
ADMINISTRATIVE ACTION COMPLAINT MANAGEMENT POLICY

INTENT

The intent of this policy is to ensure that complaints are dealt with fairly, effectively and efficiently and in accordance with the requirements set by the *Local Government Act 2009* and the *Local Government Regulation 2012*.

SCOPE

This policy applies to all administrative action complaints received by Council lodged by an affected person.

An administrative action complaint is a record of a customer's dissatisfaction with delivery of a product or service offered by Council or the unsatisfactory conduct of a Council officer. This is distinct from a request for service. A request for service may, however, develop into a complaint should the provision or timeliness of the service be considered unsatisfactory.

The following matters are not Administrative matters and are dealt with under different systems, policies or legislation:

- Requests for service or information are processed through Council's Customer Service Request Management System or through HPE Content Manager workflows;
- Complaints regarding Councillor conduct or performance are dealt with under Council's Councillor Investigation Policy;
- Competitive neutrality complaints are dealt with under Council's Competitive Neutrality Complaint Management Policy;
- Public interest disclosures are dealt with under Council's Public Interest Disclosure Policy;
- Corruption complaints involving the CEO will be dealt with under the Complaints about Public Officials: Section 48A of the Crime and Corruption Act 2001 Policy. All information or matters that are reasonably suspected of involving corrupt conduct will be referred to the Crime and Corruption Commission (CCC). The Corrupt Conduct Assessment Form will be used to assess

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the complaint and a record will be made of all alleged corrupt conduct not referred to the CCC. The record will capture the assessment process and the decision not to refer.

- Corruption complaints involving other Council employees, apart from the CEO, are to be dealt with under Council’s Code of Conduct Policy.

In section 268(3) of the *Local Government Act 2009* an affected person is defined as a person who is apparently directly affected by an administrative action of a local government.

DEFINITIONS

TERM	DEFINITION
Administrative action complaint	Defined in Section 268(2) of the Local Government Act 2009 as a complaint that is about an administrative action of a local government including the following: a decision, or failure to make a decision, including a failure to provide a written statement of reasons for a decision; an act, or failure to do an act; the formulation of a proposal or intention; the making of a recommendation; and is made by an affected person.
Affected person	A person who is apparently directly affected by an administrative action of Council
Complaint	An “expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response is explicitly expected or legally required” ¹
Complainant	A person or entity who makes a complaint
Frivolous matter	A matter viewed as trivial, lacking in substance, or unworthy of serious attention. Considerations include whether: <ul style="list-style-type: none"> • The complainant has a history of making false or unsubstantiated complaints; • There is no information to support the allegation in any way; • The allegation is not serious or sensible, and is of such a nature that a reasonable person could not treat it as being bona fide; • The allegation is without any foundation and appears to be designed to harass, annoy or embarrass the subject officer;

¹ See [Australian/New Zealand Standard AS/NZS 10002:2022](#) Guidelines for Complaint Management in Organisations.

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TERM	DEFINITION
Request for service	A request for the Council to take action to satisfy the needs of a customer, ratepayer, business or resident.
Unjustifiable use of resources	Action may be an unjustifiable use of resources if: <ul style="list-style-type: none"> • The law or policy alleged to have been breached is no longer in force (unless the breach occurred when the law was in place); • The lapse of time between action and the making of the complaint reduces the likelihood of productive investigation through inability to obtain relevant evidence; • The complaint is repetitious – repeating, without any additional grounds and with no new allegations or evidence, the substance or a previous complaint that has been dealt with; or • The complaint cannot be substantiated because there could not be any evidence capable of proving the allegation.
Vexatious complaint	A complaint which is intended to, or perceived to intend to cause distress, embarrassment, or to harass the subject of the complaint (may also relate to Frivolous complaints).

POLICY STATEMENT

Council is committed to delivering high quality service to the communities it serves and understands that there will be times when people will not be completely satisfied with services provided. Accordingly, Council encourages people to come forward and voice their dissatisfaction as this provides an opportunity to review the issue and where relevant, rectify the issue and/or improve Council's internal procedures to enhance service levels.

To support this policy, Council's Administrative Action Complaint Management Process has been developed with overarching principles, detailed below, to ensure that all complaints are managed to meet statutory requirements and to deliver the best outcomes to the community.

Customer Focused

The organisation is committed to effective complaint handling and values feedback through complaints. We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

Visibility

Information about how and where to complain is well publicised.

