

## 1. Policy Statement

The purpose of the Administrative Action Complaint Procedure is to:

- Support the Administrative Action Complaints Policy (the Policy);
- Achieve compliance with Section 268 of the *Local Government Act 2009* and Section 306 of the *Local Government Regulation 2012*; and
- Outline the method for handling and resolving administrative action complaints.

## 2. Scope

This Policy applies to all Councillors and employees, including volunteers and contractors, working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual.

For the purposes of this Policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors.

## 3. Responsibility

The Director Corporate and Community Services (DCCS) is responsible for:

- Maintaining this Procedure and its related Policy;
- Coordinating the Administrative Action Complaint Process;
- Reporting to Council; and
- Training and development.

Any person tasked with handling a complaint or internal review must do so in accordance with Council's Administrative Action Complaints Management Policy and Procedure and should seek guidance and assistance as required.

DCCS is required to inform an affected person of Council's decision about the complaint and decision outcome, unless the complaint was made anonymously.

An Authorised Council Officer assigned the task of investigating or reviewing the complaint must do so in the timeframes stated in this Procedure.

Council's Complaints Officer is responsible for:

- Maintaining the Complaints Management Register;
- Maintaining the Complaints Register of Recommendations;
- Monitoring the progress of the investigation; and
- Ensuring that all documentation relating to all Administrative Action Complaints are recorded in Council's electronic Document and Records Management System (eDRMS) which is Enterprise Content Management (ECM).

## 4. Definitions

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

**Administrative Action Complaint** is defined under Section 268(2) of the *Local Government Act 2009* (the Act) as a complaint that:

- (a) Is about an administrative action of a local government, 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;
  - iv. The making of a recommendation; and
- (b) Is made by an affected person.

**Affected person** means a person who is directly affected by an Administrative Action of Council.

**Authorised Council Officer** is 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.

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

**Complaint** refers to the Administrative Action Complaint.

**Complaints Officer** is nominated by the DCCS and 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 lodgement, appeal or objection in accordance with a standard procedure (e.g. development application).

## 5. Procedure

The *Local Government Act 2009* requires Council to adopt a process for resolving administrative action complaints.

The *Local Government Regulation 2012* requires Council to adopt a Complaints Management Process (CMP) to achieve its responsibilities under the Act.



## 5.1 What is an Administrative Action Complaint?

Under Section 268(2) of the *Local Government Act 2009* an Administrative Action Complaint is defined as a complaint that:

- (a) Is about an administrative action of a local government, 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;
  - iv. The making of a recommendation; and
- (b) Is made by an affected person.

An Administrative Action Complaint is not:

- A request for information;
- A request for service, for example:
  - A request to mow a park;
  - A request to clean a park barbeque;
  - A notification of a barking dog; or
  - A request to fix a pothole;
- A suggestion, enquiry or petition;
- Comments submitted during formal consultation or negotiation processes;
- A complaint about Councillor conduct;
- A Public Interest Disclosure (refer to the Public Interest Disclosure Policy);
- A grievance about a Council employee; or
- A complaint from someone who is not an affected person.

## 5.2 How to make an Administrative Action Complaint

A complaint by an affected person may be made verbally or in writing. Complainants are encouraged to use Council's Administrative Action Complaint Management Form (Complaint Form) to ensure all required details are noted and to distinguish the complaint from a general 'comment of dissatisfaction'.

Council Officers should use the Complaint Form to capture the nature of verbal complaints and should seek to confirm these details with the Complainant.

A verbal or written complaint lodged by a legal representative acting for an affected person must be accompanied by a letter of authority by the affected person.

Anonymous complaints are accepted though not encouraged. Complainants are encouraged to provide as much information as possible which may be of assistance when assessing the complaint. However, an anonymous complaint might be more difficult to investigate because of the difficulty in obtaining further information about the circumstances relating to the complaint.

Complaint Forms are available from 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](mailto:council@hinchinbrook.qld.gov.au)

### **5.3 Complaints concerning Council Employees**

Any verbal complaint concerning the conduct of an employee should be made directly to the employee's immediate Supervisor/Manager who is obliged to document the complaint on the Complaint Form and to follow the requirements outlined in this procedure.

The Supervisor/Manager will advise Human Resources of the complaint should the conduct warrant management investigation and consideration for a show cause process that may lead to disciplinary action.

### **5.4 Complaints Concerning the CEO**

Any complaint concerning the conduct of the CEO is dealt with according to the Complaints against a Public Official Policy and must be made to the DCCS, who will liaise with the Mayor.

### **5.5 Complaints Concerning Councillors**

Any complaint concerning the conduct of a Councillor must be directed to the CEO, who will adhere to the legislative requirements outlined in Section 177 of the *Local Government Act 2009*.

