



Administrative Action Complaints

An administrative action complaint is a complaint about a decision or failure of a decision, an action or failure of an action, the formulation of a proposal or intent, or a recommendation by Council made by an affected person (*Local Government Act 2009*). To be an affected person you must be directly affected by the action of Council.

Administrative action complaints include:

- Complaints regarding how a previous request has been handled by FCRC.
- Requests to review a decision or action made by FCRC.
- Complaints about the way a response has been provided by FCRC.
- Complaints about a decision of Council or a Committee of Council.
- Complaints about a failure to complete a request for service or provide a decision in the designated timeframes.

Matters that are not an Administrative action complaints include:

- Any decision made under Local Law or State Legislation where there is a separate statutory review process.
- Customer service requests.
- Reports of damaged or faulty infrastructure such as potholes or hazards, such as fallen branches.
- A suggestion or proposed service improvement.
- An enquiry or request for further information.
- Requests for further clarification.
- A follow up or further request for service that has not been completed by FCRC but is still within the timeframes advised to the customer.
- Petitions to Council about a particular matter.
- Complaints about Councillor conduct.
- An objection to a decision to issue an infringement notice.

Complaint handling process:

Wherever possible, Council will aim to address a complaint at the first point of contact. If a complaint cannot be resolved at the first point of contact the following complaint management process will occur:

1. **Initial Review:** The complainant will be referred for initial review to the responsible officer depending on the assessed type of the complaint
2. **Internal Review:** If the complainant remains dissatisfied they may apply for an internal review process by a designated investigation officer. The reviewing investigation officer cannot have been involved in the original decision, must have no conflict of interest, and must be approved to undertake administrative action investigations.
3. **External Review:** If the complainant remains dissatisfied after the internal review, they will be advised of external review options such as The Queensland Ombudsman Office, the Queensland Civil and Administrative Tribunal, or the Courts.

Timeframes:

Council will acknowledge receipt of a complaint within 10 business days. Council endeavours to meet the following timeframes for dealing with a complaint:

- Urgent matters – within (15) business days.
- Non-urgent complaints that are not complex or where the complaint involves an internal review (30-45) business days.
- Complex complaints including those investigated under the internal review (45-60) business days.

Grounds for Refusal:

Complaints are initially assessed to determine if grounds for refusal exist. These include trivial, frivolous or vexatious complaints; complaints not related to an alleged administrative action breach; matters that have already

been subject to an internal review and an outcome has been determined; or circumstances that suggest investigating the complaint is unnecessary or unjustifiable.

Investigation Procedure:

If the matter is unable to be resolved at the first point of contact, the complaint will be referred to the relevant Manager. The Manager may appoint another Council officer to undertake a preliminary review or conduct an investigation into the administrative action complaint. Where necessary, the matter will be escalated to the Divisional Manager, Executive Manager or other appropriate officer for review. The investigating officer will be independent of previous decisions made in the matter under review.

The investigating officer will generally use the following process for conducting an investigation of an administrative action complaint:

- gather information for analysis,
- formulate decisions and recommendations,
- write a report detailing all steps taken, including recommendations,
- gain approval for the report from the appropriately authorised Council officer.

The investigating officer may consider oral evidence, documentary evidence, technical advice, site inspections, equipment or any other necessary details during an investigation.

Outcome:

You will be advised of the outcome of your complaint. One or more of the following outcomes are possible:

- The original decision was correct and the complaint does not merit further investigation.
- The original decision was wrong and should be amended without further investigation.
- The original investigation should be reopened.
- The decision should be better communicated.
- A policy, procedure or practice may be amended.
- Records may be amended.
- An apology or some other remedy may be offered.

Review and Appeals Process:

Should you be dissatisfied with the outcome of the complaints process, or the decision, you are entitled to request an independent review through the complaints process of the Queensland Ombudsman.

Contact Details:

www.ombudsman.qld.gov.au (Complaint form)

GPO Box 3314, Brisbane, QLD 4001

1800 068 908 (Toll free outside Brisbane only)

Contact Council

Please contact Council on 1300 79 49 29 or email enquiry@frasercoast.qld.gov.au