

Intent

Tablelands Regional Council (TRC) is committed to managing complaints in a transparent, efficient and timely manner. The policy intent is to assist TRC in:

- facilitating the recognition of a customer's right to make complaints, comments or suggestions about the level and quality of services provided
- encouraging the submission of any complaints customers or staff may have with any of the services provided by TRC
- providing an efficient, fair and accessible mechanism for resolving complaints
- ensuring that all complaints are heard and equitably resolved as soon as possible
- capturing data trends to assist TRC in improving the quality of services
- providing customers with information about the complaint handling process
- promoting a positive attitude towards customers and the commitment to resolving complaints.

This policy guides officers in the management of complaints in a manner which:

- is customer focussed
- is consistent, fair and equitable
- values customer feedback; and
- facilitates continuous improvement.

The complaint management principles underlying this policy reflect the Australian Standard *Guidelines for complaint management in organisations* (AS 10002:2022), and the policy, together with the related procedures, fulfils Council's statutory obligations for dealing with administrative action and competitive neutrality complaints in accordance with s268 and s48 respectively of the *Local Government Act 2009* (the Act).

Scope

This policy applies to the following types of complaints:

- Administrative Action Complaints
- Competitive Neutrality Complaints
- Public Interest Disclosures
- Corrupt Conduct Complaints
- Human Rights Complaints

Complaints about the CEO are dealt with under the separate TRC Complaints Against the Public Official Policy.

A complaint may be made by an Aggrieved Person or another person within the scope of the *Crime and Corruption Act 2001* (CC Act) or *Public Interest Disclosure Act 2010* (PID Act).

Policy Statement

1. Principles

The following principles guide TRC's management of complaints:

Be fair and objective

- All complaints and compliments are considered impartially and objectively, based on available evidence.
- Where applicable, evidence in a complaint will be tested and evaluated for relevance, reliability and sufficiency.

Observe the Principles of Natural Justice (procedural fairness)

- No person may decide a matter in which they have a direct interest.
- Individuals whose rights and interests are directly affected are given the opportunity to put forward their case.

Support continuous improvement

- What TRC learns from investigating a complaint or compliment will be applied to improve service and systems.

Be open and accountable as allowed by privacy and legislative limitations

- The progress of an investigation, and the decisions and outcomes are made available to the affected people in a timely manner.

Be accessible and simple to understand

- Information about the complaints and compliments process is available, including avenues of appeal and review.
- Complaints and compliments can be made to TRC in a variety of ways and assistance will be provided to people with language, access and communication difficulties.

Ensure courtesy and consideration for customers and TRC officers

- Courtesy and consideration is given to all concerned, including TRC officers who are managing a complaint or the subject of a complaint.
- Identities of complainants and TRC officers and complaint information will be kept confidential as allowed by legislation and natural justice.

Be cost effective

- There is a cost for processing information because not all feedback is relevant. TRC will use rate payer's money in the most cost-effective way by allocating resources depending on the level of risk and the likelihood of achieving improvements.
- Complaints and compliments are assessed at intake. Expectations will be clarified. Where a customer's expectations seem unrealistic, the reasons for this will be explained.

2. Complaint Frameworks

It is recognised that the substance of a complaint may fall within one or more complaint frameworks. TRC will process complaints under the most relevant and appropriate process or as required by the relevant legislation. TRC will maintain procedures relating to different complaint frameworks.

E.g. An Administrative Action Complaint may also involve an allegation of corrupt conduct. This may also include external reporting obligations where the person who is the subject of the complaint is a Councillor.

3. Objectives

The objectives of this policy are to ensure that TRC:

- processes customer complaints in a professional and cost-effective way
- provides aggrieved persons with an avenue for review
- preserves the integrity of the organisation
- provides the community with confidence in TRC's processes
- uses data capture through customer complaints to monitor and improve service to the community.

4. Confidentiality and Information Collection

Personal information will be managed in accordance with the *Information Privacy Act 2009* (IP Act).

