

## AP186 ADMINISTRATIVE ACTION COMPLAINTS PROCEDURE

### INTRODUCTION

This procedure outlines the process by which Council receives, records, assesses, investigates, resolves and reports on administrative action complaints.

Administrative action complaints encompass all complaints made to Council about administrative actions of Council. However, complaints will be dealt with in different ways to reflect the type of administrative action complaint made. For example, a complaint about a Penalty Infringement Notice (PIN) will be received and recorded as an administrative action complaint but has a clearly defined process of resolution which is different from that used to resolve other types of complaints.

This model of operation will assist Council to resolve matters in an efficient manner and at the local level where possible. Where a matter cannot be resolved at the local level, in some cases, an independent review may be conducted in accordance with this procedure.

Monitoring administrative action complaints will allow Council to follow trends, identify opportunities and operate in a continual business improvement environment.

### APPLICABILITY

This procedure applies to all Council employees including permanent, temporary, casual or part-time employees, contractors or volunteers. It covers all employees, regardless of their employment status, role or position.

### DEFINITIONS

*Administrative action complaint* – as per section 250(2) of the [City of Brisbane Act 2010](#), is a complaint about:

- (a) an administrative action of the Council, 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* – a person who is apparently directly affected by an administrative action of Council.

*Appropriately authorised Council officer* – a Council officer who has the authority to make the decisions referred to in the outcome of an administrative action complaint. This will generally be a Manager, General Manager, Group Executive, or in some cases, the Chief Executive Officer.

*Complainant* – a person or organisation who makes an administrative action complaint or expression of dissatisfaction.

*Council officer* – includes a permanent, temporary, casual or contract member of Council staff.

*Customer* – a person or organisation that uses Council's products or services.

*KPI* – Key Performance Indicator which indicates the timeframe in which Council aims to carry out an activity, e.g. Council has a KPI to acknowledge receipt of an SMS or MMS that reports a problem within two working days.

*Natural justice* – a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.

*Team Leader or Manager* – the immediate supervisor or manager of a Council officer.

*Examples of matters not considered to be administrative action complaints include:*

- a request for information about Council services, policies or procedures, such as information about the management of a local park or when particular road works will be complete
- a request for service or action to be taken in relation to a service or product provided by Council
- a report of damaged or faulty infrastructure or hazards
- a suggestion for a proposed service or product improvement, such as additional kerbside clean-up events
- a decision by a third party, such as a decision by an insurer in response to an insurance claim
- an enquiry or request for clarification or more information
- a follow up or further request for service that has not been completed by Council but is still within the timeframe of the KPI advised to the customer, such as the customer was told their rubbish bin would be collected within three days and the customer contacted Council again within one day
- a petition to Council about a particular matter
- comments or submissions received during formal consultation or community engagement, which has a specific process for addressing complaints
- officer behaviour, which is dealt with under [HRP040 Code of Conduct](#)
- Councillor conduct, which is dealt with under the [Local Government Act 2009](#)
- a competitive neutrality complaint, as provided for in the [City of Brisbane Act 2010](#).

## PROCEDURE

There are six steps in the management of administrative action complaints:

1. Receive
2. Record
3. Assess based on criteria
4. Investigate
5. Resolve
6. Report

### 1. Receive

*Lodging an administrative action complaint*

Customers may make an administrative action complaint in any of the following ways:

- telephone the Contact Centre on (07) 3403 8888
- visit a Council Customer Centre
- write to Council at GPO Box 1434, Brisbane, Qld, 4001
- write to Council online at <https://services.brisbane.qld.gov.au/online-services/council-services-and-requests/email-council>
- contact their local Councillor.

*Initial assessment*

In addition to the definition of an administrative action complaint found above, the following criteria may assist Council officers to determine whether a matter is an administrative action complaint:

- whether the complaint would be resolved by initiating a request for service
- whether the subject of the complaint is within Council's jurisdiction and responsibility
- whether the administrative action complaints process is the appropriate process for managing the complaint, as opposed to other review processes.

