

# Administrative Action Complaints Management Policy

| Policy Information         |                                                    |                         |              |
|----------------------------|----------------------------------------------------|-------------------------|--------------|
| <b>Policy Name</b>         | Administrative Action Complaints Management Policy |                         |              |
| <b>Policy Number</b>       | MSC-STAT-022                                       |                         |              |
| <b>Type</b>                | Statutory                                          |                         |              |
| <b>Owner</b>               | Chief Executive Officer                            |                         |              |
| <b>Responsible Officer</b> | Director Corporate & Communications                |                         |              |
| <b>Decision No.</b>        | 2026/124                                           | <b>Approval Date</b>    | 29 July 2026 |
| <b>Records No.</b>         |                                                    | <b>Next Review Date</b> | 29 July 2028 |

| Document Version Control |      |                |           |
|--------------------------|------|----------------|-----------|
| Version                  | Date | Resolution No. | Details   |
| 1                        |      | N/A            | New Issue |

This is an official copy of the Administrative Action Complaints Management Policy of Mornington Shire Council, made in accordance with the provisions of the Local Government Act and Regulations, Public Records Act, Mornington Shire Council's Local Laws, Subordinate Local Laws, and current Council Policies.

The Administrative Action Complaints Management Policy is a Statutory Policy. Statutory policies are prepared in response to legislative requirements and mandate employee behaviour.

This Policy is approved by the Mornington Shire Council for the guidance of Council and Council staff.

## 1. Purpose

1.1 This policy is established with the following objectives:

(i) to prescribe a process for resolving administrative actions complaints in accordance with section 268 of the Local Government Act 2009 ("the LG Act") and section 306 of the Local Government Regulation 2012 ("the Regulation").

(ii) to contain Mornington Shire Council's ("Council") complaints management process that effectively manages complaints from their receipt to their resolution, in accordance with section 306(2)(a) and 306(3) of the Regulation.

## 2. Scope

2.1 Under the LG Act, local governments must operate in an open, transparent and accountable manner. This Policy sets out the process Mornington Shire Council ("Council") has implemented to deal

effectively and efficiently with complaints about Councils' administrative actions and address systemic and service-related problems.

### 3. Applicable Legislation

3.1 Section 268 of the LG Act requires Council to establish a process for receiving and resolving administrative action complaints.

3.2 Section 306 of the Regulation requires Council to establish a complaints management process.

### 4. Other Legislation & Mornington Shire Council Policies

4.1 The *Human Rights Act 2019* ("the HR Act"), section 58, places obligations on Council, as a 'public entity', subject to the exceptions and limitations that are reasonable and justifiable outlined in the HR Act, to:

(a) act and make decisions in a way that is compatible with human rights; and

(b) to properly consider relevant human rights when making decisions.

4.2 *Crime and Corruption Act 2001*  
*Information Privacy Act 2009*  
*Integrity Regulation 2011*  
*Ombudsman Act 2001*  
*Public Interest Disclosure Act 2010*  
*Right to Information Act 2009*

4.3 Mornington Shire Council Policies:  
*s48A Crime & Corruption Act 2001- Complaints about the Chief Executive Officer*  
*Complaints Management Policy & Procedure*

### 5. Definitions

|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Administrative Action Complaint or AAC</b> | Is a complaint that is about an administrative action of a local government, including the following, for example:<br>(i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;<br>(ii) an act, or a failure to do an act;<br>(iii) the formulation of a proposal or intention;<br>(iv) the making of a recommendation; and<br>(v) is made by the affected person. |
| <b>Affected person</b>                        | Refers to a person who is apparently directly affected by an administrative action of Council.                                                                                                                                                                                                                                                                                                                                          |
| <b>Assessor</b>                               | Refers to the person investigating the complaint.                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>CEO</b>                                    | Refers to the Chief Executive Officer of the Mornington Shire Council appointed in accordance with the Local Government Act 2009.                                                                                                                                                                                                                                                                                                       |
| <b>Councillor</b>                             | Refers to a Councillor or Mayor for the Mornington Shire Council.                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Complainant</b>                            | Refers to the affected person or organisation making a complaint.                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Complaint</b>                              | Refers to an expression of dissatisfaction by a person regarding a decision or other action of the Mornington Shire Council.                                                                                                                                                                                                                                                                                                            |

|                     |                                                                                  |
|---------------------|----------------------------------------------------------------------------------|
| <b>Council</b>      | Refers to the Mornington Shire Council.                                          |
| <b>CCA</b>          | Refers to the <i>Crime and Corruption Act 2001 (Qld)</i> .                       |
| <b>Employee</b>     | Refers to any employee, contractor, volunteer of the Mornington Shire Council.   |
| <b>Human Rights</b> | Are those human rights listed in sections 15 to 37 of the Human Rights Act 2019. |
| <b>HR Act</b>       | Refers to the <i>Human Rights Act 2019 (Qld)</i> .                               |
| <b>LG Act</b>       | Refers to the <i>Local Government Act 2009 (Qld)</i> .                           |
| <b>QCAT</b>         | Refers to the <i>Queensland Civil and Administrative Tribunal</i> .              |
| <b>Regulation</b>   | Refers to the <i>Local Government Regulation 2012 (Qld.)</i>                     |

## 6. Policy Statement

6.1 Council intends to provide a level of customer service that does not attract complaints, but acknowledges the right of persons to provide feedback, both positive and negative on its services and/or to lodge a complaint about an administrative decision or other action it takes.

