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## GENERAL COMPLAINTS POLICY

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**Adoption Date:** July 2023

**Revision Date:** July 2024

**Division:** Corporate

**Responsible Officer:** Chief Executive Officer

**Note:** P – Primary Author  
S – Secondary Author

### 1. Process objectives:

The complaints process is established with the following objectives: -

- The fair, efficient, and consistent treatment of complaints about decisions and other administrative actions of the Council and complaints about minor breaches.
- A complaints process that is easy to understand and is readily accessible to all.
- Detection and rectification, where appropriate, of administrative errors and identification of areas for improvement in the Council’s administrative practices.
- Increase in awareness of the complaints process for the Council’s staff and the community and the building of staff capacity to effectively manage complaints.
- Enhancement of the community’s confidence in the complaints process and of the reputation of the Council as being accountable and transparent.

### 2. Definitions:

<b>Administrative action</b>	<i>An administrative action of the Council, being an action about a matter of administration, including each of the following- a decision and an act; a failure to make a decision or do an act, including a failure to provide written reasons for a decision; the formulation of a proposal or intention; the making of a recommendation</i>
<b>Affected person</b>	<i>A person who is apparently directly affected by- an administrative action; or an alleged minor breach.</i>
<b>Complaint</b>	<i>An expression of dissatisfaction by a person or organization regarding- a decision or other action of the Council; or an alleged minor breach.  NOTE: a complaint should not be confused with a request for service. For example, a customer may phone and request a pot-hole in a road be repaired. This is a request for service. If a customer was to phone to complain that they had requested a pot-hole be repaired weeks ago and nothing had been done, then this constitutes a complaint.</i>
<b>Council officer</b>	<i>Includes a permanent, temporary, casual or contract member on the Council’s staff</i>
<b>General Complaints Process</b>	<i>the statutory complaints process described in Chapter 7, Part 6 of the Act (the complaints process)</i>
<b>Minor breach</b>	<i>A minor breach by a Councillor of the Council’s Code of Conduct for Councillors.</i>
<b>Request for service</b>	<i>A request for the Council to take action to satisfy the needs of a customer or ratepayer. This may be of a physical nature, such as a request to fill a pothole or to collect a stray dog, or a request for information</i>
<b>The Act</b>	<i>Local Government Act 2009</i>

### **3. Relevant Legislation:**

Local Government Act 2009

### **4. Background:**

The Council strives to provide a level of customer service that does not attract complaints, but 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.

The complaints process has been instituted as a requirement of Chapter 7, Part 6 of the Local Government Act 2009 and seeks to ensure that, to the greatest practical extent, any complaint is dealt with fairly, promptly, professionally, in confidence (subject to any legal requirements) and in a manner respectful to the complainant.

In implementing this process, the Council recognizes that adequate resources and trained officers will be required to deal with complaints and to record and analyse complaints data, however, the Council is also cognisant of the fact that its human and financial resources are limited and that there will need to be a balance between community expectations and the level of resources committed to complaints management.

To this end, the Council will endeavour to ensure that:

- Anyone who is dissatisfied about a decision or other action of the Council, a Council officer, or a Councillor can easily and simply lodge a complaint.
- Each complaint is initially assessed in terms of its seriousness, safety implications, complexity and degree of urgency.
- Complaints are dealt with in a professional manner and responded to as quickly as possible having regard to available resources and the timeframes set out in the complaints process.
- If a complainant is not satisfied that a complaint has been satisfactorily resolved, he/she will be informed of any statutory right of review and, if they request, be provided with details of any further review mechanism that is available.

### **5. Process statement:**

This process defines the General Complaints Process (the complaints process) of the Lockhart River Aboriginal Shire Council.

