

General Policy

GENERAL COMPLAINTS MANAGEMENT POLICY

- Intent** In accordance with section 306 of the [Local Government Regulation 2012](#) Council must have a written policy and procedure which supports the complaints management process (CMP). The objectives of the CMP are to outline the process by which Council records, manages and resolves administration action complaints and Council's commitment to the effective management of complaints.
- Scope** Applies to all Cairns Regional Council staff responsible for administrative action complaints as identified under section 268 of the [Local Government Act 2009](#) made to Council.

PROVISIONS

An Administrative Action complaint is a complaint that –

Is about an administrative action of a local government made by an affected person, including the following for example –

- a decision, or a 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.

Lodging a complaint for Council's consideration does not preclude the issue being investigated by another department or agency, such as the Queensland Ombudsman.

♦♦♦♦♦

This process is to remain in force until otherwise determined by Council.

General Manager Responsible for Review

Human Resources & Organisational Change

**ORIGINALLY ADOPTED: 9/03/2006
CURRENT ADOPTION: 12/06/2019
DUE FOR REVISION: 12/06/2023
REVOKED/SUPERSEDED**

A handwritten signature in black ink, appearing to read "John", written over a circular stamp or seal.

**John Andrejic
Chief Executive Officer**

CONTENTS

1. Definitions	3
2. Principles.....	4
2.1 Visibility.....	4
2.2 Accessibility	4
2.3 Responsiveness.....	4
2.4 Objectivity	4
2.5 Confidentiality	4
2.6 Customer-Focused Approach	4
2.7 Accountability.....	4
2.8 Continual Improvement.....	4
3. Lodging a Complaint	5
3.1 Assistance & Visibility	5
3.2 Handling Anonymous Complaints	5
4. Complainants Rights	6
4.1 Information Privacy	6
4.2 Communication	6
5. Process.....	6
5.1 Preliminary Investigation	6
5.2 Internal Review	7
5.3 External Review	7
6. Reporting.....	7
 Attachment 1 – Complaints Form	 8
Attachment 2 – Complaints Process	9
Attachment 3 – External Agency's.....	10

1. DEFINITIONS

"An administrative action complaint" is a complaint that –

Is about an administrative action of a local government made by an affected person, 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

An **affected person** is a person who is, or is likely to be, directly affected by an administrative action of Council.

A **complaint** is an expression of dissatisfaction made to or about Council, our services, workers (including employees, contractors and agency staff) or our handling of another complaint. A service request is not a complaint.

Administrative action complaints include:

- complaints regarding how a previous request has been handled by Cairns Regional Council (CRC).
- complaints about the way a response has been provided by CRC.
- complaints about a decision of Council.
- a failure to complete a request for service or provide a decision in the designated timeframes.

What is not an administrative action complaint:

- requests for information / service.
- reports of damaged or faulty infrastructure such as potholes or hazards, fallen branches, burst water pipes etc.
- a suggestion or proposed service improvement.
- requests for further clarification.
- a follow up or further request for service that has not been completed by CRC but is still within the timeframes advised to the customer.
- petitions.
- comments or submissions received during formal consultation or community engagement.
- complaints about Councillor conduct.

"Complainant responsibilities" you are responsible for:

- Providing us with a clear idea of the problem and the solution you want
- Giving us all the relevant information you have (or know about) at the beginning
- Telling us new facts or letting us know you no longer want our help
- Cooperating with us
- Treating us with respect.

"Corrupt Conduct" under the [*Crime and Corruption Act 2001*](#), corrupt conduct is conduct by anyone that adversely affects a public agency or public official so that the performance of their functions or the exercise of their powers:

- is not honest or impartial, or
- knowingly or recklessly breaches public trust, or
- involves the misuse of agency-related information or material.

Corrupt conduct is engaged in for the purpose of providing a benefit to the person or another person, or causing detriment to another person. In addition, the conduct must be serious enough that, if proved, would constitute a criminal offence or a disciplinary breach providing grounds for dismissal.

Under the [Crime and Corruption Act 2001](#), corrupt conduct includes an attempt or a conspiracy to engage in the conduct, as well as neglect, failure or inaction that adversely affects a public agency or official in the ways described above.

Anyone who tries to corrupt a public sector officer can also be guilty of official misconduct if the matter involves a criminal offence.

"Council's responsibilities" Council are responsible for:

- handling your complaint professionally, efficiently and fairly
- keeping you informed of our progress
- giving you reasons for our decisions
- treating you with respect.

