



SURF LIFE SAVING AUSTRALIA POLICY

Title:	Complaints Resolution Policy
Document Number:	6.06
Last Review Date:	May 2022
Next Review Date:	May 2023
Responsible Portfolio:	Integrity
Authority	This Policy is made under clause 39 of the SLSA Constitution. It is binding on all Members of SLSA and is to be interpreted in accordance with the SLSA Constitution. It is a Membership directive under SLSA Regulation 4.

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1 INTRODUCTION

1.1 Background

- a. SLISA and all other Surf Lifesaving (SLS) entities (SLS Entities) strive to provide the best possible delivery of SLS activities, programs, services and events. SLS Entities recognise that from time-to-time, issues may arise that require assistance or support to resolve.
- b. SLS Entities may themselves, by way of respective Persons in Positions of Authority (PPA), become aware of disciplinary matters or complaints against Members which require deliberation and resolution.
- c. Everyone involved in SLS is encouraged to voice concerns that they may have at any point regarding the safety, health, welfare, behaviour or conduct of Members and associated persons or organisations.
- d. This Complaint Resolution Policy and its procedures seek to provide clear processes:
 - i. in addressing a disclosure, incident, observation or complaint, whether they relate to Members or PPA; and
 - ii. to potential Complainants, Respondents, Members and PPA when dealing with a complaint or disciplinary matter.

1.2 Definitions

Appeals Tribunal means a Tribunal to review a decision handed down by the Judiciary Committee as established under **clause 9**.

Appellant means a person who is granted leave to appeal under **clause 9e**.

Breach means a breach of an Eligible Policy and that, in the opinion of the Complaints Manager, is more significant than a Minor Breach and will be addressed under **clause 7**.

Commencement Date means the date this Policy is approved by the SLISA Board and published on Members Area (<http://members.sls.com.au>).

Complainant means a person who lodges a Complaint under this Policy.

Complaint means a complaint as defined in **clause 2.1**.

Complaint Form means the complaint form in **Schedule 1** or the SLS Reporting System.

Complaints Manager means the person appointed by an SLS Entity to manage Complaints under this Policy. The Complaints Manager must not be the same person as the MPIO for the relevant Complaint.

Constitution means the SLISA Constitution.

Disciplinary Action means disciplinary action brought against a Member by SLS, where a Member has breached the Constitution, Regulations or any Eligible Policy.

Eligible Policy means all by-laws, rules, regulations, policies and procedures of SLS except Policy 5.02 Australian National Anti-Doping Policy.

Grievance means any form of grievance between two or more people (including individuals and body corporates) that is not, or does not concern or allege, a breach of an Eligible Policy as determined by the relevant SLS Entity.

Judiciary means the judiciary established under the Process, outlined in **clause 7.5** or another judiciary as provided in this Policy.

Investigator means a person assigned to carry out an investigation of a Complaint.

Mediation means the mediation of a Complaint under the Process in **clause 7.2**.

Member means a member of an SLS Entity.

Member Protection Information Officer (MPIO) means the person appointed by an SLS Entity who can provide information about the rights, responsibilities and options available to an individual seeking to make a Complaint. This person is not responsible for managing/conducting the formal complaints process and is only to help with complaints.

Minor Breach means a breach of an Eligible Policy that, in the opinion of the Complaints Manager, only results in a warning (whether informal or formal) being imposed on the Respondent as the applicable Sanction.

NST means the National Sports Tribunal established under the NST Legislation.

NST Legislation means and includes the *National Sports Tribunal Act 2019 (Cth)*, *National Sports Tribunal Rule 2020 (Cth)*, *National Sports Tribunal (Practice and Procedure) Determination 2020 (Cth)* and *National Sports Tribunal Act 2019 - Principles for Allocating a Member to a Dispute 2020*.

Participant means any individual taking part or involved in a SLS activity/program or service.

Person in Position of Authority (PPA) means a person allocated to a role within an SLS Entity who has a level of authority at that Entity. PPA may include Board Members, Vice President's and President as well as Managers and Senior Leaders in SLS Entities.

Process means the chosen process for resolving a Complaint under this Policy, with each option outlined in **clause 7**, including Mediation, Minor Breach Procedure, Judiciary and external referral.

Respondent means the person(s) who is alleged to have breached an Eligible Policy and whose behaviour is the subject of a Complaint.

Sanction means a sanction imposed on a Respondent for breaching an Eligible Policy under **clause 8**.

Serious Criminal Offence means an offence that is outlined in Appendix A of *Policy 6.16 Criminal Convictions*.

SLS and **SLS Entity** means as applicable SLSA, each State Centre, each SLS Branch and each SLS Club.

SLS Reporting System means the online system used to submit a Complaint and accessed at <http://complaints.sls.com.au/>.

SLSA means Surf Life Saving Australia Limited.

Surf Sports Manual means the document which prescribes rules under which surf sports events are conducted and managed.

Vulnerable Person means a person who is (a) under the age of 18; or (b) aged 18 or over, but is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation, by reason of age, illness, trauma or disability, or any other reason

1.3 Interpretation and amendment

- a. Any notice or other material required to be provided by one party to one or more other parties under this Policy may be given by:
 - i. sending it to an email or other electronic address nominated by the recipient party; or
 - ii. post or hand delivering it to that party's registered address.
- b. A document is understood to have been received under this Policy if sent by email or other electronic transmission, on the date of the document's transmission, or if hand delivered, on the date of delivery or if sent by post, 6 business days after it was sent.

- c. SLSA may amend this Policy from time to time and must make the new version available on its website and Members Area as soon as practicable.
- d. Any Complaint being dealt with at the time of an amendment to this Policy will continue to be processed under the version of this Policy in force at the time an SLS entity receives the Complaint.
- e. A reference to SLS or a Complaints Manager in this Policy is taken to include their authorised delegates from time to time.

1.4 Commitment

All SLS Entities are committed to:

- a. addressing any legitimate Complaint brought to their attention regarding the welfare, health and safety of all Members, PPA and/or Participants in SLS;
- b. dealing with all Complaints in a fair, timely and transparent manner, as appropriate;
- c. escalating a Complaint as appropriate to ensure that appropriate persons are involved;
- d. considering the reasonable wishes of all parties;
- e. providing communication on a regular basis as to the progress of the Complaint;
- f. clearly explaining the next steps and options to all parties involved in a Complaint of the Complaint procedures;
- g. maintaining appropriate confidentiality regarding Complaints, subject always to legal requirements regarding disclosure, or if disclosure is necessary to deal with the Complaint;
- h. reporting any serious issues involving CYP or allegations of Serious Criminal Offence to relevant authorities, in accordance with relevant State and Territory legislation; and
- i. maintaining appropriate records of Complaints in a safe and confidential manner.

1.5 Principles

At all times:

- a. Members, Participants and SLS Entities must cooperate fully with any police investigation and any government and/or judicial authority;
- b. Members and SLS Entities must cooperate fully with any investigation, action or reasonable direction of SLSA, their State Centre or Branch for those states that have them made under or in relation to the application of this Policy or any Process under it;
- c. subject to the law, an SLS Entity shall deal with criminal allegations, investigations, charges and convictions promptly, openly, and honestly;
- d. Members, Participants and SLS Entities must treat any matter or information arising from the application of this Policy in confidence; and
- e. Members, Participants and SLS Entities shall at all times act honestly, in good faith and with integrity.

1.6 Policy Administration

- a. Any and all rules, policies and regulations previously enacted by SLS concerning the handling of Complaints are withdrawn to the extent they deal with the handling of Complaints and replaced by this Policy.
- b. This Policy is made and implemented under clause 39 of the Constitution. It expressly adopts and incorporates by reference clause 16 of the SLSA Constitution and Regulation 4 of the SLSA Regulations.

- c. This Policy:
 - i. commences on the Commencement Date;
 - ii. is subject to the Constitution. If there is any inconsistency, the Constitution will prevail;
 - iii. from the commencement date, this policy will be the only policy to hear complaints and any complaint submitted from the commencement date will be addressed through this policy no matter the date of incident; and
 - iv. when in force, binds all Members.
- d. Where a Complaint:
 - i. is submitted prior to the Commencement Date, it must be dealt with under the policies and processes of SLS existing at the time; or
 - ii. relates to allegations that occurred prior to the Commencement Date, but is submitted after the Commencement Date, it will be dealt with under this Policy.

2 WHEN DOES THIS POLICY APPLY?

2.1 What is a Complaint?

- a. A Complaint includes both a:
 - i. matter lodged with SLS, using the Complaint Form (**Schedule 1**) or lodged in the SLS Reporting System, alleging that a Member has breached an Eligible Policy; and
 - ii. Disciplinary Action commenced against a Member by an SLS Entity alleging a member has breached an Eligible Policy.
- b. If a person submits an allegation against a Member who is no longer a Member of an SLS Entity, that matter may proceed as a Complaint under this Policy if (and when):
 - i. the person is a Member at a later date; and
 - ii. the Complaint is accepted under this Policy.

2.2 Complaint Level

Complaints will be classified as one of two levels:

- a. Level One – Serious Criminal Offence; or
- b. Level Two – A breach of an Eligible Policy.

