



Version Control and Objective ID	Version No: 2	Objective ID: A9526667
Name of parent policy/administrative directive	Complaints Management Policy	
Approved by General Manager on	19 December 2023	
Date of Review	19 December 2027	

Table of Contents

1. Background	3
2. Purpose	3
3. Regulatory Authority.....	4
4. Human Rights Commitment.....	4
5. Roles and Responsibilities	4
6. Key Stakeholders.....	6
7. Education and Training Requirements.....	6
8. Complaints Managed under this Procedure	7
9. Complaints Dealt with under this Procedure.....	8
9.1 Administrative Action Complaints.....	8
9.2 Competitive Neutrality Complaints.....	8
9.3 Privacy Complaints	9
9.4 Publication Scheme Complaints	9
10. Managing a Complaint	10
10.1 Making a complaint	10
10.2 Timeframes for Investigation and Response	11
10.3 Considering a Remedy for a Complaint	11
10.4 How Complaints, Investigations and Responses are to be recorded	12
10.5 Privacy.....	12
10.6 Dealing with an Agent in relation to the complaint	12
11. Procedures for Complaint Types.....	12
11.1 Administrative Action Complaints	12
11.1.1 Stage 1 of Managing a Complaint Process (GC).....	13
11.1.2 Stage 2 of Managing a Complaint (AA)	14

11.1.3	Stage 3 of Managing a Complaint (IR).....	14
11.2	Privacy Complaints.....	14
11.3	Publication Scheme Complaints	15
11.4	Competitive Neutrality Complaints	15
12.	Monitoring and review.....	19
13.	Related documents	19
14.	Definitions	19
15.	Process Model.....	22
16.	Procedure Owner	22

1. Background

Under section 268(1) of the *Local Government Act 2009* a local government must adopt a process for resolving administrative action complaints. The *Local Government Regulation 2012*, under section 306(2) states:

“A local government must adopt—

- (a) a complaints management process that effectively manages complaints from their receipt to their resolution; and
- (b) written policies and procedures supporting the complaints management process.

To meet this legislative requirement Council has adopted a Complaints Management Policy (the Policy) and a Complaints Management Framework (the Framework).

2. Purpose

While Council endeavours to resolve issues before they become complaints, there are instances where this may not be possible.

Council recognises the importance and value of listening and responding to complaints from its customers and staff and acknowledges that it should be open and accountable for the decisions it makes. Council is committed to ensuring all complaints are dealt with in a confidential, efficient, effective, fair, transparent and economical manner. Council staff managing complaints are expected to treat complainants with courtesy and respect.

This procedure is a guide for Council officers that manage Administrative Action, Competitive Neutrality Complaints, Privacy and Publication Scheme complaints (complaints). The procedure provides advice on how to investigate and respond to complaints, while ensuring that Council is meeting its legislative obligations and engaging in best practice for customer and complaint management.

Council officers should note that issues regarding **requests for services** are to be dealt with under Council’s normal business processes, recorded appropriately in Council’s Customer Engagement System (CES) and resolved in accordance with agreed service levels. Such requests are **not covered** by this procedure and should not be escalated to the Complaints Management Unit (CMU) unless determined by the relevant Department Head.

The CMU will be the central intake point for customer complaints received by Council. Together with the relevant business nominated person (BNP), the Customer Liaison Officers (CLOs) in the CMU will undertake the responsibilities as specified in this procedure.

All customer complaints are to be:

- received, assessed, recorded and responded to by the CMU
- referred to external agencies where appropriate
- dealt with fairly and objectively
- dealt with in accordance with natural justice where practical
- dealt with in accordance with human rights
- resolved without formality where possible
- kept private and confidential.

To preserve the confidentiality of staff disciplinary matters, customer complaints on staff behaviour received by the CMU will be recorded and acknowledged by that Unit with advice

provided on how the matter will be actioned, and that no investigation outcome will be provided due to obligations under the Information Privacy Act. The responsibility for the management of the matter sits with the relevant supervisor and/or People and Culture. The CMU will refer those matters to the relevant supervisor and the People and Culture business partner will be copied into referred matters for their awareness if assistance should be required in the management of any disciplinary actions.

The following complaints are not to be dealt with under this procedure and should be referred to Chief Executive Officer (CEO) in the first instance and managed under the relevant policies and procedures:

- liability claims against Council
- corrupt conduct or criminal matters
- complaints regarding the Mayor or Councillors

Complaints regarding the CEO should be referred to the Mayor in the first instance and complaints of a personal nature regarding staff members (i.e. staff grievances) are to be dealt with in accordance with the Investigation and Management of Disciplinary Matters Administrative Directive and/or Resolving Workplace Grievances Procedure and should be referred in the first instance to a supervisor/manager. Where this is not appropriate, or the issue has not been resolved to the employee's satisfaction the grievance may be lodged with the People and Culture Branch.

