



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING MINUTES

**HELD AT THE GLADSTONE ENTERTAINMENT CONVENTION CENTRE,
56 GOONDOON STREET, GLADSTONE**

On Tuesday 20 April 2021

Commencing at 9.00am

**Leisa Dowling
CHIEF EXECUTIVE OFFICER**

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Elected Members

Councillor - Deputy Mayor K Goodluck (Chairperson)
Councillor G G Churchill
Councillor R A Hansen
Councillor D V O'Grady
Councillor C A Trevor
Councillor N Muszkat
Councillor C Cameron
Councillor D Branthwaite

Officers

Mrs L Dowling (Chief Executive Officer)
Mrs R Millett (Executive Secretary)
Mrs B Saunders (Manager Governance)
Mr M Holmes (General Manager Finance, Governance and Risk)
Mr M Francis (General Manager Strategic Asset Performance) (via teams)
Mr T Mienie (General Manager People, Culture and Safety) (via teams)
Mr R Mulvey (General Manager Operations, Acting)
Ms K Wockner (Manager Contracts and Procurement)
Mr R Huth (General Manager Customer Experience)
Ms K Lee (General Manager Community Development and Events) (via teams)

G/0.3.2. APOLOGIES AND LEAVE OF ABSENCE

GM/21/4486 Council Resolution:

Moved Cr Branthwaite

Seconded Cr Trevor

That an apology for Mayor Burnett be received.

CARRIED

G/0.3.3. MESSAGES OF CONDOLENCE

Councillor Churchill advised of the recent passing of longtime resident and rate payer, Max Henry Mienert, 88 years young, recently of Eureka Care Village. Max arrived in Gladstone and the Region in the early 1950's after being sworn in as a young Police Officer in 1952, then on transfer for country duty to Gladstone Region and he loved it so much, he married a local lady, raised a local family, built their family home on the Dawson Highway, contributed to the local community and loved it so much, he never left.

Like many others, when QAL was being built in Gladstone in the mid 1960's, he secured a job offer with security too good to refuse. He resigned from the QLD Police Force after nearly 15 years and served with QAL until he reached happy retirement. Max is very well known throughout the District in his role as member of the Mt Larcom RSL sub branch, QLD Retired Police Association, various Bowls Clubs the museum and his well-kept fishing/crabbing club secret locations!

Very timely with Anzac Day approaching this Sunday as Max, like many others, is a former National Serviceman and prior to that was an Army Reserve Officer. On behalf of Gladstone Regional Council, sincere sympathies to his family and friends. RIP Max Mienert.

G/0.3.4. DECLARATION OF INTERESTS

Nil.

G/1. MAYORAL STATEMENT OF CURRENT ISSUES

Nil.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 6 APRIL 2021

Responsible Officer: Chief Executive Officer

Council Meeting Date: 20 April 2021

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 6 April 2021.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 6 April 2021 be confirmed.

GM/21/4487 Council Resolution:

Moved Cr Churchill
Seconded Cr Hansen

That the Officer's Recommendation be adopted.

CARRIED

G/3. OFFICERS' REPORTS

G/3.1. MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 28 MARCH 2021

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 20 April 2021

File Ref: FM15.1

Purpose:

This report seeks Council adoption of the Monthly Financial Statements for the 2020-21 year to date, for the period ended 28 March 2021.

Officer's Recommendation:

That Council adopt the Monthly Financial Statements attached to the officer's report for the 2020-21 year to date, for the period ended 28 March 2021 as required under Section 204 Local Government Regulation 2012.

GM/21/4488 Council Resolution:

Moved Cr Trevor

Seconded Cr Churchill

That the Officer's Recommendation be adopted.

CARRIED

G/3.2. AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 17 MARCH 2021

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 20 April 2021

File Ref: CM26.2

Purpose:

To present a written report about the matters reviewed at the Audit Risk and Improvement Committee Meeting held on 17 March 2021 in accordance with s211 of the *Local Government Regulation 2012*.

Officer's Recommendation:

That Council receive the minutes of the Audit Risk and Improvement Committee meeting held on 17 March 2021.

GM/21/4489 Council Resolution:

Moved Cr Hansen
Seconded Cr Branthwaite

That the Officer's Recommendation be adopted.

CARRIED

G/3.3. COMPLAINT MANAGEMENT POLICY AND CORPORATE STANDARD

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 20 April 2021

File Ref: CM28.2, CM29.2

Purpose:

To consider the changes proposed to the Complaint Management Policy and Complaint Management Process Corporate Standard.

Officer's Recommendation:

That Council:

1. Repeal P-2018-25 Complaint Management Policy;
2. Repeal CS-11-2018 Complaint Management Process Corporate Standard;
3. Adopt P-2021-06 Complaint Management Policy provided as Addendum 1; and
4. Adopt CS-2021-05 Complaint Management Process Corporate Standard provided as Addendum 2.

GM/21/4490 Council Resolution:

Moved Cr Cameron
Seconded Cr Churchill

That the Officer's Recommendation be adopted.

CARRIED

G/3.4. REVIEW OF DRUG AND ALCOHOL AND FITNESS FOR WORK POLICIES

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 20 April 2021

File Ref: CM28.2

Purpose:

The purpose of this report is to recommend that Council replace its Fitness for Work and Drug and Alcohol Policies with Corporate Standards.

Officer's Recommendation:

That Council repeal the following policies on the basis that they will be replaced with suitably detailed Corporate Standards:

1. P-2017-33 Drug and Alcohol Policy; and
2. P-2017-28 Fitness for Work Policy.

GM/21/4491 Council Resolution:

Moved Cr Hansen
Seconded Cr O'Grady

That the Officer's Recommendation be adopted.

