



C004 - Administrative Action Complaint Management Procedure (Policy)

1 HEAD OF POWER

- *Local Government Act 2009*
- *Local Government Regulation 2012*

2 POLICY PURPOSE

To provide a procedural framework for investigating and resolving administrative action complaints received by Council in accordance with requirements under the *Local Government Act 2009* (Qld) and the *Local Government Regulation 2012* (Qld).

3 POLICY OBJECTIVE

The complaints process is established with the following objectives:

- The fair, efficient and consistent treatment of complaints about decisions and other administrative actions of the council.
- A complaints process that is easy to understand and is readily accessible to all.
- Detection and rectification, where appropriate, of administrative errors and identification of areas for improvement in the council's administrative practices.
- Increase in awareness of the complaints process for the council's staff and the community and the building of staff capacity to effectively manage complaints.
- Enhancement of the community's confidence in the complaints process and of the reputation of the council as being accountable and transparent.

4 POLICY SCOPE

For the purposes of this policy, an administrative action complaint is:

- an expression of dissatisfaction with the quality of service Council has provided, or the failure to provide a service; or
- any form of misconduct by employees or agents.

Administrative matters do not include:

- Requests for information;
- Requests for service;
- Suggestions;
- Enquiries;
- Petitions;
- Comments submitted during a formal consultation or negotiation processes; or

- Councillor conduct.

The following complaints will not be managed under this policy:

- Corruption complaints that are required to be dealt with under the *Crime and Corruption Act 2001*(Qld);
- Competitive neutrality complaints;
- Public Interest Disclosures (PIDS) made under the *Public Interest Disclosure Act 2010* (Qld);
- Internal complaints relating to employee conduct (i.e., Code of Conduct matters) will be actioned in accordance with the relevant policies; or
- Social media comments.

5 POLICY STATEMENT

Council will endeavour to ensure that:

- All complaints are handled with respect for confidentiality and privacy;
- Anyone unhappy with a Council decision or action can easily make a complaint;
- Information on how to make a complaint and how complaints are handled is available on the Council's website;
- Help will be provided to anyone needing assistance to submit a complaint;
- Each complaint is recorded and assessed based on its priority, complexity, and urgency;
- Complaints will be addressed as quickly as possible, following the timeframes in the Administrative Action Complaint Management Procedure;
- Complainants will be informed of the outcome, the decision made, and the reasons for it, along with options for review if needed;
- Complainants won't face any negative consequences from Council for making a complaint; and
- Complaints are reviewed regularly to help improve Council services and processes.

Council is committed to managing all complaints quickly and efficiently, the objectives being to:

- Ensure the complaint management process is fair, objective, and consistent;
- Facilitate the use of information obtained from the complaints management process to improve overall service delivery; and
- Ensure that complaints are responded to in a timely manner.

5.1 HOW TO MAKE A COMPLAINT

There are several ways you can lodge a complaint:

In Person: Pormpuraaw Aboriginal Shire Council, 24 Thinraathin Street, Pormpuraaw

By Phone: 07 4060 4600

By Mail: Chief Executive Officer
Pormpuraaw Aboriginal Shire Council
C/- Post Office, PORMPURA AW QLD 4892

By Email: admin@pormpuraaw.qld.gov.au

People who make verbal complaints should provide their name, address, and contact details to help the Council respond. They may also request a copy of the complaint from Council to confirm that the statement has been accurately recorded.

Council will accept anonymous complaints.

5.1.1 Language Assistance

If language assistance is required to communicate with Council, support is available for people from non-English speaking backgrounds by request to Council or calling the Translating and Interpreting Service (TIS National) on 13 14 50.

5.1.2 Lodging a Complaint on Behalf of Another Person

If someone can't make a complaint themselves due to health, distance, language, or other reasons, someone else can make the complaint for them.

The officer handling the complaint will check that the person making the complaint has permission to do so.

For serious complaints or those involving personal information, written permission is needed. If an authorised agent, like a solicitor or power of attorney, lodges the complaint, responses will be sent directly to them.

5.1.3 Acknowledgement of an Administrative Complaint

Council will acknowledge receipt of the complaint in writing within seven (7) days and explain the process it will follow to review the issue.

