



Australian Government

Office of the Registrar of Indigenous Corporations



POLICY STATEMENT 03

Complaints and feedback about the Registrar's staff, contractors and services

Policy	PS-03: Complaints and feedback about the Registrar's staff, contractors and services
Relevant legislative provisions	APS Code of Conduct
Last updated	31 July 2014
Other relevant policies	PS-01: Providing information and advice PS-02: Complaints involving corporations

PS-03: Complaints and feedback about the Registrar’s staff, contractors and services

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PS-03: Complaints and feedback about the Registrar's staff, contractors and services

1 Purpose

- 1.1 In this policy statement, the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) provides guidance on how complaints about the Registrar's staff, contractors and services will be handled.
- 1.2 The nature of the Registrar's regulatory and other roles means that complaints about staff and contractors are to be expected. Complaints that are managed well can be positive for all parties involved. Responding to complaints about staff, contractors and services is an important way of improving the services the Registrar provides.
- 1.3 References to sections in this policy statement are references to sections of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act) unless otherwise specified. References to corporations in this policy statement are references to Aboriginal and Torres Strait Islander corporations unless otherwise specified. In addition, references in this policy statement to the Registrar are also references to a delegate who is lawfully exercising the powers of the Registrar.

2 Complaints-handling system

- 2.1 The Registrar has a number of statutory functions. These are set out section 658-1 of the CATSI Act and include assisting with complaints under the CATSI Act.
- 2.2 The Registrar is committed to providing a professional and effective complaints-handling system. Key elements of this system are:
 - visibility—making clients and stakeholders aware of their right to complain
 - accessibility—providing facilities to make it easier to make a complaint
 - responsiveness—responding to and resolving complaints in a timely manner
 - fairness—establishing a separate complaints handling role within to investigate and facilitate the resolution of complaints.

3 Types of complaints

- 3.1 The types of complaints the Registrar receives may include, but are not limited to, matters such as:
 - the conduct or behaviour of staff
 - the conduct or behaviour of contractors such as examiners or administrators
 - the delivery of services by the Registrar, which includes:
 - assisting corporations to draft their rule book

- providing information on a corporation's obligations under the CATSI Act, for example, reporting obligations or directors' duties
- undertaking an examination
- exercising the Registrar's regulatory and enforcement powers, for example, issuing a compliance notice
- putting in place a special administrator
- maintaining the Register of Aboriginal and Torres Strait Islander Corporations and the Register of Disqualified Officers
- providing training on the CATSI Act and the registration process
- resolving disputes and complaints
- granting exemptions from certain requirements of the CATSI Act
- information published by the Registrar about the CATSI Act, for example, training materials and fact sheets
- privacy issues such as personal information disclosed by the Registrar on the public register—see 'PS-15: Privacy'.

4 Receiving complaints or feedback

- 4.1 If a client is not satisfied with the service provided by the Registrar they can provide feedback or make a complaint. The Registrar's publications and website promote the ability for people to provide feedback or make complaints.
- 4.2 Complaints can be made to the Registrar by phone, post, fax, email or in person, but the complainant should clearly indicate that they are making a complaint about a staff member or contractor of the Registrar, or the services provided by the Registrar.

5 Handling complaints

- 5.1 Complaints about staff and contractors will be handled with discretion and, wherever possible, confidentiality and privacy will be maintained.
- 5.2 The Registrar aims to investigate and respond to all complaints about staff and contractors within 20 working days of receiving the complaint.
- 5.3 In some circumstances, the Registrar may determine that a complaint about a staff member or contractor should be:
- treated as a request for a review of an administrative decision or
 - referred to the complaints or investigation areas of the department responsible for Indigenous affairs, or other agencies if appropriate in the circumstances or
 - referred to the Commonwealth Ombudsman or
 - handled as a complaint about a corporation, including the possible activation of whistleblower protection (Part 10-5 of the CATSI Act).

- 5.4 Where it is appropriate, the Registrar will, with the consent of the complainant, refer the complaint to another agency or advise the complainant to:
- refer the complaint directly to that agency or
 - make a request for an administrative review in accordance with the appropriate legislation.

6 Investigating and resolving complaints

- 6.1 Generally, the Registrar will investigate a complaint by undertaking the following steps:
- checking to see if there are any previous complaints on the issue
 - contacting the individual who made the complaint to clarify their concerns and to explain the complaints-handling process
 - determining if the complaint should be referred to another agency or a third party mediator or dealt with as a request for internal review
 - determining if the complaint can be resolved without further investigation
 - obtaining and examining all documentation/files on the complaint—including correspondence, file notes and information held electronically
 - establishing the sequence of events which occurred leading up to the complaint
 - if appropriate, interviewing people with information about the complaint
 - attempting to verify information where possible
 - if appropriate, drafting a report setting out the facts of the complaint, conclusions and recommendations for resolution
 - writing to the individual who made the complaint in writing about the outcome of the investigation
 - if appropriate, discussing the matter with the individual who made the complaint and confirming any agreement or resolution in writing.
- 6.2 When the complainant is notified of the outcome of the investigation the Registrar will also set out the rights of review open to the complainant.

7 Remedies

- 7.1 If a complaint is upheld, the Registrar will provide the individual who made the complaint with an appropriate remedy.
- 7.2 In determining what remedy is appropriate in the circumstances, the Registrar will consider:
- the nature of the complaint
 - the conduct of the Registrar's staff and contractors, or the standard of service provided by the Registrar
 - any extenuating circumstances
 - whether any detriment has been caused to the individual who made the complaint and the extent of any such detriment.

- 7.3 Remedies may include any of the following:
- a clear explanation of what happened and the steps taken to resolve the problem
 - information or advice
 - correction of misleading records
 - reconsideration of a decision
 - an acknowledgment of fault
 - an apology
 - change of policy or procedures
 - compensation (if possible), for example, ex gratia payments, act of grace payments or payments under the Scheme for Compensation for Detriment caused by Defective Administration (the CDDA scheme).

8 Review of the Registrar's reviewable decisions

- 8.1 If a complainant is not satisfied with the Registrar's decision in relation to their complaint, the individual can ask the Registrar to review the decision if it is a reviewable decision—see 'PS-14: Reviewable decisions'.
- 8.2 If, after the Registrar has reviewed a decision, the complainant is still not satisfied about the original decision or the amended decision (if any), the complainant can make a complaint to the Commonwealth Ombudsman, or in certain circumstances make application to the Administrative Appeals Tribunal (AAT) for a review of the decision.
- 8.3 Applications for review to the AAT can only be made in relation to reviewable decisions listed in section 617-1—see 'PS-14: Reviewable decisions'. The AAT can be contacted on 1300 366 700 during business hours and more information can be found at www.aat.gov.au.

9 Commonwealth Ombudsman

- 9.1 The Commonwealth Ombudsman can consider and investigate complaints about the Registrar and the Registrar's staff. The Commonwealth Ombudsman can be contacted on 1300 362 072 during business hours and more information can be found at www.ombudsman.gov.au.

10 Recording complaints

- 10.1 All complaints that are received by the Registrar about staff, contractors or services will be recorded.
- 10.2 The Registrar will maintain a record of the complaints received and any resolution. The record of the complaint includes identification of any systemic or recurring issues.

END OF POLICY STATEMENT