

**GELLUNG WARL**

# Interim Gellung Warl Membership Rules

1 Interim Gellung Warl Membership Rules, Version 1.0,  
approved 6 May 2026

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**GELLUNG  
WARL**



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# Lighting the Fire Stick

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## 1 Name

The name of these rules is the Interim Gellung Warl Membership Rules.

## 2 Authority

- (a) As First Peoples, the source of our authority is our inherent rights.
- (b) The authority to make these rules derives from the Statewide Treaty, and they are made by the Assembly under section 33 of the Statewide Treaty Act and Schedule 1, Items 1.6-1.9, 3.1-3.4, 4.2-4.6 and 5.2-5.5 to that Act.

## 3 Teachings that have Informed the Creation of these Rules

### 3.1 Our Identity, Our Strength, Our Wisdom

*“We, the First Peoples of this Country now called Victoria, affirm that Aboriginal Lore and Law continue. Passed down through Ancestors and Elders, carried in language, story, ceremony and Country. Though colonisation sought to silence them, they were never ceded or extinguished. These rules are created not in isolation, but as a part of this continuing legacy – a living expression of cultural authority and the right to self-determination.*

*In developing these rules, we are guided by the Gitjawil Yurpa.<sup>1</sup> Gitjawil Yurpa reminds us that governance is not only about structure or policy – it is about relationships, responsibility and respect. Our rules honour the authority of those who hold knowledge, uphold the protocols that connect us to each other and to Country, and reflect the way our communities have always made decisions. Decisions through yarning, consensus building, accountability and care.*

*We acknowledge that we exist within a time of legal pluralism. Aboriginal Lore and Law, the first lore/law of this place, has never ceased to operate, even as a colonial legal system has tried to deny it. We recognise the need to navigate between legal*

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<sup>1</sup> Gitjawil Yurpa expresses *many having to put forth* in Dja Dja Wurrung language.

<sup>5</sup> Interim Gellung Warl Membership Rules, Version 1.0, approved 6 May 2026

systems, and in doing so, we affirm that Aboriginal Lore and Law are not secondary, symbolic or historical – but are legitimate, living and continuing. These rules are created as a bridge between systems. They speak to our people, they speak back to the state, they speak to all who wish to engage with it.

The fact that we are here, making rules in our own name, is a testament to our survival. It reflects generations of resistance – through public leadership, quiet strength, cultural practice and legal knowledge carried in kinship, Country and ceremony. This is not a new beginning, but a continuation of what has always been true, that we are the First Peoples.

As we are our Ancestors, and we are our Country, we claim our Ancestral birthright. It is in this spirit that the fire stick has been lit, to tend to the fires awoken by our Elders and Ancestors, for this fire stick to be carried and nurtured by Gellung Warl. The fire stick is how we take fire across Country, across generations – for Gellung Warl to light its own fire. One that will cleanse, will nourish, will maintain Country, will draw on many voices to carry forward one strength.

In a time now shaped by treaty-making, truth-telling and institutional change, we hold firm to what must not be lost – our ways of being, our cultural foundations, our obligations to future generations. These rules are made not only to meet current needs but to reflect who we are, where we come from, and where we are going. They are made with respect for the past, commitment to the present, and vision for the future we traverse in the Treaty era.”

## 3.2 Grounded in Culture

There have always been times where First Peoples were chosen by our communities, not out of ambition, but out of trust to take on responsibilities. We carried stories held in message sticks across clan groups, we guided young ones through their initiation, we became medicine women and medicine men and song men and song women, we became knowledge holders. Our governance structures, from the first sunrise, held processes to entrust community to take on various different roles and responsibilities within our nations. And now we can become members of Gellung Warl, and hold offices in Gellung Warl. Country holds the lore and law, communities choose the members, and the members then hold the responsibilities.

Before the responsibility was gifted to a person, we had to prove we had the right knowledge, had achieved or overcome things set by our communities. While this continues, members of Gellung Warl must also meet the requirements set out in these rules. This ensures members are the right people to hold this responsibility, and to hold it with the care and dedication that is needed.

Members do not hold this responsibility with dominance, but custodianship. As this responsibility will come to end and it can be taken away – it is not granted forever.

While members are holding this responsibility, they will be watched. Watched by communities, by Country, by Ancestors. It is important members act in proper ways, because there have always been consequences, processes of restoration when someone acts in the wrong ways, breaks our lore or law. Consequences are about accountability, about repairing relationships, about doing things with justice and healing in mind. Consequences are carried out with the understanding

that members hold their roles and responsibilities not for themselves but as representatives of those who elect or appoint them.

Being a member of Gellung Warl, and holding an office in Gellung Warl, is a serious responsibility, and it exists amongst other responsibilities which come from our communities – responsibilities for ceremony, Sorry Business and cultural business. These rules accommodate this, because honouring culture is not a concession, it is the foundation of Gellung Warl. A foundation that is guided by truth-telling, integrity, lore, law and cultural authority.

These responsibilities belong to the people, to Country, and to the generations who will one day sit where the members sit now, carrying the same responsibilities they have been gifted.

## 4 Purpose

These rules set out interim arrangements relating to Gellung Warl's membership, leadership and discipline to uphold and respect:

- (a) representation and participation;
- (b) integrity, fairness and accountability;
- (c) cultural protocols; and
- (d) independent remuneration.

## 5 Application

These rules apply to Gellung Warl and its constituent arms, including the Assembly, Ngina Ngaininga Wara and Nyerna Yoorrook Telkuna and to the CEO.

## 6 Commencement

These rules commence on the day they are made by the Assembly.

## 7 Definitions

- (a) Unless the contrary intention appears, a term has the same meaning given to it in the Statewide Treaty Act or in any other internal rules made by the Assembly.



- (b) Unless the contrary intention appears, in these rules the following terms have the corresponding meaning:

Term	Meaning
<b>Assembly</b>	First Peoples' Assembly.
<b>Assembly Internal Governance Rules</b>	Internal rules made or amended by the Assembly and in force from time to time under section 33 of the Statewide Treaty Act that provide for the matters set out in Schedule 1, Items 1, 4 and 5 to that Act relating to internal governance.
<b>Assembly Meeting and Decision-Making Rules</b>	Internal rules made or amended by the Assembly and in force from time to time under section 33 of the Statewide Treaty Act that provide for matters set out in Schedule 1, Items 1, 2 and 9 to that Act relating to meetings and decision-making.
<b>Assembly Member</b>	A member of the First Peoples' Assembly.
<b>Consensus Meeting</b>	A meeting conducted in accordance with <b>rule 14</b> of the Assembly Meeting and Decision-Making Rules.
<b>Electoral Rules</b>	Internal rules made or amended by the Assembly and in force from time to time under section 33 of the Statewide Treaty Act that provide for one or more of the matters set out in Schedule 2 to that Act.
<b>Gellung Warl Allegations of Misconduct Rules</b>	Internal rules made or amended by the Assembly and in force from time to time under section 33 of the Statewide Treaty Act that provide for the matters set out in Schedule 1, Item 6 to that Act relating to misconduct.
<b>Gellung Warl Member</b>	<ul style="list-style-type: none"> <li>(a) An Assembly Member;</li> <li>(b) a Nyerna Yoorrook Telkuna member; or</li> <li>(c) a Nginma Ngainga Wara member.</li> </ul>
<b>Membership Oversight Committee</b>	The committee established by the Assembly Internal Governance Rules.
<b>Misconduct</b>	As defined in section 4 of the Statewide Treaty Act, as applied under the Gellung Warl Allegations of Misconduct Rules.
<b>Nginma Ngainga Wara Rules</b>	Internal rules made or amended by the Assembly and in force from time to time under section 33 of the Statewide Treaty Act that provide for the matters set out in Schedule 1, Items 1 and 4 to that Act relating to Nginma Ngainga Wara.

<b>Nyerna Yoorrook Telkuna Rules</b>	Internal rules made or amended by the Assembly and in force from time to time under section 33 of the Statewide Treaty Act that provide for the matters listed in Schedule 1, Items 1 and 5 to that Act relating to Nyerna Yoorrook Telkuna.
<b>Ordinary Resolution</b>	A resolution passed at an Assembly Chamber by at least a majority of Assembly Members holding office at the time the resolution is proposed to be passed.
<b>Serious Misconduct</b>	As defined in section 4 of the Statewide Treaty Act, as applied under the Gellung Warl Allegations of Misconduct Rules.
<b>Statewide Treaty Act</b>	The <i>Statewide Treaty Act 2025</i> (Vic).

# Carrying the Fire Stick

## 8 Becoming a Member

### Outline

Rule 8 sets out rules about becoming a member of the Assembly, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna, including

- numbers and categories of member (composition)
- how to become a member (election and appointment)
- who can become a member (qualifications)
- who cannot become a member (disqualifications)

### 8.1 First Peoples' Assembly

#### 8.1.1 Membership

- The Assembly consists of general members and reserved members in such numbers as are determined under the Statewide Treaty Act and the Electoral Rules.
- The Statewide Treaty Act and the Electoral Rules provide that:
  - general members are elected under the Electoral Rules;
  - reserved members are appointed in accordance with their Traditional Owner group's processes and procedures and the Electoral Rules;

- (iii) there may be gender quotas;
- (iv) there are minimum and maximum membership numbers; and
- (v) any alteration of the structure of the Assembly is to occur in accordance with *larbargirrar gnuurtak tulkuuk* and the Community Engagement Charter.

### 8.1.2 Qualification to be an Assembly Member

- (a) To be an Assembly Member, a person must have the qualifications in [rule 8.1.2\(b\)](#).
- (b) The qualifications to be an Assembly Member are that a person must:
  - (i) be 18 years of age or older;
  - (ii) be registered on the Gellung Warl electoral roll;
  - (iii) be a Traditional Owner;
  - (iv) in the case of a reserved member, meet the residency requirements set by the relevant Traditional Owner group;
  - (v) in the case of a general member, have their principal place of residence:
    - A. in Victoria; or
    - B. within 60 kilometres of the Victorian border;
  - (vi) not be a person referred to in section 21(2) of the Statewide Treaty Act; and
  - (vii) satisfy the evidence requirements in the Electoral Rules.