2.3 What is not a complaint?

- a. A Complaint does not include allegations or information:
 - i. to the extent that the allegations or information, involves, a Grievance;
 - ii. that is not made in good faith or is mischievous, vexatious or knowingly untrue, as determined by the Complaints Manager under **clause 5.1 and clause 5.2**;
 - iii. where the respondent is not a Member and/or SLS has no legal jurisdiction over the respondent;
 - iv. that does not refer to a breach of an Eligible Policy, and therefore may be considered a concern which should be referred to the MPIO at the SLS Entity; or
 - v. that relate to an incident or matters that are considered in the SLSA Surf Sports Manual.

2.4 Children & Young People

Any matter relating to the abuse or suspected abuse of children and young people (**CYP**), under the age of 18, must be reported. If you believe there has been a breach of the Child Safe policy, please report and submit details of the alleged breach in the SLS Reporting System. If criminal activity has occurred or if you believe a child is at immediate risk of harm or danger, contact the Police (call 000) to report the matter prior to submitting a report through the SLS Reporting System.

3 KEY ROLES AND COMPLAINTS INTEGRITY

3.1 Key Roles

Key roles involved in the handling of Complaints under this Policy, include:

- a. MPIO
- b. Complaint Manager
- c. PPA
- d. Investigator.

3.2 Conflicts of Interest

- a. Where a Complaints Manager believes they may have a conflict of interest they must advise a PPA from the relevant SLS Entity to determine if a conflict exists and if any mitigation of that conflict is possible. Where it is not, the PPA will appoint a new Complaints Manager for the matter. Similarly, if a PPA within an SLS Entity identifies that a Complaints Manager may have a conflict of interest, the same approach will be undertaken.
- b. The person appointed to undertake the assessment must be independent and have no actual or perceived conflict of interest in relation to the complaint that might reasonably call into question the impartiality of the process.
- c. Where a Complaint is received that involves (either directly or indirectly) a PPA (or the Complaints Manager themselves) from the SLS Entity, the Complaints Manager or PPA as appropriate will consider:
 - i. can the Complaint be fairly and appropriately managed at the SLS Entity?
 - ii. if the PPA or Complaints Manager against whom a Complaint is made, should stand aside from any positions they hold within the SLS Entity (where appropriate)?
 - iii. the personal relationship the PPA or Complaints Manager may have with other PPAs and those involved in any process and can these be mitigated against appropriately (i.e., there is enough capability in the SLS entity to undertake an investigation, convene a Judiciary etc. If a number of other PPAs are unable to be involved and those who do undertake these roles do not believe they are conflicted in any way.)
- d. Upon consideration of these influences, the Complaints Manager or PPA may determine the matter should be referred to a different or higher level SLS Entity (e.g., for club matters – the Branch, for Branch matters – State Centre etc.). The higher level SLS Entity, in their absolute discretion, will determine if the Complaint should be referred:
 - i. back to the involved SLS Entity; or
 - ii. to an independent panel; or
 - iii. to another SLS Entity; orwhether it should be managed by the higher level SLS Entity.

3.3 Standard of Proof

- a. The standard of proof that applies to all decisions made under this Policy (including Judiciary Hearings) is the **balance of probabilities**.
- b. For a Judiciary to find something has been proven on the balance of probabilities, it must be satisfied that on the evidence before it, it is more probable than not, that the alleged conduct the subject of a Complaint occurred. In reaching such conclusion, the Judiciary may consider all relevant factors including the nature and seriousness of the allegations and the impact of the potential sanctions that may be imposed if the allegations are proven.
- c. Where a Respondent has been convicted or found guilty in a criminal, disciplinary or professional proceeding of engaging in conduct which would be a breach of an Eligible Policy, including Policy 6.16 Criminal Convictions, the Respondent is deemed under this Policy to have committed Prohibited Conduct without requiring further investigation.

3.4 Confidentiality

- a. All Complaints, including any information disclosed in relation, or response, to a Complaint, will be kept confidential by all parties involved including the SLS Entity, and must not be disclosed to any third party. An SLS Entity may disclose such information for an Approved Purpose.
- b. **Approved Purpose** means and includes the following disclosures by an SLS Entity to:
 - i. the parties to the Complaint (Respondent and Complainant) to ensure a fair process;
 - ii. third parties within or outside SLS to facilitate the proper handling of the Complaint under this Policy;
 - iii. any external agency (e.g., the Police, a child welfare department, State/Territory Fair Trading Authority, Australian Securities Investments Commission) so it can deal with the alleged conduct the subject of a Complaint;
 - iv. relevant Members and/or SLS Entities to alert them to the identity of, and information directly concerning any Sanction imposed on, any Respondent; and
 - v. as required by law or to any court or the NST.

3.5 Failure to Cooperate

- a. Subject to clause 3.5(c), persons bound by this Policy must cooperate fully with a Complaints Process they are involved in, including any Resolution Process chosen to resolve an Alleged Breach.
- b. Subject to clause 3.5(c), a Hearings Tribunal or an Appeals Tribunal may draw an inference adverse to the Respondent based on a Respondent's failure or refusal, after a request has been made in a reasonable time in advance, to answer any relevant question, provide relevant documentation, and/or participate in the Complaints Process. The Respondent must be made aware of such an inference being drawn in relation to any particular allegation forming part of an Alleged Breach.
- c. No individual or organisation bound by this Policy is required to answer a question or provide information where to do so would be a breach of any applicable law, and no adverse inference (such as those in clause 3.5(b)) may be drawn where that individual or organisation discloses the relevant law.

3.6 Vulnerable Persons

- a. Where a Complainant or Respondent is a Vulnerable Person, the parent or guardian of the Vulnerable Person may act on behalf of the Vulnerable Person and accompany them

throughout the Complaints Process, including at any interview, Alternative Dispute Resolution process, or Hearings Tribunal or Appeals Tribunal.

- b. SLS will have regard to the guide entitled “Complaint Handling Guide: Upholding the rights of children and young people” issued by the National Office for Child Safety in managing Complaints made on behalf of or involving Vulnerable Persons, currently available at Complaint Handling Guide: Upholding the rights of children and young people (pmc.gov.au), or such other guide that may replace it.

4 MAKING A COMPLAINT

4.1 Submitting a Complaint

- a. A person should submit a Complaint via the SLS Online Reporting System or where this is not possible, they may submit using the Complaint Form in **Schedule 1**.
- b. A Complaint must be fully and properly completed at the time of submission, failing which, a SLS Entity is not obliged to accept and/or process the Complaint under this Policy.
- c. A SLS Entity is not obliged to accept and/or deal with a Complaint unless or until a fully and properly completed Complaint is submitted to it.
- d. A Complaint may be submitted by a parent or guardian on behalf of a Vulnerable Person.
- e. A Complaint cannot be submitted anonymously.

4.2 Withdrawing a Complaint

- a. A Complainant may withdraw their Complaint at any time before a finding under clause 10.1.
- b. Withdrawing a Complaint must be done in writing from the same contact address used in the Complaints Form, or another contact address that has been previously notified during the Complaints Process

4.3 Proper Recipient

- a. A Complaint should be submitted per **clause 4.1**, and managed by, the appropriate SLS Entity, as outlined in **Table 4.3a**

Table 4.3a - Proper Recipient of Complaints	
Complaint	Proper Recipient
General complaints including bullying, harassment, dissatisfaction with decisions, member to member matter.	Club or Branch
Branch or State-related complaints or inter-club matters.	Branch or State
All Child Safe related matters, allegations of Sexual Misconduct or any Serious Criminal Conduct or breach of Policy 6.16 .	State and/or SLSA
National-related complaints or inter-State matters.	SLSA

- b. Depending on the nature and seriousness of a matter or if a conflict of interest (**clause 3.2**) arises, the Complaint may be assigned to the SLS Entity one level above by the Complaints Manager.
- c. The SLS Entity at the higher level may, at its discretion, refer a Complaint:
 - i. back to the involved SLS Entity; or
 - ii. to an independent panel; or
 - iii. to another SLS Entity; or

- determine that it should be managed by the higher level SLS Entity.
- d. If a Complaints Manager is not noted within SurfGuard for the involved SLS Entity, it will be automatically allocated to the President of the SLS Entity who will assign a Complaints Manager to manage the Complaint. If the Complaint is regarding the President of the SLS Entity, the higher level SLS Entity per **clause 3.2(d)** will determine an appropriate Complaints Manager.
 - e. A higher level entity may take over the management of a Complaint if it is determined that the policy is not being applied appropriately.
 - f. All Complaints will be classified as one of two case levels as per **clause 2.2**.
 - i. All Case Level 1 Complaints will be handled by SLSA and/or the relevant State Centre.
 - ii. All Case Level 2 Level Complaints will be allocated to the Complaints Manager at the involved SLS Entity.
 - g. In the case of cross jurisdiction complaints, the proper recipient for a Complaint shall apply as per **Table 4.3b** below.