CARRIED

G/3.5. EX GRATIA ARRANGEMENTS WITH LANDOWNERS POLICY

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 20 April 2021

File Ref: CM28.2

Purpose:

To propose the repeal of the current Ex Gratia Arrangements with Landowners Policy.

Officer's Recommendation:

That Council repeal P-2013/1 Ex Gratia Arrangements with Landowners Policy.

GM/21/4492 Council Resolution:

Moved Cr Muszkat
Seconded Cr O'Grady

That the Officer's Recommendation be adopted.

CARRIED

G/3.6. 143-21 GLADSTONE WATER MAINS RENEWAL

Responsible Officer: General Manager Operations

Council Meeting Date: 20 April 2021

File Ref: PE1.1

Purpose:

This report seeks resolution from Council to enter into a contract with NTS Group Pty Ltd for Gladstone Water Mains Renewal works.

Officer's Recommendation:

That Council:

1. Endorse the Tender Evaluation Panel's recommendation and accept the offer from NTS Group Pty Ltd for Tender 143-21 Gladstone Water Mains Renewal; and
2. Authorise the Chief Executive Officer to enter into a contract and associated contract variations within the approved budget, with NTS Group Pty Ltd for Tender 143-21 Gladstone Water Mains Renewal.

GM/21/4493 Council Resolution:

Moved Cr Cameron

Seconded Cr Branthwaite

That the Officer's Recommendation be adopted.

CARRIED

G/4. DEPUTATIONS

Nil.

G/5. COUNCILLORS REPORT

Councillor Branthwaite advised that over the next two (2) weekends, fishing is a major theme happening around the community. The Tannum Crab Classic is on this weekend and the Boyne Tannum Hook Up happening the following weekend (Friday 30th April - Sunday 2nd May 2021), with over \$350,000 worth of prizes. And the weather is looking pretty good for that weekend. The \$100,000 barramundi did not go off last weekend at Lake Awoonga, so it is still swimming around out there but it's no longer worth \$100,000. It's a great time of the year to be in the Gladstone Region especially for the fishing experience.

Councillor Goodluck advised that it is Anzac Day this weekend with services across the region. Services will be held at Gladstone, Boyne, Tannum, Calliope, Mount Larcom, Agnes Water, Rosedale, Miriam Vale, Bororen, Turkey Beach, Ubobo, and South End, so make sure you look up where and when you can attend those services. Labour Day is also coming up on 3rd May 2021 where there will be trade unionists and workers gathering from across the region down at the marina in Gladstone, celebrating the work of the Labour movement over many generations as they do each and every year. It was cancelled last year for the first time in over 100 years due to COVID as many other things were. They will be down there on Labour Day this year. The Boyne Tannum Hookup is happening on Friday 30th April through to the Sunday 2nd May 2021, make sure you head down there and support the event. The Tannum Crab Classic is on this weekend. And special mention to the Walking for Warriors endurance challenge which has been setup by a local group this year. A group of people will be walking for warriors, raising money for young veterans Australia, with all proceeds to go to Central Queensland, and they are on track to achieve \$20,000. They have really great prizes with raffle tickets available for purchase to support them at the Boyne Island Woolworths. One of the prizes is a custom made, hand crafted table that was made right here in the Gladstone Region with the support of local business. There are over 200 participants in Australia and New Zealand with the event commencing on Saturday 24th April 2021. The event involves a 6 hour run, a 12 hour run and a 24 hour run, which will be a challenging run with participants pushing their limits in honour of our veterans. It's a great cause, make sure you stop down there and show plenty of encouragement on Saturday and head out to our local Anzac Day services at dawn and morning services across the region on Sunday.

G/6. URGENT BUSINESS

Nil.

G/7. NOTICE OF MOTION

Nil.

G/8. CONFIDENTIAL ITEMS

Nil.

There being no further business the Mayor formally closed the meeting.

THE MEETING CLOSED AT 9:58 am

CERTIFICATION

I hereby confirm that I have read the minutes and they are a true and correct record of the proceedings of the meeting. I certify that these 35 pages form the official copy of Gladstone Regional Council General Meeting Minutes of the 20 April 2021.

.....
Deputy Mayor Kahn Goodluck

...../...../.....
Date

ATTACHMENTS

Addendum 1

Gladstone Regional Council

Council Policy

Title	COMPLAINT MANAGEMENT
Policy Number	P-2021-06
Business Unit/s	FINANCE GOVERNANCE AND RISK CUSTOMER EXPERIENCE
Date of Adoption	
Resolution Number	
Review Date	
Date Repealed	

1.0 PURPOSE:

This policy outlines how Gladstone Regional Council (Council) will manage complaints lodged with Council.

2.0 SCOPE:

This policy applies to all complaints lodged with Council including Administrative Action Complaints as defined in section 268(1) of the *Local Government Act 2009* and section 306 of the *Local Government Regulation 2012*.

This policy does not include the management of Customer Service Requests.

3.0 RELATED LEGISLATION:

- *Crime and Corruption Act 2001;*
- *Human Rights Act 2019;*
- *Information Privacy Act 2009;*
- *Local Government Act 2009;*
- *Local Government Regulation 2012;*
- *Public Interest Disclosure Act 2010;*
- *Right to Information Act 2009.*

4.0 RELATED DOCUMENTS:

- Code of Conduct Policy;
- Complaint Management Process Corporate Standard;
- Councillor Code of Conduct Policy;
- Dealing with Complaints involving the Chief Executive Officer Policy;
- Information Privacy Policy;
- Petitions Corporate Standard;
- Public Interest Disclosure Procedure Corporate Standard;



GRC ECM Subject Index: File Reference:- CM28.1

- Unreasonable Customer Conduct Policy;
- Unreasonable Customer Conduct Corporate Standard.