### 8.1.3 Matters that prohibit a person from being an Assembly Member

- (a) An Assembly Member is prohibited from being an Assembly Member if the person has, at any time, been removed from the office of Assembly Member.
- (b) An Assembly Member is prohibited from being an Assembly Member if the person, within a reasonable time of taking office or at any time during their term of office, holds a concurrent role that is incompatible with their role as an Assembly Member on the basis of the time commitment or responsibilities required by the concurrent role.
- (c) The Assembly may adopt a policy for managing concurrent roles for the purposes of [rule 8.1.3\(b\)](#).

## 8.2 Nginma Ngainga Wara

### 8.2.1 Membership

- (a) Nginma Ngainga Wara consists of not less than two and no more than three people appointed by the Assembly.
- (b) If the membership falls below two, Nginma Ngainga Wara will cease performing its functions until such time that a new member or an acting member is appointed by the Assembly.

- (c) A Nginma Ngainga Wara member will be appointed by the Assembly under an instrument of appointment, signed by Gellung Warl and the member:
- (i) if the person meets the qualifications in [rule 8.2.2](#); and
  - (ii) following completion of a selection process adopted by the Assembly that has the following features:
    - A. culturally strong;
    - B. transparency;
    - C. fairness, including appropriate management of conflicts of interest;
    - D. respect for privacy and reputation;
    - E. structured to meet the requirements of section 100(2) of the Statewide Treaty Act; and
    - F. structured to identify the strongest candidates, including clear evaluation processes and shortlisting.

### **8.2.2 Qualifications to be a Nginma Ngainga Wara member**

- (a) To be a Nginma Ngainga Wara member, a person must have the qualifications in [rule 8.2.2\(b\)](#).
- (b) The qualifications to be a Nginma Ngainga Wara member are that a person must:
- (i) have the skills and experience necessary for Nginma Ngainga Wara to perform its functions;
  - (ii) have the demonstrated ability to be impartial and objective, and maintain independence from the Assembly and the State;
  - (iii) be 18 years of age or older;
  - (iv) be of good character and integrity;
  - (v) not be a person who is not eligible for appointment as a Nginma Ngainga Wara member under section 100(3) of the Statewide Treaty Act.; and
  - (vi) satisfy any evidence requirements adopted by the Assembly.

### **8.2.3 Conditions of appointment**

- (a) An instrument of appointment must provide:
- (i) whether the member is appointed on a full-time basis or a part-time basis;
  - (ii) that the Nginma Ngainga Wara member agrees to act consistently with the terms of the Statewide Treaty, the Statewide Treaty Act and internal rules of the Assembly;
  - (iii) remuneration and entitlements in accordance with [rule 13](#);
  - (iv) for higher remuneration in the event that the member is appointed as a chairperson;

- (v) the circumstances (if any) in which a Nginma Ngainga Wara member may hold a concurrent role; and
- (vi) any other matter required by internal rules.

## 8.3 Nyerna Yoorrook Telkuna

### 8.3.1 Membership

- (a) Nyerna Yoorrook Telkuna consists of three people appointed by the Assembly.
- (b) If the membership falls below three, Nyerna Yoorrook Telkuna will cease performing its functions until such time that a new member or an acting member is appointed by the Assembly.
- (c) A Nyerna Yoorrook Telkuna member will be appointed by the Assembly under an instrument of appointment, signed by Gellung Warl and the member:
  - (i) if the person meets the qualifications in [rule 8.3.2](#); and
  - (ii) following completion of a selection process adopted by the Assembly that has the following features:
    - A. culturally strong;
    - B. transparency;
    - C. fairness, including appropriate management of conflicts of interest;
    - D. respect for privacy and reputation; and
    - E. structured to meet the requirements of section 125(2) of the Statewide Treaty Act; and
    - F. structured to identify the strongest candidates, including clear evaluation processes and shortlisting.
- (d) The instrument of appointment must specify whether a Nyerna Yoorrook Telkuna member is appointed in relation to specific places.

### 8.3.2 Qualifications

- (a) To be a Nyerna Yoorrook Telkuna member, a person must have the qualifications in [rule 8.3.2\(b\)](#).
- (b) The qualifications to be a Nyerna Yoorrook Telkuna member are that a person must:
  - (i) have the skills and experience necessary for Nyerna Yoorrook Telkuna to perform its functions;
  - (ii) have the demonstrated ability to be impartial and objective, and maintain independence from the Assembly and the State;
  - (iii) have the demonstrated ability to give effect to the truth-telling principles;
  - (iv) enable Nyerna Yoorrook Telkuna, if the person were appointed, to broadly reflect the diversity of the experiences and views of First Peoples and other Victorians;



- (v) be 18 years of age or older;
- (vi) be of good character and integrity; and
- (vii) not be a person who is not eligible for appointment as a Nyerna Yoorrook Telkuna member under section 125(3) of the Statewide Treaty Act; and
- (viii) satisfy any evidence requirements adopted by the Assembly.

### 8.3.3 Conditions of appointment

- (a) An instrument of appointment must provide:
  - (i) whether the member is appointed on a full-time basis or a part-time basis;
  - (ii) that the member agrees to act consistently with the terms of the Statewide Treaty, the Statewide Treaty Act and internal rules of the Assembly;
  - (iii) remuneration and entitlements in accordance with [rule 13](#);
  - (iv) for higher remuneration in the event that the member is appointed as a chairperson;
  - (v) the circumstances (if any) in which a Nyerna Yoorrook Telkuna member may hold a concurrent role; and
  - (vi) any other matter required by internal rules.

## 9 Holding a Position

### Outline

Rule 9 sets out rules about holding Gellung Warl leadership positions including

- how to attain a position (election and appointment)
- who can hold a position (qualifications)

### 9.1 Assembly Co-Chair

- (a) To be an Assembly Co-Chair, a person must be an Assembly Member who is elected as an Assembly Co-Chair in accordance with the Assembly Internal Governance Rules.
- (b) An Assembly Member who has been found to have engaged in Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules is not eligible to hold the position of Assembly Co-Chair for the remainder of that member's term.

### 9.2 Assembly leadership positions

- (a) To hold an Assembly leadership position, a person must be an Assembly Member who is elected or appointed to a leadership position in accordance with the Assembly Internal Governance Rules.

- (b) An Assembly Member who has been found to have engaged in Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules is not eligible to hold an Assembly leadership position for the remainder of that member's term.

### 9.3 Nginma Ngainga Wara chairperson

- (a) A Nginma Ngainga Wara member may be appointed as the chairperson of Nginma Ngainga Wara in accordance with the Nginma Ngainga Wara Rules.

### 9.4 Nyerna Yoorrook Telkuna chairperson

- (a) A Nyerna Yoorrook Telkuna member may be appointed as the chairperson of Nyerna Yoorrook Telkuna in accordance with the Nyerna Yoorrook Telkuna Rules.

## 10 Terms of Office

### Outline

Rule 10 sets out rules about the terms of office for Assembly Co-Chairs and Assembly Members in leadership positions, and terms of office of Nginma Ngainga Wara and Nyerna Yoorrook Telkuna members, including

- length of terms
- when a term starts and ends

Note: At the time these internal rules were made, no electoral rule specifying the period an Assembly Member holds office under section 22(1) of the Statewide Treaty Act has been made. Section 204 of the Statewide Treaty Act provides that, despite section 22(1), the term of office for a member of the Assembly referred to in section 203(2) is four years commencing on 1 May 2026.

### 10.1 First Peoples' Assembly

#### 10.1.1 Assembly Co-Chair

- (a) Subject to [rule 10.1.1\(b\)\(ii\)-\(iv\)](#), an Assembly Member appointed to the Assembly Co-Chair position under the Assembly Internal Governance Rules holds that position for a term of up to four years or such shorter period as determined by the Assembly.
- (b) An Assembly Member's term in the position of Assembly Co-Chair ends on the earlier of:
- the expiry of the term referred to in [rule 10.1.1\(a\)](#);
  - resignation from the position of Assembly Co-Chair under these rules;
  - ceasing to be an Assembly Member; or
  - removal from the position of Assembly Co-Chair under these rules.

- (c) Subject to these rules, a person may continue as an Assembly Member after their term as Assembly Co-Chair ends.

### 10.1.2 Assembly leadership position

- (a) Subject to [rule 10.1.2\(b\)\(ii\)-\(iv\)](#), an Assembly Member appointed to a leadership position under the Assembly Internal Governance Rules holds that position for a term of up to four years or such shorter period as determined by the Assembly.
- (b) The Assembly Member's term in the leadership position ends on the earlier of:
  - (i) the expiry of the term referred to in [rule 10.1.2\(a\)](#);
  - (ii) resignation from the leadership position under these rules;
  - (iii) ceasing to be an Assembly Member; or
  - (iv) removal from the leadership position under these rules.
- (c) Subject to these rules, a person may continue as an Assembly Member after their term in the leadership position ends.

## 10.2 Nginma Ngainga Wara

### 10.2.1 Nginma Ngainga Wara member

- (a) A Nginma Ngainga Wara member is appointed for a term of at least four years and not more than six years, as specified in their instrument of appointment.
- (b) The term of office of a Nginma Ngainga Wara member must not end during an election period.
- (c) A Nginma Ngainga Wara member's term ends on the earlier of:
  - (i) the completion of their term as specified in their instrument of appointment;
  - (ii) resignation in accordance with section 102(1) of the Statewide Treaty Act;
  - (iii) the death of a Nginma Ngainga Wara member; or
  - (iv) removal under these rules.
- (d) A Nginma Ngainga Wara member is eligible for reappointment after the expiry of their term.

