

OFFICIAL



Aircraft Noise Ombudsman Investigative Guidelines

Version 2, August 2023

Version Control

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1.1	29/11/2022	Further updates reflecting introduction of tagging to ANOCS for more accurate complaint number tracking and reporting.
2.0	August 2023	Review of guidelines to bring into alignment with the purpose of the document after the separation of the investigation guidelines from the complaint handling procedure.

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1 Overview

1.1 Background

The Aircraft Noise Ombudsman (ANO) was established in response to a proposal outlined in the Australian Government's December 2009 *National Aviation Policy White Paper*, to independently review Airservices Australia's (Airservices') handling of aircraft noise complaints. To give effect to this policy's intent, the ANO operates in accordance with the ANO Charter (the Charter).¹ In January 2015, the ANO and Airservices entered a Memorandum of Understanding with the Department of Defence (Defence) to extend the powers of the ANO to review Defence's handling of complaints.

This policy provides principles and guidelines on key considerations under the current Charter to support ANO staff in conducting investigative reviews. The policy sets out processes provided for in the ANO Charter, and is written in consideration of the Australian/New Zealand Standard - *Guidelines for complaint management in organisations*, the Commonwealth Ombudsman's *Better Practice Complaint Handling Guide*, and the Western Australian Ombudsman's *Guidelines on Conducting Investigations*. It should be read alongside the *ANO Complaint Handling Procedure*, and *Aircraft Noise Ombudsman Complaint System Manual*, to perform the functions of the ANO office.

1.2 Purpose

Under the Charter, the ANO is an independent administrative office which reviews the handling of complaints or enquiries made to Airservices and Defence, including in respect of community engagement and the presentation and distribution of aircraft noise related information.² The ANO monitors and reports on the effectiveness of both the community engagement processes, and presentation of aircraft noise related information, of Airservices and Defence.³ Additionally, the ANO conducts systemic issue reviews of aircraft noise management by Airservices and Defence.⁴ The ANO makes recommendations to Airservices for improvements relating to these matters.⁵

1.3 Functions

The functions of the ANO are set out by Clause 9 of the Charter, and include:

- a. Reviewing administrative actions relating to the handling of noise enquiries and noise complaints by Airservices.
- b. Reviewing the administrative actions of Defence relating to the handling of aircraft noise enquiries and complaints.
- c. Recommending improvements to the Board of Airservices or the Chief of Air Force relating to complaint handling, provision of information and community engagement.
- d. Referring complaints determined to be outside the ANO's remit to the appropriate organisation.
- e. Monitoring and reporting on the effectiveness of both Airservices' and Defence's community engagement processes.

¹ Aircraft Noise Ombudsman Charter, October 2020

² Clause 5 (a)

³ Clause 5 (b); Clause 5 (c)

⁴ Clause 5 (d)

⁵ Clause 6

- f. Monitoring and reporting on the effectiveness of both Airservices' and Defence's presentation and distribution of aircraft noise-related information to the community.
- g. Undertaking systemic issue reviews of aircraft noise management by Airservices and Defence.
- h. Where invited to do so, providing feedback to Airservices or Defence on policies, procedures, and practices under review relating to community engagement and information presentation and distribution.

The ANO has the power to do all things necessary, or convenient to be done for – or in relation to - the performance of their functions, subject to the conditions of the Charter.⁶

Clause 10 of the Charter establishes that when undertaking its functions, the ANO will:

- a. Consider Airservices is bound by statutory obligations set out in a body of legislation.
- b. Consider Defence is bound by legal obligations as set out in a range of laws, Defence instructions and agreements.
- c. Assess the effectiveness of the community engagement processes of Airservices and Defence against each organisation's published procedures and relevant government and industry standards, as agreed between the ANO and the respective organisation from time to time;
- d. Assess the effectiveness of the presentation and distribution of aircraft noise related information by Airservices and Defence against each organisation's published procedures and relevant government and industry engagement standards, as agreed between the ANO and the respective organisation from time to time.
- e. Do what in their opinion is appropriate with a view to resolving complaints in a cooperative, efficient, timely and fair manner;
- f. Proceed with the minimum formality and technicality.
- g. Seek the advice of Airservices and Defence on technical matters; and
- h. Be as transparent as possible while acting in accordance with confidentiality and privacy obligations.

