



STATUTORY POLICY  
MOUNT ISA CITY COUNCIL  
**Administrative Action Complaints Policy**

RESOLUTION NO.OM05/11/21 VERSION V4

**APPLIES TO STATUTORY POLICIES ONLY**

This an official copy of the **Administrative Action Complaints Policy**, made in accordance with the provisions of *Local Government Act 2009*, *Local Government Regulation 2012* and current Council Policies.

Statutory Policies comply with a legislative requirement; the **Administrative Action Complaints Policy** is approved by the Mount Isa City Council for the operations and procedures of Council.

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David Keenan  
**Chief Executive Officer**

DOCUMENT VERSION CONTROL			
Governance/Policies/Statutory Doc ID# 3576		POLICY TYPE	Statutory (Council)
VERSION	DATE	RESOLUTION NO.	DETAILS
V1	18.04.2018	OM10/04/18	Responsible Officer – Corporate Governance Officer
V2	28.06.2019	OM28/06/19	Responsible Officer – Corporate Governance Officer
V3	22.07.2020	OM26/07/20	Responsible Officer – Corporate Governance Coordinator
V4	16.11.2021	OM05/11/21	Responsible Officer – Corporate Governance Coordinator
		<b>REVIEW DUE</b>	08.2022

DISTRIBUTION AND DISSEMINATION			
Internal email to all employees	X	Section meetings / Toolbox talks	X
Internal email to all councillors		Included in employee inductions	X
Employee noticeboards		Uploaded to Council website	X
Internal training to be provided	X	External training to be provided	
Registered in magiQ	X		



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**1. PURPOSE**

Mount Isa City Council's ("Council") Administrative Action Complaints Policy ("AAC Policy") has been established to outline how Council will process and resolve administrative action complaints as prescribed by s268 of the *Local Government Act 2009* ("LG Act") and s306 of the *Local Government Reg 2012* ("LG Reg").

**2. COMMENCEMENT**

This policy will commence on and from 16 November 2021. It replaces all other policies or arrangements governing administrative action complaints (whether written or not).

**3. SCOPE**

This policy applies to all complaints made to Council about the administrative actions of Council as defined in clause 4 of this policy.

**4. WHAT IS AN ADMINISTRATIVE ACTION COMPLAINT**

4.1 Pursuant to s268 of the LG Act an administrative action complaint is a complaint that:

- a) is about an administrative action of a local government, including the following, for example:
  - i) a decision, or 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
- b) is made by an affected person

4.2 Pursuant to s306(5) of the LG Reg; to remove any doubt, it is declared that, in deciding if a complaint is an administrative action complaint, it is irrelevant:

- a) how quickly the complaint was resolved
- b) to which area of a local government the complaint was made or
- c) whether or not the complaint was made anonymously

**5. WHAT AN ADMINISTRATIVE ACTION COMPLAINT IS NOT**

5.1 An administrative action complaint does not apply to:

- a) complaints about a councillor's conduct
- b) disputes regarding infringement or fines
- c) complaints about a neighbour, business or community group
- d) requests for service or information
- e) complaints made under the *Public Interest Disclosure Act 2010*
- f) complaints of faulty infrastructure
- g) complaint about an employees' conduct or
- h) requests for service, which includes initial enquiries about
- i) barking or dogs at large



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- ii) leaking water pipe
- iii) overgrown allotments
- iv) pot holes or other issues on roads
- v) or any other issue requiring Council services

5.2 Where a complaint has been assessed as a request for service or information, the enquiry shall be forwarded to our Customer Services team to process.

## **6. BENEFITS OF MANAGING COMPLAINTS ABOUT COUNCIL**

6.1 Council is committed to accepting and processing complaints from the community and providing efficient and impartial review and investigation of complaints. By effectively identifying, receiving and managing complaints against Council, steps can be taken to:

- a) improve products and services to the community
- b) increase community confidence in Council's ability to make effective decisions
- c) promote transparency and accountability
- d) implement continual improvement strategies and
- e) ensure Council employees are appropriately trained

## **7. WHO CAN MAKE AN ADMINISTRATIVE ACTION COMPLAINT?**

7.1 As prescribed in s268(2)(b) of the LG Act, an administrative action complaint may only be made by an affected person.

7.2 A complaint may be submitted on behalf of an affected person; however, Council will only respond to the affected person. The affected person may provide a letter of authority confirming they wish for an agent to act on their behalf, where this occurs, Council will correspond directly with the agent only.

## **8. MAKING AN ADMINISTRATIVE ACTION COMPLAINT**

8.1 Complaints about Council can be made to Council in a variety of ways including:

- a) In person at Council's administration building at 23 West Street, Mount Isa QLD
- b) by telephone to 07) 4747 3200
- c) by email to [complaints@mountisa.qld.gov.au](mailto:complaints@mountisa.qld.gov.au) or
- d) in writing, addressed to the CEO at PO Box 815, Mount Isa QLD 4825

8.2 While it is not compulsory, to ensure Council can provide a fair and efficient response to complaints, complainants are encouraged to complete a Complaint Lodgement Form as this will assist in facilitating a more efficient complaint handling process.

