

# AMTIL Handling of Complaints

## Introduction

The main roles which AMTIL will undertake when handling complaints include

1. investigating and considering the complaint;
2. seeking to facilitate an outcome acceptable to the complainant and the source of the complaint;
3. providing information and comment about the relevance of AMTIL's Editorial Guidelines to the particular circumstances;
4. making an adjudication, where appropriate, as to whether the publication has breached AMTIL's Editorial Guidelines.

AMTIL has no power to order compensation, fines, or other financial sanctions. Where a complaint is upheld, the adjudication may also include a reprimand or censure, and may explicitly call for (but not require) apologies, retractions, corrections, or other specified remedial action by the publisher.

## Confidentiality

All evidence and other material provided by AMTIL to the complainant or the publication must remain strictly confidential until the complaint is finally dealt with, unless it has already been made public or has been obtained from another source.

AMTIL's procedures for handling of complaints can be divided into the following three stages:

### Level 1 Reception of Complaints

#### Initial Assessment

After receiving the complaint, a member of AMTIL's complaints-handling staff obtains any further details which he or she considers necessary at this stage. The Publisher then decides whether the complaint should not be considered further because:

- it does not meet the requirements about what can be complained about, or who can make a complaint, or when and how a complaint should be made; or
- it is more appropriate for consideration by some other process (such as AMTIL considering whether to issue or amend an Editorial Guideline; or referring the complaint for consideration by another organisation); or
- AMTIL has facilitated a form of redress and/or the publication has sufficiently remedied the matter.
- even if the facts alleged in the complaint are correct, it is unlikely that a breach of AMTIL's Editorial Guidelines has occurred; or
- for some other reason, the complaint is inappropriate for further consideration by AMTIL

## **Level 2 Consideration by AMTIL CEO**

If the initial procedures for receiving a complaint at Level 1 has not resulted in a satisfactory outcome, the matter will be elevated to Level 2. If a matter is referred to Level 2, the AMTIL CEO, or another member of the Publications Division as directed by the CEO, undertakes informal consideration and, if necessary, investigation of the issues, before deciding whether to seek a response from the publication or person's in question.

There may be further communication with the complainant and the publication in order to clarify the issues and, where appropriate, explore the possibility of an outcome which both are willing to accept. This may involve a request for response being sent to the publication that identifies particular issues on which AMTIL is seeking information or comment from the publication. In some circumstances, the CEO may conduct or organise a formal mediation if the complainant and publication agree to that course of action.

### **Possible outcomes**

Possible outcomes from discussions with publications which may fully or partially address complainants' concerns include:

- an explanation of why the material was published;
- an informal expression of regret by the publication;
- publication of balancing material (e.g., a reply by or on behalf of the complainant);
- publication of a correction, clarification, or apology in an agreed form;
- amendment or removal of material on a website;
- commitments about future coverage of particular people or issues.

### **Discontinuance**

Consideration of a complaint is discontinued at Level 2 if the CEO decides:

- the complainant has withdrawn the complaint or has not responded to communication from AMTIL within a reasonable period; or
- it is more appropriate for consideration by some other process (such as AMTIL referring the complaint for consideration by another organisation); or
- AMTIL has facilitated a measure of redress and/or the publication has sufficiently remedied the matter; or
- even if the facts alleged in the complaint are correct, it is unlikely that a breach of the AMTIL's Editorial Guidelines has occurred; or
- the extent to which consideration of the complaint might require the commitment of greater resources by AMTIL, the publication or the complainant than is reasonably proportionate to the significance of the likely breaches; or
- for some other reason, the complaint is inappropriate for further consideration by AMTIL.

## **Level 3 Consideration by AMTIL Board**

Where a complaint is referred to the AMTIL Board, known as Level 3, the matter is listed for the next available meeting. The AMTIL Board may conduct a review of the complaint by the complainant in person or by teleconference.

Unless the AMTIL Chairperson decides otherwise, the complainant and the publication participate in the discussion by teleconference. The complainant may be assisted by a friend or relative for

support. The publication's editorial staff member may be assisted by a relevant journalist or other contributor to the material in question. Lawyers or other professional representatives are not usually permitted.

These rules about participation in a discussion may be waived by the chair of the Board in exceptional circumstances.

### **The Adjudication**

The AMTIL Board arrives at its conclusions by consideration of the final summary of issues and any supplementary material referred to it by the CEO. In matters referred to the Board, the Board also may have regard to the discussion with the complainant and the publication. It also may ask the CEO to make further inquiries of the parties or other relevant people, and to provide any such material to the parties for comment before reporting back to the Board.

The Board has the power to determine whether or not a breach of AMTIL's Editorial Guidelines has occurred. The Board's provisional adjudication is sent to the complainant and publication on a strictly and permanently confidential basis.