

## 1. Purpose

The purpose of this Policy is to outline the process by which Council receives, manages and responds to Administrative Action Complaints.

Council acknowledges that people have a right to make complaints about its actions. Whenever complaints are received, Council will use the information to monitor trends, identify opportunities and operate in a continual business improvement environment.

The Complaints Management Process (CMP) ensures complaints are managed fairly, quickly and professionally.

Council is committed to:

- Maintaining a high level of customer service whilst managing complaints in keeping with the spirit of Council's Customer Service Charter;
- Detection and rectification, where appropriate, of administrative errors;
- Identifying areas of improvement in Council's administrative practices;
- Building the community's confidence in the CMP and the reputation of Council as being accountable and transparent; and
- Enhancing the capacity of Council Officers to manage complaints effectively whilst continuously improving processes.

## 2. Scope

This Policy should be read in conjunction with the Administrative Action Complaints Management Procedure which explains the administrative arrangements for the processing of complaints.

This Policy applies to the administrative actions of Council including:

- A decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
- An act, or a failure to do an act;
- The formulation of a proposal or intention; and
- The making of a recommendation.

This Policy does not apply to:

- Initial requests for services or information;
- Suggestions, enquiries or petitions;
- Decisions made under a Local Law which are reviewable under a Local Law;
- Any matter covered by a separate statutory prescribed review process, for example:
  - Matters, which have separate processes under the *Local Government Act 2009* such as:
    - Rates and charges disputes;
    - Competitive neutrality complaints; or
    - Councillor conduct complaints.
  - A prescribed process under the *Planning Act 2016*; and
  - A prescribed process under the *Animal Management (Cats and Dogs) Act 2008*;

- A decision of a Court;
- Comments submitted during formal consultation or negotiation processes;
- Public Interest Disclosure (refer to the Public Interest Disclosure Policy);
- A grievance about a Council employee; and
- A complaint from someone who is not an affected person.

Employees, volunteers of Council or any contractor who is subject to Council's internal Grievance Policy and Procedure and/or Code of Conduct do not lodge complaints under this Policy.

### 3. Responsibility

This Policy applies to all Councillors and employees, including volunteers and contractors, working for Council regardless of whether they are permanent, temporary, fulltime, parttime, or casual. For the purposes of this Policy, the term contractor includes on hired temporary labour services (agency staff) and sub-contractors.

Council's Director Corporate and Financial Services (DCFS) is responsible for maintaining this Policy and its related Procedure.

Any person tasked with handling a complaint or internal review must do in accordance with this Policy and its related Procedure and should seek guidance and assistance as required.

Council's Chief Executive Officer (CEO) is required to inform an affected person of Council's decision regarding the complaint and the decision outcome, unless the complaint was made anonymously.

Council's Senior Records Officer is responsible for maintaining the Complaints Management Register and for appropriately recording all complaints in Council's systems.

### 4. Definitions

**Administrative Action** means a decision made by Council Officers.

**Administrative Action Complaint** as defined in s268 of the *Local Government Act 2009* is a complaint made by an affected person that is about an administrative action of Council including the following, for example:

- i. A decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
- ii. An act, or a failure to do an act;
- iii. The formulation of a proposal or intention; and
- iv. The making of a recommendation.

**Affected person** is a person who is directly affected by an administrative action of Council.

**Appropriately Authorised Council Officer** means a Council officer who has the authority to make a determination regarding the outcome of a complaint. The authorised officer will always be at a level higher than the subjects of the complaint. In the case of a complaint against the CEO, the matter will be managed by the Mayor.

**Complainant** refers to the person who makes the complaint.

**Complaint** refers to the administrative action complaint.

**Complaints Officer** is a specific role within Council for an experienced and appropriately qualified person who is responsible for coordinating and reporting in relation to Council's complaint management process.

*Requests for service* may include:

- A request for works or services to be provided;
- Requests for information or explanations of policy, procedure or decisions made;
- Reports of damaged or faulty infrastructure (e.g. road pothole);
- Reports of hazards (e.g. fallen tree on road);
- Reports concerning neighbours or neighbouring property (e.g. noise or unauthorised building works); or
- The lodgment, appeal or objection in accordance with a standard procedure (e.g. development application).

## **5. Policy**

Council is committed to dealing with complaints fairly, confidentially, promptly and respectfully. Council has adopted the Administrative Action Complaints Procedure in accordance with s306 of the Local Government Regulation 2012 for resolving complaints relating to administrative actions that:

- Requires Council to quickly and efficiently respond to complaints in a fair and objective way;
- Includes the criteria considered when assessing whether to investigate a complaint; and
- Requires Council to inform an affected person of Council's decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.

In all steps of the CMP, including investigation findings or decisions, proper consideration will be given to the requirements under the *Human Rights Act 2019*.

Any affected person can make an Administrative Action Complaint.

Where there is a need, a complaint can be made by an agent on behalf of an affected person. If a complaint is lodged by a professional advisor for example, a solicitor or accountant, Council will respond directly to that advisor.

Council will take all reasonable steps to confirm that the person claiming to act on behalf of the complainant has the appropriate authority to do so. Unless the complaint is made anonymously, written authorisation to act as the complainant's agent will be required.

The Administrative Action Complaint Management Procedure details how Council will record and report all Administrative Action Complaints. The public may inspect the complaints management process including the related policies and procedures at Council's Administration Office and on Council's website.

### **Anonymous Complaints**

Council will accept anonymous Administrative Action Complaints. Council Officers will advise the complainant that information such as the complainant's name and contact details will assist Council to deal with their complaint effectively. Without appropriate contact information of the complainant, it will only be possible for Council to advise the Complainant as to Council's process in addressing the matter, not the outcome.



### Lodging a Complaint

The preferred format for a written complaint is the Administrative Action Complaint Management Form which is available on Council's website or at the Customer Service Counter of Council's Administration Office, 25 Lannercost Street, Ingham.

An Administrative Action Complaint can be lodged:

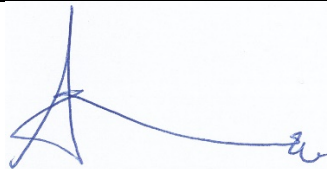
By phone: 07 4776 4600  
 In person: 25 Lannercost Street  
 INGHAM QLD 4850  
 Via Post: PO Box 366  
 INGHAM QLD 4850  
 Via Email: council@hinchinbrook.qld.gov.au

## 6. Legal Parameters

- *Local Government Act 2009;*
- *Local Government Regulation 2012; and*
- *Human Rights Act 2019.*

## 7. Associated Documents

- Administrative Action Complaints Management Procedure;
- Administrative Action Complaint Management Form;
- Complaints Management Register; and
- Code of Conduct.

DOCUMENT HISTORY AND STATUS				
Action	Name	Position	Signed	Date
Approved by Council	Kelvin Tytherleigh	CEO		31/08/2021
Policy Version	3	<b>Initial Version Adopted</b>	27/03/2006	<b>Current Version Adopted</b>
Maintained By	Corporate and Financial Services		<b>Next Review Date</b>	01/09/2023
File Location	<a href="E:\Shared Data\Administration\Change\Policies, Procedures &amp; Forms\02. Current Documents">E:\Shared Data\Administration\Change\Policies, Procedures &amp; Forms\02. Current Documents</a>			