered;
  - (b) must give you an opportunity to make a submission to the meeting of the full Council about facts, alleged breaches and decision made by Executive;
  - (c) must consider all of the circumstances, including but not limited to the seriousness of the conduct, whether there is a history of the member not complying with rules, the impact that has on other members, traditional owners and staff, and the operations and reputation of the Land Council as a whole;
  - (d) may either:
    - (i) agree with Executive's decision; or
    - (ii) undo Executive's decision and make a new decision of the kind written in paragraph 63; or
    - (iii) undo Executive's decision and take no action.