Information Privacy Principles include:

- Personal information will only be collected and used for a lawful purpose directly related to a function or activity of TRC
- Personal information must be secured
- Disclosure of personal information is limited. Confidential information must not be released unless cleared by the appropriate authority or required by legislation
- Upon request, individuals must be informed about their personal information and the purpose it is used for.

a. Compliments and General Feedback

Unless requested by the customer, information about compliments and general feedback will not be classified as confidential. Nevertheless, customers' personal information will be managed in accordance with the Information Privacy Principles.

b. Complaints

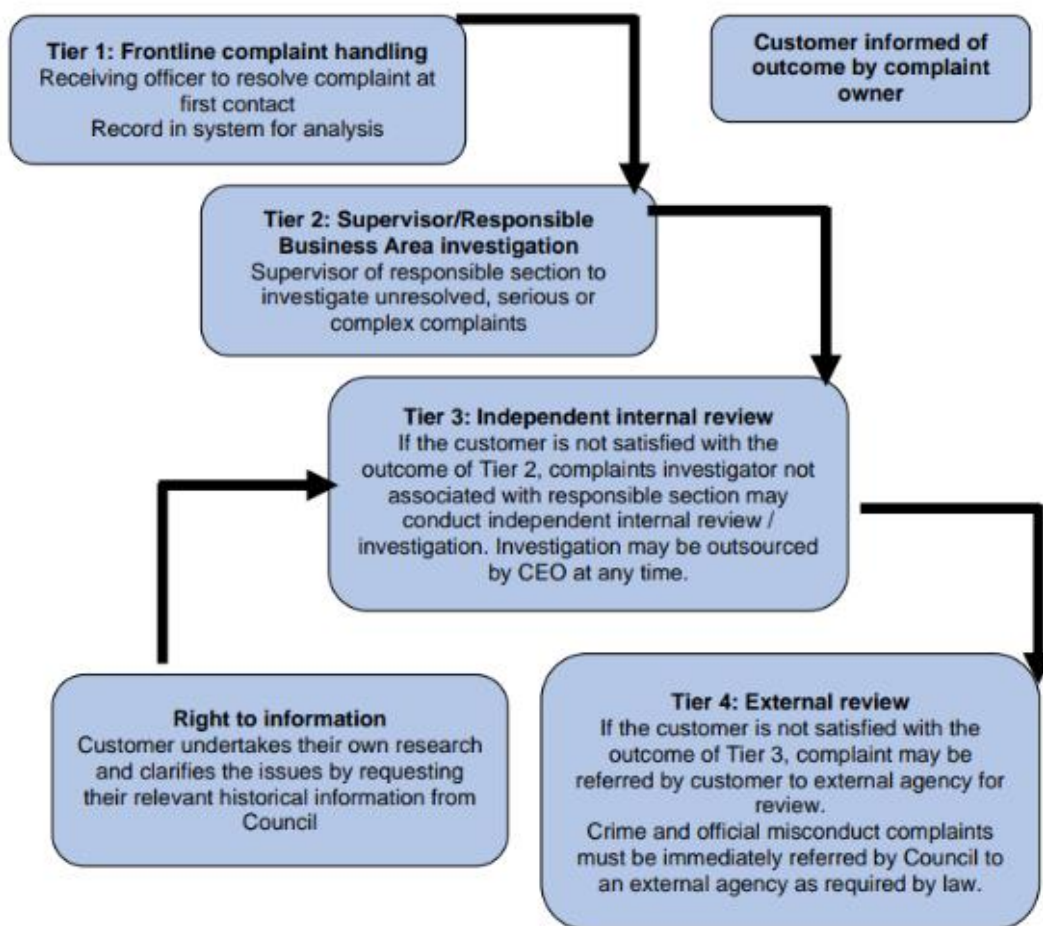
Complaint information and the identities of the parties to a complaint are always respected. Complaint information will only be accessed by officers and/or Councillors on a need-to-know basis.

TRC's ability to keep information confidential may be limited depending on the seriousness of the suspected misconduct, Right to Information legislation and other legal processes, and the right of the subject officer to natural justice. In some circumstances it may be necessary for all or part of the complaint information to be given to:

- the person who is the subject of the complaint (subject officer)
- an external investigator
- the Queensland Ombudsman, Crime and Corruption Commission, Queensland Police and other authorised agencies as required and
- TRC's solicitor or insurance broker and/or underwriter where legal or insurance advice is required.

5. Approach

TRC has adopted a four-tiered approach to complaint management as it is most efficient to resolve complaints at the frontline where possible. All complaints are logged in the system for analysis so that the cause of recurrent problems can be addressed.



6. How to make a complaint (or compliment)

In accordance with the *Ombudsman Act 2001* a complaint about an administrative action of TRC must be made within one year after the date the complainant first had notice of the administrative action.