Public Interest Disclosures and Human Rights complaints are not managed under this procedure and officers dealing with those complaint types should refer to the relevant policies and procedures.

3. Regulatory Authority

Local Government Act 2009

Local Government Regulation 2012

Right to Information Act 2009

Information Privacy Act 2009

Human Rights Act 2019

Ministerial Guidelines made under the *Right to Information Act 2009*

AS ISO 10002-2006

4. Human Rights Commitment

Council has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when approving and/or amending this procedure. When applying this procedure, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

5. Roles and Responsibilities

Council staff that have the responsibility of dealing with complaints are to undergo training in relation to the legislation requirements relevant to the complaints managed by this procedure.

Those staff are to receive appropriate complaints management training and are to make use of the available Council resources to manage complaints.

All identified staff within customer service areas of Council are responsible for understanding, implementing and adhering to all relevant complaint policies under this procedure.

Council staff that have the responsibility of dealing with complaints will display exemplary practice in managing complaints.

All Council staff are responsible for referring any complaint matters mentioned in this procedure to the CMU within 2 business days.

All Supervisors/Managers will:

- promote a positive culture that values complaint management
- encourage staff to assist the CMU in the investigation of complaint matters
- consider learnings/recommendations provided by the CMU that arise from complaint matters.

The Team Leader (Complaints Management) will:

- recruit suitable complaints management staff
- provide comprehensive training to complaint management staff
- manage and support complaint management staff
- promote strong internal networks to enable complaint management staff to work with and be supported by other staff
- through reporting bring systemic issues and weaknesses that are identified through the CMS to the attention of General Managers and the Chief Executive Officer
- provide regular reports to other relevant areas of Council and councillors on outcomes and trends in relation to complaints in this procedure
- keep up to date with best practice complaints management, regularly review Council's CMS and participate in organisation wide complaint management meetings.

CLOs in the CMU are responsible for:

- receiving and recording complaints into Council's record management system for complaints
- acknowledging complaints in writing
- assessing and triaging complaints
- disseminating complaints to the relevant BNPs for investigation and advising of expected response timeframes
- tracking and following up BNPs to ensure agreed timeframes are met
- communicating with the complainant throughout the review process where required
- receiving investigation findings from BNPs and reviewing advice provided to ensure that it addresses all core issues in the complaint matter

- reviewing any decision formed from that investigation to ensure that it meets all legislative requirements
- formulating customer responses with a customer centric focus that include appropriate resolutions or recommendations
- acting or making decisions that are compatible under the *Human Rights Act 2019*, as well as giving proper consideration to human rights in making decisions in accordance with the Acts and Decisions – Human Rights Act 2019 Administrative Directive
- responding to the complainant within statutory/agreed timeframes
- providing learnings or recommendations from complaint matters to the business that will provide opportunity for improvement to service delivery
- updating the database on all transactions during the management of that complaint file.

Business Nominated Person (BNPs) in operational areas will:

- assist the CMU with complaints handling by accepting referred complaints from the CMU for investigation
- communicate with the CMU if they are unable to meet advised timeframes for their response to the CMU
- provide their investigation findings into referred matters to the CMU. The CMU will then draft a customer response under Stage 1 of Managing a Complaint Process (see 11.1.1 below). Under Stage 2 and 3 of Managing a Complaint Process, the BNP will assist the CMU or Team Leader (Complaints Management) with their internal reviews of the original decision made
- at all times maintain open communication with the CMU while managing complaints.

6. Key Stakeholders

The following will be consulted as appropriate during the procedure review process:

- Executive Leadership Team (ELT)
- Corporate Services
 - Complaints Management Unit
 - People and Culture
 - Legal and Governance

7. Education and Training Requirements

Department Heads will identify and advise the CMU of relevant staff (BNPs) to be involved in the CMS. These officers will be informed of appropriate policies, procedures, forms and information regarding the CMS by the CMU and will receive complaints management training/education covering general operational issues such as:

- how to receive complaints
- responsibilities of Council officers, supervisors, the CMU and the CEO under the CMS
- policies and procedures

- timelines for dealing with complaints
- categories of complaints and response requirements
- tracking and recording complaints.

CLOs will receive training on:

- legislation applicable to the complaint types covered by this procedure
- human rights
- complaints management
- dealing with hostile and violent people/conflict resolution
- dealing with difficult customers
- dealing with aggressive behaviours
- good decision making.