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

“Administrative Action Complaint” means an Administrative Action Complaint as defined in section 268(2) of the *Local Government Act 2009*; namely *“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; and*
- (b) *is made by an affected person”.*

“Affected Person” means:

1. For the purposes of an Administrative Action Complaint - *a person who is apparently directly affected by an administrative action of a local government; or*
2. For a Human Rights Complaint – *a person the subject of a public entity’s alleged contravention of section 58(1) of the Human Rights Act 2019; or*
3. For a Competitive Neutrality Complaint – *it is as defined in section 48(3) of the Local Government Act 2009; namely “an affected person is -*
 - (a) *a person who -*
 - (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 -*
 - (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.”*

or

4. For a Statutory Review or Appeal – *it is a person whose interests are adversely affected or could be adversely affected (for example: the infringement notice recipient; the property owner for a compliance notice involving land; the registered owner of a motor vehicle for vehicle related offences).*

“Agent” means a person appointed to act on behalf of an Affected Person who is unable to lodge a complaint personally due to poor health, distance, language, legal or other reasons.

“Competitive Neutrality Complaint (CNC)” as defined by section 48(2) of the *Local Government Act 2009* and involves a failure of a local government to conduct a business activity in accordance with the competitive neutrality principle. CNC complaints can only be lodged by an ‘affected person’ and

must be dealt with in accordance with Chapter 3, Part 2, Division 7 of the *Local Government Regulation 2012*.

“Complainant” means the person, or where applicable their agent, who is making the complaint.

“Complaint Management Process Corporate Standard” means the Council corporate standard setting out the process to be applied in managing complaints.

“Councillor” means a Councillor (including the Mayor) of Council.

“Customer Service Request” means a request made of Council for the provision of a service or product (e.g. *a request to address a barking dog issue, a request for a pothole repair, a request to have an overflowing waste bin emptied*).

“Employee” means an employee of Council appointed under the *Local Government Act 2009*.

“Frivolous Complaint” means a complaint that is trivial or lacking merit to warrant the use of Council resources to investigate the complaint.

“Human Rights” as defined in Part 2, Divisions 2 and 3 of the *Human Rights Act 2019* and includes:

- taking part in public life;
- privacy and reputation;
- cultural rights – generally;
- cultural rights – aboriginal and Torres Strait Islander peoples;
- property rights;
- peaceful assembly and freedom of association;
- freedom of expression;
- freedom of movement;
- freedom of thought, conscience, religion and belief;
- recognition and equality before the law;
- right to life;
- protection from torture and cruel, inhuman or degrading treatment;
- freedom from forced work;
- protection of families and children;
- right to liberty and security of person;
- humane treatment when deprived of liberty;
- right to education;
- right to health services;
- fair hearing;
- rights in criminal proceedings;
- children in the criminal process;
- right not to be tried or punished more than once; and
- retrospective criminal laws.

“Human Rights Complaint” means a complaint about an alleged contravention by Council in relation to:

- acting or making a decision in a way that is not compatible with human rights; or
- in making a decision, failing to give proper consideration to a human right relevant to the decision.

“Petition” means a written and signed request for Council to do something or to refrain from doing something relating to matters which Council is authorised to determine. A petition must be signed by five (5) or more people with at least two (2) different residential addresses who have a direct interest in the Gladstone Regional Council local government area as residents, property owners, business people or some other relevant capacity.

“Public Interest Disclosure (PID)” as defined in Chapter 2 of the *Public Interest Disclosure Act 2010* and relates to a disclosure, in the public interest, of information about wrongdoing in the public sector.

For an allegation to be considered a PID it must meet one of the following three criteria, being wrongdoing by any person, including a public-sector officer, about:

- (1) a substantial and specific danger to the health or safety of a person with a disability;
- (2) a substantial and specific danger to the environment; or
- (3) a reprisal action associated with a PID; **OR**

A public officer¹ may also make a disclosure about:

- (a) corrupt conduct;
- (b) maladministration that adversely affects a person’s interest in a substantial and specific way;
- (c) substantial misuse of public resources;
- (d) substantial and specific danger to public health and safety; or
- (e) substantial and specific danger to the environment.

“Statutory Review or Appeal” means an internal review of a formal notice issued under legislation (for example: an infringement notice, compliance notice, enforcement notice, etc).

“Unreasonable Customer Conduct” as defined in the Unreasonable Customer Conduct Policy and Corporate Standard and generally involves conduct which, because of its nature or frequency, raises health, safety, resource or equity issues. It includes conduct beyond that commonly demonstrated by customers when they bring a grievance to Council.

“Vexatious Complaint” means a complaint that has been made other than in good faith for a purpose to make mischief or cause harm or a complaint which lacks sufficient grounds to warrant the use of Council resources to investigate the complaint.

6.0 POLICY STATEMENT:

6.1 Commitment

Council recognises complaints are a valuable source of customer feedback, acknowledging the rights of persons to lodge such complaints and to have such complaints dealt with fairly, objectively and in a timely manner.

Council will ensure that the Complaints Management Policy and Complaints Management Process Corporate Standard are available to the public:

- at Council's public offices; and
- on Council's website.

¹ Under section 7(1) of the *Public Interest Disclosure Act 2010*, a public officer means an employee, member or officer of a public sector entity.

Council will ensure employees are aware of this policy, the associated corporate standard, and their obligations. This will be achieved through regular training, internal communication, consultation during review of the policy and corporate standard, and notification of changes and updates to the policy and corporate standard.

