



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

Administrative Action Complaints Policy

Document Control

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

1. Origin / Authority

Wujal Wujal Aboriginal Shire Council

2. Purpose

2.1 Purpose

This policy has been developed to support Council's continuing commitment to inclusive and ethical governance for Wujal Wujal Shire by appropriately addressing complaints from external sources.

s 268(1) of the *Local Government Act 2009* requires Council to establish a complaints management system (CMS) for resolving administrative action complaints.

The Complaints Management System has been established to ensure complaints are dealt with fairly, objectively, professionally, respectfully and subject to any legal requirements, in confidence.

Council aims to provide a level of customer service that does not attract complaints, but:

- acknowledges the right of the public and its staff to complain when dissatisfied with a service, and encourages feedback from customers, clients, staff and the general public;
- requires staff to be 'complaints friendly' and not defensive or negative about feedback and complaints; and
- recognises that properly handled and analysed, complaints and feedback help Council to improve its business processes and therefore, time spent on handling complaints is an investment in better service to the public.

2.2 Scope

This policy applies to all administrative action complaints lodged by an affected person. It has been established to achieve the following objectives:

- Provide a framework for the resolution of complaints about the administrative actions of Council which is easy to understand and readily accessible to all.
- Ensure complaints are treated in a fair and objective manner and that an efficient and consistent approach is undertaken with the assessment of all complaints.
- Enable appropriate implementation of enhancements to Council's administrative processes through the effective management of complaints.
- Foster an organisational culture of continuous improvement.
- Establish relevant and on-going training to build the capacity of staff to effectively manage complaints.

Whilst this policy is intended to capture all complaints, there are certain processes in complaint management which are regulated by legislation and therefore separate policies or systems may apply, for example:

- Complaints about the conduct or performance of the Mayor or Councillors are dealt with under the Code of Conduct for Councillors Policy.
- Complaints against employees and reports of suspected official misconduct are dealt with under the relevant policy and procedure.
- Competitive Neutrality Complaints are managed through the Competitive Neutrality Complaints Management Process.
- Public Interest Disclosures are dealt with under Council's Public Interest Disclosure Policy.

Administrative actions complaints which involve more serious conduct issues will be dealt with under the processes set up for dealing with the more serious conduct issue. For example:

- 1) An administrative action complaint which alleges councillor or staff corruption will be dealt with as per the requirements of the *Crime and Corruption Act 2001* and the *Crime and Corruption Regulation 2015*. If an administrative actions complaint alleges corruption on the part of Council's Chief Executive Officer, Council's *Chief Executive Officer Corruption Allegation Policy* will also apply.
- 2) An administrative action complaint which alleges misconduct or inappropriate conduct by a councillor as defined under the *Local Government Act 2009*, will be dealt with as per the requirements of that legislation.

3. Policy Statements

3.1 Definitions

Term	Definition
Administrative Action Complaint	An administrative action complaint is defined in s 268(2) of the <i>Local Government Act 2009</i> as a complaint that is about an administrative action of a local government 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 do an act; the formulation of a proposal or intention; the making of a recommendation; and is made by an affected person.
Affected person	A person who is apparently directly affected by an administrative action of Council.
Complainant	The affected person or organisation making a complaint.
Council Officer	Includes a permanent, temporary, casual or contract person under Council employment.
Frivolous matter	A matter viewed as trivial, lacking in substance, or unworthy of serious attention. Considerations include whether: <ul style="list-style-type: none"> • The complainant has a history of making false or unsubstantiated complaints; • There is no information to support the allegation in any way; • The allegation is not serious or sensible, and is of such a nature that a reasonable person could not treat it as being bona fide; • The allegation is without any foundation and appears to be designed to harass, annoy or embarrass the subject officer; • The allegation is inherently improbable and there is no information that in any way supports it.
Investigating officer	The officer selected to investigate the complaint and may be a supervisor, manager or an external investigator.
Management Team	Team comprising of the Chief Executive Officer and Managers of Council.
Request for service	A request for the Council to take action to satisfy the needs of a customer.
Vexatious complaint	A complaint which is intended to, or perceived to intend to cause distress, embarrassment, or to harass the subject of the complaint (may also relate to Frivolous complaints).

3.2 Complaints

A **complaint** is a record of a customer's dissatisfaction with delivery of a product or service offered by Council or the unsatisfactory conduct of a Council officer.

- This is distinct from a request for service.
- However, a request for service may develop into a complaint where the provision or timeliness of the service is considered unsatisfactory.

Council reserves the right to refuse to investigate a complaint if it is reasonably considered that:

- the complaint is trivial, concerns frivolous matters, or was vexatious; or
- the complainant does not have a sufficient direct interest in the administrative action which is the subject of the complaint; or
- the complainant has a right of appeal, reference or review, or another remedy that the person has not exhausted; or
- the complaint has been previously investigated formally by Council.

