



27 September 2023

By email: d.foley@barayamal.com

Mr Dean Foley
Barayamal
7 Mitchell Place
GUNNEDAH NSW 2380

Dear Mr Foley

Complaint re Councillor Charles Lynch

I refer to your email dated 19 September 2023 in which you make a formal complaint in relation to New South Wales Aboriginal Land Council (**NSWALC**) Councillor Charles Lynch and raise the following concerns:

1. that in a letter to you dated 24 August 2023, Cr Lynch states that “NSWALC is the largest member based organisation in NSW”, which you consider to be a misleading representation of the actual membership structure of NSWALC as set out in section 120 of the *Aboriginal Land Rights Act 1983 (ALRA)*; and
2. in making that statement Cr Lynch may have breached clauses 2(1), (2) and (4)-(6) of the Prescribed Code of Conduct for NSWALC in schedule 4 to the *Aboriginal Land Rights Regulation 2020 (ALRR)*.

Registrar’s role in relation to the investigation of complaints

Pursuant to Division 4 of Part 10 of the ALRA, the Registrar can investigate allegations of “misconduct” by NSWALC Councillors and NSWALC staff members and may consider taking disciplinary action.

“Misconduct” is defined in section 176 of the ALRA as including any of the following:

1. a breach of a provision of the ALRA or the ALRR;
2. a breach of the Prescribed Code of Conduct for the NSWALC (in Schedule 4 to the ALRR) (**Code of Conduct**);
3. a breach of a disciplinary direction given by the Registrar pursuant to section 197 of the ALRA;
4. a breach of a compliance direction; and/or
5. an act of disorder by a NSWALC Councillor at a meeting of the NSWALC.

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Complaint re Cr Lynch

I have considered the statement made by Cr Lynch in relation to the membership of NSWALC. It is my understanding that Cr Lynch's comments about the membership of NSWALC are intended to refer to the fact that NSWALC is the largest Aboriginal *representative* body in New South Wales whereby the members of all Local Aboriginal Land Councils vote to elect NSWALC Councillors.

I do not consider that Cr Lynch has made a misleading statement, breached the Code of Conduct or otherwise engaged in "misconduct" under the ALRA.

On this basis, I have decided *not* to conduct an investigation into this matter (the Registrar can make this decision under section 192(1)(a) of the ALRA).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Nicole Courtman', written in a cursive style.

Nicole Courtman
Interim Registrar
Aboriginal Land Rights Act 1983