8. Complaints Managed under this Procedure

This Procedure underpins the Policy and Framework and provides guidance to Council officers to manage the following complaint types:

Type of Complaint ¹	Relevant Legislation
Administrative Action	Local Government Act 2009
Competitive Neutrality	Local Government Act 2009
Privacy	Information Privacy Act 2009
Publication Scheme	Right to information Act 2009

Under the Framework Council acknowledges the right of its customers, members of the public and staff to complain when dissatisfied with an act or decision made (or failed to be undertaken or made) by Council, failed to conduct a business activity in accordance with the competitive neutrality principle, or how it has dealt with personal information and access to information in relation to Council's Publication Scheme.

Council recognises the need for an open and responsive Complaints Management System (**CMS**) that provides Council with an enhanced ability to resolve complaints, identify trends and eliminate causes for complaints and provides complainants with a simple and effective process which in turn improves customer satisfaction.

Policies and procedures are an important element of an effective CMS. This procedure in conjunction with the following is in keeping with Council's CMS:

- Complaints Management Policy
- Complaints Management Framework
- Competitive Neutrality Policy

¹ Refer to the [Complaints Management Framework](#) for more information on each type of complaint managed under this procedure

- Right to Information Policy and Procedure
- Information Privacy Policy and Procedure
- Unreasonable Customer Conduct Policy and Procedure; and
- the Complaints Management Unit (**CMU**).

Council wishes to be seen as ‘complaint friendly’, in keeping with the push model², and seeks to ensure the public, customers, and staff can readily find out:

- where to complain
- how to complain
- what information is required
- what assistance is required
- how complaints will be managed
- where policies and procedures are located.

Information on the CMS and how to lodge a complaint are publicly available on Council's website or by contacting the CMU directly.

9. Complaints Dealt with under this Procedure

9.1 Administrative Action Complaints

The *Local Government Act 2009 (LGA)* requires councils to adopt a process for resolving administrative actions complaints. Section 268 of the LGA defines an administrative action complaint as 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
- (b) is made by an affected person.

9.2 Competitive Neutrality Complaints

Competitive neutrality is the principle that a public sector business or agency should not have a competitive advantage (or disadvantage) over the private sector solely due to their government ownership. Public sector businesses should compete with private sector businesses on an equal (competitively neutral) basis.

Public sector businesses may have competitive advantages over private sector businesses. For example, some public sector businesses may:

² One of the *Right to Information Act 2009 (RTI)* fundamental principles is the push model of information release. The push model requires agencies (such as council) to proactively push information out to the community and making formal RTI applications a last resort.

- be exempt from taxes and charges
- have access to less expensive funds because of implicit or explicit government guarantees
- be exempt from complying with certain regulations and procedures.

In Queensland, the competitive neutrality principle is applied to relevant state and local government businesses.

Sections 48(2) and (5) of the LGA states:

- (2) A 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; and
 - (b) is made by an affected person.
- (5) A local government does not have to resolve a competitive neutrality complaint relating to a business activity prescribed under a regulation.

9.3 Privacy Complaints

Under the *Information Privacy Act 2009* (Qld) (IP Act) Council has an obligation to deal with privacy complaints which occurred after 1 July 2010.

Section 164 of the IP Act defines a privacy complaint as-

A complaint by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation under the IP Act to comply with –

- the privacy principles; or
- an approval under section 157 of the IP Act.

9.4 Publication Scheme Complaints

A publication scheme is a list of agency information that is available to the public. The *Right to Information Act 2009* (Qld) (RTI Act) and the Ministerial Guidelines require agency publication schemes to meet certain minimum standards.

Section 21 of the RTI Act requires all agencies covered by the RTI Act, other than excluded entities, to have a publication scheme. Publication schemes must comply with the Ministerial Guidelines. The Ministerial Guidelines set out classes of information into which the publication scheme must be organised and broadly state the kinds of information that must be available under each class.

Ministerial Guidelines made under the RTI Act allow for complaints to be made when information included in a Publication Scheme is not available or able to be accessed as required by legislation. The Ministerial Guidelines require agencies to have a procedure in place which allows people to make a complaint if information listed in the publication scheme is not available.

The procedure and relevant contact details for making a complaint about the publication scheme should be clearly set out.

