



STANDARD OPERATING PROCEDURE

SOP ADM 05 Complaint Resolution and Discipline Procedures

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1. Purpose

The behaviour of Marine Rescue NSW (“**MRNSW**”) members and employees must be exemplary and align with MRNSW’s principles of respect, integrity, honesty, and professionalism.

The MRNSW Constitution, Rules, Code of Conduct, Standard Operating Procedures (**SOPs**), Policies and employees’ Employment Agreements outline the personal and professional behaviour expected of MRNSW members.

This SOP ADM 05 outlines how MRNSW handles issues involving breaches of the MRNSW Constitution, Rules, Code of Conduct, SOPs, Policies, or employees’ Employment Agreements, including investigations, allegations and potential disciplinary measures.

2. Scope

This SOP ADM 05 applies to MRNSW members and MRNSW Employees.

SOP ADM 05 should be read with the MRNSW *Code of Conduct*, SOP ADM 09 - *Suspension Pending Investigation or Expulsion*, SOP ADM 06-*Grievance Handling* and the *Sexual Harassment Prevention Policy*.

Serious misconduct or disciplinary matters involving employees should be referred to the Commissioner or a Deputy Commissioner for investigation and resolution.

Grievances are dealt with under SOP ADM 06 Grievance Handling.

Matters involving alleged sexual harassment are dealt with under the *Sexual Harassment Prevention Policy*.

Employees should read this SOP ADM 06 in conjunction with their Employment Agreement/Contract. However, it does not form part of the terms and conditions of their employment.

3. Coverage

This SOP covers:

- Complaints regarding matters covered by this SOP concerning MRNSW members or MRNSW employees.
- Investigations initiated by the Commissioner or a Deputy Commissioner regarding matters covered by this SOP relating to a MRNSW member or a MRNSW employee.
- Investigations initiated by a UC regarding matters covered by this SOP involving a member of their Unit.
- Investigations initiated by a Zone Commander concerning matters covered by this SOP related to a MRNSW member.
- Disciplinary, outcomes related to the above.

Matters covered by this SOP include:

- conduct that breaches the MRNSW Code of Conduct
- conduct that breaches the MRNSW Constitution or the Rules
- conduct that breaches a MRNSW Policy
- complaints about misconduct
- complaints about disruptive behaviour
- allegations of serious breaches of discipline
- allegations of bullying, harassment or discrimination
- allegations of sexual harassment
- breaches of the *Child Safety and Wellbeing Policy*
- conduct that could constitute a criminal offence
- conduct that could constitute corruption
- conduct that the MRNSW Whistleblower Policy captures
- conduct that has industrial or policy implications for MRNSW

- conduct that breaches relevant legislation

This SOP does NOT cover Complaints related to work or the working environment, including:

- interpersonal conflict, including personality or workstyle clashes
- a perceived lack of communication
- a perceived lack of or poor consultation
- workplace health and safety issues
- alleged unfair allocation of personal development opportunities
- unreasonable assignment of work or tasks
- complaints about another member or employee's grooming
- training issues or related issues of dissatisfaction
- complaints involving sexual harassment

These matters should be addressed via SOP ADM06 or other appropriate means.

Matters involving alleged sexual harassment are addressed under the *Sexual Harassment Prevention Policy*.

4. Complaints

What is a Complaint?

A Complaint is a written allegation regarding a matter covered by this SOP lodged in accordance with this SOP.

Who is a Complainant?

A person who makes a Complaint about another member or employee under this SOP is referred to as the Complainant.

Who is a Respondent?

The person about whom a Complaint or allegations are made is referred to in this SOP as the Respondent.

Who is an ADA?

An ADA is the Appropriate Discipline Authority, the person appointed under clause 4.2 to determine a Complaint.

4.1. Lodging a Complaint

A Complainant may lodge a Complaint with:

- the Member's UC or the employee's supervisor. The person receiving the Complaint will be the initial ADA for the Complaint.
- the relevant Zone Commander (ZC) if it concerns the Member's UC or DUC, or the employee's supervisor. The ZC will be the ADA for the Complaint.
- a Deputy Commissioner if it concerns a ZC. The Deputy Commissioner or their nominee will be the ADA for the Complaint.
- the Commissioner if it relates to a Deputy Commissioner. The Commissioner or their nominee will be the ADA for the Complaint.

A Complainant may seek guidance from the Manager, Member, People & Culture, if they are unsure who the correct person is to lodge the Complaint with.