### 10.2.2 Nginma Ngainga Wara chairperson

- (a) A Nginma Ngainga Wara chairperson is appointed for the term determined at the time of appointment in accordance with the procedures provided for under the Nginma Ngainga Wara Rules.
- (b) A Nginma Ngainga Wara chairperson's term as chairperson ends if they cease to be a Nginma Ngainga Wara member or for any other reason provided in in these rules or the Nginma Ngainga Wara Rules.

## 10.3 Nyerna Yoorrook Telkuna

### 10.3.1 Nyerna Yoorrook Telkuna member

- (a) A Nyerna Yoorrook Telkuna member is appointed for the term specified in their instrument of appointment which must not be more than 6 years.
- (b) A Nyerna Yoorrook Telkuna member's term ends on the earlier of:
  - (i) the completion of their term as specified in their instrument of appointment;
  - (ii) resignation in accordance with section 127(1) of the Statewide Treaty Act;
  - (iii) the death of a Nyerna Yoorrook Telkuna member; or
  - (iv) removal under these rules.
- (c) A Nyerna Yoorrook Telkuna member is eligible for reappointment after the expiry of their term.

### 10.3.2 Nyerna Yoorrook Telkuna chairperson

- (a) A Nyerna Yoorrook Telkuna chairperson is appointed for the term determined at the time of appointment in accordance with the procedures provided for under the Nyerna Yoorrook Telkuna Rules.
- (b) A Nyerna Yoorrook Telkuna chairperson's term as chairperson ends if they cease to be a Nyerna Yoorrook Telkuna member or for any other reason provided in these rules or the Nyerna Yoorrook Telkuna Rules.

## 11 Leave of absence

### Outline

Rule 11 sets out rules about leave of absence for Assembly Members, Nginma Ngainga Wara members, Nyerna Yoorrook Telkuna members, including

- processes for taking a leave of absence
- procedures that apply when a leave of absence is taken

### 11.1 First Peoples' Assembly

#### 11.1.1 Assembly Member

- (a) An Assembly Member may request the Membership Oversight Committee to grant them a leave of absence for up to three months for cultural, family, health or other personal reasons.

- (b) An Assembly Member on a leave of absence is not entitled to receive notices of any Assembly Chamber, attend and participate in any Assembly Chamber or vote at any Assembly Chamber.
- (c) The Membership Oversight Committee may determine whether remuneration and entitlements continue during the leave of absence, taking into account the Assembly Member's circumstances and any other relevant considerations including any internal rules, Assembly policy or guidelines.
- (d) To avoid doubt, a leave of absence forms part of an Assembly Member's term of office.

### 11.1.2 Assembly Co-Chair

- (a) An Assembly Co-Chair may request the Membership Oversight Committee to grant them a leave of absence for up to two months for cultural, family, health or other personal reasons.
- (b) [Rule 11.1.1\(b\)-\(d\)](#) applies to an Assembly Co-Chair leave of absence.

### 11.1.3 Assembly leadership position

- (a) An Assembly Member in a leadership position may request the Membership Oversight Committee to grant them a leave of absence for up to two months for cultural, family, health or other personal reasons.
- (b) [Rule 11.1.1\(b\)-\(d\)](#) applies to a leave of absence from a leadership position.

## 11.2 Nginma Ngainga Wara

### 11.2.1 Nginma Ngainga Wara member

- (a) A Nginma Ngainga Wara member may request the Membership Oversight Committee to grant them a leave of absence for up to three months for cultural, family, health or other personal reasons.
- (b) A Nginma Ngainga Wara member on a leave of absence is:
  - (i) not counted for the purpose of procedural requirements, including notice, attendance, calculating quorum and voting, including written resolutions; and
  - (ii) counted for the purpose of meeting the number of members under [rule 8.2.1\(a\)](#).
- (c) The Membership Oversight Committee may determine whether remuneration and entitlements continue during the leave of absence, taking into account the Nginma Ngainga Wara member's circumstances and any other relevant considerations including any internal rules, Assembly policy or guidelines.
- (d) To avoid doubt, a leave of absence forms part of a Nginma Ngainga Wara member's term of office.

## 11.3 Nyerna Yoorrook Telkuna

### 11.3.1 Nyerna Yoorrook Telkuna member

- (a) A Nyerna Yoorrook Telkuna member may request the Membership Oversight Committee to grant them a leave of absence for up to three months for cultural, family, health or other personal reasons.
- (b) A Nyerna Yoorrook Telkuna member on a leave of absence is:
  - (i) not counted for the purpose of procedural requirements, including notice, attendance, quorum and voting, including written resolutions; and
  - (ii) counted for the purpose of meeting the number of Nyerna Yoorrook Telkuna members under [rule 8.3.1\(a\)](#).
- (c) The Membership Oversight Committee may determine whether remuneration and entitlements continue during the leave of absence, taking into account the Nyerna Yoorrook Telkuna member's circumstances and any other relevant considerations including any internal rules, Assembly policy or guidelines.
- (d) To avoid doubt, a leave of absence forms part of Nyerna Yoorrook Telkuna member's term of office.

## 12 Acting members

### Outline

Rule 12 sets out rules about acting Assembly reserved members, acting Assembly Co-Chairs, acting in an Assembly leadership position, and acting members of Nginma Ngainga Wara and Nyerna Yoorrook Telkuna, including

- processes for appointing acting members
- rights and duties of acting members

### 12.1 First Peoples' Assembly

#### 12.1.1 Assembly reserved member

- (a) A Traditional Owner group may appoint an acting reserved member for up to six months where the group's reserved member is on a leave of absence or is suspended.
- (b) The procedure for appointing an acting reserved member and requirements set out in the Electoral Rules apply with necessary modification to an appointment by a Traditional Owner group under [rule 12.1.1\(a\)](#) and with the following specific modifications:
  - (i) the Traditional Owner group must specify that the acting appointment expires on the day:
    - A. the reserved member's leave of absence ends; or

- B. the reserved member's suspension ends, and the person is reinstated to their position as Assembly Member; and
  - (ii) the acting appointment will expire on the day specified under [rule 12.1.1\(b\)\(i\)](#).
- (c) An acting reserved member appointed under this rule has the equivalent rights and duties to a reserved member.
- (d) To avoid doubt, nothing in this rule limits the rules about acting appointments in the Electoral Rules.

### 12.1.2 Assembly Co-Chair

- (a) Subject to [rule 12.1.2\(b\)](#) the Assembly may appoint a person as an acting Assembly Co-Chair where:
  - (i) the position of Assembly Co-Chair is vacant:
    - A. because a person is not yet elected to the position of Assembly Co-Chair;
    - B. because an Assembly Co-Chair has resigned, is removed under [rule 15.1.2](#), or otherwise discontinues in their position and it is impractical to elect a new Assembly Co-Chair within the following six-month period; or
    - C. during a period of suspension under [rule 15.1.2](#); or
  - (ii) the Assembly is satisfied that an Assembly Co-Chair is, for any reason, unable to perform the duties of the office.
- (b) An acting Assembly Co-Chair may be appointed under the Assembly Internal Governance Rules for a period of up to six months or, in the case of a suspension under [rule 15.1.2](#), for the period of the suspension.
- (c) An acting Assembly Co-Chair has the equivalent rights and duties as an Assembly Co-Chair.
- (d) To avoid doubt, an acting Assembly Co-Chair is the Chairperson of the First Peoples' Assembly within the meaning of the Statewide Treaty Act and other applicable laws.

### 12.1.3 Assembly leadership position

- (a) The Assembly may appoint an Assembly Member to a leadership position in an acting capacity under the Assembly Internal Governance Rules for a period of up to six months where the Assembly is satisfied that the Assembly Member holding that leadership position is, for any reason, unable to perform the duties of the office.
- (b) An Assembly Member acting in a leadership position has the equivalent rights and duties to the Assembly Member holding that leadership position.

## 12.2 Nginma Ngainga Wara

- (a) Subject to [rule 12.2\(b\)](#), the Assembly may appoint a person as an acting Nginma Ngainga Wara member where:
  - (i) the office of the Nginma Ngainga Wara member is vacant because:

- A. a person is not yet appointed to the office of Nginma Ngainga Wara member;  
or
- B. a Nginma Ngainga Wara member has resigned, is removed under or by operation of these rules or otherwise discontinues office and it is impractical to appoint a new member within the following six-month period;
- (ii) the Assembly is satisfied that a Nginma Ngainga Wara member is, for any reason, unable to perform the duties of the office; or
- (iii) the number of Nginma Ngainga Wara members has fallen below two.
- (b) An acting Nginma Ngainga Wara member may be appointed for a period of up to six months by instrument of appointment signed by Gellung Warl and the acting member.
- (c) An acting Nginma Ngainga Wara member:
  - (i) holds office on the terms and conditions specified in the instrument of appointment; and
  - (ii) has the equivalent rights and duties as a Nginma Ngainga Wara member.

### 12.3 Nyerna Yoorrook Telkuna

- (a) Subject to [rule 12.3\(b\)](#), the Assembly may appoint a person as an acting Nyerna Yoorrook Telkuna member where:
  - (i) the office of the Nyerna Yoorrook Telkuna member is vacant because:
    - A. a person is not yet appointed to the office of Nyerna Yoorrook Telkuna member; or
    - B. a Nyerna Yoorrook Telkuna member has resigned, is removed under or by operation of these rules or otherwise discontinues office and it is impractical to appoint a new member within the following six-month period;
  - (ii) the Assembly is satisfied that a Nyerna Yoorrook Telkuna member is, for any reason, unable to perform the duties of the office; or
  - (iii) the number of Nyerna Yoorrook Telkuna members has fallen below three.
- (b) An acting Nyerna Yoorrook Telkuna member may be appointed for a period of up to six months by instrument of appointment signed by Gellung Warl and the acting member.
- (c) An acting Nyerna Yoorrook Telkuna member:
  - (i) holds office on the terms and conditions specified in the instrument of appointment; and
  - (ii) has the equivalent rights and duties as a Nyerna Yoorrook Telkuna member.

