

## HEAD OF POWER

- *Local Government Act 2009*, section 268
- *Local Government Regulation 2012*, section 306
- *Public Interest Disclosure Act 2010*
- *Human Rights Act 2019*
- *Crime and Corruption Act 2001*

## INTENT

The purpose of this policy is to outline the guiding principles and processes Council and its employees will apply to the effective management of complaints, from receipt to resolution.

## SCOPE

This policy applies to all employees, Councillors, Councillor Advisor and Non-Government Entities dealing with complaints. This policy should be read in conjunction with relevant operational procedures, as listed:

- Administrative Action Complaint Procedure (which includes human rights and privacy complaints)
- Competitive Neutrality Complaint Procedure
- Fraud and Corruption Investigation Procedure
- Public Interest Disclosure Procedure

Complaints **not** covered by this policy:

- Complaints about Councillors, including the Mayor – refer to Councillor Complaints Investigation Policy.
- Complaints about the Councillor Advisor – refer to Chief Executive Officer
- Corrupt conduct complaints about the Chief Executive Officer – refer to Complaints about the Chief Executive Officer Policy.
- A formal decision/resolution made at a Council Meeting.

## DEFINITIONS

**Complaint** means as defined in AS/NZS 10002:2014 – an expression of dissatisfaction made to or about an organisation related to its products, services, employees or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

**Compliment** means positive feedback about a product or service and employees.

**Corruption** means corrupt conduct as defined pursuant to section 15 of the *Crime and Corruption Act 2001*.

**Employee** means a local government employee as defined pursuant to the *Local Government Act 2009*.

**Fraud** means dishonest activity causing actual or potential loss to any person or Council including theft of moneys or other property by employees or persons external to Council and

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where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose of the improper use of information or position for personal benefit (as defined in the Australian Standards AS 8001-2021, Fraud and Corruption Control).

**Non-Government Entity** is an entity engaged to perform functions on behalf of Council.

**Request for information** means an enquiry or request for information about Council services, policies, and procedures.

**Request for service** means a request for action to be taken in relation to a service or product. If a request for service is not acted upon and a second request is received, this may be treated as a complaint.

**Suggestion** means a suggested service or product improvement.

## POLICY STATEMENT

### 1. Principles

Council acknowledges the right of any person to provide positive and negative feedback to Council. This feedback is important to ensure Council and its employees act within legislation/policies and provides opportunities for continuous organisational improvement.

Feedback can be received as a:

- Complaint;
- Compliment;
- Request for information;
- Request for service; or
- Suggestion.

Council is committed to a complaint management policy that is:

- **Visible and accessible** – providing information to the public and employees about the complaints management process and providing reasonable assistance where necessary. Information can be found on Council's website: <https://www.bundaberg.qld.gov.au/complaints-disclosures>.
- **Transparent and accountable** – ensuring a statement of reasons for a decision is included in an outcome response to the complainant (unless made anonymously) and options for review if there is dissatisfaction.
- **Responsive** – ensuring employees are aware of this policy and provided with assistance and training to ensure complaints are acknowledged and responded to quickly and efficiently in a fair and objective manner.
- **Contributing to continual improvement** – identification of any systemic issues or areas of improvement to be considered and used to improve business operations, policy and procedures.
- **Monitoring effectiveness** – complaints will be recorded appropriately to allow for

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meaningful analysis of complaints data, which may be reported internally or externally (as outlined in the complaints procedures).

- **Considerate to human rights** – all complaints will be assessed taking into account the human rights of the complainant, pursuant to the *Human Rights Act 2019*, and considered to determine whether the action or decision limits a human right.

## 2. Complaint management

### 2.1 Categories

Council manages a variety of complaints, which may have their own legislative requirements in relation to processing, management and reporting. All complaints will be assessed in line with legislative requirements and investigation/review will occur in accordance with the relevant operational procedure.