### **6. Procedures:**

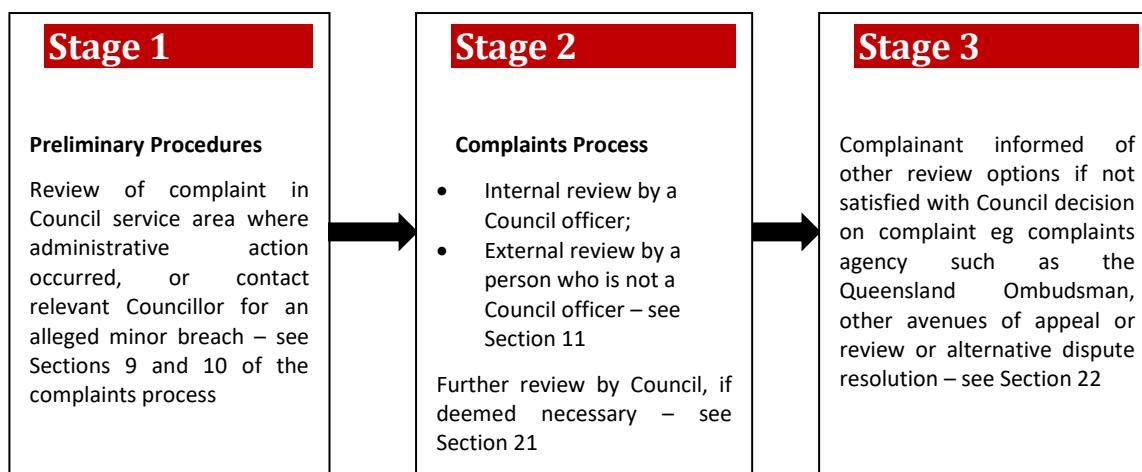
#### Scope of the complaints process

The complaints process has been established for resolving complaints by affected persons about administrative action of the Council or an alleged minor breach by a Councillor of the Council's Code of Conduct for Councillors. However, the complaints process does not apply to a complaint:-

- that could be made under Chapter 11 of the Act, about competitive neutrality issues;
- about official misconduct that should be directed to the Crime and Misconduct Commission;
- made under the Public Interest Disclosure Act 2010;
- about a meeting breach, a repeat breach, or a statutory breach under the Code of Conduct for Councillors; or
- made by one staff member against another. Such complaints will be handled separately through the Council's grievance procedure.

## Complaint handling framework

The following framework describes the model adopted by the Council for handling complaints:



### STAGE 1 – PRELIMINARY PROCEDURES

#### **Preliminary procedures before a complainant can make a complaint:**

- a) in relation to an administrative action by an officer or a minor breach by a Councillor

When a person makes a complaint about an administrative action by an officer of the Council or a minor breach without first having contacted the relevant service area of the Council (or the Councillor in question in the case of a minor breach) to try to resolve the complaint, the person will be required to take this initial step before the complaint will be registered and dealt with under the formal complaints process.

If the complaint is not resolved by the relevant service area or with the relevant Councillor, the complaint will be dealt with in accordance with the complaints process.

- b) in relation to an administrative action by the Council or the Chief Executive Officer

Prior to the registration of a complaint about an administrative action by the Council or the Chief Executive Officer, the matter shall be referred to the next meeting of Council with a view to having it resolved if possible. If, in the opinion of the Mayor, it would be advantageous to have the complainant attend the meeting in order to increase the likelihood of a resolution of the complaint, or if the complainant requests it, an invitation shall be issued to the complainant to attend the meeting.

The complainant will be advised in writing of Council's decision including its reasons for the decision. The reasons may include, but not be limited to, the grounds for refusal to investigate a complaint as per s. 14.

If the complainant is dissatisfied with the decision and Council is advised in writing of this then the complaint shall be dealt with under the complaints process in which case the procedures set out in stage 2 hereunder will apply.

**The way a complainant may make a complaint:**

All complaints are to be in writing, signed by the complainant, and delivered to Council by:

<ul style="list-style-type: none"> <li>• Letter</li> </ul>	addressed to CEO, Lockhart River Aboriginal Shire Council, Maathuy Street, Lockhart River, Queensland. 4870.
<ul style="list-style-type: none"> <li>• Letter Fax</li> </ul>	sent to Council's facsimile number in Lockhart River on 07 4060 7139 or Cairns on 07 4031 5720
<ul style="list-style-type: none"> <li>• Personal Delivery</li> </ul>	to the Lockhart River Aboriginal Shire Council Office, Lockhart River, Queensland or Council's Cairns Office at 7 Anderson Street, Manunda, Queensland. 4870.
<ul style="list-style-type: none"> <li>• Completing the Council's Complaint Form</li> </ul>	(attached as Appendix C) and deliver to Lockhart River Aboriginal Shire Council by Post, Fax, or Personal Delivery.

NOTE: All correspondence MUST be signed by the complainant.

All complaints should be addressed to the Chief Executive Officer or other senior officer of the Council. The complainant's contact details should be identified so the Council can contact the complainant as required by the Act.

