

# Administrative Action Complaints Management Policy

## Governance

LSP\_OMCEO\_19

Revolves: Administrative Action Complaints Management Policy adopted 27 August 2014

## Purpose

This policy is established with the following objectives:

- a) To prescribe the principles for investigating complaints about an administrative decision and/or actions.
- b) The fair, efficient and consistent treatment of complaints about decisions and other administrative actions of Council.
- c) Detection and rectification, where appropriate, of administrative errors.
- d) Identification of areas for improvement in Council's administrative practices.
- e) Increase in awareness of management of administrative action complaints.
- f) Enhancement of the community's confidence in Council's administrative action complaints management and the reputation of Council as being accountable and transparent.
- g) To build the capacity of Council employees to manage administrative action complaints effectively in an environment of continuous improvement.

## Scope

This policy applies to all Councillors, Council employees and administrative action complaints as defined in s 268(8) of the Act.

This policy does not apply to a complaint:

- a) which is not about an administrative action of Council;
- b) made by a person not deemed to be an "affected person";
- c) which is a request for service, or information, or provision of feedback in negative terms;
- d) regarding a decision made under a Local Law which is reviewable under a local law process;
- e) regarding any matter already covered by a separate statutory review process, for example, planning complaints covered under the Sustainable Planning Act 2009 or competitive neutrality complaints covered under the Act.
- f) regarding official misconduct that should be directed to the Crime and Corruption Commission;
- g) regarding misconduct that should be directed to the Department of Local Government's Chief Executive Officer;
- h) regarding "public interest disclosures" made under the Public Interest Disclosure Act 2010;
- i) regarding a Councillor's conduct or performance that must be dealt with under the provisions of the Act; or
- j) about a court decision.

# Administrative Action Complaints Management Policy

## Governance

LSP\_OMCEO\_19

Revokes: Administrative Action Complaints Management Policy adopted 27 August 2014

## Applicable Legislation

Section 268 of the Local Government Act 2009 (the Act) requires Whitsunday Regional Council (Council) to establish a complaints management process for resolving administrative action complaints. This policy will set out the overarching principles for Council's management of administrative action complaints and guide the process for resolving these types of complaints.

## Policy Statement

1. Council intends to provide a level of customer service that 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 an administrative decision or other action it takes.
2. Council intends, to the greatest practical extent, to deal with any administrative action complaint ("complaint") fairly, promptly, professionally, in confidence (subject to any legal requirements) and in a manner respectful to the complainant.
3. Council commits to providing adequate resources and trained employees to deal with complaints and to record and analyse complaints data.
4. Council will implement an administrative action complaints process that allows anyone who is dissatisfied about an administrative decision or other action of Council or a Council employee, can lodge a complaint easily and simply. However, where a complainant's behaviour or conduct is identified as unreasonable, Council employees and/or Councillors will implement suitable strategies based on the Queensland Ombudsman's guide 'Managing Unreasonable Complaint Conduct Manual.'
5. Council will take appropriate steps to publicise this policy and the associated process.
6. Council will provide complainants with information on this policy and, if necessary, assistance to make their complaint.
7. Upon receiving a complaint, Council will perform an initial assessment of each complaint in terms of its seriousness, safety implications, complexity and degree of urgency.
8. A Council employee who investigates a complaint must be senior to the Council employee who performed the administrative action that is the subject of the complaint. For a complaint made about the Chief Executive Officer, or if the Chief Executive Officer has a conflict of interest, the Mayor shall have the responsibility of investigating or resolving the complaint with the assistance of the Deputy Mayor and/or a Senior Executive Employee.
9. Council employees will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of Council's administrative practices.
10. Council employees will inform the subject of the complaint that there has been a complaint made against them and that it is Council's policy to disclose information about the progress of the investigation and its outcome to the complainant.

### Page 2 of 4

**Correspondence:** Chief Executive Officer, Whitsunday Regional Council, PO Box 104, Proserpine QLD 4800  
P: 1300 WRC QLD (1300 972 753) F: (07) 4945 0222 E: [info@whitsundayrc.qld.gov.au](mailto:info@whitsundayrc.qld.gov.au) [www.whitsundayrc.qld.gov.au](http://www.whitsundayrc.qld.gov.au)

# Administrative Action Complaints Management Policy

## Governance

LSP\_OMCEO\_19

Revolves: Administrative Action Complaints Management Policy adopted 27 August 2014

11. Council employees will ensure that complaints are responded to as quickly as possible and in accordance with the timeframes set out in the Administrative Action Complaints Process.
12. Complainants will not suffer any reprisal from Council or its employees for making a complaint.
13. Council employees will monitor complaints with a view to continuous improvement of Council's business policies.
14. If a complainant is not satisfied that a complaint has been satisfactorily resolved, a Council employee will inform the complainant of any statutory right of review and, if requested, provide the complainant details of any further review mechanism that is available.
15. Council will co-operate fully with any investigating authority charged with dealing with a complaint e.g. the Queensland Ombudsman.
16. This policy is not a tool to bring Council business to a halt nor to delay or prevent Council making decisions.
17. If there is any conflict between this policy or the associated process and the requirements of the Act, Regulation or any other relevant legislation, the legislative requirements must take precedence.

## Definitions

**Administrative action complaint** - is 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
- (v) is made by the affected person

can be made orally or in writing or via Council's website or anonymously but do not include general comments on social media

**Affected person** refers to a person who is apparently directly affected by an administrative action of local government.

**CEO** refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

**Complainant** refers to the affected person or organisation making a complaint.

**Complaint** refers to an expression of dissatisfaction by a person regarding a decision or other action of Council

**Complaints Management Policy** refers to a policy for resolving complaints about administrative actions of the local government.

**Council** refers to the Whitsunday Regional Council

### Page 3 of 4

**Correspondence:** Chief Executive Officer, Whitsunday Regional Council, PO Box 104, Proserpine QLD 4800  
P: 1300 WRC QLD (1300 972 753) F: (07) 4945 0222 E: info@whitsundayrc.qld.gov.au [www.whitsundayrc.qld.gov.au](http://www.whitsundayrc.qld.gov.au)



# Administrative Action Complaints Management Policy

## Governance

LSP\_OMCEO\_19

*Revokes: Administrative Action Complaints Management Policy adopted 27 August 2014*

**Employee** refers to any employee, contractor, volunteer etc. of the Council

**Request for service** refers to request for Council to take action to satisfy the needs of a customer or ratepayer. This may be of a physical nature, such as a request to fill a pothole or to collect a stray dog, or a request for information.

## Relating Documents

Administrative Actions Complaints Management Process

A Guide to Administrative Action Review

## Effective Date

11 July 2011

## Review Date

11 July 2021

Page 4 of 4

**Correspondence:** Chief Executive Officer, Whitsunday Regional Council, PO Box 104, Proserpine QLD 4800  
P: 1300 WRC QLD (1300 972 753) F: (07) 4945 0222 E: [info@whitsundayrc.qld.gov.au](mailto:info@whitsundayrc.qld.gov.au) [www.whitsundayrc.qld.gov.au](http://www.whitsundayrc.qld.gov.au)

**Bowen**  
Cnr Herbert & Powell Streets, Bowen QLD 4805

**Proserpine**  
83-85 Main Street, Proserpine QLD 4800

**Collinsville**  
Cnr Stanley & Conway Streets, Collinsville QLD 4804