⁶ Clause 11

2 Jurisdiction

For the ANO office to review a complaint, the complaint must be within the ANO's jurisdiction. As such, when the ANO office receives a complaint, it is important that an ANO staff member assesses whether that complaint is within the ANO's jurisdiction. For a complaint to be within the ANO's jurisdiction it must satisfy the following criteria.

2.1 Eligible Complainant

A complaint to the ANO must be lodged by an eligible complainant. An eligible complainant may be any legal person or community organisation.⁷ In practice, the ANO office would consider all complaints to be validly lodged, unless directed otherwise by the Ombudsman.

Complainants may use pseudonyms to bring complaints to the ANO office. A pseudonym is where the complainant has shared a piece of information, which could lead to the complainant being identified, but where the complainant uses a name, term or descriptor, different to their actual name. In such cases, the complaint is brought by an individual whose name, term or descriptor is different to their actual name.

The ANO is also able to consider complaints lodged by anonymous complainants where practicable to do so.⁸ An anonymous complainant is one who provides limited or no information, and where the information provided could not be used to identify them, such as a first name and suburb, or only the state they are calling from.

2.2 Dates

The ANO is unable to assess complaints relating to Airservices that arise from issues occurring before 1 January 2010.⁹ Complaints relating to Defence can only be assessed by the ANO if the issues in question have occurred since 1 July 2014.¹⁰ Occasions where issues precede the relevant dates tend to be rare but may arise from time to time. If part of a complaint predates the relevant dates and other aspects of the complaint have arisen since those dates, then those aspects of the complaints which have occurred after the cut-off date can be considered.

2.3 Subject Matter

If the above criteria relating to Airservices are satisfied, the ANO may review Airservices' administrative actions relating to the handling of civil aircraft noise enquiries and complaints,¹¹ Airservices' community engagement processes and procedures,¹² and the provision of civil aircraft noise related information.¹³ Likewise, if the above criteria relating to Defence are satisfied, the ANO may review Defence's handling of enquiries and complaints relating to military aircraft noise,¹⁴ community engagement,¹⁵ and provision of military aircraft noise related information.¹⁶

⁷ Clause 27

⁸ Clause 38

⁹ Clause 28

¹⁰ Clause 29

¹¹ Clause 28 (a)

¹² Clause 28 (b)

¹³ Clause 28 (c)

¹⁴ Clause 29 (a)

¹⁵ Clause 29 (b)

¹⁶ Clause 29 (c)

2.4 Agency Must First Have the Opportunity to Respond to A Complaint

If a complaint is within the ANO's jurisdiction, but Airservices or Defence have not had the opportunity to respond to the complaint, the ANO will generally refer the complainant to Airservices or Defence.¹⁷ In practice, this affords the agency the opportunity to provide the complainant with information relevant to their concerns, consider community feedback, and potentially to identify solutions to community concerns.

Under exceptional circumstances, the ANO may decide to investigate a complaint before it is brought to Airservices or Defence.¹⁸ Such circumstances may include instances where there is no practical remedy for the relevant agency to resolve the complaint (*i.e. the Brisbane Multi Complaint Review investigated concerns which could not be resolved by Airservices as the new runway was open, so issues with community engagement prior to its opening could not be retrospectively addressed*), or where doing so may pose a threat to the complainant; either real or perceived (*i.e. allegations of targeting*).

2.5 Complaints Outside the Jurisdiction of the ANO

Where some aspects of a complaint are outside the remit of the ANO, then only those aspects which are within the ANO's jurisdiction may be reviewed. The complainant should be advised of the matters which are unable to be considered by the ANO office.

It is likely that occasions will arise where it is unclear if a complaint, or an aspect of a complaint, is within the jurisdiction of the ANO. In such instances, advice should be sought from senior ANO staff, and in some instances, advice may have to be sought directly from the ANO.

