

Complaints Policy



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1. Purpose

1.1 Overview

Logan City Council is committed to maintaining the highest standards of integrity, accountability, and transparency in all its operations. The purpose of this policy is to provide an overarching framework for managing complaints across key areas, ensuring compliance with legislative obligations and fostering public confidence in Council's governance. This policy applies to all Councillors, employees and contractors working for Council.

The policy encompasses the following complaint categories:

- Administrative Action Complaints
- Competitive Neutrality Complaints
- Fraud and Corruption Prevention and Reporting
- Public Interest Disclosures (PID)
- Complaints Involving Corruption of the Public Official
- Vexatious complaints.

1.2 Legislative context

This policy is underpinned by key legislative instruments that govern the ethical, transparent, and accountable management of complaints within Council including:

- *Local Government Act 2009* (Qld)
- *Local Government Regulation 2012* (Qld)
- *Crime and Corruption Act 2001* (Qld)
- *Public Interest Disclosure Act 2010* (Qld)
- *Queensland Competition Authority Act 1997* (Qld)
- *Public Records Act 2023* (Qld)

2. Principles

To achieve these outcomes, we apply a consistent regulatory approach guided by the following principles.

2.1 Fairness

Council is committed to ensuring that all complaints are managed impartially and without bias, with decisions based on relevant facts and evidence. Complaints are assessed objectively, with equal consideration given to the interests of all parties involved. Council upholds the principles of natural justice and due process, treating all individuals with dignity and respect. Where appropriate, support will be provided to complainants, disclosers, and subject officers to ensure fairness throughout the process.

2.2 Transparency

Council manages all complaints with openness by clearly communicating procedures, decisions, and reasons to complainants and relevant stakeholders, while respecting confidentiality and legislative requirements. Complaints are acknowledged promptly, with regular updates provided on progress and outcomes, and written explanations given where appropriate. Relevant information is made publicly available, external reporting obligations to oversight bodies are fulfilled, and transparency is maintained in a way that promotes public confidence in the integrity of Council's processes.

2.3 Accountability

Council ensures that all actions and decisions taken in response to complaints are documented and recorded in the appropriate registers, enabling review and verification of compliance with legislative obligations, governance frameworks, and ethical standards. Roles and responsibilities for complaint management are clearly defined and required notifications to oversight bodies are made in accordance with statutory requirements. Accurate records will be maintained in line with the *Public Records Act 2023* (Qld), and performance reporting is undertaken to support transparency, continuous improvement, and public confidence in Council's processes.

2.4 Natural Justice

Council manages all complaints in accordance with the principles of natural justice to ensure fairness and integrity. Individuals affected by a complaint

are provided with the opportunity to respond to allegations, and investigations are conducted objectively and without bias. Decisions are based on logically probative evidence, with clear reasons for decisions communicated to relevant parties. Confidentiality is maintained throughout the process, and measures are taken to protect against reprisals. These safeguards apply across all complaint types, upholding impartiality and procedural fairness across Council.

3. Our Approach to Complaints

Council recognises that complaints and information received may relate to a range of legislative frameworks. Each matter is carefully triaged and assessed to determine the most appropriate legislation, policy, or process for management. This initial assessment considers the nature of the complaint, the parties involved, and any statutory obligations. In some cases, a single complaint may include multiple allegations, each of which may be managed under different legislative requirements. Complaints are prioritised based on risk, urgency, and potential impact, ensuring that serious or time-sensitive matters are addressed promptly.

This approach ensures that all aspects of a complaint are managed appropriately and in accordance with statutory obligations, which may result in different timeframes applying to each component. Council is committed to managing complaints in a way that is fair, transparent, and consistent with our legislative responsibilities and community expectations.

3.1 Administrative Action Complaints

Council is committed to managing all administrative action complaints in accordance with section 306 of the *Local Government Regulation 2012*. In addition to this policy, Council's Administrative Action Complaints Procedure provides detailed information on how we manage our complaint management process.

Our process applies to all complaints about Council's administrative actions and ensures complaints are addressed quickly, efficiently, and in a fair and objective manner. Council will:

- Record all administrative action complaints in a central register
- Assess complaints against clear criteria to determine whether investigation is warranted
- Provide timely acknowledgement and written reasons for decisions (unless the complaint is anonymous)
- Offer internal review options and advise of external review rights
- Report periodically to senior management on complaint trends and performance
- Monitor and improve the process through trend analysis and timeliness reporting.

In accordance with the *Local Government Regulation 2012*, factors such as how quickly a complaint was resolved, the area it was made to, its format or anonymity will not affect whether it is treated as an administrative action complaint.

