

1. LEGISLATIVE AUTHORITY

Local Government Act 2009 Section 268
Local Government Regulation 2012 Section 306

2. BACKGROUND

Section 268 of the *Local Government Act 2009* requires Local Governments to adopt a process for resolving administrative action complaints

Section 306 of the *Local Government Regulation 2012* provides the process for resolving complaints about administrative actions and requires Councils to adopt a complaint management process, together with policies and procedures to complement the complaint management process.

This document outlines Council's complaint management process in compliance with the Act and Regulations, together with expressing Council's complaint management policy and procedure.

This complaint management process does not apply to complaints made under specific statutory complaint processes such as: -

- Corrupt Conduct (refer s36, *Crime and Corruption Act 2001*)
- Public interest disclosures (refer s17, *Public Interest Disclosure Act 2010*)
- Competitive neutrality (refer s45, *Local Government Regulation 2012*)
- Any other complaint attracting a statutory right of internal / external review (includes but not limited to Right to Information / Information Privacy complaints etc.)

A copy of this complaint management process is available on Council's website (www.balonne.qld.gov.au) and is available for inspection at Council's Administrative Office, 118 Victoria Street, St George.

3. DEFINITIONS

Administrative Action Complaint

An administrative action complaint is a complaint about an administrative action of a local government, 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 a failure to do an act;
- the formulation of a proposal or intention;
- the making of a recommendation; and
- the complaint is made by an affected person.

Complaint

An expression of dissatisfaction made or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Feedback

Is a comment, either positive or negative, or a suggestion about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision.

General Complaint

Any other complaint other than an Administrative Action Complaint.

Request for service

Is an application to have Council or its representatives take some form of action to provide a Council service.

For example: -

- Request to fix a pot hole
- Request to have a new garbage bin
- Request to replace a broken bin

However, a request for service may develop into a complaint where the provision or timeliness of the service is considered unsatisfactory (e.g. damage to a road surface that is not fixed after a reasonable amount of time, following a request for service).

4. POLICY

Balonne Shire Council acknowledges that it is a right for customers, members of the public and / or affected stakeholders to express dissatisfaction with a Council service or interaction with a Council officer or elected member. When properly handled and investigated, complaints and feedback help Council to improve its service delivery and customer service. Conversely, failing to effectively manage complaints reflects poorly upon Council's image and reputation, and fails to address ineffective or inefficient business processes.

Accordingly, Council is committed to the provision of effective and efficient services to its customers & stakeholders, and as a result welcomes complaints and feedback as means of continuous improving our performance. When a complaint is received, Council will investigate it in a timely manner and where possible restore the customer to the position they would have been in had the situation not occurred. Where this is not possible, Council will seek to remedy the complaint in a mutually acceptable way to the complainant and Council, having regard to applicable laws, regulations and policies. Furthermore, lessons learnt from complaint investigations will be used to directly inform service improvements.

Council will provide training to its workforce to ensure staff are aware of Council's commitment to complaint management as well as employee's responsibilities under the Policy and Procedure.

5. PROCEDURE

5.1 MAKING A COMPLAINT

Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right. You can make a complaint in a number of ways:

In writing

Please mail your complaint to:

Chief Executive Officer
PO Box 201
St George QLD 4487
OR Fax to 07 4620 8889

By email

To: council@balonne.qld.gov.au

Online

Please use the Feedback form available on Council's website: www.balonne.qld.gov.au
a link to the form can be found on the 'contact us' page.

In person

At our Administration Office:

118 Victoria Street
St George QLD 4487

By telephone

Balonne Shire Council on 07 4620 8888

5.1.1 Information to include in your complaint

Complaints do not need to be made on a complaint form. However, to help us attend to your complaint quickly please provide the following information:

- Your contact details – Your name & at least one method of contact
- As much detail as you can regarding the matter. As a guide, please provide: -
 - Date and time of the event
 - Place the event occurred
 - Who was involved
 - What occurred (in as much detail as possible)
 - Witnesses who may assist in investigating the matter.
- Include details of any loss or detriment that you have or believe will be suffered;
- List any other authorities or agencies you have already reported this incident to if applicable (for example, Queensland Police, your insurance provider);
- A brief description of your desired outcome;
- Any other supporting information such as photos, contact details for other people who can assist in investigating the matter.

5.1.2 Assistance in making a complaint

Should you require assistance in making a complaint, please contact the Council Administrative Office and one of our staff will help. Council staff can also arrange interpreter or translation services for people from a non-english speaking background or with a hearing or speech impairments or other disabilities.

5.1.3 Anonymous complaints

Council will accept anonymous complaints. However, Council will be unable to contact you with details of the progress of your complaint or its outcome. In addition, Council may be unable to investigate or resolve the complaint if sufficient information is not provided.

Recognising this, we encourage you to provide at least a first name and a phone number. Please note that Council adheres to Privacy legislation and will not provide your personal details to persons or organisations outside of Council without your permission unless we are legally obligated.

5.2 WHAT COUNCIL WILL DO

Upon receipt of your complaint the Chief Executive Officer will assess the complaint to determine if it is a Council matter, or the action or responsibility of another agency. Council will refer the matter to the responsible agency if it is not a Council matter. However, if it is Council's responsibility, the Chief Executive Officer will then determine if it is: –

- an administrative action complaint;
- a general complaint;
- service request; or
- feedback

In deciding if complaint is an administrative action complain, it is irrelevant: -

- how quickly the complaint was resolved;
- to which area of Council the complaint was made; or
- whether the complaint was a written or verbal complaint; or
- whether or not the complaint was made anonymously.

If it is assessed as a complaint (either administrative action complaint or general complaint) within 7 days of receipt you will receive an acknowledgement stating:

- the estimated timeframes to resolve the complaint
- a contact person;
- the complaint reference number; and
- if the complaint is not going to be investigated, reasons why.

Council's Chief Executive Officer will then appoint a senior officer who, as far as possible, was not involved in the original situation to investigate the complaint. The senior officer shall then investigate the complaint, and provide a recommendation to the Chief Executive Officer and / or Council (depending upon the complexity and significance of the event) for their decision. Investigation timeframes will be dependent upon the complexity of the matter and available Council resources.

Once a decision has been reached, Council will respond to you with a clear decision and will provide you with: -

- the results of the investigation,
- a remedy if applicable;
- further rights of appeal you may have; and
- Where appropriate, you will be provided with an explanation of changes proposed or made to Council's processes as a result of the investigation.

Administrative Action Complaints will be recorded by Council and published in its Annual Report detailing the number and nature of Administrative Action complaints received during the year in review.

6. REMEDIES

Where complaints are substantiated Council will endeavor to remedy the situation such that the

complainant is returned to the position they would have been in had the situation not occurred. This may mean changing a decision or a service. Sometimes however this may not be possible and Council may only be able to offer an alternative mutually agreeable solution or an apology.

The Elected Council and the CEO are the only representatives authorised to offer financial compensation and may seek legal advice before taking any such action.

In endeavoring to reach a suitable solution to a problem Council may seek to use alternative dispute resolution methods such as mediation if the complainant is happy with that process.

When advising a complainant of the outcome of an investigation Council will provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency such as the Queensland Ombudsman.

7. **PRIVACY**

The identity of complainants will be made known only to those who need to know in the process of investigating and resolving the complaint. The complaint / complainant will not be revealed or made public by the Council, until we are legally obligated.

8. **REVIEW AND EVALUATION**

Council will review and evaluate the information gained through its complaints management system on a regular basis to identify systemic issues and improvements to service. Council will receive a report on the number and nature of complaints received, including the percentage of unresolved complaints, at least once a year.