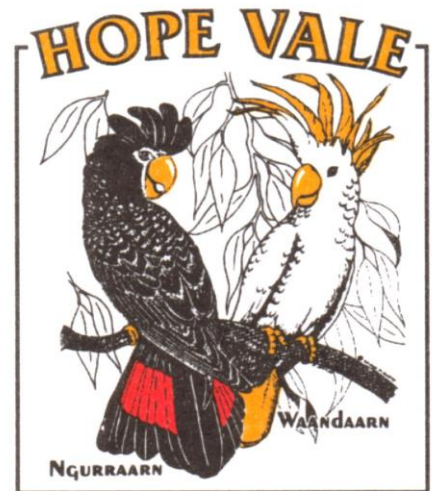


**HOPE VALE ABORIGINAL SHIRE COUNCIL**



**Administrative Complaints Policy**

**Document Control**

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**Version History**

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1	28 June 2011		Council Resolution
2	20 March 2013		Council Resolution
3	25 February 2014		Council Resolution
4	18 January 2017		Council Resolution
5	21 February 2018		Council Resolution
6	27 February 2019		Council Resolution
7	16 December 2019		Council Resolution
8	17 March 2021		Council Resolution

## **ADMINISTRATIVE COMPLAINTS MANAGEMENT PROCESS POLICY**

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### **ORIGIN/AUTHORITY**

Local Government Act 2009  
Local Government Regulation 2012  
Crime and Corruption Act 2001  
Crime and Corruption Regulation 2015  
Human Rights Act 2019  
Information Privacy Act 2009  
Information Privacy Regulation 2009  
Integrity Act 2009  
Integrity Regulation 2011  
Ombudsman Act 2001  
PID Act 2010  
Right to Information Act 2009

### **PURPOSE**

The objectives of this policy are:

- a) To ensure that the process for managing complaints relating to administrative actions is consistent with legislative requirements.
- b) Ensure complaints are dealt with in a fair, objective, effective, transparent, consistent and accountable manner.
- c) Facilitate the use of the information obtained from the complaints management process to improve Council's overall service delivery.

### **SCOPE**

Council must adopt a policy that is applicable to administrative action complaints as identified under section 268 of the Local Government Act 2009 made to the Local Government and applies to all workplace participants.

#### **What is an administrative action complaint?**

A complaint from a Community member concerning Council related to:

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

### **What is not an Administrative Action Complaint?**

- a) Customer requests;
- b) A suggestion or proposed service improvement;
- c) A follow up or further request for a service that has not been completed by Council but is still in the timeframes advised to the customer;
- d) Reports of damage or faulty infrastructure such as roads or fallen branches.

### **DEFINITIONS**

**Administrative Action Complaint –**

A complaint from a Community Member (or anonymously) concerning Council, received in writing, by telephone or verbally regarding:

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

**Administrative Action Complaint Management** - administrative method of handling and resolving complaints made by affected persons about:

**Affected Person –** Is a person who is apparently directly affected by an administrative action of a local government.

**Workplace Participants –** Councillors, employees, volunteers and contractors of Council.

### **POLICY STATEMENT**

Council aims to provide a level of customer service the does not attract complaints, but acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint about a decision or action taken.

Council encourages feedback to assist with improving its business and customer service processes. Therefore the complaints management system process will be readily available to and able to be understood by all persons. However, if a complaint is determined to be frivolous and vexatious, or lacking in substance or detail, Council may elect to take no further action in relation to the matter and provide the complainant with written advice of the decision and the reasons for it.

Complaints are to be managed in accordance with the Complaints (Administrative Action) Management Directive, which sets out the process for receiving, recording, acknowledging, investigating and responding to complaints.

All complaints are to be:

- Accepted by any means, whether it is by phone, in person, in writing or anonymous;
- Assessed and categorised as per Complaint (Administrative Action) Management Directive;

- Acknowledged and resolved in a timely manner;
- Dealt with fairly, confidentially and objectively;
- Where appropriate referred to external agencies;
- Managed in a way that observes and complies with any legislative requirements;
- Reported on as appropriate to Executive Leadership Team;
- Tracked and monitored;
- Resolved by mediation, negotiation and informal resolution where possible.

All complainants are to be:

- Provided with a written statement of the outcomes as soon as practical;
- Given a reason for the outcome;
- Advised of any internal review and/or external appeal options.

Council will use the complaint management system to deliver excellence in customer service, encourage open and honest communication and encourage continuous improvement. The process is aimed at improving the community's confidence in council's complaints management system and enforcing council's reputation of being accountable, open and transparent.

## **HUMAN RIGHTS**

The Human Rights Act 2019 (HR Act) places requirements on Council to act and make decisions in a way that is compatible with human rights. The objects of the HR Act are:

- a. to protect and promote human rights; and
- b. to help build a culture in the Queensland public sector that respects and promotes human rights; and
- c. to help promote a dialogue about the nature, meaning and scope of human rights.

When responding to complaints, Council will review the matter in line with Council's Human Rights Policy to ensure the matter considers, and is compatible, with human rights.

## **TIMELINESS OF COMPLAINT NOTIFICATION**

A complaint about a decision or action of Council must be made no later than six months after the affected person was notified or made aware of the decision or action.

An Internal Review request must be received within 20 business days of receipt by the complainant of the Primary Investigation and Resolution decision.

Complaints or applications for Internal Review received outside these timeframes will only be accepted where the Complaints Officer or Chief Executive Officer decide that exceptional circumstances warrant consideration.

## **UNREASONABLE CUSTOMER CONDUCT**

All complaints received by Council will be treated seriously and complainants will be treated courteously. Council aims to manage all situations in a fair and equitable manner however at times customer conduct can be in the form of unreasonable persistence, unreasonable demands, or their behaviour be uncooperative, argumentative or threatening.

A decision may be made to apply restrictions on contact with a complainant where:

- The complainant has demonstrated a pattern of lodging complaints which are of a repetitive or frivolous nature;
- The complainant's behaviour is unreasonable, argumentative or threatening; or

If specific behaviour(s) or action continues, the complainant will be warned that restrictions may be applied under Council's Unreasonable Customer Conduct Management Directive.

**Adopted by Council on the 17 March 2021**

Shannon Gibbs  
Director of Finance