3.2 Competitive Neutrality Complaints

Council manages competitive neutrality complaints through a structured 2 step process, in line with section 44 of the *Local Government Regulation 2012*. An initial review allows affected persons to raise concerns in writing, clarify issues and seek resolution through fact-finding and mediation. If the matter is not resolved, a formal complaints process applies, requiring a written submission and a fee, with investigations conducted by a designated referee or the Queensland Competition Authority. All complaints, decisions, and recommendations are securely recorded in Council's electronic records system and the Competitive Neutrality Complaints Register, ensuring transparency and compliance with legislative requirements.

3.3 Complaints Involving Corruption of the Public Official

Council will manage complaints involving or potentially involving corrupt conduct of the CEO in accordance with the *Crime and Corruption Act 2001*. This policy applies if there are grounds to suspect that a complaint may involve corrupt conduct by the CEO and to all persons who hold an appointment in, or are employees of Council.

Having regard to section 48A(2) and (3) of the *Crime and Corruption Act*, this policy nominates the Director of Organisational Services Council as the nominated person. The provisions of the *Crime and Corruption Act* that regulate how the CEO as the public official of Council is to notify or deal with a complaint also apply to the nominated person.

If a complaint may involve an allegation of corrupt conduct by the CEO of Council, the complaint may be reported to:

- the nominated person
- the Crime and Corruption Commission (CCC) directly
- a person to whom there is an obligation to report under an Act (this does not include an obligation imposed by ss. 38 or 39(1) of the *Crime and Corruption Act*).

If the nominated person reasonably suspects that a complaint involves or may involve corrupt conduct by the CEO, they are to notify the CCC of the complaint and deal with the complaint, subject to the CCC's monitoring role, when, pursuant to s. 46 of the *Crime and Corruption Act*, the CCC refers the complaint to the nominated person to deal with.

If the CEO receives a complaint that may involve corrupt conduct on their part, they must report the complaint to the nominated person as soon as practicable and may also notify the CCC. They must also take no further action to deal with the complaint unless requested to do so by the nominated person.

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct by the CEO is not required to be notified to the CCC under section 38 of the *Crime and Corruption Act*, the nominated person must make a record of the decision that complies with section 40A of the *Crime and Corruption Act*.

If pursuant to section 46 of the *Crime and Corruption Act*, the nominated person has responsibility to deal with the complaint, Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately.

The nominated person is to ensure that any consultations for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:

- authorisation under a law of the Commonwealth or the State
- the consent of the nominated person

The nominated person must, at all times, use their best endeavours to act independently, impartially, and fairly having regard to the:

- Purposes of the *Crime and Corruption Act*
- the importance of promoting public confidence in the way suspected corrupt conduct in the local government is dealt with
- Council's statutory, policy and procedural framework.

If the nominated person has responsibility to deal with the complaint, they are delegated the same authority, functions, and powers as the CEO to direct and control staff of Council as if the nominated person is the CEO for the purpose of dealing with the complaint only.

The CEO is to keep the CCC and the nominated person informed of the contact details for the CEO and the nominated person, and any proposed changes to this policy.

The CEO will consult with the CCC when preparing any policy about how Council will deal with a

complaint that involves or may involve corrupt conduct by the CEO.

3.4 Fraud and Corruption

Council adopts a zero-tolerance approach to fraud and corruption, focusing on prevention, detection, and response, supported by strong governance, internal controls, and mandatory officer training. Preventative measures include fostering an ethical culture, implementing robust policies, and conducting regular risk assessments. Detection strategies involve internal reporting mechanisms, audits, and data analysis, while response actions include prompt investigation, disciplinary measures, referral to external authorities such as the CCC, and recovery of losses. All councillors, officers, and contractors are required to report suspected fraud or corruption immediately, with protections available under the *Public Interest Disclosure Act 2010*. This comprehensive approach ensures accountability, transparency, and continuous improvement in managing fraud and corruption risks.

3.5 Public Interest Disclosures

Council is committed to fostering an ethical and transparent culture by encouraging the reporting of suspected wrongdoing through its Public Interest Disclosure (PID) process. Council's approach is aligned with the *Public Interest Disclosure Act 2010* which ensures that disclosures are properly assessed, investigated where appropriate, and that disclosers are protected from reprisal. The process includes clear reporting channels, confidentiality safeguards, and a dedicated PID management program supported by senior leadership. Council provides guidance, risk assessments, and support officers for disclosers, while maintaining secure record-keeping and regular reporting to the Queensland Ombudsman. This process promotes accountability, protects the rights of all parties, and strengthens public confidence in Council's integrity.

