

# **Awabakal Local Aboriginal Land Council's plan of action in response to recommendations made in *Investigation into dealings involving Awabakal Local Aboriginal Land Council land***

## **PART A: Awabakal Local Aboriginal Land Council's response to corruption prevention recommendations**

Firstly please indicate the response to be taken for each recommendation made.

### **Recommendation 1**

That the Awabakal Local Aboriginal Land Council (ALALC) include the following provisions about board meetings in its Model Rules:

- The ALALC provide reasonable notice for all board meetings. This requires at least seven (7) days clear notice to all board members in the method approved by the board.
- If the board wishes to call an extraordinary meeting at shorter notice, a two thirds majority of board members must agree to the proposed date and time for the meeting, and the ALALC must maintain a record of how and when it contacted, or attempted to contact, board members.

Please indicate the response the public authority will take in its plan of action:

- Implement the recommendation as described in the report
- Implement the intent of the recommendation in an alternative way
- Partially implement the recommendation
- Not implement the recommendation

If the action the ALALC intends is other than "implement the recommendation as described in the report", please state the proposed action to be undertaken in the space provided below.

Please explain why the above action is action is proposed rather than the ICAC's published recommendation.

#### Recommendation 4

That the ALALC devise an outline of the skill mix required of board members, including an ability to understand financial reports and contracts

Please indicate the response the public authority will take in its plan of action:

- Implement the recommendation as described in the report
- Implement the intent of the recommendation in an alternative way
- Partially implement the recommendation
- Not implement the recommendation

If the action the ALALC intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

All Board members will be provided with training to improve their skillsets in regards to Governance, and legal and financial competency

Please explain why the above action is action is proposed rather than the ICAC’s published recommendation.

Under the Aboriginal Land Rights Act 1983, Local Aboriginal Land Councils are unable to set in place a required skill mix for Board Members.

#### Recommendation 5

That persons interested in standing, or intending to stand, for a position on the board of the ALALC be required to attend an information meeting prior to board elections where:

- a. roles, legal duties and responsibilities of a board member are explained at the information meeting
- b. examples of matters that can arise, and the legislation, policies and procedures board members must follow when determining a course of action, are discussed.

Please indicate the response the public authority will take in its plan of action:

- Implement the recommendation as described in the report
- Implement the intent of the recommendation in an alternative way
- Partially implement the recommendation
- Not implement the recommendation

If the action the ALALC intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

Please explain why the above action is action is proposed rather than the ICAC’s published recommendation.

**Recommendation 6**

That the ALALC prepares a checklist of legal duties and responsibilities which can guide board members during meetings. The checklist can be sourced from the ALR Act, the Regulation, the Mandatory Governance Training manuals, and ALALC internal policies and procedures.

Please indicate the response the public authority will take in its plan of action:

- Implement the recommendation as described in the report
- Implement the intent of the recommendation in an alternative way
- Partially implement the recommendation
- Not implement the recommendation

If the action the ALALC intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

Please explain why the above action is action is proposed rather than the ICAC’s published recommendation.

**Recommendation 7**

That the ALALC implement an electronic document and records management system with version and permission controls, allowing it to manage and monitor the creation, alteration and deletion of records.

Please indicate the response the public authority will take in its plan of action:

- Implement the recommendation as described in the report
- Implement the intent of the recommendation in an alternative way
- Partially implement the recommendation
- Not implement the recommendation

If the action the ALALC intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

Please explain why the above action is action is proposed rather than the ICAC’s published recommendation.

### **Recommendation 8**

That the typed minutes of ALALC meetings:

- accurately reflect the discussions held, including board members’ views for or against proposals and motions
- are saved to the electronic document and records management system.

Please indicate the response the public authority will take in its plan of action:

- Implement the recommendation as described in the report
- Implement the intent of the recommendation in an alternative way
- Partially implement the recommendation
- Not implement the recommendation

If the action the ALALC intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

Please explain why the above action is action is proposed rather than the ICAC’s published recommendation.

### **Recommendation 9**

That the ALALC audio-record all board meetings and save the recordings into its electronic document and records management system.