3.3 Timeliness of Complaints

Administrative action complaints must be made **no later than six months** after the affected person was notified or became aware of the administrative action objected to.

- Any request for an internal review of a decision taken by Council with regards an administrative action complaint must be received within 20 business days of the day on which the complainant receives advice as to the outcome of Council's primary complaint assessment and decision.
- Applications for internal review received outside these timeframes will only be accepted where the relevant Council officer under Council's Administrative Actions Complaints Process decides that exceptional circumstances apply.

3.4 Lodgement Process

All administrative action complaints will be:

- 1) Accepted regardless of the means by which they are provided, whether by phone, in person, in writing or anonymously with minor exceptions as set out in the Complaints Management Process Map
- 2) Acknowledged, assessed and resolved in a timely manner;
- 3) Dealt with fairly, confidentially and objectively;
- 4) Where appropriate, referred to external agencies;
- 5) Managed in a way which complies with relevant legislative requirements;
- 6) Used in the preparation of regular reporting to Council's executive leadership team and are reflected in information published in Council's annual reports as required by legislation.
- 7) Tracked and monitored;
- 8) Resolved by mediation, negotiation and informal resolution where possible.

3.5 Investigation

The investigating officer will take all reasonable and necessary actions to objectively and impartially assess the complaint.

- All documents received or created will be officially recorded.
- The timeline to complete the assessment of the complaint is **15 business days** from Council's receipt of the complaint.
- Should the complaint be of a complex nature this timeline may be extended upon written advice to the complainant.

3.6 Results of Investigation (non-anonymous complaints)

Each non-anonymous complainant is to be:

- 1) Provided with written statements as to the outcome of their complaint as soon as practical and within the relevant timeframe stipulated in Council's *Administrative Actions Complaints Process*;
- 2) Provided with the reasons for the outcome of their complaint;
- 3) Advised of internal review and/or external appeal options if relevant.

3.7 Anonymous Complaints

Council acknowledges the inherent difficulty in investigating and resolving complaints made by unknown persons. Nevertheless, anonymous complaints, or complaints from people who wish their names to be held in confidence, will be accepted for investigation, provided there is sufficient information to enable an investigation to be conducted.

3.8 Human Rights

The Human Rights Act 2019 places requirements on Council to act and make decisions in a way that is compatible with human rights. When responding to administrative action complaints, Council will review the matter in line with Council's Human Rights Policy and the Human Rights Act 2019.

3.9 Unreasonable Customer Conduct

- All administrative action complaints received by Council will be given serious consideration and all complainants will be treated equitably and with courtesy.
- Notwithstanding the above, Council recognises that customers may behave in a manner which may result in a waste of Council resources if accepted.
- If a complainant has demonstrated a pattern of lodging complaints which is repetitive or of a frivolous nature; or if a complainant's behaviour is unreasonable, argumentative or threatening; Council may decide to warn a complainant that it may apply restrictions on staff contact and communication should the behaviours continue. Alternatively, Council may decide to actually apply such restrictions.

3.10 Continuous Improvement

Council will also use the *Administrative Actions Complaints Process* to assist in the delivery of excellent customer service, encourage open and honest communication, improve community confidence in Council's management of complaints and pursue continuous improvement.

4. Responsibilities

Responsible Officer	Responsibility
Chief Executive Officer	Promote a culture that values complaints and their effective resolution and provide adequate support and direction to key staff responsible for handling complaints.
Executive Leadership Team	Encourage excellence in customer service by Council officers and ensure that all officers implement the Council's complaint management policies and procedures in the manner intended by Council. Encourage and support recommendations for system improvements.

Responsibilities continued...

Responsible Officer	Responsibility
Governance Coordinator	Oversight of the Customer Complaints Register and coordination of complaints received. Oversight of the policy and annual review of the effectiveness of the complaints management process
Managers	Provide reports to ELT on issues arising from complaint handling work and ensure recommendations arising from the process are canvassed where appropriate. Encourage staff managing complaints and assist them to resolve them promptly.
All Staff	Treat all people with respect, including people who make complaints.

5. Associated Policies, Processes and Forms

- Competitive Neutrality Complaints Management Policy
- Complaints Involving Corruption of a Public Official (CEO) Policy
- Complaints Management Policy
- Complaints Management Process Map
- Administrative Action Complaints Management Form

6. Relevant Legislation

- Crime and Corruption Act 2001
- Crime and Corruption Regulation 2015
- Human Rights Act 2019
- Information Privacy Act 2009
- Information Privacy Regulation 2009
- Integrity Act 2009
- Integrity Regulation 2011
- Ombudsman Act 2001
- Public Interest Disclosure Act 2

7. Review

This policy is to be reviewed whenever legislation changes, or every 2 years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.



Kiley Hanslow
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Wujal Wujal Aboriginal Shire Council