



CENTRAL DESERT
— **NATIVE TITLE SERVICES** —

Compliments, Complaints, Suggestions

As part of our commitment to continually improving service to clients, Central Desert has established a process for addressing client feedback. Our Compliments & Complaints process ensures we handle feedback in a consistent way, and that we act on it appropriately

About Central Desert

Central Desert Native Title Services (Central Desert) is the Native Title Service Provider for the central eastern third of the State of Western Australia. Central Desert is a company limited by guarantee, funded under s203FE of the Native Title Act 1993 (Cth) to carry out the functions of a representative body as prescribed under s203B of the Act, those being:

- facilitation and assistance;
- certification;
- dispute resolution;
- notification;
- agreement making;
- internal review; and
- other functions.

Our mission is to ensure that solid foundations are laid for the peoples of the central Desert to determine and build their own social, cultural and economic futures.

The organisation is guided by a Board of Directors and headed by a full-time Chief Executive Officer (CEO). The Central Desert Senior Management Team is comprised of the CEO along with the Deputy CEO, Principal Lawyer, Chief Financial Officer, Manager Legal Services and the Corporate Services Manager. Central Desert employs over 30 staff and engages expert consultants where required for a range of services including anthropology and legal counsel.

What clients can expect from Central Desert:

At Central Desert we recognise and respect cultural and other diversities. We provide culturally appropriate services in ways that are:

- Professional;
- Accountable;
- Collaborative; and
- Openly communicated.

In carrying out our work we aim to:

- treat all clients fairly and impartially;
- provide explanations of the processes and standards we must follow and present these explanations in a form that our clients can understand;
- ensure that clients are able to discuss the decisions which affect them with someone who is able to understand and respond to their concerns;
- listen to clients when they suggest ways in which we might improve our service and give serious consideration to all the suggestions we receive; and
- provide access to disabled clients.

We are contactable in the following ways:

- our office is open from 9.00 am to 4:00pm on working days and staff are available for meetings and to answer telephone enquiries during those hours and voicemail is available for clients to leave messages out of hours;
- freecall number: 1800 189 936;
- Telephone: (08) 9425 2000;
- Email: reception@centraldesert.org.au; or

To help us deliver the best possible service, when making an inquiry please consider the following in your dealings with us:

- provide us with complete and accurate information;
- if you are coming to the office make an appointment to ensure that the staff member you need to see is available;
- keep appointments or advise us in advance if you are unable to keep an appointment;
- provide us with advance notice of any request for information or assistance so that we can plan to meet your request on time;
- provide feedback on our service; and
- tell us about any special needs you have so we can try to meet them.

We are genuinely interested in your comments, feedback and suggestions on how we can improve our service to you.

Compliments and Complaints Process:

Central Desert seeks to respond to compliments and complaints from clients about operations, services or staff promptly and with a view to continuously improving our service quality.

Please forward your feedback in writing to:

Chief Executive Officer
Central Desert Native Title Services
76 Wittenoom Street
East Perth WA 6004
Email: reception@centraldesert.org.au

Complaints may concern the conduct of staff or the exercise of Central Desert's statutory functions under section 203B of the Native Title Act.

The procedures for complaints management are outlined below:

1. On receipt of a written complaint, the complaint is entered on the Central Desert complaints register and the CEO is informed. Clause 48 of our Head Agreement with the National Indigenous Australians Agency (NIAA) requires us to maintain a written Register of Complaints received, by whom, their nature, number and how they were resolved. We are also required to provide a copy to NIAA upon request.
2. Anonymous complaints will not be considered.
3. A copy of the complaint is provided to the relevant staff member/s and their direct supervisor.
4. Within 7 days of receipt of a complaint, an acknowledgement is sent to the relevant parties. Acknowledgement of the complaint will include:
 - a. confirmation the complaint has been lodged and the date it was received;
 - b. any action that has taken place since the complaint was lodged;
 - c. how the complaint is proposed to be resolved or investigated; and
 - d. when it is anticipated the complaint will be resolved.
5. The investigation of complaints is given the highest priority and investigation will be conducted by the CEO or delegate within 14 days from the receipt of the complaint. In conducting an investigation, the CEO or delegate may call upon any internal files or documentation relevant to the complaint, or may require any officer of Central Desert to provide to the CEO or delegate a written report concerning any aspect of the complaint.
6. Upon completion of the investigation into the complaint the CEO will write to the complainant and provide them with information regarding the outcomes of the investigation.