"Employee Complaint" is a complaint regarding the manner in which a Council employee has behaved while conducting Council business or representing Council. An employee is a person who enters into a contract of employment or service with the Cairns Regional Council on a full-time, part-time, casual or temporary basis, or a volunteer, or a contractor and/or a person prescribed by regulation.

"Frivolous, trivial or vexatious complaint" is a complaint which, at the discretion of the relevant General Manager, is considered to be minor, without merit, mischievous or without sufficient grounds and therefore not worthy of action.

"General enquiry" is a request for clarification, advice, information or further information about Council services, policies or procedures. Enquiries can usually be resolved in one-off communication.

"Historical Complaint" is any matter that is more than twelve (12) months old or has been dormant for more than twelve (12) months.

"Internal Review" is a review of a complaint by an authorised Complaints Officer as determined by the General Manager Human Resources and Organisational Change.

"Public Interest Disclosure" is a complaint about Council officers made under the [Public Interest Disclosure Act 2010](#) (formally whistle-blowers' legislation). These are handled by Council's Ethical Standards Unit.

"Unreasonable complainant conduct" any behaviour by a current or former complainant, which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to the complaint. It is not limited to telephone communications or face-to-face interactions it can occur over the internet or on social media websites, in a public location or in written correspondence.

2. PRINCIPLES

Council is committed to ensuring the following principles of good complaints management:

2.1 Visibility

Council is committed to ensuring that information about how and where to complain is available on the Council website at the following link

<http://www.cairns.qld.gov.au/home/contact-us/admincomplaint>

2.2 Accessibility

Council's CMP is easily accessible on Council's website at the following link

<http://www.cairns.qld.gov.au/home/contact-us/admincomplaint>

2.3 Responsiveness

Council is committed to ensuring that complainants are informed of the decision of Council and about the reasons for those decisions. Council will also ensure that complaints are responded to efficiently and in a nominal timeframe in line with customer expectations and relevant legislation.

2.4 Objectivity

Council is committed to addressing each complaint equitably, objectively, and in an unbiased manner while ensuring complainants are treated fairly. Council will remain impartial in investigation and will be objective in the evaluation of facts or evidence.

2.5 Confidentiality

Council will respect the privacy of each complainant and commits to their complaints being investigated in private. Personal information supplied will only be used for the purpose of addressing the complaint and protected from disclosure unless the complainant agrees to the release or unless authorised or required by law.

2.6 Customer-focused approach

Council values the opportunity that complaints offer in identifying areas of service that may need improvement, in responding to individual dissatisfaction and in strengthening the relationship between Council and the community.

2.7 Accountability

Council is committed to providing a framework for the process of resolving complaints about administrative action of Council to ensure transparency of investigation.

2.8 Continual Improvement

Council's complaints management process will facilitate the use of the information obtained from the process to improve overall service delivery. Reporting will be provided to management on complaint trends and monitor the effectiveness of Council's complaint management process.

3. LODGING A COMPLAINT

A complaint can be made:

In Person: to a Customer Service Officer located at one of Council's offices
(see <http://www.cairns.qld.gov.au/home/contact-us>)

By Telephone: 1300 69 22 47

Mail: Chief Executive Officer
Cairns Regional Council
PO BOX 359 Cairns QLD 4870

Email: complaints@cairns.qld.gov.au

Online: Complaint form available on Council website at
<http://www.cairns.qld.gov.au/home/contact-us-online/official-complaint>

To assist a complainant in formulating their complaints Council has developed a Complaints Form which can be found as Attachment 1. Council has also formulated a Complaints Factsheet along with FAQ's which can be found on the complaints page at <http://www.cairns.qld.gov.au/home/contact-us/admincomplaint>

A complainant who makes a verbal complaint is strongly encouraged to commit the complaint to writing to ensure that it is clearly understood by the investigating officer.

3.1 Assistance and Visibility

Assistance will be provided to any person requesting it. This may include a Council officer hearing the complaint verbally and compiling notes on behalf of the customer, or directly assisting the customer to lodge the complaint. The aim is to clarify the issue and the outcome(s) sought (although there is no guarantee that the desired outcomes are realistically achievable).

3.2 Handling Anonymous Complaints

Anonymous complaints or feedback are accepted by Council. These complaints will be assessed to determine what action is appropriate, but it is important to note that the anonymity of the complaint may impact this assessment. Therefore, when the complaint cannot be actioned without further information the complaint will not be processed.