Anonymous complaints will not be dealt with under the complaints process. The Chief Executive Officer may decide to deal with them under another administrative process or not deal with them at all. Anonymous complaints against staff or elected members will not be accepted.

If an oral complaint is received, the complainant will be requested to put the complaint in writing before it will be dealt with under the complaints process.

**Complaints by agents:**

If a complaint is lodged on behalf of a person by a professional advisor e.g. a solicitor or accountant, the Council will respond direct to that advisor.

A complaint lodged by a person, as agent for an affected person, will be responded to directly to the affected person and not to the agent; unless a letter of authority is provided indicating the agent is acting on behalf of the affected person and the Council considers that the appointment as agent has been validly made.

**Preliminary assessment of complaint:**

On receipt of a complaint, or what appears to be a complaint, the Chief Executive Officer or delegate will initially assess the complaint to determine whether:

- it is in fact a complaint and not a request for service; or
- the preliminary procedure set out in the Act (s. 9) should be undertaken first; or
- the complaint should be dealt with under the complaints process in which case the procedures set out in Stage 2 hereunder will apply.

In some instances it will be readily apparent to the Chief Executive Officer or delegate on making a preliminary assessment of a complaint that the provisions of Section 501F.(1) of the Act apply and that no worthwhile purpose would be served by investigating the complaint further. In these instances, if the Chief Executive Officer or delegate, acting pursuant to their appointment as a complaints officer under s. 11 hereof, is of the opinion that the Act does apply and the complaint relates to an administrative action of a Council officer (i.e. where the complaint would be subject to internal review as per s. 11 hereof), the Chief Executive Officer or delegate may make an immediate determination not to proceed any further with the investigation of the complaint in which case the notification required by the Act (s. 14) will be given to the complainant.

## STAGE 2 – COMPLAINT PROCESS

### **Process for selecting and appointing a complaints officer to investigate complaints**

The Council, by resolution, may–

- a) select and appoint the Chief Executive Officer as a complaints officer for the internal review of any complaint, subject to the Act;
- b) delegate to the Chief Executive Officer the power to select and appoint a person or persons to be a complaints officer to investigate complaints.

The Chief Executive Officer may delegate his/her powers under (b) to another employee of the Council under the Act.

The Chief Executive Officer, if delegated the power by Council to select and appoint a person or persons to be a complaints officer to investigate complaints, may establish a panel of complaints officers.

A person appointed to the panel should have, as far as is practicable, the appropriate knowledge, qualifications, skills and experience, including the relevant investigative, analytical and report-writing skills, to conduct an investigation into a complaint, make findings, formulate recommendations (where appropriate) and prepare a report on the outcome of the investigation for consideration by the Council or its delegate.

Each person on the panel shall be given an Instrument of Appointment (*refer Appendix A attached*).

Investigation of a complaint is to be undertaken either by way of internal review or external review. Relevant criteria to be applied in making the decision about the method of review are:

#### **Internal Review:**

An internal review of a complaint will be conducted where the administrative action in question was undertaken by a Council officer. The review will be conducted by the Chief Executive Officer, or an officer appointed by the Chief Executive Officer or his/her delegate, as the complaints officer for the complaint. The complaints officer must not be less senior than the officer who took the administrative action that is being reviewed.

#### **External Review:**

An external review of a complaint will be conducted where the administrative action in question was taken by-

- a) the Council, or a committee of the Council, at a meeting;
- b) the Mayor or the Chairman of a standing committee acting under statutory or delegated authority;
- c) the Chief Executive Officer; or
- d) a Council officer and the requirement that an internal review be conducted by a Council officer who is no less senior than the officer who took the administrative action cannot be met (for whatever reason).

External review will also be conducted for a complaint about a minor breach.

#### **Appointment of reviewer:**

The Chief Executive Officer, or delegate, will-

- assess the nature of the complaint and determine whether the complaint is to be investigated by means of internal review or external review;
- based on the review criteria, select a suitable person as the complaints officer for the complaint from the panel established by the Chief Executive Officer for that purpose.

The complaints officer selected to investigate a complaint by way of internal or external review must not have been involved with the administrative action or alleged minor breach in question.

**Sending complaints to, and their investigation by, the complaints officer:**

The Chief Executive Officer or delegate, will - as soon as possible after a written complaint has been received and recorded and it has been determined that the matter will be dealt with under the complaints process - arrange for the complaint, along with advice of the date by which the complaints officer must complete the report on the investigation if the complaint is not earlier resolved to the complainant's satisfaction or is withdrawn by the complainant, to be forwarded to the selected complaints officer and will provide access to all relevant documents from the Council's records to enable an assessment of the complaint to be undertaken as soon as practicable after the officer's selection.

