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# Administrative Action Complaints Policy

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**CONTROL:**

Policy Type:	Administrative
Authorised by:	Council
Head of Power:	Local Government Act 2009 – Section 268. Local Government Regulation 2012 – Regulation 306
Responsible Officer:	Chief Executive Officer
Responsibilities:	Ensure application of the Administrative Complaints Process
Adopted / Approved:	Resolution No. 2016-11-304
Last Reviewed:	October 2016
Review:	<p>June 2018</p> <p>Note: This Policy is reviewed when any of the following occur: The related information is amended or replaced and in other circumstances as determined from time to time by the Chief Executive Officer.</p> <p>Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years</p>

## 1. INTRODUCTION

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**1.1 PURPOSE:**

To provide for the establishment of a complaints management process in compliance with Section 268 of the Local Government Act.

**1.2 POLICY OBJECTIVES:**

The objective of this policy is to comply with the Local Government Act requirement that Council have a complaints management process for complaints about its administrative acts.

**1.3 COMMENCEMENT OF POLICY:**

This Policy will commence on adoption.

**1.4 SCOPE:**

The complaints management process is a process for resolving complaints about all administrative acts of the Council.

An **administrative action complaint** is a complaint that is made by an affected person about an administrative action of the Council including, for example, 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.

Complaints not covered by this policy include:

- Complaints about Councillors, including the Mayor;
- A complaint about official misconduct or a criminal matter;
- Disputes about legal liability;
- Complaints about a process undertaken under an Act other than the Local Government Act 2009.

## 2. POLICY

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### 2.1 CONTEXT:

The Local Government Act (Section 268) and Local Government Act Regulation (306) require a Council to adopt a complaints management process to deal with complaints about an administrative action of the Council.

An **administrative action complaint** is a complaint that is made by an affected person about an administrative action of the Council including, for example, 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.

A **complaints management process** is a process for resolving complaints about administrative actions of a local government that:

- Covers all administrative action complaints made to the local government; and
- Requires the local government to quickly and efficiently respond to complaints in a fair and objective way; and
- Includes the criteria considered when assessing whether to investigate a complaint; and
- Requires the local government to inform an affected person of the local government's decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.

### 2.2 POLICY

The Council will:

- Adopt and maintain an accessible, comprehensive and clear complaints management process which is supported by written policies and procedures that provide for the effective management of complaints from their receipt to their resolution
- Respond to administrative action complaints quickly, efficiently, and in a fair and objective way through the application of its administration complaints process with natural justice and procedural fairness followed at all times.
- Record all administrative action complaints;
- Make available for inspection the complaints management process (including the related policies and procedures) at the Shire office and on its website;
- Ensure internal reports are occasionally provided to senior management about the operation of the complaints management process;

- Ensure mechanisms are in place to identify, analyse and respond to complaint trends, and monitor the effectiveness of the complaints management process
- Provide information relating to the complaints management process in the annual report in accordance with Section 187 of the Local Government Act.

### 3. STANDARDS AND PROCEDURES

#### 3.1 STANDARDS

The investigation of a complaint will be undertaken by Council in a timely, impartial, objective, and as far as possible, confidential manner. The following natural justice principles will be applied in all cases:

- An absence of bias
- Decisions based on evidence
- Proper examination of all issues.

Internal reports will be provided periodically to senior management about the operation of the complaints management process and the CEO will monitor the effectiveness of the complaints management process establishing mechanisms to identify, analyse and respond to complaint trends.

Information relating to the complaints management process will be provided in the Annual report in accordance with Section 187 of the Local Government Act.

### 4. REFERENCE AND SUPPORTING INFORMATION

#### 4.1 DEFINITIONS:

To assist in interpretation, the following definitions shall apply:

Word / Term	Definition
Administrative Action Complaint	An <b>administrative action complaint</b> is a complaint that is made by an affected person about an administrative action of the Council including, for example, the following: <ul style="list-style-type: none"> <li>• A decision or a failure to make a decision, including a failure to provide a written statement of</li> <li>• reasons for a decision;</li> <li>• An act or a failure to do an act;</li> <li>• The formulation of a proposal or intention;</li> <li>• The making of a recommendation</li> </ul>
Affected person	An <b>affected person</b> is a person who is apparently directly affected by an administrative action of a local government
Complaints management Process	A <b>complaints management process</b> is a process for resolving complaints about administrative actions of a local government that: <ul style="list-style-type: none"> <li>• Covers all administrative action complaints made to the local government; and</li> <li>• Requires the local government to quickly and efficiently respond to complaints in a fair and objective way; and</li> <li>• Includes the criteria considered when assessing whether to investigate a complaint; and</li> </ul>

	<ul style="list-style-type: none"> <li>Requires the local government to inform an affected person of the local government’s decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.</li> </ul>
Council	means Bulloo Shire Council.

**4.2 RELATED POLICIES, LEGISLATION AND DOCUMENTS:**

<b>Links to supporting documentation</b>
<i>Local Government Act 2009. (Section 268)</i> <i>Local Government Regulation 2012. (Regulation 306)</i>
<i>Bulloo Shire Council's Administrative Action Complaints Management Process</i>
<i>Bulloo Shire Council's Customer Service Policy</i>