
THE GLIDING FEDERATION OF AUSTRALIA INC

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COMPLAINTS, DISCIPLINE AND APPEALS

Policy and Procedures

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<p>Amended Policy</p> <p>Minor changes and updates throughout. Added new section on role definitions and new section on discipline. Added ability to engage outside organisations for dispute resolution and hearing appeals.</p>			

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1. PURPOSE

Gliding Australia is committed to ensuring that complaints and grievances are treated with procedural fairness and that decision making is fair and reasonable.

The purpose of this Complaints, Discipline and Appeals Policy and Procedures is to:

- Ensure an open, accessible and transparent complaint management system;
- Ensure complaints, disciplinary action and appeals are managed effectively and fairly in a timely manner;
- Provide guidelines to all members of Gliding Australia on how complaints, disciplinary action and appeals are managed.

2. SCOPE

This policy applies to all Gliding Australia members, affiliated organisations, employees, and non-members engaged by Gliding Australia.

The Gliding Federation of Australia Incorporated A0046188T (GFA) undertakes several functions for Australian gliding in:

- Supporting members;
- Providing services;
- Representing members;
- Administering operations, airworthiness and sport competitions, including delegated activities for CASA that involve compliance with government legislation;
- Auditing compliance.

From time-to-time, Gliding Australia must expect to have to deal with improper conduct by a person to whom the Complaints, Discipline and Appeals Policy and Procedures apply, or where a breach has occurred of the GFA Member Protection Policy as described in the Role-Specific Codes of Conduct of that Policy.

Gliding Australia has a requirement to report all breaches of aviation legislation to CASA and all criminal activity to the police.

3. DEFINITIONS

Complainant: a person or organisation who submits a complaint.

Complaint: an expression of dissatisfaction with conduct, a service provided, a decision made, or an action taken.

Informal Complaint: A written complaint that is submitted for recording purposes only. It will not be investigated or followed up for resolution.

Formal Complaint: A written complaint that is submitted for the purpose of a subsequent investigation and potential disciplinary outcome.

Complaint Resolution: The process by which complaints are acknowledged and acceptable outcome(s) agreed to by the parties involved.

Discipline Matter: a person or organisation is “charged” with breaching the rules, including a relevant organisation’s constitution and policies, which can result in a penalty being imposed.

Grievance: a complaint by a person or organisation against another person(s) or organisation(s).

Incident: An occurrence or event, or series of events, or pattern(s) of behaviour, or alleged breach(es) of legislation, rule(s) or standard(s), giving rise to a complaint or discipline matter(s) against another person(s) or organisation(s).

Mediation: A formal process where the complaint or grievance is negotiated between both (or more) parties. It is generally a mandatory initial step in dealing with the complaint or grievance.

Respondent: A person or organisation who has a complaint submitted against them.

Penalty: Formal punishment which is determined after the discipline matter is dealt with via a tribunal or similar hearing conducted in accordance with the rules of natural justice. Penalties may range from a warning to a fine with the ultimate sanction being expulsion from Gliding Australia.

Support Person / Adviser: A person chosen by the Complainant or the Respondent to give support and / or advice during the complaint handling or investigation process.

Third Party: A person outside the complaint who can act as facilitator and assist with the resolution process. This can be an external representative but not a legal representative.

4. POLICY STATEMENT

Gliding Australia is committed to providing a fair, safe and productive sporting environment where grievances are dealt with sensitively and expeditiously. An essential part of developing that environment is ensuring that all members are encouraged to come forward with their grievances in the knowledge that the relevant Club, regional or national organisation will take appropriate action to address those grievances.

The Gliding Australia Board is the approver for Complaints, Discipline and Appeals Policy and Procedures.

GFA Complaints, Discipline and Appeals Policy and Procedures aim to provide a simple, confidential and trustworthy guide for resolving complaints based on the principles of natural justice.

Any person or organisation (*Complainant*) may submit a complaint, in line with the complaints process, about a person, people or organisation bound by this policy (*Respondent*) if they feel they have been harassed, bullied or discriminated against or there has been a possible breach of policy or legislation.

All complaints will be dealt with seriously, sensitively, confidentially, and in a timely manner.

The principles are:

- All members have a right to participate in a safe and healthy sporting environment.
- All members are encouraged to discuss concerns regarding the sporting and Club environment and to seek resolution in accordance with this policy.
- All members are entitled to prompt consideration and efficient resolution of any grievance, complaint, and appeal.
- Gliding Australia is committed to resolving all grievances and complaints through discussion and conciliation where possible and through fair and equitable processes and procedures when required.
- Resolution of grievances and complaints should be managed at the lowest level possible.
- The individual's right to natural justice will always be upheld.

4.1 Natural Justice and Accountability

The rules or principles of natural justice/procedural fairness have developed to ensure that decision-making is fair and reasonable. Put simply, decision-makers are required to inform people of the case against them or their interests, give them a right to be heard (the 'hearing' rule), not have a personal interest in the outcome (the rule against 'bias'), and act only based on logically compelling evidence (the 'evidence' rule). The term is sometimes phrased as the "duty to act fairly".

Enforcement decisions must be:

- Fair, reasonable and follow due process. Gliding Australia is accountable to CASA for operational and airworthiness decisions affecting flight safety. This includes enforcement decisions for operational and airworthiness ratings, endorsements and judgements made by Gliding Australia officers performing aviation safety risk management.
- Transparent to those involved.
- Traceable to evidence, logic, rules, requirements and standards.
- Subject to appropriate internal and external review.

4.2 Just Culture

Gliding Australia embraces a 'just culture'. Enforcement action will not be used to discipline members for actions, omissions, or decisions that are commensurate with their experience and training that result in a non-compliance. However, Gliding Australia will not tolerate gross negligence, recklessness, disregard of safety standards, wilful violations, or destructive acts. The 'just culture' exists within a positive safety culture, described in MOSP Part 5 Safety Management System.

4.3 Consistency and Flexibility

Gliding Australia will consistently employ the same process and have regard to the same criteria, in determining whether and if so, how a regulatory requirement should be interpreted or applied in any given situation. Gliding Australia will also ensure that all relevant facts and circumstances peculiar to an individual situation have been fully and fairly considered on their merits, and will provide advice about, or decide the outcome of a particular matter governed by a regulatory requirement on that basis.

4.4 Impartiality

Enforcement decisions must not be influenced by:

- Personal interests of Gliding Australia officers;
- Any irrelevant considerations;
- The personal, political or financial power or influence of those affected by such decisions.