If contact details for an anonymous complainant are not available, Council will note that no acknowledgement was made.

5.2 COMPLAINTS REGISTER

All complaints will be lodged in Council's Records Management System at the time of receipt and

5.3 NOTIFICATION OF INVALID OR OUT-OF-SCOPE COMPLAINTS.

If a complaint has not been properly made or is not within the scope of an administrative action complaint, the complainant will be notified in writing within 14 days of Council's decision, outlining why the complaint cannot be processed under the Administrative Action Complaints Process.

5.4 ASSESSMENT OF SERVICE STANDARD OR COMPLIANCE COMPLAINT

5.4.1 Reviewing Officer

When an administrative action complaint relates to service delivery standards or a decision made under Council policy or legislation, it will be referred to the reviewing officer. The reviewing officer will consider all information, including any new information from the affected person. The table below outlines who may be the reviewing officer:

Previous Decision Maker	Reviewing Officer Option
Chief Executive Officer	Executive Manager or External Party
Executive Manager	Chief Executive Officer or External Party

Previous Decision Maker	Reviewing Officer Option
Supervisor/Team Leader	Executive Manager or Chief Executive Officer
Other Officer	Supervisor/Team Leader or Executive Manager

The reviewing officer handling the complaint is responsible for capturing and recording the data related to the complaint and responding appropriately to the complainant. If the affected person is satisfied with the response, no further action is required.

5.4.2 Complaint Types and Service Delivery Standards

After reviewing the complaint, the reviewer will notify the affected person in writing within the appropriate standard of time per the following:

Low Complexity Complaints

Response time - maximum of 30 business days

Low complexity complaints require little investigation and can be readily addressed through the provision of information, or verbally negotiating the desired outcome; a written response may not be required. The relevant business area should manage low complexity complaints.

High Complexity Complaints

Response time - maximum 90 business days

Complexity complaints require detailed investigation and may involve multiple related issues or concerns. These complaints often require time to gather additional information, consult with relevant departments, and may involve discussions or interviews with employees, the complainant, or external parties. Given the complexity, a thorough investigation may be necessary, which could include reviewing policies or procedures and engaging in external consultation if needed.

A written responses are required from the complainant, who will be informed of the progress made throughout the investigation.

5.4.3 Types of Remedies

Types of remedies (more than one may be applied) include:

- admission of fault;
- explanation;
- apology;
- change of decision;
- change to policy or procedure;
- repair / rework / replacement;
- technical assistance.

5.4.4 Advice to Complainant

A simple complaint made verbally, either by phone or in person, can be responded to in the same way. However, file notes, including reasons for the decision, must be recorded. More serious complaints will receive a written response.

Once a Council officer has investigated a complaint using procedural fairness, they should inform the complainant of the decision, the reasons behind it, and any solutions as soon as possible. This response will also explain how the complainant can request an internal review if they are not satisfied, which must be done in writing.

5.5 ADMINISTRATIVE ACTION COMPLAINTS WHERE THE DECISION WAS MADE BY COUNCIL RESOLUTION

For complaints about decisions made by Council resolution, the CEO will:

- Acknowledge the complaint within seven (7) days,
- Provide the complainant with all relevant information used in making the decision (except confidential details),
- Meet with the affected person to discuss the matter,
- Allow the complainant to address a Council workshop or meeting if appropriate, and
- Only where necessary, seek a repeal or amendment of the decision.

The CEO will notify the complainant of the Council's review decision in writing within 14 days. The review should be completed within 90 days, subject to information availability. If the complainant is dissatisfied with the Council's decision, they can request a review, and an external party may be involved.

Suppose the complainant is not satisfied that a complaint has been satisfactorily resolved. In that case, the complainant can ask for an internal review.

5.6 INTERNAL REVIEW OF COMPLAINT

If the initial complaint cannot resolve a complaint, it will be escalated for internal review or investigation, managed by the CEO or external party.

Acknowledge of receipt of the request for internal review within seven (7) working days and, where possible, provide an estimated response time. The exact timeframe will depend on the seriousness and complexity of the issue. The officer will keep the complainant updated on progress.

Once the review is complete, the officer will consider all evidence, make a decision or recommendation, and report the outcome to the relevant executive and, in more serious cases, to the CEO.