*Anonymous administrative action complaints*

Council may accept anonymous administrative action complaints but, where possible, Council officers will advise the complainant that sufficient information to review a matter, including the complainant's

name and contact details, will generally be required to ensure the matter can be dealt with effectively. Where an anonymous complaint is made, Council may not be able to provide any updates on the matter's progress or the outcome of the complaint.

#### *Acknowledgement*

Administrative action complaints received and resolved at the first point of contact may not require a formal acknowledgement.

Where appropriate, administrative action complaints will be acknowledged in accordance with [AP034 Correspondence Management Procedure](#) and appropriate Group Key Performance Indicators (KPIs).

#### *Complaints by third parties*

Complaints lodged by a third party on behalf of an affected person will be handled in accordance with [AP185 Complaints Management Policy](#).

#### *Confidentiality*

All complaints received by Council will remain confidential in accordance with [AP185 Complaints Management Policy](#) and [AP212 Confidentiality Policy](#). A Council officer will advise a complainant if their identity is required to be disclosed through investigation or enforcement actions.

#### *Assistance*

Council will ensure administrative action complaints are received with sensitivity and take into account any special needs of the complainant. For example, Council has a Teletypewriter (TTY) facility available 24 hours a day, 7 days a week on (07) 3403 8422. In addition to the availability of a TTY facility, Council also offers translating and interpreting services that can be accessed by contacting 131 450 and requesting to speak with Brisbane City Council on 07 3403 8888. Residents who require an AUSLAN interpreter can make a booking via an online form on Council's [website](#).

#### *Stakeholder responsibilities*

To ensure the efficient resolution of an administrative action complaint, Council is responsible for:

- handling the complaint with respect
- acting professionally, efficiently, and fairly
- keeping the complainant informed on the progress of a complaint

The complainant is responsible for:

- providing clear and sufficient details of their complaint and their desired outcome
- providing all the relevant information they have or know about
- informing Council of any new facts
- cooperating with the complaints process
- informing Council if they would like to withdraw their complaint
- treating Council officers with respect.

If the complainant fails to meet these responsibilities, Council may cease the investigation.

## **2. Record**

Once a complaint has been received, Council officers will record the matter using existing systems, such as Correspondence Management Exchange (CMX), DART or OPTIMISE, to document details.

Officers will, where possible, and when required:

- categorise the matter as an administrative action complaint, including ticking the complaint category in CMX or using the “review/appeal” category in OPTIMISE
- use both subject lines if using OPTIMISE or CMX
- include “administrative action complaint”, “internal review”, or “independent review” where necessary in the “regarding” line in CMX, if applicable.

Administrative action complaints received via a local Councillor will generally be referred to Information Management for assistance and therefore captured via CMX.

Once captured via CMX, the complaint will be referred to the relevant work area.

If a complainant is satisfied with the response to the initial complaint or the outcome of an internal or independent review, the Council officer must use existing recording and reporting systems to document the matter as being resolved.

Recordkeeping about administrative action complaints will be kept in accordance with the [ICT24 Recordkeeping in Brisbane City Council Procedure](#), as well as conforming to confidentiality and privacy policies and all other legislative responsibilities.

### 3. Assess based on criteria

Once the matter has been confirmed and recorded as an administrative action complaint, the assigned Council officer will collect all relevant information about the complaint so the following assessment of the matter may be made.

#### 1. Is the person an affected person?

Determine whether the person is sufficiently directly affected, or will be affected, by the matter, rather than having only an intellectual or emotional interest in the subject. If there is no direct interest, the complainant should be provided appropriate alternate options.

#### 2. What type of administrative action complaint is being made?

Some administrative action complaints may not need to be referred on for resolution but may be dealt with by the Council officer who receives the complaint. Some administrative action complaints may be referred to other areas of Council for resolution, depending on the nature of the complaint.