## **9. ANONYMOUS COMPLAINTS**

9.1 An affected person may make an anonymous complaint, however, for Council to respond to, properly investigate and report on the outcome, contact details are required. Council may refuse to investigate anonymous complaints if insufficient information is provided.



**10. RECORDING OF ADMINISTRATIVE ACTION COMPLAINTS**

10.1 All administrative action complaints will be recorded in Council’s Administrative Action Complaint Register.

**11. ASSESSMENT OF COMPLAINT CRITERIA**

11.1 On receipt of a complaint Council will assess if it is an administrative action complaint, giving consideration to clause 4 of this policy. Where the complaint is assessed as an administrative action complaint, Council will then determine the appropriate complexity according to the criteria outlined in Table 1.

**Table 1. Complaint Complexity Criteria**

Type of Complaint	Criteria	Decision Timeframe
Low complexity	Low complexity complaints require no investigation and can be easily addressed through the provision of information, or through negotiating a mutually satisfactory outcome.	10 business days from receipt of complaint
Medium complexity	Medium complexity complaints may require some research into the matter; it may also require some negotiation with the complainant or consultation with other areas of Council. Some investigation or fact finding will be required internally. Typically, medium complexity complaints contain a small number of issues.	30 business days from receipt of complaint
High complexity	High complexity complaints are matters where there are a large number of complaint issues; or where the complaint issues may refer to possible systemic concerns. These matters will typically involve complainants providing very detailed and lengthy background information that requires time to address.  The matters can be of a complex nature which may involve working with a number of parties in order to reach an outcome. Formal investigations may be required, involving assessment of information, and may involve interviews or discussions with staff and other relevant persons, including external people or organisations.	45 business days from receipt of complaint

11.2 Where the relevant Director deems it necessary, Council may engage an external investigator to conduct the investigation. Where Council has made the decision to engage an external investigator there may be some delays due to availability and as such Council may require additional time to complete the investigation. Where this occurs, Council will notify the complainant in writing and advise the expected timeframe.

11.3 When assessing a complaint, consideration must also be given to all other Council policies relating to complaints and the Administrative Action Complaint Procedure (“AAC Procedure”).



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**12. FINES AND INFRINGEMENT NOTICES**

- 12.1 Where the matter is regarding a Council issued fine or infringement notice, the customer is required to contact the issuing department who will advise the process should they wish to dispute the fine or infringement.
- 12.2 Where the customer remains dissatisfied with the outcome of their dispute, they may then lodge an administrative action complaint about Council's decision.
- 12.3 All fines and infringement notice disputes must first go through this dispute process before being escalated to an administrative action complaint.

**13. REFUSAL TO INVESTIGATE A COMPLAINT**

- 13.1 Council reserves the right to refuse to investigate an administrative action complaint, or if already commenced an investigation, refuse to continue to investigate the administrative action complaint where it is reasonably believed that:
- a) The complaint is trivial or concerns a frivolous matter or was made vexatiously (as outlined in "Definitions")
  - b) The complainant was found to not be an affected person and no written authority was received by Council from the actual affected person
  - c) Council was unable to contact the complainant for further information or insufficient details were provided to Council to commence or continue an investigation
  - d) It is impractical to investigate a matter due to the length of time that has passed since it occurred
  - e) The complainant is pursuing the complaint through an alternate review process (eg disputing an infringement, liability claims, or where a previous enquiry/application is currently being processed and is within the set timeframe)
  - f) The complaint is made by a complainant that is the same or substantially the same as a previous complaint processed under this policy
  - g) In situations of unreasonable complainant conduct as detailed in clause 17 of this policy

**14. COMPLAINT REMEDY**

- 14.1 In resolving an administrative action complaint, Council may consider any of the following or a combination of the following remedy options:
- a) an explanation of how or why the matter occurred, and the action Council will take to prevent a reoccurrence
  - b) a change of decision
  - c) the provision of a service
  - d) the provision of information
  - e) waiving of a penalty
  - f) a review or creation of a policy or procedure
  - g) employee training
  - h) and apology or
  - i) any other mutually agreeable, reasonable resolution



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14.2 The decision of which remedy, if any, is to be actioned is at the discretion of the relevant Director and should include a timeframe and a mechanism to report back once the recommendation is complete.

**15. INTERNAL REVIEW OF COMPLAINT OUTCOME**

15.1 Where the complainant is not satisfied with the outcome of their complaint they may apply for an internal review. An internal review is a way for Council to review the complaint process and outcome. The internal review should be conducted to ensure Council's policies and procedures have been followed and that the right outcome has been reached. An internal review is not a re-investigation into the original complaint.

Please refer to Council's AAC Procedure for more information.

15.2 Where the complainant remains dissatisfied with the outcome of Council's internal review, the complainant may refer the matter on to an external organisation such as the Queensland Ombudsman.

**16. REPORTING OF ADMINISTRATIVE ACTION COMPLAINTS**

16.1 Pursuant to s187 of the LG Reg, Council's Annual Report will include statistical details of all administrative action complaints.