The following review processes outline the way complaints will be addressed within the organisation or externally.



Complaints Resolution:

Informal Resolution

Where a complaint is minor in nature, the complaint may be dealt with informally through discussion with the person who made the complaint and a Central Desert representative. This may involve a discussion between the complainant and a staff member, or an exchange of information regarding a decision made by Central Desert. The Central Desert representative will make a file note of the complaint and its resolution as soon as practicable.

Mediation

Where a complaint is received in relation to the conduct of a Central Desert staff member, and where informal resolution is inappropriate or unsuccessful, the CEO or delegate may conduct mediation between the person who made the complaint and the individual staff member. A synopsis of the mediation will be made available to both the complainant and the staff member. A copy will also be placed on the Central Desert complaints register.

CEO Determination

If an agreed outcome cannot be reached through mediation or if mediation is inappropriate, the CEO will make a decision regarding the complaint. The decision and the reasons for the decision will be provided to the person who made the complaint and any other relevant party within twenty eight days from receipt of the complaint. All documentation relating to the complaint will be given to the Business Services Manager or their delegate for inclusion in the complaints register.

Board Determination

If the complaint is regarding the conduct of the CEO, it can be addressed to the Central Desert Board. The decision of the Board will be noted in the minutes of the Board meeting immediately following receipt of the complaint and a letter communicating the decision will be sent to the complainant within seven days of the Board meeting.

Internal review:

If a person or group has a grievance with a decision made by Central Desert in relation to its functions and powers they may choose to seek an internal review of that decision.

Grounds of Review

1. The grounds of review are as follows:

- That a breach of the rules of natural justice occurred in connection with the making of the decision (for example, that the applicant was denied the opportunity to be heard in relation to the original decision);
- That procedures that were required by law to be observed in connection with the making of the decision were not observed;
- That the person who purported to make a decision did not have jurisdiction to make the decision, or was not allowed to make the decision within the organisational structure of the Central Desert;
- That the decision was not authorised by the NTA;
- That the making of the decision was an improper exercise of the power conferred by the NTA;
- That the decision involved an area of law, whether or not that area appears in the written reasons for the decision;
- That the decision was induced or affected by fraud;
- That there was no evidence or other material to justify the making of the decision; or
- That the decision was otherwise contrary to law.

2. Relevant matters will include whether:

- An irrelevant consideration was taken into account in the exercise of a power;
- The decision maker failed to take into account a relevant consideration in exercising a power;
- The decision maker exercised a power for a purpose other than a purpose for which the power is conferred;
- A power was exercised in bad faith;
- A personal discretionary power was exercised at the direction, request or the behest of another person;
- An exercise of a discretionary power occurred in accordance with a rule or policy without regard to the merits of a particular case;
- An exercise of a power was so unreasonable that no reasonable person could have so exercised the power;
- An exercise of a power occurred in such a way that the result of the exercise of the power is uncertain; or
- There was any other exercise of a power that constitutes abuse of the power.

External Review:

National Indigenous Australians Agency (NIAA)

CDNTS is a service provider funded by the NIAA. As such, where a person who made the complaint does not accept the decision of CDNTS, they have avenue to take further action under the NIAA's complaint handling procedure.

To lodge a complaint with the NIAA:

Telephone: (02) 6271 5688

Email: complaints@help.niaa.gov.au

Postal Address

Complaints

National Indigenous Australians Agency

PO Box 2191 CANBERRA ACT 2601

Federal Court: Order of Review

A person aggrieved by a decision made by Central Desert may apply to the Federal Court for an order of review under Section 5 of the Administrative Decisions (Judicial Review) Act 1977(Cth). This is limited to the grounds set out in section 5 of the Act.

