

Complaints Handling – Art Union Operations

Access Industries is committed to providing a fair and transparent complaint handling process.

What is a complaint?

A complaint is generally negative feedback about services or people which has not been resolved locally.

Who does this policy apply to?

This policy applies to and may involve issues concerning the conduct of:
Access Industries as an organisation, its telemarketers, or other staff.

Third party's services provided on the behalf of Access Industries, its service providers, and suppliers of prizes.

Early resolution of complaints

In all cases, issues that arise during an Art Union should be resolved at the time they occur between the persons involved. It is often the case that complaints can be avoided by proper communication and respect between persons involved.

Relationship to continuous improvement

Frequently, the complaints handling process will expose weaknesses in processes and the training of employees. This outcome of complaints handling is very positive and should be actively applied by all persons involved. It is for this reason that complaints received from stakeholders should be seen in a positive light as opportunities for improvement.

Making a complaint

A complaint may be received by Access Industries in any form and does not need to be formally documented by the complainant in order to be acted on. Complaints may be made by any person.

To make a complaint, the person is recommended to complete the Access Industries' Complaint Form. This form is available via our website or can be obtained from the Access Industries office.

The completed complaint form is to be submitted to the Art Union Promoter either in hard copy or electronically via the following contact details:

Art Union Promoter
Access Industries
PO Box 415
Seven Hills NSW 2147

or email to: aupromoter@accessindustries.com.au

If a complainant has any difficulty accessing the required form or submitting the complaint to Access Industries, they are advised to contact site train immediately at the following phone number: (02) 866 48200.

Complaint handling procedure

Access Industries will apply the following procedure to its complaints handling:

A complaint may be received in any form (written or verbal), although persons seeking to make a complaint are recommended to complete the complaint form which is available to them on the website. There is no time limitation on a person who is seeking to make a complaint.

A person who makes a complaint must be **provided a written acknowledgement** as soon as possible and **not later than 48 hours** from the time the complaint is received. This acknowledgement is intended to provide the complainant assurance that Access Industries had received the complaint and will review the relevant issues and provide a response as soon as practicable.

The acknowledgement must inform the person that they will receive a written response within 14 days and explain the complaint handling process and the person's rights and obligations.

A written record of all complaints is to be kept by Access Industries including all details of lodgement, response and resolution. The complaints register located at Access Industries' AU Sydney office is to be used to record the details of the complaint and to maintain a chronological journal of events during the complaint handling process. Records relating to complaint handling must be stored securely to prevent access to unauthorised personnel.

A complainant is to be provided an opportunity to formally present his or her case at no cost. Each complainant may be accompanied and/or assisted by a support person at any relevant meeting.

Where a complaint is made about or involves allegations about another person, Access Industries is obliged to inform this person about this complaint or allegation and provide them the opportunity to respond and present information in response to the issues raised.

This may be achieved through direct meetings or meeting via an electronic means. Access Industries must maintain a detailed record of these meetings in the form of a record of conversation.

At all times information must be handled sensitively and treated in confidence. Persons involved in a dispute or complaint should be reminded to treat each other with respect and conduct themselves in a professional and courteous manner.

Where a complaint is received by Access Industries which involves allegations about alleged criminal conduct, Access Industries are to recommend the person making the complaint refer the matter to the relevant State or Territory Police Service.

The complaints policy must be publicly available. The complaints policy and procedure will be published on the Access Industries website. Alternatively, the complaints policy and procedure can be obtained via hard copy by contacting the Art Union Promoter.

The handling of a complaint is to commence within **seven (7) working days** of the lodgement of the complaint and all reasonable measures are taken to finalise the process as soon as practicable.

The complainant is to be provided a written response to the complaint, including details of the reasons for the outcome. A written response must be provided to the complainant within **fourteen (14) working days** of the lodgement of the complaint.

Complaints must be resolved to an outcome within **sixty (60) calendar days** of the complaint being initially received. Where Access Industries' CEO considers that more than 60 calendar days are required to process and finalise the complaint, the CEO must inform the complainant in writing, including reasons why more than 60 calendar days are required. As a benchmark, Access Industries should attempt to resolve complaints as soon as possible. A timeframe to resolve a complaint within thirty (30) calendar days is considered acceptable and in the best interest of Access Industries and the complainant. A complainant should also be provided with regular updates to inform them of the progress of the complaint handling. Updates should be provided to the complainant at a minimum of **two (2) weekly intervals**.

Access Industries shall maintain the enrolment of the complainant during the complaint handling process.