5. ROLES

Role	Description and Responsibilities	Actions
Club Secretaries	The Secretary is the key administration officer of the Club and provides the link between Club members and the Club committee. The Secretary maintains records of Club members, prepares and maintains agendas and minutes for the Club.	Confidentially retain a copy of any informal or formal complaint forms received.
Club Presidents	The President is the Club Accountable Manager and chair of the Club Committee. The President is responsible for the effective management and governance of the Club, including compliance with legislation and regulation, and interactions with local organisations affecting Club activities. The President is accountable for the decisions of the committee and Club officers, the behaviour and decision-making processes of the committee, including standards of fairness and natural justice. From time to time the committee or Club President may be required to resolve incidents, issues and complaints at Club level, and apply penalties or sanctions or disciplinary actions.	Ensure effective governance, fairness and traceability of Club decisions. As required, ensure resolution of incidents or issues or complaints at Club level.
Regional Association Secretaries	The Secretary is the key administration officer of the Region and provides the link between Club members, the Regional Association committee and external organisations. The Secretary maintains records of Clubs, prepares and maintains agendas and minutes for the Regional Association committee, the regional association AGM and Club Delegate meetings.	Confidentially retain a copy of any informal or formal complaint forms received

<p>Gliding Australia Secretary</p>	<p>The Gliding Australia Secretary plays an important role in supporting the effectiveness of the board and its committees. The role includes:</p> <ul style="list-style-type: none"> ● Advising the board and its committees on governance matters; ● Monitoring that board and committee policy and procedures are followed; ● Coordinating the timely completion and despatch of board and committee papers; ● Ensuring that the business at board and committee meetings is accurately captured in the minutes; ● Communicating any changes to the policy or documents 	<p>Confidentially retain a copy of any informal or formal complaint forms received relating to an investigation to be undertaken by Gliding Australia.</p>
<p>Regional, Club or Gliding Australia Member Protection Information Officers</p>	<p>A Member Protection Information Officer (MPIO) is a point of contact in a Club or regional association or Gliding Australia who provides information about the members’ options if they have concerns or complaints around harassment, abuse or other inappropriate behaviour. The MPIO provides information and moral support. They do not advocate, mediate or investigate.</p> <p>Members should contact their Regional Association to see if they have an MPIO who is able to assist them. If a Regional Association does not have an MPIO, a consultation can be made with the Gliding Australia MPIO.</p>	<p>https://www.skcc.com.au/wp-content/uploads/2010/05/Role-of-a-member-protection-information-officer.pdf</p> <p>All Clubs should display the name of the relevant Member Protection Information Officer on their notice boards and/or website. If they don't have a person in that role, it can be the Regional MPIO or the National MPIO.</p>
<p>Regional Complaints Handler</p>	<p>A Complaints Handler facilitates complaints handling if they cannot be resolved between the two parties in the first instance. Note: This may require advice from Gliding Australia departmental officers, where issues or incidents have a specialist aspect.</p>	<p>Optional for a Region to nominate a person for this Role</p>
<p>Gliding Australia President</p>	<p>Ensure effective governance, fairness and traceability of Gliding Australia decisions. As required, ensure resolution of incidents or issues or complaints at national level.</p> <p>The President is accountable for the behaviour and decision-making processes of the Gliding Australia Complaint Handler and / or Investigation Panel, including standards of fairness and natural justice and decisions on discipline measures.</p>	<p>Appoints a Complaint Handler and an Investigation Panel (if required in conjunction with the Complaint Handler). Assesses recommendations from the Complaint Handler / Investigation Panel and implements discipline measures if required.</p> <p>Provide a report of Complaints and actions for each Board meeting.</p>

<p>Gliding Australia Complaint Handler</p>	<p>The Gliding Australia President appoints a Complaint Handler as required for each formal complaint. The Complaint Handler facilitates complaints handling if the complaint cannot be resolved at the Club or Regional level. Note: <i>This may require advice from Gliding Australia departmental officers where issues or incidents have a specialist aspect.</i></p>	<p>Undertake or arrange mediation in the first instance. Start investigation if a formal complaint is made and recommend appropriate resolution and / or discipline measures.</p>
<p>Gliding Australia Complaint Investigation Panel</p>	<p>If the Gliding Australia Complaint Handler in conjunction with the President determines that an investigation is warranted in response to a complaint, a Complaint Investigation Panel can be formed with additional persons with appropriate skills to assist in the investigation. Note: <i>This may require advice from Gliding Australia departmental officers where issues or incidents have a specialist aspect.</i></p>	<p>Carry out investigation and recommend appropriate resolution and / or discipline measures.</p>
<p>Gliding Australia Board</p>	<p>Appoints an Appeals Tribunal. If the appeal cannot be managed by Gliding Australia, the Board can refer to an external agency (Section 8.1.2)</p>	<p>Appoints an Appeals Tribunal. If the appeal cannot be managed by Gliding Australia, the Board can refer to an external agency (Section 8.1.2).</p>
<p>Gliding Australia Appeals Tribunal</p>	<p>See Section 8.1.1 Appeals Tribunal. Internal appeal established by the Board to hear appeals resulting from members dissatisfied with the determinations from the Complaint Handler / Investigation Panel.</p>	<p>Assesses appeal and can impose alternate discipline measures if required.</p>
<p>External Authorities or Tribunals eg National Sports Tribunal</p>	<p>External bodies dedicated to assist disputes within sporting organisations at the National level. They typically offer a range of binding and non-binding dispute resolution services.</p>	<p>External authorities or tribunals can act as independent third parties to help resolve disputes or appeals. Typically engaged if the Board is unable to appoint an Appeals Tribunal from within GFA that is independent and unbiased.</p>

Table 5-1: Roles of Officers at Club, Region and National Levels

6. COMPLAINTS

6.1 Complaint Handling Process

Gliding Australia aims to provide an easy to use, confidential and transparent procedure for complaints. Any person may make a complaint (*Complainant*) about a person/s or organisation (*Respondent*) if they reasonably believe that a person/s or group has contravened Gliding Australia rules or policies.

A member or affiliated organisation may make a complaint about specific actions, omissions, apparent unjust or abusive behaviour (see Member Protection Policies) of:

- Another member;
- An officer of a Club or affiliated organisation;
- A regional officer;
- A Gliding Australia officer or staff;
- Competition organisers or competitors.

In the first instance, complaints should be dealt with by *direct negotiation* between the people involved, which is always the preferred process. Sometimes direct negotiation doesn't resolve a complaint. For these situations, guidance about where complaints are generally best taken next is provided below. A complaint relating to behaviour or an incident that occurred at Club, regional or national levels must be handled using the hierarchy below. The complaint should only be escalated up the hierarchy when all attempts at resolution at the lower level have failed.