10. Managing a Complaint

When investigating a complaint and preparing a response to a complainant, the CLO **must** undertake consideration of the following:

- the relevant evidence and whether it has been appropriately analysed and recorded
- reasons given with the initial decision on the actions or failure thereof at operational level
- human rights relevant to the decision
- the true nature of the complaint issues
- relevant legislation, policies and procedures
- potential sources of information
- assessment of information and sources impartially and without bias
- proper recording of information during investigation
- observing natural justice where possible
- ensure decisions made are sound, provide a written Statement of Reasons and offer appropriate remedies where appropriate.

10.1 Making a complaint

Council will always try and resolve customer complaints prior to their escalation to a formal complaint. If this cannot be achieved, complaints can be lodged in the following ways:

In person at the Customer Service Counter, located on the ground floor, 1 Nicholas Street, Ipswich, QLD, 4305, Ipswich.

By telephone to the Council Call Centre on 3810 6666 which will refer the caller to the relevant area of Council, or to the employee the customer has been dealing with, or to the Complaints Management Unit.

Via our Website by completing the [Online Feedback Form](#)

By email to cmu@ipswich.qld.gov.au

By post to Complaints Management Unit

Ipswich City Council

PO Box 191

IPSWICH QLD 4305

Customers are encouraged to place their complaint in writing so that all aspects of the complaint can be accurately investigated. If a customer lodges a verbal complaint, we will do our best to assist them to put their complaint in writing or to write it down ourselves as faithfully as we can. Where verbal complaints are recorded in this way, the contents will be read to the customer to verify the details are accurate.

Customers can access Council through the following mediums:

- If deaf, or have a hearing impairment or speech impairment, contact us through the National Relay Service www.relayservice.gov.au

- TTY users phone 133 677 then ask for 07 3810 6666.
- Speak and Listen users phone 1300 555 727 then ask for 07 3810 6666.
- Internet relay users connect to the NRS internet-relay.nrsccall.gov.au then ask for 07 3810 6666.

10.2 Timeframes for Investigation and Response

The CMU will acknowledge, in writing, all Administrative Action, Competitive Neutrality, Privacy and Publication Scheme complaints within 2 business days of receipt of the complaint. Staff behaviour complaints will also be acknowledged within these timeframes and the CMU will respond to the customer with advice that the matter is progressing internally and due to privacy reasons outcomes to investigations will not be provided.

The standard timeframes for investigating those complaints are outlined below:

Type of Complaint	Acknowledgement	Investigation	Response
Administrative Action	2 business days	10 business days	20 business days
Competitive Neutrality	2 business days	20 business days	45 business days
Privacy	2 business days	20 business days	45 business days
Publication Scheme	2 business days	10 business days	20 business days

The CMU will diarise timeframes for acknowledgement, investigation and review of complaints and will monitor each complaint process to ensure timeframes are adhered to.

Dependent upon the nature and complexity of the complaint, it may be necessary to extend the abovementioned timeframes. The complainant will be advised of any necessary extension before the initial due date.

10.3 Considering a Remedy for a Complaint

When considering a remedy for a particular complaint, the BNP and the CMU should take into account the following:

- what the complainant is seeking
- what options are available
- what remedy is offered by relevant legislation
- whether negotiation or mediation is necessary.

Remedies may include the following:

- admission of fault
- explanation
- apology
- change of decision
- review or change to Council policies or procedures, etc.

The CMU may provide advice regarding any recommendations/remedies that have been decided upon by the relevant Branch or General Manager. The Chief Executive Officer must provide authorisation for a monetary remedy to be offered.

10.4 How Complaints, Investigations and Responses are to be recorded

All details and documentation concerning investigation and response to complaints, are to be completed and provided to the CMU for entry into the complaints record system. The information entered into the complaints record system will be used for monitoring and reporting purposes.

10.5 Privacy

Personal information contained within complaint matters will be managed in accordance with Council's obligations under the *Information Privacy Act 2009*.

10.6 Dealing with an Agent in relation to the complaint

People are entitled to appoint an agent to deal with Council in relation to a complaint on their behalf. A letter or notification of authority must be provided to Council by that person.

11. Procedures for Complaint Types

11.1 Administrative Action Complaints

Administrative Action Complaints are managed in accordance with section 306 of the LG Regulation.

The CMU will acknowledge receipt of the Administrative Action Complaint within 2 business days.

The CMU may refuse to accept and investigate an Administrative Action Complaint if they consider that the complaint is:

- trivial
- frivolous
- vexatious;
- not made by an Affected Person
- not an Administrative Action Complaint.

The CMU must provide a written Statement of Reasons to the complainant regarding their refusal to investigate within 14 business days of making their decision to refuse to investigate the Administrative Action Complaint.