Under Clause 32 of the Charter, the ANO must not review a complaint to the extent that the complaint relates:

- a. To actions of any Minister or government agency other than Airservices or Defence.
- b. To Airservices' or Defence's safety practice or policy and does not involve any allegation of either maladministration or inappropriate application of the practice or policy that directly impacts on aircraft noise outcomes.
- c. To whether Airservices or Defence has not met confidentiality or privacy obligations unless the complaint is about confidentiality or privacy issues arising in the context of Airservices' or Defence's handling of an aircraft noise enquiry or complaint.
- d. To a complaint previously dealt with by the ANO or the Commonwealth Ombudsman, and there is insufficient additional information raised in the new complaint to warrant consideration of the new complaint.

If aspects of a complaint brought to the ANO relate to these areas, then that complaint cannot be considered to the extent that it relates to those areas. However, if other aspects of the complaint remain within jurisdiction, then those elements can still be considered.

The ANO office frequently receives complaints which fall within these categories. For instance, it is common to receive complaints regarding aviation safety (*which falls within the remit of the Civil Aviation Safety Authority*), or requests for curfews (*which fall within the remit of the Department of*

¹⁷ Clause 30

¹⁸ Ibid

Infrastructure, Transport, Regional Development, Communications and the Arts). While these complaints are not within the remit of the ANO, the ANO Complaint System (ANOCs) provides a mechanism through which out of jurisdiction concerns can be recorded for reporting purposes.

Often when a complaint is brought to the ANO but rests outside the ANO's remit, it may be able to be considered by another agency. For instance, a complainant may bring a complaint about aircraft noise to the ANO before it has been considered by Airservices. As one of the functions of the ANO is to refer complaints identified to be outside its jurisdiction to the appropriate agency,¹⁹ where a more appropriate agency is identified as being able to handle their complaint, then an ANO staff member should refer that complainant to the relevant agency.

When an existing complainant brings a complaint to the ANO office that appears to be within jurisdiction, ANO staff will need to consider whether the complaint being raised has previously been reviewed by the ANO office. If an existing complainant brings a complaint which has already been considered, it is important to assess whether the complainant is raising additional information to warrant a further review of the concern. To come to this decision, advice may need to be sought from a senior ANO staff member, or from the Ombudsman themselves.

2.6 Discretion Not to Review a Complaint

If the ANO determines a complaint is outside the jurisdiction of the ANO, then that complaint will not be reviewed.²⁰ However, the ANO may also exercise discretion to not review a complaint for a number of reasons set out under Clause 34 of the Charter.²¹ These include if there is a more appropriate place to deal with the complaint (*i.e. court, tribunal or another complaint resolution scheme*);²² the complaint being made is frivolous, vexatious or lacking in substance;²³ or if after the complaint is lodged with the ANO the complainant commences legal proceedings relating to the complaint against either Airservices, Defence, or the ANO.²⁴

If the ANO decides that the complaint will not be reviewed, then the ANO will advise the complainant of this and provide reasons for this decision.²⁵ Additionally, if any other parties involved in the complaint have been informed about the complaint, then they will also be notified of the decision to not progress with the review.²⁶

¹⁹ Clause 9 (d)

²⁰ Clause 33 (a)

²¹ Clause 33 (b)

²² Clause 34 (a)

²³ Clause 34 (b)

²⁴ Clause 34 (c)

²⁵ Clause 35

²⁶ *Ibid.*

3 Process for Review of Complaints

3.1 Requests for Information

It is important that prior to reviewing a complaint, the ANO has sufficient information to consider the concerns raised by the complainant. To support this, the ANO may request a party to a complaint provide any information considered necessary by the ANO to investigate the complaint.²⁷

As such, once a complaint has been assessed to be within the ANO's jurisdiction, ANO staff will generally request information from the agency that the complaint relates to. Typically, information requested by the ANO office will be documentation of correspondence between the complainant and the agency under review. The ANO may request the information be provided within a specific timeframe, with consideration of what is a reasonable timeframe to be based on the complexity of the information requested.²⁸ If the ANO considers it appropriate to do so, an extension of time may be given.²⁹

