

Corryong Cemeteries Trust - Complaints Management

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Scope

The Corryong Cemeteries Trust recognises the importance of complaints and regards them as opportunities to correct or improve the services currently provided.

Background

The Corryong Cemeteries Trust recognises its responsibility to provide a Complaints Management procedure to allow them to function as a responsible public body. Complaints may arise from different stakeholders and it is important that each point of view is acknowledged and discussed in resolving the dispute. These guidelines are to assist the Trust to resolve complaints and concerns.

Objectives

An effective Complaints Management Procedure assists the trust to:

- Learn from the experience of complaints management
- Review the way the Trust does business
- Respond to consumer requirements and changes in environments

Approach

Complaints can originate from members of the public, funeral directors, monumental masons, Trust members or staff. The Trust will not disregard a complaint or consider it to be trivial or unnecessary to review.

Customer Service staff are empowered to handle complaints in the first instance and it is preferred they are dealt with promptly. Complaints are to be registered in the Customer Action Report System (C.A.R.S) If a satisfactory result is not achieved the complaint is then to be referred to the Corryong Cemeteries Trust for consideration. The item is to be listed as an Agenda Item under "Complaints Received".

Complaints involving

Staff Member This may relate to a staff members behavior or how they have undertaken their responsibilities. All complaints regarding a staff member must be referred to the Chief Executive Officer.

Trust Member The Chairperson of the Trust must ensure that trust members respect each others' point of view and conduct themselves in a fair and professional manner. The Cemetery Trust does not have the power to remove any trust member. Clause 3, Schedule 1 of the Act states that only the Governor in Council, on the recommendation of the Minister for Health may remove a trust member from office.

Contractors This relates to how the contractor (funeral director, monumental mason) has conducted themselves or undertaken their responsibilities. The complaint is to be entered into C.A.R.S for the relevant officer to investigate. The Cemeteries and Crematoria Regulation Unit does not deal with complaints relating to funeral directors. Complaints against funeral directors that are unable to be resolved are to be directed to Consumer Affairs Victoria.

Members of Public Complaints about policies and decisions from members of the public require the trust to review the relevant policy and/or decision. The complaint should first be discussed with the complainant and representatives of the Trust in an attempt to resolve the matter. The Trust should provide the complainant with a written response.

Removal from Cemetery

If the Cemetery Trust believes it has grounds to ban a person from the cemetery, it will seek advice from the Department of Health, Cemeteries and Crematoria Unit prior to introducing a ban. If a decision is then made to enforce the ban, independent legal advice must be taken prior to this action. Restriction of a person's access to the cemetery must be in writing and must cite the reason for the ban, the duration of the ban and the power the trust is relying on to apply the ban.

Complaint Referral to Department of Health

The Department of Health will investigate significant matters relating to cemetery trust governance and operations. These may include:

- Fraud, such as misappropriation of trust funds –concerns should be reported to Chairperson of the Corryong Cemeteries Trust who must act on the concern and decide whether to investigate internally or report to the police and the Department.
- Poor management practices.
- Poor record keeping practices
- Trust decision making and review processes
- Conflicts of interest

Concerns should be clearly documented and referred to be included on the Agenda for the next Trust meeting. If the result from the Trust meeting is not satisfactory the matter is to be referred to the Department.

Dispute Settlement

The avenues of formal appeal against a decision made by a cemetery trust are through a review of the decision by the ombudsman for administrative review, or by an appeal to the Supreme Court for judicial review.

Victorian Civil and Administrative Tribunal

In addition, under section 179 of the Act, there is a specific appeals process for a holder of a right of interment to appeal to the Victorian Civil and Administrative Tribunal for review of a decision of a cemetery trust to:

- Refuse to grant an approval to establish a memorial or a place of interment in the cemetery;
or
- Grant an approval to establish or alter a memorial or a place of interment in the cemetery,
subject to terms and conditions

Dispute Settlement Centre of Victoria

Prior to a dispute becoming a legal matter or follows a formal appeals process, the Trust should attempt to seek resolution with the complainant through mediation or another form of conflict resolution. The Dispute Settlement Centre of Victoria provides a fair approach to dispute management.

Deployment

Corryong Cemeteries Trust and relevant staff are to be familiar with this procedure within the areas of their responsibility.

Relevant Legislation

Cemeteries and Crematoria Act 2003

Cemeteries and Crematoria Regulations 2005