- **Club Level** (or involving people operating at the Club or local level): the complaint should be reported to and handled by the relevant Club, adhering to the Club's Constitution and complaints policy and procedures (or this policy and procedures if the Club does not have a policy).
- **Regional Level** (or involving people operating at the regional level): the complaint should be reported to and handled by the relevant Regional Association adhering to the Regional Association's Constitution and complaints policy and procedures (or this policy and procedures if the Region does not have a policy).
- **National Level:** Gliding Australia deals only with matters that relate to, or which occurred at the national level, as well as serious cases referred from Club or Regional level after designated processes at Club or Regional level have been followed.

A complaint not resolved by direct negotiation may be handled either:

- Informally; or
- Formally.

The [Complaint Handling Information Sheets](#) and [Forms](#) can be found here:

6.1.1 Direct Negotiation

Where possible, the complaint should be made directly to the other party advising them of the behaviour or action that has caused offence and seeking clarification, retraction, apology or redress.

Complaints and disputes can happen for many reasons, including:

- Different personalities and personality clashes;
- Unresolved problems from the past;

- Competition or power imbalance between affected people;
- Poor communication and leadership;
- Unclear responsibilities and roles;
- Different cultures and gender norms;
- Bullying, harassment and other unlawful and inappropriate behaviour.

Understanding the underlying causes of complaint and conflict may guide remediation and will help avoid recurrence of complaints or disputes.

The process is shown in [Appendix A Figure 1](#).

When raising their complaint with the Respondent, the Complainant should:

- State clearly what the complaint is;
- Describe to the Respondent the outcome(s) they want;
- Set a timeline within which they would like to receive a response.

Experience shows that resolution of complaints is best done directly between the parties involved. An exception to this is when there is a significant power imbalance between the Complainant and the Respondent.

Sometimes, direct negotiation of complaints issues between affected parties can be facilitated by a neutral Third Party, or by a Support Person / Advisor. A Third Party is a person outside the complaint who can act as facilitator and assist with the resolution process. This can be an external representative but not a legal representative. A Support Person may be an advisor, friend or assistant within the Club.

Complainants who do not receive any response to their complaint within the timeline given should consider following up again with the Respondent. If they still receive no response or receive a response but cannot resolve the complaint directly with the Respondent, they may consider taking further steps.

An agreed response may include some form of remediation to the complainant.

6.1.2 Mediation

The aim is to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigations of a complaint and be initiated by the Complainant or the Respondent. If a Complainant or the Respondent wishes to resolve the complaint with the help of a mediator, the MPIO will provide advice as to where to seek an independent mediator.

If the complaint is substantiated, the appropriateness of mediation as an option should be considered based on the positions of the parties involved and any power imbalance between them. Mediation is intended to provide a supportive atmosphere to assist parties to come together to sort out issues, come up with acceptable solutions and make mutually satisfactory agreements.

If there are any costs associated with mediation, investigation, or arbitration these will be a cost to the Complainant unless determined otherwise by the mediation/investigation or arbitration.

Mediation will only be recommended if:

- After the Complainant and Respondent have had their chance to tell their version of events on their own; and

- The complaint does not involve a serious breach of the Member Protection Policy, relevant legislation or misconduct such that investigation is required (in such cases the matter may go directly to an external authority investigation), and
- The complaint is not vexatious, or of a minor and/or purely personal nature that may not warrant a formal resolution procedure; and
- There is no fundamental dispute as to the facts such that an agreement is not likely to be reached without investigation.

Mediation will not be recommended if:

- The Complainant and Respondent have a completely different version of the events and they won't deviate from these; or
- The Complainant or Respondent are unwilling to attempt mediation; or
- Due to the nature of the complaint, the relationship between the Complainant and Respondent(s) and any other relevant factors, the complaint is not suitable for mediation; or
- The person to whom the complaint is submitted will contact each person involved and explain the context and the need to resolve the issue.

Each State Government has dispute resolution services departments who can supply trained mediators to perform this task and this is the recommended course of action. Refer to the Regional Member Protection Information Officer (MPIO) for contact details. If your State does not have a Regional MPIO refer to [Appendix B – List of State Dispute Resolution Services](#).

The mediator's role is to assist the Complainant and Respondent(s) to reach an agreement on how to resolve the problem. The mediator, in consultation with the Complainant and Respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.

The mediation will be conducted confidentially and without prejudice to the rights of the Complainant and the Respondent(s) to pursue an alternative process if the complaint is unsuccessful in being resolved.

At the end of a successful mediation, the mediator will prepare a document that sets out the agreement reached between the Complainant and Respondent(s) and it will be signed by them as their agreement.

If the formal complaint is not resolved by mediation, the Complainant may:

- Write to the relevant organisation's Secretary (Club, Regional Association or Gliding Australia) to request that the complaint be formally investigated;
- Approach an external agency such as an anti-discrimination commission.

For further advice, see <https://www.playbytherules.net.au/complaints-handling/mediation>

6.1.3 Informal Complaint

A Complainant may make an informal complaint to the Club, regional association or Gliding Australia (see Table 6-1 below) to ensure that the complaint is documented, if direct negotiation is not possible or was unsuccessful. An Informal Complaint will not be investigated or followed up for resolution.

All Informal Complaints made to an organisation using this procedure must be entered onto an Informal Complaint Register held and maintained by that organisation. The Informal Complaint must be made in writing using the [Informal Complaint Form](#) provided by Gliding Australia. The completed [Informal Complaint Form](#) shall be sent to the relevant organisation's Secretary (Club, Regional Association or Gliding Australia).

The lowest level at which a matter can be dealt with shall always be preferred. The table below sets out how this type of complaint shall be dealt with at each level.

Matters relating to or occurring at the level of or involving people operating at:	Lodge informal complaint with:
Clubs	Club Secretary
Regional Associations	Regional Association Secretary
National level	Gliding Australia Office

Table 6-1: Informal Complaint Lodgement

Note: An Informal Complaint will not be investigated or followed up for resolution. The purpose of making an Informal Complaint is to ensure that the complaint is recorded. Clubs or Regional Associations with their own Informal Complaint procedures will follow those procedures.

6.1.4 Formal Complaint

A Complainant may make a Formal Complaint to the Club, Regional Association or Gliding Australia (see Table 6-2 below) to ensure that the complaint is investigated and resolved, after direct negotiation was unsuccessful. The formal complaint must be dealt with at the Club or regional level where at all possible. Complaints regarding breaches of aviation legislation (including referenced standards) may be referred directly to CASA. Complaints involving possible criminal actions will be referred to the police.