The Administrative Action Complaints process allows for three (3) stages of complaints management. Each stage allows the complainant the opportunity for either an internal or external review of a decision that has been made in regard to their complaint.

Note: The review of a Penalty Infringement Notice (PIN) is recognised as an Administrative Action complaint which will be managed by CLOs in the CMU. As this is a considered service and not a requirement under legislation, in the majority of cases there is no availability for a second internal review of a PIN complaint. If a customer is dissatisfied by the review decision, they are entitled to seek review of the PIN in the Magistrates Court as advised on the back of the PIN. Infringement reviews will be managed under the Review of Penalty Infringement Notices Procedure.

11.1.1 Stage 1 of Managing a Complaint Process (GC)

The CMU will refer the complaint to the BNP in the relevant business area for their investigation and response to the CMU.

The BNP must finalise their investigations and respond to the CMU within 10 business days. If the BNP cannot meet the agreed timeframe, they must advise the CMU so that the customer can be notified by the CMU.

The CMU are responsible for reviewing the investigation findings from the BNP, making a decision based on those findings, and preparing a response outlining the decision made.

The CMU, when preparing the response must consider the matters listed in Section 10 of this procedure.

Any decision will include a Statement of Reasons and must include relevant details of any internal/external review rights.

The CMU must finalise their response within 20 business days advised in the acknowledgment to the complainant. If this timeframe cannot be met a new due date must be communicated to the complainant.

The CMU are responsible for recording all details in the complaints recording system.

If the complainant is satisfied with the response, no further action is required. If the issue is not resolved to the complainant's satisfaction, the complainant may lodge an internal review request for their complaint to be considered under Stage 2 of the Managing an Administrative Action Complaint Process.

Internal Review Requests

Internal Review Requests must be made within 28 days of the Administrative Action Decision being handed down. The CMU will consider exceptional circumstances if this time period cannot be met.

Simply disagreeing with the decision handed down in a response, or restating the original complaint to Council, will not be a sufficient basis for an internal review.

A request for a review of the Administrative Action decision must include:

- A concise summary of the reasons for requesting an internal review – why there's the belief the decision was wrong or why/how the assessment, investigation or decision was incorrect or deficient
- Reference to any documents or other evidence relied upon to support the review request
- Any new information that should be considered in reviewing the matter, i.e., copies of any relevant letters or other documents that have not previously been provided
- The outcome being sought

If it is determined that an Internal Review Request is not properly made, Council reserve the right to uphold the previous decision. This will be considered a final decision and **will not** be reviewable by Council. Outcomes of all review requests will be provided in writing.

11.1.2 Stage 2 of Managing a Complaint (AA)

Stage 2 requires the complaint be investigated by a different CLO in the CMU. The CLO will consider the matters listed in Section 10, together with the contents of the original written Statement of Reasons to the complainant.

The CLO must finalise their investigation and respond to the complainant within 20 business days. If this timeframe cannot be met this must be communicated to the complainant and a new due date provided.

Any decision conveyed to the complainant will include a Statement of Reasons and must include relevant details of any internal/external review rights.

The CLO is responsible for recording all details in the complaints recording system.

If the complainant is satisfied with the response, no further action is required. If the issue is not resolved to the complainant's satisfaction, the complainant may lodge a request to the CMU for consideration under Stage 3 of the Managing an Administrative Action Complaint Process as per the Stage 1 Internal Review Requests advice above.

11.1.3 Stage 3 of Managing a Complaint (IR)

Stage 3 requires the complaint to be investigated and responded to by the Team Leader (Complaints Management).

The Team Leader (Complaints Management) will consider the following (in addition to the matters in Section 10 of this procedure) in relation to the Stage 1 and Stage 2 of Managing a Complaint:

- relevant legislation, policies and procedures
- evidence considered and whether it has been appropriately analysed and recorded
- whether natural justice has been observed
- any reasons given with the initial decision
- the contents of the Statement of Reasons previously provided to the complainant by the CMU under Stage 1 and 2 of the Managing a Complaint Process.

The Team Leader (Complaints Management) must finalise their investigation within 20 business days and information regarding external review rights must be included in the Statement of Reasons response. If this timeframe cannot be met this must be communicated to the complainant and a new due date provided.

The Team Leader (Complaints Management) is to provide the details of their investigation and response to the complainant to the CMU for recording in the complaints recording system.

If the complainant is satisfied with the response, no further action is required. If the complainant is not satisfied, they may avail themselves of the provided review rights and progress their concerns with an external agency. Such appropriate agencies may include the Queensland Ombudsman, QCAT or the Courts (e.g., Judicial Review).