The Complaint MUST:

- be in writing;
- lodged via email to the relevant person
- identify the Complainant and the Respondent
- state the nature of the Complaint
- disclose the names of any witnesses
- state the Complainant's preferred outcome
- provide the Complainant's preferred contact details

4.2. Preliminary Matters

The ADA will lodge the complaint with their Zone Commander (ZC) who will in turn register the complaint with the Manager, Member Services. The ZC and Manager, Member Services will confirm the appointment of the ADA. The ADA will confirm receipt of the Complaint with the Complainant and explain the process for managing the Complaint as stated in this SOP.

If appropriate, the ADA will also inform the Respondent and outline the process for managing the Complaint.

ADA will take appropriate steps to minimise risks to the health and safety of the Complainant and the Respondent, which may include standing down either or both from all or part of their duties until the complaint is resolved.

4.3. Preliminary Inquiry

The ADA will initially conduct a preliminary inquiry to determine whether the Complaint:

- concerns a matter covered by this SOP; or
- was made in good faith and for a proper purpose; or
- was trivial or frivolous; or
- is capable of being investigated.

When conducting the preliminary inquiry, the ADA may make further enquiries as they consider necessary. This could involve speaking with the Complainant and the Respondent to gather more information. The ADA should make and keep signed and dated notes of any further enquiries they undertake

Following their preliminary inquiry, the ADA may, at their absolute discretion:

1. Refer the Complaint to a more senior officer or a Zone Commander to determine the Complaint.
2. Refer the Complaint to an appropriate person to handle the Complaint as a grievance under SOP ADM 06 - Grievance Handling.
3. Dismiss the Complaint in the following circumstances:
 - a. The subject matter does not constitute a Complaint under the definitions in this SOP.
 - b. The Complainant lodged the Complaint in bad faith, or for an improper purpose, or with malicious intent, and there appears to be no substance to the allegations in the Complaint;
 - c. The subject matter has already been dealt with;
 - d. The Complaint is frivolous or vexatious;
 - e. The subject matter of the Complaint is trivial.
 - f. The conduct complained of happened too long ago to allow an investigation.

- g. The Complaint lacks, or may lack, an interest or sufficient interest in the conduct complained of.

The ADA will inform the Complainant that their Complaint has been dismissed and provide the reason for the dismissal (Preliminary Determination). If appropriate, the ADA will also notify the Respondent that the Complaint has been dismissed.

If the ADA determines that the Complaint constitutes a grievance, they will inform the Complainant that their Complaint has been referred to an appropriate person to handle the Complaint as a grievance under SOP ADM 06 Grievance Handling. If appropriate, the ADA will also notify the Respondent that the Complaint has been referred.

The Preliminary Determination is final and cannot be appealed.

The Complainant must provide a written acknowledgment that they accept the Preliminary Determination. Failure to accept the Preliminary Determination may be a breach of the Code of Conduct.

The Complaint proceeds to the Investigation phase if it is not dismissed at the preliminary inquiry stage.

5. Investigation

Investigations by the Commissioner

The Commissioner or their nominee may investigate matters covered by this SOP at their discretion. This may involve engaging specialist personnel, such as a lawyer or an independent Investigator.

Investigations by ADAs

An ADA appointed under clause 4.2 may investigate a Complaint. This may involve engaging specialist personnel, such as a lawyer or an independent Investigator.

Independent Investigator

The Commissioner or their nominee may, at their discretion, appoint an Independent Investigator to investigate a Complaint or matters covered by this SOP and report the findings to the Commissioner or the relevant ADA for consideration.

Standard of Proof

Investigators will ensure that allegations are investigated on the basis that whether evidence is sufficient to prove a fact will be determined on the balance of probabilities. This is the standard applied in civil proceedings. Summarised broadly, a fact is taken to have been proved on the balance of probabilities if the Investigator is satisfied it is more likely than not that the fact is true.

Documentation

Any key information arising from the interview(s) should be documented in writing by the Investigator.

Interviews may be recorded with the interviewee's explicit consent. At the Investigator's discretion, a copy of any transcription of the interview may be provided to the interviewee, provided that persons named in the transcript are de-identified and sensitive matters are redacted.

Support Person

Participants attending an interview or meeting may nominate a support person, provided the support person has no conflict of interest. This can be an MRNSW member, an employee, or an external person. Family members who are MRNSW members or employees may not act as a support person due to potential conflicts of interest.

The support person's role is solely to offer advice, encouragement, and support to the interviewee or a meeting attendee. They cannot speak on behalf of the interviewee or a participant, nor can they suggest any evidentiary material.

Support persons who do not comply with this clause may be asked to leave the interview or meeting.

Employees and members must comply with the Code of Conduct when acting as a support person.

The support person must agree in writing not to disclose any matters discussed during an interview or meeting. Employees or members who breach this agreement may be regarded as having breached the Code of Conduct.