Table 4.3b - Proper Recipient of Cross Jurisdiction Complaints	
Cross Jurisdiction Complaint	Proper Recipient
Where the matter is between two or more clubs/members from clubs within a Branch	The Branch to whom those clubs are affiliated
Where the matter is between two or more clubs/members from clubs affiliated to different Branches within a state	State Centre
Where the matter is between two or more Branches (or members acting in their role as Branch representatives) within a State	State Centre
Where the matter is between two or more Branches (or members acting in their role as Branch representatives) or clubs/members from different states	SLSA
Where the matter is between two or more States Centres	SLSA

5 RECEIPT AND ASSESSMENT

5.1 Initial Threshold Questions

- a. Upon receipt of a Complaint, the Complaints Manager must initially determine whether:
 - i. it is or is not a Complaint and whether it has been properly submitted under **clause 4.1**;
 - ii. the Complaint is solely a Personal Grievance;
 - iii. the Complaint is not an Alleged Breach of an Eligible Policy;
 - iv. the Respondent is not an eligible Respondent as outlined in clause 4.3;
 - v. the Complaint is mischievous, vexatious, or knowingly untrue;
 - vi. requires mandatory reporting to occur under child protection or other laws, in which case the Complaints Manager must do so and notify the complainant under **clause 5.3**; and/or
 - vii. relates to child abuse, child welfare or the safety of a child or young person under 18 years of age, in which case it must be lodged as a report as per the Child Safe Policy and the Complainant notified under **clause 5.3**;

(the **Initial Threshold Questions**).

- b. In the case of a Complaint under **clauses 5.1 (a)(vi) or (vii)**, the Process under this Policy is suspended unless and until the matter is referred back for resolution under this Policy.
- c. If the Complaint does not satisfy any of **clauses 5.1 (a)(i)-(v)**, the Complaints Manager may reject the Complaint or may proceed to further assessment under **clause 5.2**.
- d. There is no appeal or further action available to a Complainant where the Complaints Manager rejects a Complaint under this **clause 5.1**.

5.2 Initial Assessment of Complaint

- a. Subject to **clause 5.1**, the Complaints Manager must determine whether a Complaint:
 - i. was lodged in good faith and for a proper purpose; and
 - ii. is a Complaint under this Policy;

(the **Initial Assessments**).

- b. The Complaints Manager has absolute discretion to determine the matters in **clauses 5.1(a)(i) and 5.2(a)(i)** and any decision is final and binding. In determining under this clause, the Complaints Manager can make such further reasonable enquiries, as necessary. This may or may not involve formal interviews and collection of additional evidence, as required.
- c. If none of the Initial Assessments are satisfied, the Complaints Manager should proceed to **clause 5.3(a)(ii)**. If all the Initial Assessments are satisfied, the Complaints Manager must determine whether the Complaint has been submitted to the correct SLS Entity, considering **clause 4.3**, and then (if yes) proceed to **clause 8** or (if not) refer to **table 4.3a** or **b**.
- d. Based on the assessment, the organisation managing the Complaint may make findings as to whether the Standard of Proof has been met in respect of the Alleged Breach and if the Alleged Breach is substantiated, unsubstantiated or unable to be substantiated. Furthermore, the organisation managing the Complaint will make a determination as to whether a resolution process is required and if so which resolution process; no further action required or a breach notice with or without a sanction.
- e. The Complaints Manager should endeavour to complete the steps outlined in **clauses 5.1 and 5.2** within 14 days of the of the Complaint being received.
- f. There is no appeal or further action available to a Complainant in response to the Complaints Manager exercising their discretion and acting under this clause.

5.3 Notification to Parties

- a. The SLS Entity will communicate with the Complainant and the Respondent at appropriate intervals throughout the Complaints Process to keep them informed about the process until a Resolution Process has been chosen or the Complaints Process is otherwise discontinued, including:
 - i. notifying the Complainant of whether the Complaint satisfies the Initial Threshold Questions;
 - ii. after a Complaint is determined to have satisfied the Initial Threshold Questions and when the SLS Entity considers that it is appropriate to do so, notifying the Respondent that a Complaint has been made against them;
 - iii. notifying the Respondent of any Provisional Actions to be put in place;
 - iv. notifying both the Complainant and the Respondent if the Complaint is referred to an external process under clause 7.6;

- v. notifying both the Complainant and the Respondent of the Resolution Process chosen; and
 - vi. providing a Breach Notice to the Respondent
- b. The Respondent will not be entitled to a copy of the Complaint Form as submitted by the Complainant but will be provided with a summary of the Alleged Breach(es) and sufficient details of the Complaint to allow them to respond. Both the Complainant and the Respondent will be informed of any relevant additional information that becomes known as part of the assessment process and provided with a reasonable opportunity to respond.
- c. If the Complaint:
- i. satisfies all the Initial Threshold Questions and all the Initial Assessments, the Complaints Manager must notify the Complainant of the applicable procedure to be used to resolve the Complaint. This may include undertaking any investigation and the subsequent decision of the Complaints Manager with respect to that Investigation.
 - ii. does not satisfy any of the Initial Threshold Questions, the Initial Assessments, or any Investigation is unsubstantiated the Complaints Manager may reject the Complaint or may notify the Complainant of the defect(s) in the Complaint, and whether or not it can proceed under this Policy after modification of the Complaint.
- d. Where the Complaint is considered a Level One Serious Criminal Offense, the Complaints Manager is not required to, and will not, inform the Respondent that the matter has been referred to the Police.
- e. Where an Investigation is undertaken, the Complaints Manager may provide a copy of the Investigation Report to both Complainant and Respondent.

5.4 Investigation

- a. The Complaints Manager may choose to conduct an investigation, in which case an appointed representative will be chosen by the Complaints Manager to conduct the investigation under **clause 5.4(d)** using the procedure outlined in **Schedule 5**. There is no obligation on the Complaints Manager to conduct an investigation. There is no appeal or further action available to a Complainant where the Complaints Manager chooses not to undertake an investigation.
- b. Notwithstanding **clause 5.4(a)** the Complaints Manager may undertake the investigation themselves.
- c. The Complaints Manager may appoint another person or entity to undertake an investigation.
- d. The investigator will investigate the Complaint in accordance with the procedure in **Schedule 5** and may make findings as to whether the allegations satisfy the Standard of Proof per **clause 3.3**.
- e. Upon receipt of the investigator's findings:
 - i. Where the findings are substantiated and commensurate with a Level One Complaint, the Complaints Manager will proceed as per **clause 6**.
 - ii. Where the findings are substantiated and commensurate with a Level Two Complaint the Complaints Manager must determine the Chosen Process as per **clause 7**. The Complaints Manager may also proceed to Mediation under **clause 7** if the findings are inconclusive.
 - iii. Where the findings are unsubstantiated the Complaints Manager will proceed as per **clause 5.3(a)(ii)**.

- iv. The Complaints Manager may (in their absolute discretion and if they consider warranted) re-open or instruct the investigator to re-open the Investigation or appoint a new investigator to re-investigate the matter in accordance with this policy.
- f. The Complaints Manager or the appointed representative should endeavour to complete the Investigation within 30 days of the of the Complaint being received.

5.5 Provisional Action

- a. Where a Complainant alleges conduct against a person that in the Complaints Manager's opinion:
 - i. may result in, or cause, serious criminal charges to be laid against the Respondent; and/or
 - ii. suggests there is a further or ongoing risk of harm or angst being suffered by one or more Members; and/or
 - iii. suggests there is a further or ongoing risk of harm, disrepute or prejudice being suffered by SLS; and/or
 - iv. is related to child abuse/misconduct; and/or
 - v. is not in the best interests of the parties involved or SLS;the Complaints Manager may, in their absolute discretion, determine whether any Provisional Action(s) will be imposed.
- b. Provisional Actions include, but are not limited to; imposition of conditions, immediate stand-down, suspension, restriction of duties, restriction of specific activities and/or locations, restriction of groups with whom they may interact or temporary redeployment of the Respondent, or any other action(s) at the discretion of the Complaints Manager.
- c. The Complaints Manager may impose a Provisional Action at any point if information comes to hand that gives reasonable cause for them to believe a Provisional Action should be considered. If a Provisional Action is imposed on a person, it and any conditions associated with it (e.g., time limits) must be communicated in writing by the Complaints Manager to relevant persons.
- d. There is no appeal or further action available to any person against whom a Provisional Action has been imposed by the Complaints Manager.

6 LEVEL ONE – SERIOUS CRIMINAL OFFENCE

- a. If any SLS Entity is advised of, or becomes aware of a Serious Criminal Offence by a Member they should advise or otherwise contact the CEO of SLSA and the CEO of their State Centre and advise the police or other authorities as required by Law and act in accordance with SLSA Policy 6.16 Criminal Conviction. This may include the application of Provisional Actions.
- b. Where a criminal investigation does not result in the member being charged, or a trial does not result in the conviction of the member, the State Centre Complaints Manager may then proceed as per **clause 7** of this Policy.
- c. At every step of a Level One Complaints process, the State Centre CEO and/or their nominated Complaints Manager must document all available Complaint information within the SLS Online Reporting System or use the SLS templates provided in **Annexure A**.

