

Racing Queensland Limited

COMPLAINTS MANAGEMENT SYSTEM

Date Policy was Made

This policy was made on 1 July 2010

Commencement Date

This policy came into effect on 1 July 2010.

1. Purpose

The *Racing Act 2002* (Act) authorises Racing Queensland Limited (Racing Queensland) to make policies for the sound management of the industry.

Racing Queensland aims to ensure a safe, harmonious and productive industry. To achieve this aim, this policy incorporates the management of complaints relating to harassment and bullying, sexual harassment, unlawful discrimination, actions and decisions of Racing Queensland official's decisions and actions and general industry complaints.

This policy will provide the mechanisms for the management of all complaints within the industry encompassing; Racing Queensland Employee's, all licensed persons, officials and all persons employed within the horse racing industry.

The ultimate aim of the policy through management mechanisms is to satisfy all parties that due process is followed in the resolution of complaints.

2. Definitions

Prior to defining the parameters of what constitutes a complaint, it is necessary to define what is not a complaint. An inquiry relating to the appropriateness of a procedure, law or perception that needs clarification is not a complaint and is usually dealt with in accordance with the normal duties of a Racing Queensland employee.

Therefore, the initial expression of dissatisfaction, whether in writing or otherwise will not be considered a complaint where the issue is settled in the ordinary course of business.

'Complaint' means any specific statement, either verbal or written, from any source including anonymous which could make a person subject to disciplinary action, legal action or both. In addition, a complaint may also encompass activities that require investigation to establish whether a procedure, process or policy requires change.

3. Principles of Fairness

The complaints process must be fair to both the complainant and the person or organisation against whom the complaint is made. All complaints will be treated as legitimate and managed without prejudice. Complainants and respondents will be afforded natural justice throughout the complaints process. Natural Justice involves the following principles:

- the person who is subject of concern must know all the allegations in relation to their behaviour and or actions
- the person who is the subject of concern must have a full opportunity to put forward their case and answer the allegations
- all parties to the complaint must have the right to be heard
- all relevant submissions and evidence must be considered
- matters which are not relevant must not be taken into account, and
- the decision maker/s must act fairly and justly.

Whilst managing complaints, Racing Queensland employees must adhere to the principles of this policy as well as the Code of Conduct and principles within the Australian and Local Rules of Racing.

4. Who Can Complain?

The approach of Racing Queensland in regard to managing complaints is designed to be as inclusive as possible in accordance with the principles of natural justice.

Complaints will be received and accepted from:

- Racing Queensland employees and officials
- Licensed persons
- Licensed Clubs, and
- Any other person.

5. Issues that fall outside this policy

Though designed to be as comprehensive as possible it is recognised that certain types of complaints are not intended to be dealt with by this complaints policy and are more appropriately dealt with through other channels. For example:

- Matters that concern civil debts or partnerships should be addressed through civil law remedies.
- Dissatisfaction with the decisions of Steward Panels must proceed through the First Level Appeals process and the Queensland Civil and Administrative Appeals Tribunal, although, complaints in relation to the way decisions were administered may be covered under this policy.
- Grievances with the decisions of the Licensing Committee are not covered under this policy as appeals of licensing decisions are dealt with through the Queensland Civil and Administrative Appeals Tribunal.

6. How to Lodge a Complaint

Racing Queensland recognises the right that an individual or organisation carries in regard to making a complaint in the way that best suits them and has formulated this policy in respect of those basic rights.

The preferred option for lodging complaints is in writing. This can be done by:

- letter addressed to the Complaints Co-ordinator at Racing Queensland, PO Box 63 Sandgate, QLD 4017
- facsimile transmission addressed to the Complaints Co-ordinator at 07 3269 8268
- email to complaints@queenslandracing.com.au.

Complaints lodged in writing should contain full contact details of the complainant, sufficient details to identify the person about whom the complaint is made and a statement of the facts giving rise to the complaint.

Complaints may also be made by telephone to the Complaints Co-ordinator on 07 3869 9747.

Another option is to lodge a complaint in person. This can be done through the Complaints Officer at Racing Queensland headquarters or through the Regional offices at Toowoomba, Rockhampton or Townsville. However, if complaints are lodged through regional offices they will still be processed and managed through the central complaints management system.

Complaints may also be lodged with the Steward in charge of any particular race meeting. If the matter cannot be dealt with at the meeting that Steward will ensure that the complaint is lodged in accordance with this policy.

If for any reason, a person wishing to lodge a complaint cannot exercise any of the above options, the person may call to the switchboard of Racing Queensland on 07 3869 9777 and ask to make a formal complaint. This complaint will be documented by a Racing Queensland employee and placed onto the Complaints Management System.

7. Complaint Service Standards

Minimum service standards in the handling of complaints have been developed to ensure that there is consistency in relation to the management of complaints.

The following represent the minimum complaint standards:

- the complaint will be recorded to assist in management and complaint analysis
- the complaint will be acknowledged promptly
- the progress of outstanding complaints will be monitored, and.
- complainants will be kept informed.

Complaints will be dealt with promptly, courteously and in accordance with their urgency. Complaints will be acknowledged by letter or telephone call within 5 working days, where practicable.

Complaints should be resolved within 30 working days where possible. If this timeframe is not achievable, complainants will be notified of any delay, either in writing or by telephone.