Form of Interviews

Investigators may determine the most appropriate method of conducting interviews, which may include telephone, video conference, or in-person.

Health and Safety Considerations

The Investigator will take appropriate steps to minimise risks to the health and safety of the persons involved in an investigation.

This may include recommending that a person with the appropriate authority stand down members or employees (or both) from all or part of their duties until the investigation and any subsequent disciplinary processes are concluded.

5.1. Investigation Steps

The following steps shall apply to all investigations:

- Step 1.** The Investigator interviews the Complainant and any potential witnesses to clarify the allegations and invites them to provide any documents that support their complaint.
- Step 2.** The Investigator obtains a version from the Respondent after providing the Respondent with sufficient information to enable them to understand the allegations in the Complaint and invite them to respond to each allegation.
- Step 2A.** If the Respondent initially refuses to be interviewed or provide a version, the Investigator should invite the Respondent to respond in writing to each allegation within 14 days.
- Step 3.** If appropriate, the Interviewer interviews additional relevant witnesses nominated by the Complainant or the Respondent.
- Step 4.** If appropriate, the Interviewer re-interviews the Complainant to obtain their response to any statements or documents provided by the Respondent or witnesses.

- Step 5.** The Investigator considers the evidence and determines whether, on the balance of probabilities, each allegation contained in a Complaint is:
- Substantiated (on the basis that there is sufficient evidence to establish that more likely than not an allegation was true)
- Dismissed (on the basis that there is insufficient evidence to establish that more likely than not an allegation was true)
- Unsubstantiated (on the basis that there is insufficient evidence to establish that an allegation was true or false)
- Vexatious, malicious or the Complainant knew or ought to have known the allegations were untrue.
- Step 5A.** The Investigator provides a written investigation report and recommendations to the relevant Senior Officer.
- Step 6.** The relevant Senior Officer determines the Initial Outcome.
- Step 7** The relevant Senior Officer issues any show-cause correspondence. The Respondent has 14 days to explain why the Initial Outcome should not be affirmed.
- Step 8.** The relevant Senior Officer considers any response and determines the Outcome.
- Step 9.** The relevant Senior Officer notifies the Respondent of the Outcome.
- Step 10.** The Respondent may seek review by the next Senior Officer in the chain of command.
- Step 11.** The Reviewer issues the Final Decision. The Final Decision may not be appealed. Failure to accept the Final Decision or the Outcome (if not appealed) may breach the Code of Conduct.

6. Disciplinary outcomes

Disciplinary action may be taken in accordance with the provisions of this SOP.

Disciplinary action may be appropriate where it has been established that there has been one or more breaches of MRNSW standards and values, including those outlined in the Code of Conduct.

If the Outcome or Final Outcome is that the Member or employee has breached the Code of Conduct, various disciplinary actions may be applied by the appropriate authority, as follows:

Table 1. Member Penalties

Issued By	Penalty
Unit Commander	<ol style="list-style-type: none"> 1. Warning; 2. Reprimand; 3. Restriction of duties; 4. Suspension up to 3 months;
Zone Commander	<ol style="list-style-type: none"> 1. Counselling 2. Formal warning; 3. Reprimand;

	<ol style="list-style-type: none"> 4. Restriction of duties; 5. Suspension for up to 3 months.
Deputy Commissioner	<ol style="list-style-type: none"> 1. Counselling 2. Formal warning; 3. Reprimand; 4. Restriction of duties; 5. Suspension for up to 3 months; 6. Recommendation to the Commissioner that the matter be dealt with under SOP ADM 09 - Suspension Pending Investigation or Expulsion
Commissioner	<ol style="list-style-type: none"> 1. Counselling 2. Formal warning; 3. Reprimand; 4. Counselling 5. Formal warning; 6. Reprimand; 7. Restriction of duties; 8. Suspension for up to 3 months; 9. Recommendation to the Board that the Member be expelled from MRNSW (under SOP ADM09) 10. Any other penalty deemed to be appropriate in the circumstances

Table 2. Employee Penalties

Issued By	Penalty
Zone Commander	<ol style="list-style-type: none"> 1. Counselling 2. Reprimand 3. Formal warning 4. Performance Improvement Plan
Deputy Commissioner	<ol style="list-style-type: none"> 5. Counselling 6. Reprimand 7. Formal warning 8. Performance Improvement Plan 9. Recommendation to the Commissioner that the Employee's employment be terminated
Commissioner	<ol style="list-style-type: none"> 1. Counselling 2. Reprimand; 3. Formal warning; 4. Performance Improvement Plan 5. Termination of Employment on Notice 6. Summary Dismissal 7. Any other penalty deemed to be appropriate in the circumstances

7. Vexatious or Malicious Allegations

If the Commissioner or the ADA determines that a complaint was vexatious, malicious, or the Complainant knew, or ought to have known that the allegations were untrue, the Commissioner or the ADA may institute disciplinary proceedings against the person who made the allegation/s or Complaints.