Decisions or outcomes of the complaint handling process that find in the favour of the learner shall be implemented as soon as practical.

Complaints are to be handled in the strictest of confidence. No Access Industries representative is to disclose information to any person without the permission of Access Industries CEO. A decision to release information to third parties can only to be made after

the complainant has given permission for this to occur. This permission should be given using the Information Release Form.

Complaints are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the complaint handling process. This means that the complainant is entitled to be heard with access to all relevant information and with the right of reply.

The complainant is entitled to have their complaint heard by a person that is without bias and may not be affected by the decision. Finally, the decision must be made based on logical evidence and the decision-maker must consider all relevant considerations, must act for a proper purpose and must not consider irrelevant considerations.

Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Principles of Natural Justice and Procedural Fairness](#)

Complaint handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.

Informing Persons and Responding to Allegations

Where a complaint involves one person making allegations about another person, it is a requirement for Access Industries to hear both sides of the matter before making any judgements about how the complaint should be settled. A person who will be affected by a decision made by Access Industries as a result of a complaint has the right to be fully informed of any allegations and to be provided adequate opportunity to be heard and respond. The person has the right to:

- put forward arguments in their favour,
- show cause why a proposed action should not be taken,
- deny allegations,
- call for evidence to disprove allegations and claims,
- explain allegations or present an innocent explanation and provide mitigating circumstances (information aimed at reducing the severity and/or seriousness, of something).

Access Industries also has an obligation to fully consider the substance of allegations and the response provided by parties before deciding. Decisions must be communicated to the complainant and relevant persons subject of allegations in writing. This is to include advising these persons of their right to seek a third-party review of decisions made by Access Industries.

Where an allegation is made that involves alleged criminal or illegal activity and it is considered outside the scope and expertise of Access Industries to investigate the matter, Access Industries reserves the right to report these allegations to law enforcement authorities. Persons related to the matter involving alleged criminal or illegal activity will be advised in writing if this course of action is being taken.

Third Party Review

Where the person making a complaint is not satisfied with the handling of the matter by Access Industries, they have the opportunity for a body or person that is independent of Access Industries to review his or her complaint following the internal completion of complaint handling process.

Before a person seeks a review by an independent third party, they are requested to first allow Access Industries to fully consider the nature of the complaint and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they have the right then seek a review by an independent third party.

To request a review by an independent third party, the complainant should inform the Art Union Promoter of their request who will initiate the process with the CEO.

In these circumstances, the CEO will select an appropriate party independent of Access Industries to review the complaint outcome (and its subsequent handling) and provide advice to Access Industries regarding the recommended outcomes.

The independent third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested. This advice is to be accepted by Access Industries as final, advised to the person making a complaint in writing and implemented without prejudice.

Where Access Industries appoints or engages an appropriate independent person to review a complaint, Access Industries will meet the full cost to facilitate the independent review.

Where a complaint is received by Access Industries and the CEO feels that they may have bias or there is a perception of bias, then the complaint is to be referred directly to an independent third-party for consideration and response as outlined above.

Unresolved Complaints

Once the complaint handling process has concluded; where the person making a complaint remains not satisfied with the outcome of the complaint handling procedure, the person is to be advised that they have the right to refer the matter to a relevant external authority/agency. The following external agencies are nominated in the first instance as relevant points of referral the person may consider:

- In relation to consumer related issues, the person may refer their complaint to the **Office of Fair Trading**.
- In relation to matters relating to privacy, the person may refer their complaint to the **Office of the Australian Information Commissioner via the following details** <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call on 1300 363 992

It is expected that the above agencies will investigate the persons concerns and contact the Access Industries for information. External agencies will typically request a copy of any record of how the complaint was handled from the complainant. Access Industries is to ensure that the person is provided with a written response that they may use for this purpose.

Access Industries is to cooperate fully with agencies such as the Office of Fair Trading that may investigate the handling of a complaint. Access Industries considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within Access Industries internal arrangements.

Record Management of Complaint Records

Records relating to complaints will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the complainant or generated by Access Industries.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

- Records must be kept securely to prevent them being accessed by any non-authorised personnel.

Records must be kept confidential to safeguard information and to protect the privacy of complainants.

- Records must be kept avoiding damage by fire, flood, termites or any other pests.

Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

Period of retention of Complaints Records

Access Industries is to retain records relating to complaints handling for a minimum of five (5) years.

Destruction of Complaints Records

Access Industries CEO is the only person who can authorise (in writing) the destruction of complaint handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.