

By-Law No 7 Complaints Management and Confidentiality.

Preamble

This by-law establishes a complaint management process.

Confidentiality is important. It encourages open and frank discussion at meetings, helps facilitate the development of vision and the implementation of an effective strategy to achieve that vision, and protects information that is confidential, personal, commercial or relates to legal matters.

Verbal complaints will be regarded as a simple expression of opinion and will not be considered in any official way. Equally unsigned or anonymous complaints or issue raising may be ignored.

The Association and its sub-committees are a group of resident volunteers who have come together to pursue the objectives of the Association as outlined in the constitution. As such, the group insist that all complaints and issues be lodged in a respectful manner and seek to achieve a positive outcome. The Association or a sub-committee may reject a submission on the grounds that it not presented in a respectful manner nor offers a positive outcome.

1. Prerequisite to raising issues or complaints with the Residents Association.

If an issue or the subject of a complaint pertains to a matter which is the initial providence of Palm Lake Resort Management, the Secretary should refer the matter back to the person who raised it with advice that they should initially consult with the Caretakers of Palm Lake Resort. If after receiving no response or an unsatisfactory response they should then refer the matter to the Residents Association in writing providing detail of any response received from PLR.

2. Dealing with Complaints against Committee Members.

All complaints against any committee member (except the Secretary) should be addressed to the Secretary. Any other Committee member who receives a complaint shall refer the matter to the Secretary unless the complaint is against the Secretary.

The Secretary on receipt of such a complaint shall refer the context of the complaint to all committee members except the member who is the subject of the complaint. Confidentiality is of paramount importance in such circumstances. The identity of the complainant must be kept from the person who is the subject of the complaint.

The Committee as part of its investigation may give the member who is the subject of the complaint a general purport of the issue and in the interests of natural justice give them an opportunity to respond.

The dealing with the complaint remains with the balance of the Committee.

If a complaint refers to the position of Secretary the complaint shall immediately be referred to the President of the Committee who shall deal with it in accordance with these guidelines.

3. Confidentiality

Members of the Management Committee or one of its sub-committees must keep confidential information pertaining to matters dealt with by the Committee unless otherwise agreed upon by respective group.

This includes Committee meeting minutes, agendas, reports to the Committee both verbal and written, and associated documents, and information contained in those documents.

To ensure transparency information and documents should be available to members upon reasonable request unless the matter pertains to a complaint lodged in respect of Clause 1 above.

The obligation to maintain confidentiality continues to apply even after a person has left the Committee.

Maintaining confidentiality as a general rule will also help ensure observance by Committee members of the following legal duty:

A person who obtains information because they are, or have been, a member of the Committee must not improperly use the information to gain an advantage for themselves or someone else, or cause detriment to the organization.

If a request is made for access to one or more Committee or Sub-committee papers, the Committee may on a case by case basis resolve to provide or deny access to the document/s.

In considering this request, the Committee will have regard to:

- The importance of maintaining confidentiality to facilitate effective Committee meetings;
- The importance of complying with the law – including privacy law - and recognizing that the law sometimes creates duties to disclose or protect information;
- Whether the person requesting the document is a member, and the important role of members in holding the Committee accountable; and
- The need to be consistent in the way that information and or documents are treated, and the consequence of establishing any precedents or expectations.

Nothing in this policy is intended to prevent the Committee from seeking confidential legal, accounting, financial or other expert advice from independent professionals to assist the Committee in carrying out its functions.

Any person who is not a member of the Committee but is present at a Committee meeting (or part of a meeting) must abide by the rules of the committee and association and keep in confidence that which they are advised to do so.