ADAs must confer with a more senior officer as appropriate before taking such action.

8. Code of Conduct

The Code of Conduct states in paragraph 2.2.5 that members must accept the final determination of any Complaint or grievance outcome, once the appeal rights under the relevant Policy or SOP are exhausted, and that failure to do so may also be regarded as a breach of the Code of Conduct.

The following are final determinations or outcomes under paragraph 2.2.5 of the Code of Conduct:

- Preliminary Determination
- Outcome (that is not appealed)
- Final Decision
- Member Penalty under Table 1

9. Records

Complaints will be recorded in a file marked “confidential”, either electronically or in hard copy format.

Once the complaint is finalised, the file will be sent to Head Office for safekeeping and retained for a period of seven (7) years.

10. Support Person

The Complainant, Respondent, or a witness may nominate a person to support them during the Complaints process, provided the support person has no conflict of interest. The support person can be an MRNSW member, employee, or an external party. Family members who are MRNSW members or employees cannot act as a support person due to potential conflicts of interest.

The support person may attend interviews or meetings. Their role is solely to offer advice, encouragement, and support to the interviewee or a meeting attendee. They cannot speak on behalf of the interviewee or a participant, nor can they suggest any evidentiary material.

Support persons who do not comply with this clause may be asked to leave the interview or meeting.

Employees and members must comply with the Code of Conduct when acting as a support person.

The support person must agree in writing not to disclose any matters discussed during an interview, informal dispute resolution meeting, or mediation. Employees or members who breach this agreement may be regarded as having breached the Code of Conduct.

11. Support and Guidance

Members lodging or responding to a Complaint can access information and support from their UC and/or DUC, the Zone Duty Operations Manager for that Zone or the Manager, Member, People & Culture.

Employees can get information and support for lodging or responding to a Complaint from their supervisor, the Zone Duty Operations Manager for their Zone or the Manager, Member, People & Culture.

In addition, all members and employees have access to free confidential support through the following independent services:

- Critical Incident Support Service (CISS): 1800 049 933
- Fortem Australia: 1300 339 594
- Converge Employee Assistance Program (EAP): 1300 687 327
Access code MRNSWEAP

These services provide confidential, professional, and independent advice and support

12. Definitions

In this Policy, unless the context otherwise requires, the following words mean:

ADA	a person appointed under clause 4.1 to determine a Complaint or the Commissioner (where appropriate)
Complainant:	the person who lodges a complaint
Code of Conduct:	Volunteer Marine Rescue NSW <i>Code of Conduct</i>
DUC:	Deputy Unit Commander
Employee:	an employee of Volunteer Marine Rescue NSW.
Member:	a member of Volunteer Marine Rescue NSW.
MRNSW:	Volunteer Marine Rescue NSW.
MRNSW Board:	Directors of Volunteer Marine Rescue NSW.
MRNSW Executive:	Commissioner and Deputy Commissioners.
Senior Officer:	a person with delegated and lawful authority over a member, as defined by the Constitution, Rules, SOPs, or Policies. This includes the Board, Commissioner, Deputy Commissioner, Unit Commander, Zone Commander, and Zone Duty Operations Managers.
Respondent:	the person who is the subject of a complaint
SOP:	MRNSW Standard Operating Procedure
Supervisor:	A person who is authorised by their position to supervise or direct. This includes the Commissioner, Deputy Commissioners, Unit Commanders, Zone Commanders and Zone Duty Operations Managers.
UC:	Unit Commander
ZDOM:	Zone Duty Operations Manager
ZC:	Zone Commander

13. Related Documents

Authority	Author	Date
MRNSW Constitution	Members	November 2022
MRNSW Rules	Board	January 2023
Code of Conduct	Commissioner	January 2024
SOP ADM 06 Grievance Handling	Commissioner	December 2025
SOP ADM 09 Suspension	Commissioner	April 2025
Bullying and Harassment Prevention Policy	Commissioner	January 2024
Sexual Harassment Prevention Policy	Commissioner	January 2024

14. Approval and Document Control

Version	Date Created	Author	
1.1	March 2010	Standards Committee	Final
1.2	May 2010	Standards Committee	Final
2.0	May 2013	Board MRNSW	Final
3.0	October 2025	Commissioner	Final