# 13 Remuneration

## Outline

Rule 13 sets out rules about remuneration for Assembly Members and Assembly Co-Chairs, and members of Nginma Ngainga Wara and Nyerna Yoorrook Telkuna, including

- processes for setting and reviewing remuneration
- when remuneration is not paid

## 13.1 First Peoples' Assembly

- (a) Until remuneration and entitlements are fixed under [rule 13.1\(c\)](#):
- Assembly Members will be remunerated in the amounts and manner recommended by an independent panel and published by the First Peoples' Assembly of Victoria Ltd under section 194 of the Statewide Treaty Act and to avoid doubt Assembly Members will be remunerated at the rate published for general and reserved members, members holding leadership positions will be remunerated at the rate published for convenor (or higher duties roles) and Assembly Co-Chairs will be remunerated at the rate published for Co-Chairs; and
  - Assembly Members will be reimbursed or have expenses paid for reasonable travel and other Assembly Member expenses, in the manner determined and published by the Assembly.
- (b) An independent remuneration mechanism will be established by Ordinary Resolution of the Assembly, which must set out the process for its establishment.
- (c) Remuneration and entitlements will be paid to Assembly Members, Assembly Co-Chairs and Assembly Members holding leadership positions at the amounts and on the terms fixed by the independent remuneration mechanism established under [rule 13.1\(b\)](#).
- (d) Remuneration and entitlements of Assembly Members will be reviewed by an independent remuneration mechanism established under [rule 13.1\(b\)](#) at least every four years or earlier in the event of a change in the nature of member responsibilities, and time commitments.
- (e) The independent remuneration mechanism established under [rule 13.1\(b\)](#) may, at the request of the Assembly, fix and review remuneration and entitlements for other Assembly positions, including members of committees and subcommittees.
- (f) A review of remuneration and entitlements by the independent remuneration mechanism must have regard to:
- findings and recommendations of any previous independent remuneration panels and mechanisms;
  - the nature of the work of a member, including roles, responsibilities, activity and expected time commitments;

- (iii) comparative remuneration frameworks;
  - (iv) budget allocations;
  - (v) the number of Assembly Members; and
  - (vi) whether role-specific allowances should be provided.
- (g) Assembly Members, Assembly Co-Chairs and Assembly Members holding leadership positions will be paid remuneration and entitlements for the duration of their term, subject to rules relating to leave of absence and suspension from office.

### 13.2 Nginma Ngainga Wara

- (a) Remuneration and entitlements will be paid to Nginma Ngainga Wara members, including a chairperson, at the amounts and on the terms fixed by the Assembly and specified in their instrument of appointment.
- (b) The Assembly may request an independent remuneration mechanism established under [rule 13.1\(b\)](#) to advise on or review remuneration and entitlements of Nginma Ngainga Wara members, including a chairperson.

### 13.3 Nyerna Yoorrook Telkuna

- (a) Remuneration and entitlements will be paid to Nyerna Yoorrook Telkuna members, including a chairperson, at the amounts and on the terms fixed by the Assembly and specified in their instrument of appointment.
- (b) The Assembly may request an independent remuneration mechanism established under [rule 13.1\(b\)](#) to advise on or review remuneration and entitlements of Nyerna Yoorrook Telkuna members, including a chairperson.

## 14 Resignation

- (a) An Assembly Member, Assembly Co-Chair, Assembly Member in a leadership position, Nginma Ngainga Wara member, Nginma Ngainga Wara chairperson, Nyerna Yoorrook Telkuna member or Nyerna Yoorrook Telkuna chairperson may resign their office or position (whichever relevant) by giving written notice to the Assembly Co-Chairs and the CEO.
- (b) The Assembly Co-Chairs must promptly notify all Assembly Members in writing of the resignation.
- (c) The resignation takes effect:
  - (i) on receipt of the notice of resignation under [rule 14\(a\)](#); or
  - (ii) on a later date specified in the notice of resignation.

# 15 Suspension or Removal

## Outline

Rule 15 sets out rules about the suspension and removal of Assembly Members, Assembly Co-Chairs and members and chairpersons of Nginma Ngainga Wara and Nyerna Yoorrook Telkuna, including

- in relation to the suspension or removal of an Assembly Member, Assembly Co-Chair and a person holding an Assembly leadership position, grounds and procedures for suspension or removal, including procedures for suspension where an allegation of Misconduct or Serious Misconduct is made
- in relation to the suspension or removal of a member or chairperson of Nginma Ngainga Wara or Nyerna Yoorrook Telkuna, grounds and procedures for suspension and removal, including procedures for suspension where an allegation of Misconduct or Serious Misconduct is made

## 15.1 First Peoples' Assembly

### 15.1.1 Assembly Member

- (a) The Assembly may suspend an Assembly Member from the Assembly or remove an Assembly Member from office if an Ordinary Resolution to that effect is passed, but only in accordance with this rule.

#### Preliminary requirements

- (b) The Membership Oversight Committee may call an Assembly Chamber to consider suspending an Assembly Member from the Assembly or removing an Assembly Member from office, provided that it first decides that there are grounds to:
- suspend the Assembly Member under [rule 15.1.1\(q\)](#); and/or
  - remove the Assembly Member under [rule 15.1.1\(r\)](#).
- (c) Before the Membership Oversight Committee calls an Assembly Chamber under [rule 15.1.1\(b\)](#), it must notify the Assembly Member in writing that:
- the Committee proposes to call an Assembly Chamber under [rule 15.1.1\(b\)](#):
  - the ground or grounds:
    - of suspension referred to in [rule 15.1.1\(q\)](#); and/or
    - of removal referred to in [rule 15.1.1\(r\)](#);that the Membership Oversight Committee considers relevant to the suspension, or removal from office, of the Assembly Member; and
  - the Assembly Member may provide a written response in relation to [rule 15.1.1\(c\)\(i\)](#) and [\(ii\)](#) and any other matters the Assembly Member considers relevant, within 10 days of the notification, or a shorter time period as

determined under [rule 15.1.1\(e\)](#), or such longer period as agreed by the Membership Oversight Committee.

- (d) The Membership Oversight Committee must take into account any written response of the Assembly Member received within the time specified in the notification given under [rule 15.1.1\(c\)](#) in deciding whether or not to call an Assembly Chamber under [rule 15.1.1\(b\)](#).
- (e) If the Membership Oversight Committee is satisfied that the ground or grounds for suspension or removal are the Assembly Member ceasing to be qualified to be an Assembly Member under [rule 8.1.2\(b\)\(vi\)](#) or the matter is extremely serious or might otherwise bring the Assembly into disrepute, it may decide to give shorter notice periods to the Assembly Member than as required by [rule 15.1.1\(c\)](#). Any such shorter notice period so decided must be notified to the Assembly Member in writing.

#### Notice of meeting

- (f) If the Membership Oversight Committee decides to call an Assembly Chamber under [rule 15.1.1\(b\)](#):
  - (i) Subject to [rule 15.1.1\(g\)](#), Assembly Members must be given at least 21 days' notice of the Assembly Chamber;
  - (ii) the notice must include:
    - A. the proposed resolution, which must set out:
      - I. the ground or grounds of suspension referred to in [rule 15.1.1\(q\)](#) and the proposed suspension period; and/or
      - II. the ground or grounds of removal referred to in [rule 15.1.1\(r\)](#);  
on which the suspension, or removal from office, of the Assembly Member is proposed by the Membership Oversight Committee; and
    - B. a statement that the Membership Oversight Committee has given the Assembly Member an opportunity to respond and has considered any response received from the Assembly Member within the relevant specified time.
- (g) The Assembly Chamber may be called at shorter notice if:
  - (i) the Committee is satisfied that the matter is extremely serious or might otherwise bring the Assembly into disrepute; or
  - (ii) the ground or grounds for suspension or removal are the Assembly Member ceasing to be qualified to be an Assembly Member under [rule 8.1.2\(b\)\(vi\)](#).

#### Assembly Member's right to put case to Assembly

- (h) The Assembly Member is entitled to put their case to the Assembly Chamber by:
  - (i) giving the Membership Oversight Committee a written statement for circulation to all Assembly Members not less than 10 days before the date of the relevant Assembly Chamber; and
  - (ii) speaking to any proposed resolution at the Assembly Chamber.

- (i) If the Assembly Member so requests, the written statement must be circulated by the Membership Oversight Committee to all Assembly Members by:
  - (i) sending a copy to every Assembly Member at least five days before the date of the proposed Assembly Chamber; or
  - (ii) if there is no time to comply with rule 15.1.1(i)(i), causing the written statement to be distributed to all Assembly Members attending the Assembly Chamber and read out at the Chamber before any resolution to suspend the Assembly Member or remove the Assembly Member from office is voted on.
- (j) The Membership Oversight Committee is not required to circulate all or any part of the Assembly Member's written statement under rule 15.1.1(i) if it is satisfied that the written statement:
  - (i) constitutes an abuse of process, including by using the rights in rule 15.1.1(h) in a manner that adversely affects an Assembly Member or the Assembly;
  - (ii) is defamatory; or
  - (iii) creates a serious risk to the safety of another Assembly Member;
 but must take reasonable steps to give the Assembly Member an opportunity to provide a revised written statement for circulation.
- (k) If the Membership Oversight Committee is satisfied that the matter is extremely serious or might otherwise bring the Assembly into disrepute, or if the ground or grounds for suspension or removal are the Assembly Member ceasing to be qualified to be an Assembly Member under rule 8.1.2(b)(vi), it may decide to impose a shorter period of time than as required by rule 15.1.1(h)(i). Any such shorter period must be notified to the Assembly Member in writing.

