

For corporations: what to do when you get a complaint

Your corporation should treat complaints as a form of feedback. It should also show commitment to resolving them. If your corporation doesn't already have a procedure for handling complaints here are some points you might consider:

- **Have a process**—Corporations should let members, customers, employees and others know how to present their complaint, who to talk to about it (or where it should be sent).
- **Acknowledge**—When a complaint is received make sure you acknowledge it straightaway.
- **Listen without judging**—It's natural to get defensive when someone complains, especially if you don't agree with what they are saying or they are angry. Try to stay calm and be respectful.
- **Work out the problem**—Listen carefully. Make sure you fully understand the matter. Ask the complainant what they expect should be done, and write it down.
- **Decide what to do**—Different complaints will require different responses, and possibly involve different people at your corporation. With straightforward complaints a simple polite explanation may be all that's needed. If the problem is about how the corporation is run, check what your rule book says. Employment issues may need to be worked out with your HR staff. Each complaint should be looked at fairly and objectively. Any personal information identifying the complainant should be treated in confidence.
- **Give updates**—Keep the complainant informed. Let them know the progress of their complaint.
- **Fix the problem or say why you can't**—Tell the complainant what you can offer—whether that's a final decision or you propose another action. Make sure the complainant understands. If the complainant agrees to a proposed solution, action the solution straightaway. If you can't fix the problem or you consider it is not your responsibility give the complainant your reasons. Provide your decision in writing to the complainant.

Did you know there is an Australian Standard that provides guidelines for complaints handling in organisations?

Help from ORIC

As far as is practical, ORIC encourages and assists corporations to resolve their difficulties internally but does not provide legal advice. ORIC's assistance is restricted to explaining corporate governance, the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, corporation rule books and members' rights.

If you've already contacted your corporation to try to resolve your problem directly, ORIC may be able to suggest some other options you can pursue.

Although ORIC can't resolve all complaints involving corporations it uses the information you provide to help understand what issues are causing the most trouble for Aboriginal and Torres Strait Islander corporations. This informs ORIC where to focus its regulatory and education work.

Have you called your AGM?

All corporations must hold their AGM before **30 November 2015** (unless they have an exemption from the Registrar).



Aboriginal and Torres Strait Islander Act 2006 (CATSI) General report

Have you lodged your 2014-15 reports?

Reports are now due.

Don't risk prosecution. If you need help filling in your reports or you are not quite sure what to lodge, ORIC can help you.

lodge online

<https://online.oric.gov.au>

It's easier than you think



Managing your members list online just got easier

Did you know you can update your members list on the ORIC website all year round as changes happen?

Doing this will make the task of lodging your general report each year much quicker—especially if you have lots of members in your corporation.

We've made changes to the 'List of names and addresses of members' and the 'General report' forms to make it easier to manage your members list online.

- **We've added inline editing**—this allows you to add, cease and edit member details in the list view, without navigating away to a separate form.
- **We've increased the number of lines displayed in a members list**—you can now view up to 100 names per page (handy if you have a large number of members).
- **You can now sort your lists** of members and directors alphabetically by their names.



Australian Government
Office of the Registrar of Indigenous Corporations

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Complaints and how to manage them

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It is not unusual for there to be different views on what a corporation should do and how it should be managed. This can lead to complaints.

Complaints range from small, usually 'fixable' matters to large complicated problems which take time to address. But all complaints are important and all complainants should be treated with respect.

If your corporation has a process to follow, it will help you address complaints and, hopefully, also to resolve them.

Contrary to what many people think, raising issues or complaints can be useful for a corporation. They're a way for members to give feedback on what's important to them, and what issues need to be resolved by the corporation. I always recommend that directors listen carefully to their members and communicate with them regularly. These two actions can prevent a lot of complaints and disputes.

Registrar of Indigenous Corporations,
Anthony Beven

Directors: Does your corporation have a policy and procedures manual about how to deal with complaints?

Does it set out, for example, who a complainant should contact, what information to provide and an outline (including a timeframe) on how the complaint will be addressed?

For complainants: tips for making a complaint

Complaining can be a valuable tool for initiating change but keep to the issue and be prepared to listen. People don't always have to agree with one another but they should be willing to work towards a solution (and sometimes that may mean a compromise).