Complaints may be made:

- In person to a Customer Service Officer located at one of TRC's Customer Service Centres
- By telephone on TRC's Customer Service phone number 1300 362 242
- In writing by letter to:
Chief Executive Officer
Tablelands Regional Council
PO Box 573
Atherton QLD 4883
- By email to info@trc.qld.gov.au or
- Online via TRC's complaints form at <https://www.trc.qld.gov.au/contact-us/request-a-service/complaints/>

TRC reserves the right to decline to investigate an oral complaint until the complaint is put in writing. An oral complaint may be requested to be made in writing if the complaint is complex, serious, or the information received verbally is confusing or lacking in essential detail.

7. Lodging an anonymous complaint or compliment

TRC acknowledges that in certain circumstances a person may prefer to remain anonymous when providing feedback. This may limit TRC's ability to obtain essential information and to provide natural justice. Nevertheless, TRC respects the right to anonymity and will consider all feedback based on the information provided.

8. Who may make a complaint

For the purposes of an administrative action complaint, a complaint may only be made by a person who is *directly affected* by an action of TRC (an aggrieved person) or by someone acting lawfully on their behalf.

Standing and obligations to make complaints regarding Public Interest Disclosures or fraud and corruption complaints are prescribed under the CCC and PID Act respectively.

9. Access to complaints information

Information that is the subject of a complaint will not be made available administratively where it may affect the rights or interests of another party. This information may be made available subject to and in accordance with the *Right to Information Act 2009* (RTI Act) and IP Act.

Where matters are of public interest (including Public Interest Disclosure complaints), TRC will maintain a log (Public Disclosure Log) with the outcome of complaint matters which may be made publicly available in accordance with the PID Act.

10. Unreasonable customer conduct

TRC will establish procedures for the purpose of assessing unreasonable customer conduct and take appropriate action. If complainants conduct themselves in an unreasonable manner, TRC may set limits or conditions on the handling of their complaint. Where such a decision is made, the reasons for this will be recorded and explained to the affected person.

11. Communication of this policy

All TRC staff will receive training on how to handle complaints. This policy will be published on TRC's website.

12. Reporting

The delegated officer will provide regular reports on complaints to the TRC Audit, Risk and Improvement Committee and management as part of its continuous improvement program.

The following information about formally accepted administrative action and competitive neutrality complaints will be provided in TRC's Annual Report in accordance with legislative requirements:

- TRC's commitment to dealing fairly with complaints
- a statement about how TRC has implemented its complaints management process, including an assessment of its performance in resolving complaints
- the number of complaints made in the financial year
- the number of complaints resolved in the financial year
- the number of complaints not resolved in the financial year and
- the number of complaints not resolved in the financial year that were made in the previous financial year.

13. Reporting the outcome of a complaint investigation to customers

The officer investigating a complaint will provide advice to the subject officer and the complainant (or their authorised agent) regarding TRC's decisions about a complaint, including reasons for the decision and any proposed remedies as soon as practicable after the completion of the investigation.

The advice should also include the review options available to the customer.

Types of Complaints

14. Crime and misconduct complaints

In accordance with the CC Act where a public officer reasonably suspects that a complaint, information or a matter involves, or may involve corrupt conduct, the public official must notify the commission.

15. Complaints about Councillors

Complaints about Councillors will be dealt with accordance with the Act.

16. Competitive Neutrality Complaints

TRC operates in accordance with the competitive neutrality principle and the relevant National Competition Policy (NCP) provisions of the Act and Local Government Regulation 2012 (the Reg).

Competitive Neutrality Complaints must be received in writing in accordance with section 45 of the Reg, and will be resolved in accordance with this policy and associated procedure, and with the requirements of section 44 of the Reg.

17. Public Interest Disclosure (PID) complaints

TRC recognises the important role Councillors, TRC employees and members of the public can play in the identification of cases of maladministration, misconduct and the misuse of public resources or contraventions giving rise to dangers to public health and safety, the environment or to persons with disabilities. This policy and associated procedure apply to the receipt and resolution of PIDs, with additional actions and protections as required under the PID Act.

a. PID Act Objectives

In accordance with the objectives of the PID Act, TRC will:

- promote public interest by facilitating PIDs of wrongdoing in the public sector
- ensure that PIDs are properly made, assessed, and when appropriate, properly investigated and dealt with
- ensure that appropriate consideration is given to the interests of persons who are the subject of a PID and
- afford protection from reprisals to persons making PIDs.