Please indicate the response the public authority will take in its plan of action:

- Implement the recommendation as described in the report
- Implement the intent of the recommendation in an alternative way
- Partially implement the recommendation
- Not implement the recommendation

If the action the ALALC intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

Please explain why the above action is action is proposed rather than the ICAC’s published recommendation.

**Recommendation 10**

That ALALC keep a Register of Contracts for all transactions, including commercial, rental and employment contracts, and the engagement of consultants. This Register should:

- be saved into ALALC’s electronic records management system
- have version and permission controls to enable the ALALC to determine who has accessed or made changes to it
- be updated as new contracts are executed
- be maintained at the ALALC, and made available to the ALALC’s legal advisor
- viewed and verified by the Eastern Zone office periodically during the Risk Assessment System process
- archive contracts that are no longer operational.

Please indicate the response the public authority will take in its plan of action:

- Implement the recommendation as described in the report
- Implement the intent of the recommendation in an alternative way
- Partially implement the recommendation
- Not implement the recommendation

If the action the ALALC intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

Please explain why the above action is action is proposed rather than the ICAC’s published recommendation.

**Recommendation 11**

That the ALALC, in conjunction with NSWALC, develop a due diligence checklist and procedure that is followed when developers and other interested parties propose a land dealing. Among other things, the checklist may require parties with an interest in ALALC land to:

- put a brief outline of their proposal in writing
- identify all relevant personnel
- include information such as:
  - a company name
  - an Australian Business Number or Australian Company Number
  - licences and qualifications held by the proponents
  - relevant industry experience
- acquaint themselves with the land dealing provisions in the ALR Act.

Please indicate the response the public authority will take in its plan of action:

- Implement the recommendation as described in the report
- Implement the intent of the recommendation in an alternative way
- Partially implement the recommendation
- Not implement the recommendation

If the action the ALALC intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

Please explain why the above action is action is proposed rather than the ICAC’s published recommendation.

**Recommendation 12**

That the ALALC consider conducting open-source checks on websites including the Australian Business Register, Australian Securities and Investments Commission and NSW Office of Fair Trading to verify information provided by parties involved in land dealings.

Please indicate the response the public authority will take in its plan of action:

- Implement the recommendation as described in the report
- Implement the intent of the recommendation in an alternative way
- Partially implement the recommendation
- Not implement the recommendation

If the action the ALALC intends is other than “implement the recommendation as described in the report”, please state the proposed action to be undertaken in the space provided below.

Please explain why the above action is action is proposed rather than the ICAC’s published recommendation.

## **PART B: Awabakal Local Aboriginal Land Council’s plan of action**

In this section, please provide details of the Awabakal Local Aboriginal Land Council’s (ALALC) plan of action in relation to the recommendations and/or proposed actions described above.

The scope and scale of recommendations made in investigation reports varies considerably, and the Commission recognises a single template may not suit every agency or investigation. In view of this, the ALALC is invited to develop a format that is appropriate for the proposed plan of action and subsequent report(s).

The Commission asks that the plan of action and subsequent proposed report formats are developed in consultation with the ICAC’s corruption prevention representative named in the cover letter. The ICAC corruption prevention representative will advise if the plan or report format has the Commission’s endorsement.

However if the ALALC prefers to adhere to an established format, the following may be used as a guide.

## Plan of action

Each specific recommendation or proposed action
Action to be taken describing activities, allocating responsibility, measures to be used

### Recommendation 1

That the Awabakal Local Aboriginal Land Council (ALALC) include the following provisions about board meetings in its Model Rules:

- The ALALC provide reasonable notice for all board meetings. This requires at least seven (7) days clear notice to all board members in the method approved by the board.
- If the board wishes to call an extraordinary meeting at shorter notice, a two thirds majority of board members must agree to the proposed date and time for the meeting, and the ALALC must maintain a record of how and when it contacted, or attempted to contact, board members.