A party to a complaint must agree to provide requested information unless doing so would breach a duty of confidentiality to a third party and the third party's consent has been unable to be obtained;³⁰ providing the information would breach a Court order or prejudice a current investigation by police or another law enforcement agency;³¹ doing so would breach an operational, privacy, commercial-in-confidence or Australian Government Security Classification system caveat;³² or the party does not have the requested information.³³ The ANO has discretion to not investigate a complaint if the requested information is not provided.³⁴

Additionally, the ANO may request a party to a complaint do anything that the ANO reasonably considers may assist in the review of a complaint.³⁵ For instance, the ANO may request a party meet with the ANO to provide further clarification on an issue, or may request Airservices or Defence consider a complaint further. Airservices and Defence are to cooperate with the investigation of complaints by the ANO by providing access to relevant information, and answering relevant queries unless it can be demonstrated that a response to such a query would involve an unreasonable or excessive workload.³⁶

Where specialist information is required, the ANO office will in the first instance seek information from Airservices or Defence specialists.³⁷ For instance, the ANO office may seek advice from the flight path design team of Airservices in order to obtain greater understanding of a flight path of concern. If the ANO seeks advice, without incurring an expense, from a specialist advisor who does not work for Airservices, Defence or another Australian Government agency, the ANO will notify Airservices' Chairperson or the Chief of Airforce (CAF) within seven days of seeking that advice.³⁸ The ANO may

²⁷ Clause 40

²⁸ Clause 41

²⁹ Clause 46

³⁰ Clause 42 (a)

³¹ Clause 42 (b)

³² Clause 42 (c)

³³ Clause 42 (d)

³⁴ Clause 43

³⁵ Clause 44

³⁶ Clause 45

³⁷ Clause 51

³⁸ Clause 52

also obtain specialist advice at a cost to either Airservices or Defence, with the agreement of Airservices' Chairperson or the Chief of Air Force.³⁹

3.2 Review of Complaint

Both the Commonwealth Ombudsman's *Better Practice Complaint Handling Guide*,⁴⁰ and Standards Australia's *Guidelines for Complaint Management in Organizations*,⁴¹ provide complaint handling best practice guidance. The following guidance on reviewing complaints is intended to align with these two sources.

In accordance with the Commonwealth Ombudsman's *Better Practice Complaint Handling Guide*, ANO staff members should ensure that they consider the following aspects of a complaint when undertaking a review of the complaint:

- The most appropriate form of communication for a specific complainant.
- Key issues or questions raised.
- Outcomes sought by the complainant and whether these are within the jurisdiction of the ANO office. If they are outside the ANO's jurisdiction, whether there is an appropriate agency to respond to the concerns.
- Special considerations such as whether the complainant would prefer to remain anonymous to Airservices or Defence or has specific communication requirements.

Concerns which are outside the remit of the ANO office should be addressed in accordance with the manner outlined at 2.5.

In working through the issues raised in a complaint, ANO staff should base their findings and responses to each concern raised on the relevant information available. If a deficiency, or area for improvement, is identified with the complaint handling, community engagement, or provision of information, of Airservices or Defence then this should be acknowledged and communicated to the complainant. For instance, the response may identify that an agency failed to provide a relevant piece of information, or that an update to standard procedure is required.

In reviewing complaints, the ANO will do in what their opinion is fair in all the circumstances. Under Clause 49 of the Charter, consideration should be given to the following factors when a complaint is reviewed:

- a. Airservices' and Defence's statutory obligations.
- b. Sound administrative practices, including whether Airservices or Defence have acted fairly and reasonably having regard to all of the circumstances;
- c. Applicable industry regulations, codes or guidance.
- d. Good industry practice.
- e. Previous relevant decisions of the ANO or the Commonwealth Ombudsman.

