



PROCEDURE FOR HANDLING COMPLAINTS FROM MEMBERS, CLIENTS AND THE PUBLIC

The Goldfields Land and Sea Council has clear processes for dealing with complaints by members, clients and the general public. This brochure provides a brief guide to these processes. More detail can be obtained from the organisation's Policy and Procedure Manual.

COMPLAINTS BY GLSC MEMBERS OR CLIENTS OF THE GLSC

Complaints against Decisions of the Governing Committee or Executive Committee

Where a member or client of the GLSC (eg. native title claimant) is unhappy with a decision of either the Governing Committee or Executive Committee, they have the right to seek a review of that decision by the Governing Committee.

The following process applies:

Step 1

The first step is for the member or client who has the complaint to notify the GLSC's Executive Director in writing that they want the decision or action reviewed.

The Executive Director is required to list the complaint on the agenda at a meeting of the Governing Committee within a reasonable time after receiving the request.

Note: There is no obligation on the GLSC to call a special meeting of the Governing Committee for this purpose.

Step 2

The Governing Committee will consider the complaint and decide whether to uphold or vary the original decision. The Governing Committee may decide to refer any complaint to a barrister for investigation, report and recommendation, prior to making its decision on the complaint.

Note: Complainants may appear before a meeting of the full Governing Committee to present their case for reviewing the decision, but are not entitled to be present while the decision is being discussed or decided by the Governing Committee.

Step 3

Within 30 working days of reconsidering the matter, the Governing Committee will write to the complainant to explain the outcome, including full reasons for its decision.

Complaints against Decisions or Actions of GLSC Staff

Where a member or client of the GLSC has a grievance with a decision or action of a staff member they have the right to seek a review of that decision or complain about the action to the Executive Director.

The following process applies:

Step 1

The first step is for the member or client who has the complaint to notify the Executive Director in writing of the nature of their complaint.

Step 2

The Executive Director will first refer the matter to the employee's supervisor. An internal investigation of the matter will be completed within 30 working days and an attempt made to resolve the issue with the complainant.

Note: If the complaint is about a decision or action of the Executive Director the matter will be referred to the Chairman of the GLSC for investigation and resolution.

Step 3

If the complainant is still dissatisfied with the action taken to resolve the matter, they are entitled to make representation to the next meeting of the Executive Committee of the GLSC to further explain their grievance and to discuss ways in which it might be resolved.

The Executive Committee may at any time decide to refer the matter to the Governing Committee for decision.

Step 4

The Executive Committee will consider the matter and provide a response to the complainant with written reasons within 30 working days.

Criteria for Review of Decisions

When considering complaints, the reviewing body or person will assess whether any of the following applied to the original decision by either the Governing Committee, Executive Committee, Executive Director or member of staff:

- a) Their powers were exceeded in making the original decision;
- b) Any breach of natural justice occurred, such as denial of the right of the complainant to be heard;
- c) The procedures that were required by law to be observed in connection with the making of the decision were not observed;
- d) The decision was in any way induced or affected by fraud;
- e) There was insufficient material presented to justify the decision;
- f) Any irrelevant consideration was taken into account,
- g) A relevant consideration was not taken into account;
- h) There was any element of bad faith in the decision making process;
- i) Proper consideration was not made of the merits of the case before a discretion was exercised;
- j) The decision was an unreasonable one; or
- k) The decision was arbitrary.

If any of the above did apply to the original decision, the reviewing body will ensure that they are rectified during the review process.

Right to Judicial Review

If a member or client of the GLSC is still dissatisfied after the reviews outlined above, they will be informed that they may have the right to have their complaint reviewed under the Commonwealth Administrative Decisions (Judicial Review) Act 1975.

The complainant will be given the telephone number and address of the Registrar of the Federal Court and will also be advised that they may be eligible for legal assistance from the Aboriginal Legal Service or another source for this additional review.

COMPLAINTS BY MEMBERS OF THE PUBLIC

If a member of the public has a grievance with the action of a GLSC staff member or a decision of the GLSC Governing Committee or Executive Committee they can have it examined through the following process:

Step 1

The first step is to notify the Executive Director in writing of the nature of the complaint.

Step 2

Where the grievance concerns a staff member, the Executive Director will first refer the matter to the employee's supervisor. An internal investigation of the matter will be completed within 30 working days and an attempt made to resolve the issue, including written advice to the complainant of any outcome.

Note: If the grievance is with a decision or act of the Executive Director the grievance will be referred to the Chairman of the GLSC for investigation and resolution.

Step 3

If the complainant is still dissatisfied, and where the GLSC is notified of this in writing, the matter may be referred to the next meeting of the Executive Committee of the GLSC for further consideration.

The Executive Committee may at any time decide to refer the matter to the Governing Committee.

Step 4

After consideration by either the Executive Committee and/or the Governing Committee, the complainant will be advised of the outcome within 30 working days.

GLSC RESERVES THE RIGHT TO SEEK ADVICE

With all complaints – whether from members, clients or members of the public, the GLSC reserves the right to seek advice on any matters to do with the grievance at any stage during the resolution process. The advice may be taken from various sources, including GLSC staff and Executive members, appropriate senior members of the Aboriginal community, other Aboriginal organisations, private legal practitioners, independent research consultants, and State or Commonwealth agencies.