### **5.6 Assessment of Administrative Action Complaint**

The Complaints Officer will undertake an initial assessment to determine if the complaint relates to an administrative action by confirming:

- The subject of the complaint is within Council's jurisdiction and responsibility;
- Whether the matter has already been considered; and
- The Administrative Action Complaints Process is the most appropriate process for managing the complaint received, as opposed to other review processes.

Council may determine not to investigate a complaint if it is considered the complaint is not about an administrative action or the complaint has previously been addressed by Council.

Where Council determines not to investigate a matter, the Complainant will be advised within five business days of receipt of the complaint.

### **5.7 Receipt and Acknowledgement of Complaint**

DCCS who oversees administration of all Administrative Action Complaints, will endeavour to provide an acknowledgement to the affected person in writing within five business days of receipt of the complaint.

The Complaints Officer will enter the details of the complaint into the Complaints Management Register.

## 5.8 Investigation of Complaint

The Complaints Officer will assign the complaint to an Authorised Council Officer (for example, the relevant Director, Manager, Supervisor or Officer) who will become the Investigating Officer.

Officers investigating an Administrative Action Complaint must act in a fair and objective way. Any conflict of interest identified during the course of the investigation, should be provided to DCCS immediately.

Where necessary the Complainant may be contacted to provide additional information in support of issues raised ensuring Council is in a position to correctly assess and investigate the matter.

The Investigating Officer will investigate the complaint and compile a report of the investigation using the established Investigation Report template.

The Investigation Report should include any findings, decisions/outcomes, and recommendations for remedial action. All remedial actions should be agreed upon by the area concerned, their manager and Director.

The Investigating Officer must also draft a Response Letter which will be sent to the Complainant.

The Response Letter should include the outcome of the investigation and the Complainant's review rights.

The Investigation Report and draft Response Letter should be provided to the DCCS through the Complaints Officer within 30 business days of receipt of the complaint.

The Response Letter is to be provided to the Complainant within 40 business days of receipt of the complaint.

The Complaints Officer will monitor the progress of the investigation to ensure adherence with timeframes.

If the nominated timeframe for dealing with a complaint cannot be met by the Investigating Officer, the Complaints Officer may, once only with DCCS's approval, extend the time for dealing with the complaint for an additional period of up to 30 business days.

Where an extension has been granted, the Investigating Officer must provide the Investigation Report and Response Letter at least ten business days prior to the end of the extension period.

The Complainant will be notified of the extension and the extension period before the expiry of the initial 40 business day timeframe.

If the Complaints Officer has not received the Investigation Report and the Response Letter within the timeframes above, a reminder notice will be sent to the Investigating Officer.

Should the Investigating Officer not meet the required deadlines and provide the required documents the Complaints Officer will escalate the breach of process to the DCCS.

## 5.9 Timeframes

Council will aim to respond to complaints as quickly as possible having regard to the following factors:

- Resource availability;
- The risk and urgency of the situation;
- The complexity of the complaint and number of issues involved; and
- The number of operational areas within Council involved in working through the complaint issues.



Below is a list of action or events in the CMP and their timeframes to consider when processing a Complaint:

Initial Complaint	
<i>Complaints should be processed within 40 business days, as outlined below.</i>	
Action/Event	Timeframe
Complaint received.	Start date.
Complaint assessed and assigned to Investigating Officer.	Within two business days of receipt of complaint.
Complete Investigation. Forward Investigation Report and draft Response Letter to DCCS through Complaints Officer.	Within 30 business days of receipt of complaint.
Response Letter received by Complainant.	Within 40 business days of receipt of complaint unless extension of time to complete investigation granted.

Extension of time	
<i>An extension period should not exceed 30 business days, as outlined below.</i>	
Action/Event	Timeframe
Extension of time granted to Investigating Officer to complete investigation.	Investigation to be completed within 25 business days from original completion date.
Response Letter received by Complainant after extension has been granted.	Within 30 business days from original completion date.

Internal Review	
<i>An Internal Review should not exceed 30 business days, as outlined below.</i>	
Action/Event	Timeframe
Internal Review Request.	Start of Internal Review.
Assign Internal Review Investigating Officer.	Within two business days of receipt of Internal Review Request.
Complete Internal Review Investigation – Internal Review Investigation Report and draft Response Letter to CEO through Complaints Officer.	Within 25 business days of receipt of Internal Review Request.
Internal Review Response letter received by Complainant.	Within 30 business days of receipt of Internal Review Request.





### 5.10 Timeframes

Remedial Action identified through a complaints process will be included in the Investigating Officer's report.

The DCCS will review the suggested Remedial Action, liaise with the relevant area and Director to nominate a responsible officer and agree on timeframes for addressing the Remedial Action.

