



## Complaints and Disputes Policy

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This policy is applicable to: **All Members**

### 1. Introduction

This policy will apply to all Gumala Aboriginal Corporation (“GAC”) Members, employees and Directors. This policy has been prepared to outline the process for the handling of complaints and disputes in accordance with requirements of the GAC Rule Book. GAC Governance will ensure that training on process and requirements is conducted on an ongoing basis, and as needed from time to time.

### 2. Definitions and Key Terms

<b>GAC</b>	Gumala Aboriginal Corporation
<b>Member</b>	Traditional Owner registered on the list of current GAC Members
<b>Complaint</b>	is an expression of dissatisfaction by a GAC Member, who is not an employee, or by a third party about the business, standard of service, conduct, action or lack of action by: a. GAC; and/or b. an employee; and/or c. an office bearer; and/or d. a Director e. third parties engaged with GAC
<b>Director</b>	Director on the Board as per rulebook of GAC.
<b>Dispute</b>	a disagreement or grievance remaining unresolved between one or more of the GAC’s directors, staff and members.

### 3. Scope

This policy applies to all GAC, its Members, employees and Directors.

### 4. Purpose

The purpose of this Complaints and Disputes Policy is to promote clear, open and accountable handling of complaints made about Gumala Aboriginal Corporation (“GAC”), its conduct, and its employees and Directors. GAC Directors and staff should refer to the GAC Grievance Policy in the event of a dispute or grievance

## **5. Policy**

### **5.1. Principles of the Complaints Policy**

The following principles underpin the handling of complaints and any subsequent process:

- A need to ensure that complaints are actioned in a timely and consistent manner;
- Procedural fairness to all parties involved;
- Actions and decisions will not discriminate against culture, age, gender, disability, language, religion or the sexuality of the party/ies;
- A person's privacy and confidentiality are respected;
- An individual's rights are respected, and people are treated equally and with respect;
- Conflict of interest issues will be dealt with properly and appropriately;
- Complaints are accurately recorded;
- Staff carrying out processes have the necessary and relevant authority; and
- Responsible, fair and transparent outcomes are achieved

### **5.2. Principles of the Disputes Policy**

The following principles underpin the handling of disputes and any subsequent process:

- Processes and procedures that are clear and consistently implemented to ensure timely and proper resolution of complaints;
- Affording procedural fairness to all parties involved;
- Actions and decisions have due regard to culture, age, gender, disability, language, religion and sexuality of the parties;
- A person's privacy and confidentiality are respected;
- Individuals' rights are respected, and people are treated with respect;
- Conflict of interest issues dealt with properly;
- Resolution steps and outcomes are recorded accurately;
- Staff carrying out processes have the necessary and relevant authority; and
- Achieving fair, reasonable and agreed outcomes wherever possible

**5.3.** GAC will follow a formal Complaints Procedure and Disputes Procedure (as set out in 5.1) to be read in conjunction with this Complaints and Disputes Policy. To ensure that all complaints and disputes are handled in a professional and appropriate manner GAC will, on receipt of a complaint or dispute, follow the appropriate procedure.

**5.4.** The Complaints Procedure and Disputes Procedure (at clause 5) will be made accessible to the general public on request and accessible via the relevant Gumala websites.