#### **Modified procedure where reserved member**

- (l) In the case of the proposed suspension or removal by the Assembly of a reserved member, except where rule 15.1.1(m) applies, the Membership Oversight Committee must modify the procedure in rule 15.1.1(b)-(k) as necessary to ensure the Traditional Owner group that appointed the reserved member:
  - (i) receives notice of the proposed suspension or removal from office;
  - (ii) is given a reasonable opportunity to provide its views:
    - A. to the Membership Oversight Committee; and
    - B. to the Assembly if an Assembly Chamber is called under rule 15.1.1(b).

#### **Removal of reserved member by Traditional Owner group**

- (m) A Traditional Owner group that has appointed a reserved member may remove that reserved member by following the procedure under rule 15.1.1(n).
- (n) A Traditional Owner group may remove a reserved member it has appointed by:
  - (i) a decision to remove the reserved member:
    - A. made by the Traditional Owner group's members; or

- B. reached by the same means as the decision to appoint the reserved member, as provided in the selection process used to appoint the reserved member, being the selection process included in procedures developed and published by the Traditional Owner group in accordance with the Electoral Rules;
  - provided that the Traditional Owner group has first satisfied any legal requirements that apply to the removal decision, including affording procedural fairness if required by law;
- (ii) providing notice in writing to the CEO and to the reserved member of the Traditional Owner group's decision to remove the reserved member it has appointed; and
- (iii) providing evidence to the CEO that:
  - A. the decision to remove the reserved member was made by the members of the Traditional Owner group or was reached in accordance with the selection process as required by [rule 15.1.1\(n\)\(i\)B](#) (whichever relevant); and
  - B. the reserved member has been notified of the Traditional Owner group's decision to remove them.
- (o) Upon receipt of a notice and evidence under [rule 15.1.1\(n\)](#), the CEO must provide the notice and evidence to the Membership Oversight Committee and, provided it is satisfied that the requirements of [rule 15.1.1\(n\)](#) have been met, the Committee must call an Assembly Chamber as soon as practicable, giving Assembly Members:
  - (iv) at least 10 days' notice but no more than 21 days' notice of the Assembly Chamber; and
  - (v) a statement confirming the requirements of [rule 15.1.1\(n\)](#) have been met.
- (p) The Assembly must consider the statement referred to in [rule 15.1.1\(o\)\(v\)](#) and, having done so, pass an Ordinary Resolution if satisfied that the requirements of [rule 15.1.1\(n\)](#) have been met, and upon that resolution being passed, the removal takes effect.

#### Grounds for suspension

- (q) The Assembly may suspend an Assembly Member if it is satisfied that one or more of the following grounds exists:
  - (i) the Assembly Member being subject to a Misconduct Allegation as defined under the Gellung Warl Allegations of Misconduct Rules but only if that Misconduct Allegation has been notified to the Membership Oversight Committee by the Allegations Coordinator in accordance with the Gellung Warl Allegations of Misconduct Rules;
  - (ii) the Assembly Member being found to have engaged in Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules by an Allegation Response Panel or a Reviewer;
  - (iii) the Assembly Member ceasing to be qualified to be an Assembly Member under [rule 8.1.2](#); and
  - (iv) the Assembly Member bringing Gellung Warl or any of its constituent arms into disrepute.

## Grounds for removal

- (r) The Assembly may remove an Assembly Member from office if it is satisfied that one or more of the following grounds exists:
  - (i) the Assembly Member being absent for a period of two consecutive months without leave obtained from the Assembly;
  - (ii) the Assembly Member being unable to perform the duties of the office;
  - (iii) the Assembly Member being found to have engaged in Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules:
    - A. by an Allegation Response Panel and the Assembly Member has not made an application for internal review of the Panel's decision within time under the Gellung Warl Allegations of Misconduct Rules, or any such application for internal review has been made within time but declined under the Gellung Warl Allegations of Misconduct Rules; or
    - B. by a Reviewer making a decision under the Gellung Warl Allegations of Misconduct Rules;
  - (iv) the Assembly Member ceasing to be qualified to be an Assembly Member under [rule 8.1.2](#); and
  - (v) the Assembly Member bringing Gellung Warl, or any of its constituent arms, into disrepute.

## How suspension or removal from office is imposed by the Assembly

- (s) An Assembly Member is suspended if an Ordinary Resolution to that effect is passed at an Assembly Chamber called under [rule 15.1.1\(b\)](#).
- (t) An Assembly Member is removed from office if an Ordinary Resolution to that effect is passed at an Assembly Chamber called under [rule 15.1.1\(b\)](#) or [15.1.1\(p\)](#).

## Effect of suspension

- (u) If an Assembly Member is suspended in accordance with these rules, the Assembly Member must not perform any functions or exercise any powers of an Assembly Member for the period of the suspension.

**Example:** An Assembly Member who is suspended is not entitled to receive notices of or attend, participate or vote at, an Assembly Chamber during the period of the suspension.
- (v) If an Assembly Member who holds the position of Assembly Co-Chair or another leadership position is suspended in accordance with these rules, the Assembly Member is also suspended from the position of Assembly Co-Chair or the leadership position (whichever relevant) and must not perform any functions or exercise any powers of the position for the period of the suspension.
- (w) During any period of suspension, the Assembly Member's remuneration and entitlements are not to continue.
- (x) A suspension of an Assembly Member under these rules ends:
  - (i) at the expiry of the period specified in the resolution passed by the Assembly; or

- (ii) if the Assembly passes an Ordinary Resolution to lift the suspension earlier, at the time so specified in that resolution.
- (y) Immediately upon the suspension ending, the person is reinstated to their position as Assembly Member and may resume performing all functions and exercising all powers as an Assembly Member.
- (z) The Assembly Member's remuneration and entitlements will resume from the date the suspension ends.
- (aa) Where an Assembly Member was suspended on grounds of a Misconduct Allegation having been made under [rule 15.1.1\(q\)\(i\)](#) but that allegation does not result in a finding of Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules, the Assembly may by Ordinary Resolution authorise a back-payment of the remuneration and entitlements that were not continued during the suspension period.
- (bb) To avoid doubt, a period of suspension forms part of an Assembly Member's term of office.

### Effect of removal

- (cc) If an Assembly Member is removed from office in accordance with these rules:
  - (i) the person ceases to be a member of the Assembly;
  - (ii) the person may not stand for re-election to the Assembly or be reappointed by a Traditional Owner group; and
  - (iii) the office becomes vacant.

### 15.1.2 Assembly Co-Chair

- (a) The Assembly may suspend or remove an Assembly Co-Chair from the position of Assembly Co-Chair if an Ordinary Resolution to that effect is passed, but only in accordance with this rule.

### Preliminary requirements

- (b) An Assembly Member may request the Membership Oversight Committee to call an Assembly Chamber to consider suspending or removing an Assembly Co-Chair from the position of Assembly Co-Chair, or the Committee may act on its own motion to call an Assembly Chamber to consider suspending or removing an Assembly Co-Chair from the position of Assembly Co-Chair.
- (c) A request under [rule 15.1.2\(b\)](#) must be in writing and must set out the ground or grounds:
  - (i) for suspension from the position of Assembly Co-Chair under [rule 15.1.2\(p\)](#); and/or
  - (ii) for removal from the position of Assembly Co-Chair under [rule 15.1.2\(q\)](#); upon which the suspension or removal is requested.
- (d) Upon receiving a request under [rule 15.1.2\(b\)](#), the Membership Oversight Committee must act in a timely manner and give the matter proper consideration.
- (e) On receiving a request under [rule 15.1.2\(b\)](#), or when acting on its own motion, the Membership Oversight Committee may call an Assembly Chamber to consider suspending

or removing an Assembly Co-Chair from the position of Assembly Co-Chair, provided that it first decides that there are grounds to:

- (i) suspend the Assembly Co-Chair under [rule 15.1.2\(p\)](#); and/or
  - (ii) remove the Assembly Co-Chair under [rule 15.1.2\(q\)](#).
- (f) Before the Membership Oversight Committee calls an Assembly Chamber under [rule 15.1.2\(e\)](#), it must notify the Assembly Co-Chair in writing that:
- (i) a request has been made under [rule 15.1.2\(b\)](#), if relevant;
  - (ii) the Committee proposes to call an Assembly Chamber under [rule 15.1.2\(e\)](#);
  - (iii) the ground or grounds:
    - A. for suspension from the position of Assembly Co-Chair under [rule 15.1.2\(p\)](#); and/or
    - B. for removal from the position of Assembly Co-Chair under [rule 15.1.2\(q\)](#);that the Membership Oversight Committee considers relevant to the suspension, or removal of the Assembly Co-Chair;
  - (iv) that the Assembly Co-Chair may provide a written response in relation to [rule 15.1.2\(f\)\(i\)-\(iii\)](#) and any other matters the Assembly Co-Chair considers relevant, within 10 days of the notification, or a shorter time period as determined under [rule 15.1.2\(i\)](#), or such longer period as agreed by the Membership Oversight Committee.
- (g) Before the Membership Oversight Committee decides not to call an Assembly Chamber under [rule 15.1.2\(e\)](#), it must notify the Assembly Member who submitted the request under [rule 15.1.2\(b\)](#) in writing that:
- (i) the Committee proposes not to call an Assembly Chamber under [rule 15.1.2\(e\)](#);
  - (ii) the ground or grounds:
    - A. of suspension referred to in [rule 15.1.2\(p\)](#); and/or
    - B. of removal referred to in [rule 15.1.2\(q\)](#);raised in the request under [rule 15.1.2\(b\)](#) are not made out; and
  - (iii) that the Assembly Member may call an Assembly Chamber using the procedure in the Meeting and Decision-Making Rules to propose a resolution that the Assembly Co-Chair is suspended or removed from the position of Assembly Co-Chair.
- (h) The Membership Oversight Committee must take into account the request submitted by the Assembly Member, if relevant, and any written response of the Assembly Co-Chair received within the time specified in the notification given under [rule 15.1.2\(f\)](#) in deciding whether or not to call an Assembly Chamber under [rule 15.1.2\(e\)](#).
- (i) If the Membership Oversight Committee is satisfied that the matter is extremely serious or might otherwise bring the Assembly into disrepute, it may decide to give shorter notice periods to the Assembly Co-Chair than as required by [rule 15.1.2\(f\)](#). Any such shorter notice period so decided must be notified to the Assembly Co-Chair in writing.