Where Clubs and Regional Associations have their own documented procedures for handling formal complaints, those procedures shall apply. Where they do not, the Club or Regional Association shall follow this Gliding Australia Formal Complaint process and the Secretary of the Club or Regional Association shall follow the additional steps under Section 6.1.5 Club or Regional Association Secretary Process below.

All Formal Complaints made to an organisation using this procedure must be entered into a Formal Complaint Register held and maintained by that organisation. The Formal Complaint must be made in writing using the Formal Complaint Form provided by Gliding Australia. The completed Formal Complaint Form shall be sent to the relevant organisation’s Secretary (Club, Regional Association or Gliding Australia):

Matters relating to or occurring at the level of or involving people operating at:	Lodge Formal complaint with:	Follow process according to:
Clubs	Club Secretary	Club’s complaint reporting procedures (or Club or Regional Association Secretary process below if none in place)
Regional Associations	Regional Association Secretary	Regional Association’s complaint reporting procedures (or Club or Regional Association Secretary process below if none in place)
National Level	Gliding Australia Office	This Gliding Australia Policy and Procedure

Table 6-2: Formal Complaint Lodgement

6.1.5 Club or Regional Association Secretary Process

Formal complaints made to a Club or Regional Association that has no documented complaint reporting procedures shall be handled as follows.

The Club or Regional Association Secretary will forward the Formal Complaint Form to the Complaint Handler (or a person acting in the role) for their Club or Regional Association who will:

- Ascertain the issues and the expected outcomes from the Complainant which should be a conversation to properly identify the actions leading up to the complaint;
- Request statements from the other parties to ensure that they are aware of the complaint and that they have the opportunity to explain their own actions;
- Request witness statements to be included in the appropriate section of the Gliding Australia Formal Complaints Form are obtained where possible;
- Determine how to proceed following the ADMIN 0013 Formal Complaint Process Information Sheet.

6.1.6 GFA Office Process

The GFA Office will document the complaint after receiving the appropriate Complaint Form (see [Appendix A](#)) by recording it in the Complaints Register. The GFA Office will also record the process followed and the outcome in the Complaints Register. These documents will be stored confidentially and securely for each complaint separately.

NOTE: *Complaints managed by emails alone are an unsatisfactory way to manage the process. It is essential for complaints to be recorded in a consistent manner and retained on file. Relevant emails need to be saved and retained as PDF files outside email systems. This will ensure that there is never any need to rely on information stored in any individual's email folders.*

The GFA Office will forward the Formal Complaints Form to the Gliding Australia President who will appoint a Complaint Handler. The Complaint Handler will:

- Create a secure folder for each complaint, which should contain all material such as emails, witness reports, etc. The folder location will be recorded in the Complaints Register.
- Ascertain the issues and the expected outcomes from the Complainant. This should be a conversation to properly identify the actions leading up to the complaint, aspects of common ground and difference, the steps taken to resolve previously, and what barriers to resolution exist.
- Request statements from the other parties to ensure that they are aware of the complaint and that they have the opportunity to explain their own actions.
- Request witness statements to be included in the appropriate section of the Gliding Australia Formal Complaints Form are obtained where possible.
- Determine how to proceed in line with Section 6.2: Complaint Investigation and Resolution.

6.2 Complaint Investigation and Resolution

All Formal Complaints will be investigated. Both the Complainant and the Respondent(s) are entitled to support throughout this process from their chosen support person/advisor. The details of the support person/advisor must be notified to the Complaint Handler (Club, Regional Association or Gliding Australia) in advance. Engaging legal counsel may result in a referral to more formal legal processes external to Gliding Australia. It may also incur greater costs and delays in resolution.

The Complainant will be interviewed using the submitted Gliding Australia [F0009 Formal Complaint Form](#) as reference.

The Respondent(s) will be provided written details of the complaint with sufficient information to enable them to properly respond. The Respondent(s) will be interviewed and their response to the complaint will be documented in writing.

If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.

If people fail to provide the requested information, then the Complaint Handler (Club, Regional Association or Gliding Australia) will need to decide based on the information available.

The Complaint Handler (Club, Regional Association or Gliding Australia) will make a finding as to whether the complaint is:

- Substantiated - there is sufficient evidence to support the complaint.
- Indeterminate - there is insufficient evidence either way to make a finding of fact.
- Unsubstantiated - the evidence shows that the complaint is unfounded, frivolous, vexatious or knowingly untrue.

If the Complaint Handler (Club, Regional Association or Gliding Australia) determines the complaint is substantiated, the Complaint Handler (Club, Regional Association or Gliding Australia) will make recommendations for appropriate consequences or penalties (if required). The Complaint Handler's report documenting the complaint, investigation process, evidence, finding, recommendations and penalties will be given to the appropriate authority within the Club, Regional Association, or Gliding Australia (Chief Executive Officer) and to the Complainant and the Respondent. The appropriate authority within the Club, Regional Association, or Gliding Australia (Chief Executive Officer) will decide on whether to implement the penalties recommended by the Complaint Handler.

The Complainant and the Respondent(s) have the right to appeal against any decision made.

The President will provide a report of Complaints and actions for each Board meeting. Where there is significant risk of either reputational damage or significant financial impact to Gliding Australia, the Complaint Handler will refer to the Gliding Australia Board via the President for consideration.

Under normal circumstances the complainant is expected to cover any costs incurred by the Complaint Handler or the Complaint Investigation Panel. Pending the outcome at the completion of the investigation, costs may be apportioned by the Complaint Handler or the Investigation Panel between the parties involved in the complaint.

6.3 Complaints Referred to External Authority

There are a range of external options available depending on the nature of the complaint, such as with criminal matters by referral to the Police and relevant authorities.

The Complainant may wish to raise their case with an Administrative Appeals Tribunal if it relates to legislative decisions.

If the Complainant feels that they have been harassed or discriminated against, they can seek advice from the relevant State or Territory Equal Opportunity Commission or Anti-Discrimination Tribunal and may choose to pursue a formal complaint through these agencies. 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 initially 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.

Work health and safety complaints may be referred to the relevant regulators in each State or Territory.

Complaints involving breaches of operational or airworthiness regulations or against decisions made by Gliding Australia officers may be referred to CASA in accordance with Section 7.1.3.

If the complaint is referred to an external authority, Gliding Australia will not fund any part of this external complaints process, except in its own defence.

6.3.1 Matters Involving Child Abuse

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The initial response to any complaint that a child has allegedly been abused should be immediate.

The following is a basic outline of the key processes to follow. More information can be obtained from your relevant State or Territory government agency.

Step 1 - Clarify Basic Details of The Allegation

The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:

- Listen to, be supportive and do not dispute what the child says.
- Reassure the child that what has occurred is not the fault of the child.
- Ensure the child is safe.
- Explain that other people may need to be told in order to stop what is happening.
- Do not elicit detailed information about the abuse.
- Act promptly to accurately record the discussion in writing using the Gliding Australia [Child Abuse Allegation Form](#).