Board meetings will be set for a specific day (i.e. Last Monday of the month) and calendar appointments will be sent to Board members for the next 12 months. All Board members will receive reminder emails 7 days prior  
Extra-ordinary meetings will be called for via email and followed up with phone calls to determine availability. All Extra-ordinary meetings will require a majority availability.

### Recommendation 5

That persons interested in standing, or intending to stand, for a position on the board of the ALALC be required to attend an information meeting prior to board elections where:

- c. roles, legal duties and responsibilities of a board member are explained at the information meeting
- d. examples of matters that can arise, and the legislation, policies and procedures board members must follow when determining a course of action, are discussed.

Before the next election, a information session will be held for all members to attend. The information sessions will include an overview of governance requirements.  
ALALC will work in conjunction with NSWALC to determine appropriate topics for discussion.

### Recommendation 5

That the ALALC prepares a checklist of legal duties and responsibilities which can guide board members during meetings. The checklist can be sourced from the ALR Act, the Regulation, the Mandatory Governance Training manuals, and ALALC internal policies and procedures.



A checklist has been created and information collated and given to all Board members un regards to their legal duties. All Board members have also undergone mandatory governance training.

**Recommendation 7**

That the ALALC implement an electronic document and records management system with version and permission controls, allowing it to manage and monitor the creation, alteration and deletion of records.

ALALC have undergone an electronic document audit and have created a new records management system. The record management system follows standardised pathways and ongoing monitoring of general files is within the role for the Business Support Officer. The permission controls have been implemented dependant on portfolio and responsibility. The controls for sensitive information sit with the CEO. Board members have no permissions to edit or delete files.

**Recommendation 8**

That the typed minutes of ALALC meetings:

- accurately reflect the discussions held, including board members' views for or against proposals and motions
- are saved to the electronic document and records management system.

ALALC will record all meetings.

Meeting minutes will be typed in a timely fashion (within 14 dayes) by the Business Support Officer and will be saved to the electronic management system in draft form until such time they are ratified by the Board.

All electronic document alteration will be electronically tracked.

**Recommendation 9**

That the ALALC audio-record all board meetings and save the recordings into its electronic document and records management system.

ALALC will record all meetings via Zoom.  
The recordings will be saved in 2 electronic locations and will not be deleted.

**Recommendation 10**

That ALALC keep a Register of Contracts for all transactions, including commercial, rental and employment contracts, and the engagement of consultants. This Register should:

- be saved into ALALC's electronic records management system
- have version and permission controls to enable the ALALC to determine who has accessed or made changes to it
- be updated as new contracts are executed
- be maintained at the ALALC, and made available to the ALALC's legal advisor
- viewed and verified by the Eastern Zone office periodically during the Risk Assessment System process
- archive contracts that are no longer operational.

ALALC have created a Register for contracts that is the role of the Business Support Officer to maintain.

All updates to contracts are entered into the Register along with all correspondences. The permission controls only allow for alteration from the Business Support Officer and the CEO

**Recommendation 11**

That the ALALC, in conjunction with NSWALC, develop a due diligence checklist and procedure that is followed when developers and other interested parties propose a land dealing. Among other things, the checklist may require parties with an interest in ALALC land to:

- put a brief outline of their proposal in writing
- identify all relevant personnel
- include information such as:
  - a company name
  - an Australian Business Number or Australian Company Number
  - licences and qualifications held by the proponents
  - relevant industry experience
- acquaint themselves with the land dealing provisions in the ALR Act.

ALALC will create a checklist with the support of NSWALC to ensure that all proposed land dealings are required to follow a standardised process.

This checklist will sit within a wider policy and will be created by the Board and will be provided to all ALALC members for receipt. If any Land Dealings are proposed to the members of ALALC, a copy of all required information under the policy will be provided to members.

**Recommendation 12**

That the ALALC consider conducting open-source checks on websites including the Australian Business Register, Australian Securities and Investments Commission and NSW Office of Fair Trading to verify information provided by parties involved in land dealings.

As a part of the checklist and policy created from recommendation 11 – ALALC will conduct checks on all proponents in regards to land dealings. The Board will work in conjunction with NSWALC to determine minimum requirements.