## Notice of meeting

- (j) If the Membership Oversight Committee decides to call an Assembly Chamber under [rule 15.1.2\(e\)](#):
- (i) subject to [rule 15.1.2\(k\)](#), Assembly Members must be given at least 21 days' notice of the Assembly Chamber;
  - (ii) the notice must include:
    - A. a statement that a request was made by an Assembly Member or the Committee acted of its own motion under [rule 15.1.2\(b\)](#), whichever relevant;
    - B. the proposed resolution, which must set out:
      - I. the ground or grounds of suspension referred to in [rule 15.1.2\(p\)](#) and the proposed suspension period; and/or
      - II. the ground or grounds of removal referred to in [rule 15.1.2\(q\)](#);  
on which the suspension or removal of the Assembly Co-Chair is proposed by the Membership Oversight Committee; and
    - C. a statement that the Membership Oversight Committee has given the Assembly Member an opportunity to respond and has considered any response received from the Assembly Member within the relevant specified time.
- (k) The Assembly Chamber may be called at shorter notice if the Membership Oversight Committee is satisfied that the matter is extremely serious or might otherwise bring the Assembly into disrepute;

## Assembly Co-Chair's right to put case to Assembly

- (l) The Assembly Co-Chair is entitled to put their case to the Assembly Chamber by:
- (i) giving the Membership Oversight Committee a written statement for circulation to all Assembly Members not less than 10 days before the date of the proposed Assembly Chamber; and
  - (ii) speaking to any relevant resolution at the Assembly Chamber.
- (m) If the Assembly Co-Chair so requests, the written statement must be circulated by the Membership Oversight Committee to all Assembly Members by:
- (i) sending a copy to every Assembly Member at least five days before the date of the proposed Assembly Chamber; or
  - (ii) if there is no time to comply with [rule 15.1.2\(m\)\(i\)](#), causing the written statement to be distributed to all Assembly Members attending the Assembly Chamber and read out at the Chamber before any resolution to suspend or remove the Assembly Co-Chair is voted on.
- (n) The Membership Oversight Committee is not required to circulate all or any part of the Assembly Co-Chair's written statement under [rule 15.1.2\(m\)](#) if it is satisfied that the written statement:

- (i) constitutes an abuse of process, including by using the rights in [rule 15.1.2\(l\)](#) in a manner that adversely affects an Assembly Member or the Assembly;
- (ii) is defamatory; or
- (iii) creates a serious risk to the safety of another Assembly Member;

but must take reasonable steps to give the Assembly Co-Chair an opportunity to provide a revised written statement for circulation.

- (o) If the Membership Oversight Committee is satisfied that the matter is extremely serious or might otherwise bring the Assembly into disrepute, it may decide to impose a shorter period of time than as required by [rule 15.1.2\(l\)\(i\)](#). Any such shorter period must be notified to the Assembly Co-Chair in writing.

### Grounds for suspension

- (p) The Assembly may suspend an Assembly Co-Chair from the position of Assembly Co-Chair if it is satisfied that one or more of the following grounds exists:
  - (i) the Assembly Co-Chair being absent for two consecutive months without leave obtained from the Assembly;
  - (ii) the Assembly Co-Chair ceasing to be qualified to be an Assembly Co-Chair of the Assembly in accordance with [rule 9.1](#);
  - (iii) the Assembly Co-Chair being unable to perform the duties of the position of Assembly Co-Chair;
  - (iv) the Assembly Co-Chair being subject to a Misconduct Allegation as defined under the Gellung Warl Allegations of Misconduct Rules but only if that Misconduct Allegation has been notified to the Assembly Members by the Allegations Coordinator pursuant to the Gellung Warl Allegations of Misconduct Rules;
  - (v) the Assembly Co-Chair having been found to have engaged in Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules by an Allegation Response Panel or a Reviewer; and
  - (vi) the Assembly Co-Chair bringing Gellung Warl or any of its constituent arms into disrepute.

### Grounds for removal

- (q) The Assembly may remove an Assembly Co-Chair from the position of Assembly Co-Chair if it is satisfied that one or more the following grounds exists:
  - (i) the Assembly Co-Chair being absent for two consecutive months without leave obtained from the Assembly;
  - (ii) the Assembly Co-Chair being unable to perform the duties of the position of Assembly Co-Chair;
  - (iii) the Assembly Co-Chair being found to have engaged in Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules:
    - A. by an Allegation Response Panel and the Assembly Co-Chair has not made an application for internal review of the Panel's decision within time under the

Gellung Warl Allegations of Misconduct Rules, or any such application has been made within time but declined under the Gellung Warl Allegations of Misconduct Rules; or

- B. by a Reviewer making a decision under the Gellung Warl Allegations of Misconduct Rules; and
- (iv) the Assembly Co-Chair bringing Gellung Warl or any of its constituent arms into disrepute.

#### **Effect of suspension**

- (r) If an Assembly Co-Chair is suspended from the position of Assembly Co-Chair in accordance with these rules, they are suspended for such time as set out in the resolution, but in any event no longer than the time remaining of their appointment to the position of Assembly Co-Chair.
- (s) A suspension from the position of Assembly Co-Chair does not affect that Member's continuation in office as an Assembly Member.
- (t) During any period of suspension, the Assembly Co-Chair's remuneration and entitlements are not to continue.
- (u) A suspension of an Assembly Co-Chair under these rules ends:
  - (i) at the expiry of the period specified in the resolution passed by the Assembly; or
  - (ii) if the Assembly passes an Ordinary Resolution to lift the suspension earlier, at the time so specified in that resolution.
- (v) Immediately upon the suspension ending, the person is reinstated to their position as Assembly Co-Chair and may resume performing all functions and exercising all powers of an Assembly Co-Chair.
- (w) Where an Assembly Co-Chair was suspended on grounds of a Misconduct Allegation having been made under [rule 15.1.2\(p\)\(iv\)](#) but that allegation does not result in a finding of Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules, the Assembly may by Ordinary Resolution authorise a back-payment of the remuneration and entitlements that were not continued during the suspension period.
- (x) To avoid doubt, a period of suspension forms part of an Assembly Co-Chair's term of office.

#### **Effect of removal**

- (y) If an Assembly Co-Chair is removed from the position of Assembly Co-Chair in accordance with these rules:
  - (i) the person ceases to hold the position of Assembly Co-Chair; and
  - (ii) the position of Assembly Co-Chair becomes vacant.
- (z) A removal from the position of Assembly Co-Chair does not affect that Member's continuation in office as an Assembly Member.



### 15.1.3 Assembly leadership position

- (a) A person holding an Assembly leadership position may be suspended or removed from that position if an Ordinary Resolution to that effect is passed, but only in accordance with [rule 15.1.2](#), which applies with any necessary modifications as if references in that rule to the Assembly Co-Chair were references to the relevant Assembly leadership position and the person holding that position.

#### Effect of suspension

- (b) If a person is suspended from an Assembly leadership position in accordance with these rules, they are suspended from that position for such time as set out in the resolution, but in any event no longer than the time remaining of their appointment to the Assembly leadership position from which they are suspended.
- (c) A suspension from an Assembly leadership position does not affect that Member's continuation in office as an Assembly Member.
- (d) During any period of suspension from an Assembly leadership position, remuneration and entitlements for the person suspended are not to continue.
- (e) A suspension of a person from an Assembly leadership position under these rules ends:
- (i) at the expiry of the period specified in the resolution passed by the Assembly; or
  - (ii) if the Assembly passes an Ordinary Resolution to lift the suspension earlier, at the time so specified in that resolution.
- (f) Immediately upon the suspension ending, the person is reinstated to their Assembly leadership position and may resume performing all functions and exercising all powers of that position.
- (g) Where a person holding a leadership position was suspended on grounds of a Misconduct Allegation having been made under [rule 15.1.2\(p\)\(iv\)](#) (modified as necessary in accordance with [rule 15.1.3\(a\)](#)) but that allegation does not result in a finding of Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules the Assembly may by Ordinary Resolution authorise a back-payment of the remuneration and entitlements that were not continued during the suspension period.
- (h) To avoid doubt, a period of suspension forms part of the person's term of office.

#### Effect of removal

- (i) If a person is removed from an Assembly leadership position in accordance with these rules:
- (i) the person ceases to hold the leadership position; and
  - (ii) the Assembly leadership position becomes vacant.
- (j) A removal from an Assembly leadership position does not affect that Member's continuation in office as an Assembly Member.

## 15.2 Nginma Ngainga Wara

### 15.2.1 Nginma Ngainga Wara member

- (a) The Assembly may suspend a Nginma Ngainga Wara member from Nginma Ngainga Wara or remove a Nginma Ngainga Wara member from office if an Ordinary Resolution to that effect is passed, but only in accordance with this rule.