The time-frame for dealing with a complaint will depend on an assessment of the following factors by the Chief Executive Officer or delegate:-

- the urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved;
- the likelihood that the complaint can be quickly resolved;
- the complexity of the complaint issue/s;
- whether the complaint requires internal review or external review in accordance with the criteria for the selection of a complaints officer for the complaint as set out in the complaints process.

In general terms, the Council will endeavour to meet the following time-frames for dealing with a complaint:-

- for urgent matters - within (7) days;
- for non-urgent complaints that are not considered to be complex or where the complaint is to be investigated under the internal review mechanism - within (30) days;
- for complex complaints or where the complaint is to be investigated under the external review mechanism - within (45) days.

If the nominated timeframe for dealing with a complaint cannot be met for any reason, the Chief Executive Officer or delegate may extend the time for dealing with the complaint and notify the complainant of the extension. In determining any extension of time, the Chief Executive Officer, or delegate, must consult with the complaints officer for the complaint and fix a date that is reasonable in all the circumstances, and desirably no more than three (3) months from the date the complaint was received by the Council.

The complaints officer will acknowledge receipt of the complaint and any other material in a manner deemed appropriate by the Chief Executive Officer or delegate.

If a complaint is resolved to the complainant's satisfaction before it is sent to a complaints officer for investigation, notice that the complaint has been resolved may be given verbally to the complainant in the first instance, however, formal written advice will be forwarded to the complainant in confirmation of such verbal advice.

As a condition of appointment, an external reviewer will be required, when forwarding his/her investigation report to the Chief Executive Officer, to return any records or documents relating to the investigation that have been removed from the Council's premises during the course of the investigation.

The time-frame for dealing with a complaint is measured from the date of receipt of a complaint to the date the complainant is informed of the outcome of the complaint.

**Opportunity for complainant to provide further information about the complaint:**

If necessary, the complaints officer will invite the complainant to provide further information after the initial assessment of the complaint material to assist in fully understanding the

complainant's concerns, the issue(s) to be investigated (if an investigation is to be undertaken) and the outcome or remedy sought by the complainant.

Seeking further information from the complainant at this stage of the complaints process may be undertaken by informal means such as telephone, e-mail, or face-to-face discussion. The complaints officer will record a fair summary of any oral information received and will confirm with the complainant in an appropriate manner that the summary accurately reflects the information provided by the complainant.

The complaints officer will attempt to resolve the complaint informally, for example, by providing an explanation of the Council's or the Councillor's action in the particular case. A complaint may be resolved or withdrawn by the complainant at any time during the complaints process. A complaint is taken to be resolved to the complainant's satisfaction, or is taken to be withdrawn, if the complainant gives a clear indication of that effect to the complaints officer. Written notice that the complaint has been resolved, and the general manner in which it was resolved, will be given to both the Council and the complainant.

If, in the opinion of the complaints officer, resolution of a complaint about an administrative action merely involves rectification of an obvious error or a remedy of a similar nature, the complaints officer will discuss the issue with the relevant Council officer with a view to resolving the complaint.

#### **Grounds for refusal to investigate complaint:**

In assessing a complaint (including any further information provided by the complainant) the complaints officer will consider whether there is a statutory ground on which the complaint may be refused. The complaints officer may refuse to investigate a complaint or, having started to investigate a complaint, refuse to continue the investigation if the officer reasonably considers that:-

- a) the complaint is trivial; or
- b) the complaint concerns frivolous matter or was made vexatious; or
- c) the complainant does not have a sufficient direct interest in the administrative action or alleged minor breach the subject of the complaint; or
- d) both of the following apply-
  - the complainant has a right of appeal, reference or review, or another remedy, that the person has not exhausted
  - it would be reasonable in the circumstances to require the complainant to exhaust the right or remedy before the officer investigates, or continues to investigate, the complaint;
- e) in the circumstances, investigating the complaint is unnecessary or unjustifiable.

A right or remedy mentioned in paragraph (d) does not include a right to make an application to the Supreme Court under the ***Judicial Review Act 1991***.

The complaints officer will give both the Council and the complainant written notice of a decision made by the officer to refuse to investigate the complaint, or to continue the investigation, and the reasons for the decision.

