



Complaints Policy

Policy No: 27

Version No: 1

First made on: 21 March 2025

Purpose

AMYAC encourages its members to share their different views about the running of the corporation and decision-making about country. Different views are healthy for robust decision-making. However, AMYAC members, directors and staff members deserve to be treated with respect, and have the opportunity to participate in the corporation safely and free from harassment. Equally, members, directors and staff members have responsibilities to ensure they participate in the governance of the corporation in a way that supports the best interests of the AMYAC community.

Where disputes about the corporation arise between AMYAC members, directors and staff members, the corporation will manage those disputes in accordance with the AMYAC rule book and in compliance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth). The corporation will act in the best interests of its members. It is in the members' best interests to resolve matters effectively, fairly and impartially, in order to uphold the community's confidence and support members exercising their membership rights. If disputes are not managed effectively, they can significantly affect the corporation's ability to run corporation business and facilitate members meetings. However, it is not in the interests of the corporation to involve itself with disputes that are not relevant to the corporation. This can take up significant time and resources, which can be better used to perform the corporation's functions and achieve the aspirations of the community.

For this reason, this policy has been developed to:

- set out how member complaints will be managed and assessed by the corporation;
- clarify what types of disputes the corporation can and cannot respond to; and
- set out the principles that the corporation will follow to ensure that disputes are managed in accordance with the AMYAC rule book and in the best interests of the members.

Policy

1. The corporation is committed to good corporate and cultural governance. This includes managing disputes concerning the corporation efficiently, fairly, impartially, honestly and with integrity.
2. This policy sets out the corporation's process to manage and assess complaints by members.
3. The corporation may take action in response to a complaint, where:

- a. the complaint is relevant to the corporation, such as:
 - i. the exercise of members' rights;
 - ii. members' behaviour affecting the operations of the corporation or its meetings;
 - iii. the conduct of directors in accordance with directors' duties and AMYAC's policies;
 - iv. how decisions about country are made;
 - v. other matters impacting the operation of the corporation; and
 - vi. other matters affecting the reputation of AMYAC;
 - b. the complainant is seeking a resolution that can reasonably be addressed by the corporation; and
 - c. it is in the best interests of the members as a whole for the corporation to address the complaint.
4. This policy **is not about**:
- a. disputes that are not relevant to the corporation, such as personal disputes;
 - b. disputes that cannot be resolved by the corporation, such as criminal or civil law proceedings; and
 - c. disputes about the administration of AM-Y Indigenous Community Trust programs.
5. The corporation cannot assist individuals in pursuing civil law matters. In these instances, members should seek independent legal advice.
6. The corporation does not decide on AM-Y Indigenous Community Trust applications. Enquiries about the AM-Y Indigenous Community Trust can be sent to trust@amyac.com.au.
7. If the complaint concerns an employment issue, members may wish to contact the Fair Work Commission at adelaide@fwc.gov.au.
8. If the complaint concerns racial discrimination, members may wish to make a complaint to the Australian Human Rights Commission at: <https://humanrights.gov.au/complaints/make-complaint>.

How can members raise complaints?

- 9. A member can raise a complaint to the corporation about another member, director or staff member by completing the complaint form at **pages 4 to 5**.
- 10. All details on the complaint form must be completed. This includes details of the complaint, how it relates to the corporation, and the resolution sought. Otherwise, the corporation may not respond to the complaint.
- 11. Before making a complaint to the corporation, a member should attempt to resolve the issue with the other party informally in accordance with rule 19.2 of the AMYAC rule book.
- 12. Complaints should be made at a reasonable time after the incident and the attempts to resolve the issue informally. The corporation will not consider complaints raised regarding incidents that took place several months before the complaint was raised.

How will complaints be addressed?

13. The AMYAC board will appoint a complaints officer to receive and manage members' complaints (**Complaints Officer**).
14. Upon receipt of a complaint, the Complaints Officer will assess the complaint to determine whether:
 - a. the complaint is relevant to the corporation; and
 - b. the resolution sought can reasonably be addressed by the corporation;
15. Where appropriate, the Complaints Officer will seek further information from the complainant and the individual the subject of the complaint to determine how the complaint can be addressed by the corporation.
16. The Complaints Officer will consult with the chairperson and deputy chairperson to assess whether the complaint requires formal action by the board. Where the complaint concerns the chairperson, the Complaints Officer will consult with the deputy chairperson only, and vice versa if the complaint concerns the deputy chairperson.
17. The Complaints Officer will update the AMYAC directors by email on the complaint, and whether it will be brought to the board for a decision.
18. If the complaint is brought to the board, the board will decide on appropriate action in response to the complaint, giving regard to, as appropriate:
 - c. the AMYAC rule book;
 - d. the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth);
 - e. the directors' code of conduct;
 - f. directors' confidentiality undertaking;
 - g. the members' behaviour policy;
 - h. the members' social media policy; and
 - i. other policies the corporation develops from time-to-time.
19. The Complaints Officer will provide an update to the complainant on the outcome of the complaint.

Date of last amendment: 16 July 2025



ANTAKIRINJA MATU-YANKUNYTJATJARA ABORIGINAL CORPORATION RNTBC ICN 2932

Contact Person:
Michael Pagsanjan
MPS Law
100 Carrington Street
Adelaide SA 5000

COMPLAINT FORM

Members may lodge this form to seek a response from the corporation on a complaint against a member, a director or a staff member. Complaints will be considered in accordance with the complaints policy. Please ensure you have read and understood the complaints policy before submitting this form.

The corporation can only respond to complaints relevant to the corporation. Members should only submit this form after they have attempted to resolve the issue informally with the other party. Please complete all parts of this form before submitting to the corporation. The corporation will not be able to assess your complaint until all details are provided.

Name: _____

Email: _____

Telephone: _____

Date: _____

Are you an AMYAC member? ☐ Yes ☐ No

Is this complaint about: ☐ a member? ☐ a director? ☐ a staff member?

Does this complaint concern:

☐ Member behaviour at a meeting

☐ Conduct of an AMYAC director

☐ The operations of the corporation

☐ Decisions about native title

☐ A Trust application

☐ Other

What is the complaint?

Please provide details of the complaint. What happened, when and how were you impacted? If the complaint concerns a breach of members' responsibilities or directors' duties, please give detail on the nature of the breach. Please explain generally how the incident concerns the corporation.

What steps have you taken so far?

Rule 19.2 of the AMYAC rule book requires members to try to resolve the dispute themselves on an informal basis before it is raised with the corporation. This is to give the parties an opportunity to find a mutually beneficial solution. Please provide details about how you have tried to informally resolve this issue before submitting this complaints form.

How do you want to see this issue resolved?

Please provide detail about how, in your view, this issue can be effectively dealt with. Please note that AMYAC is limited in the action it can take to respond to complaints, and will not take steps that infringe on the rights of its members to participate in the governance of the corporation.

How can issues like this be avoided in future?

Please provide feedback to AMYAC on what measures should be in place to prevent issues like this in future.

Please send completed form to:

Michael Pagsanjan
MPS Law
100 Carrington Street
Adelaide SA 5000
Email: info@mpslaw.com.au