

## Policy Details

<b>Directorate:</b>	Organisational Services
<b>Branch:</b>	Corporate Governance
<b>Responsible Manager:</b>	Corporate Governance Manager
<b>Date adopted:</b>	04/12/2019 (minute number 188/2019)
<b>Date for review:</b>	2 years from the date of adoption or date of last review
<b>Legislative basis:</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>Related Documents - forms and procedures</b>	Administrative Action Complaints Procedure (DM: 13315141)

### 1. Policy Purpose

The purpose of this policy is to set out Council's position in relation to managing administrative action complaints from receipt to resolution.

This policy is intended to support Councillors and Council employees to respond to administrative action complaints appropriately.

### 2. Scope

This policy applies to all Councillors, employees and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors.

This Policy applies to the administrative actions of Council including:

- a decision, a failure to make a decision, including a failure to provide written statement of reasons for a decision;
- an act, or a failure to do an act;
- the formulation of a proposal or intention; and
- the making of a recommendation.

This Policy does not apply to:

- initial requests for services or information;
- suggestions, enquiries or petitions;
- decisions made under a local law which are reviewable under a local law;
- any matter covered by a separate statutory prescribed review process, for example:
  - the following matters, which have separate processes under the *Local Government Act 2009*:
    - Rates and charges disputes, or
    - Competitive neutrality complaints, or

- Councillor conduct complaints
    - a prescribed process under the *Planning Act 2016*
    - a prescribed process under the *Animal Management (Cats and Dogs) Act 2008*
    - a prescribed process under Logan City Council's Local Law No 2 (Administration)
- Councillor conduct;
- a decision of a Court.

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### 3. Policy Statement

#### Principles

Logan City Council is committed to delivering quality customer service and communicating effectively with our community. Despite our best efforts, people may not be happy with an administrative action of Council.

Council welcomes complaints about the administrative actions of Council as a form of feedback from our community and will endeavour to respond to those complaints in a fair, efficient and transparent manner and use them as a means to improve our services, systems, procedures and policies.

Council is committed to:

- Maintaining a high level of customer service whilst managing complaints in keeping with the spirit of Council's Customer Service Charter;
- Detection and rectification, where appropriate, of administrative errors;
- Identification of areas for improvement in Council's administrative practices;
- Enhancement of the community's confidence in the complaints management process and the reputation of Council as being accountable and transparent; and
- Building the capacity of Council officers to manage complaints effectively and continuously improve processes.

#### Administrative Actions Complaints Procedure

As required by the *Local Government Act 2009*, an administrative actions complaints management procedure has been developed. All administrative actions complaints will be managed in accordance with the Administrative Action Complaints Procedure (DM: 13315141).

The Administrative Action Complaints Procedure also outlines a complainant's review rights if they are not satisfied with the response to an administrative action complaint, including their rights to seek an external review by the Queensland Ombudsman.

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### 4. Reporting

Corporate Governance will provide quarterly reports to the Chief Executive Officer and Executive Leadership Team on the operation of the Administrative Action Complaints Policy and Administrative Action Complaints Procedure. This will include information on the number of outstanding administrative action complaints, and any that have not been actioned within the timeframe set out in the Administrative Action Complaints Procedure.

Section 187 of the *Local Government Regulation 2012* also requires Council to provide information about the performance of the Administrative Action Complaints Policy and Administrative Action Complaints Procedure in resolving complaints, and statistics on the number of administrative action complaints received, resolved, or not resolved during the financial year.

## 5. Definitions

The following definitions apply to this Policy and to the Administrative Action Complaints Procedure.

TERM	DEFINITION
Administrative action	(a) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision; (b) an act, or a failure to do an act; (c) the formulation of a proposal or intention; (d) the making of a recommendation
Administrative action complaint	As defined in section 268(2) of the <i>Local Government Act 2009</i> : 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 a failure to make a decision, including a failure to provide a written statement of reasons for a decision; (ii) an act, or a failure to do an act; (iii) the formulation of a proposal or intention; (iv) the making of a recommendation; and (b) is made by the affected person.
Affected person	As defined in section 268(2) of the <i>Local Government Act 2009</i> : Is a person who is apparently directly affected by an administrative action of a local government.
Complaint	The Australian Standard AS/NZS 10002:2014 defines a complaint as an expression of dissatisfaction made to or about an organisation related to its products, services, or staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
Complainant	Refers to the affected person or organisation making the complaint.
Councillor	All elected representatives including the Mayor
Employee	Any person employed directly by Logan City Council regardless of their employment status, and contractors undertaking duties on behalf of Council.
Unreasonable complainant conduct	Is any behaviour by a person because of its nature and/or frequency raises substantial health, safety, resource or equity issues for the parties involved. Unreasonable persistence, demands, lack of cooperation, arguments and behaviours can be considered as unreasonable complainant conduct.

### Document Control

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1.0	Creation	Corporate Governance	4 December 2019