

ADMINISTRATIVE ACTION COMPLAINT MANAGEMENT POLICY

(STATUTORY POLICY)

1. Scope

The Administrative Action Complaint Management Policy (this 'Policy') applies to complaints made by an affected persons about administrative actions of Livingstone Shire Council, its Councillors, employees, volunteers and contractors.

2. Purpose

The *Local Government Act 2009* requires all Councils adopt a complaint management policy and procedure detailing how it will manage Administrative Action Complaints.

This Policy and associated procedures underpin the complaint management process.

3. References (legislation/related documents)

Legislative reference

Crime and Corruption Act 2001

Information Privacy Act 2009

Integrity Act 2009

Local Government Act 2009

Local Government Regulation 2012

Ombudsman Act 2001

Public Interest Disclosure Act 2010

Related documents

Administrative Action Complaint Management Procedure

Code of Conduct

Investigation Procedure

Privacy Policy

Public Interest Disclosure Procedure

Reporting Suspected Misconduct Directive

4. Definitions

To assist in interpretation, the following definitions shall apply:

Administrative Action Complaint	<p>A complaint that-</p> <p>(a) is about an administrative action of a local government, including the following, for example-</p> <p>(i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;</p> <p>(ii) an act, or a failure to do an act;</p> <p>(iii) the formulation of a proposal or intention;</p>
---------------------------------	--

	(iv) the making of a recommendation; and (b) is made by an affected person.
Affected Person	A person who is apparently directly affected by an administrative action of a local government.
Complainant	The affected person who has made the complaint.
Council	Livingstone Shire Council.
Frivolous Complaint	A complaint that has no serious purpose or value. It may have little merit and be trivial; investigating would be out of proportion to the seriousness of the issue complained about.
Personal Information	Information or opinion, including information or an opinion that forms part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
Public Interest Disclosure	All information disclosed to a proper authority about a public interest matter referred to pursuant to s 12 and s 13 of the <i>Public Interest Disclosure Act 2010</i> .
Request for Service	A request by a customer for Council to take action and/or make a decision about a matter usually considered a normal part of Council operations such as sanitation, water supply, roads, etc.
Vexatious Complaint	A complaint which is considered to be pursued without merit and intends to cause inconvenience, harassment, or expense to Council and/or employees.

5. Policy Statement

Livingstone Shire Council is committed to providing quality customer service and communicating effectively with the community. Despite our best efforts, there may be times when people may not be happy with an administrative action of Council.

Council acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint about a decision or other action it takes. When this feedback is in a form of a complaint about a decision or other action, this Policy and associated Procedure affirms Council's commitment to managing administrative action complaints quickly and efficiently.

Council will adhere to the following objectives which have been established for complaint handling activities:

- To be fair, efficient, and consistent in the treatment of complaints about decisions and other administrative actions of the Council;
- Complaint handling processes are clear, impartial and confidential, with timely acknowledgements and responses;
- Implement an administrative action complaints process that is easy to understand and is readily accessible to all;
- There are clear and communicated expectations and standards for all parties involved in a complaint;
- Detect and rectify, where appropriate, of administrative errors;
- Identification of areas for improvement in Council administrative practices;

- Increase in awareness of the administrative action complaints process for Council staff and the community;
- Enhancement of the community's confidence in the complaints process, and the reputation of the Council as being accountable and transparent; and
- Building the capacity of staff to effectively manage complaints in an environment of continuous improvement.

5.1 Complaints Covered by this Policy

All complaints identified as an Administrative Action Complaint, as defined in the *Local Government Act 2009*, are dealt with in accordance with the Administrative Action Complaint Management Policy and related procedure.

Administrative action complaints include:

- Complaints regarding how a previous request has been handled;
- Requests to review a decision or action made by Council;
- Complaints about the way a response has been provided by Council; and
- A failure to complete a request for service or provide a decision within designated timeframes.

5.2 Excluded Complaints

Complaints not covered by the Administrative Action Complaint Management Policy or related procedures include, but may not be limited to:

- Complaints specifically covered by other legislation, such as competitive neutrality issues, public interest disclosures, employee misconduct, corrupt conduct, Councillor complaints, complaints about the Chief Executive Officer and privacy complaints;
- Requests for service such as reporting an overgrown allotment, potholes or request for grading of a road;
- A follow up or further request for service that has not been completed by Council but is still within the time limits advised to the customer;
- An enquiry or request for information; and/or
- Comments or submissions during a formal consultation or engagement process.

5.3 Administrative Action Complaint Management Framework

Every effort will be made to address all complaints at the first point of contact. Recognising that this is not always possible, an Administrative Action Complaint Management Framework has been established which is detailed within the Administrative Action Complaint Management Procedure.

5.4 Information Privacy

Council takes its obligations under the *Information Privacy Act 2009* very seriously when managing all complaints. Council employees are required to handle personal information, including personal details of the complainant, identity of any respondents and witnesses, and any information obtained while managing a complaint which may identify or make apparent the identity of anyone involved, in an appropriate manner.

In addition to the *Information Privacy Act 2009*, consideration must be given to the *Public Interest Disclosure Act 2010* and the *Crime and Corruption Act 2001* where applicable.

5.5 Frivolous and Vexatious Complaints

Council may refuse to deal with a complaint if it is deemed frivolous or vexatious. These types of complaints, once identified, will be managed in accordance with the Administrative Action Complaint Management Procedure.

6. Changes to this Policy

This Policy is to remain in force until otherwise amended/replaced by resolution of the Council.

7. Repeals/Amendments

This Policy repeals the former Livingstone Shire Council Policy titled 'Administrative Action Complaint Management Policy (v2.0)'.

Version	Date	Action
1.0	24/06/2014	Adopted
2.0	01/05/2018	Amended Policy Adopted
3.0	17/09/2024	Amended Policy Adopted

ALASTAIR DAWSON
INTERIM CHIEF EXECUTIVE OFFICER