³⁹ Clause 53

⁴⁰ *Better Practice Complaint Handling Guide*, Commonwealth Ombudsman

⁴¹ *Guidelines for complaint management in organizations*, Standards Australia, 2022.

As the ANO office progresses through its review of a complaint, the complainant must be updated regularly (at least once every 28 days) with respect to the progress of the review.

The outcome of the review should:

- Provide reasoning behind any findings reached in the review.
- Acknowledge any issues identified in the handling of a complaint, community engagement or provision of information relating to aircraft noise by Airservices or Defence
- Identify any actions that may occur as a result of the review (*i.e. if Defence agree to reengage with the complainant*).
- Where appropriate refer the complainant to an appropriate forum to have their concerns further considered (*i.e. a Post Implementation Review*)

Once all issues raised by the complainant have been reviewed, ANO office policy requires that the outcome be reviewed by another staff member. After this review has occurred, the complainant should then be provided with the outcome. ANOCS should also be updated via the process outlined in the *ANOCS Manual* to reflect the outcome of the reviewed complaint.

Once the outcome is provided to the complainant, the case should remain open for at least two weeks. This allows complainants a reasonable opportunity to respond to a decision, and if required, provide further information to support their complaint. Complainants may also contact the ANO office to seek clarification in relation to their concerns. In such cases, the ANO staff member who conducted the review should respond to the complainant's enquiries, as they will have the greatest understanding of the rationale behind the outcome of the review. If, as an outcome of a review, an agency agrees to take specific action in response to the review, the outcome should advise the complainant that they may wish to contact the ANO if the agency does not undertake the action they have committed to in a reasonable time.

The final outcome of a review should also be provided to the agency subject to review. At the time the outcome is forwarded to the agency, and ANO staff should also advise the agency of any deficiencies or areas for improvements identified. This may also include informal feedback identified during the review but not considered relevant to the complainant's concerns. An agency may also agree to take a specific action in relation to a complaint. If that action is to occur within a specific timeframe, it may be tracked through the 'Task' function outlined in the *ANOCS Manual*.

3.3 Escalation of A Complaint

Where a complainant is dissatisfied with the outcome that they receive from the ANO they are entitled to either request a review of the initial outcome or to seek clarification in relation to the outcome that they received. As noted above, if the complainant is seeking clarification around an outcome, then generally the ANO staff member who investigated the complaint should respond and provide clarification in relation to the complainant's concerns.

At times, it may be unclear whether a complainant is seeking a review, or further clarification regarding the outcome they received. In any such case, it should be outlined to the complainant that they are entitled to request either an internal review or external review. Contact details for the Commonwealth Ombudsman should be provided to the complainant, as the Commonwealth Ombudsman is able to conduct reviews regarding ANO decisions.

If the complainant requests an internal review, then a more senior ANO staff member, generally the ANO themselves, should review the original outcome that was provided to the complainant. Alternatively, if the complainant is seeking an external review of either the original decision, or an

internally reviewed decision, then it is within the jurisdiction of the Commonwealth Ombudsman to conduct such reviews. If an internal review is conducted, then the matter can still progress to review by the Commonwealth Ombudsman. However, once an external review has occurred, the matter cannot be considered through an internal review.

Where the ANO's review of a complaint determines that recommendations to the Airservices Board or Chief of Airforce may be warranted, the ANO will prepare an assessment which it provides to the relevant agency.⁴² If the relevant agency does not respond appropriately once it is provided a reasonably opportunity to resolve the matter, the ANO may issue a report which includes recommendations to the Board or CAF.⁴³ The same process is applicable to multicomplaint reviews.

⁴² Clause 57

⁴³ Clause 59

4 Multi-complaint and Systemic Issue Reviews

4.1 Multi-complaint Reviews

If the ANO office receives multiple complaints which relate to similar issues, and are within the ANO's jurisdiction, the ANO may consider these as part of a single investigation.⁴⁴ Generally this occurs where multiple complainants raise complaints relating to the same issue, but the Charter does allow a multicomplaint review to be conducted where a single complainant makes multiple complaints. Multicomplaint reviews will often occur in response to a significant change to airspace, and where the community has concerns relating to a specific issue relating to how Airservices or Defence conducted community engagement, provided information or handled complaints.