**17. UNREASONABLE COMPLAINANT CONDUCT**

17.1 It can be expected that a complainant may be frustrated or angry when complaining to Council, however where a complainant's conduct raises substantial health, safety or resource issues for Council or individual employees of Council, their conduct may be considered unreasonable. Examples of unreasonable conduct may include, but are not limited to:

- a) unreasonable persistence or contact regarding a complaint
- b) unreasonable demands that are not proportionate to the complaint
- c) unreasonable lack of cooperation or
- d) unreasonable behaviour including aggression, violence or threats of violence

17.2 A complainant's conduct will not preclude there being a valid complaint nor negate Council's obligation to properly process a complaint.

17.3 The decision that a complainant's conduct is unreasonable will only be made at an executive management level and will not be used as a quick solution to avoid a complainant's contact. Where the conduct is considered unreasonable, the following steps shall be taken:

1. In the first instance, Council will advise the complainant in writing of:
  - a) the conduct that is considered unreasonable
  - b) what conduct is expected moving forward and
  - c) that if the unreasonable conduct continues, Council will restrict the complainant's access to our services



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2. Where this action does not result in cessation of the unreasonable conduct, Council will advise the complainant in writing that we will be restricting their access to our services and what is expected from the complainant moving forward.
3. Where the unreasonable conduct continues Council may consider refusing to respond to any future communication from the complaint. (This step will only be considered in extreme cases of unreasonable complainant conduct and with the approval of the Chief Executive Officer).

17.4 Unreasonable complainant conduct will generally be managed by restricting the complainant's access to our services, which may include:

- a) limiting the complainants contact to one specific employee in Council
- b) restricting the subject matter that Council will respond to or
- c) restricting the way in which the complainant can communicate with Council

17.5 Before restricting a complainant's access to our services the relevant Director shall take into consideration the complainant's personal circumstances, including:

- a) level of competency and
- b) their access to communication methods

## **18. PRIVACY AND CONFIDENTIALITY**

18.1 Council is committed to the privacy principles under the *Information Privacy Act 2009*. Council will endeavour to ensure that the details of the complaint, the complainant and the investigation and related decisions are kept confidential.

## **19. COMMUNICATION AND DISTRIBUTION**

19.1 Council will make available to the public the AAC Policy and AAC Procedure on our website at [www.mountisa.qld.gov.au](http://www.mountisa.qld.gov.au)

19.2 All Council employees will be advised of Councils administrative action complaints process at the time of their pre-employment induction and at their refresher inductions.

19.4 All Council employees involved in the administrative action complaint process will be provided with regular and specific training on the entire complaints management process and will be recorded on Councils Training Matrix.

19.5 Supervisors will ensure the policy is distributed as per the Distribution and Dissemination table on this policy.

## **20. VARIATIONS**

20.1 This policy will be reviewed and updated on an annual basis giving consideration to Council's performance in resolving complaints under this process. The annual review will also focus on any improvement measures Council may adopt to reduce future administrative action complaints.

## **21. BREACH OF POLICY**

21.1 Where Council reasonably believes an employee has breached this policy, the matter will be dealt with under Council's Performance and Misconduct Policy.





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## 22. COMMUNICATION AND DISTRIBUTION

- 22.1 Council will make available to the public, the Administrative Action Complaints Policy on our website at [www.mountisa.qld.gov.au](http://www.mountisa.qld.gov.au)
- 22.2 The responsible officer shall liaise with the Training and Development Officer to create and deliver internal annual training to all Council employees involved in complaints.
- 22.3 Supervisors will ensure the policy is distributed as per the Distribution and Dissemination table on this policy.

## 23. DEFINITIONS

- a) **Affected Person** – is a person who is apparently directly affected by an administrative action of a local government.
- b) **CEO** – is the Chief Executive Officer or their delegate.
- c) **Complainant** – is the affected person or affected persons authorised agent who has lodged the complaint with Council.
- d) **Executive Management Level** – includes the relevant director or chief executive officer.
- e) **Frivolous Complaint** – is a complaint that has no serious purpose or value. It may have little merit and be trivial.
- f) **Receiving Officer** – is a Council employee to whom a complainant has lodged a complaint with.
- g) **Vexatious Complaint** – is a complaint reasonably considered to be;
- i) a complaint without merit and is made with the intention of causing inconvenience, annoyance or expense to Council; or
  - ii) a complaint made maliciously to damage a person's career or reputation or reputation of Council; or
  - iii) a collusion between more than one person or complainant in an attempt to discredit or take retribution against an Officer, Councillor or Council.

### Associated Legislation and Procedures

- *Local Government Act 2009*
- *Local Government Reg 2012*
- *Information Privacy Act 2009*
- Information Privacy Policy
- Management of Fraud and Corruption Policy
- Complaints about a Public Official Policy
- Public Interest Disclosure Policy
- Information Privacy Complaint Policy
- Administrative Action Complaints Procedure
- Performance and Misconduct Policy
- Human Rights Policy
- Complaints Policy