

ADMINISTRATIVE ACTION COMPLAINT MANAGEMENT POLICY

(STATUTORY POLICY)

1. Scope

The Administrative Action Complaint Management Policy (this 'Policy') is applicable to all Livingstone Shire Council (LSC) 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
Crime and Corruption Regulation 2015
Information Privacy Act 2009
Information Privacy Regulation 2009
Integrity Act 2009
Integrity Regulation 2011
Local Government Act 2009
Local Government Regulation 2012
Ombudsman Act 2001
Public Interest Disclosure Act 2010
Right to Information Act 2009

Related documents

Administrative Action Complaint Management Procedure
 Code of Conduct
 Public Interest Disclosure Policy
 Public Interest Disclosure Procedure
 Reporting Corrupt Conduct Procedure
 Right to Information Policy
 Privacy Policy

4. Definitions

To assist in interpretation, the following definitions shall apply:

AAC	Administrative Action Complaint.
Administrative Action Complaint (AAC)	As per s 268(2) of the <i>Local Government Act 2009</i> . 'An <i>administrative action complaint</i> is a complaint that-

	<p>(a) is about an administrative action of a local government, including the following, for example-</p> <ul style="list-style-type: none"> (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 a failure to do an act; (iii) the formulation of a proposal or intention; (iv) the making of a recommendation; and <p>(b) is made by an affected person.’</p> <p>As per s 306(5) of the <i>Local Government Regulation 2012</i> in deciding if a complaint is an administrative action complaint, it is irrelevant –</p> <ul style="list-style-type: none"> (a) how quickly the complaint was resolved; or (b) to which area of local government the complaint was made; or (c) whether the complaint was a written or verbal complaint; or (d) whether or not the complaint was made anonymously.
Affected Person	<p>As per s 268(3) <i>Local Government Act 2009</i>.</p> <p>‘A person who is apparently directly affected by an administrative action of a local government.’</p> <p>Within this policy an Affected Person is referred to as the “Complainant”.</p>
CEO	<p>Chief Executive Officer</p> <p>A person who holds appointment under s194 of the <i>Local Government Act 2009</i>.</p>
Complainant	<p>A person lodging an AAC. There may be more than one Complainant in a matter.</p>
Council	<p>Livingstone Shire Council.</p>
Frivolous Complaint	<p>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.</p>
Information Privacy Principles	<p>Obligations contained in the <i>Information Privacy Act 2009</i> which Council is obliged to abide by in relation to the collection, handling, use, security, storage and disposal of personal information.</p>
Personal Information	<p>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.</p>
Public Interest Disclosure	<p>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>.</p>
Request for Service	<p>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.</p>

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.
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5. Policy Statement

Livingstone Shire Council is committed to providing a level of service which does not attract complaints, but recognises the rights of the community to provide positive and negative feedback on its services. When this feedback is in a form of a complaint about a decision or other action, this policy and associated procedures affirm Council's commitment to managing all complaints quickly and efficiently.

The objectives of this policy are to:

- Ensure the complaint management process is fair, objective, transparent and consistent;
- Facilitate the use of information obtained from the complaints management process to improve overall service delivery; and
- Ensure that AACs are responded to in a timely manner.

When handling AACs, Council adheres to the following principles:

Accessibility

Information about the complaints process is available through Council's Customer Service Centres or website.

Client Focus

All complainants will be treated with respect, courtesy, dignity and fairness.

Confidentiality

All complaints are managed according to Council's information management policies and relevant legislation.

Communication

Council is committed to transparency in its operations and will advise complainants of the reasons for its decisions and/or actions.

Continuous Improvement

Council recognises the opportunity for business improvement through an effective complaint management system.

Fair

All complaints will be considered on their individual merits.

To this end:

- a) Anyone who is dissatisfied about a decision or other action can easily lodge a complaint;
- b) Complainants are provided with information on the complaints management process and, if necessary, assistance to make their complaint;
- c) Each complaint is initially assessed in terms of its seriousness, safety implications, complexity and degree of urgency;
- d) Council employees will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement;
- e) Complaints are resolved as quickly as possible, preferably on first contact;
- f) Complainants are advised of their appeal rights at the relevant stages of the complaint management process;

- g) Complainants will be provided with a written statement of the outcomes, including details of the reasons for the outcome, at the relevant stages of the decision-making process; and
- h) People with particular needs are assisted, e.g. people who are in any way disadvantaged by intellectual or physical disability, education, language ability or any other impairment.

5.1 Complaints Covered by this Policy

5.1.1 Included Complaints

All complaints identified as an AAC, as defined in the *Local Government Act 2009*, are included in the Administrative Action Complaint Management Policy.

5.1.2 Excluded Complaints

Complaints that are 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 complaints, employee misconduct complaints, complaints about Councillors and privacy;
- 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 timeframes advised to the customer;
- A complainant under the *Public Interest Disclosure Act 2010*;
- An enquiry or request for information; and / or
- A complaint that could be made under Chapter 3 of the *Local Government Act 2009* about competitive neutrality issues.

5.2 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 AAC Management Framework has been established which is detailed within the Administrative Action Complaint Management Procedure.

Not all complaints will be investigated. In accordance with the Administrative Action Complaint Management Procedure, all complaints will be assessed against a range of criteria to determine the appropriate course of action.

5.3 Information Privacy

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

5.4 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 (v1)'.

Version	Date	Action
1	24/06/2014	Adopted
2	01/05/2018	Amended Policy Adopted

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