7 LEVEL TWO – A BREACH OF AN ELIGIBLE POLICY

7.1 Determine Process

- a. If, after consideration of the matters in **clauses 5.1, 5.2 and 5.4** the Complaints Manager determines that the Complaint can be properly dealt with under this Policy, the Complaints Manager must determine the Process that will initially be used to attempt to resolve the Complaint. The Processes are:
 - i. Mediation (**clause 7.2**);
 - ii. Minor Breach Procedure (**clause 7.3**);
 - iii. Judiciary (**clause 7.5**); or
 - iv. referral to an external agency under **clause 7.6**.
- b. The Complaints Manager has sole and absolute discretion to determine the chosen Process under this **clause 7.1(a)**.
- c. The Complaints Manager may, at their absolute discretion, seek further information from the Complainant, Respondent or third parties to assist them to decide the Chosen Process. If information is sought from a party under this clause, the party must respond and cooperate.
- d. The Complaints Manager must notify the Complainant and Respondent of the Process as soon as practicable once decided. The Complaint will then be dealt with under that applicable Process in addition to any Provisional Action taken under **clause 5.5**.
- e. The Complaints Manager may, at any time following receipt of a Complaint under **clause 4.1**, refer the Complaint to an external agency in accordance with **clause 7.6**.
- f. The Complaints Manager should endeavour to complete the chosen process within 10 weeks of the lodgement of the Complaint.

7.2 Mediation

- a. If the Complaints Manager considers the Complaint may be appropriate for Mediation, they may offer mediation to both the Complainant and Respondent in writing per **Schedule 2**.
- b. If both the Complainant and Respondent consent to Mediation the Complaints Manager will refer the Complaint to a mediator approved by the SLS Entity, which will be undertaken in accordance with such rules as may be prescribed by such mediator.
- c. The Complaints Manager may ask the Complainant and the Respondent to pay some or all of any Mediation fee.
- d. If the Complaint is resolved through Mediation under this clause, the Complaints Manager must proceed to **clause 10**.
- e. For the avoidance of doubt, if:
 - i. either the Complainant or Respondent does not consent or respond to Mediation;
 - ii. the Complaint is not appropriate for Mediation; or
 - iii. Mediation does not resolve the Complaint;the Complaints Manager, at their absolute discretion, may refer to **clause 5.3(c)(ii)** and take no further action in respect of the Complaint or may choose another Process to resolve the Complaint under this Policy as per **clause 7.1**.
- f. There is no appeal or further action available to any party where the Complaints Manager takes no further action under this clause.

7.3 Minor Breach Procedure

- a. The Minor Breach Procedure may only be chosen where the Complaint alleges a Minor Breach of an Eligible Policy.
- b. The Complaints Manager must notify the Respondent of the alleged breach, in writing, using the letter set out in **Schedule 3** (Minor Breach Notification). The letter must contain the following information:
 - i. details of the breach alleged in the Complaint, including the alleged conduct and the section(s) of the Eligible Policy allegedly breached; and
 - ii. that, without SLS finding the breach to be proven, the Respondent is warned that the allegations would constitute a breach of the Eligible Policy, if proven; and
 - iii. requirement that the Respondent responds to the notification stating their acceptance of allegation(s) and the resultant warning or reprimand, or their rebuttal/response to the allegation.
- c. If the Respondent accepts the allegation as notified under **clause 7.3(b)**, **clause 10** applies.
- d. If the Complainant or Respondent considers the application of a Minor Breach to be incorrect, they may request that the Complaints Manager reconsider their decision. The Complaints Manager may, at their absolute discretion:
 - i. determine no breach has occurred and advise the Complainant and Respondent as per **clause 10**; or
 - ii. affirm the determination that a Minor Breach has occurred and advise the Complainant and Respondent as per **clause 10**; or
 - iii. refer the matter to a Judiciary as per **clause 7.5**.

7.4 Resolution without a hearing

Where a respondent admits to the Alleged Breach (thereafter, a Breach), waives their right to a hearing and accept the Sanction, or is deemed to have done so, the SLS Entity Complaints Manager must take all necessary steps to impose and implement the Sanction (if applicable), and proceed to finalising the Complaint in accordance with **clause 10**.

7.5 Judiciary

- a. If the Complaints Manager, is of the opinion, that there may have been a breach of an Eligible Policy and that a Judiciary is the appropriate Process, they must refer the Complaint to a Judiciary for resolution in accordance with the Judiciary Procedure in **Schedule 6**.
- b. Where an Investigation was inconclusive, upon recommendation of the Investigator, or if in the opinion of the Complaints Manager they believe the Investigation was lacking in any way, they may appoint a Judiciary with investigatory powers in accordance with **Schedule 6**.
- c. The Complaints Manager must notify the Respondent of the alleged breach, in writing, using the letter set out in **Schedule 4** (Breach Notification). The letter must contain details of the:
 - i. breaches alleged in the Complaint, including the alleged conduct and the section(s) of the Eligible Policy allegedly breached; and
 - ii. Judiciary.
- d. The Judiciary will, in accordance with **Schedule 6**, arbitrate the Complaint and may, if applicable, impose a Sanction in accordance with **clause 8**.

- e. The Judiciary will notify the parties of the outcome in accordance with **Schedule 6**, following which, **clause 10.2** applies.

7.6 External Referral

- a. The Complaints Manager may, at any time before or while dealing with a Complaint under this Policy, refer the Complaint to an external agency (such as the Police, a child welfare department, State/Territory fair trading authority, the Australian Charities and Not-for-profits Commission, or the Australian Securities & Investments Commission).
- b. The Complaints Manager may also refer a Complaint concluded under this Policy to an external agency at any time if they consider such referral appropriate (e.g., a mandatory reporting matter).
- c. If an external referral is made under **clause 7.6(a)**, the Complaints Manager may, if they consider it is appropriate in the circumstances, determine that the chosen Process be suspended pending external resolution. The Complaints Manager must notify the Complainant and Respondent in writing of any such decision. Where it is a Level One Serious Criminal Offence, is not required to, and will not, inform the Respondent that the matter has been referred to the Police.
- d. If the Process is suspended due to an external referral, the Complaints Manager must determine whether any Provisional Action should be taken against the Respondent under **clause 5.5**.
- e. When the Complaints Manager decides whether to impose Provisional Action under **clause 5.5**:
 - i. in the circumstances described in **clause 5.5**, there is an automatic presumption that Provisional Action should be taken unless in exceptional circumstances; and
 - ii. in any other circumstances, there is an automatic presumption that Provisional Action should not be taken unless in exceptional circumstances.

8 SANCTIONS

- a. The Judiciary has absolute discretion to determine the Sanctions imposed on a Respondent, if they find that a Respondent has committed a breach of an Eligible Policy.
- b. Without limiting the discretion in **clause 8(a)**, the Sanctions that may be imposed on a Respondent include, but are not limited to:
 - i. a reprimand or warning;
 - ii. exclusion from a particular event or events, competition or activity;
 - iii. suspension, from such activities or events held by or under the auspices of SLS, on such terms and for such period as the person imposing the sanction thinks fit;
 - iv. the imposition of conditions and/or restrictions on the Respondent's membership;
 - v. suspension for a specified period and/or termination of any rights, privileges and benefits provided by SLS whether under the Respondent's membership contract or not;
 - vi. expulsion from SLS and subsequent termination of the Respondent's membership contract; and/or
 - vii. any other such sanction as the person imposing the sanction considers appropriate.

- c. Without limiting the discretion afforded in **clause 8(a)**, in deciding the applicable Sanction (if any) under this Policy, the person(s) imposing the Sanction may, but are not required to, consider, or if considered, apply any weighting to, the following factors:
 - i. the nature and seriousness of the behaviour or incidents the subject of the Complaint;
 - ii. whether the behaviour or incidents that are subject to the Complaint caused prejudice or detriment to any SLS Entity or to SLS;
 - iii. if the Respondent knew or should have known that the behaviour was a breach of the Eligible Policy;
 - iv. level of contrition or remorse of the Respondent;
 - v. the effect of the proposed Sanction on the Complainant;
 - vi. the effect of the proposed Sanction on the Respondent including any personal, professional or financial consequences;
 - vii. the effect of the proposed Sanction on SLS;
 - viii. if there have been relevant prior warnings and/or disciplinary actions and/or sanctions against the Respondent; and/or
 - ix. if there are any mitigating circumstances such that the Respondent should not have a Sanction imposed, or not such a serious Sanction imposed.
- d. A Sanction handed down under this Policy shall commence from the date of the decision, unless otherwise expressly directed by the person imposing the sanction, or otherwise provided for in this Policy.
- e. Where the person imposing the sanction finds that more than one breach of an Eligible Policy has been proven, it will hand down a single Sanction in respect of the totality of all breaches that have been found proven. The Sanction imposed will be determined by the person(s) imposing the sanction in their sole discretion having regard to the seriousness of the overall conduct in question, rather than by a mathematical addition of Sanctions that would otherwise be applicable to each individual breach.
- f. Where a sanction has been imposed under **clause 8(b)(v)** then the relevant State Entity must be notified in writing. Where a person has been imposed with a sanction under **clause 8(b)(vi)** then the relevant State Entity and SLSA must be notified in writing.