#### **Investigating a complaint:**

The investigation of a complaint will be undertaken by the complaints officer in an independent, impartial and objective manner. A complaints officer may, if the officer considers appropriate in the circumstances, undertake mediation between the parties with a view to resolving a complaint, but will not act as an advocate for either the complainant or the Council or for any Council officer or Councillor the subject of the complaint.

The investigation of a complaint will typically involve the following stages:-

- deciding on the most appropriate course of action for conducting the investigation;

- information gathering, including discussions and interviews with the complainant, Council personnel and third parties (where relevant) and examining relevant laws and Council policies and procedures;
- analysis of all relevant information obtained;
- formulation of findings and any recommendations for the Council's consideration;
- preparation of a report on the results of the investigation or the outcome of the complaint if it was resolved during the complaints process or was withdrawn by the complainant.

The complaints officer will adhere to the principles of procedural fairness and natural justice when conducting an investigation of a complaint and will ensure that confidentiality about the investigation is maintained to the extent that it can be reasonably achieved, subject to other legal requirements about the disclosure of information.

#### **Obligation of complaints officer on completion of investigation**

If a complaint is not resolved during the investigation process to the satisfaction of the complainant or is not withdrawn by the complainant, the complaints officer will give the Council and the complainant a written report on the results of the investigation and any recommendations. The complaints officer must give the report to both the Council and the complainant within the time stipulated, subject to any approved extension of time.

The report will typically address the following matters to the extent each matter is relevant in the particular case:-

- the complaint issue/s;
- a concise summary of the material facts and circumstances of the matter;
- any relevant legislation;
- any relevant Council or other policy;
- persons interviewed and/or consulted and relevant information obtained during any interviews and consultations;
- results of any relevant research;
- analysis of complaint issues to the extent necessary;
- findings on material questions of fact and law;
- whether the complaint is sustained and reasons for that finding;
- if the complaint is sustained, any recommendation(s) to the Council to redress the complainant's grievance, whether by way of benefit to the complainant and other affected persons (if any) and/or systemic improvements to the Council's administrative practice with a view to preventing a recurrence of similar complaints.

The report will contain any recommendations that the complaints officer considers to be appropriate in the circumstances. In some cases, it will be appropriate to make a recommendation for procedural improvement even where the complaint has not been sustained. A recommendation may relate to-

- a specific remedy or remedies that is/are available under section 17 to redress the complainant's grievance; and/or
- the proposed amendment of a relevant Council policy, procedure, or practice to address any systemic issue raised by the complaint with a view to preventing similar complaints in the future.

#### **Remedies**

The Council has available to it a range of remedies for addressing administrative actions that it considers to be unfair or wrong. Remedies include, but are not limited to:-

- an explanation for the action in question
- an admission of fault
- an apology
- revocation or amendment of the decision



- rectification, including repairing or replacing the matter in dispute
- revision of relevant policy, procedure or practice
- provision of technical assistance
- reimbursement of costs incurred as a result of the action in question
- financial compensation, including an ex-gratia payment
- a waiver of debt.

More than one remedy may be applied in the particular case if the circumstances justify that course of action.

One or more of the above remedies may also be applicable where the Council decides that a Councillor has committed a minor breach, in addition to any penalty imposed by the Council by resolution under the Act.

#### **Consideration of report by Council:**

##### ***Report about an administrative action***

A complaints officer's report prepared under section 16 of the complaints process, including any recommendation(s), on a complaint about an administrative action will be considered-

- a) by the Council by resolution if the administrative action in question was taken by-
  - I. the Council, or a committee of the Council, at a meeting;
  - II. the Mayor or the Chairman of a standing committee acting under statutory or delegated authority;
  - III. the Chief Executive Officer; or
  - IV. another Council officer where the requirement that the complaints officer be no less senior than the officer who took the administrative action, cannot be met;
- b) by the Chief Executive Officer under delegated authority if the administrative action in question was taken by a senior officer who reports directly to the Chief Executive Officer;
- c) by another Council officer under delegated authority if the administrative action in question was taken by a Council officer who is not more senior than the delegate.

A Council officer exercising delegated authority to deal with the complaint, by accepting or rejecting the findings of the complaints officer, has authority to provide any lawful remedy for the complainant that is available under section 17 of the complaints process, irrespective of whether the remedy has been recommended by the complaints officer.