6.2 Classification of Complaints

Complaints have been classified into the following categories and will be managed in accordance with the processes set out in the Complaint Management Process Corporate Standard:

1. Administrative Action Complaint (AAC);
2. Statutory Review or Appeal;
3. Complaint regarding the conduct of an Employee/s;
4. Public Interest Disclosure²;
5. Human Rights Complaint;
6. Petition;
7. Competitive Neutrality Complaint (CNC)³;
8. Complaint regarding the conduct of the Chief Executive Officer;
9. Complaint regarding the conduct of the Mayor and/or Councillors⁴.

6.3 Lodgement and Acceptance of Complaints

Complaints may be lodged in the following way:

1. in writing (letter, email, facsimile, online form on Council's website, etc.);
2. verbally (telephone or in person); or
3. via an authorised agent.

With the exception of Statutory Reviews or Appeals and Competitive Neutrality Complaints, which must be submitted in writing, all other complaints will be accepted in any of the above forms. Complaints may be anonymous except for those complaints which can only be accepted from an 'affected person'.

Only an affected person or their agent can lodge the following types of complaints:

1. Administrative Action Complaint;
2. Statutory Review or Appeal;
3. Human Rights Complaint;
4. Competitive Neutrality Complaint.

Such complaints must be received from:

- the affected person directly communicating with an employee; or
- the affected person consenting to another person (their agent) communicating a complaint on their behalf to an employee.

² Refer to sections 12 & 13 of the *Public Interest Disclosure Act 2010* for the type of information that, if disclosed as part of a complaint, should be managed under Council's Public Interest Disclosure Procedures.

³ Refer section 48 of the *Local Government Act 2009* and Chapter 3, Part 2, Division 7 of the *Local Government Regulation 2012* for the process of dealing with competitive neutrality complaints.

⁴ Refer Chapter 6, Part 2, Division 6 of the *Local Government Act 2009* which sets out the process of dealing with complaints about the conduct and performance of Councillors.

Where consent cannot be provided by an affected person and an agent is acting on behalf of the affected person, the agent must provide the employee with a signed statutory declaration confirming that they:

- are acting on behalf of the (named) affected person with the explicit consent of the affected person with respect to the complaint being made;
- have been nominated by the affected person as the person to receive all communications from Council with regard to the complaint made; and
- have, in the complaint made by them on behalf of the affected person, to their knowledge truthfully and correctly disclosed the subject of the complaint to the employee as was advised to them by the affected person.

6.4 What Complaints Should Include

- All relevant contact information including the person's name, address, telephone and/or email contact details unless the person chooses to remain anonymous or lodges a complaint via an agent.
- Sufficient details to enable investigation of the complaint.
- Details of any loss or detriment a person claims to have suffered.
- A list of any other persons, agencies or authorities that the person has reported the complaint to.
- An outline of the outcome the person seeks (e.g. an apology, a different decision, restitution, a change in policy or procedure).
- Any supporting information and documentation including names and contact details of any other persons who can support the complaint.

6.5 Assistance to Make a Complaint

Language assistance is available to non-English speakers by contacting the Translating and Interpreting Service (TIS National) on 131 450.

Individuals will be required to advise TIS National their preferred language, name, the organisation needed to be contacted (Gladstone Regional Council), and the phone number of the organisation (07 4970 0700).

Assistance for hearing or speech impaired persons is available by contacting the National Relay Service on 1300 555 727 (speak and listen) or 133 677 (type and listen or speak and read).

6.6 Frivolous and Vexatious Complaints

Complaints considered to be Frivolous or Vexatious, or where there is not sufficient information or grounds, will not be investigated and the complainant will be advised accordingly.

Persons who engage in making frivolous complaints may be managed under Council's Unreasonable Customer Conduct Policy and Corporate Standard.

Persons who engage in vexatious complaints may be subject to other legislative action where it is considered warranted (i.e. defamatory and slanderous activity).

6.7 Unreasonable Customer Conduct

Where a person engages in Unreasonable Customer Conduct, an assessment to determine whether restrictions should be applied will be made in accordance with Council's Unreasonable Customer Conduct Policy and Corporate Standard.

6.8 How Complaints will be Managed

Complaints will be managed in accordance with:

- the Complaint Management Process Corporate Standard; and
- the relevant legislation applying to the type of complaint lodged.

The Complaint Management Process Corporate Standard provides complainants with advice on the notifications to be received following lodgement of a complaint. Furthermore, the corporate standard includes the further appeal or review rights available should the complainant be dissatisfied with the outcome of the investigation of their complaint.

6.9 Reporting

Administrative Action Complaints

Under section 187 of the *Local Government Regulation 2012* Council must set out in its annual report the following matters with respect to Council's commitment to dealing with Administrative Action Complaints:

1. a statement on Council's commitment to dealing fairly with Administration Action Complaints;
2. a statement on the implementation of the complaints management process, including where the policy and process corporate standard can be obtained and an assessment of Council's performance in resolving complaints under that process;
3. number of Administrative Action Complaints made for the financial year;
4. number of Administrative Action Complaints resolved for the financial year;
5. number of Administrative Action Complaints not resolved for the financial year;
6. number of Administrative Action Complaints under 3. that were made in a previous financial year and carried forward.⁵

Public Interest Disclosure

Council has an obligation under the *Public Interest Disclosure Act 2010* to report information to the Queensland Ombudsman on public interest disclosures received.

Council will report information in accordance with the *Public Interest Disclosure Act 2010* and Council's Public Interest Disclosure Procedure Corporate Standard.

Complaints regarding the conduct of Mayor, Councillors, CEO and Employees

Where the circumstances warrant, the *Local Government Act 2009* and the *Crime and Corruption Act 2001* requires Council to report conduct complaints associated with Councillors and employees to the Department of Local Government and/or Crime and Corruption Commission.

⁵ Section 187 *Local Government Regulation 2012*.



Competitive Neutrality Complaints

Under section 45(3) of the *Local Government Regulation 2012* Council must report all Competitive Neutrality Complaints to the Queensland Productivity Commission (QPC), and if investigated by the QPC, make the resulting report available to the public.