- 5.5.** The GAC Governance Team will serve as a central contact point to oversee this policy and to ensure the appropriate procedure is being implemented efficiently and as appropriate.
- 5.6.** Complaints and disputes will be dealt with in a timely fashion as outlined in the relevant procedure.
- 5.7.** A person involved or implicated in a complaint or dispute will not be involved in the handling of the complaint.
- 5.8.** Where a complainant does not accept the outcome arising from the enquires undertaken as a result of the relevant procedure, the assigned employee or officer will advise the complainant of alternative options open to them, including appealing the decision or approaching a third party (e.g. Equal Opportunity Commission or ORIC).
- 5.9.** If a person making a complaint and initiating a dispute behaves in a threatening, rude or harassing manner, GAC may decline to consider the complaint further and may refer the matter to an external agency or mediator, or where appropriate take any other action that may be appropriate to it under law.
- 5.10.** GAC may, if it considers that a complaint is frivolous, vexatious, not made in good faith, misconceived, or lacking in substance or currency, decline to deal with a complaint and notify the complainant to that effect.
- 5.11.** All documentation and private and sensitive information in regard to the complaint or dispute should be kept confidential. No discussion about the complaint or dispute should occur with other employees, officers, directors or third parties who reasonably would not need to know about the contents of the complaint or dispute. If the employee is to discuss the complaint or dispute with a non-Gumala Party, they should do so in a way that is in accordance with the Privacy Act 1988.
- 5.12.** A Member may appeal any declined decision by the Member Services team, to do so they must apply in writing and the appeal will be handled by the Governance team as per the Complaints procedure in (see 6.1).

## **6. Procedure**

### **6.1. Complaints Procedure**

- 6.1.1.** Any GAC employee, officer or Director who receives a complaint (in writing, by fax, by email or verbally) should direct the complaint to the governance team, who will record the complaint in GAC Complaints Register (for good record keeping purposes).

- 6.1.2.** If an employee or officer is not sure whether they have received a formal written complaint that can be addressed in the normal course of business, they should ask their direct line manager for advice.
- 6.1.3.** The Governance Team will action the complaint appropriately, however, in circumstances where this team no longer exists or is the subject of the complaint, the complaint will be directed to the relevant executive staff member of GAC.
- 6.1.4.** Governance will register and assign a complaint number and provide the complainant with written confirmation within five (5) working days of receipt of the complaint. This letter will outline the investigation process into the complaint, all actions that will be taken and an estimated timeframe before a response is provided back to the complainant
- 6.1.5.** Governance will investigate and liaise with the appropriate staff to formulate a response to all issues outlined in the complaint and provide the written response back to the complainant within twenty (20) working days of receipt of the complaint. The response should provide adequate reasons for any decisions made, any changes or actions that have resulted from the complaint and a remedy where appropriate. Executive Officer first, Board second.
- 6.1.6.** If the complainant is not satisfied with the response, then the Governance Team will advise them that the complaint can be escalated to the relevant Board of Directors or external agency (e.g. ORIC, police or Equal Opportunity Commission).

The Governance Team should be approached as the point of first contact with regards to all complaints.

## **6.2. Disputes Procedure**

- 6.2.1.** If a dispute arises, the parties involved should first use best efforts to try and resolve the dispute by themselves on an informal basis.
- 6.2.2.** If the parties cannot resolve it themselves, then any party to the dispute may issue a dispute notice. The **dispute notice must:**
  - a) Be made in writing;
  - b) Be addressed to the other parties involved in the dispute and the Executive Officer of GAC; and
  - c) State what the dispute is about.
- 6.2.3.** The dispute must be brought to the attention of the GAC Board



- 6.2.4.** The Directors must make a reasonable effort to help the parties resolve the dispute within 30 (thirty) business days of receipt of the dispute notice. A meeting shall be convened between the parties to the dispute to discuss the concerns and issues involved in the dispute and try and resolve the dispute, this may be done with the assistance of a professional mediator or any other convenor as agreed by the parties.
- 6.2.5.** If the dispute is not resolved at the meeting, the following options are available to the parties to try and resolve the dispute:
- a) The mediator/convenor may call a second meeting;
  - b) The parties may agree to attend other forms of alternative dispute resolution, conciliation or mediation.
- 6.2.6.** The parties to the dispute should not commence legal proceedings unless the above steps to try to resolve the dispute have been followed.
- 6.2.7.** If the dispute is serious or complex in nature (such as involving circumstances of corruption, maladministration, discrimination, harassment or a criminal offence), then the directors may refer the complaint to an external agency.

GAC staff and Directors should keep detailed records throughout a dispute and ensure that everything is recorded in writing to avoid future misunderstanding.