
Attachment C1: Complaints Procedure

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, HA provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organisations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process MPIO or President/ CEO considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the hearings tribunal for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Any person or organisation may make a complaint about a person or organisation to whom this Policy applies, if they consider that person or organisation has, or may have, committed a breach of any part of this Policy.

The Complaint will not be divulged to another person without the complainant's agreement, except in the case where a person is required by law to report the matter to governmental authorities (for example, in the case of suspected child abuse).

It is recommended that Complaints are handled, as far as possible, at an informal level. A commonsense, low-key approach is often far more satisfactory to the complainant and to the person complained about.

The four principles of case handling will apply at every stage of these procedures. This means that all responsible persons will handle all cases:

- Promptly.
- Seriously.
- Sensitively.
- Confidentially.

Step 1

As a first step you (the complainant) should try to sort out the problem with the person or people involved if you feel able to do so.

Step 2

If:

- The first step is not possible/reasonable.
- You are not sure how to handle the problem by yourself.
- You just want to talk confidentially about the problem with someone and get some more information about what you can do.
- The problem continues after you tried to approach the person or people involved; then talk with one of our MPIOs. A list of MPIOs can be obtained from your state/ territory association.

The MPIO will:

- Take notes about your complaint (which the MPIO will keep in a secure and confidential place).
- Try to sort out the facts of the problem.
- Ask what outcome/ how you want the problem resolved and if you need support.
- Provide possible options for you to resolve the problem.
- Explain how our complaints procedure works.
- Act as a support person if you so wish.
- Refer you to an appropriate person to help you resolve the problem, if necessary.
- Inform the relevant government authorities and/or police if required by law to do so.
- Maintain strict confidentiality.

Step 3

After talking with the MPIO, you may decide:

- There is no problem.
- The problem is minor and you do not wish to take the matter forward.
- To try and work out your own resolution (with or without a support person such as a MPIO).
- To seek an informal mediated resolution with the help of a third person (such as a mediator or a Manager).

If you wish to remain anonymous, HA, SA, AA and/ or AC can't assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides. This means that HA, SA, AA and/ or AC or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

Step 4

If your complaint is not resolved to your satisfaction, you may:

- make a formal complaint in writing
 - A written Complaint must be made to one of the following people:
 - A Member Protection Information Officer of HA, a State Association or Affiliated Association (if applicable).
 - The Chief Executive (or in their absence their Nominee) of HA, the relevant State Association or Affiliated Association.
- Approach a relevant external agency such as an equal opportunity commission, for advice.

Step 5

If you decide to make a formal complaint in writing under Step 4, the MPIO or CEO will, on receiving the formal complaint and based on the material you have provided, decide whether:

- They are the most appropriate person to receive and handle the complaint.
- The nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of HA, SA, AA and/ or AC. In these cases, the MPIO or CEO may determine that the complaint does not warrant a formal resolution procedure.
- To appoint a person to investigate the complaint.
- To refer the complaint to an informal or formal mediation session.
- To refer the complaint to a hearings tribunal.
- To refer the matter to the police or other appropriate authority.
- To implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the MPIO or CEO will take into account:

- Whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised.
- Whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint.
- Your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled.
- Whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate).
- The nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint.;
- Whether the facts of the complaint are in dispute.
- The urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted.

If the MPIO or CEO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- Get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps).
- Put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story.
- Decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen.
- Determine what, if any, further action to take. This action may include disciplinary action in accordance with **attachment C6**, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

Step 6

If:

- A person is appointed to investigate the complaint under **Step 5**, the investigator will conduct the investigation and provide a written report to MPIO or CEO who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with **attachment C6**, and referring the complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority.
- The complaint is referred to an informal or a formal mediation session under **Step 5**, the mediation session will be conducted in accordance with **attachment C2** or as otherwise agreed by you and the respondent.
- The complaint is referred to a Hearings Tribunal under **Step 5**, the hearing will be conducted in accordance with **attachment C5**.
- The complaint is referred to the police or other appropriate authority under **Step 5**, HA, SA, AA and/ or AC will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority.
- Interim administrative or other arrangements are implemented under **Step 5**, HA, SA, AA and/ or AC will periodically review these arrangements to ensure that they are effective.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by the individual unless otherwise stated in the relevant Attachment.

Step 7

If, under Step 6, an informal or formal mediation session is conducted, and you and the respondent(s) can not reach a mutually acceptable mediated solution to the complaint, you may request that the MPIO or CEO reconsider the complaint in accordance with Step 5.

You or the respondent(s) may be entitled to appeal where:

- Under Step 5, a decision was made by the MPIO or CEO:
 - Not to take any action.
 - To take disciplinary action.
- Under Step 6, a decision was made by a mediator or a hearings tribunal:
 - Not to take any action.
 - To take disciplinary action.

The grounds for appeal and the process for appeals under this Policy are set out in **attachment C5**.

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/ outcome for you, or if you believe it would be impossible to get an impartial resolution within club/ association, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

Step 8

The MPIO will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

External procedure

There may be a range of external options available to you depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made as to whether unlawful harassment or discrimination occurred. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.