9 APPEAL

- a. Subject to this **clause 9** the following persons and SLS Entities have a right to appeal a decision under this Policy (each an **Appellant**) in relation to a decision of a Judiciary:
 - i. a Respondent who is found to have breached an Eligible Policy, irrespective of whether a Sanction is imposed; or
 - ii. the involved SLS entity under whose jurisdiction the matter was being determined, if no Sanction is imposed on a Respondent or if a Sanction is imposed on a Respondent, that the SLS entity considers the Sanction inadequate or inappropriate.
- b. There is no appeal right from any decision made by a person/Judiciary under this Policy except under the following grounds of appeal:
 - i. the person/Judiciary demonstrated actual bias in arriving at the decision; and/or
 - ii. the decision was contrary to law; and/or
 - iii. no reasonable decision maker in the position of the relevant person/Judiciary, based on the material before them, could reasonably make such a decision.

(each a **Ground of Appeal**).

- c. To submit a valid notice of appeal, an Appellant must, within 7 days of the date of receipt of the decision made under this Policy:
 - i. lodge an 'Application for an Appeal', which must state in full the Grounds of Appeal with, in the case of a matter being:
 - A. determined at Club level, the respective Branch (where a SLS Branch structure exists, or where it does not State Centre);
 - B. determined at Branch level, the respective State Centre;
 - C. considered at State level, the State Centre Legal Counsel; or
 - D. considered at National level, the SLSA Legal Counsel; and
 - ii. pay a \$500 appeal fee (refundable if the appeal is upheld).

(together, a **Notice of Appeal**).

- d. If the Appellant fails to lodge a Notice of Appeal in compliance with **clause 9**, including but not only complying with each of the requirements in **clause 9(a)**, **clause 9(b)** or **clause 9(c)** within the required time period, an Appellant's right of appeal is extinguished.
- e. If it is determined by the Complaints Manager who receives the appeal under **clause 9(c)(i)** that (in the Complaint's Manager's absolute discretion) there are valid grounds for appeal, then the Complaints Manager will (at the Complaints Manager's absolute discretion):
 - i. direct the original SLS Entity that heard the matter to convene an Appeals Tribunal to hear the Appeal; or
 - ii. convene an Appeals Tribunal to hear the Appeal.
- f. The Appeals Tribunal's arbitration of the Appeal will proceed in accordance with **Schedule 8** and must determine, to the Standard of Proof, whether any Ground of Appeal (as applicable) is proven, and must not rehear the matter or the merits or facts of the Complaint.
- g. If the Appeals Tribunal determines that any Ground of Appeal is upheld, it will refer the matter to the original SLS Entity to be reheard.
- h. If the Appeals Tribunal determines that no Ground of Appeal has been upheld, it will dismiss the appeal.
- i. After a decision is reached by the Appeals Tribunal, **clause 10** applies.
- j. There is no further right of appeal from the decision of an Appeals Tribunal.

9.1 SLSA Referral to the National Sports Tribunal (NST)

- a. Only SLSA can refer matters to the NST. If other SLS Entities (i.e., State Centres, Branches, clubs or other affiliates) wish to refer matters to the NST, they must first apply to the SLSA Complaints Manager who will consider the nature of the matter and its suitability/eligibility to be considered by the NST.
- b. The NST will apply the Standard of Proof in its arbitration of the Complaint, and otherwise arbitrate the Complaint in accordance with the NST Legislation and may, if applicable, impose a Sanction in accordance with **clause 8**.
- c. The NST will notify the parties of the outcome in accordance with the NST Legislation, following which, **clause 10.2** applies.

10 OUTCOME AND FINALISATION

10.1 Notification of outcome

- a. Unless otherwise provided for under a Process in **clause 7**, the Complaints Manager must notify the Complainant and Respondent of the outcome of a Complaint, in writing within 7 days the Process being concluded (and however it has concluded).
- b. SLS may, as required, disclose the matters to relevant Members and/or SLS Entities as per **clause 3.4(b)(v)**.
- c. Once the applicable Process (including any appeal) under this Policy has concluded, the decision is final and binding on all parties involved and there is no further right of appeal to any external body or Judiciary.

10.2 Recording Complaints

- a. The respective SLS Entity shall keep records of all Complaints in accordance with the template provided in **Annexure A**, for a minimum of 3 years from resolution of the Complaint under this Policy.
- b. Records must be maintained in a secure and confidential place, which may be electronically in the SLS Reporting System.

SCHEDULE 1 - COMPLAINT FORM

This complaint form should be lodged online at complaints.sls.com.au/.

Internal Use Only	
Name of person receiving Complaint:	Date Complaint Form Received: / /
How was the Complaint received:	
Complainant to Complete	
Name of Complainant:	
	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18
Complainant's contact details:	Mobile: Email:
Complainant's role/position within SLS Entity:	<input type="checkbox"/> SLS Member <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other:.....
Name of person(s) complained about (Respondent(s)):	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18
Respondent(s)'s role/position:	<input type="checkbox"/> SLS Member <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other:.....
Location(s) of alleged breach(es) by Respondent(s):	
Description of alleged breaches by Respondent(es): <i>Please provide as much information as possible (attach additional information if necessary)</i>	
Level of the SLS at which alleged breach(es) occurred:	<input type="checkbox"/> Club level where they relate to behaviour, an incident or circumstances that occurred at or involve persons operating at the Club level. <input type="checkbox"/> Branch level where they relate to behaviour, an incident or circumstances that occurred at or involve persons operating at the Branch level; <input type="checkbox"/> State Centre level where they relate to behaviour, an incident or circumstances that occurred at or involve persons operating at the State Centre level; or;

	<input type="checkbox"/> National level where they relate to behaviour, an incident or circumstances that occurred at or involve persons operating at National level.
Eligible policy or policies of SLS that Respondent has allegedly breached, including sections allegedly breached:	
Does Complainant consent to Mediation is a potential resolution?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Signed by Complainant or appointed person if under 18:	Signature: Date:
If the Complainant is under 18, provide the name and relationship of appointed person who signed on Complainant's behalf:	Name: Relationship (parent/guardian): Contact number: Contact email:

SCHEDULE 2 - LETTER – OFFER OF MEDIATION

[date]

[insert name]
[address line 1]
[address line 2]

By email: [insert email address]

Dear, [insert name]

SLS COMPLAINT RESOLUTION POLICY – OFFER OF MEDIATION

1. [Insert SLS Entity] has received a formal complaint under its Complaint Resolution Policy (**Policy**) alleging that there has been a breach an eligible policy of SLS, as outlined below. A copy of the Policy is available at [insert link].
2. The Complaints Manager under the Policy has determined that mediation should be offered as the chosen process under **clause 7.2**, Mediation, in the Policy.
3. The Complaint was lodged by [insert name] and received by SLS on [insert date].
4. It is alleged in the Complaint that:
 - a. [insert details of alleged conduct and insert specific sections of eligible policies allegedly breached]
5. Please notify the Complaints Manager if you are willing to attend Mediation or if you decline the offer within [XX] days.
6. [Insert SLS Entity] reserves its rights in relation to any separate or future allegations or complaints that you have breached an eligible policy of SLS. Note that declining mediation does not resolve the complaint and that the Complaints Manager may choose another Process to resolve the Complaint under the Policy as per **clause 7.1**.
7. The Complaints Manager can be contacted by telephone on [insert mobile number] or by email at [insert email].

Yours faithfully
[insert signatory]

SCHEDULE 3 - LETTER - MINOR BREACH PROCEDURE

[date]

[insert name]
[address line 1]
[address line 2]

By email: [insert email address]

Dear, [insert name]

SLS COMPLAINT RESOLUTION POLICY – MINOR BREACH NOTIFICATION

Referral

1. [Insert SLS Entity] has received a formal complaint under its Complaint Resolution Policy (Policy) alleging that you have breached an eligible policy of SLS, as outlined below (Allegations). A copy of the Policy is available at [insert link].
2. The Complaints Manager under the Policy has referred the Complaint for resolution under the Minor Breach Procedure in the Policy.

Allegations

3. The Complaint was lodged by [insert name] and received by SLS on [insert date].
4. It is alleged in the Complaint that you:
 - a. [insert details of alleged conduct]
5. As a result of the above allegations, it is alleged that you have consequently breached the following eligible policies of SLS:
 - a. [insert specific sections of eligible policies allegedly breached]

Warning

6. Without determining whether the allegations in the Complaint are correct, or that the Complaint is proven, you are formally warned that the allegations, if proven, would constitute a breach of an eligible policy or policies.
7. [Insert SLS Entity] reserves its rights in relation to any separate or future allegations or complaints that you have breached an eligible policy of SLS.
8. If you have any questions in relation to this letter or wish to respond to the allegations, the Complaints Manager can be contacted by telephone on [insert mobile number] or by email at [insert email].

