



CHERBOURG ABORIGINAL SHIRE COUNCIL

COMPLAINTS MANAGEMENT POLICY

1. POLICY STATEMENT >>

The role of Cherbourg Aboriginal Shire Council (CASC) is to provide open and accountable local government. An effective and transparent method of responding to complaints regarding its services, administrative actions, competitive neutrality, the conduct and performance of councillors and staff behaviour and misconduct better enables council to undertake this role.

2. PRINCIPLES

CASC is committed to a complaints management process which ensures the transparent, effective and timely resolution of complaints.

3. SCOPE >>

This policy applies to all councillors and council staff and applies to complaints received from complainants about:

- administrative actions of council;
- competitive neutrality;
- conduct and performance of councillors;
- minor complaints; and
- staff behaviour and misconduct.

4. RESPONSIBILITY >>

The Chief Executive Officer, and Managers are responsible for ensuring that this policy is understood and adhered to by all councillors and staff.

5. DEFINITIONS >>

An **administrative action complaint** is a complaint about an administrative action of council including the following:

- (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; and
- is made by an affected person.

An **affected person** is as follows:

- (a) Administrative action complaints - a person who is apparently directly affected by an administrative action of council;
- (b) Competitive neutrality complaints - a person who:
 - (i) competes with council in relation to the business activity; and
 - (ii) claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by council; or
 - (iii) wants to compete with council in relation to the business activity; and
 - (iv) claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by council.

A **competitive neutrality complaint** is a complaint that:

(a) relates to the failure of council to conduct a business activity in accordance with the competitive neutrality principle; and

(b) is made by an affected person.

A **complaint** should not be confused with a **service request**.

A **complainant** is an affected person as defined above.

Complaints about the **conduct and performance of councillors** include misconduct and the inappropriate conduct of a councillor.

Minor complaints are of a minor nature about the service delivery provided by staff which are easily resolved in the preliminary stage of the complaint.

Staff includes employees, contractors, volunteers and all others who perform work on behalf of council.

Staff behaviour and misconduct complaints relate to conduct or work performance of staff.

6. POLICY >>

CASC will treat all complaints confidentially and with due respect, and complainants will not suffer any reprisal from council or staff for making a complaint.

All complaints will be thoroughly investigated in a timely manner with the aim of reaching a resolution acceptable to both council and the complainant.

To facilitate the effective management of complaints, council will:

- develop and maintain policies and procedures and ensure that training is provided to staff;
- ensure that potential complainants are aware of the avenues available to lodge a complaint with council; and
- provide an environment of continuous improvement through reporting and customer feedback.

To ensure that decision making is fair and reasonable, the rules or principles of natural justice will be applied in all investigations. This includes:

- the right to a fair hearing;
- an absence of bias;
- decisions based on evidence; and
- proper examination of all issues.

7. LEGAL PARAMETERS >>

Local Government Act 2009

Local Government (Beneficial Enterprises and Business Activities) Regulation 2010

Local Government (Finance, Plans and Reporting) Regulation 2010

Local Government (Operations) Regulation 2010

Right to Information Act 2009

Information Privacy Act 2009

Judicial Review Act 1991

Public Interest Disclosure Act 2010

8. ASSOCIATED DOCUMENTS >>

- Complaints Management Procedure
- Code of Conduct for Staff
- Complaints Form

Responsible Officer: Chief Executive Officer

Authorised by: Cherbourg Aboriginal Shire Council

Adopted Date: 27 September 2012

Review Date: September 2014

Resolution Number: 955