11.2 Privacy Complaints

Privacy Complaints may be made to Council pursuant to section 164 of the IP Act. The CMU will acknowledge receipt of the Privacy Complaint within 2 business days.

If after the initial assessment of the complaint it is determined that the matter is not a privacy complaint, a decision letter outlining reasons why the matter will not progress as a privacy complaint must be provided to the complainant within ten business days.

If the matter is assessed as a privacy breach, the CMU will consider the matters in Section 10 along with all legislative requirements under the IP Act and will provide the Complainant with a written Statement of Reasons within 45 business days which will include external review rights.

If the complainant is satisfied with the response, no further action is required. If the complainant is not satisfied with the response received or a response has not been provided within 45 business days, they may refer their complaint for an external review with the Office of the Information Commissioner (OIC).

11.3 Publication Scheme Complaints

Section 21 of the RTI Act requires Council to have a Publication Scheme that complies with any guidelines about publication schemes published by the Minister on the Minister's website.

The Ministerial Guidelines provide that a complaint can be made when information included in Council's Publication Scheme is not available.

The CMU will acknowledge receipt of the complaint within 2 business days.

All Publication Scheme Complaints are to be investigated by the CMU. The CMU will process the complaint under Stage 1 of Managing a Complaint Process and provide a response to the complainant within 20 business days from the date the complaint is received.

The CMU will provide the complainant with a written Statement of Reasons. That response must include available review rights. If the complainant is satisfied with the response no further action is required.

If the complainant is not satisfied the complaint must progress through the other two stages of the Managing a Complaint process. If the complainant remains dissatisfied, they may refer their complaint for an external review with the OIC.

11.4 Competitive Neutrality Complaints

Under section 48 of the *Local Government Act 2009*, Council has adopted a process for resolving Competitive Neutrality complaints and those complaints will be managed in accordance with the provisions of Division 7, of the Local Government Regulation (the Regulation) 2012.

Section 45 (iii) of the Regulation prescribes that a complainant is required to make a genuine attempt to resolve concerns relating to perceived non-compliance with the Competitive Neutrality Principles with Council, before those concerns can trigger a formal complaint being lodged resulting in an investigation by the Queensland Competition Authority (QCA).

To this end, Council has implemented a Preliminary Review Process. The aim of the Preliminary Review Process is to resolve competitive neutrality matters through a process of consultation. Participation in the Preliminary Review Process is Council's preferred means of establishing that as required the complainant has made a genuine attempt to resolve concerns raised on non-compliance with competitive neutrality with Council.

Preliminary Review Process

Council invites any person (complainant) to raise concerns on competitive neutrality and meet with Council representatives to enable:

- The complainant to explain their concerns about the alleged failure of Council's business entity to comply with the competitive neutrality principle in conducting the business activity
- The complainant and Council to clarify and if possible, resolve the matter before a formal complaint is made to the QCA
- Council to maintain a record about potential competitive neutrality complaints so that Council can understand and monitor trends to inform the taking of necessary remedial action.

CMU Triage

Concerns on competitive neutrality matters must be made in writing. If the complainant advises that they require assistance with having their concerns provided in writing, a CLO from the CMU will assist that person in transcribing their concerns.

The complainant must provide:

- (a) details of the business entity's alleged failure to comply with the competitive neutrality principle in conducting the business activity the subject of the competitive neutrality complaint; and
- (b) information that shows—
 - (i) the person (the complainant) is, or could be, in competition with the business entity; and
 - (ii) how the complainant is, or may be, adversely affected by the business entity's alleged failure.

When concerns on competitive neutrality are raised to Council, the CMU will acknowledge receipt of the matter within 2 business days.

The CMU will send a notification to the CEO, the General Manager Corporate Services, the General Manager Environment and Sustainability, the Legal Services Team and the Risk and Insurance team for their advice on a matter being received.

The CMU will facilitate an offer for Council representatives from the Resource Recovery Branch (BNP) to meet the complainant within ten business days of being notified of their concerns.

Formal Responses

The BNP will provide the CMU outcomes of any investigations undertaken or meetings held in relation to concerns raised on competitive neutrality.

A formal written response addressing concerns raised and including outcomes will be provided by the CMU to the complainant within 45 business days of the matter being acknowledged. If the agreed timeframes cannot be met, the CMU must advise the complainant of any extended due dates.

A legal request must be raised by the CMU to have that response reviewed prior to releasing it to the complainant.