#### Preliminary requirements

- (b) The Member Oversight Committee may call an Assembly Chamber to consider suspending a Nginma Ngainga Wara member from Nginma Ngainga Wara or removing a Nginma Ngainga Wara member from office, provided that it first decides that there are grounds to:
- (i) suspend the Nginma Ngainga Wara member under [rule 15.2.1\(l\)](#); and/or
  - (ii) remove the Nginma Ngainga Wara member under [rule 15.2.1\(m\)](#).
- (c) Before the Membership Oversight Committee calls an Assembly Chamber under [rule 15.2.1\(b\)](#), it must notify the Nginma Ngainga Wara member in writing that:
- (i) the Committee proposes to call an Assembly Chamber under [rule 15.2.1\(b\)](#);
  - (ii) the ground or grounds:
    - A. of suspension referred to in [rule 15.2.1\(l\)](#); and/or
    - B. of removal referred to in [rule 15.2.1\(m\)](#);that the Membership Oversight Committee considers relevant to the suspension, or removal from office, of the Nginma Ngainga Wara member;
  - (iii) that the Nginma Ngainga Wara member may provide a written response in relation to [rule 15.2.1\(c\)\(i\)](#) and [\(ii\)](#) and any other matters the Nginma Ngainga Wara member considers relevant, within 10 days of the notification, or a shorter time period as determined under [rule 15.2.1\(e\)](#), or such longer period as agreed by the Membership Oversight Committee.
- (d) The Membership Oversight Committee must take into account any written response of the Nginma Ngainga Wara member received within the time specified in the notification given under [rule 15.2.1\(c\)](#) in deciding whether or not to call an Assembly Chamber under [rule 15.2.1\(b\)](#).
- (e) If the Membership Oversight Committee is satisfied that the ground or grounds for suspension or removal are the Nginma Ngainga Wara member ceasing to be qualified to be a Nginma Ngainga Wara member under [rule 8.2.2\(v\)](#) or the matter is extremely serious or might otherwise bring the Assembly into disrepute, it may decide to give shorter notice periods to the Nginma Ngainga Wara member than as required by [rule 15.2.1\(c\)](#). Any such shorter notice period so decided must be notified to the Nginma Ngainga Wara member in writing.

#### Notice of meeting

- (f) If the Membership Oversight Committee decides to call an Assembly Chamber under [rule 15.2.1\(b\)](#):

- (i) subject to [rule 15.2.1\(g\)](#), Assembly Members must be given at least 21 days' notice of the Assembly Chamber;
- (ii) the notice must include:
  - A. the proposed resolution, which must set out:
    - I. the ground or grounds of suspension referred to in [rule 15.2.1\(l\)](#) and the proposed suspension period; and/or
    - II. the ground or grounds of removal referred to in [rule 15.2.1\(m\)](#); on which the suspension, or removal from office, of the Nginma Ngainga Wara member is proposed by the Membership Oversight Committee; and
  - B. a statement that the Membership Oversight Committee has given the Nginma Ngainga Wara member an opportunity to respond and has considered any response received from the Nginma Ngainga Wara member within the relevant specified time.
- (g) The Assembly Chamber may be called at shorter notice if:
  - (i) the Committee is satisfied that the matter is extremely serious or might otherwise bring the Assembly into disrepute; and
  - (ii) the ground or grounds for suspension or removal are the Nginma Ngainga Wara member ceasing to be qualified to be a Nginma Ngainga Wara member under [rule 8.2.2\(v\)](#).

#### **Nginma Ngainga Wara member's right to put case to Assembly**

- (h) The Nginma Ngainga Wara member is entitled to put their case to the Assembly Chamber by:
  - (i) giving the Membership Oversight Committee a written statement for circulation to all Assembly Members not less than 10 days before the date of the proposed Assembly Chamber; and
  - (ii) speaking to any proposed resolution at the Assembly Chamber.
- (i) If the Nginma Ngainga Wara member so requests, the written statement must be circulated by the Membership Oversight Committee to all Assembly Members by:
  - (i) sending a copy to every Assembly Member at least five days before the date of the proposed Assembly Chamber; or
  - (ii) if there is no time to comply with [rule 15.2.1\(i\)\(i\)](#), causing the written statement to be distributed to all Assembly Members attending the Assembly Chamber and read out at the Chamber before any resolution to suspend the Nginma Ngainga Wara member or remove the Nginma Ngainga Wara member from office is voted on.
- (j) The Membership Oversight Committee is not required to circulate all or any part of the Nginma Ngainga Wara member's written statement under [rule 15.2.1\(i\)](#) if it is satisfied that the written statement:

- (i) constitutes an abuse of process, including by using the rights in [rule 15.2.1\(h\)](#) in a manner that adversely affects an Assembly Member, another Nginma Ngainga Wara member, the Assembly or Nginma Ngainga Wara;
- (ii) is defamatory; or
- (iii) creates a serious risk to the safety of an Assembly Member or another Nginma Ngainga Wara member;

but must take reasonable steps to give the Nginma Ngainga Wara member an opportunity to provide a revised written statement for circulation.

- (k) If the Membership Oversight Committee is satisfied that the matter is extremely serious or might otherwise bring Nginma Ngainga Wara into disrepute, or if the ground or grounds for suspension or removal are the Nginma Ngainga Wara member ceasing to be qualified to be an Nginma Ngainga Wara member under [rule 8.2.2\(v\)](#), it may decide to impose a shorter period of time than as required by [rule 15.2.1\(h\)\(i\)](#). Any such shorter period must be notified to the Nginma Ngainga Wara member in writing.

### Grounds for suspension

- (l) The Assembly may suspend a Nginma Ngainga Wara member if it is satisfied that one or more of the following grounds exists:
  - (i) the Nginma Ngainga Wara member being subject to a Misconduct Allegation as defined under the Gellung Warl Allegations of Misconduct Rules but only if that Misconduct Allegation has been notified to the Membership Oversight Committee by the Allegations Coordinator in accordance with the Gellung Warl Allegations of Misconduct Rules;
  - (ii) the Nginma Ngainga Wara member being found to have engaged in Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules by an Allegations Response Panel or a Reviewer;
  - (iii) the Nginma Ngainga Wara member ceasing to be qualified to be a Nginma Ngainga Wara member under [rule 8.2.2](#); and
  - (iv) the Nginma Ngainga Wara member bringing Gellung Warl or any of its constituent arms into disrepute.

### Grounds for removal

- (m) The Assembly may remove a Nginma Ngainga Wara member if it is satisfied that one or more of the following grounds exists:
  - (i) the Nginma Ngainga Wara member being absent from Nginma Ngainga Wara meetings for a period of two consecutive months without leave from the Assembly;
  - (ii) the Nginma Ngainga Wara member being unable to perform the duties of the office;
  - (iii) the Nginma Ngainga Wara member having been found to have engaged in Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules:

- A. by an Allegation Response Panel and the Nginma Ngainga Wara member has not made an application for internal review of the Panel's decision within time under the Gellung Warl Allegations of Misconduct Rules, or any such application has been within time but declined under the Gellung Warl Allegations of Misconduct Rules; or
  - B. by a Reviewer making a decision under the Gellung Warl Allegations of Misconduct Rules;
- (iv) the Nginma Ngainga Wara member ceasing to be qualified to be a Nginma Ngainga Wara member under [rule 8.2.2](#); and
  - (v) the Nginma Ngainga Wara member bringing Gellung Warl or any of its constituent arms into disrepute.

#### **How suspension or removal from office is imposed by the Assembly**

- (n) A Nginma Ngainga Wara member is suspended if an Ordinary Resolution to that effect is passed at an Assembly Chamber called under [rule 15.2.1\(b\)](#).
- (o) A Nginma Ngainga Wara member is removed from office if an Ordinary Resolution to that effect is passed at an Assembly Chamber called under [rule 15.2.1\(b\)](#).

#### **Effect of suspension**

- (p) If a Nginma Ngainga Wara member is suspended in accordance with these rules, the member must not perform any functions or exercise any powers of a member of Nginma Ngainga Wara for the period of the suspension.
- (q) If a Nginma Ngainga Wara member who holds the position of Nginma Ngainga Wara chairperson is suspended in accordance with these rules, the member is also suspended from the position of chairperson and must not perform any functions or exercise any powers of the position for the period of the suspension.
- (r) During any period of suspension, the Nginma Ngainga Wara member's remuneration and entitlements are not to continue.
- (s) A suspension of a Nginma Ngainga Wara member under these rules ends:
  - (i) at the expiry of the period specified in the resolution passed by the Assembly; or
  - (ii) if the Assembly passes an Ordinary Resolution to lift the suspension earlier, at the time so specified in that resolution.
- (t) Immediately upon the suspension ending, the person is reinstated to their position as Nginma Ngainga Wara member and may resume performing all functions and exercising all powers of a member of Nginma Ngainga Wara.
- (u) Where a Nginma Ngainga Wara member was suspended on grounds of a Misconduct Allegation having been made under [rule 15.2.1\(l\)\(i\)](#) but that allegation does not result in a finding of Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules the Assembly may by Ordinary Resolution authorise a back-payment of the remuneration and entitlements that were not continued during the suspension period.
- (v) To avoid doubt, a period of suspension forms part of a Nginma Ngainga Wara member's term of office.

## Effect of removal

- (w) If a Nginma Ngainga Wara member is removed from office in accordance with these rules:
  - (i) they cease to be a member of Nginma Ngainga Wara; and
  - (ii) the office becomes vacant.

### 15.2.2 Nginma Ngainga Wara chairperson

- (a) The Assembly may suspend or remove a Nginma Ngainga Wara chairperson from the position of chairperson if an Ordinary Resolution to that effect is passed, but only in accordance with [rule 15.1.2](#), which applies with any necessary modifications as if references in that rule to the Assembly Co-Chair were references to a Nginma Ngainga Wara chairperson and with the following specific modifications:
  - (i) a Nginma Ngainga Wara member other than the chairperson:
    - A. may make a request under [rule 15.1.2\(b\)](#);
    - B. must receive notice of the proposed suspension or removal;
    - C. must be given a reasonable opportunity to provide their views to the Membership Oversight Committee;
    - D. must be given a reasonable opportunity to provide their views to the Assembly if an Assembly Chamber is called; and
  - (ii) an Assembly Member is not entitled to make a request under [rule 15.1.2\(b\)](#).