TRC recognises the sensitivities which can be associated with PIDs and the need to maintain public confidence in its process for managing PIDs. To that end TRC will:

- maintain confidentiality of PIDs received
- take appropriate action against a person who provides a false or misleading statement or information to TRC with the intention of it being processed as a PID
- take appropriate action against any Councillor or TRC employee who takes or attempts to take a reprisal action
- ensure that the proper records of PIDs received are maintained, and that the confidentiality of all records created during the investigation and reporting of PIDs is preserved.

b. Making a PID

A person may make a PID to a proper authority in any manner, including anonymously.

TRC is the proper authority to make a PID about the conduct of its public officers or matters it is empowered to investigate.

Any TRC employee or elected official must facilitate the report of a PID, however, concerned persons are encouraged to make a PID directly to the CEO, or if the matter is about the CEO to the Mayor.

18. Human Rights Complaints

The *Human Rights Act 2019* (HR Act) requires public entities including local government, to make decisions and act compatibility with human rights.

Pursuant to the HR Act, a person who believes TRC has breached their human rights obligations has the right to make a complaint and seek remedies.

There are three ways in which a person can make a complaint:

- Utilising TRC's complaints process
- Independent complaints
- Raising the HR Act in courts and tribunals.

a. Internal Complaints

Under the HR Act an individual must first raise a complaint directly with TRC. This policy and associated procedure applies to the receipt and resolution of a human rights complaint, noting that TRC has 45 business days in which to respond to the complaint.

To ensure a complaint is handled in the most efficient manner, TRC may request complainants to:

- Clearly identify the issues of their complaint, including the human right/s affected
- Give TRC all available information to support the complaint and
- Cooperate with TRC's inquiries or investigations.

A person can make a human rights complaint to TRC by:

- Email sent to info@trc.qld.gov.au
- Telephone on 1300 362 242
- in person at any Customer Service Centre
- post to:

Chief Executive Officer
Tablelands Regional Council
PO Box 573
Atherton, Qld 4883

b. Independent complaints

A person can raise a complaint about human rights with the Queensland Human Rights Commission (QHRC) or another independent body only when

- A complaint has first been made to the public entity alleged to have breached the HR Act
- At least 45 business days have lapsed since the complaint was made to the public entity
- The complainant has not received a response to their complaint or has received an inadequate response.

c. Complaints received by other agencies

If a complaint is made to another complaint agency and that agency considers the complaint may also be a human rights complaint, they can choose to deal with the complaint under the relevant legislation or refer it to the QHRC.

Context

Definitions

Administrative Action Complaint means a complaint about an administrative action of TRC including the following:

- 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 act
- The formulation of a proposal or intention
- The making of a recommendation.

Aggrieve/affected Person includes a person who is directly affected by a decision, act or omission of TRC.

Competitive Neutrality complaint means a complaint that:

- Relates to the failure of TRC to conduct a business activity in accordance with the competitive neutrality principle and
- Is made by an affected person

Complaint includes administrative action complaints, public interest disclosure, a fraud or corruption complaint, complaints about the public official, public interest disclosure complaints and councillor complaint.

Alignment to Risk Register

This policy operates to mitigate risks identified in the TRC Corporate Risk Register

Relevant Legislation

- *Local Government Act 2009*
- Local Government Regulation 2012
- *Public Sector Ethics Act 1994*
- *Information Privacy Act 2009*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *Right to Information Act 2009*
- *Anti-Discrimination Act 1991*

Related Documents

- Complaints Management Procedure

Corporate Plan Links

This policy aligns with the following Corporate Plan 2021– 26 themes:

- Our organisation is progressive, efficient, transparent and collaborative.

Human Rights Commitment

Tablelands Regional Council has considered the human rights protected under the *Human Rights Act 2019* (Qld) when adopting and/or amending this policy. When applying this policy, TRC will act and make decisions in a way that is compatible with human rights.

Responsibility

Council is responsible for the adoption, amendment and repeal of this policy and the Chief Executive Officer is responsible for the development and amendment of any associated procedures and guidelines relevant to the policy.

This policy is to remain in force until otherwise amended or repealed by resolution of Council.

| | | | |
|--------------|--------------|--|--------------------------------|
| Adopted By | Council | Responsible Officer | Coordinator Legal & Governance |
| Adopted Date | 27 June 2024 | Review Date | 27 June 2028 |
| Version | 5 | This policy repeals any previous versions. | |