Yours faithfully
[insert signatory]

SCHEDULE 4 - LETTER - BREACH NOTIFICATION

[date]

[insert name]
[address line 1]
[address line 2]

By email: [insert email address]

Dear [insert name],

SLS COMPLAINT RESOLUTION POLICY - BREACH NOTIFICATION

Referral

1. [insert SLS Entity] has received a formal complaint under its Complaints Policy (**Policy**) alleging that you have breached an eligible policy of SLS, as outlined below (**Complaint**). A copy of the Policy is available at [insert link].
2. The Complaints Manager under the Policy has referred the Complaint about you for resolution under the Judiciary Procedure in the Policy.

Allegations

3. The Complaint was lodged by [insert name] and received by SLS on [insert date].
4. It is alleged in the Complaint that you:
 - a. [insert alleged conduct]; and

As a result of the above allegations, it is alleged that you have consequently breached the following eligible policies of SLS:

- a. [insert specific sections of eligible policies allegedly breached]; and

Judiciary

5. A Judiciary has been convened to resolve the Complaint and will consist of the following Judiciary Members:
 - a. [insert Judiciary Member 1 - Chair]
 - b. [insert Judiciary Member 1]
 - c. [insert Judiciary Member 1]
6. You must attend the Judiciary either in person or via video link/teleconference.
7. The Judiciary Chair will notify you of the date and time of the Judiciary and provide further information relating to the proceedings of the Judiciary.
8. If you have any questions in relation to this letter, the Complaints Manager can be contacted by telephone on [insert mobile number] or by email at [insert email].

Yours faithfully

[insert signatory]

SCHEDULE 5 - INVESTIGATION PROCEDURE - INTERNAL & EXTERNAL

Interpretation

1. In this Schedule:

Investigator means the person (whether internal or external) appointed by the Complaints Manager to conduct the Investigation under **clause 5.4** of the Complaint Resolution Policy.

Investigation means the investigation undertaking by the Investigator in accordance with this Schedule.

2. Defined terms not otherwise defined in this Schedule have the meaning given to them in the Policy.

Terms of Reference

3. The Complaints Manager may provide a written brief to the Investigator to ensure that the terms of engagement and scope of the Investigator's role and responsibilities are clear.
4. If provided the written brief may be in a form similar or identical to that contained in this Schedule but should provide for the matters referred to in paragraphs 6 to 15 below.
5. For the avoidance of doubt, if the Complaints Manager is the Investigator for an Internal Investigation, no written brief is required under this Schedule.

Investigation

6. The Complainant should be interviewed by the Investigator (either by telephone, video conference or in person). The Complaint and any key information arising from the interview(s) should be documented in writing by the Investigator. The Complainant is entitled to have a support person present during any interview that takes place, subject to the support person being someone who has never been admitted to practice as a lawyer or barrister. If the Complainant refuses to be interviewed, the Investigator must afford the Complainant the opportunity to provide submissions and supporting evidence to the Investigator.
7. Details of the Complaint should be conveyed to the Respondent(s). The Respondent(s) should be given sufficient information to enable them to properly respond to the Complaint.
8. The Respondent(s) should be interviewed by the Investigator (either by telephone, video conference or in person) and given the opportunity by the Investigator to respond to the allegations. The Respondent is entitled to have a support person present during any interview that takes place, subject to the support person being someone who has never been admitted to practise as a lawyer or barrister. If the Respondent refuses to be interviewed, the Investigator must afford the Respondent the opportunity to provide submissions and supporting evidence to the Investigator.
9. The Respondent(s)'s response to the Complaint should be documented in writing by the Investigator.
10. If, in the process of the Investigation, there continues to be a dispute regarding the facts, then statements from witnesses and other relevant evidence should be obtained where available by the Investigator to assist in reaching conclusions and preparation of a report.
11. The Investigator must make a finding, based on the Standard of Proof, as to whether the Complaint, or each of the allegations in the Complaint (as appropriate) is:
 - a. substantiated (there is sufficient evidence to support the Complaint based on the Standard of Proof);
 - b. inconclusive (there is insufficient evidence either way);

- c. unsubstantiated (there is sufficient evidence to show that the Complaint is unfounded, or not enough evidence to substantiate the Complaint, based on the Standard of Proof); or
 - d. mischievous, vexatious or knowingly untrue.
- 12. The Investigator must prepare a draft report documenting the Complaint, the Investigation process, evidence and finding(s) (**Draft Report**). The Investigator must:
 - a. provide the Respondent and Complainant with a copy of the Draft Report; and
 - b. afford the Respondent and the Complainant with the opportunity to provide further submissions in response to, or arising from, the Draft Report;prior to completing paragraph 14.
- 13. The Investigator may amend the Draft Report after considering any further submissions lodged by the Respondent under paragraph 12.
- 14. A final report documenting the Complaint, the investigation process, evidence and finding(s), should then be given to the Complaints Manager, who will use the information to make a decision on the course of action as per clause 5.4(e) of the Policy.
- 15. No Investigation shall be invalidated by any irregularity in the appointment of an Investigator or by any irregularity of the Investigator in applying the process under this schedule.
- 16. No decision, act or omission of the Investigator shall be invalid merely because of a failure to comply with the procedure in this schedule or any other irregularity in the procedure in this schedule unless a person suffers substantial prejudice as a result of that failure to comply or other irregularity in procedure.

SCHEDULE 6 - JUDICIARY PROCEDURE

Interpretation

1. In this Schedule:

Chair means the chair of a particular Judiciary under this Schedule.

Judiciary Member means an individual person sitting on a Judiciary.

SLS Member means a person who currently, or within the previous five years, is or has been, actively involved in SLS in whatever capacity.

2. Defined terms not otherwise defined in this Schedule have the meaning given to them in the Policy.
3. All clause references refer to this Schedule unless otherwise provided.

Convening Judiciary

4. As required under **clause 7.4** of the Policy, the Complaints Manager will convene a Judiciary under this Schedule.
5. The Judiciary shall convene as soon as reasonably practicable and shall endeavour to convene no later than two weeks after notification by the Complaints Manager.
6. Upon a referral to a Judiciary Committee the Complaints Manager shall, as soon as practicable, appoint a time and place suitable to the Judiciary Committee for the proceedings and may appoint an investigator to inquire into the referral.
7. A Judiciary Committee will use its best endeavours to consider any referral made to it within such time as the Board, State Centre, Branch or Club directs, provided always that a concerned person may apply for an adjournment by application in writing to the Complaints Manager. Such application must be received at least two (2) days prior to commencement of proceedings.
8. A Judiciary Committee shall have power to require the attendance of any member at any proceedings before it. Notice shall be given in accordance with the SLS Regulations. A member who, is required, but fails or refuses, to attend proceedings without legitimate excuse may themselves be subject to disciplinary proceedings.
9. The referring authority shall decide the quorum for a Judiciary Committee. If this is not decided a quorum for a Judiciary Committee shall be two (2).
10. Should an investigator have been appointed, the chairperson of the Judiciary Committee should in conjunction with the investigator determine if the matter should proceed. If it is determined that the matter should not proceed that is the end of the matter and there is no appeal from that determination.

Composition of Judiciary

11. Subject to **clause 13** below, each Judiciary shall:
 - a. comprise three Judiciary Members selected by the Complaints Manager at least one of whom must be a SLS Member; and
 - b. be chaired by the Chair, who shall be appointed by the Complaints Manager and shall be a person of experience and skills suitable to the function of chairing a Judiciary.
12. The Complaints Manager shall use reasonable endeavours to ensure that the Judiciary Members selected for any particular Judiciary do not have any:
 - a. actual or perceived conflict of interest in relation to the Complaint that might reasonably call into question the impartiality of the Judiciary; and

- b. close personal connection to the parties before, or the matters being considered by, the Judiciary.
- 13. Should a Judiciary Member become unable to sit on a Judiciary following the convening of the Judiciary for whatever reason, the Complaints Manager shall appoint a replacement Judiciary Member having regard to the requirements of **clause 6(a)** of this Schedule.
- 14. Should a Respondent or Complainant challenge the impartiality of any one or more Judiciary Member, the challenge will be determined by the Chair sitting alone, unless that challenge relates to the Chair in which case it will be determined by:
 - a. the Complaints Manager; or
 - b. if the Complaints Manager is unavailable or unable to act, the other members of the Judiciary.
- 15. There is no right of appeal from a decision made under **clause 9** above.
- 16. No Judiciary decision shall be invalidated by any irregularity in the appointment of a Judiciary Member.

Responsibilities of Chair

- 17. Without limiting any other duties of the Chair set out under this Schedule, the person appointed as Chair of the Judiciary shall:
 - a. chair hearings of the Judiciary;
 - b. ensure accurate records are kept of all of the Judiciary's proceedings and decisions, including at a minimum:
 - i. particulars of the hearing, including date, time and location;
 - ii. the names of each Judiciary Member, Complainant, Respondent, witnesses called, and any other parties permitted to attend by the Judiciary;
 - iii. the decision of the Judiciary, including any Sanction imposed, whether given to the parties orally, in writing or a combination of both, and the date(s) of communication; and
 - c. communicate to all parties of a Judiciary the results of such Judiciary and provide a copy of the record of result to the Complaints Manager within seven (7) days of the hearing.

