



Administrative Actions Complaints Process

Head of Power

Local Government Act 2009
Local Government Regulation 2012

Objective

The objectives of this policy are to ensure that Council has an organised way of responding to, recording, reporting and using complaints to improve service to the community.

Application

This policy applies to all administrative action complaints made to the local government.

This policy does to apply to staff or councilor conduct complaints..

Policy Statement

What is an administrative Action Complaint

An Administrative Action Complaint (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 staff (including contractors and volunteers), including a failure to take action.

Administrative matters relate to the actions or decisions made by council administration, but do not include:

- Requests for information
- Requests for service (where you want Council to take action in relation to a service or product provided by Council eg, barking dog, leaking water pipe, pot hole, road maintenance, etc)
- Suggestions, enquiries or petitions
- Comments submitted during formal consultation or negotiation processes
- Councillor conduct

Section 268(2) of the Local Government Act 2009 defines an 'administrative action complaint' 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 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.

This document sets out Council's policy regarding the identification and monitoring of related party



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How do I make an Administrative Action complaint?

There are a number of ways you can lodge a complaint:

In Person

Pormpuraaw Aboriginal Shire Council, 24 Thinraathin Street, Pormpuraaw 4892

By Phone 07 4060 4600

By Mail C/- Post Office, PORMPURA AW QLD 4892

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

What information will I need to provide?

You will need to provide the following details when you lodge a complaint:

The nature of the complaint in as much detail as possible.

Detail of any loss or detriment you have suffered.

If the incident has been reported to any other agency or authority.

The remedy you are seeking.

Any supporting information and documentation, including names and contact details of anyone else who is able to support the complaint.

Your contact details*.

*You may remain anonymous but please be aware that Council may need to contact you for further details to properly investigate the complaint. Council may refuse to investigate an anonymous complaint if insufficient information is provided.

Do I have to put my complaint in writing?

No, you can lodge your complaint in writing or verbally. If you have a difficult or more serious complaint, we encourage you to lodge it in writing with all details set out. This can be done either by letter or email

How long will it take for Council to deal with my complaint?

Council aims to resolve complaints as quickly and efficiently as possible. The length of time taken will depend on how complex the matter is. The relevant area in Council will keep you informed of the progress of the investigation.

Will my identity remain confidential?

Yes. It is Council's policy not to disclose confidential information, including names and addresses, without a person's consent, to anyone outside Council.

Can I lodge a complaint on behalf of someone else?

Yes, but if you lodge a complaint on behalf of an affected person, we will respond directly to that person affected, not to you as the person acting. If you provide a letter of authority confirming that you are acting on behalf of the affected person, we will respond to you instead.



I need help to make a complaint.

Where necessary, a Council officer may help you by providing information on how to make a complaint, including how should be documented. The aim is to help clarify your issue and the outcome(s) you seek.

If you need language assistance, please call the National Translating and Interpreting Service (NTIS) on 131 450. Advise the NTIS of your preferred language and ask to speak with Cairns Regional Council Customer Service on 1300 69 22 47.

If you need assistance because of a hearing or speech impairment please contact the National Relay Service on 133 677. If you can speak and hear but sometimes people have trouble understanding you, the number to call at the Relay Service is 1300 555 727.

If I make a complaint, can Council refuse to investigate?

Yes, Council can refuse to investigate a complaint if:

- The complaint is considered to be trivial, frivolous or vexatious, lacks substance or credibility
- The complainant does not have sufficient direct interest in the administrative action the subject of the complaint; or
- It is made using rude, aggressive, abusive or threatening language, or where the complainant is physically harassing or stalking a Council officer(s).
- The complainant is pursuing the complaint through an alternative review process, or it has already been reviewed through an alternate review process.

Are there any costs associated with lodging a complaint?

No, there is no fee or charge.

What response can I expect when I lodge my complaint?

Council takes complaints seriously. We will acknowledge your complaint within 5 working days from receiving the complaint. After 10 working days, if you have not received an acknowledgement please call Council on 1300 69 22 47.

What if I am not satisfied with the response from my complaint?

If you are dissatisfied with how Council has handled your complaint you can apply for an internal review. An internal review is an impartial review of a decision about a complaint and is completed by an officer that has not had any substantive dealings with the complaint. The review considers whether the original decision maker:

- identified and addressed all the relevant issues
- sought and considered appropriate evidence
- complied with legislative requirements and our internal policies and procedures
- made the correct decision
- adequately explained the original decision to the complainant.

An internal review is not a re-investigation of a complaint.

Requests for an internal review should clearly tell Council why you think the assessment, investigation or decision about your complaint is incorrect, unreasonable or wrong. The request



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should include:

- your name, address, email and telephone number
- complaint reference number (if known)
- any new information that should be considered in reviewing the matter
- copies of any relevant letters or other documents that have not previously been provided
- the outcome that you want from the review.

A request for an internal review must be made no later than three months after the original decision

One or more of the following outcomes are possible:

- the original decision was correct and the complaint does not merit further investigation
- the original decision was wrong and should be amended without further investigation
- the original investigation should be reopened
- the decision should be better communicated
- a policy, procedure or practice may be amended
- records may be amended
- an apology or some other remedy may be offered.

Requests for Internal reviews must be submitted in writing via the below channels:

By Phone 07 4060 4600

By Mail C/- Post Office, PORMPURAAW QLD 4892

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

Complaint Process

Acknowledgement of complaints

The receipt of complaints will be acknowledged.