Once the ANO has given parties to a complaint a reasonable opportunity to provide information in relation to the complaint, the ANO will assess the complaint and provide this assessment to the relevant agency.⁴⁵ The Charter provides that the ANO will allow the agency the opportunity to resolve the matter.⁴⁶ If in the ANO's opinion, Airservices or Defence do not take reasonable steps to resolve the matter, the ANO may issue a report which includes recommendations to Airservices' Board or the Chief of Airforce.⁴⁷ Evaluating whether the agency has responded appropriately to the ANO's assessment should take into account all relevant circumstances. These should include the actions taken by the agency in attempting to resolve the matter and whether or not the complainant(s) consider the matter resolved. While relevant, the complainant(s) views are not determinative. The ANO must decide whether or not the Agency has acted reasonably.⁴⁸

If the ANO determines that the Agency has not responded reasonably. The ANO will make a report to the Board or CAF. Part 6 of the Charter details how such reports are to be published and communicated. As with single complaint reviews, if an agency does make attempts towards resolution of a complaint, then that can be tracked the 'Tasks' function as highlighted in the *ANOCs Manual*.

4.2 Monitoring activities

The ANO also monitors and reports on the Agencies community engagement process and presentation of aircraft noise related information. This general role is authorised following terms of reference for the monitoring to be agreed by the Board or CAF.⁴⁹ The ANO's monitoring of Airservices in these areas includes regular meetings; attendance at CACGS and consultation on draft policies and procedures. The current applicable terms of reference can be found at [D23/14796 - 2020-12-04 ANO ToR for monitoring of Airservices' community engagement final](#).

If any more specific monitoring of the Agencies in these areas is proposed, specific terms of reference would need to be agreed.

The ANO reports generally on its monitoring activities in its Quarterly and Annual Reports. If the ANO monitoring discloses issues or problems that warrant reporting to the Board or CAF, it must follow

⁴⁴ Clause 47

⁴⁵ Clause 57

⁴⁶ Ibid.

⁴⁷ Clause 58

⁴⁸ Ibid.

⁴⁹ Clauses 71 - 73

the steps, it must prepare a draft report and give the Agency a reasonable time to respond before reporting to the Board or CAF.⁵⁰

4.3 Systemic Issue Reviews

The ANO has jurisdiction to conduct systemic issue reviews of aircraft noise management by Airservices and Defence.⁵¹ Such a review involves the consideration of systemic issues in aircraft noise management by Airservices and Defence. Systemic issues are those issues that will have a broader effect on the systems, processes, procedures or actions, of Airservices or Defence which are intended to manage the impacts of aircraft noise.⁵² In the course of reviewing a complaint, or multiple complaints, the ANO may consider whether a systemic issue has been identified in which there is a public interest in this issue being the subject of an independent review.⁵³

If the ANO determines that such a review is warranted, then the process of conducting a systemic issue review, preparing the terms of reference and providing information and reporting shall all occur in a manner outlined under Part 8 of the ANO Charter.⁵⁴ In such instances, the ANO prepares a terms of reference to provide a scope for undertaking the systemic issue review,⁵⁵ and submits the proposed terms of reference to the Board of Airservices or the Chief of Air Force at least two months prior to the commencement of intended time period for the monitoring activities.⁵⁶ Airservices' Board or the Chief of Airforce, as appropriate, will agree on the final terms of reference with the ANO prior to such a review commencing.⁵⁷ Any report arising from a systemic review must be provided in draft form to the Agency concerned and its response considered before a report is issued to the Board or CAF .

⁵⁰ Clauses 76 - 79

⁵¹ Clause 80

⁵² Clause 81

⁵³ Clause 82

⁵⁴ Clause 83

⁵⁵ Clause 72

⁵⁶ Clause 73

⁵⁷ Ibid.

5 ANO Staff Investigative Principles and Conduct

5.1 Investigation principles

The ANO office has adopted a number of investigative principles which should be adhered to by ANO staff members in the conduct of their duties. These principles mirror the ANO Service Charter, and are intended to align with both the *Better Practice Complaint Handling Guide*,⁵⁸ and *Guidelines for Complaint Management in Organisations*. ANO staff should work in a manner which is respectful, impartial, confidential, transparent, accessible, and responsive. How these principles are to be implemented is outlined below.

5.1.1 Respectful

- ANO Staff will treat complainants with respect and take every complaint seriously.
- ANO staff will take the time to listen / accept complaints and ensure complainants are kept informed of the progress of their complaint.
- ANO staff will take an empathetic approach when dealing with complainants. Often complainants affected by aircraft noise can become frustrated and fixated in their attempts to resolve their concerns.
- Rude or abusive behaviour towards ANO staff will not be tolerated.

5.1.2 Impartial

- The ANO office is an independent office, and all staff will act with integrity and impartiality in performing their functions.
- The ANO is not an advocate for any organisation, special interest, group, or person.

5.1.3 Confidential

- ANO staff will comply with Airservices' privacy policy.

5.1.4 Transparent

- The systems used by the ANO office are open and accountable to the public.
- Complainants should be provided clear information about the review process and be provided clear outcomes to their complaint inclusive of escalation options, where they express dissatisfaction with the result of the outcome.
- The ANO promotes the use of a procedurally fair system. Procedural fairness relates to the fairness of the decision-making process and includes:
 - Making decisions that are free of bias.
 - Providing reasons for decisions to complainants, including the evidence on which the decision is based and reasons for not accepting complainant's assertions or supporting documents.

⁵⁸ *Better Practice Complaint Handling Guide*, Commonwealth Ombudsman

- Communicating with complainants clearly, and in a form that the complainant can best understand.
- Allowing complainants an opportunity to respond to a decision, and if applicable provide further information to support their complaint, before a complaint is finalised. This is achieved by all cases remaining open for 2 weeks after an outcome being provided.
- Providing a process for complainants to seek review of how their complaint was handled.

5.1.5 Accessible

- The ANO office will provide an accessible complaint system, this includes online, phone, email, and post-submissions.
- The ANO office will provide free interpreter services for non-English speaking complainants.

5.1.6 Responsive

- The ANO office will deploy a responsive complaint system to address current and emerging issues.
- ANO staff will act in a timely manner to ensure assessments, investigations, and responses, are completed within the shortest timeframes possible.

5.2 ANO Staff Conduct

Clause 84 of the ANO Charter establishes conduct which ANO staff must abide by. This conduct is consistent with the ANO’s investigative guidelines, and includes that ANO staff:

- Must strive for impartiality, fairness, and objectivity in the treatment of people and the consideration of issues.⁵⁹
- Must not be, or be able to be perceived as, an advocate for Airservices or Defence, or for any special interest group, agency, company or person.⁶⁰
- Must not give rise, through their conduct, to a reasonable apprehension of partiality, bias, or prejudgment.⁶¹
- Must not hold any other position within an organisation which might compromise their independence.⁶²
- Must consider the legitimate concerns and interests of all parties affected by matters under consideration.⁶³
- Endeavour to be worthy of the trust placed in the office of the ANO.⁶⁴

⁵⁹ Clause 84(a)

⁶⁰ Clause 84(b)

⁶¹ Clause 84(c)

⁶² Clause 84(d)

⁶³ Clause 84(e)

⁶⁴ Clause 84(f)

5.3 Conflicts of Interest

ANO staff must disclose to their manager any information which may give rise to a conflict of interest, either real or perceived, in relation to their work with the ANO office. Conflicts of interest include but are not limited to any involvement in any work for, or provision of services to any other company, business, or individual whether paid or otherwise which may in any way conflict with the interests of the ANO office. If appropriate, a plan to mitigate risks will be developed between the relevant staff member and their manager, and will be reviewed regularly. Where a staff member has such a plan developed for them, then they should adhere to this plan in the course of their duties.