8. The Complaint Process

8.1 Stage 1

At the first stage of the complaints process, the complainant should direct their complaint to Racing Queensland's complaint management system by the measures outlined in the "How to Make a Complaint" section of this policy. The complaint will be acknowledged without delay.

The complaint will then be assessed by the Complaints Co-ordinator and discussed with the Director of Integrity Operations. The Complaints Co-ordinator will then either:

- refer the matter to the Chief Steward for an Inquiry to be conducted
- refer the matter to another appropriate Racing Queensland manager or Harassment Officer for remedial action
- refer the matter to the Evidence Evaluation Committee (made up of the Director of Integrity Operations, the Chief Steward and the Senior Legal Counsel) to determine further action, including commencing an investigation, referral etc
- refer the complaint, with the consent of the complainant, to another body or organisation for action, or
- advise the complainant that Racing Queensland will not be taking further action.

8.2 Stage 2

The further action will then be undertaken by the relevant manager, Steward or other relevant Queensland Racing officer. The complainant will be informed of progress of the matter and the identity of the relevant officer.

Once completed, the outcome of the matter will be recorded on the relevant Queensland Racing register and the complainant advised.

During the handling of the complaint, all relevant parties will be afforded natural justice and the findings and reasons for the findings will be conveyed.

8.3 Stage 3

If any party feels that the matter has not been appropriately investigated, the matter will be brought to the attention of the Director, Integrity Operations in letter form. This letter is to outline reasons for dissatisfaction.

The Director of Integrity Operations will consider the matter and outline the reasons for a course of action in writing to the complainant or dissatisfied party.

9. Complaints involving more than One Division

Where a complaint is complex in nature, involving more than one division or area of Racing Queensland, investigating officers within Racing Queensland will liaise with each other and provide a consolidated response to the complaint.

10. Provision for Multiple Complaints

It is recognised that a person may wish to make multiple complaints about a number of aspects within the industry. Where the complaints relate to a single service, experience or event they can be processed as being of one complaint.

If the complaints made relate to different services or events, the complaint will be dealt with as separate complaints.

11. Vexatious Complaints

Although the *Vexatious Proceedings Restriction Act 2002* specifically relates to the ability of the Courts to decide that a person has instituted or conducted vexatious proceedings, it provides a useful definition to determine when complaints are vexatious. The definition includes the below mentioned components:

- An abuse of process
- Complaints initiated to harass or annoy, to cause delay or detriment, or for any other wrongful purpose
- Complaints instituted or pursued without reasonable ground, and
- Conduct of such a manner so as to harass or annoy, cause delay or detriment or achieve any other wrongful purpose.

Vexatious complaints will not be considered by Racing Queensland. Any complaints suspected of or found to be vexatious will be brought to the attention of the Director, Integrity Operations.

Racing Queensland recognises the right of people to instigate a complaint and this right will not be unnecessarily or inappropriately curtailed.

12. Satisfaction

It is not always possible to ensure that a complainant is satisfied with the outcome of a complaint. However, Racing Queensland will ensure that the process of resolving a complaint meets all the components of the Australian Standard 4269 and will review all feedback in respect of the operation of the system.

13. No further action taken

The Manager or other person within Racing Queensland that has been tasked with handling a complaint, may assess that it is appropriate to take no further action. This could occur in the following circumstances:

- when there is a misunderstanding of the Rules of Racing or the law by the complainant
- when there is a misunderstanding of Racing Queensland procedures by the complainant

- when there has been a communication problem between the complainant and others involved
- when the matter of complaint is of a trivial nature and in the assessment of the Manager or authorised delegate, an investigation is not warranted, or
- the complaint does not identify any conduct requiring redress.

If no further action is to be taken by Racing Queensland, complainants will be advised and an explanation provided.

14. Informal Resolution

Informal resolution is intended to provide a confidential, flexible and simple procedure for dealing with complaints of a minor nature against Racing Queensland employees. The process encourages discussion between the three main parties:

- the officer handling the complaint
- the complainant, and
- the employee who is the subject of the complaint.

Informal resolution will only be used with the permission of either the CEO or Director of Integrity Operations and in circumstances where:

- the conduct complained of amounts to a breach of discipline and not misconduct, and
- the conduct appears to have been lawful and reasonable.

The purpose of the process is to obtain:

- an explanation of the incident (where the conduct of the employee appears to be both lawful and reasonable)
- an apology from the employee to the complainant if there are admissions of fault or if an apology is appropriate and warranted
- an apology on behalf of Racing Queensland to the complainant by the authorised member if complaint has substance and no apology is forthcoming from the employee, and

When there is no substantiation of either version of the incident, to explain that fact to the complainant and invite acceptance that nothing further should be done by Racing Queensland.

Whilst no adverse reference is to be recorded on the personnel file of the employee in question, the complaints system is to clearly make record of the dispute resolution process.

15. Procedures

This policy will be implemented through various Racing Queensland procedures.

16. Rules of Racing

Rules of Racing will not be made for this policy.

17. Review

This policy was reviewed in September 2010.

Next review date will be September 2012.

REVISION HISTORY

Version	Date	Description
1.01	July 2010	Board adopted under exceptional circumstances
1.02	September 2010	Board confirmed subject to recommended amendments, this policy continues to have effect.