Suppose the complainant is not satisfied that a complaint has been satisfactorily resolved. In that case, the complainant will be informed of any further available review mechanisms and given details of any statutory right of review through external agencies such as the Queensland Ombudsman.

5.7 RECTIFICATION

When an administrative action complaint is found to be valid, Council will promptly take action to correct any affected processes, policies, or procedures and inform the complainant of these changes. Wherever possible, this rectification will be completed within a reasonable timeframe, depending on financial or operational constraints.

5.8 REPORTING

All administrative action complaints will be included in the Council's annual report. The CEO will also regularly review the number and types of complaints to identify any patterns or trends that may require improvements to processes or policies.

6 HUMAN RIGHTS COMPATIBILITY STATEMENT

This policy has been assessed as compatible with Human Rights protected under *the Human Rights Act 2019*.

7 DEFINITIONS

Term	Definition
Affected person	is a person who is apparently directly affected by an administrative action of Council or an authorised agent of the Affected People.
Competitive neutrality complaint	is a complaint that: <ol style="list-style-type: none"> relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle; and is made by an affected person.
Complaint	is an expression of dissatisfaction, orally or in writing, by a person who is directly affected by an administrative action of Council or its employees (including contractors and volunteers), including a failure to take action
Council	Pormpuraaw Aboriginal Shire Council
CEO	A person who holds an appointment as Chief Executive Officer under section 194 of the Local Government Act 2009.
Enquiry	is a request for clarification, advice, information or further information about Council services, policies or procedures. Enquiries can usually be resolved in a one-off communication.
Frivolous complaint	shall mean a complaint that is considered either minor, lacking in substance or without merit and, therefore, not worthy of any further action.
Inappropriate conduct	is conduct that is not appropriate for a representative of a local government but is not misconduct. Types of conduct that comprise inappropriate conduct include: <ol style="list-style-type: none"> failing to comply with Council's Employee Code of Conduct; or not following procedures and/or behaving in an offensive or disorderly manner.
Internal Review	is a re-examination of a complaint by a senior or independent Council officer not involved in the original decision to ensure fairness and adherence to Council policies.
Misconduct	is conduct that affects the performance of a person's duties. It represents a breach of trust, misuse of information or a failure to comply with the principles of the <i>Local Government Act 2009</i> (Qld). Misconduct is the conduct of a person that meets any of the following criteria: <ol style="list-style-type: none"> adversely affects the honest and impartial performance of the individual's responsibilities; is a breach of the trust placed in the person;

Term	Definition
	<ul style="list-style-type: none"> c) is a misuse of information or material acquired by the individual, whether for personal benefit or d) the benefit of someone else; e) is a repeat case of inappropriate conduct; f) in the case of a councillor, involves a failure by the councillor to notify Council of alleged misconduct, material personal interest or conflict of interest of another councillor
Procedural fairness	<p>is concerned with the procedures used by a decision-maker rather than the actual outcome reached. It requires that a fair and proper procedure be used when making a decision. A decision-maker who follows a fair procedure is more likely to reach a fair and correct decision.</p> <p>The rules of procedural fairness require:</p> <ul style="list-style-type: none"> a) a hearing appropriate to the circumstances; b) lack of bias; c) evidence to support a decision; and d) inquiry into matters in dispute.
Queensland Ombudsman	is an independent complaint investigation agency.
Vexatious complaint	shall mean a complaint, which is considered to be made maliciously, regardless of its merits, primarily to embarrass, annoy or place an unreasonable burden on a respondent and, therefore, not worthy of any further action.

8 MONITORING AND REVIEW

Notwithstanding the above, this policy is to be reviewed every four (4) years for relevance and to ensure that its effectiveness is maintained.

9 RESPONSIBILITY

This Policy is to be implemented by the CEO; and reviewed and amended in accordance with the by the Executive Manager Corporate Services.

10 VERSION CONTROL

Version	Adoption (Council Resolution Number)	Date
V1	June 2016 (2016/06/02)	23/06/2016
V3	May 2020 (2020/05/09)	27/05/2020
V4	June 2022 (2022/06/07)	29/06/2022
V5	March 2025 (2025/03)	26/03/2025