The diagram at **Appendix A** outlines all complaint categories (including those not covered by this policy) and associated legislation, Council policy or procedure.

### 2.2 Lodgement and assessment

Complaints should be made in a timely manner, unless there are circumstances where this is not possible. For any limitations for certain complaints, refer to the operational procedures. All relevant evidence should be provided by the complainant at the time the complaint is lodged.

Council provides a range of methods to lodge a complaint or request a review:

- email to [complaints@bundaberg.qld.gov.au](mailto:complaints@bundaberg.qld.gov.au).
- in writing to PO Box 3130, Bundaberg QLD 4670.
- by calling Council's call centre on 1300 883 699.
- over the counter at a customer service centre or in-person with an employee.
- by completing the form, available on Council's website: <https://www.bundaberg.qld.gov.au/complaints-disclosures>.

Requirements in relation to lodgement of specific types/categories are outlined in operational procedures. Each complaint will be assessed on its merits, and in accordance with the appropriate operational procedure to determine the course of action for review or investigation.

### 2.3 Declining a complaint

Every effort should be made to respond to a complaint, however it may be determined (following assessment) that a complaint may be declined for one or more of the types outlined below (as defined by the Queensland Ombudsman).

#### 2.3.1 Trivial, frivolous, vexatious

- Trivial – a matter of little importance or does not show that the complainant has suffered a significant injustice.
- Frivolous – lacking in merit, minimal importance, not having any serious purpose or

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value.

- Vexatious – made without reasonable ground/s and/or for a wrongful purpose (e.g. to harass, annoy, cause delay or detriment).

Complaints considered as above will not be investigated and the complainant will be advised accordingly. Those complainants that continue to make these types of complaints will be managed in accordance with the Unreasonable and Unacceptable Customer Conduct Procedure. Governance and Legal Services are available to provide advice to address or decline a complaint.

## 2.4 Privacy and confidentiality

Council is committed to treating all complaints with appropriate respect for the confidentiality and privacy of the parties involved.

Except for the circumstances mentioned below, employees undertaking a review or investigation of a complaint are required to maintain confidentiality throughout the process to protect the identity of the complainant, witnesses and anyone who is the subject of the complaint.

If confidential or personal information is intentionally or recklessly disclosed to anyone, this may be a breach of the *Local Government Act 2009* (which is a criminal offence) and the Employee Code of Conduct, which may result in disciplinary action/proceedings.

### 2.4.1 Disclosure of confidential or personal information

Council takes its obligations and responsibilities contained with the privacy principles of the *Information Privacy Act 2009* seriously, ensuring the personal information of a complainant is protected to the extent possible, except in the circumstances mentioned below:

- keeping a record of the complaint;
- reviewing or investigating the complaint;
- advising or referral to an appropriate authority, e.g. Queensland Ombudsman, Crime and Corruption Commission, Office of the Independent Assessor;
- a proceeding in a court or tribunal;
- providing for the safety or welfare of a person; or
- as authorised by law.

## 2.5 Anonymous complaints

Anonymous complaints will be accepted by Council however it is important that appropriate information, evidence (including potential witnesses) and supporting documents are provided to support the complaint being made.

Providing Council with contact details allows information to be clarified and further information to be sought which may advance the investigation.

## 2.6 Managing the parties of a complaint

Council will ensure procedures and guidelines are implemented about the behaviour expected from its employees, non-government entities and complainants when reviewing or investigating a complaint (i.e. Employee Code of Conduct and Managing Unreasonable & Unacceptable Customer Conduct Procedure).

## 2.7 Communicating the outcome, reporting and review

The process contained within the referenced procedures will include advice on the notifications to complainants, timelines to receive a response, review and appeal rights (if applicable) should they be dissatisfied with the outcome of the review or investigation.

## 2.8 Recordkeeping

Detailed and accurate records are to be maintained when reviewing or investigating a complaint, in accordance with Council's Recordkeeping Policy.