Notice

- 18. Proceedings should take place as soon as practicable. At least seven (7) days' notice of the proceedings should be given by the Judiciary Committee to all relevant parties. The notice shall:
 - a. Be in writing;
 - b. State that the party or parties concerned are required to appear and in what capacity; and
 - c. State the nature of the proceedings and the matters or alleged offence(s), the subject of investigation or determination, the possible penalty or penalties and the date, place and time of the hearing;

Attendance at Judiciary

- 19. The following persons must attend the Judiciary hearing conducted under this Schedule:
 - a. the Respondent;
 - b. the Complainant; and
 - c. the Relevant Organisation.

The Relevant Organisation is to be a party to the proceedings for the purpose of presenting the matter and alleged breach.

20. The following persons must attend a Judiciary hearing if required by the Judiciary or the Complainant, or the Respondent:
 - a. witnesses called to give evidence by a Respondent;
 - b. witnesses called to give evidence by the Complainant;
 - c. any person that the Chair in their absolute discretion believes will assist the Judiciary and invites to attend the Judiciary for that purpose; and
 - d. where the Respondent, the Complainant or a witness is under the age of 18 years or is a vulnerable person, an adult adviser, who will, in the absence of unavailability or other extraordinary circumstance, be expected to be such person's parent or guardian.
21. Legal Practitioners are expressly prohibited and not permitted to appear before, or represent any party at the Judiciary, unless they are the Complainant or Respondent. This clause does not prohibit a party seeking legal advice in relation to a Complaint or engaging a Legal Practitioner to prepare materials to be used by that party at the Judiciary.
22. Each party to the Judiciary shall bear their own costs.

Non-attendance

23. If any party (or representative of a party which is an organisation) fails to attend the Judiciary hearing without reasonable cause, the hearing may proceed, any inferences from such non-attendance may be drawn and a determination may be made by the Judiciary in the absence of the Respondent or Complainant, provided the Judiciary is satisfied that this Schedule has been complied with.
24. A Respondent or Complainant may apply to the Chair to have a Judiciary hearing:
 - a. adjourned; or
 - b. convened in another way (e.g., video link or teleconference),if there are compelling circumstances that warrant such steps being taken to avoid costs, hardship or significant inconvenience to one or more parties. The Judiciary has sole discretion on whether or not to grant the application.

Procedure of Judiciary

25. The rules of evidence do not apply to any hearing conducted under this Schedule. The Judiciary shall conduct the hearing in such manner as it sees fit and may in its absolute discretion:
 - a. convene and conduct the hearing by way of video or teleconference if the circumstances warrant;
 - b. consider any evidence, and in any form that it deems relevant;
 - c. question any person giving evidence;
 - d. limit the number of witnesses presented to those who provide any new evidence; and
 - e. act in an inquisitorial manner in order to establish the truth of any issue/matter before it.
26. Without limiting the Judiciary's power to regulate its own procedure as it sees fit, the Judiciary may ordinarily proceed in accordance with the following steps:
 - a. At the commencement of a hearing, the Chair will identify the Judiciary Members and determine whether the Respondent is present to answer the allegation(s) in the Complaint.

- b. The Respondent and the Complainant will be notified of their right to remain in the hearing until all evidence is presented but not to be present while the Judiciary considers its findings and determines an appropriate Sanction (if any).
 - c. The Chair shall advise all those persons present of the method of recording the hearing (if any).
 - d. The allegation(s) as contained in the Complaint shall be read out in the presence of all persons eligible to be present.
 - e. The Respondent shall be asked whether or not they intend to contest the allegation(s).
 - f. If the Respondent does not contest the allegation(s), the Chair will provide the Complainant and the Respondent with an opportunity to make submissions as to the appropriate Sanction (if any) to be imposed. In such circumstances, the Complainant and/or the Respondent may, if they wish, call witnesses to give evidence regarding the seriousness or otherwise of the breach, and any other mitigating or aggravating factors.
 - g. If the Respondent contests the allegation(s), then the Chair will ask all witnesses except the Complainant and the Respondent to leave the room and to wait to be called to give their evidence.
 - h. The Complainant shall give evidence and the witnesses (if any) called by the Complainant(s) shall be called upon to give their evidence in turn, subject to the approval of the number of witnesses to be called by the Judiciary in its discretion. The Respondent (or, if they are a minor his/her adviser) may ask questions of the Complainant or any witness called.
 - i. Each witness shall be entitled to leave the Judiciary hearing after giving evidence unless otherwise directed by the Judiciary. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Judiciary.
 - j. The Respondent shall then present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Judiciary in its discretion. Complainants or the adviser to a Complainant who is a minor may ask questions of the Respondent or any witness called.
 - k. Where a person under the age of 18 exercises his/her right to have an adult observer or adviser present in accordance with this Schedule, a reasonable opportunity for consultation between the minor and the adviser shall be provided by the Judiciary.
 - l. Where the Respondent makes video evidence available to the Judiciary, it may, at the discretion of the Judiciary, be presented to the Judiciary and may be viewed by the Judiciary. The onus of providing suitable viewing equipment shall lie with the person requesting that the evidence be presented.
 - m. The Judiciary may, so as to limit inconvenience to witnesses, allow evidence to be given by telephone or videoconference.
27. At the conclusion of all of the evidence and submissions the Chair shall ask the Respondent, the Complainant and all other persons present to leave the hearing room while the Judiciary considers its findings.
28. If the Judiciary is satisfied that a breach of an Eligible Policy has been proven applying the Standard of Proof, it shall find the breach proven. Otherwise, the alleged breach and therefore Complaint shall be dismissed.
29. If the Judiciary is not satisfied that the particular alleged breach has been proven but is satisfied that a lesser or some other breach of an Eligible Policy has been proven, then the Judiciary may find such lesser breach proved.

30. Where it appears to the Judiciary that the Complainant has made an error in making the allegation of a breach of an Eligible Policy, or omitted alleged breaches that should have been made, the Judiciary may amend the allegation(s), subject always to the requirement that the Respondent must be informed of the new allegations and given an opportunity to respond to such allegations.
31. The decision of the Judiciary shall be given by the Chair in the presence of both the Respondent and Complainant, unless one or both choose not to remain. If:
 - a. one of the Respondent or Complainant are not present, the Chair may give the decision orally, and must communicate the decision to the non-attending party in writing as soon as practicable; or
 - b. neither the Respondent nor Complainant are present, the Chair must communicate the decision to each of the Respondent and Complainant in writing as soon as practicable.
32. The Judiciary may reserve its decision but if it does so, it must provide its decision within 14 days of the hearing.
33. The Judiciary is not obliged to give oral or written reasons for any decision made by it under this Schedule but may do so if it wishes.
34. Where the Judiciary finds that one or more alleged breaches of an Eligible Policy have been proven, it shall inform the parties of its decision and provide the Complainant and the Respondent with an opportunity to make submissions as to any aggravating or mitigating factors, before the Judiciary decides on Sanction. The Judiciary may, in its absolute discretion, decide that it is appropriate to:
 - a. receive oral submissions as to Sanction immediately after delivering its decision on liability; or
 - b. adjourn the hearing to allow the parties to make Sanction submissions on some later date, in which case, the Judiciary shall direct whether submissions on penalty should be made orally or in writing.
35. After considering the parties' submissions as to Sanction, the Judiciary shall determine the Sanction to be imposed (if any) in accordance with **clause 9** of the Policy, and shall advise the Respondent and Complainant of the Sanction. The Chair shall also notify the Complaints Manager of the decision of the Judiciary.

SCHEDULE 7 – APPLICATION FOR APPEAL

Appellant to Complete	
Name of Appellant:	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18 </div>
Appellant’s contact details:	Mobile: Email:
Appellant’s role/position within SLS Entity:	<input type="checkbox"/> SLS Member <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other:.....
Grounds of appeal:	<input type="checkbox"/> the person/Judiciary demonstrated actual bias in arriving at the decision; and/or <input type="checkbox"/> the decision was contrary to law; and/or <input type="checkbox"/> no reasonable decision maker in the position of the relevant person/Judiciary, based on the material before them, could reasonably make such a decision.
Who was the SLS Entity that made the decision that you want to appeal?	<input type="checkbox"/> Club <input type="checkbox"/> Branch <input type="checkbox"/> State <input type="checkbox"/> National
	Name of SLS Entity
When was the initial decision that you want to appeal, made?	
Are you appealing all or part of the decision?	<input type="checkbox"/> All of the decision <input type="checkbox"/> Part of the decision
What are your reasons for appealing this decision? Refer to Clause 9(a) and 9(b) of the Policy.	
Signed by Appellant or appointed person if under 18:	Signature: Date:
If the Appellant is under 18, provide the name and relationship of appointed person who signed on Appellant’s behalf:	Name: Relationship (parent/guardian): Contact number: Contact email:

SCHEDULE 8 - APPEALS TRIBUNAL PROCEDURE

Interpretation

1. In this Schedule:

Appeal Tribunal Member means an individual person sitting on an Appeal Tribunal.

Appellant means a person who is granted leave to appeal.

Chair means the chair of the Appeals Tribunal under this Schedule.