Acknowledgements can be made verbally or in writing and should be in the way preferred by the complainant.

Acknowledgements should include the issues raised, the process, expected timeframe and contact officer details.

Acknowledgements will be provided promptly and within 5 days of the complaint being received.

Recording complaints

All administrative action complaints will be recorded. Council will keep and maintain a complaint's register. The complaints register should include the following details for all administrative action's complaints made to council:

complaint reference number

complainant's name

date received

complaint subject/topic

complaint outcome

date finalised action required and implementation date.

All written complaints will be referred to the CEO. The CEO will arrange for the complaint details to be recorded in the complaints register.

All oral complaints will be recorded by the receiving officer and referred to the CEO. Details of the complaint will be entered in the complaints register. If an oral complaint is complex, the CEO may request the complainant to put the complaint in writing.

A full and accurate record of the management of each complaint should be created and maintained. The complaint record/should include the following details:

complaint reference

complainant's name and contact details

date complaints received (and how)



complaint issue/s
information collected and considered
review/investigation actions taken to resolve complaint
complaint decision and reasons
final response communicated to complainant
date complaint finalized

Assessing Complaints

Each complaint should be assessed to determine:

the nature of the complaint
how it should be managed, including priority
what information is required.

The criteria for assessing whether to investigate/review a complaint are:

whether the complaint involves an administrative action of council or its staff
whether the complainant has a sufficient direct interest in the administration action
whether the complainant has a statutory right of review/appeal and it is reasonable in the circumstances to require the complainant to exercise that right
whether the complaint involves a serious or minor matter or is vexatious
the time that has passed since the administrative action occurred
the outcome/s the complainant is seeking and what remedies may be available
the resources required to investigate/review the complaint compared to the complaint's seriousness and likely outcome
whether the complaint indicates maladministration.

Anonymous complaints will be accepted and assessed against the same criteria as any other complaint. Important considerations include:

the nature and seriousness of the complaint
the quantity and quality of information provided
the capability of productive investigation.

Reviewing complaints

Complaints will be quickly and efficiently responded to in a fair and objective way.

The review of complaints should include:

clarifying details of the complaint with the complainant
gathering and considering all relevant information to the complaint
identifying and considering relevant laws, policies and procedures
giving any affected person to the complaint natural justice i.e. a fair hearing before the complaint is decided
determining the complaint outcome and any appropriate remedy
recording the decision and the reasons.

One or more of the following remedy options may be considered to resolve complaints:

Apology

refund or financial compensation
change of decision
change of policy, practice, procedure correction of misleading or inaccurate records
replacement, repair or re-work assistance, information, referral
assistance, information, referral
any other appropriate remedy

Responding to complaints

Complainants will be advised of the final response (complaint decision) promptly and within 40 working days. The final response can be provided verbally but should be confirmed in writing.

If the final response cannot be provided within this timeframe, the complainant should be advised of the progress and expected time for a response.

The final response will inform the complainant of:

the complaint decision and the reasons
the relevant contact officer details for further information or enquiry; and
any available internal or external review rights.

Internal reporting on CMP operation

An internal report on the operation of the CMP will be prepared and provided to senior management annually.

The operation of the CMP refers to collecting and analysing individual or aggregate complaints data to identify improvement and monitoring effectiveness of the CMP

Complaints data



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The internal report will identify, analyse and respond to complaint trends, significant and systemic issues based on all administrative action complaints made to council as recorded in the complaints register and include any recommendations for improvements.

Accepted recommendations will be monitored for implementation.

CMP effectiveness

The CMP will be reviewed to assess whether it is operating effectively.

The review of the CMP should include reviewing visibility and accessibility, policy and procedures, complaints capture and recording, timeliness of complaint resolution. Staff, complainants and customers should be consulted as part of the review.

The internal report will include the review findings and recommendations. Accepted recommendations will be monitored for implementation.

External reporting

Council's annual report will contain the following information about the CMP for resolving administrative action complaints : required by the Local Government (Finance, Plans and Reporting) Regulation 2010(s115).

Annual report information about CMP will include:

a statement about council's commitment to dealing fairly with administrative action complaints

a statement about how council has implemented the CMP including an assessment of council's performance in resolving complaints under the CMP

the number of all complaints made, resolved and unresolved during the year

number of complaints unresolved from the previous year

Related Documents

This policy complements and is to be implemented in conjunction with other Council policies and directives (but not limited to):

- Schedule of Fees & Charges

Review Triggers

This policy is reviewed internally for applicability, continuing effect and consistency with related documents and other legislative provisions when any of the following occurs:

- (1) The related documents are amended.
- (2) The related documents are replaced by new documents.
- (3) Amendments are made to the head of power which affect the scope and effect of this Policy.
- (4) Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this Policy is to be reviewed at least once every two years for relevance and to ensure that its effectiveness is maintained.

Responsibility

This Policy is to be:

- (1) implemented by the CEO; and
- (2) reviewed and amended in accordance with the "Review Triggers" by the CEO.



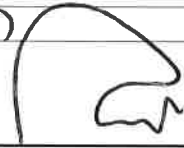
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Version Control

Policy: RPP-001		Official Version: RPP-001V2
Version	Adoption (Council Resolution Number)	Date
V1	June 2016 (2016/06/02)	23/06/2016
V2	July 2018 (2018/07/xx) → 2b	26/07/2018
V3	MAY 2020 (2020/05/09)	27/5/2020

Approved by CEO:

Signature

 Edward N. Ateva