Where the complaints officer's report includes a recommendation that a suitable policy be made to address the complaint issue, or an existing policy be appropriately amended, the recommendation will be referred to the Council for consideration by resolution.

##### ***Report about a minor breach***

If a complaints officer who investigated a complaint about a minor breach gives a report to the local government stating that the complaint has not been resolved through the complaints process, the report will be dealt with by the Council by resolution under the Act.

When the Council considers a report, it must:-

- a) decide by resolution to take no further action in relation to the complaint if satisfied the complaint concerns frivolous matter or was made vexatiously; or
- b) having regard to the complaints officer's report about the matter, decide whether the Councillor in question has committed the alleged minor breach.

In deciding whether the Councillor has committed a minor breach, the Council must comply with the principles of natural justice and, at the least, afford the Councillor an opportunity to make a submission on whether the breach was committed. If the Council decides the Councillor committed the minor breach it must then give the Councillor an opportunity to make a further submission on whether a penalty should be imposed and the nature of that penalty, being one of the actions that may be taken under the Act), namely:-

- a) take no further action in respect of the breach;
- b) by resolution, impose a penalty on the Councillor under s.250X of the Act;
- c) if it considers the breach may be a repeat breach of the Code of Conduct for Councillors - refer a complaint about the repeat breach to its conduct review panel for review.

**Notice to complainant about outcome of complaint:**

Written notice of the outcome of a complaint will be given to the complainant following the Council's consideration of, and decision on, the complaints officer's report and recommendations (if any).

The notice to the complainant will generally include the following advice:-

- whether the complaint is sustained;
- if the complaint is not sustained, the reasons for the decision;
- if the complaint is sustained:-
  - any remedy to be made available to the complainant;
  - if applicable, the circumstances and timeframe in which the remedy will be made available; and/or
  - whether the investigation identified the need to revise Council policy, procedure, or practice to prevent similar complaints arising, details of the proposed revision and the timeframe for implementation.

**Implementation of remedy, etc:**

The Council, through the Chief Executive Officer or delegate, will take action in a timely manner to implement any remedy to be made available to a complainant and/or any revision of its policy, practice or procedure.

**Council review if complainant dissatisfied with outcome of complaint:**

If a complainant is dissatisfied with the outcome of the consideration of the complaints officer's report and any recommendation, the complainant may request a review of the decision on the complaint. The complainant may submit new information with the request for review and seek reconsideration of the complaint on the basis of the new information or on any other basis.

The Council will:-

- undertake the review as requested and advise the complainant accordingly; or
- decline the review on the basis that the complainant has not provided any reasonable basis for the review.

Any review undertaken will generally be in accordance with the complaints process. The reviewer will be independent of the original decision maker and the complaints officer.

**STAGE 3 – REVIEW BY OMBUDSMAN OR OTHER COMPLAINTS ENTITIES**

If the Council decides not to undertake a review, it will inform the complainant that a complaint may be lodged with the Queensland Ombudsman or other relevant complaint entity (giving contact details).

**COMPLAINTS MANAGEMENT SYSTEM**

**Reporting on complaint trends:**

The Council will maintain a system for recording all complaints received through the complaints process, being complaints about administrative actions of the Council and complaints about alleged minor breaches of the Council's Code of Conduct for Councillors.

The Chief Executive Officer will report to the Council at least once in each financial year (or more frequently if required by the Council) on details of complaints received and resolved during the period.

The report may contain such information as is considered necessary by the Chief Executive Officer to inform the Council of relevant details of each complaint and whether any systemic issues have been identified and/or whether there is any trend in the complaints received.

The report may also suggest whether any other action should be taken to change service delivery and/or improve business activities, services, systems and staff skills.

Details about complaints concerning administrative actions and alleged breaches of the Council's *Code of Conduct for Councillors* will be provided in the Council's annual report, as required by the Act.

**Responsibility of officers:**

This process applies to all staff responsible for receiving and responding to complaints from customers.

The Chief Executive Officer or delegate will ensure that any necessary staff training is provided (eg on the complaints process, conducting an investigation of a complaint, conflict management, customer service skills) so that all relevant Council officers are aware of their role in customer service and responsibility for complaint management and that adopted service standards are met.

All relevant Council officers will be required to observe the complaints process and, wherever appropriate, attempt to resolve a complaint before it is referred for attention under the complaints process.