If the early consultation process does not provide the complainant with a suitable resolution, Council will assist and encourage complainants to make a formal competitive neutrality complaint by providing them with information about how to contact the Queensland Competition Authority (QCA), and about the steps they must take to lodge a complaint with the QCA, including that they must provide the QCA with:

- details of Council's business entity's alleged failure to comply with the competitive neutrality principle in conducting the business activity the subject of the competitive neutrality complaint
- information that shows that the complainant is, or could be, in competition with the Council's business entity
- information that shows how the complainant is, or may be, adversely affected by the Council's business entity's alleged failure,
- information that shows that the complainant has made a genuine attempt to resolve the complaint directly with the Council.

This advice will be included as Review Rights in the formal response from the CMU to the consultation process.

In addition to advising a complainant about how to make a competitive neutrality complaint to the QCA, the CMU will refer to the QCA as soon as practicable, any details of the competitive neutrality complaint that the complainant has provided to the Council.

The CMU will record actions taken in the electronic records database (Objective) and provide a report to the General Manager Corporate Services (GM), the General Manager Environment and Sustainability (GM E&S) and the CEO.

Assisting QCA

Council will assist the QCA to investigate and resolve each competitive neutrality complaint against Council received by that entity.

If under S50 of the Regulations, Council receives an Information Requirement Notice from the QCA this will be referred to the GM. The CEO must be copied into that referral.

The GM will task the request from the QCA to the GM E&S who has the responsibility of the SBA, for dissemination to the appropriate officer to address.

The appropriate officer from Environment and Sustainability will prepare any required response to the QCA and will have that response reviewed by the Legal Services Team prior to providing it to the GM E&S. The GM E&S will then provide the response to the GM.

The GM will then release that response to the QCA and provide a copy of that response to the CEO and the CMU.

The CMU must update the relevant complaint file and close the file out.

Publication of QCA Reports

The Regulation provides, under section 52 that the QCA must provide a report to Council on the results of their investigation into a competitive neutrality complaint. That report must state whether or not the complaint has been substantiated and if so, include recommendations.

When Council is given a report under section 52, the GM under the provisions of section 53 must ensure a copy of the report is available for inspection as soon as practicable after being given the report. The appropriate officer from the relevant business area is responsible for this report being made available.

Consideration of QCA Reports

Under section 55, Council must:

- decide by resolution, whether to implement the report recommendations including reasons for the decision. That resolution must be made within one month after receiving the report, or if the local government does not ordinarily meet within that month, at the first meeting of the local government after that month
- Within seven days of making the resolution give notice of the resolution to:
- the complainant;
- the QCA; and
- if a the corporatised business entity is conducting the business activity – the corporatised business entity.

Section 55(5) provides that the corporatised business entity must implement the recommendations as soon as practical.

The GM is responsible for progressing the consideration of any QCA reports as per the Regulation. The GM may refer this to the appropriate officer from the relevant business area to action. If the officer is tasked with actioning this, the officer must seek GM approval of any actions taken.

The GM must keep the CEO, the Legal Services Team and the CMU informed of actions taken.

Register of Competitive Neutrality

Under the provisions of S 56 of the Regulation, Council must maintain a register of business activities to which the competitive neutrality principle applies that states:

- the business activities to which the Council has applied the competitive neutrality principle, and the date from which the competitive neutrality principle applied to each business activity
- the business activities to which the code of competitive conduct applies, and the date from which the code applied to each business activity
- a list of—
 - (i) current investigation notices for competitive neutrality complaints; and
 - (ii) the business activities to which the complaints relate; and
 - (iii) Council’s responses to the QCA’s recommendations on the complaints.

To ensure all data is appropriately captured and stored in a central location, it is the responsibility of the GM E&S as the SBA owner to maintain this register. The Register must be stored in Council’s database Objective.

The CMU must provide to the GM E&S (or their nominated officer), advice on competitive neutrality complaint matters handled through that Unit, for inclusion in that Register.

The GM E&S (or their nominated officer) must provide advice on this register for the annual report.

12. Monitoring and review

The CMU will deliver reports on complaint data to Senior Management, when required, regarding the operation of the CMS.

In relation to Administrative Action Complaints, this reporting regime will meet the requirements of section 306(4)(c) of the LG Regulation which requires internal reports to be made occasionally to Senior Management about the Complaints Management Process for Administrative Action Complaints.

Pursuant to section 187 and 190 of the LG Regulation, Council will include particular information relating to its Complaints Management Processes for Administrative Action and Competitive Neutrality Complaints in its Annual Report. The Corporate Governance Manager will provide this advice to Corporate Planning when required.

Complaint data will be considered by the business for trend analysis that will allow for improvement in service delivery.