6.10 Identification, Analysis and Response to Complaint Trends and Monitoring of the Complaints Management Process

Section 306 of the *Local Government Regulation 2012* requires that mechanisms are in place to identify, analyse, and respond to complaint trends and to monitor the effectiveness of the complaint management process (for example, by monitoring the time taken to resolve complaints). These review mechanisms are set out in the Complaint Management Process Corporate Standard.

7.0 ATTACHMENTS:

Nil.

8.0 REVIEW MECHANISM:

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	08/04/2008	08/34	
Amendment 1	05/07/2011	G/5.1.5	
Amendment 2	18/03/2014	G/14/1926	
Amendment 3	17/03/2015	G/15/234	
Amendment 4	01/11/2016	G/16/2911	FCGC/16/0102
Amendment 5	04/12/2018	G/18/3595	Re-drafted to incorporate all complaint types and new operating model.
Amendment 6			Formerly P-2018-25. Reviewed to consider the implications of the <i>Human Rights Act 2019</i> .

.....
LEISA DOWLING
 CHIEF EXECUTIVE OFFICER



Gladstone Regional Council

Corporate Standard

Title	COMPLAINT MANAGEMENT PROCESS
Corporate Standard No.	CS-2021-05
Business Unit/s	FINANCE GOVERNANCE AND RISK CUSTOMER EXPERIENCE
Date of Approval by CEO	
Date of Effect	
Review Date	
Date Repealed	

1.0 PURPOSE:

This corporate standard outlines what processes will be applied in the management of complaints lodged with Gladstone Regional Council (Council).

2.0 SCOPE:

This corporate standard applies to all complaints lodged with Council including Administrative Action Complaints as defined in section 268(1) of the *Local Government Act 2009* and section 306 of the *Local Government Regulation 2012*.

This corporate standard does not include the management of Customer Service Requests.

3.0 RELATED LEGISLATION:

- *Crime and Corruption Act 2001;*
- *Human Rights Act 2019;*
- *Information Privacy Act 2009;*
- *Local Government Act 2009;*
- *Local Government Regulation 2012;*
- *Public Interest Disclosure Act 2010;*
- *Right to Information Act 2009.*

4.0 RELATED DOCUMENTS:

- Code of Conduct Policy;
- Complaint Management Policy;
- Complaint Review Panel – Conducting Internal Review of Complaint Procedure;
- Councillor Code of Conduct Policy;
- Dealing with Complaints involving the Chief Executive Officer Policy;
- Information Privacy Policy;
- Infringement Notice Review Process Work Procedure;
- Petitions Corporate Standard;



GRC ECM Subject Index: File Reference: CM29.1

- Public Interest Disclosure Procedure Corporate Standard;
- Unreasonable Customer Conduct Policy;
- Unreasonable Customer Conduct Corporate Standard.

5.0 DEFINITIONS:

To assist in interpretation of this corporate standard, refer to the Complaint Management Policy for definitions in addition to those listed below:

“Case Manager” means an employee from Council’s Customer Solutions Team who is the customer’s Council point of contact for the matter.

“Complaint Review Panel” means a panel of up to three (3) employees who impartially review an Administrative Action Complaint decision. The panel will consist of one (1) employee from Council’s Governance Team and two (2) sufficiently experienced officers who have not previously been involved in considering or deciding the complaint matter under review.

“Subject Matter Expert/s” means those employees who have expert skills or knowledge on a particular matter or topic.

6.0 CORPORATE STANDARD STATEMENT:

Council has classified complaints into the following categories which will be managed by the process and procedures set out in this Corporate Standard:

1. Administrative Action Complaint (AAC);
2. Statutory Review or Appeal;
3. Complaint Regarding the Conduct of an Employee/s;
4. Public Interest Disclosure¹;
5. Human Rights Complaint;
6. Petition;
7. Competitive Neutrality Complaint (CNC)²;
8. Complaint Regarding the Conduct of the Chief Executive Officer; and
9. Complaint Regarding the Conduct of the Mayor and/or Councillors³.

6.1 Identification and Assessment of Complaint/s

Upon receipt of a potential complaint, the employee receiving the matter must assess whether it is a complaint, and if so:

- identify the category of complaint; and

¹ Refer to sections 12 & 13 of the *Public Interest Disclosure Act 2010* for the type of information that, if disclosed as part of a complaint, should be managed under Council’s Public Interest Disclosure Procedures.

² Refer section 48 of the *Local Government Act 2009* and Chapter 3, Part 2, Division 7 of the *Local Government Regulation 2012* for the process of dealing with competitive neutrality complaints.

³ Refer Chapter 6, Part 2, Division 6 of the *Local Government Act 2009* which sets out the process of dealing with complaints about the conduct and performance of Councillors.

- if assessed as an Administrative Action Complaint, Human Rights Complaint, Competitive Neutrality Complaint or Statutory Review or Appeal, identify whether the complaint has been lodged by an affected person or their agent.

When determining whether a matter is a complaint, consideration will be given to the following information and criteria:

- it is not a request for service;
- the word complaint does not have to be used;
- it represents the gap between the expectations Council gave and the service/s Council delivered;
- it does not have to be reasonable, have merit or be complex or serious in nature - it may involve a simple and/or minor matter;
- it does not need to be an escalation of a previously raised issue - it may involve an issue raised for the first time.

In some instances, a complaint may contain content in more than one complaint category.

6.1.1 Administrative Action Complaint

An Administrative Action Complaint is defined in the Complaint Management Policy and is an expression of dissatisfaction by an affected person who is directly affected by an administrative action of Council, including a failure to take action. An Administrative Action Complaint can be on the basis of:

- lack of timeliness;
- lack of quality;
- lack of communication;
- a safety / risk concern;
- a policy or procedure not followed;
- an unsatisfactory decision.