SLS Member means a person who currently, or within the previous five years, is or has been, actively involved in SLS in whatever capacity.

2. Defined terms not otherwise defined in this Schedule have the meaning given to them in the Policy.

3. All clause references refer to this Schedule unless otherwise provided.

Convening an Appeal Tribunal

4. As required under **clause 9** of the Policy, an Appeals Tribunal will convene under this Schedule. Subject to the Policy it is noted that the NST may be the Appeals Tribunal.

5. If it is determined by the Complaints Manager who receives the Appeal under clause 9(c)(i) of the Policy that (in the Complaints Manager's absolute discretion) there are valid Grounds of Appeal, then the Complaints Manager will (at the Complaints Manager's absolute discretion):

- a. direct the original SLS Entity that heard the matter to convene an Appeals Tribunal to hear the Appeal; or
- b. convene an Appeals Tribunal to hear the Appeal.

If the Complaints Manager determines there is no valid Ground of Appeal the appeal shall be dismissed. There is no right of appeal from a determination made by the Complaints Manager under this clause.

6. The Appeals Tribunal shall be convened as soon as reasonably practicable and shall endeavour to convene no later than two weeks after the Complaints Manager determines that the matter has met the Grounds of Appeal.

Composition of Appeals Tribunal

7. Subject to **clause 8** below, each Appeals Tribunal shall:

- a. comprise three Members selected by the SLS Entity hearing the Appeal and comprise of at least one of whom must be a SLS Member; and
- b. be chaired by the Chair, who shall be appointed by the SLS Entity hearing the appeal and shall be a person of experience and skills suitable to the function of chairing an Appeals Tribunal; and
- c. none of whom sat on or was involved in the original Hearings Tribunal for the Alleged Breach subject of the appeal.

8. The Complaints Manager shall use reasonable endeavours to ensure that the Appeals Tribunal Members selected for any particular Appeals Tribunal do not have any:

- a. actual or perceived conflict of interest in relation to the Appeal that might reasonably call into question the impartiality of the Appeals Tribunal;
- b. close personal connection to the parties before, or the matters being considered by, the Appeals Tribunal; and

were not involved in the Judiciary Process of the original complaint.

9. Should an Appeals Tribunal Member become unable to sit on an Appeals Tribunal following the convening of the Appeals Tribunal for whatever reason, the Complaints Manager shall appoint a replacement Appeals Tribunal Member having regard to the requirements of **clause 7** of this Schedule.
10. Should a Respondent or Complainant challenge the impartiality of any one or more Appeals Tribunal Member(s), the challenge will be determined by the Chair sitting alone, unless that challenge relates to the Chair in which case it will be determined by:
 - a. the Complaints Manager; or
 - b. if the Complaints Manager is unavailable or unable to act, the other members of the Appeals Tribunal.
11. There is no right of appeal from a decision made under **clause 10** above.
12. No Appeals Tribunal decision shall be invalidated by any irregularity in the appointment of an Appeal Tribunal Member.

Responsibilities of Chair

13. Without limiting any other duties of the Chair set out under this Schedule, the person appointed as Chair of the Appeals Tribunal shall:
 - a. chair hearings of the Appeals Tribunal;
 - b. ensure accurate records are kept of all of the Appeals Tribunals proceedings and decisions, including at a minimum:
 - i. particulars of the hearing, including date, time and location;
 - ii. the names of each Appeals Tribunal Member, Appellant, the original SLS Entity who heard the matter (**SLS Entity Respondent**), witnesses called, and any other parties permitted to attend by the Appeals Tribunal;
 - iii. the decision of the Appeals Tribunal, whether given to the parties orally, in writing or a combination of both, and the date(s) of communication.;
 - c. ensure that the hearing is conducted in accordance with the principles of procedural fairness; and
 - d. communicate to all parties of an Appeals Tribunal the results of such Appeals Tribunal and provide a copy of the record of result to the Complaints Manager within seven days of the hearing.
14. The Appeals Tribunal must limit its hearing to consideration of matters based on valid Ground(s) of Appeal as outlined in the Complaints Resolution Policy. If the Chair determines there are no valid Grounds of Appeal the appeal shall be dismissed. There is no right of appeal from a determination made by the Chair under this clause.

Procedure of Appeals Tribunal

15. The rules of evidence do not apply to any hearing conducted under this Schedule. The Appeals Tribunal shall conduct the appeal in such manner as it sees fit and may in its absolute discretion:
 - a. consider any evidence, and in any form that it deems relevant;
 - b. question any person giving evidence;
 - c. limit the number of witnesses presented to those who provide any new evidence; and
 - d. act in an inquisitorial manner in order to establish the truth of any issue/matter before it.
16. Without limiting the Appeals Tribunal's power to regulate its own procedure as it sees fit, the Appeals Tribunal may ordinarily proceed in accordance with the following steps:

- a. At the commencement of the Appeal, the Chair will identify the Appeals Tribunal Members and determine whether the Appellant is present.
 - b. The Appellant will be notified of their right to remain in the hearing until all evidence is presented but not to be present while the Appeals Tribunal considers its findings.
 - c. The Chair shall advise all those persons present of the method of recording the hearing (if any).
 - d. The Grounds of Appeal as accepted and contained in the Notice of Appeal shall be read out in the presence of all persons eligible to be present.
 - e. During the Appeal, the Chair will ask all witnesses except the Appellant SLS Entity Respondent to leave the room and to wait to be called to give their evidence.
 - f. The Appellant shall give evidence and the witnesses (if any) called by the Appellant(s) shall be called upon to give their evidence in turn, subject to the approval of the number of witnesses to be called by the Appeals Tribunal in its discretion. The SLS Entity Respondent may ask questions of the Appellant, or any witness called.
 - g. Each witness shall be entitled to leave the Appeals Tribunal after giving evidence unless otherwise directed by the Appeals Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Appeals Tribunal.
 - h. The SLS Entity Respondent shall then present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Appeals Tribunal in its discretion. An Appellant or the adviser to an Appellant who is a minor may ask questions of the SLS Entity Respondent or any witness called.
 - i. Where a person under the age of 18 exercises their right to have an adult observer or adviser present in accordance with this Schedule, a reasonable opportunity for consultation between the minor and the adviser shall be provided by the Appeals Tribunal.
 - j. Where the SLS Entity Respondent makes video evidence available to the Appeals Tribunal, it may, at the discretion of the Appeals Tribunal, be presented to the Appeals Tribunal and may be viewed by the Appeals Tribunal. The onus of providing suitable viewing equipment shall lie with the person requesting that the evidence be presented.
 - k. The Appeals Tribunal may, so as to limit inconvenience to witnesses, allow evidence to be given by telephone or videoconference.
17. At the conclusion of all of the evidence and submissions the Chair shall ask the SLS Entity Respondent, the Appellant and all other persons present to leave the hearing room while the Appeals Tribunal considers its findings.
18. If the Appeals Tribunal determines that the required standard of proof and any Ground of Appeal is upheld, it will refer the matter back to the original SLS Entity to be reheard in accordance with this Policy.
19. If the Appeals Tribunal determines that no Ground of Appeal has been upheld, it will dismiss the Appeal.
20. An Appeals Tribunal has the power to:
- a. dismiss the appeal;
 - b. uphold the appeal;
 - c. impose any of the Sanctions set out in the Complaints Resolution Policy; or
 - d. reduce, increase, or otherwise vary any Sanction imposed by the Hearing Tribunal under the Complaints Resolution Policy;

in accordance with the Complaints Resolution Policy but otherwise in such manner as it thinks fit.

21. The decision of the Appeals Tribunal shall be given by the Chair in the presence of both the SLS Entity Respondent and Appellant, unless one or both choose not to remain. If:
 - a. one of the SLS Entity Respondent or Appellant are not present, the Chair may give the decision orally, and must communicate the decision to the non-attending party in writing as soon as practicable; or
 - b. neither the SLS Entity Respondent nor Appellant are present, the Chair must communicate the decision to each of the SLS Entity Respondent and Appellant in writing as soon as practicable.
22. The Appeals Tribunal may reserve its decision but if it does so, it must provide its decision within 14 days of the hearing.
23. The Appeals Tribunal, to give oral and/or written reasons for decisions made under this Schedule.

ANNEXURE A - RECORD OF COMPLAINT

Name of Complaints Manager:	<input type="checkbox"/> Complaint Form attached
Process chosen to resolve Complaint:	
Was Provisional Action taken? If so, what?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date Complaint Form received:	
Date Chosen Process undertaken:	
If Investigation undertaken:	Type of Investigation: <input type="checkbox"/> Internal <input type="checkbox"/> External Name of investigator and date appointed: Date investigator's report received: Date Complaint & investigator's findings referred to Complaint Manager:
If Mediation:	Date of referral to Mediation: Date of Mediation: Complaint resolved at Mediation: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, alternative Process chosen: If Yes, please detail:
If Minor Breach Procedure:	Date letter sent to Respondent: Any further comments:
If Judiciary:	Date Complaint referred to Judiciary: Date of Judiciary hearing: Decision of Judiciary: Date parties notified:
Completed by:	Name: Position: Signed: Date: