

OFFICIAL



GMA Authorised Officer Complaints Procedure

Version 2



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Table of Contents

1	Background	4
2	Purpose	4
3	Scope.....	4
4	What is an authorised officer complaint?	5
5	Who can make a complaint?	6
6	What can complainants complain about?	6
6.1	What Powers do Authorised Officers Have?	6
6.2	Examples of inappropriate conduct	6
7	How to make a complaint:	7
7.1	Information included in the complaint form	7
7.2	Anonymous complaints	7
7.3	Special needs cases	8
7.4	Where to send GMA Authorised Officer complaint forms	8
8	Complaint handling process	8
1.1.	8.1 Acknowledgement.....	9
1.2.	8.2 Assessment.....	9
1.3.	8.3 Investigation	9
1.4.	8.4 Notification and remedy.....	9
1.5.	8.5 Review	9
	Summary of Document Changes	10
	Document Approver	10
	Document Naming	10

1 Background

The primary role of the Game Management Authority (GMA) Authorised Officers is to ensure compliance with the hunting laws and regulations under the *Wildlife Act 1975* and other relevant laws. They also undertake compliance activities in commercial wildlife harvesting and sustainable use of natural resources. They do this by providing guidance and advice, educating both stakeholder and community about the law and how to comply, and enforcing the law where necessary.

The GMA values transparency and accountability in its employees and practices. Authorised Officers are appointed under the *Game Management Authority Act 2014* (GMA Act), for the purposes of enforcing relevant laws, as specified in the relevant Schedule of Appointment. With this appointment come significant powers and associated responsibilities and the requirement to utilise discretion, as required. The GMA expects its Authorised Officers to exercise their powers with a high standard of professionalism, impartiality, and consistency.

The GMA does not tolerate improper conduct by our employees. If a complaint relating to improper conduct by an GMA Authorised Officer in exercising their powers is received, we will investigate the complaint to determine if it is justified and if so, take appropriate action in line with this policy and associated internal standard operating procedures. The GMA will ensure a complaint is dealt with promptly, independently, and fairly.

2 Purpose

This procedure provides an overview of the Authorised Officer complaints process.

Specifically, this policy defines:

- what an Authorised Officer conduct complaint is
- who can make a complaint
- how to submit a complaint
- the complaint assessment and review process
- the complaint action(s) and final outcome

3 Scope

This procedure covers:

- the process for making external complaints about the conduct of GMA Authorised Officers
- the process for managing external complaints made about the conduct of GMA Authorised Officers.

This procedure does not cover:

- external complaints about the conduct of non-authorized GMA staff
- external complaints about the conduct of Authorised Officers from other agencies working with the GMA. These will be referred to the respective agency
- external complaints about the performance of the GMA as an organisation

This procedure also does not cover the investigation of external complaints against Authorised Officers relating to the *Protected Disclosures Act 2012*. These include disclosures about one of the following:

- corrupt conduct
- substantial mismanagement of public resources
- a substantial risk to public health or safety
- a substantial risk to the environment
- criminal activity

4 What is an authorised officer complaint?

The GMA defines a complaint as an external expression of dissatisfaction about inappropriate conduct of a GMA appointed Authorised Officer. Conduct is how the GMA Authorised Officer behaves in a particular place or situation while performing their appointed role. An Authorised Officer conduct complaint is referred to as 'complaint' in this document.

All complaints will be treated according to the following principles.

Principle	Description
Fairness	<ul style="list-style-type: none"> Complainants and Authorised Officers will be treated fairly, with respect and courtesy. Reviews and investigations will be undertaken by the Director Compliance and Intelligence and may include any or all of the three team leaders of the Compliance and Intelligence Division. ¹. Reviews and investigations will be carried out in accordance with procedural fairness.
Transparency and access	<ul style="list-style-type: none"> Information regarding the right to complain, how to make a complaint and how the complaint will be handled is available on the GMA's website and through the Customer Service Centre. The GMA does not charge a fee for using the complaints management system.
Responsiveness	<ul style="list-style-type: none"> Complaints will be acknowledged within five business days of receipt of the complaint. Complaints will be handled in a timely manner. An indication of the timeframe for resolving the complaint will be provided during the initial acknowledgement of receipt of the complaint. The complainant and Authorised Officer against whom a complaint is made will be kept informed of the progress of the complaint and will be advised of the outcome of the review. ².
Privacy and confidentiality	<ul style="list-style-type: none"> The complaint handling process ensures confidentiality of the complainant and the Authorised Officers involved in accordance with relevant privacy legislation. Details of complaints will only be known by those employees directly concerned.
Accountability	<ul style="list-style-type: none"> All complaints and responses will be recorded on the GMA Intelligence Case Management System. Aggregated complaints data and trends will be made publicly available and reported annually against performance standards.
Business improvement	<ul style="list-style-type: none"> Aggregated complaint data will be analysed and assessed regularly. Any preventive actions or cost-effective business improvements identified will be recommended to senior management for implementation. The complaint handling process will be reviewed annually and amended as required.

¹ Any panel member implicated or involved with the issue of complaint will be excluded from the Panel.

² The nature of some complaints may preclude the provision of updates; for example, complaints of illegal activity and complaints lodged anonymously.

5 Who can make a complaint?

Any member of the public can make a complaint if they believe there is an issue regarding the conduct of a GMA Authorised Officer. In this document, the person who has made the complaint is referred to as the complainant.

6 What can complainants complain about?

Complainants can make complaints regarding:

- inappropriate conduct by a GMA Authorised Officer as detailed in Section 6.2 while performing their powers as detailed in Section 6.1
- any other interaction with a GMA Authorised Officer within the context of their appointed role.

6.1 What Powers do Authorised Officers Have?

GMA Authorised Officers are appointed as Authorised Officers under the GMA Act (for the purposes of relevant laws specified in the appointment Schedule). There are a number of relevant laws that support GMA Authorised Officers in undertaking their function as specified under the GMA Act.

Some of these laws include:

- *Catchment and Land Protection Act 1994*
- *Conservation, Forests and Lands Act 1987*
- *Crown Land (Reserves) Act 1978*
- *Flora and Fauna Guarantee Act 1988*
- *Forests Act 1958*
- *Land Act 1958*
- *Land Conservation (Vehicle Control) Act 1972*
- *National Parks Act 1975*
- *Sustainable Forests (Timber) Act 2004*
- *Wildlife Act 1975*

Being authorised for the purpose of relevant laws confers significant powers to GMA Authorised Officers enabling them to perform their duties. Some of these powers include, but are not limited to:

- Arrest an individual to prohibit or prevent an illegal act or continuation of an illegal act from occurring, or to ensure public safety
- Enter any lands, water, building or structure (that is not a house) to search anything, inspect and take photographs and make copies, compel assistance for producing samples of wildlife and seize anything found that has been used, or is intended to be used for, committing an offence.
- Undertake searches of personal property
- Search vehicles and/ or boats
- Apply to a Magistrate for a search warrant to be issued for a premise or premises
- Compel assistance from Victoria Police
- Compel people to retain products or goods for further analysis
- Demand offenders to provide name and address.

6.2 Examples of inappropriate conduct

Examples of inappropriate conduct by GMA Authorised Officers can include the following:

- interaction or communication was offensive
- Authorised Officer was rude or abrupt

- an abuse of power, such as an Authorised Officer has been biased, behaved improperly or misused their authority
- aggressive behaviour
- public behaviour that reflects badly on the reputation of the GMA
- failure to supply sufficient information to allow compliance.

7 How to make a complaint:

A complaint against a GMA Authorised Officer is a serious issue. All GMA Authorised Officer complaints must be submitted in writing so the GMA can obtain as much accurate information as possible. All complaints must be submitted using the GMA Authorised Officer complaint form.

Complete and submit the form online at <https://www.gma.vic.gov.au/enforcement/authorised-officer-feedback>

Alternatively, you can call the GMA's Customer Service on 136 186 and an operator will take down the required details.

7.1 Information included in the complaint form

All the information provided in a complaint must be true, accurate and complete.

Complainants must keep the following in mind when making a complaint to the GMA:

- provide complete and factually correct information
- do not include false or misleading information
- do not lodge frivolous, vexatious or malicious complaints
- write complaints in a polite and respectful manner

The complaint form also allows complainants to inform the GMA of what action(s) they believe should be taken to resolve the problem. This may include an explanation, further information, or written apology. Any resolution action(s) suggested must be written constructively and be reasonable, realistic, and proportionate to the alleged complaint.

7.2 Anonymous complaints

The GMA handles all information provided in connection with the complaint in accordance with the *Privacy and Data Protection Act 2014* and it will only be used for the associated complaint review.

However, the GMA is aware some people prefer to be anonymous. Anonymous complaints are difficult to assess as the complainants cannot be contacted to provide more information about the allegations. As a result, anonymous complaint assessments are limited to the content of the complaint form. Consequently, any consideration of the issues raised, or review conclusions cannot be reported back to the complainant.

Consistent with this policy, anonymous complaints undergo a preliminary assessment to determine if there is sufficient information to enable a comprehensive assessment of the allegation(s). Where there is insufficient information to progress, such complaints are recorded but no further action is taken. To submit an anonymous complaint, please use the GMA Authorised Officer Complaint form leaving out personal details.

7.3 Special needs cases

The GMA acknowledges that not all complainants have the capacity to complete a written complaint. Such complainants may include people that have sensory or visual impairment or English as a second language. In situations where special needs exist, the complainant can:

- have the form completed by someone else on their behalf, or
- contact the Customer Service on 136 186 for assistance.

7.4 Where to send GMA Authorised Officer complaint forms

Completed complaint forms, can be submitted using one of the following confidential options:

Online

<https://www.gma.vic.gov.au/enforcement/authorised-officer-feedback>

Post

CONFIDENTIAL
 Director Compliance and Intelligence
 Game Management Authority
 2/535 Bourke Street
 Melbourne, Victoria 3001

Email

director.complaints@gma.vic.gov.au

8 Complaint handling process

This section summarises the GMA’s complaint management process that will be followed when a complaint concerning a GMA Authorised Officer has been received from a member of the public.