Do not discuss the details with any other person other than those detailed in these procedures.

Do not contact the alleged offender.

The person receiving the complaint should obtain and clarify basic details using the appropriate Complaints Form in [Appendix A](#) (if possible) such as:

- Child's name, age and address.
- Person's reason for suspecting abuse (observation, injury or other).
- Names and contact details of all people involved, including witnesses.

Step 2 - Report Allegations of a Serious or Criminal Nature

Any individual or organisation to which this policy applies, who has reasonable grounds to suspect that a child or young person is at risk of significant harm or witnessed an incident must make a report to the police and other appropriate authority.

If the allegation involves a child at risk of harm, the incident must immediately be reported to the police or other appropriate government agency. You may need to report to both the police and the relevant government agency.

The relevant State or Territory authority must be contacted for advice if there is any doubt about whether the complaint should be reported.

If the child's parent/s are suspected of committing the abuse, report the allegation to the relevant government agency.

Step 3 – Protect the Child

The Club, in the first instance, should assess the risks and take interim action to ensure the child's/children's safety.

The Club, in the first instance, should also address the support needs of the person against whom the complaint is made.

Step 4 – Provide Support to External Agencies as Required

Seek advice from the police and relevant government agency as to any actions that Gliding Australia or the Club or Regional Association should carry out.

Complaints must be documented using the [Child Abuse Allegation Form](#) to ensure that all of the relevant information is known, gathered and analysed appropriately.

6.4 Improper Complaints and Victimisation

Gliding Australia aims to ensure that the complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint. Gliding Australia will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the MPIO considers that a Complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the Respondent, the matter may be referred to the Complaint Handler following the Complaints and Disciplinary Procedure for review and appropriate action, including possible disciplinary action against the Complainant.

7. DISCIPLINE

Each Club or Regional Association may impose penalties on its members to the fullest extent permitted by its constitution and the law.

The Gliding Australia President, to the fullest extent permitted by law and the powers of the Association, may impose penalties pursuant to Clause 11 of the GFA Constitution.

Discipline measures include counselling, suspension or removal of privileges, suspension or removal of membership or affiliation, fines, imposed restrictions, etc.

Counselling: Counselling is where the defendant is provided formal guidance to correct a breach or failure. Retraining is a more extensive form of counselling. Counselling is most appropriate in the case of ignorance of misinterpretation of Rules and Procedures, or minor breaches. In some cases, awareness education might be appropriate, eg. issues involving in appropriate language (sexist or racist), communications gaps, cultural norms and gender differences. The purpose of counselling a person(s) is to ensure that:

- The person(s) understands the nature and safety implications of a breach or failure to meet the required standard;
- The person(s) understands how similar breaches or failures can be avoided in the future;
- The persons(s) understands that further breaches or failures will not be tolerated and will likely result in enforcement action being taken;
- The relevant persons administering the discipline gains a reasonable degree of confidence that the person(s) will comply in the future.

Suspension or Removal of Gliding Australia Privileges: Suspension of privileges is where the defendant has their operational or airworthiness authorities withdrawn for a defined period of time. Suspension of privileges may be imposed for wilful misconduct. Where gaps in knowledge, skills, awareness or competence are identified as a cause, suspension of privileges may be imposed until remediation can be carried out. Retraining must not be seen or couched as punitive action. It is an adjunct activity to some disciplinary actions, to prevent recurrence and to close any gaps in knowledge or skills.

Removal of privileges is where the authorities are cancelled permanently. Removal of privileges is typically reserved for serious or repeated instances of wilful misconduct and deliberate unsafe actions that jeopardise safety of flight.

Gliding Australia operational and airworthiness privileges can be suspended at the Club level in accordance with Section 7.1.1.

Removal of Gliding Australia privileges can only be done by the EMO (MOSP 2, Section 9.1) for operational privileges and the CTO (MOSP 3, Section 10.20) for airworthiness privileges, following an investigation process.

Suspension or Removal of Membership or Affiliation: Suspension of membership or affiliation is where the defendant has their membership or affiliation withdrawn for a defined period of time. Suspension of membership or affiliation may be imposed until counselling can be carried out. Suspension of membership or affiliation may also be imposed for wilful misconduct. Removal of membership or affiliation is where the membership or affiliation is cancelled permanently. Removal of membership or affiliation is typically reserved for serious or repeated instances of wilful misconduct.

Fines: Fines are a financial penalty imposed by Gliding Australia. Fines are typically used where the defendant has obtained financial gain dishonestly or fraudulently.

Imposed Restrictions: Imposed restrictions are a set of limiting conditions under which the member can operate. Restrictions can be imposed on the members privileges or membership / affiliation in lieu of suspension or removal of them.

7.1 Breaches of Operational or Airworthiness Regulations and Rules

7.1.1 At the Club Level

The relevant authority must advise the member of the contravention and explain the relevant penalty that may be applied.

Procedural fairness dictates that the member is asked to respond to the claim with any supporting evidence. The relevant authority will then determine if a penalty is warranted, and may then impose a penalty, which may include:

- A requirement to make a verbal or written apology;
- Suspend, cancel or vary the member's privileges, approvals or ratings;
- Any other form of reasonable disciplinary action as deemed appropriate;

Where gaps in knowledge, skills, awareness or competence are identified as a cause, re-education or retraining must be applied. This must not be seen or couched as punitive action. It may be seen as an adjunct activity to some disciplinary actions in order to prevent recurrence and to close any gaps.

The member may appeal the decision which led to the penalty. The appeal process for the affected member in this case is the Club's Committee, Training Panel or Airworthiness Panel, following the principles of Natural Justice.

Where there is evidence that there is an immediate risk of a member intending to act so as to compromise operational safety or in contravention of the CAA, CAR, CASR, CAO, GFA MOSP 2, a Level 2 (or higher) instructor can immediately suspend the member's operational privileges in accordance with MOSP 2 Section 9. The Level 2 (or higher) instructor must report the suspension via email to the EMO and the relevant CFI as soon as possible. A review will be carried out by the RMO within a period of 7 days with a recommendation for further action.

Where there is evidence that there is an immediate risk of a member intending to act so as to compromise airworthiness safety or in contravention of the CAA, CAR, CASR, CAO, GFA MOSP 3, a Club Airworthiness Officer can recommend suspension of privileges to the RMA who can immediately suspend the member's operational privileges in accordance with MOSP 3 Section 10.20.