The proposed Remedial Action, including timeframes, will be added to the Complaints Register of Recommendations by the Complaints Officer.

Once an officer has been assigned items for Remedial Action, it is their responsibility to ensure that they are completed by the agreed timeframe.

Any corrective action involving the behaviour, performance or conduct of employees will be handled in accordance with Council's Disciplinary Policy and Procedure.

The officer responsible for Remedial Action is to provide a Memo to the DCCS detailing remedies and corrective actions completed which will be entered into the Complaints Register of Recommendations.

The Complaints Register of Recommendations is to be monitored regularly by the Complaints Officer and reviewed monthly by the DCCS to ensure that recommendations are completed in a timely manner. Any recommendations not completed within six months of finalisation of the complaint will be escalated to the CEO.

### 5.11 No Action Required

Only the DCCS may decide not to investigate or deal with a complaint. The reasons for this decision include:

- The person does not appear to have been adversely affected by the administrative action;
- The substance of the disclosure has been investigated or dealt with by another appropriate process;
- The age of the information/subject of the complaint makes it impracticable to investigate; or
- The Complaints Officer reasonably considers the complaint is too trivial or frivolous to warrant investigation.

Where the Complaints Officer, or the Investigating Officer, believe no action should be taken on one (1) of the grounds above, they must put their case to the DCCS in writing, seeking approval to take no action.

Should the DCCS decide no action is required, a letter will be forwarded to the affected person providing the reasons for the decision as well their avenues of appeal.

### 5.12 Right of Review

A person dissatisfied with the outcome of the assessment of their complaint may seek an internal review or they may take the matter to an external agency for review.

#### *Internal Review*

An affected person may apply for an internal review within 30 business days of the decision or outcome of their initial complaint being made.

The DCCS will assign an Investigating Officer to undertake the Internal Review.

The request for a review must be supported by sufficient information to enable the appointed Investigating Officer to review on the matter.



The Investigating Officer must provide an Investigation Report and draft Response Letter to the DCCS through the Complaints Officer within 25 business days from receipt of the Internal Review request. The Investigation Report should include any findings, decisions/outcomes and recommendations for improvement.

The Response Letter should include the outcome of the investigation and the Complainant's review rights.

The Complainant should receive the Internal Review Response Letter within 30 business of receipt of the Internal Review request.

The Complaints Officer is responsible for populating the Complaints Management Register and, for recording and filing the information relating to the complaint.

### **External Review**

If an affected person feels Council has not properly dealt with a complaint or internal review, they may refer the matter to the Office of the Ombudsman for complaints alleging maladministration or the Crime and Corruption Commission for complaints alleging misconduct.

## **5.13 Recordkeeping for Complaints**

When reviewing a complaint, the relevant Manager or Director must keep detailed and accurate records which must be stored and retained in ECM under the relevant subject topic.

Records include:

- The complaint;
- File notes of discussions regarding the complaint and material relating to investigation;
- All correspondence relating to the matter; and
- Any documents relating to a review, including recommendations, decisions, reasons for the decisions and outcomes.

The Complaints Officer is responsible for ensuring all documentation relating to the complaint is returned for filing and for recording the relevant information in the Complaints Management Register.

## **5.14 Analysis of Complaints**

At the end of each quarter, the DCCS will provide a report to the Executive Management Team on the complaints received and the effectiveness of the complaints management process.

The report will be broad in its overview and will not disclose the identity of complainants, but it will include:

- A summary of the main types of complaints received over the last quarter;
- Effectiveness of the Complaints Management Process including time taken to resolve complaints;
- An analysis of the complaint trends that have formed, or are forming, and appropriate action; and
- Progress of any recommendations for improvements or remedial action made as a result of reviewing the complaint (Refer 5.10 Remedial Action).

Council is required to include a summary of information about Administrative Action Complaints in its Annual Report.



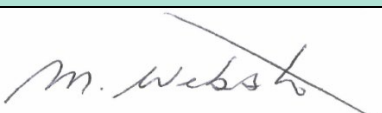


## 6. Legal Parameters

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

## 7. Associated Documents

- Administrative Action Complaints Policy;
- Administrative Action Complaint Flowchart;
- Complaints Management Register;
- Complaints Register of Recommendations;
- Administrative Action Complaint Form; and
- Code of Conduct.

DOCUMENT HISTORY AND STATUS				
Action	Name	Position	Signed	Date
Approved by Council	Michelle Webster	A/CEO		02/08/2023
Policy Version	4	<b>Initial Version Adopted</b>	21/03/2006	<b>Current Version Adopted</b>
Maintained By	Corporate and Community Services		<b>Next Review Date</b>	02/08/2025
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