
Administrative Action Complaints Management

1. Policy Statement

Council aims to provide a level of customer service that does not attract complaints but acknowledges, and supports, the right of the public to provide feedback, both positive and negative, regarding its service levels, decisions and other official activities and actions.

This Policy seeks to establish the framework to ensure, to the greatest practical extent, any formal Administrative Action Complaint is dealt with fairly, promptly, professionally, in confidence (subject to any legal considerations) and in a manner respectful to the complainant.

Council commits to providing adequate resources and trained officers to deal with complaints and to record and analyse complaints data.

2. Scope

This Policy does not apply to:

- a request for services;
- a casual expression of dissatisfaction which has not resulted in a complaint;
- a customer request for information, feedback or suggestions about Council's services and administration;
- an expression concerning the general direction and performance of Council or its elected members (Note : Only elected members of Council can review, revoke or amend a decision which was resolved at a Council meeting);
- the conduct of a Councillor (which should be made to the Chief Executive Officer);
- a report of damaged or faulty infrastructure;
- official misconduct (such matters should be referred to the Crime and Corruption Commission);
- decisions made under particular Acts and Local Laws such as the Sustainable Planning Act, Building Approval Process, Animal Management Act (Cats and Dogs) 2008, Water & Sewerage Legislation, Dividing Fences Act and Rating Category Objections, where the relevant legislation provides for alternative avenues of appeal;
- complaints covered under the *Right to Information Act 2009*, and the *Information Privacy Act 2009* or competitive neutrality complaints which are managed under Council's Competitive Neutrality Complaints Process;
- a report about neighbours, noise, dogs, unauthorized building work or similar issues that fall into the regulatory aspect of Council's services.

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

Council's Executive Manager Corporate Services is responsible for maintaining this Policy and its related Procedures.

Any person tasked with handling a complaint or internal review must do so according to this Policy and its related Procedures and should seek guidance and assistance as required.

Council's Chief Executive Officer is required to inform an affected person of the local government's decision about the complaint and the decision outcome, unless the complaint was made anonymously.

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

4. Definitions

Administrative Action Complaint is a complaint that:

- a) Is about an administrative action of Council, including 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
(*S268 Local Government Act 2009*)

Note - To avoid any confusion between an 'expression of dissatisfaction' and an administrative action complaint, affected persons should complete a Complaint Lodgement Form should they wish to register an Administrative Action Complaint. An expression of dissatisfaction, even if it uses the word 'complaint' (or any of its derivatives) does not necessarily constitute an Administrative Action Complaint.

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

Service Requests 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);
- The lodgement or appeal or objection in accordance with a standard procedure (e.g. development application).

Service Requests that include negative comments regarding existing levels of service do not constitute an Administrative Action Complaint. A request for service only becomes a complaint when the matter is not resolved to the customer's satisfaction and the customer contacts Council a further time to escalate the matter to a formal complaint.

5. Policy

Council's aim is to provide a level of service that does not attract complaints. However Council acknowledges the right of affected persons to lodge a complaint.

Council's policy is to develop procedures and processes that treat complaints fairly, promptly, professionally, in confidence (subject to any legal requirements) and in a courteous manner.

6. Legal Parameters

Local Government Act 2009
Local Government Regulation 2012

7. Associated Documents

Administrative Action Complaints Management Procedure
Complaints Register (internal and confidential document)
Complaints Form
Code of Conduct