

# Magnetic Island Community Development Association (MICDA)

## Resolving Grievances and Complaints Procedure:

### **Intent:**

This procedure provides a fair and transparent process for the resolution of grievances and complaints raised by MICDA members. This procedure applies to all members of MICDA

### **Representative:**

A member may have a Representative or Support Person who is also a member of MICDA and not to be a person involved in the complaint/grievance or a party to the complaint/grievance.

### **Principles:**

In managing and resolving complaints/grievances, the following principles will be appropriately applied, taking into account the nature of the complaint/grievance:

- Where possible complaints/grievances should be resolved informally and locally;
- Negotiation and conciliation are the guiding principles to be applied by all parties when attempting to resolve complaints/grievances;
- This procedure emphasises a collegial approach to grievance and complaint resolution through informal procedures and mediation that are designed to lead to a prompt and fair resolution of difficult problems;
- At any stage during the complaint/grievance, the complainant/s and/or the respondent/s may nominate a Representative to accompany and support them;
- Complaints/grievances will be treated seriously;
- Complaints/grievances should be dealt with within a reasonable timeframe;
- Neither party should be subject to victimisation;
- Support should be available to all parties to the complaint/grievance;
- Appropriate communication should occur throughout the process;
- Appropriate documentation will be maintained;
- Confidentiality must be maintained; and
- Principles of natural justice will guide the application of this procedure.

### **General Provisions:**

Where two (2) or more members have a common grievance or complaint they may initiate these grievance and complaint resolution procedures jointly and the matter will be a single grievance.

Members or their Representative can be withdraw matters at any time via a written notice to the MICDA Secretary.

Offers of compromise as well as agreements reached during this grievance and complaint resolution procedure shall not constitute precedents in regards to other similar grievances and are without prejudice.

The time limits set out in these procedures can be extended by mutual agreement or where in the reasonable opinion of the MICDA Executive, the nature of the complaint/grievance requires an extension of time to be managed.

Nothing in this procedure prevents the MICDA Executive from acting to address:

- the safety and/or well-being of a member; or
- a vexatious, frivolous or false complaint/grievance; or
- misconduct or serious misconduct.

MICDA may be required to refer matters to external government agencies/independent statutory authorities in accordance with its legislative obligations. Where that arises, nothing in this procedure will prevent MICDA from dealing with the matter in accordance with those legislative obligations.

### **Confidentiality:**

All parties to the grievance/complaint must ensure confidentiality is maintained throughout the entire grievance process.

All parties to the grievance/complaint will be informed of:

- the nature of the grievance/complaint
- the steps taken or to be taken to resolve the grievance/complaint; and
- the outcome of the process.

### **Vexatious, Frivolous or Improper Complaints:**

The majority of complaints/grievances are motivated by genuine concern about perceived or actual inappropriate or unfair behaviour or actions, on some occasions a complaint/grievance may be vexatious, frivolous or improper. A vexatious or frivolous complaint is one in which has the ability to harass or annoy, to cause delay or detriment, or is for any other improper purpose. Any complaint/grievance that are found to be vexatious, frivolous or made for an improper purpose can constitute grounds for disciplinary action.

### **Record Keeping:**

Accurate and appropriate confidential records will be kept by the MICDA Secretary.

### **The Procedure:**

#### **First Level:**

This is an informal resolution process between the specific members. The members discuss the issues and come to a mutual resolution.

**Second Level:**

Where the specific members do not resolve the issues, then the Working Group Coordinator will facilitate discussions to reach a resolution.

**Third Level:**

Where the specific members and the Working Group Coordinator cannot reach a resolution, the matter will then be referred to the MICDA Executive for a decision.

The decision made by the MICDA Executive will be binding on the members involved in the complaint/grievance and will constitute a settlement of the matter.

**Four Level:**

If the specific member or members are still not satisfied with the decision of the MICDA Executive, they can refer the matter to the Queensland Office of Fair Trade for their consideration under the incorporations act and regulations.

13<sup>th</sup> March 2020

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MICDA  
President  
Les Sampson

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MICDA  
Secretary  
Libby Evans Illidge