13. Related documents

Administrative Access Procedure

[Complaints Management Framework](#)

[Complaints Management Policy](#)

[Good Governance Policy](#)

[Human Rights Policy](#)

Human Rights Complaints Procedure

Acts and Decisions - Human Rights Act 2019 Administrative Directive

[Information Privacy Policy](#)

Information Privacy Procedure

[Right to Information Policy](#)

Right to Information Procedure

[Unreasonable Customer Conduct Policy](#)

[Review of Penalty Infringement Notices and Property Clearing Charges Policy](#)

14. Definitions

The following definitions are to be applied when interpreting this procedure:

Term	Definition
Administrative Action Complaint	Means a complaint about an administrative action of a local government as defined in section 268 of the <i>Local Government Act 2009</i> .
Affected person	Means a person who is apparently directly affected by an action or lack thereof or decision of a Local Government (and therefore entitled to make an administrative action complaint).

Term	Definition
Affected Person – Competitive Neutrality Complaint	<p>Div 2, section 48 of the <i>Local Government Act 2009</i> prescribes that an affected person is—</p> <ul style="list-style-type: none"> (a) a person who— <ul style="list-style-type: none"> (i) competes with the local government in relation to the business activity; and (ii) claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by the local government; or (b) a person who— <ul style="list-style-type: none"> (i) wants to compete with the local government in relation to the business activity; and (ii) claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by the local government. <p>(4) A regulation may provide for the process for resolving competitive neutrality complaints.</p> <p>(5) A local government does not have to resolve a competitive neutrality complaint relating to a business activity prescribed under a regulation.</p>
Competitive Neutrality	<p>Section 43 of the <i>Local Government Act 2009</i> states that</p> <p>(3) Under the competitive neutrality principle, an entity that is conducting a business activity in competition with the private sector should not enjoy a net advantage over competitors only because the entity is in the public sector.</p>
Competitive Neutrality Complaint	<p>Section 48 of the <i>Local Government Act 2009</i> states that</p> <p>(1) A local government must adopt a process for resolving competitive neutrality complaints.</p> <p>(2) A competitive neutrality complaint is a complaint that—</p> <ul style="list-style-type: none"> (a) relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle; and (b) is made by an affected person.
Complaints	<p>Refers to either an Administrative Action, Privacy or Publication Scheme Complaint.</p>
Complaints Management Unit - CMU	<p>The central intake point in Council for the receipt, assessment, investigation and response to customer complaints.</p>

Term	Definition
Complaints Record System	Means the Objective ECM (Enterprise Content Management) electronic document management system that Council uses to store and manage its records.
Complainant	The person who makes the complaint.
Customer Liaison Officer (CLO)	An officer in the CMU who is a trained complaints management specialist.
Customer Service Staff	Any officer in Council who is front facing and liaises directly with customers
Days	Any reference to days means business days.
Ministerial Guidelines	Guidelines published by the Minister on the Minister's website in accordance with section 21 of the <i>Right to Information Act 2009</i> .
Publication Scheme	A publication scheme sets out the classes of information that the agency has available and the terms on which it will make the information available, including any changes. The information should be easy for any person to find and use. As routinely published information is available as part of an agency's normal business, the information should be simple to access through the agency website or be easily and quickly sent out by an officer of the agency.
Publication Scheme Complaint	When information included in a Publication Scheme is not available or able to be accessed as required by legislation.
Privacy Complaint	A complaint by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation under the IPA to comply with the privacy principles or an approval under section 157 of the IPA.
Significant Business Activity -SBA	<i>S43 Local Government Act 2009</i> is a business activity of a local government that: <ul style="list-style-type: none"> 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 thresholds prescribed under a regulation
Significant Business Activity -SBA: Mandatory Reporting	<i>S45</i> provides that a local government's annual report for each financial year must— <ul style="list-style-type: none"> a) contain a list of all the business activities that the local government conducted during the financial year; and b) identify the business activities that are significant business activities; and

Term	Definition
	<p>c) state whether or not the competitive neutrality principle was applied to the significant business activities, and if the principle was not applied, the reason why it was not applied; and</p> <p>d) state whether any of the significant business activities were not conducted in the preceding financial year, i.e., whether there are any new significant business activities.</p>
Statement of Reasons	<p>Means written reasons for a decision.</p> <p>(a) setting out the findings on material questions of fact; and referring to the evidence or other material on which those findings were based.</p>

15. Process Model

N/A

16. Procedure Owner

The Corporate Governance Manager is the procedure owner and the Team Leader (Complaints Management) is responsible for authoring and reviewing this procedure.