## Effect of suspension

- (b) If a Nginma Ngainga Wara chairperson is suspended in accordance with these rules, they are suspended for such time as set out in the resolution, but in any event no longer than the time remaining of their appointment as Nginma Ngainga Wara chairperson.
- (c) A suspension from the position of chairperson does not affect that member's continuation in office as a Nginma Ngainga Wara member.
- (d) During any period of suspension, the Nginma Ngainga Wara chairperson's remuneration and entitlements are not to continue.
- (e) A suspension of a Nginma Ngainga Wara chairperson under these rules ends:
  - (i) at the expiry of the period specified in the resolution passed by the Assembly; or
  - (ii) if the Assembly passes an Ordinary Resolution to lift the suspension earlier, at the time so specified in that resolution.
- (f) Immediately upon the suspension ending, the person is reinstated as Nginma Ngainga Wara chairperson and may resume performing all functions and exercising all powers of that position.
- (g) Where a Nginma Ngainga Wara chairperson was suspended on grounds of a Misconduct Allegation having been made under [rule 15.1.2\(p\)-\(iv\)](#) (modified as necessary in accordance with [rule 15.2.2\(a\)](#)) but that allegation does not result in a finding of Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules

the Assembly may by Ordinary Resolution authorise a back-payment of the remuneration and entitlements that were not continued during the suspension period.

- (h) To avoid doubt, a period of suspension forms part of a Nginma Ngainga Wara chairperson's term of office.

#### **Effect of removal**

- (i) If a person is removed from the position of Nginma Ngainga Wara chairperson in accordance with these rules:
  - (i) the person ceases to hold the position of Nginma Ngainga Wara chairperson; and
  - (ii) the position of Nginma Ngainga Wara chairperson becomes vacant and a new chairperson may be appointed.
- (j) A removal from the position of chairperson does not affect that member's continuation in office as a Nginma Ngainga Wara member.

## **15.3 Nyerna Yoorrook Telkuna**

### **15.3.1 Nyerna Yoorrook Telkuna member**

- (a) The Assembly may suspend a Nyerna Yoorrook Telkuna member from Nyerna Yoorrook Telkuna or remove a Nyerna Yoorrook Telkuna member from office if an Ordinary Resolution to that effect is passed, but only in accordance with [rule 15.2.1\(a\)-\(o\)](#), which applies with any necessary modifications as if references in that rule to a Nginma Ngainga Wara member were references to Nyerna Yoorrook Telkuna members and the reference in [rule 15.2.1\(m\)\(iv\)](#) and to [rule 8.2.2](#) were instead a reference to [rule 8.3.2](#).

#### **Effect of suspension**

- (b) If a Nyerna Yoorrook Telkuna member is suspended in accordance with these rules, the member must not perform any functions or exercise any powers of a member of Nyerna Yoorrook Telkuna for the period of the suspension.
- (c) If a Nyerna Yoorrook Telkuna member who holds the position of Nyerna Yoorrook Telkuna chairperson is suspended in accordance with these rules, the member is also suspended from the position of chairperson and must not perform any functions or exercise any powers of the position for the period of the suspension.
- (d) During any period of suspension, the Nyerna Yoorrook Telkuna member's remuneration and entitlements are not to continue.
- (e) A suspension of a Nyerna Yoorrook Telkuna member under these rules ends:
  - (i) at the expiry of the period specified in the resolution passed by the Assembly; or
  - (ii) if the Assembly passes an Ordinary Resolution to lift the suspension earlier, at the time so specified in that resolution.
- (f) Immediately upon the suspension ending, the person is reinstated to their position as Nyerna Yoorrook Telkuna member and may resume performing all functions and exercising all powers of a member of Nyerna Yoorrook Telkuna.

- (g) Where a Nyerna Yoorrook Telkuna member was suspended on grounds of a Misconduct Allegation having been made under [rule 15.2.1\(l\)\(i\)](#) but that allegation does not result in a finding of Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules the Assembly may by Ordinary Resolution authorise a back-payment of the remuneration and entitlements that were not continued during the suspension period.
- (h) To avoid doubt, a period of suspension forms part of a Nyerna Yoorrook Telkuna member's term of office.

#### **Effect of removal**

- (i) If a Nyerna Yoorrook Telkuna member is removed from office in accordance with these rules:
  - (i) they cease to be a member of Nyerna Yoorrook Telkuna; and
  - (ii) the office becomes vacant.

#### **15.3.2 Nyerna Yoorrook Telkuna chairperson**

- (a) The Assembly may suspend or remove a Nyerna Yoorrook Telkuna chairperson from the position of chairperson if an Ordinary Resolution to that effect is passed, but only in accordance with [rule 15.1.2](#), which applies with any necessary modifications as if references in that rule to the Assembly Co-Chair were references to a Nyerna Yoorrook Telkuna chairperson and with the following specific modifications:
  - (i) a Nyerna Yoorrook Telkuna member other than the chairperson:
    - A. may make a request under [rule 15.1.2\(b\)](#) ;
    - B. must receive notice of the proposed suspension or removal;
    - C. must be given a reasonable opportunity to provide their views to the Membership Oversight Committee;
    - D. must be given a reasonable opportunity to provide their views to the Assembly if an Assembly Chamber is called; and
  - (ii) an Assembly Member is not entitled to make a request under [rule 15.1.2\(b\)](#).

#### **Effect of suspension**

- (b) If a Nyerna Yoorrook Telkuna chairperson is suspended in accordance with these rules, they are suspended for such time as set out in the resolution, but in any event no longer than the time remaining of their appointment as Nyerna Yoorrook Telkuna chairperson.
- (c) A suspension from the position of chairperson does not affect that member's continuation in office as a Nyerna Yoorrook Telkuna member.
- (d) During any period of suspension, the Nyerna Yoorrook Telkuna chairperson's remuneration and entitlements are not to continue.
- (e) A suspension of a Nyerna Yoorrook Telkuna chairperson under these rules ends:
  - (i) at the expiry of the period specified in the resolution passed by the Assembly; or

- (ii) if the Assembly passes an Ordinary Resolution to lift the suspension earlier, at the time so specified in that resolution.
- (f) Immediately upon the suspension ending, the person is reinstated as Nyerna Yoorrook Telkuna chairperson and may resume performing all functions and exercising all powers of that position.
- (g) Where a Nyerna Yoorrook Telkuna chairperson was suspended on grounds of a Misconduct Allegation having been made under [rule 15.1.2\(p\)\(iv\)](#) (modified as necessary in accordance with [rule 15.3.2\(a\)](#)) but that allegation does not result in a finding of Misconduct or Serious Misconduct under the Gellung Warl Allegations of Misconduct Rules the Assembly may by Ordinary Resolution authorise a back-payment of the remuneration and entitlements that were not continued during the suspension period.
- (h) To avoid doubt, a period of suspension forms part of a Nyerna Yoorrook Telkuna chairperson's term of office.

#### Effect of removal

- (i) If a person is removed from the position of Nyerna Yoorrook Telkuna chairperson in accordance with these rules:
  - (i) the person ceases to hold the position of Nyerna Yoorrook Telkuna chairperson; and
  - (ii) the position of Nyerna Yoorrook Telkuna chairperson becomes vacant and a new chairperson may be appointed.
- (j) A suspension from the position of chairperson does not affect that member's continuation in office as a Nyerna Yoorrook Telkuna member.

### 15.4 Urgent interim suspension

- (a) Despite any other rule, the Membership Oversight Committee may suspend an Assembly Member, Assembly Co-Chair, Assembly Member in a leadership position, Nginma Ngainga Wara member, Nginma Ngainga Wara chairperson, Nyerna Yoorrook Telkuna member or Nyerna Yoorrook Telkuna chairperson from their office or position with immediate effect if it considers on reasonable grounds that the member continuing in the office or position poses a serious and immediate risk:
  - (i) of bringing Gellung Warl or any of its constituent arms into serious disrepute;
  - (ii) to the health or safety of a Gellung Warl Member, the CEO or a Gellung Warl staff member; or
  - (iii) to the integrity of the suspension and removal processes undertaken under these rules or the handling of a Misconduct Allegation under the Gellung Warl Allegations of Misconduct Rules.
- (b) As soon as practicable after making a suspension of a Gellung Warl Member from their office or position under [rule 15.4\(a\)](#), the Membership Oversight Committee must notify the relevant Gellung Warl Member in writing of:
  - (i) the suspension and its immediate effect;

- (ii) the grounds on which the suspension was made; and
  - (iii) the process that will follow under [rule 15.1](#), [15.2](#) or [15.3](#) (whichever relevant).
- (c) The Membership Oversight Committee must commence a suspension or removal process under [rule 15.1](#), [15.2](#) or [15.3](#) (whichever relevant) within 10 days of making a suspension under [rule 15.4\(a\)](#) so that the Assembly may consider whether to:
  - (i) suspend the Gellung Warl Member;
  - (ii) overturn the suspension under [rule 15.4\(a\)](#); or
  - (iii) remove the Gellung Warl Member.
- (d) The Membership Oversight Committee may revoke a suspension under [rule 15.4\(a\)](#) at any time if it considers the grounds on which the suspension was made under [rule 15.4\(a\)](#) no longer exist.
- (e) The effect of the suspension under [rule 15.4\(a\)](#) is the same as a suspension under [rule 15.1](#), [15.2](#) or [15.3](#) (whichever relevant), modified as necessary and with the following specific modification:
  - (i) where a suspension under [rule 15.4\(a\)](#) is revoked by the Committee or overturned by the Assembly, the Committee or the Assembly may authorise a back-payment of the remuneration and entitlements to the Gellung Warl Member that were not continued during the suspension period.

## 16 Validity of Acts

An act done by a person under or in connection with these rules is valid even if there was a vacancy in the role or office, or it is later discovered the appointment of that person to the role or office was defective or had ceased.

# Nurturing the Fire Stick

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## 17 Information Walking with these Rules

At the time these rules were made, the following rules and other documents are relevant to their operation. Other rules and other documents may be made from time to time that are also relevant to their operation.

### 17.1 Internal rules

- (a) Electoral Rules
- (b) Assembly Internal Governance Rules

- (c) Assembly Meeting and Decision-Making Rules

## 17.2 Policies and procedures

- (a) Assembly Member Roles and Responsibilities Policy
- (b) Assembly Member Reimbursement Policy

# 18 Amendments

Version	Date Approved	Approved By	Review Date	Changes Made