7.1.2 Escalation to the Regional or Gliding Australia Level

In the case where a member or organisation continues to operate in contravention to the regulations and policy, or where contraventions are particularly serious in nature or number, the RMO or RMA can recommend to the EMO or CTO to suspend, cancel or vary whichever of the member or other organisation's privileges or approvals are considered appropriate.

- a. The EMO / CTO must advise the member or other organisation of the intention to impose a penalty and the reason for this decision. The EMO / CTO must ask the member to show just cause why the penalty should not be applied. Notification to the member or other organisation under these provisions shall be served in writing, except under sub-paragraph c. below where verbal notice given to the member prior to the service of written notification shall be of the same effect and shall be effective immediately.
- b. Following consideration of the statements and evidence from the member or other organisation, the EMO / CTO will determine, with consultation with other Gliding Australia officials as required, if the penalty should be applied and advise the member or other organisation of these decisions and the penalty conditions.
- c. Where the EMO / CTO has been provided evidence that there is an immediate risk of a member intending to act so as to compromise operational safety or in contravention of the CAA, CAR, CASR, CAO, GFA Operational Regulations, the EMO / CTO may immediately suspend the member's privileges in accordance with MOSP 2 Section 9.1 / MOSP 3 Section 10.20 for the purpose of the prevention of commission of such an act and shall fully report such suspension to the President as soon as possible.

7.1.3 Escalation to CASA

Where continued wilful breaches of operational or airworthiness regulations occur, particularly breaches of CAOs, CARs and CASRs, despite attempts at the national level to resolve the offending, the offending member(s) or affiliated organisation will be referred to CASA for potential prosecution under Federal.

7.2 Competitions and Events Outside of Club Activities

Nationals Rules outline breaches for National Competitions (and these rules are generally also applied for State competitions). State and National competitions are hosted by Clubs who volunteer their facilities and personnel on behalf of the Region or Gliding Australia. Because of individual Club requirements and operational standards, Clubs who run these events are within their rights to restrict entry to personnel who do not meet Club requirements (in line with just culture and natural justice principles).

Where there is a non-compliance or pattern of poor airmanship, reckless behaviour, or breach of standards (behaviour or safety) the Competition Director must advise the member of the contravention and explain the relevant penalty that may be applied.

Procedural fairness dictates that the member is asked to respond to the claim with any supporting evidence. In conjunction with the RMO, they will then determine if a penalty is warranted, and may then impose a penalty, which may include:

- A requirement to make a verbal or written apology,
- Suspend, cancel or vary the member's privileges, approvals or ratings,
- Any other form of reasonable disciplinary action as deemed appropriate.

Where gaps in knowledge, skills, awareness or competence are identified as a cause, re-education or retraining must be applied. This must not be seen or couched as punitive action. It may be seen as an adjunct activity to some disciplinary actions in order to prevent recurrence and to close any gaps.

The member may appeal the decision which led to the penalty. The appeal process for the affected member in this case is via the National Competition Committee and the RMO if applicable.

8. APPEALS PROCESS

A Complainant or a Respondent(s) who is not satisfied with a decision of an investigation can lodge an appeal to the relevant authority (Club, Regional Association or Gliding Australia) on one or more of the following bases:

- That a denial of natural justice has occurred eg evidence was not properly considered, due process was not followed; or
- That the disciplinary measure(s) imposed are unreasonable or disproportionate in the circumstances.

A Club or Regional Association must adhere to the Club's or Regional Associations Constitution and complaints policy and procedures (or this policy and procedures if the Club or Regional Association does not have a policy).

8.1 Gliding Australia Appeals

A person wanting to appeal must lodge a letter stating their intention and the basis for their appeal with the Gliding Australia Board via the GFA Secretary within fourteen (14) days of the relevant decision. If the letter of appeal is not received by within the relevant time, the right of appeal will lapse.

Upon receipt of the letter of appeal, the GFA Secretary shall determine if the appeal relates to operational or airworthiness authorisations or other disciplinary matters.

For operational or airworthiness authorisations the GFA Secretary shall promptly advise the Gliding Australia Board who must appoint an Appeals Tribunal as soon as possible, and decide on the appeal no later than 21 days after the date of receipt of the letter of appeal. Any disciplinary measure(s) imposed by Gliding Australia officers affecting aviation safety will remain applied until the completion of the appeal.

For other disciplinary matters the GFA Secretary shall promptly advise the Gliding Australia Board who must appoint an Appeals Tribunal as soon as possible. Any disciplinary measure(s) imposed will not be applied until the completion of the appeal.

All relevant parties must participate in the appeal process if requested to do so by the Appeal Tribunal and must not unduly influence, block, delay or otherwise interfere with the appeal process. All parties must act and respond in a timely manner in relation to the appeal. All parties must conduct themselves with integrity and honesty and act in good faith in the appeal process.

If the appeal varies or sets aside a decision on operational or airworthiness authorisations, the President will notify CASA within 7 days.

8.1.1 Gliding Australia Appeals Tribunal

The Gliding Australia Board will prepare a list or pool of people prepared to be on an Appeals Tribunal Panel. The GFA Secretary will set a timeline and agenda for the Appeals Tribunal to be held.

The Appeals Tribunal should comprise at least three (3) Gliding Australia members, appointed by the Gliding Australia Board, who have the experience and skills to hear the matters and must have had no direct involvement, are impartial and unbiased in the case under appeal. However, in rare cases, such as those which have been highly publicised, there may be cause to invite non-GFA members who have the aviation or sporting experience necessary to hear the matters, or refer the appeal to an independent third party (Section 8.1.2).

As much as is possible, people with any direct or personal involvement with the case or the parties concerned should be excluded from the Appeals process. It may be acceptable for a person to declare a potential conflict of interest but then continue on the Appeals Tribunal if their specific expertise is important for a reasoned outcome, but only if consented to by the parties. If there is no conflict of interest, the appellant does not have input on the selection of Appeal Tribunal members. If the appellant considers that the composition of the Appeals Tribunal is biased, they can request to have it referred to an external authority (Section 8.1.2) at the appellant's cost.

At meetings of the Appeals Tribunal:

- No business other than the appeal can be conducted
- The Appeals Tribunal shall receive all relevant information on the matter from the Gliding Australia Complaint Handler or Investigation Panel (if used), providing full details of items identified and the grounds for the decision.
- The Member(s) making the appeal must submit their case for having the decision overturned.
- The Appeal Tribunal shall only consider the matters relevant to the basis of the appeal.
- The decision is confirmed if a majority of the votes returned are in favour of the original decision. In any other case the decision is overturned.

The Appeals Tribunal advises the Gliding Australia President and the Gliding Australia Executive Officer of its decision as to whether the decision should be overturned.