**Related policies or procedures:**

All relevant Council policies and procedures must be taken into consideration when considering or investigating a complaint under the complaints process.

**Evaluation and review of the complaints process:**

The Council will review the complaints process every three years to ensure that the process is readily available to members of the community and is user-friendly and whether time-lines for responding to complaints have been met and there is, in general, an acceptable level of community satisfaction with the complaints process.

The complaints process will be amended in terms of any adopted recommendation arising from the review.

**Communication:**

The Council will take appropriate steps to publicise the complaints process such as placing the document on its website and including training on the complaints process in the induction process for relevant new employees and in other appropriate staff training forums.

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DOCUMENT END

## Appendix A

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# INSTRUMENT OF APPOINTMENT

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I, <Insert CEO Name>, the Chief Executive Officer of the Lockhart River Aboriginal Shire Council, having been delegated the power by the Council of the Lockhart River Aboriginal Shire to select and appoint a person or persons to be a complaints officer to investigate complaints received by the Council about administrative action of the Council or an alleged minor breach by a Councillor of the Council's Code of Conduct for Councillors, hereby make the following appointment:-

Name of appointee: \_\_\_\_\_

Purpose of appointment: To act as a complaints officer for the internal/external review of complaints under the Lockhart River Aboriginal Shire Council General Complaints Process established pursuant to Chapter 7, Part 6 of the Local Government Act 2009.

Term of appointment: This appointment shall remain in force until cancelled or revoked by me in writing or unless sooner terminated by written request of the appointee.

or

This appointment shall, unless sooner cancelled, revoked or the person ceases to hold office, remain in force while the person is an employee of the Lockhart River Aboriginal Shire Council.

Date of appointment: \_\_\_\_\_

Signature: \_\_\_\_\_

[Insert CEO's Name]  
**CHIEF EXECUTIVE OFFICER**

## Appendix B

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# REFERRAL OF COMPLAINT

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To: [name of person appointed to handle complaint]

Dear [name of person appointed to handle complaint]

Pursuant to your appointment to the panel of complaints officers established by the Lockhart River Aboriginal Shire Council to investigate complaints received under the Council's General Complaints Process, the following complaint is referred to you for investigation and report:-

### Details of complaint to be investigated:

(1) Name of complainant:

\_\_\_\_\_

(2) Nature of complaint:

\_\_\_\_\_

\_\_\_\_\_

(3) Date complaint received: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Time frame for resolving complaint: The complaint has been assessed as urgent/non-urgent/complex and the time frame for resolving the complaint is \_\_\_\_\_ days

(NOTE that the time frame for dealing with a complaint is measured from the date of receipt of the complaint to the date the complainant is informed of the outcome of the complaint)

Access to relevant documents and records: Access will be provided to all relevant documents from the Council's records to enable an assessment of the complaint to be undertaken. Please note that any records or documents relating to the investigation that have been removed from the Council's premises during the course of the investigation are to be returned to the Council at the time of submission of the investigation report to me.

Date of: \_\_\_\_\_

Signature: \_\_\_\_\_

[Insert CEO's Name]

**CHIEF EXECUTIVE OFFICER**

I, \_\_\_\_\_, acknowledge receipt of this referral of complaint and a copy of the relevant letter of complaint/complaint details.

\_\_\_\_\_

Signed

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Date

## Appendix C

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# COMPLAINTS FORM

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This form is designed to capture the information necessary to enable the Council to investigate and respond to your complaint. Simply fill out this form and send it to Lockhart River Aboriginal Shire Council, Maathvy Street, Lockhart River, Queensland, 4870; or Council's Cairns Office at 7 Anderson Street, Manunda, Queensland, 4870. Alternatively, you can fax it to Lockhart River on 07 4060 7139 or Cairns on 07 4031 5720 or drop it into either of the Council offices (as above).