Accessibility

The process of making a complaint and investigating it is easy for complainants to access and understand.

Responsiveness

Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency and the complainant is kept informed throughout the process.

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<i>Objectivity and Fairness</i>	<i>Complaints are dealt with in an equitable, objective and unbiased manner. This will help to ensure that the complaint handling process is fair and reasonable. Unreasonable complainant conduct is not allowed to become a burden.</i>
<i>Confidentiality</i>	<i>Personal information related to complaints is kept confidential.</i>
<i>Remedy</i>	<i>If a complaint is upheld, the organisation provides a remedy.</i>
<i>Review</i>	<i>There are opportunities for internal and external review and/or appeal about the organisation's response to the complaint and the complainants are informed about these avenues.</i>
<i>Accountability</i>	<i>Accountabilities for complaint handling are clearly established and complaints and responses to them are monitored and reported to management and other stakeholders.</i>
<i>Continuous Improvement</i>	<i>Complaints are a source of improvement for Council.</i>

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

Further, Council reserves the right to refuse to investigate a complaint if it is reasonably considered that:

- the complaint concerns frivolous matters or is deemed vexatious; or
- the complainant is not an affected person as defined under the *Local Government Act 2009*; or
- the complainant has a right of appeal, reference or review, or other remedy that the person has not exhausted; or
- the investigation of the complaint is deemed to be an unjustifiable use of resources.

The Chief Executive Officer is the only officer with the authority to categorise a complaint as:

- frivolous or vexatious; or
- an unjustifiable use of resources.

Lodging a Complaint

Complaints may be submitted to Council through the following options:

- Emailing Council at mail@cook.qld.gov.au
- Post to the Chief Executive Officer, Cook Shire Council, PO Box 3, Cooktown Qld 4895
- Lodge in person at Council's Administration Office at 10 Furneaux Street, Cooktown
- The "Contact" page on Council's website

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KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Chief Executive Officer	Promote a culture that values complaints and their effective resolution and provide adequate support and direction to key staff responsible for handling complaints.
Executive Leadership Team	Review and monitor complaint trends and issues through reports provided and the annual assessment of the Complaints Management Process. Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly and effectively. Encourage and support recommendations for system improvements.
Governance Coordinator	Oversight of the Customer Complaints Register and coordination of complaints received; Oversight of the policy and annual review of the effectiveness of the Complaints Management Process.
Manager responsible for complaint handling	Provide reports to ELT on issues arising from complaint handling work and ensure recommendations arising from the process are canvassed where appropriate. Encourage staff managing complaints and assist them to resolve them promptly.
All staff	Treat all people with respect, including people who make complaints. Be aware of complaint management procedures and assist people who wish to access Council's complaint process.

REFERENCES, LEGISLATION AND GUIDELINES

Local Government Act 2009

Local Government Regulation 2012

Human Rights Act 2019

RELATED DOCUMENTS

Administrative Action Complaint Management Process – D22/8969

Complaints Management Process Map – D22/10234

Competitive Neutrality Complaint Management Policy – D22/7353

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Public Interest Disclosure Policy – D22/15121

Councillor Investigation Policy – D21/5872

Code of Conduct Policy – D20/5552

Complaints about Public Officials: Section 48A of the Crime and Corruption Act 2001 – D18/20563

IMPLEMENTATION/COMMUNICATION

This Policy will be available on Councils website, intranet and HPE Content Manager. It will be communicated to staff via an All Staff e-mail with further training provided to the Customer Experience team and other relevant officers.

APPROVED BY

Council Resolution 2023/72

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Governance Coordinator
ADOPTION DATE:	April 2023
REVIEW DATE:	April 2027

THIS POLICY IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED BY COUNCIL

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AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
V1.0	New Policy	March 2006	Council Resolution 25029
V2.0	General review and amendments	June 2010	Council Resolution 29250
V3.0	General review and amendments	September 2011	Council Resolution 30016
V4.0	General review and amendments	July 2013	Council Resolution 30588
V5.0	Minor amendments	May 2014	Departmental Review
V6.0	Detailed review and overhaul including related templates	July 2019	Council Resolution 2019/174
V7.0	Separation of Policy from Process and focus on Administrative Action complaints	June 2022	Council Resolution 2022/ 173
V8.0	Amendments to corrupt conduct allegation references	April 2023	Council Resolution 2023/72

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