If a person wishes to lodge a verbal complaint but not provide identifying details, they should be advised that:

- Council does not victimise a person who makes a complaint
- Complaints may be directed to the General Manager or Manager responsible for the operational area
- Unless there is sufficient detail about the complaint, it will be difficult for Council to fully and effectively consider the issue
- No feedback can be provided to an anonymous complaint
- Complainants will not suffer any reprisals from Council or its officers for making a complaint.

3.3 Complaints by Third Parties

A complaint will be accepted from a third party acting on behalf of an affected person. To verify this fact, Council will contact the third party requesting satisfactory evidence of authority prior to taking any action. A complaint lodged by an applicant on behalf of an affected person will be responded directly to the affected person (and not the applicant), unless a letter of authority is provided indicating the applicant is acting on behalf of the affected person. If a complaint is lodged on behalf of a complainant by a professional advisor, for example a solicitor corresponding on firm's letterhead or email, verification is required to confirm that they are acting on behalf of a complainant and Council will respond directly to the advisor.

4. COMPLAINANT RIGHTS

A complainant is entitled to:

- An acknowledgement of Council's receipt of the complaint (unless made anonymously)
- A prompt response to the complaint;
- Being kept informed of the progress and outcome of the complaint;
- Confidentiality of personal details (insofar as this is possible within the law);
- A thorough and objective investigation or review of a complaint.

4.1 Recording a Complaint

All complaints are to be recorded in Council's customer reference system (CRM). Many administrative action complaints that are received may be an escalation of a previous request for service that has already been designated a customer reference number.

4.2 Information Privacy

Council takes very seriously its obligations and responsibilities contained within the privacy principles of the [Information Privacy Act 2009](#).

Details of any complaint, the identity of a complainant and other parties to the complaint, the investigation and decisions made in relation to the complaint are kept confidential. However, there may be occasions where disclosure of some or all of these details to another party is required by law.

4.3 Communication

Council is committed to making every attempt to respond to correspondence within five (5) business days and matters requiring a substantive response should be completed within twenty (20) working days.

Where delays are anticipated, the complainant will be contacted and provided with details of the person handling the matter and advised that every effort will be made to keep them informed of progress in the matter.

5. PROCESS

Council has opted for a staged administrative action complaints management process to allow for an efficient and effective resolution of complaints. The process allows for:

- preliminary investigation by a staff member;
- internal review by a Complaint Officer;
- external review by the appropriate external authority (i.e. Office of the Queensland Ombudsman)

The CEO, or a delegated officer, can make the decision to escalate a complaint matter where, due to the complexity, age or other reason, there are strong grounds for this decision. The flowchart in Attachment 2 diagrammatically represents the process.

The Complaints Management Policy will be reviewed annually to ensure effectiveness.

5.1 Preliminary Investigation

All complaints lodged electronically will receive an acknowledgment by Council; in most instances the complainant will receive a notification acknowledgement.

Acknowledgement of the complaint will be made in writing (letter or email) or by telephone, according to the preference expressed by the complainant within five (5) business days from receipt of the complaint.

The investigation should identify the root cause of the complaint and possible remedy suggestions to avoid future occurrence. The Council officer should provide advice of the decision, including the reasons for the decision, and any remedies, to the complainant as soon as practicable after the completion of the investigation.

The outcome of the investigation will be provided to the complainant in writing. The standard time to process a complaint is 20 business days and does not include weekends or notified public holidays. In some circumstances this period will be extended depending on the complexity of the investigation.

5.2 Internal Review

The Internal Review function provides a mechanism where if the complainant is not satisfied with the outcome of the complaint, they may lodge a request for an Internal Review.

Written acknowledgement of the request for Internal Review will be provided within five (5) business days of receipt of complaint. The Complaints Officer will then review the history of the matter, including any findings from the Preliminary Investigation and any responses and information provided by the complainant.

The Complaints Officer and reviewing party, in consultation with the General Manager will review the Internal Review report and any recommendations.

At the completion of the Internal Review, the Complaints Officer will prepare a response. Within the response Council will provide the relevant external escalation options should the complainant remain dissatisfied with the outcome of the investigation.

5.3 External Review

Should a complainant still remain dissatisfied with the outcome / how Council handled a complaint, a request for External Review can be lodged with an external complaint entity such as the Queensland Ombudsman, other Agency or the Courts. External Referral Agencies can be found in Attachment 3.