6.2 Notification - Where a Complaint Cannot be Progressed

Where it has been determined that a complaint is:

- frivolous; or
- vexatious; or
- in breach of a customer contact restriction, or
- where there has been insufficient information provided;

the complainant must be advised within 10 business days.

The decision maker for the particular complaint category as nominated in the attachments of this corporate standard is responsible for making the determination on whether a complaint is frivolous or vexatious.

Where a complaint is in breach of a customer contact restriction, a response will not be provided for matters for which the restriction includes filing of the matter without acknowledgement or response by Council.

For complaints where insufficient information has been received, the response will include advice on the additional information the complainant can provide to progress the matter as a complaint.

For complaints which must be lodged by an affected person or their agent (i.e. Administrative Action Complaint) and it is determined that the complainant is not an affected person or agent, the complainant will be advised within 10 business days that the complaint cannot be progressed.

6.3 Process for Managing Complaint Categories

- Attachment 1 - Summary of Complaint Management Process;
- Attachment 2 - Administrative Action Complaints Process;
- Attachment 3 - Statutory Review or Appeal Process;
- Attachment 4 - Complaint Regarding the Conduct of an Employee/s Process;
- Attachment 5 - Public Interest Disclosure Process;
- Attachment 6 - Human Rights Complaint Process;
- Attachment 7 - Petition Process;
- Attachment 8 - Competitive Neutrality Complaint Process;
- Attachment 9 - Complaint Regarding the Conduct of the Chief Executive Officer;
- Attachment 10 - Complaint Regarding the Conduct of the Mayor and/or Councillors.

6.4 Timeframes

6.4.1 Lodgement and Acceptance Timeframe

The timeframe for acceptance of a complaint will be managed in accordance with the governing legislation applying to the respective complaint category. For example, a request for statutory review of an infringement notice must be received by Council within 28 days of the date the notice was issued.

Further, complaints received by Council after a period of more than 12 months will be considered on a case by case basis and subject to sufficient reasons being provided for the delay in lodgement of the complaint.

6.4.2 Outcome Timeframe

The timeframe for processing complaints will be managed in accordance with Council's corporate standards and processes, and the governing legislation applying to the respective category of complaint. For example, an outcome for a Human Rights Complaint will be provided within 45 business days.

An acknowledgement will be provided to the complainant within 10 business days which will include the anticipated timeframe for an outcome. Council will also provide the complainant regular updates on the progress of their complaint.

6.5 Recording of Complaints and Outcomes

All complaints will be recorded in Council's Complaint Management System (Pathway) and will be supported by document storage within Council's central recordkeeping system (ECM) as required.

6.6 Human Rights

Regardless of the category of complaint and regardless of the complainant specifically identifying human rights, the employee assigned to investigate the complaint will:

- identify the human rights relevant to the matter;
- consider whether the action or decision limits the identified human rights; and
- assess whether the limitation/s are justified and reasonable in the circumstances.

For completeness, in circumstances where the complainant has identified specific human rights, the employee assigned to investigate the complaint will consider whether any other human rights are relevant to the matter.

6.7 Confidentiality and Privacy

The identity of a complainant and copies of all relevant documentation, including the original complaint, any investigation report and all correspondence between the complainant and the investigator, will be treated as confidential information and kept in accordance with relevant legislative requirements.

Confidentiality about the complaint and any subsequent investigation will be maintained to the extent that it can reasonably be achieved, subject to other legal and legislative requirements relating to the disclosure of information⁴.

6.8 Dealing with Multiple Complaint Categories in one Document or Report

Where a person lodges a complaint that contains information comprising more than one category of complaint, the matter will be managed via the primary complaint category process. The employee assigned to investigate the complaint will ensure that all other necessary actions are also addressed as part of the overall management of the complaint.

However, if a multiple category complaint includes employee conduct, the employee conduct complaint will be managed separately to the balance of the complaint matter.

6.9 Monitoring, Reporting and Review

Reporting is to be undertaken as per section 6.9 and 6.10 of the Complaint Management Policy.

General Managers will monitor the progress of complaints relevant to their Business Unit and ensure follow up action is taken as required.

⁴ For example applications made under the *Right to Information Act 2009* & *Information Privacy Act 2009*



The Governance Team will maintain oversight over the management and operation of Council's complaint management system ensuring a best practice system is maintained.

The Customer Experience Business Unit will develop and prepare reports that provide information to assist management and Governance in monitoring complaint management effectiveness.

Quality control of complaints will be undertaken by Council's Customer Solutions Team Leaders, Manager Customer Solutions, and the General Manager Customer Experience who will be responsible for ensuring the accuracy of data entered into the complaint record and for ensuring compliance with the Complaints Management Policy and this corporate standard.

7.0 ATTACHMENTS:

1. Summary of Complaint Management Process;
2. Administrative Action Complaint Process;
3. Statutory Review or Appeal Process;
4. Complaint Regarding the Conduct of an Employee/s Process;
5. Public Interest Disclosure Process;
6. Human Rights Complaint Process;
7. Petition Process;
8. Competitive Neutrality Complaint Process;
9. Complaint Regarding the Conduct of the Chief Executive Officer; and
10. Complaint Regarding the Conduct of the Mayor and/or Councillors.

8.0 REVIEW TRIGGER:

This corporate standard will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of effect.



