



COUNSELLING ASSOCIATION OF SOUTH AUSTRALIA INC

**BY-LAW SEVEN**

**The Complaints Committee**

**Procedure for Processing a Complaint**



By-Law Seven  
**THE COMPLAINTS COMMITTEE**

**PROCEDURE FOR PROCESSING A COMPLAINT**

1. Members of the Counselling Association of South Australia are committed to accept the judgement of other members as to standards of professional ethics and practice, subject to the procedures that follow. Refusal or failure to cooperate with an investigation of a complaint at any point may be considered grounds for expulsion from membership.
2. In this By-law -  
“Committee” means the Complaints Committee of the Association;  
“Complainant” means the person who has filed a complaint;  
“Respondent” means the person against whom a complaint has been filed.

**Who May File A Complaint**

3. The following persons may file a complaint:
  - a. a member of the public;
  - b. a member of the Association;
  - c. the President of the Executive Committee on behalf of the Association.

**Jurisdiction**

4. The Association may consider a complaint against –
  - a. a current member of the Association; or
  - b. a person who was a member of the Association when the subject matter of the complaint occurred.

**Filing Complaints**

5. A complaint must be in writing, signed by the Complainant, addressed to the President of the Executive Committee and marked confidential. The complaint must state the grounds of complaint and give concise statements of the facts relied on in support of each ground.

**Time Limits**

6. The time limits in this By-law must be adhered to in the interests of fair and timely resolution of complaints.
7. A Complainant or a Respondent may request the Committee to extend a time limit. The Committee should only grant an extension where it would promote the fair and timely resolution of the complaint concerned.

**Upon Receipt Of A Complaint**

8. Forthwith upon receipt of a complaint, the President must –
  - a. by letter to the Complainant, acknowledge receipt of the complaint;
  - b. call a meeting of the Committee which must be held within 14 days of receipt of the complaint.



By-Law Seven  
**THE COMPLAINTS COMMITTEE**

**PROCEDURE FOR PROCESSING A COMPLAINT**

9. The Committee must determine, upon its first consideration of the complaint –
- a. whether the Respondent is a person in respect of whom the Association may consider a complaint; and
  - b. whether the conduct alleged in the complaint, if proved –
    - (1) would constitute a breach of the Constitution; or
    - (2) would constitute a breach of a condition of membership; or
    - (3) would be contrary to the interests or objectives of the Association.

If the Committee determines either of these matters in the negative, it must report accordingly to the Executive Committee, which must advise the Complainant that the complaint is declined and the reasons therefor.

If the Committee determines both of these matters in the affirmative, it must report accordingly to the Executive Committee, which must advise the Complainant that the complaint is accepted and will be dealt with by the Complaints Committee as the delegate of the Association.

**When A Complaint Is Accepted**

10. The Committee must by letter forthwith after determining that the complaint is accepted –
- a. request that the Complainant furnish to the Committee within 14 days all evidence in support of the complaint;
  - b. request that the Complainant verify all such evidence by statutory declaration in the form annexed to this By-law;
  - c. request that the Complainant authorise the release of all such evidence to the Respondent by signing an “Authorisation For The Release Of Information” in the form annexed to this By-law;
  - d. inform the Complainant that these requirements must be complied with before the Complaint will be dealt with.

**Notification of Respondent**

11. The Committee must by letter sent within seven days of receipt of the evidence and documents referred to in the previous clause:
- a. inform the Respondent of the complaint;
  - b. provide the Respondent with a copy of the complaint;
  - c. provide the Respondent with copies of all evidence and documents furnished in support of the complaint;
  - d. request the Respondent within 28 days to file a written response to the complaint, responding to each ground of complaint and giving concise statements of any facts relied on in support of each response;
  - e. request that the Respondent furnish to the Committee within 28 days all evidence on which the Respondent wishes to rely in defence of the complaint;
  - f. request that the Respondent verify all such evidence by statutory declaration in the form annexed to this By-law;
  - g. inform the Respondent that if these requirements are not complied with, the Committee may proceed to deal with the complaint without further reference to the Respondent.



By-Law Seven  
**THE COMPLAINTS COMMITTEE**

**PROCEDURE FOR PROCESSING A COMPLAINT**

12. Within seven days after the time for filing a response has expired, the Committee must schedule a meeting at which the complaint will be dealt with. Written notice of the meeting must be served on the parties and must give them at least 42 days' notice of the meeting.
13. The Committee may, and must if so requested by the Complainant in the complaint, or by the Respondent in the response, invite the Complainant or the Respondent or both to make oral submissions. If oral submissions are to be made by either party, then the Committee must invite the other party to be present and to make oral submissions in reply.
14. The Committee may of its own motion receive evidence other than that provided by the parties.
15. The Committee must decide the complaint by a simple majority of its members and must give written reasons for its decision.
16. The Committee must, within 14 days of the conclusion of its meeting, deliver its decision, its written reasons and (if applicable) its recommendation as to penalty, to the Executive Committee.
17. The Executive Committee must, within 14 days after receipt of the decision of the Committee, ratify the decision and the reasons for decision, but may substitute its own decision as to penalty.
18. Notice of the decision of the Executive Committee, together with the written reasons for the decision, and notice of penalty (if any) must be served on the Complainant and the Respondent forthwith after the decision has been ratified.
19. Notification of the withdrawal of a member from the Association following a complaint, must be given by the Executive Committee to all organisations on whose register the person is listed.



By-Law Seven  
**THE COMPLAINTS COMMITTEE**

By-Law Seven : Appendix A



COUNSELLING ASSOCIATION OF SOUTH AUSTRALIA INC

**STATUTORY DECLARATION**

I, (name) \_\_\_\_\_

of (address) \_\_\_\_\_

do solemnly and sincerely declare:

1. that all copy documents furnished by me to the Counselling Association of South Australia Incorporated for the purposes of the complaint concerning:  
\_\_\_\_\_ are true copies of the original documents;
2. that I will produce the originals of all such documents if requested to do so;
3. that I honestly believe all other evidence furnished by me for the purposes of the complaint is in all respects true.

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1936*.

Declared at \_\_\_\_\_ in the State of South Australia

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
(Signature of person making the declaration)

Before me

\_\_\_\_\_  
(Signature of the qualified witness before whom the declaration is made)

\_\_\_\_\_  
(Printed name of witness)

\_\_\_\_\_  
(Printed address of witness)

\_\_\_\_\_  
(Title/Qualification of witness)

*Please note:*

- *A Statutory Declaration is a written statement of facts which the declarant (the person making it) signs and declares to be true.*
- *As a Statutory Declaration is a document, the contents of which are required by legislation to be declared honestly, there can be serious consequences and/or penalties at law for anybody who knowingly makes false or dishonest statements.*
- *People who are qualified to witness a Statutory Declaration in South Australia include: a Justice of the Peace, a Notary Public or other officer by law authorised to administer an oath or affirmation, members of the Police Force and bank managers.*

Counselling Association of South Australia Inc : PO Box 30 Kent Town SA 5071

**NOTE : This document has received legal approval**



By-Law Seven  
**THE COMPLAINTS COMMITTEE**

By-Law Seven : Appendix B



COUNSELLING ASSOCIATION OF SOUTH AUSTRALIA INC

**AUTHORISATION FOR THE RELEASE OF INFORMATION**

I, (name) \_\_\_\_\_

of (address) \_\_\_\_\_

Give permission to the Counselling Association of South Australia Incorporated to release to the member against whom I have made a complaint, all my written information relating to the complaint.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Counselling Association of South Australia Inc : PO Box 30 Kent Town SA 5071

**NOTE : This document has received legal approval**