## 2.9 Fraud and Corruption

Council is dedicated to maintaining an organisational culture that ensures that effective prevention, detection and response to fraud and corruption is an integral part of all Council activities. Council has a zero tolerance to fraud and corruption, meaning that any reports of potential fraud or corruption will be fully investigated in accordance with the Fraud and Corruption Investigation Procedure with appropriate action taken.

By law, certain allegations of fraud or corruption conduct must be reported by Council to the Crime and Corruption Commission.

The Chief Executive Officer and the Chief Legal Officer are Council's CCC liaison officers and will report to the CCC and ensure that reports of fraud and corrupt conduct are made to the Queensland Audit Office and Queensland Policy Service as appropriate.

## 3. Analysis, complaint trends and monitoring

Section 306 of the *Local Government Regulation 2012* requires that Council implement mechanisms to:

- identify, analyse and respond to complaint trends; and
- monitor the effectiveness of this policy and associated procedures, by monitoring the time taken to resolve complaints, for example.

These review mechanisms are included in the operational procedures and will be coordinated by Governance and Legal Services.

## ASSOCIATED DOCUMENTS

- Administrative Action Complaint Procedure
  - Code of Conduct for Councillor Advisors in Queensland
  - Code of Conduct for Councillors in Queensland
  - Competitive Neutrality Complaint Procedure
  - Complaints about the Chief Executive Officer Policy
  - Councillor Complaints Investigation Policy
  - *Crime and Corruption Act 2001*
  - Employee Code of Conduct
  - Fraud and Corruption Control Plan
  - Fraud and Corruption Investigation Procedure
  - *Human Rights Act 2019*
  - *Information Privacy Act 2009*
  - *Public Interest Disclosure Act 2010*
  - Public Interest Disclosure Procedure
  - Unreasonable and Unacceptable Customer Conduct Procedure
- Ombudsman Act 2001*

## DOCUMENT CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

As part of its review, Council will review the complaints management framework including operational procedures, reporting mechanisms, website information and employee training.

## POLICY OWNER

Chief Legal Officer.

## Appendix A – Complaint Categories & Management

Complaint About:	Legislation	Council Policy/Procedure	External Agency
Mayor or Councillor	<i>Local Government Act 2009</i>	Councillor Complaints Investigation Policy (CP-3-044)	Office of the Independent Assessor
Corrupt conduct of Chief Executive Officer	<i>Crime Corruption Act 2001</i>	Complaints about the Chief Executive Officer Policy (CP-3-031)	Crime and Corruption Commission
Dissatisfaction with a decision, act, or failure to act	<i>Local Government Act 2009 and Local Government Regulation 2012</i>	Administrative Action Complaint Procedure (PD-7-350)	Queensland Ombudsman
Employee conduct – fraud or corruption	<i>Crime and Corruption Act 2001</i>	Fraud and Corruption Investigation Procedure (PD-7-091)	Crime and Corruption Commission
Employee conduct – all other types	<i>Local Government Act 2009</i>	Certified Agreement Dispute Resolution Process	Queensland Industrial Relations Commission
Public interest disclosure	<i>Public Interest Disclosure Act 2010</i>	Public Interest Disclosure Procedure (PD-7-467)	Queensland Ombudsman
Competitive neutrality	<i>Local Government Act 2009</i>	Competitive Neutrality Complaint Procedure (PD-7-514)	Queensland Competition Authority
Breach of privacy	<i>Information Privacy Act 2009</i>	Administrative Action Complaint Procedure (PD-7-350)	Office of the Information Commissioner
Breach of a human right	<i>Human Rights Act 2019</i>	Administrative Action Complaint Procedure (PD-7-350)	Queensland Human Rights Commission
Non-Government Entity	<i>Ombudsman Act 2001</i>	Administrative Action Complaint Procedure (PD-7-350)	Queensland Ombudsman

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