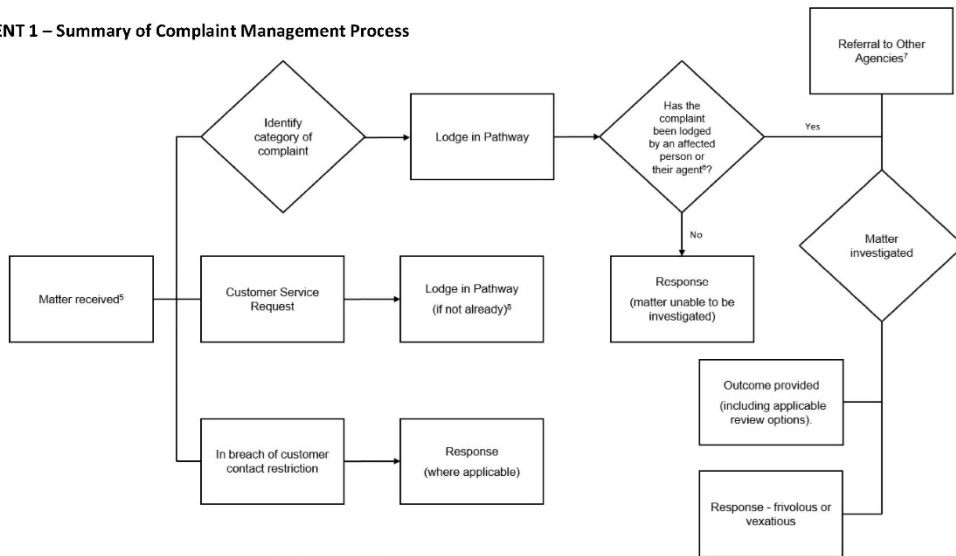
TABLE OF AMENDMENTS		
Document History	Date	Notes (including the prior CS No, precise of change/s, etc)
Originally Approved	17 March 2015	
Amendment 1	1 November 2016	
Amendment 2	4 December 2018	Resolution of Council for adoption (G/18/3595) in accordance with Local Government Act.
Amendment 3		Formerly CS-11-2018. Reviewed to consider the implications of the <i>Human Rights Act 2019</i> .

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LEISA DOWLING
CHIEF EXECUTIVE OFFICER

DRAFT

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ATTACHMENT 1 – Summary of Complaint Management Process



⁵ For a Statutory Review or Appeal or Competitive Neutrality Complaint, the complaint must be lodged in writing.
⁶ For an Administrative Action Complaint, Human Rights Complaint, Competitive Neutrality Complaint, or Statutory Review or Appeal, the complaint must be lodged by an affected person or their agent.
⁷ Refer to section 6.3.
⁸ The request will subsequently be managed in line with the respective process for the customer service request type.








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ATTACHMENT 2 - Administrative Action Complaints Process

	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information from the customer must assess if the matter is an Administrative Action Complaint (AAC) and if so, lodges it in Council's Complaint Management System (Pathway).	Acknowledgement Advice	Receiving Employee / Case Manager
	The assigned Case Manager will liaise with the relevant Team Leader Customer Solutions to determine Subject Matter Experts (SMEs). Where a SME has previously been involved in considering or deciding the complaint matter, advice will be sought from the relevant General Manager.		Case Manager and relevant Team Leader Customer Solutions
	The assigned Case Manager will liaise with nominated SME/s to investigate the complaint. The Leader of the SME/s and the Case Manager are to agree on an appropriate draft response.		SME / Case Manager
	The relevant General Manager/s (GM/s) will be briefed on the proposed response and once approved by the relevant GM/s, the Case Manager will provide the complainant with the approved outcome advice.	Outcome Advice (include reasons for decision and provide option for internal review)	GM/s and Case Manager
	Where a complainant is not satisfied with an AAC outcome and elects for an internal review, the Case Manager must assign the complaint to the Complaint Review Panel via Governance.	Acknowledgement Advice	Complaint Review Panel
	The Complaint Review Panel will investigate and respond to the complainant. Where there is a recommendation for improvements and/or cross business involvement, the relevant GM/s must be consulted prior to the outcome advice being provided to the complainant.	Outcome Advice (include reasons for decision and option for external review with Queensland Ombudsman)	Complaint Review Panel
	If contacted by the Queensland Ombudsman, Governance will liaise with the Queensland Ombudsman and provide all necessary information to assist with the external investigation.	Queensland Ombudsman will liaise with customer	Governance






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ATTACHMENT 3 - Statutory Review or Appeal Process

	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information from the customer to assess if: 1. the matter is a request for a Statutory Review or Appeal; and 2. the Statutory Review or Appeal is eligible for review in accordance with the Infringement Notice Review Process Work Procedure. The employee receiving the information is to lodge in Councils Complaint Management System (Pathway).		Receiving Employee / Case Manager
	Where the Statutory Review or Appeal is not eligible for review in accordance with the Infringement Notice Review Process Work Procedure, the customer is to be advised.	Not eligible for review letter	Receiving Employee / Case Manager
	Where the matter is eligible for review, the Case Manager is to acknowledge receipt of the request and refer it to Subject Matter Experts (SME/s) to provide background for the review and to place a hold on enforcement action/payments.	Acknowledgement Advice	Case Manager
	SME/s are to provide all the necessary background information and comments for a review and refer it to Legal to conduct the review.		Subject Matter Experts
	Legal will conduct the review and make a recommendation on the request to the appropriate decision maker.		Legal
	Once the review outcome has been approved the customer will be advised. The Case Manager must close out all associated administrative processes.	Outcome Advice (including options for further review if available)	Case Manager
	Where a customer is not satisfied with the review outcome and elects to have the matter heard in the Magistrates Court, the Case Manager must assign the matter to Legal.	Legal will liaise with customer	Legal

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ATTACHMENT 4 - Complaint Regarding the Conduct of an Employee Process