3.6 Unreasonable Complainant Conduct or Vexatious Complaints

Council is committed to managing complaints in a fair, transparent, and respectful manner. Council will not tolerate unreasonable complainant conduct or vexatious complaints that compromise the efficiency and effectiveness of its complaint-handling processes. Unreasonable complainant conduct includes behaviour that is persistent, excessive, abusive, or lacks reasonable grounds, while vexatious complaints are those made primarily to harass, annoy, or disrupt Council operations. Where such behaviour occurs, Council may implement a range of appropriate measures, including limiting or ceasing contact, to ensure public resources remain focused on handling genuine complaints.

4. Reporting

Council records all administrative action complaints, outcomes, and any recommendations for improvement in accordance with legislative requirements. Internal reports are periodically provided to senior management about the operation of the complaints management process, including complaint trends and the effectiveness of the complaint management process. Additionally, Council includes relevant complaint statistics and actions taken in its Annual Report, ensuring compliance with the *Local Government Regulation 2012* and promoting public confidence in Council's services.

5. Continuous Improvement

Council is committed to continuous improvement in its services and complaint-handling processes. Feedback from complaints is viewed as a valuable source of information to identify opportunities for improvement, enhance customer experience, and strengthen governance. Council regularly reviews complaint trends, outcomes, and processes to ensure they remain effective, fair, and responsive.

Lessons learned from complaints are used to inform officer training, policy updates, and service delivery improvements, reinforcing Council's commitment to accountability and excellence.

6. Definitions

Administrative action:

- 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 *Local Government Act 2009*:

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:

- a) For competitive neutrality complaints (see s48 of the *Local Government Act 2009 (Qld)*):
a person who:
 - i. competes or wants to compete with the local government in relation to the business activity; and
 - ii. claims to be either hindered from doing so or adversely affected by a competitive advantage that the person alleges is enjoyed by the local government.

b) For administrative action complaints (see s268 of the *Local Government Act 2009 (Qld)*):

- a person who is apparently directly affected by an administrative action of a local government.

Business activity: Business activity of a local government means trading in goods and services by the local government.

Competitive advantage: Is an advantage that a business entity conducting a significant business activity has over a private sector business because the local government owns the business activity.

For example, a competitive advantage includes:

- a) a financial advantage
- b) a procedural advantage
- c) a regulatory advantage.

Competitive neutrality complaint: Is a complaint that:

- a) relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle
- b) is made by an affected person.

Corrupt Conduct:

Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that:

- a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - i. a unit of public administration; or
 - ii. a person holding an appointment; and
- b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - i. is not honest or is not impartial; or
 - ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or

- iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and
- c) would, if proved, be—
 - i. a criminal offence; or
 - ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that:

- a) impairs, or could impair, public confidence in public administration; and
- b) involves, or could involve, any of the following—
 - i. collusive tendering;
 - ii. fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—
 - a. protecting health or safety of persons;
 - b. protecting the environment;
 - c. protecting or managing the use of the State's natural, cultural, mining or energy resources;
 - iii. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
 - iv. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
 - v. fraudulently obtaining or retaining an appointment; and
- c) would, if proved, be—
 - i. a criminal offence; or
 - ii. a disciplinary breach providing reasonable grounds for terminating the person's

services, if the person is or were the holder of an appointment

Natural justice: natural justice, also referred to as 'procedural fairness' applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.

The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:

- avoid bias
- give a fair hearing
- act only on the basis of logically probative evidence.

Referee: Corporate Governance Manager

Reprisal: The term 'reprisal' is defined under the *Public Interest Disclosure Act 2010* as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:

- has made or intends to make a disclosure; or
- has been or intends to be involved in a proceeding under the disclosure Act against any person.

Reprisal under the *Public Interest Disclosure Act 2010* is a criminal offence and investigations may be undertaken by the Queensland Police Service.

Significant business activity: Is a business activity of a local government that:

- a) is conducted in competition, or potential competition, with the private sector (including off-street parking, quarries, sporting facilities for example); and
- b) meets the threshold prescribed under a regulation.

Unreasonable Complainant Conduct: Any behaviour by a complainant that significantly compromises the health, safety, equity, or resource capacity of Council, its staff, or other clients. This includes conduct that is persistent, excessive,

abusive, or lacking reasonable grounds, and which disrupts the fair, transparent, and efficient handling of complaints.

Vexatious complaints: A complaint that is clearly mischievous, without merit, and made primarily to harass, annoy, or disrupt the operations of Council. It may involve repeated complaints that have already been addressed, lack substantive grounds, or are intended to cause distress or consume resources unjustifiably.

7. Document Control

Version Control	File Number	Document Number	Council Min No.	Description of Change	Effective Date
1.0	1473116-1	19324550	172/2025	New policy adopted by Council.	10/04/2026