6.2 Council must deal with any administrative action complaint quickly and efficiently, and in a fair and objective way.

6.3 Council in its development of this Policy has considered the application of the HR Act with respect to AAC Reviews and considers that, to the extent applicable, any limitations imposed are reasonable demonstrably justifiable.

6.4 Anyone who is dissatisfied about an administrative decision or other action of Council or a Council employee, can lodge a complaint easily and simply by:

- emailing their complaint, to [ceo@mornington.qld.gov.au](mailto:ceo@mornington.qld.gov.au)
- hand-delivering their complaint to Council's Office – Cnr Lardil & Jinkiya Street, Gununa, 4892;
- posting their complaint to Council – Cnr Lardil & Jinkiya Street, Gununa, 4892;
- telephoning Council's Customer Service Desk on 07 4745 7800.

## 7. Procedure

7.1 Where a complainant's behaviour or conduct is identified as unreasonable, Council employees and/or Councillors will implement suitable strategies based on the Queensland Ombudsman's guidance about managing unreasonable complainant conduct.

7.2 Council will provide complainants with information on this policy and, if necessary, assistance to make their complaint.

7.3 Upon receipt of a complaint, Council will perform an initial assessment of each complaint in terms of its seriousness, safety implications, complexity and degree of urgency to determine the timing of its response.

7.4 Pursuant to section 306(3)(c) of the Regulation, the criteria considered when assessing whether to investigate a complaint are:

- (a) generally, every complaint will be assessed and investigated;

**(b)** the assessor may in their discretion determine not to investigate the complaint if:

- i. the assessor considers the complaint to be trivial, frivolous or vexatious, lacking in substance or credibility, an abuse of process, or not made in good faith;
- ii. the subject matter of the complaint has already been considered, and the complainant is attempting to reopen the same or similar issues such that an investigation would be unnecessary, unjustifiable or an inappropriate use of resources;
- iii. the complaint is made using rude or intemperate language or the complainant is, in the reasonable opinion of the assessor, harassing or stalking a Council officer. These complaints may not be responded to, or may be returned;
- iv. the complaint is made 12 months after the matter arose unless there was a relevant fact which was not within the means of knowledge of the complainant within 12 months of the matter arising;
- v. the complaint is made anonymously, and the assessor considers there is insufficient information to investigate;
- vi. the assessor determines the complaint is complex and the complainant refuses to put it in writing;
- vii. the complainant is pursuing the complaint through an alternative review process, or it has already been reviewed through an alternative review process (for example, through QCAT, or the Ombudsman's Office);
- viii. the complaint is a request for a review of an administrative action which is subject to legislative or adopted policy timeframes or is subject to an agreed service level framework and the legislative or adopted policy timeframes have not expired or all actions within the agreed service level framework have not been exhausted.
- ix. the assessor determines that an investigation be discontinued because the complainant fails to provide sufficient information or in some way inhibits the investigation (for example, fails to provide information within a reasonable time period).

7.5 Any administrative action complaints received that raise a suspicion of corrupt conduct, as defined under the CCA, will be immediately referred to the CEO for consideration and handling in line with Council's obligations under the CCA and the LG Act. For matters relating to suspicion of corrupt conduct by the CEO the Mayor will refer to the Council's s48A Crime & Corruption Act 2001 Complaints about the Chief Executive Officer Policy with the nominated person as noted in the policy.

7.6 A Council employee who investigates a complaint must be senior to the Council employee who performed the administrative action that is the subject of the complaint. For a complaint made about the Chief Executive Officer, or if the Chief Executive Officer has a conflict of interest, the Mayor shall have the responsibility of investigating or resolving the complaint with the assistance of the Deputy Mayor and/or a Senior Executive Employee.

7.7 Council employees will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of Council's administrative practices.

7.8 Council assessor will inform the subject of the complaint that there has been a complaint made against them and that it is Council's policy to disclose information about the progress of the investigation and its outcome to the complainant.

7.9 A Council employee reviewing a complaint in accordance with this Policy will consider:

- (a) any relevant Human Rights that might apply;
- (b) whether those rights are limited or have been limited by the decision (the subject of the complaint);
- (c) if so, whether this is reasonable and justifiable;
- (d) whether any exceptions under section 58 of the HR Act or limitations under section 13 may apply; and
- (e) justify the decision by weighing up any competing interests or obligations.

7.10 The CEO will ensure that complaints are responded to as quickly as possible.

7.11 Complainants will not suffer any reprisal from Council or its employees for making a complaint.

7.12 The CEO or delegated Council employee will monitor complaints with a view to continuous improvement of Council's business policies.

7.13 Council will issue a written notification to the complainant of Council's decision regarding the complaint and reasons for the decision, unless the complaint is made anonymously. Council will also provide options for the complainant if they are not satisfied with Council's response.

7.14 Council will issue a written notification to the complainant of Council's decision regarding the complaint and reasons for the decision, unless the complaint is made anonymously. Council will also provide options for the complainant if they are not satisfied with Council's response.

7.15 Council will co-operate fully with any investigating authority charged with dealing with a complaint (for example, the Queensland Ombudsman).

7.16 This policy is not a tool to bring Council business to a halt nor to delay or prevent Council making decisions.

7.17 If there is any conflict between this policy or the associated process and the requirements of the LG Act, Regulation or any other relevant legislation, the legislative requirements prevail.

7.18 Councillors lodging a complaint as an independent member of the community will be treated in accordance with this policy. Where a Councillor is requesting information from a Council employee rather than lodging a complaint themselves, Council's Acceptable Request Guidelines will be followed.

## **8. Effective Date**

On and from the date this Policy is adopted.