The decision of the Appeals Tribunal is binding on the people involved in the appeal. Gliding Australia will recognise and enforce any decision made, and form of discipline imposed, by the Appeals Tribunal under this policy.

8.1.2 External Authorities Or Tribunals

For appeals that cannot be resolved within Gliding Australia, the dispute can be referred to an external authority such as the National Sports Tribunal (NST). These authorities provide independent, cost-effective dispute resolution services to sporting bodies, sports participants and support personnel.

If a member is dissatisfied with the outcome of an appeal to Gliding Australia with respect to operational or airworthiness authorisations, the member can apply to CASA for external. The member must apply to CASA for review within 21 days of the Gliding Australia appeal outcome on the correct form.

The National Sports Tribunal deals with several types of sporting disputes as listed in Table 8-1 below:

Dispute Type	NST Division	Methods
Anti-doping rule violations	Anti-doping and Appeals	Arbitration
Disciplinary	General and Appeals	Arbitration, case appraisal, mediation, conciliation
Selection and eligibility	General and Appeals	Arbitration, case appraisal, mediation, conciliation
Bullying, harassment and discrimination	General	Case appraisal, mediation, conciliation
Other disputes	General and Appeals	Arbitration, case appraisal, mediation, conciliation

Table 8-1: National Sports Tribunal Divisions

9. APPENDICES

Appendix A. Complaint Procedure Flow Charts

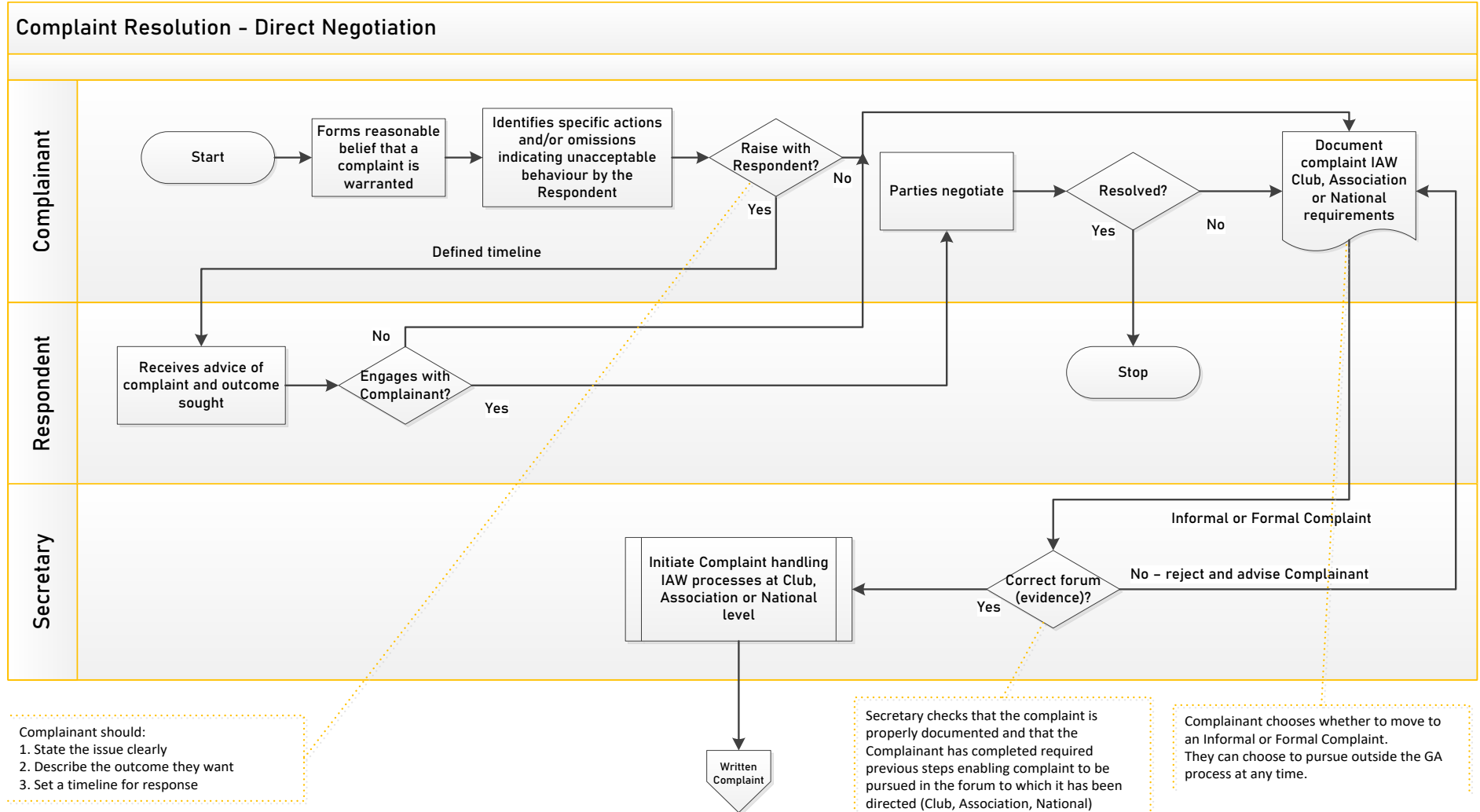


Figure 1 - Direct Negotiation

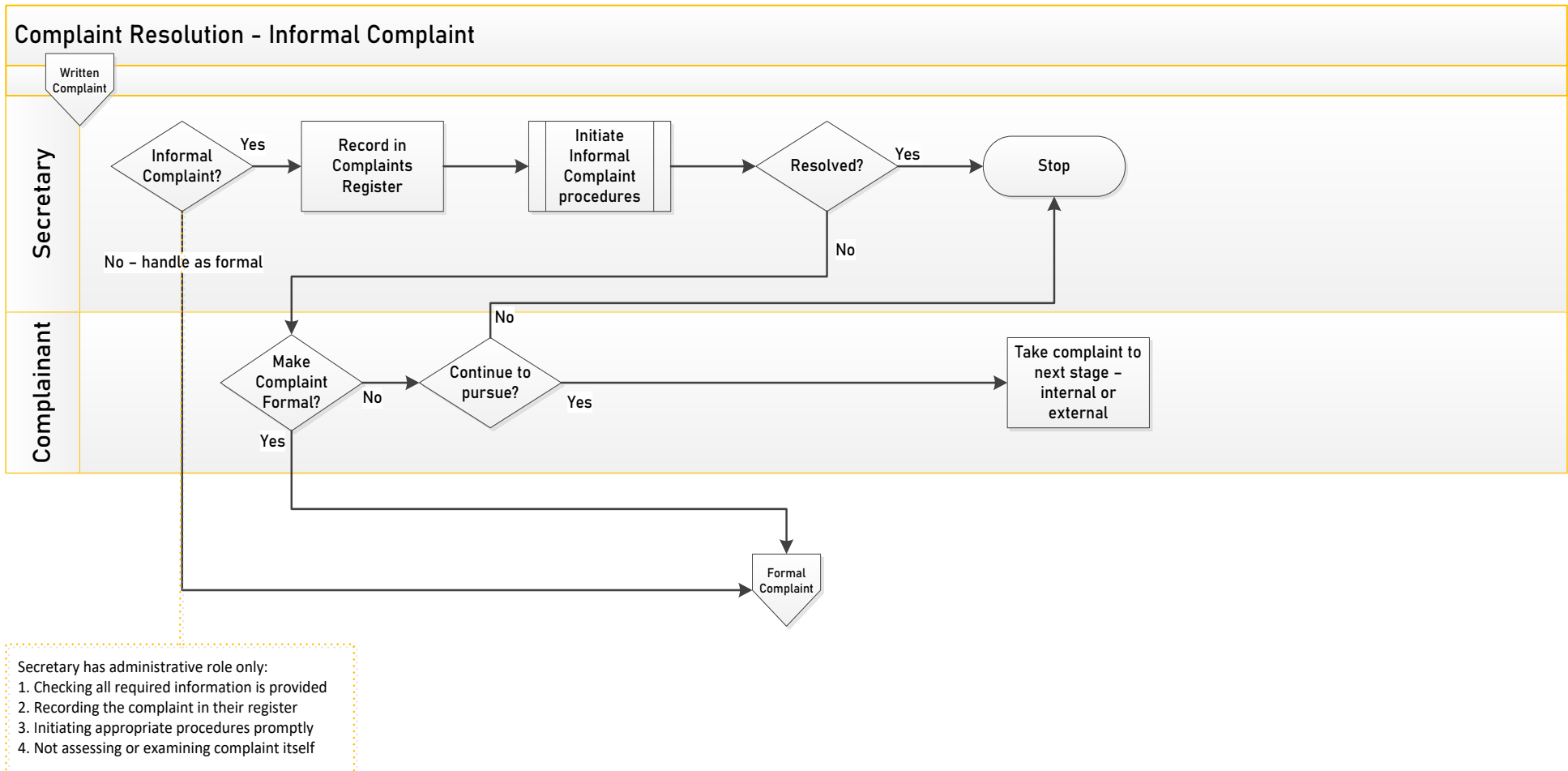
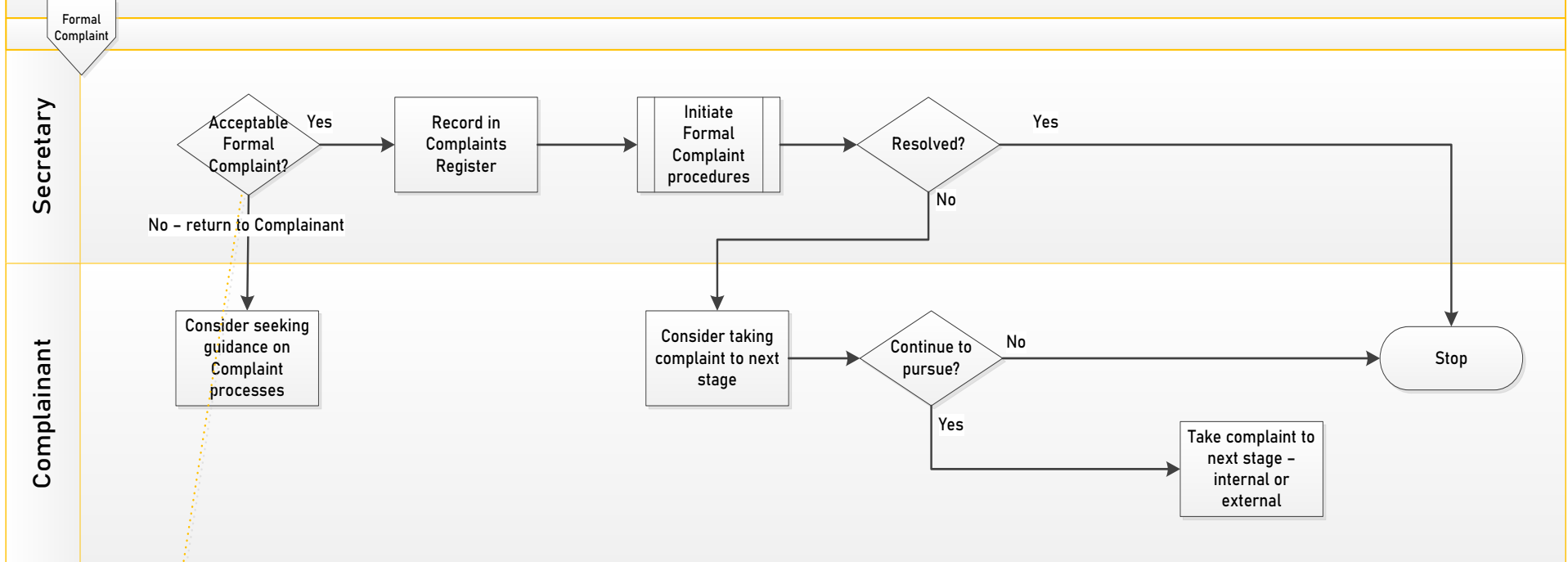


Figure 2 - Informal Complaint

Complaint Resolution - Formal Complaint



Secretary has administrative role only:

1. Checking all required information is provided
2. Recording the complaint in their register
3. Initiating appropriate procedures promptly
4. Not assessing or examining complaint itself

Figure 3 - Formal Complaint

Appendix B. List of Dispute Settlement Services

Victoria	Dispute Settlement Centre of Victoria https://www.disputes.vic.gov.au
Tasmania	Department of Justice https://www.justice.tas.gov.au/mediation_and_dispute_resolution
NSW	Community Justice Centres https://www.cjc.justice.nsw.gov.au
QLD	Qld Govt Disputes Settlement https://www.qld.gov.au/law/leGFAI-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/mediation
SA	South Australian Govt Dispute Resolution Service http://www.opa.sa.gov.au/what_we_do/dispute_resolution_service
NT	Northern Territory Consumer Affairs https://nt.gov.au/law/rights/dispute-with-a-business/dispute-resolution
WA	State Administrative Tribunal https://sat.justice.wa.gov.au/M/mediations.aspx
National Issues – unresolved within Gliding Australia	National Sports Tribunal https://www.nationalsportstribunal.gov.au/