6. REPORTING

In accordance with Section 187 of the [Local Government Regulation 2012](#), Council's Annual Report for each financial year will provide the number of administrative action complaints made to Cairns Regional Council during the financial year including the number resolved and the number not resolved.

Further reports are also provided to Council's Executive Team on a quarterly basis containing details of the complaints received and resolved, and analysis including trends and recommendations for improvement.

Attachment 1 – Complaints Form



Complaint Form
119-145 Spence Street Cairns Q 4870
Phone: 1300 69 22 47
complaints@cairns.qld.gov.au

Please note: This form should ONLY be used to lodge a complaint and NOT a request for service.

IMPORTANT NOTICE

Cairns Regional Council is collecting your personal information for the purposes of assessing your complaint and to ensure that Council is able to remain in contact with you regarding the status of your complaint. Your personal information will only be accessed by employees and/or Councillors of Cairns Regional Council. Some of this information may be given to an external investigator for the purposes of investigation, the person complained about where the rules of natural justice requires, the Queensland Ombudsman in the event that a review of Council's decision is requested, Council's solicitor or insurance broker and/or underwriter where legal or insurance advice is required, the Crime and Corruption Commission and Queensland Police Service in the event that the matter involves criminal conduct or official misconduct and other authorised government agencies as required to process your complaint. Subject to the above disclosures, your personal information will not be given to any other agency unless you have given us permission or we are authorised or required by law to do so.

SECTION A Customer Details

Title: ☐ Mr. ☐ Mrs. ☐ Ms. ☐ Miss. ☐ Other

Surname: _____ First Name: _____

SECTION B Contact Details

Address: _____

Suburb: _____ Postcode: _____

Phone (h): _____ Phone (w): _____

Phone (m): _____ Fax: _____

Email Address: _____

Preferred Contact Method: ☐ Telephone ☐ Mobile ☐ Letter ☐ Email

SECTION C Complaint Details

Have you previously lodged a complaint with Council regarding this matter? ☐ Yes ☐ No

If YES, what date was the complaint made: _____

Have you been notified of progress, or the outcome? ☐ Yes ☐ No

If NO, have you previously lodged details of your complaint with any other agency/authority? ☐ Yes ☐ No

If YES, to whom: _____

Details of the Complaint

When did it happen? _____

Where did it happen? _____

Who was involved? _____

Please provide details of your complaint below. Any relevant supporting information which may be of assistance when assessing your complaint should also be attached.

Please include details such as grounds for the complaint (why you feel the action/decision was wrong), and any history on the matter that you feel is relevant.

#4605670 v1

#1149849v10

What do you think Council should do to resolve your complaint? (Please keep your response factual, achievable and realistic).

SECTION D Acknowledgement

All the information provided above is true and correct to the best of my knowledge.

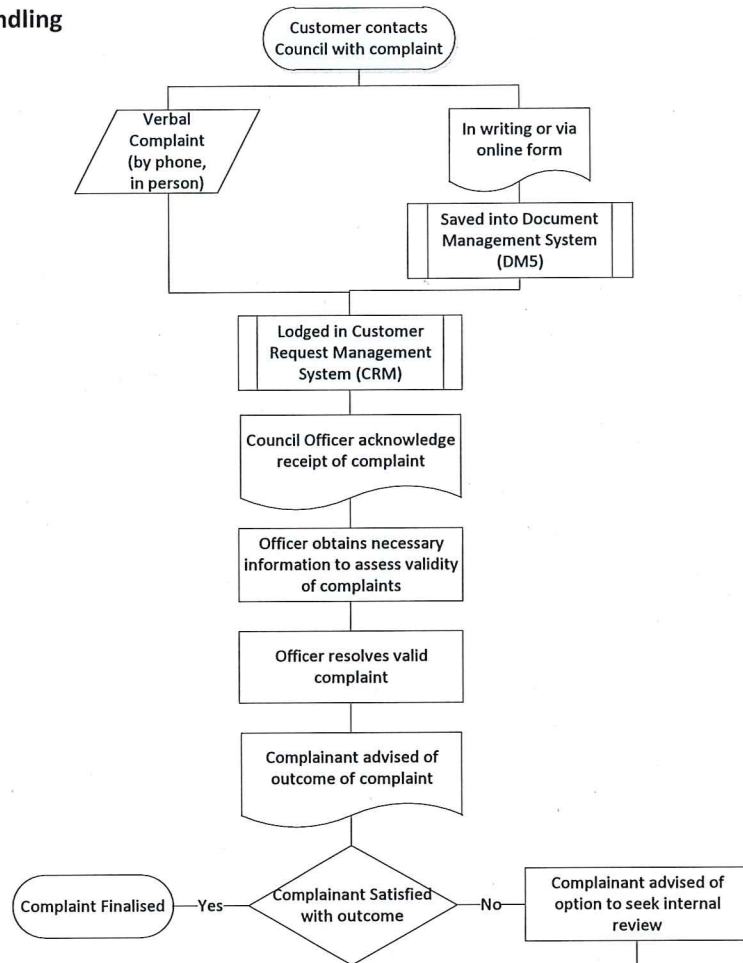
Signature: _____ Name: _____ Date: _____