## **PERSONAL DETAILS OF PERSON LODGING THE COMPLAINT**

Title: \_\_\_\_\_ Last Name: \_\_\_\_\_ First Name/s: \_\_\_\_\_

Address: \_\_\_\_\_ P/Code: \_\_\_\_\_

Telephone (home): \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) \_\_\_\_\_

Other ways to contact you (eg facsimile, email) \_\_\_\_\_

Preferred way for us to contact you: \_\_\_\_\_

Are you the person affected by the complaint? Yes  No

If not, please advise relationship to the person affected by the complaint: Parent  Friend

Other  (please specify) \_\_\_\_\_

If you are acting on someone's behalf, please advise his or her details:

Title: \_\_\_\_\_ Last Name: \_\_\_\_\_ First Name/s: \_\_\_\_\_

Address: \_\_\_\_\_ P/Code: \_\_\_\_\_

Telephone (home): \_\_\_\_\_ (work) \_\_\_\_\_ (mobile) \_\_\_\_\_

Does the person affected by the complaint have a disability or other special need? Yes  No

If yes, please specify: \_\_\_\_\_

## **COMPLAINT DETAILS**

Have you raised your complaint with us before? Yes  No

If yes, tell us who you spoke to, what you were told and why you are still dissatisfied. Attach any documentation you have from your previous contact. Use a separate sheet if needed:-

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For **NEW** complaints, tell us **WHAT** happened? **WHO** was involved? **WHEN** and **WHERE** did it happen?

For example, does your complaint involve a decision that impacts on you or perhaps the quality of service? Make sure you tell us full details of the complaint and attach a separate sheet if needed.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What would you like to see **HAPPEN** as a result of your complaint?

\_\_\_\_\_

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Have you **DONE ANYTHING** about your complaint already? If you have sought assistance from other parties such as your local member, solicitor or professional advisor, please advise details, such as the person you spoke to, when and advice given:

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____/____/____ <i>Date</i>	_____ <i>Signature</i>
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**WHAT TO EXPECT**

We take complaints seriously. We will contact you within seven (7) working days of receiving this complaint to advise you of what we will do and the expected time it will take. Your information will be treated confidentially. Thank you for bringing this matter to our attention.

# FOR COUNCIL USE ONLY

## **Complaint received by**

Post

Fax

In person

Date received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Staff member who received complaint

(if lodged in person): \_\_\_\_\_

Position:

\_\_\_\_\_

Summary of any advice provided to complainant on initial contact:

\_\_\_\_\_

\_\_\_\_\_

## **Complaint referred to:**

CEO

Mayor

Manager Corporate/Community Services

Manager Engineering Services

Manager Shire Planning

Manager Environmental Services  Other (please specify)

\_\_\_\_\_

Date of referral: \_\_\_\_/\_\_\_\_/\_\_\_\_ File Number: \_\_\_\_\_

Summary of any further advice provided to complainant:

\_\_\_\_\_

\_\_\_\_\_

## **Nature of Complaint:**

Customer Service

Administration

Animal Control

Town Planning

Water

Sewerage

Roads

Waste Services

Bridges

Building/Plumbing

Overgrown Land

Community Facilities

Parks & Gardens

Health

Declared Plants/Animals

Other (specify):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# Bulletin 8/11 DLGP

## Keeping and publishing CEO records of Councillor Complaints

### Purpose

Local government chief executive officers must keep and publish a record of complaints against Councillors.

### Background

Section 177 (11) of the *Local Government Act 2009* (the Act) requires the chief executive officer (CEO) of a local government to keep a record of all written complaints and the outcome of each written complaint, including any disciplinary action or other action that was taken in relation to the complaint. Section 177(12) requires the CEO to ensure the public can inspect the record at the local government's public office or on its website.

To remove confusion on this matter, the department recommends the record is published on the Council website and contain the following details:

Complaint number:	Council complaint record number.
Date received:	Date written complaint received by CEO.
Complaint against:	Name of Councillor who is the subject of the complaint.
Nature of allegation:	Brief description about the nature of allegation, for example, alleged misconduct due to a Councillor breaching confidentiality.
Outcome:	Outcome of complaint, for example, complaint unsubstantiated, no further action required.

### Can the CEO wait to publish the complaint until the outcome is known?

No. The Act requires the complaint be published upon receipt by the CEO. The outcome should be published when it is known.

### What information should be included under the 'Nature of the Allegation' field?

The department recommends the CEO publish only relevant factual information. Additionally, CEO's should be mindful that publication of inappropriate information or opinion may expose Council to legal claims or complaints of bias.

### What information should the CEO provide to the complainant upon receipt of the complaint?

To ensure transparency of process, the department recommends an acknowledgement letter be sent to the complainant acknowledging the receipt of the complaint and advice to the effect that the complaint will be handled in accordance with the Act.

### What information should the CEO provide to the Councillor who is subject of the complaint?

To ensure transparency of process, the department recommends the Councillor be informed in writing about the nature of the allegation (see above), what further action may be taken and a contact number within the CEO's office.