	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving the information is to lodge the complaint in Council's Complaint Management System (Pathway).		Receiving Employee & Manager Governance
	The Manager Governance will assess whether the matter is a PID or an employee conduct complaint. Where the Manager Governance determines the matter is a PID, refer Attachment 5. Where the Manager Governance determines it is an Employee Conduct Complaint, it will be assigned to People Services.	Acknowledgement Advice	People Services
	Where the Manager Governance determines the matter may also involve Corrupt Conduct, the Manager Governance will report the matter to the CEO and the Crime and Corruption Commission.		Manager Governance*
	For complaints that do not involve Corrupt Conduct, People Services will investigate the matter.	Outcome Advice ⁹	People Services
	For complaints that may involve Corrupt Conduct, Council must await advice from the CCC on whether it will investigate matter. Where the CCC does not investigate, the Manager Governance will liaise with People Services and/or the Ethics Integrity and Audit Specialist to investigate or oversee the investigation of the matter.	Outcome Advice ⁹	Manager Governance* / People Services / Ethics Integrity & Audit Specialist

* Where a complaint is about the Manager Governance, the General Manager People Culture and Safety will take up the responsibilities of the Manager Governance.

⁹ Where a complaint is made anonymously it is not possible to provide an Outcome Advice

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ATTACHMENT 5 - Public Interest Disclosure Process






	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information is to liaise with the Manager Governance on whether the information from the customer (internal or external) is a PID.		Receiving Employee & Manager Governance
	Where the Manager Governance determines the matter is a PID, the PID Coordinator (Manager Governance) will manage the complaint in accordance with the PID Procedure Corporate Standard. This may include nominating a PID Officer to investigate the matter. The matter must also be lodged in Council's Complaint Management System (Pathway).	Acknowledgement Letter	Manager Governance*
	Where the Manager Governance determines the matter may also involve Corrupt Conduct, the Manager Governance will report the matter to the CEO and the Crime and Corruption Commission.		Manager Governance*
	The nominated PID Officer must follow the process set out in the PID Procedure Corporate Standard in consultation with the PID Coordinator.	Outcome Advice ¹⁰	Assigned PID Officer and/or PID Coordinator

* Where a complaint is about the Manager Governance, the General Manager People Culture and Safety will take up the responsibilities of the Manager Governance.

¹⁰ Where a complaint is made anonymously it is not possible to provide an Outcome Advice




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ATTACHMENT 6 - Human Rights Complaints Process




	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information from the customer is to liaise with Governance on whether the information from the customer is a Human Rights Complaint.		Receiving Employee / Manager Governance
	Where Manager Governance determine that the matter is a Human Rights Complaint, the employee receiving the complaint is to lodge the complaint in Council's Complaint Management System (Pathway).	Acknowledgement Advice	Governance
	SME/s are to provide all the necessary background information and comments for review to Governance.		SME/s
	Governance will investigate the matter.	Outcome Advice (include reasons for decision and provide information on options for an internal review)	Manager Governance
	If contacted by the Queensland Human Rights Commission, Council will liaise with the Commission and provide all necessary information to assist with the external investigation.	Queensland Human Rights Commission will liaise with customer	Governance

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ATTACHMENT 7 – Petition Process




	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information from the customer must assess if the matter is a Petition. The matter must also be lodged in Council's Complaint Management System (Pathway).		Receiving Employee
	The assigned Case Manager will refer the Petition to the relevant General Manager to make an assessment that the Petition is valid and meets the requirements of section 6.1 of Council's Petitions Corporate Standard.	Acknowledgement Letter or Advice on Petition requirements where Petition is not valid	General Manager
	To manage the Petition, the General Manager will follow the process contained in the Petitions Corporate Standard.	Outcome Advice	General Manager

ATTACHMENT 8 - Competitive Neutrality Complaint Process



	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information is to liaise with the Manager Governance on whether the information is a Competitive Neutrality Complaint.		Receiving Employee & Manager Governance
	Where the Manager Governance determines it is a Competitive Neutrality Complaint, it must be assigned to the General Manager Finance Governance and Risk (GM FGR) who will advise the CEO and report the complaint to the Qld Productivity Commission (QPC) and follow the complaint process as defined in Chapter 3, Part 2, Division 7 of the <i>Local Government Regulation 2012</i> . The matter must also be lodged in Council's Complaint Management System (Pathway).	Acknowledgement Advice	GM FGR
	Once the QPC investigation is complete and Council has considered and resolved whether to accept the QPC's recommendation, the QPC, corporatised business entity (if applicable), and complainant will be advised of the outcome.	Outcome Advice	GM FGR

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ATTACHMENT 9 - Complaint Regarding the Conduct of the Chief Executive Officer Process

	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information is to liaise with the Manager Governance on whether the information is a CEO Conduct Complaint or a PID. Regardless, all CEO complaints must be lodged in Council's Complaint Management System (Pathway).		Receiving Employee & Manager Governance
	Where the Manager Governance determines it is a CEO Conduct Complaint, it must be assigned to the Mayor and/or the General Manager People Culture and Safety (GM PCS).	Acknowledgement Advice	Mayor or GM PCS
	The Mayor and/or the GM PCS is to follow the Dealing with Complaints involving the CEO Policy.	Outcome Advice ¹¹	Mayor or GM PCS

ATTACHMENT 10 - Complaint Regarding the Conduct of the Mayor and/or Councillors Process

	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information is to advise the customer that the State Government Independent Assessor's Office is responsible for receiving and assessing Councillor complaints. Details for the Independent Assessors Office are to be provided to the customer for lodging the complaint.		Receiving Employee
	Where a complaint involving a Councillor has been referred to the Independent Assessor's Office, the Manager Governance is to be notified who will in turn notify the CEO accordingly.		Manager Governance

¹¹ Where a complaint is made anonymously it is not possible to provide an Outcome Advice

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