Complain about the right thing—Is something just bugging you and making you feel annoyed—or is there a real problem?

Complain to someone who can do something about it—

Complaining to anyone and everyone can make you feel better simply because you are getting the matter 'off your chest' but it rarely changes anything. Save your energy and time, make sure you're complaining to the right person at the corporation.

Seek solutions—Trying to make people admit they're at fault is not productive. Forget blame and focus on solutions.

Before approaching ORIC with your complaint, try to sort it out with your corporation.

If you want to make a complaint about an issue at your corporation, ORIC has a fact sheet that sets out the steps to take. You can download a copy from www.oric.gov.au or ask for a copy at info@oric.gov.au or 1800 622 431.

FACT SHEET
Australian Government
Office of the Registrar of Indigenous Corporations

Complaints involving corporations

Running a corporation that delivers a service to the community is not always easy. People have different opinions and sometimes things can go wrong.

Did you know you can see a corporation's rule book on the ORIC website?

Go to the public register, put in the corporation's name or ORIC and look under 'documents'.

What to do first
Check the corporation's rule book. Often the answer or the advice you're after is in the rule book.

Contact the corporation.
Talk to the directors or the chief executive officer as soon as possible to discuss your concern. Sometimes you may find that it's a misunderstanding that has caused the problem.

In many cases a simple phone call or a visit to the corporation can fix things.

When the matter is serious
If your concern is more serious, it is a good idea to put it in writing. Serious issues are, for example, when:

- corporations do not follow their rule books or the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act)
- directors do not act honestly or manage the corporation properly
- corporations run up debts they cannot pay
- corporation activities are illegal or seem to favour particular members
- notices for meetings are not given in the proper way or in reasonable time.

How to complain
When you talk or write to the corporation:

- be clear about what the problem is
- explain what you want the corporation to do
- ask for a response within a reasonable time, for example, within two weeks
- be polite—focus on the outcome you want instead of sounding angry or annoyed
- keep a record—once you have spoken to someone write down what happened, the date, and the name of the person you spoke to. Also keep copies of any letters you send or receive.

There is a problem, what do I do?

CONTACT ORIC
You can make a complaint over the phone, by fax, email or post

Freecall 1800 622 431 (not free from mobiles)
Fax 02 6133 8080
Email info@oric.gov.au

GOT A COMPLAINT?
If you have a complaint against a corporation don't just jump up and down

First check the corporation's rule book
It might have the answers you are looking for!

Contact the corporation
If the rule book can't help...
A simple phone call or visit to the corporation can sometimes fix things

COMPLAINTS FOLLOW A PROCESS



Complainant: consider

- What outcome are you after?
- Check your rule book for guidance

Complainant: make your complaint

- Contact your corporation (e.g. by phone, email or in person)
- Be clear about the problem
- Be polite and respectful
- Keep a record of your conversation

consider

complain

acknowledge

Corporation: acknowledge the complaint

- Respond promptly and politely to the complainant
- Let the complainant know the next step(s) (e.g. do you have to examine the matter further, refer it elsewhere, seek expert advice?)
- Advise the complainant of the timeframe

discuss

Corporation: consider, discuss and decide

- Examine the complaint carefully (make sure you have all the facts)
- Discuss the matter with relevant parties
- Stay calm, fair and open minded
- Keep the complainant informed, especially if the process is taking more time than first advised
- Make a decision

decide

reflect

communicate

Complainant: decide

- Has the matter been resolved to your satisfaction?
- Do you want to take the matter further (if yes, refer to your corporation's dispute resolution rule)

Complainant: reflect on the decision

- Examine the decision carefully and calmly
- Does the decision address your matter fully or to a reasonable degree?
- Be prepared to compromise

Corporation: communicate the outcome

- Inform the complainant of the decision
- Give clear objective feedback (that is, the reasons for the decision)
- Finalise within a reasonable timeframe
- Keep a record of the complaint and the process



Before making a complaint to ORIC, try to sort it out with your corporation.

Marlene Nampitjinpa Spencer, Chairperson of the Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation (WDNWPT)—also known as Western Desert Dialysis or 'Purple House' (ICN 4236)—at Wilkinkarra (Lake Mackay) in Western Australia, near the community of Kiwirrkurra, in early 2015. Photo: Matt Frost www.infusion-photography.com