

GELLUNG WARL

Gellung Warl Complaints Rules (Compliance Complaints)

- 1 Gellung Warl Complaints Rules (Compliance Complaints)
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gellungwarl.org



**GELLUNG
WARL**



CONTENTS

Lighting the Fire Stick	4
1 Name	4
2 Authority	4
3 Teachings that have Informed the Creation of these Rules	4
3.1 Our Identity, Our Strength, Our Wisdom	4
3.2 Grounded in Culture	5
4 Purpose	5
5 Application	6
6 Commencement	6
7 Definitions	6
Carrying the Fire Stick	8
8 Scope of Rules	8
8.1 What is a Compliance Complaint?	8
8.2 Who may make a Complaint?	8
8.3 Complaints outside the scope of these rules	8
9 Procedures for Dealing with Complaints	9
9.1 Principles for dealing with Complaints	9
9.2 Confidentiality	10
9.3 Who handles a Complaint?	11
9.4 Making a Complaint	11
9.4.1 Where to make a Complaint	11
9.4.2 How to make a Complaint	11
9.5 Declining a Complaint	12
9.6 Withdrawing a Complaint	12
9.7 Postponing a Complaint	13
9.8 Process for dealing with a Complaint	13
9.8.1 Informal Resolution	13
9.8.2 Notification of referral	14
9.8.3 Information from Complainant	14
9.8.4 Complaints Coordinator Review and Action	14
9.8.5 Complaints Resolution Panel	15
9.9 Costs	16



9.10 Procedures 17

10 Requests for Treaty Authority assistance..... 17

10.1 Request for Treaty Authority assistance 17

10.2 Treaty Authority assistance 18

11 Requests for Treaty Authority advice 19

12 Validity of Acts 19

Nurturing the Fire Stick..... 20

13 Information Walking with these Rules 20

13.1 Internal rules 20

13.2 Policies and procedures 20

14 Amendments 20



Lighting the Fire Stick

1 Name

The name of these rules is the Gellung Warl Complaints Rules.

2 Authority

- (a) As First Peoples, the source of our authority is our inherent rights.
- (b) The authority to make these rules derives from the Statewide Treaty, and they are made by the First Peoples' Assembly under section 33 and Part 15 of the Statewide Treaty Act and Schedule 1, Item 7.1(a) and 7.2 to that Act.
- (c) The Assembly consulted with the Treaty Authority before making this rule pursuant to section 36 of the Statewide Treaty Act.

3 Teachings that have Informed the Creation of these Rules

3.1 Our Identity, Our Strength, Our Wisdom

"We, the First Peoples of this Country now called Victoria, affirm that Aboriginal Lore and Law continue. Passed down through Ancestors and Elders, carried in language, story, ceremony and Country. Though colonisation sought to silence them, they were never ceded or extinguished. These rules are created not in isolation, but as a part of this continuing legacy – a living expression of cultural authority and the right to self-determination.

In developing these rules, we are guided by the Gitjawil Yurpa.¹ Gitjawil Yurpa reminds us that governance is not only about structure or policy – it is about relationships, responsibility and respect. Our rules honour the authority of those who hold knowledge, uphold the protocols that connect us to each other and to Country, and reflect the way our communities have always made decisions. Decisions through yarning, consensus building, accountability and care.

¹ Gitjawil Yurpa expresses *many having to put forth* in Dja Dja Wurrung language.

We acknowledge that we exist within a time of legal pluralism. Aboriginal Lore and Law, the first lore/law of this place, has never ceased to operate, even as a colonial legal system has tried to deny it. We recognise the need to navigate between legal systems, and in doing so, we affirm that Aboriginal Lore and Law are not secondary, symbolic or historical – but are legitimate, living and continuing. These rules are created as a bridge between systems. They speak to our people, they speak back to the state, they speak to all who wish to engage with it.

The fact that we are here, making rules in our own name, is a testament to our survival. It reflects generations of resistance – through public leadership, quiet strength, cultural practice and legal knowledge carried in kinship, Country and ceremony. This is not a new beginning, but a continuation of what has always been true, that we are the First Peoples.

As we are our Ancestors, and we are our Country, we claim our Ancestral birthright. It is in this spirit that the fire stick has been lit, to tend to the fires awoken by our Elders and Ancestors, for this fire stick to be carried and nurtured by Gellung Warl. The fire stick is how we take fire across Country, across generations – for Gellung Warl to light its own fire. One that will cleanse, will nourish, will maintain Country, will draw on many voices to carry forward one strength.

In a time now shaped by treaty-making, truth-telling and institutional change, we hold firm to what must not be lost – our ways of being, our cultural foundations, our obligations to future generations. These rules are made not only to meet current needs but to reflect who we are, where we come from, and where we are going. They are made with respect for the past, commitment to the present, and vision for the future we traverse in the Treaty era.”

3.2 Grounded in Culture

People entrusted with responsibilities have always been accountable to those who have entrusted them. The ability to raise matters is part of this continuing responsibility, it is part of our cultural governance, it is part of carrying responsibility in the proper ways – a way for Community to question, to be heard, a mechanism to ensure that Gellung Warl remains answerable and accountable to the First Peoples it represents. Those entrusted with responsibility must respond when Community say something is not right and respond when trust or expectations have not been upheld. It is about calling responsibility back into its proper place, how Gellung Warl maintains the integrity of its responsibilities, and as a continuous place grounded in Aboriginal Lore, Law and Cultural Authority.

4 Purpose

These rules set out procedures for making and dealing with Complaints, to uphold and respect:

- (a) integrity, fairness and accountability;
- (b) cultural protocols; and



- (c) the role of the Treaty Authority in supporting culturally strong approaches to addressing and responding to complaints.

5 Application

These rules apply to Gellung Warl and its constituent arms, including the Assembly, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna, Gellung Warl officials and Complainants, and involve the Treaty Authority.

6 Commencement

These rules commence on the day they are made by the Assembly.

7 Definitions

- (a) Unless the contrary intention appears, a term has the same meaning given to it in the Statewide Treaty Act and the *Treaty Authority and Other Treaty Elements Act 2002* (Vic) or in any other internal rule made by the Assembly.
- (b) Unless the contrary intention appears, in these rules the following terms have the corresponding meaning:

Term	Meaning
Assembly	First Peoples' Assembly.
Complainant	A complainant as defined in rule 8.2 .
Complaint	A Compliance Complaint
Complaints Coordinator	A person appointed to perform the role of Complaints Coordinator under rule 9.8.1 .
Complaints Resolution Panel	A panel appointed by the Complaints Coordinator under rule 9.8.5(a) .
Compliance Complaint	A complaint as defined in rule 8.1 .
Conflict of Interest	A conflict of interest within the meaning of the Conflicts of Interest Policy (CEO and staff).
Facilitated Discussion or Yarning Circle	A meeting where parties and a facilitator appointed by the Complaints Coordinator meet in a safe, non-judgmental environment to share perspectives, listen inclusively, and

	collaboratively seek to reach a resolution. A facilitator should be a First Peoples facilitator, where possible.
Gellung Warl Allegations of Misconduct Rules	Internal rules made or amended by the Assembly and in force from time to time under section 33 of the Statewide Treaty Act that provide for the matters set out in Schedule 1, Item 6 to that Act relating to misconduct, whether applying to Gellung Warl Members or the CEO and Gellung Warl staff members.
CEO	The Chief Executive Officer of Gellung Warl.
Gellung Warl Executive Staff	Gellung Warl employees appointed to senior leadership roles who hold day-to-day managerial, supervisory, or decision-making authority, including the CEO, Executive Directors, and Heads of Departments, as well as any other positions designated as executive roles by the CEO.
Gellung Warl Member	(a) a member of the First Peoples' Assembly; (b) a Nyerna Yoorrook Telkuna member; or (c) a Nginma Ngainga Wara member.
Gellung Warl official	A Gellung Warl official as defined in the Statewide Treaty Act.
Gellung Warl staff member	A Gellung Warl staff member as defined in the Statewide Treaty Act.
Mediation or Conciliation	Mediation and conciliation conducted in accordance with Australian Mediator and Dispute Resolution Accreditation Standards Code of Ethics (as in force from time to time) with reasonable cultural adaptations made by the person conducting the mediation or conciliation.
Statewide Treaty Act	The <i>Statewide Treaty Act 2025</i> (Vic).
Treaty Authority Member	A Treaty Authority Member as defined in the Treaty Authority Agreement (the agreement made between the Aboriginal Representative Body and the State of Victoria under section 27 of the <i>Advancing the Treaty Process with Aboriginal Victorians Act 2018</i> (Vic)).
Treaty Authority staff member	A person employed by the Treaty Authority, including the CEO, as defined in the Treaty Authority Agreement (the agreement made between the Aboriginal Representative Body and the State of Victoria under section 27 of the <i>Advancing the Treaty Process with Aboriginal Victorians Act 2018</i> (Vic)).



Carrying the Fire Stick

8 Scope of Rules

Outline

Rule 8 sets out rules about what is a Complaint, who may make a Complaint and what is outside the scope of these rules.

8.1 What is a Compliance Complaint?

- (a) A Compliance Complaint is a complaint about:
 - (i) a failure to comply with the requirements of the Statewide Treaty Act or the internal rules relating to the governance of the Assembly, Nginma Ngainga Wara or Nyerna Yoorrook Telkuna;
 - (ii) a failure to comply with the requirements of the Statewide Treaty Act or the internal rules applicable to any action, decision or provision of any service by a Gellung Warl official;
 - (iii) a failure to comply with the Community Governance and Answerability Framework; or
 - (iv) relating to the appointment or qualification of a reserved member.
- (b) A complaint is a Compliance Complaint only if it is within the scope of Division 2 of Part 15 of the Statewide Treaty Act and is outside the scope of Division 3 of Part 15 of that Act.

8.2 Who may make a Complaint?

- (a) A Complaint may be made by a person if:
 - (i) the person is a First Peoples individual or a First Peoples organisation (through an authorised representative); and
 - (ii) that person or organisation has an interest in the subject matter of the Complaint,
- (b) The person who makes a Complaint is a Complainant.

8.3 Complaints outside the scope of these rules

- (a) These rules do not cover:
 - (i) electoral complaints under section 171 of the Statewide Treaty Act;
 - (ii) complaints in relation to the Gellung Warl electoral roll, inclusion of the Gellung Warl electoral roll or elections;
 - (iii) a complaint about a matter that relates to the validity of an election; or

Note: Applications disputing validity of an election are to be made to the Victorian Civil and Administrative Tribunal: Statewide Treaty Act, section 59.

- (iv) a complaint that relates to alleged misconduct or alleged serious misconduct.

Note: Complaints about alleged misconduct or alleged serious misconduct are dealt with under the Gellung Warl Allegations of Misconduct Rules.

9 Procedures for Dealing with Complaints

Outline

Rule 9 sets out rules for making and handing Complaints and includes:

- Principles for dealing with Complaints
- Confidentiality
- Who handles a Complaint
- Procedures for making a Complaint, declining a Complaint, withdrawing and postponing a Complaint
- Process for dealing with a Complaint
- Costs
- Further procedures

9.1 Principles for dealing with Complaints

- (a) The following principles apply to all Complaints, save where these rules express otherwise, including to all persons who make, deal with, review or who are otherwise involved in or subject to the processing, assessment, or investigation of a Complaint.
- (i) **Good Faith:** Complaints must be made in good faith, without frivolous, malicious, or vexatious intent. Outcomes sought must be proportionate, reasonable, and deliverable.
 - (ii) **Fairness, Respect and Proportionality:** All persons must be treated fairly, equitably, and respectfully. All sides must be listened to and heard. The process acknowledges and seeks to address power imbalances and ensure responses are proportionate to the nature and severity of the complaint.
 - (iii) **Efficiency and Timeliness:** Complaints should be addressed as efficiently as possible and in a timely manner, with clear outcomes and finality.
 - (iv) **Responsiveness and Restoration:** The process is outcome-oriented and forward-looking, designed to prevent Complaints from causing division. Cultural harm and trauma are considered. A harm reduction approach is applied to support healing and strengthen relationships.



- (v) **Transparency and Openness:** Discussions should be open and transparent, focused on finding common understandings and maintaining relationships, rather than adopting an adversarial approach.
 - (vi) **Cultural Respect:** Cultural values and practices inform the Complaints process. There is no one-size-fits-all approach. The process recognises the interconnectedness of communities that may be affected by a Complaint and respects local and regional cultural protocols.
 - (vii) **Accountability and Integrity:** The Complaints process applies and sustains principles of accountability, honesty, integrity, and wellbeing.
 - (viii) **Support and Representation:** Each party to a Complaint may have a support person present during meetings, discussions, interviews, and hearings.
 - (ix) **Impartiality:** The Complaints process is impartial and independent. Those with conflicts of interest are excluded from decision-making and the process may be modified to the extent necessary to achieve this.
 - (x) **Record-Keeping and Data Collection:** Records in the Complaints process should be accurate, contemporaneous, and securely maintained, and data collected and stored appropriately.
- (b) The principles in **rule 9.1(a)** apply to all Complaints. However, the specific application of each principle may be adapted based on the nature, seriousness, and circumstances of the individual Complaint. The Complaints Coordinator or Complaints Resolution Panel will exercise reasonable judgment to ensure the process remains fair, effective, and appropriate to each situation.

9.2 Confidentiality

- (a) All Complaints will be treated as confidential, to the extent that confidentiality can be reasonably maintained for the proper processing, assessment or investigation of the Complaint, and subject to any disclosure permitted or required by this rule.
- (b) Information contained in a Complaint, or otherwise provided to the CEO, Complaints Coordinator or Complaints Resolution Panel in carrying out their functions under these rules, may be disclosed to another person only if:
 - (i) the person who provided the information consents to the disclosure;
 - (ii) disclosure is required by law or legal obligation;
 - (iii) disclosure is made for the purpose of seeking legal advice;
 - (iv) there is a compelling reason to disclose the information, such as the prevention of harm;
 - (v) disclosure is permitted or required by these rules.
- (c) If consent to disclosure is sought from the person who provided the information for the purposes of these rules and is not provided, and the CEO, Complaints Coordinator, or Complaints Resolution Panel considers that, as a result, they cannot properly or fairly discharge their functions under these rules, they may decline the Complaint. This decision



must be notified in writing to the Complainant and any other relevant party within 10 business days of the decision being made.

- (d) Despite any other rule, the confidentiality of the Complainant's identity in relation to all Complaints will be maintained to the extent required by law, including, if applicable, the *Public Interest Disclosures Act 2012* (Vic).

9.3 Who handles a Complaint?

- (a) A Complaint must be dealt with by the Complaints Coordinator in the first instance.
- (b) A Complaint must not be handled by a Gellung Warl official who allegedly took or failed to take any action or decision, or provided or refused to provide any service, that is the subject of the Complaint, or who otherwise has a Conflict of Interest in relation to the Complaint.
- (c) Where a person has a Conflict of Interest in relation to a Complaint or is otherwise prohibited from handling the Complaint under this rule, the following replacement persons must perform that function instead:
 - (i) an Assembly Co-Chair, in the case of the CEO;
 - (ii) an acting Complaints Coordinator, in the case of the Complaints Coordinator; or
 - (iii) in any other case, an external person independent of Gellung Warl.

9.4 Making a Complaint

9.4.1 Where to make a Complaint

- (a) Subject to [rule 9.4.1\(b\)](#), a Complaint must be made to the CEO.
- (b) A Complaint relating to the CEO must be made to the Assembly Co-Chairs.

9.4.2 How to make a Complaint

Timeframe

- (a) A Complaint must be made within 12 months of the alleged failure to comply with any of the matters referred to in [rule 8.1\(a\)\(i\)-\(iv\)](#) subject to [rule 9.4.2\(b\)\(v\)](#).

Form of Complaint

- (b) A Complaint must be made in writing and must identify:
 - (i) the Complainant;
 - (ii) how the Complainant meets the criteria in [rule 8.2](#);
 - (iii) the basis for the Complaint;
 - (iv) how the Complaint is a Compliance Complaint under [rule 8.1](#); and
 - (v) if outside the timeframe in [rule 9.4.2\(a\)](#) give reasons why the making of the Complaint was delayed.

- (c) A Complaint must be made in the form approved by the CEO, or if no such form has been approved, in such other form as the CEO determines.

9.5 Declining a Complaint

- (a) A Complaint, or purported Complaint, may be declined by the CEO, the Assembly Co-Chair, the Complaints Coordinator or the Complaints Resolution Panel if they are reasonably satisfied that:
 - (i) the complaint is unreasonable, without merit or vexatious;
 - (ii) the complaint is made outside the timeframe required by [rule 9.4.2\(a\)](#) and no circumstances justify accepting it outside that timeframe;
 - (iii) the complaint fails to comply with [rule 9.4.2\(b\)](#) and the Complainant has not remedied the non-compliance after being given a reasonable opportunity to do so;
 - (iv) the Complainant does not respond to reasonable requests for information or otherwise fails to engage with the complaint process;
 - (v) subject to [rule 9.5\(d\)](#), the complaint is not a Compliance Complaint as defined in [rule 8.1](#); or
 - (vi) the subject matter of the complaint is or could be the subject of a complaint to or investigation by any other body, including an integrity agency or a law enforcement agency, however the person making the decision must first consider if postponement under [rule 9.7](#) is more appropriate in the circumstances.
- (b) A decision to decline a Complaint must be notified in writing to the Complainant by the person making that decision within 10 business days.
- (c) A person who declines a Complaint may take steps to refer the Complainant to an alternative complaints pathway that they consider more appropriate for dealing with the complaint.
- (d) If a Complaint or purported Complaint relates to alleged misconduct or alleged serious misconduct as defined in the Gellung Warl Allegations of Misconduct Rules, it must not be declined under these rules but must instead be dealt with as a Misconduct Allegation under the Gellung Warl Allegations of Misconduct Rules.
- (e) A decision to decline a Complaint is final and no further action will be taken in relation to the Complaint under these rules.

9.6 Withdrawing a Complaint

- (a) A Complainant may withdraw a Complaint at any time by writing to the person to whom they made the Complaint under [rule 9.4.1](#).
- (b) If a Complainant withdraws their Complaint, the CEO, the Assembly Co-Chairs, the Complaints Coordinator or the Complaints Resolution Panel (as relevant) will in their discretion determine whether any further action will be taken in relation to the Complaint.

- (c) If a Complaint is withdrawn at any time while Treaty Authority assistance is being provided under [rule 10.2](#), the Complaints Coordinator must notify the Treaty Authority that the Complaint has been withdrawn.

9.7 Postponing a Complaint

- (a) If the subject matter of the Complaint, in whole or in part, is or becomes the subject of any proceeding, investigation, inquiry or complaint conducted by or before any other person, entity or body, including an integrity agency or law enforcement agency, the CEO, Complaints Coordinator or Complaints Resolution Panel (whichever relevant) may postpone the steps set out in these rules for dealing with a Complaint for as long as they consider necessary, including until such time as the final outcome of the relevant proceeding, investigation, inquiry or complaint is known.
- (b) If the Complaints Coordinator makes a request for Treaty Authority assistance under [rule 10.1](#), the Complaints Coordinator:
 - (i) must postpone the steps set out in these rules for dealing with a Complaint until the Treaty Authority returns the Complaint to Gellung Warl under [rule 10.2](#); and
 - (ii) may make such reasonable variations to a timeframe prescribed by these rules as are necessary, having regard to steps taken or to be taken by the Treaty Authority.
- (c) If the Complaints Coordinator or the Complaints Response Panel postpones the steps set out in these rules under [rule 9.7\(a\)](#) or [9.7\(b\)](#), they must notify the parties to the Complaint.
- (d) Where a Complaint is postponed under this rule, the CEO, Complaints Coordinator or Complaints Resolution Panel may subsequently decline the Complaint if they determine that the matter has been sufficiently dealt with by the other process or proceeding.
- (e) A postponement under this rule does not affect the right of a Complainant to withdraw a Complaint under [rule 9.6](#).
- (f) [Rule 9.5\(b\)-\(e\)](#) applies, with any necessary modifications made by the relevant decision maker, to a decision to decline a Complaint under [rule 9.7\(d\)](#).

9.8 Process for dealing with a Complaint

- (a) The following process applies to dealing with a Complaint. Where a person named in this rule has a Conflict of Interest in relation to a Complaint or is otherwise prohibited from handling the Complaint under [rule 9.3\(b\)](#), a reference to that person in this rule is to be read as a reference to their replacement as provided in [rule 9.3\(c\)](#).

9.8.1 Informal Resolution

- (a) Complaints will be resolved informally wherever possible through direct discussion, group meetings, training, or other support services to address the decision, action or failure in question.
- (b) The person who receives the Complaint will facilitate this informal resolution.



- (c) If the CEO considers that a Complaint cannot or should not be resolved by informal means, including where efforts to resolve the Complaint by informal means have failed, the CEO will refer the Complaint to the Complaints Coordinator to facilitate the process under this rule.
- (d) The CEO may appoint a Gellung Warl staff member as the Complaints Coordinator.

9.8.2 Notification of referral

- (a) If a Complaint is referred to the Complaints Coordinator, the Complaints Coordinator must notify the parties to the Complaint in writing of:
 - (i) the fact that the Complaint has been referred to the Allegations Coordinator;
 - (ii) the name and contact details of the Complaints Coordinator; and
 - (iii) the option to initiate a request for Treaty Authority assistance under [rule 10.1](#).

9.8.3 Information from Complainant

- (a) The Complainant may submit relevant information in writing to the Complaints Coordinator, including:
 - (i) a clear statement of the grounds for the complaint and supporting information;
 - (ii) their preferred steps towards an outcome; and
 - (iii) the outcome sought by the Complainant.
- (b) The Complaints Coordinator may at any time request relevant information from the Complainant.

9.8.4 Complaints Coordinator Review and Action

- (a) Within a reasonable time of receiving a Complaint that meets the requirements of [rule 9.4.2](#), and any further information to enable the Complaints Coordinator to progress the complaint under [rule 9.8.3](#), the Complaints Coordinator must take reasonable steps to address the Complaint.
- (b) The Complaints Coordinator may do one or more of the following:
 - (i) request further details from any relevant persons;
 - (ii) discuss the Complaint with the Complainant and the person or persons against whom the Complaint is made or whose alleged failure or conduct gave rise to the Complaint or who is otherwise directly connected to the subject matter of the Complaint;
 - (iii) arrange Facilitated Discussions or Yarning Circles;
 - (iv) investigate the Complaint, including by interviewing any third persons the Complaints Coordinator considers may hold information or knowledge relevant to the Complaint;
 - (v) arrange Mediation or Conciliation;
 - (vi) seek and obtain cultural, legal, or expert advice concerning the Complaint;
 - (vii) determine that no further action is to be taken and the Complaint is finalised;



- (viii) refer the Complaint to a Complaints Resolution Panel;
 - (ix) make a request for Treaty Authority assistance in accordance with [rule 10.1](#); or
 - (x) take any other step the Complaints Coordinator considers appropriate in the circumstances.
- (c) If a Complaint is returned from the Treaty Authority under [rule 10.2](#), the Complaints Coordinator will endeavour to take steps to address the Complaint and may take into account the steps that have already been undertaken by the Treaty Authority.

9.8.5 Complaints Resolution Panel

Appointment

- (a) The Complaints Coordinator may at any time appoint a Complaints Resolution Panel for the purposes of dealing with a Complaint.
- (b) The Complaints Resolution Panel must consist of:
 - (i) two Gellung Warl Executive Staff; and
 - (ii) an Australian legal practitioner with expertise in complaints handling and dispute resolution.
- (c) The Complaints Resolution Panel must not include a person who is a Treaty Authority Member or a Treaty Authority staff member.
- (d) Where a person who is a member of the Complaints Resolution Panel has a Conflict of Interest or is otherwise prohibited from handling the Complaint under [rule 9.3\(b\)](#), the Complaints Coordinator must substitute that person with an equivalent office holder or an Australian legal practitioner who does not have a Conflict of Interest or is not otherwise prohibited by these rules.

Referral

- (e) If the Complaints Coordinator makes a referral under [rule 9.8.4\(b\)\(viii\)](#), the Complaints Coordinator must provide to the Complaints Resolution Panel all information provided to, or obtained by, the Complaints Coordinator in relation to the Complaint.

What the Complaints Resolution Panel must do

- (f) The Complaints Resolution Panel must conduct a review of the Complaint by considering all available information relevant to the Complaint, including the information provided to the Complaints Coordinator.

Seeking information

- (g) The Complaints Resolution Panel may seek any information from any Gellung Warl official or any other person that it considers relevant to the Complaint.
- (h) To avoid doubt, the Complaints Resolution Panel:
 - (i) does not have the power to compel any person to provide any information to it, and no person or entity is obliged to comply with any such request unless these rules specify otherwise; and



- (ii) if there is a request made to a person to provide information, may request the person to keep the matter confidential, although the Complaints Resolution Panel does not have the power to impose any confidentiality requirements on any person beyond the requirements imposed by these rules.

Legal representation

- (i) Any person subject to the processes of a Complaints Resolution Panel may be represented by an Australian legal practitioner or other support person, at their own cost, in their dealings with the Complaints Resolution Panel.

Determination

- (j) Where a Complaint is referred to a Complaints Resolution Panel, the Panel must, within six months of receiving that referral (unless it determines to postpone dealing with the Complaint under [rule 9.7](#)):
 - (i) determine that the Complaint is not substantiated;
 - (ii) determine that the Complaint is substantiated; or
 - (iii) make any other such determination as the Complaints Resolution Panel considers appropriate in the circumstances.
- (k) When a Complaints Resolution Panel makes a determination, the Panel may also make any recommendations it thinks fit, to any person it considers appropriate, in connection with the Complaint.
- (l) A determination under [rule 9.8.5\(j\)](#) finalises the Complaint.

Notification of determination and recommendations

- (m) The Complaints Resolution Panel must notify each of the following persons in writing of their determination and any recommendations as soon as practicable after the determination is made:
 - (i) the Complainant;
 - (ii) any person against whom the Complaint was made or whose alleged failure or conduct gave rise to the Complaint or who is otherwise directly connected to the subject matter of the Complaint;
 - (iii) the Complaints Coordinator who referred the Complaint to the Panel;
 - (iv) in the case of a Complaint which is not made against the CEO, the CEO;
 - (v) in the case of a Complaint which is made against the CEO, the CEO and the Assembly Co-Chairs;
 - (vi) any person to whom a recommendation is made.

9.9 Costs

- (a) Gellung Warl will not seek to recover costs from any relevant persons to a Complaint nor charge for the time of its staff or Members involved in any steps taken under these rules.

- (b) All relevant persons to a Complaint must bear their own costs in respect of any steps taken under these rules including in relation to travel to and from and attendance at any venues in relation to the steps taken under these rules and similar expenses, unless the CEO, on the recommendation of the Complaints Coordinator or Complaints Response Panel, determines that one or more persons' costs will be reimbursed by Gellung Warl.
- (c) The CEO, on the recommendation of the Complaints Coordinator or Complaints Response Panel, may determine that one or more persons' costs will be reimbursed by Gellung Warl, having regard to whether the Complaint is substantiated or in cases of extreme hardship.

9.10 Procedures

- (a) The Assembly may develop procedures to support the operation of these rules, in consultation with the Treaty Authority where relevant.

10 Requests for Treaty Authority assistance

Outline

Rule 10 sets out rules for requesting Treaty Authority assistance in dealing with a Complaint.

10.1 Request for Treaty Authority assistance

- (a) At any time while a Complaint is being handled by the Complaints Coordinator, a party may request the Complaints Coordinator to make a request to the Treaty Authority to facilitate the resolution of, or otherwise assist in dealing, with a Complaint by giving advice, providing mediation or dispute resolution, or doing any other thing to assist in dealing with a Complaint.
- (b) Where the Complaints Coordinator receives a request from a party under [rule 10.1\(a\)](#), the Complaints Coordinator:
 - (i) must seek the consent of all other parties to the Complaint to the making of a request to the Treaty Authority; and
 - (ii) must, where all parties have given consent to the making of a request to the Treaty Authority:
 - A. make a request to the Treaty Authority to assist in dealing with the Complaint; and
 - B. seek the consent of all parties to the Complaint to provide their personal or sensitive information and any information provided in confidence, to the Treaty Authority for the purpose of facilitating the resolution of, or otherwise assisting in dealing with, the Misconduct Allegation. If a party consents, then this information may be provided to the Treaty Authority for this purpose.
- (c) A request for the Treaty Authority to assist in dealing with a Complaint under [rule 10.1\(b\)](#) should include:
 - (i) the name and contact details of all parties to the Complaint, where disclosable;



- (ii) the basis for the Complaint;
 - (iii) the dates of the alleged failure to comply, the date the Complaint was made, and a summary of steps taken up to the date of the request;
 - (iv) each party's consent that has been received to the request for Treaty Authority assistance;
 - (v) each party's consent that has been received in relation to the sharing of their information with the Treaty Authority;
 - (vi) whether the subject matter is, in whole or in part, before another complaints body, integrity body or law enforcement agency;
 - (vii) the form of Treaty Authority assistance sought, having regard to the forms of support available under any policy or procedures made by the Treaty Authority under this rule; and
 - (viii) a summary of any requests a party has made in relation to being contacted or providing information.
- (d) If the Complaints Coordinator makes a request for assistance in accordance with this rule, they must notify the parties of the request and that the steps in these rules for dealing with the Complaint have been postponed under [rule 9.7\(b\)](#).

10.2 Treaty Authority assistance

- (a) The Treaty Authority may, at its discretion, accept or decline a request for assistance.
- (b) Without limitation the Treaty Authority may consider the information in a request for assistance when deciding whether to accept or decline a request for assistance.
- (c) If the Treaty Authority accepts a request for Treaty Authority assistance, it should provide the assistance as efficiently as possible and in a timely manner.
- (d) If the Treaty Authority declines a request for assistance or closes its assistance role, it must:
 - (i) notify the parties and the Complaints Coordinator; and
 - (ii) return the Complaint to Gellung Warl.
- (e) If at any time during the Treaty Authority's assistance, the Treaty Authority considers that all or part of a matter should be referred to another person, entity or body, including an integrity agency or law enforcement agency, the Treaty Authority may:
 - (i) make a referral and keep the Treaty Authority's assistance role open;
 - (ii) notify the CEO of the Treaty Authority's opinion as to what referral should be made and keep the Treaty Authority's assistance role open; or
 - (iii) close its assistance role and return the Complaint to the CEO and the Complaints Coordinator with the Treaty Authority's opinion as to what referral should be made.
- (f) If the Treaty Authority makes a referral under [rule 10.2\(e\)\(i\)](#):
 - (i) The Treaty Authority must notify the CEO and Complaints Coordinator of the referral and the reasons for the referral; and



- (ii) The steps set out in these rules for dealing with a Complaint remain postponed under [rule 9.7\(b\)](#).
- (g) The Treaty Authority may, in consultation with the Assembly, develop procedures for the making and granting of requests under this [rule 10](#).

11 Requests for Treaty Authority advice

Outline

Rule 11 sets out rules for the Complaints Coordinator to request Treaty Authority advice in relation to dealing with a Complaint.

- (a) At any time while a Complaint is being handled by the Complaints Coordinator, the Complaints Coordinator may request that the Treaty Authority gives advice in relation to dealing with a Complaint.
- (b) The Treaty Authority may, at its discretion, accept or decline a request under [rule 11\(a\)](#).
- (c) To avoid doubt:
 - (i) the Complaints Coordinator must not share confidential information without consent;
 - (ii) a request for advice is not a request for assistance under [rule 10](#) and all requests for Treaty Authority assistance must be made under [rule 10](#); and
 - (iii) this [rule 11](#) does not create procedural rights for a party to a Complaint.
- (d) The Treaty Authority may, in consultation with the Assembly, develop procedures for the making and granting of requests under this [rule 11](#).

12 Validity of Acts

An act done by a person under or in connection with these rules is taken to have been done in accordance with these rules even if there was a vacancy in the role or office, or it is later discovered the appointment of that person to the role or office was defective or had ceased.

Nurturing the Fire Stick

13 Information Walking with these Rules

13.1 Internal rules

- (a) Gellung Warl Allegations of Misconduct Rules
- (b) Gellung Warl Membership Rules

13.2 Policies and procedures

- (a) Conflicts of Interest Policy (CEO and staff)
- (b) Australian Mediator and Dispute Resolution Accreditation Standards

14 Amendments

Version	Date Approved	Approved By	Review Date