The process is depicted in Figure 1:

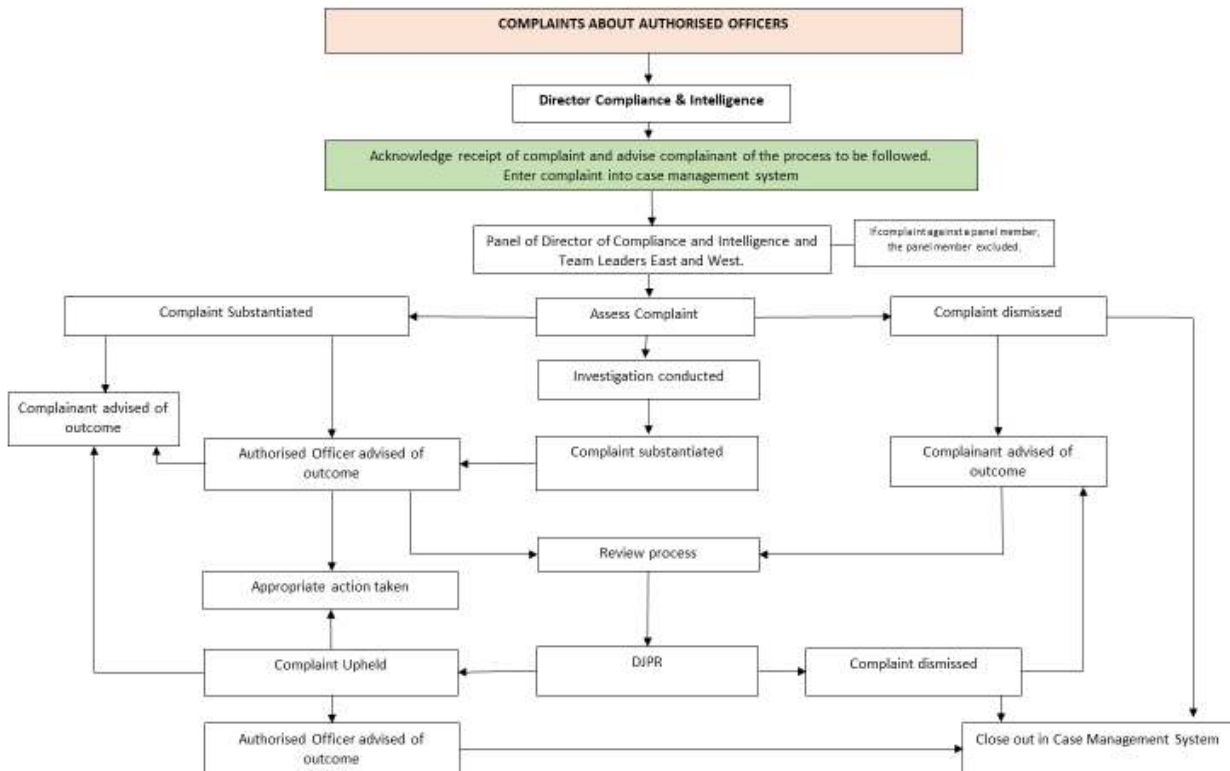


Figure 1: Complaints about Authorised Officers

1.1. 8.1 Acknowledgement

Upon receipt of a complaint, the GMA will send an acknowledgement correspondence to the complainant within five business days. This correspondence will also explain the process for resolution and from whom the complainant should expect to hear about the outcome.

The GMA Authorised Officer against whom the complaint is made and the appropriate parties will be notified of the allegations.

1.2. 8.2 Assessment

The complaint will be assessed to determine if it needs to be further considered as part of this complaints policy. Factors which will be considered include:

- the type of complaint,
- the seriousness and potential impact of the complaint,
- the potential for escalation or repetition,
- whether the complaint is trivial or vexatious or lacks substance or credibility, and
- whether the complainant has any relevant statutory appeal rights.

At this initial assessment three outcomes are possible. A complaint will be:

1. Not substantiated, or
2. Substantiated and resolved, or
3. Requires further investigation.

1.3. 8.3 Investigation

If so determined, an investigation will be undertaken, including liaison with the complainant, the GMA Authorised Officer and other persons, as required. Other sources of information will be gathered and assessed, including records, notices, property files, legislation, etc.

1.4. 8.4 Notification and remedy

The complainant, GMA Authorised Officer and other appropriate parties will be notified of the outcome of the complaint investigation and the decision made relating to the outcome.

1.5. 8.5 Review

A complainant and the GMA Authorised Officer can seek an external review of the complaint and the outcome through the Department of Jobs, Skills, Industry Regions. This review will be conducted at arms-length from the initial review.

Alternatively, if the complainant is not satisfied with the outcome of their complaint, they can contact the Victorian Ombudsman.

Document Control

Summary of Document Changes

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1.2	01/08/2022	A Stoove	Formatting and address corrections
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Document Approver

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