SECTION E Office Use Only

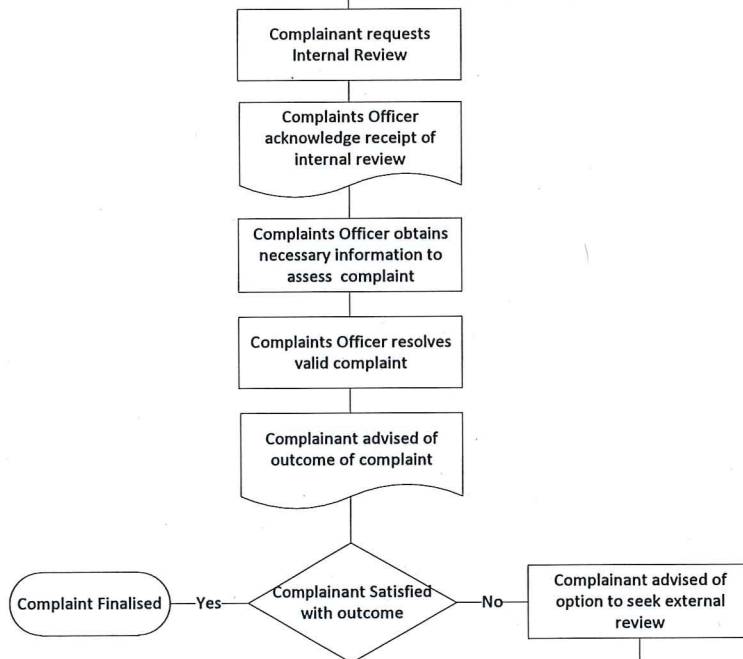
Action Officer: _____ Date: _____
Position: _____
Complaint lodged: ☐ Telephone ☐ In person ☐ In writing
Note: _____
DMS # _____

Attachment 2 – Complaints Process

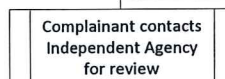
Frontline Complaint Handling



Internal Review



External Review



Attachment 3 – External Agencies

Queensland Ombudsman

The Ombudsman investigates complaints about the actions and decisions of Queensland public agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.

Phone: (07) 3005 7000 or
1800 068 908 (Toll Free)
Fax: (07) 3005 7067
Email: ombudsman@ombudsman.qld.gov.au
Postal: GPO Box 3314 Brisbane QLD 4001

Crime and Corruption Commission (CCC)

The CCC investigates both crime and corruption, has oversight of both the police and the public sector, and protects witnesses.

Phone: (07) 3360 606 or
1800 061 611 (Toll Free)
Fax: (07) 3360 6333
Email: mailbox@ccc.qld.gov.au
Postal: GPO Box 3123 Brisbane QLD 4001
Online Contact Form: <http://www.ccc.qld.gov.au/about-the-ccc/contact-form>

Queensland Civil & Administrative Tribunal (QCAT)

QCAT is an independent tribunal. They actively resolve disputes in a way that is fair, just, accessible, quick and inexpensive.

Phone: 1300 753 228 (Toll Free)
Fax: (07) 3221 9156
Email: enquiries@qcat.qld.gov.au
Postal: GPO Box 3123 Brisbane QLD 4001

Office of the Information Privacy Commissioner Queensland (OIC)

The OIC is Queensland's independent statutory body established under the [Right to Information Act 2009](#) (QLD) and the [Information Privacy Act 2009](#) to promote access to government-held information, and to protect people's personal information held by the public sector.

Phone: (07) 3234 7373
Fax: (07) 3405 1122
Email: enquiries@oic.qld.gov.au
Postal: PO Box 10143 Adelaide Street Brisbane QLD 4000