The following table outlines examples of some administrative action complaint types and the suggested actions for resolution.

<b>Administrative action complaint type</b>	<b>Suggested action</b>
Dangerous dog declaration	These complaints must be directed to Compliance and Regulatory Services, Customer Services, to be dealt with in accordance with the <a href="#">Animal Management (Cats and Dogs) Act 2008</a> .
Corrupt Conduct	These complaints must be directed to Ethical Standards, Governance and Legal Services (GLS), for initial review and, where appropriate, referred on to the Crime and Corruption Commission (CCC) to be dealt with under provisions of the <a href="#">Crime and Corruption Act 2001</a> .
Penalty Infringement Notices (PINs)	These complaints must be dealt with according to the <a href="#">three-stage dispute process</a> for customers wishing to appeal an infringement.
Public Interest Disclosure	Complaints made under the <a href="#">Public Interest Disclosure Act 2010</a> must initially be referred to Ethical Standards, GLS.

<b>Administrative action complaint type</b>	<b>Suggested action</b>
Privacy/Right to Information	These complaints must be directed to Policy and Compliance, Governance, Council and Committee Services, GLS, to be dealt with in accordance with the <a href="#">Right to Information Act 2009</a> and the <a href="#">Information Privacy Act 2009</a> .
Staff conduct	A complaint about staff conduct must be dealt with under the <a href="#">HRP040 Code of Conduct</a> .
Alternative review processes	Where other alternative review mechanisms are contained in legislation, complaints not listed in this table must be handled according to those processes.

*Circumstances where investigation will not be appropriate*

In some instances, administrative action complaints may not be investigated, or the investigation may be discontinued if it is established that:

- a complaint is made frivolously, without grounds, lacking in substance, or with the intent to harass
- the complainant seeks to revisit an issue that has been subject to an initial investigation when no new evidence or material is provided and has exhausted Council's complaints management framework
- the complainant displays aggressive or abusive behaviour, or threatens or uses physical violence which causes a risk to Council staff
- there has not yet been a decision, action, proposal or recommendation.

**4. Investigate**

Where possible, the Council officer will resolve an administrative action complaint at the first point of contact after the matter has been initially assessed. This may mean no formal investigation process is undertaken.

If the complainant is satisfied with the initial response to their complaint, no further action is required. The Council officer will use existing recording and reporting systems to document the matter as being resolved.

If the complainant is not satisfied with the outcome of the initial response to their complaint, they may request a review of the outcome.

Following the assessment of the complaint, if the matter is determined to be an administrative action complaint, the matter may be progressed through the two-stage review process.

**Stage 1 – Internal review**

If a matter is unable to be resolved at the first point of contact or the complainant is not satisfied with the response to their complaint, they can request an internal review be conducted by the work area responsible for responding to the initial administrative action complaint. A request for clarification of reasons for a decision does not constitute an internal review.

An internal review can be requested by asking the Council officer from the responsible work area for an internal review to be conducted. The matter will then be referred to the relevant Team Leader/Manager for an internal review.

The Team Leader/Manager will either conduct the review or appoint another Council officer to conduct an assessment of the matter, investigate the complaint and then provide the

complainant with the outcome of their review. The investigating officer will be independent of previous decisions made in the matter under review.

Where necessary, the matter may be escalated to the Group Executive, General Manager or other appropriate officer for review.

#### *Investigation steps*

The Council officer will generally use the following process for conducting an investigation of an administrative action complaint that is subject to an internal review:

- gather all relevant information for analysis
- formulate and record any necessary decisions and recommendations
- consider any remedy options available
- communicate the outcome of the investigation to the complainant.

The Council officer may consider oral evidence, emails, phone calls, Short Message Service (SMS), Multimedia Message Service (MMS), instant messaging, reports, permits, documentary evidence, technical advice, site inspections, equipment or any other necessary details during an investigation.

During an investigation, the Council officer may also take into account any previous history and nature of complaints made by a complainant.

The Council officer must conduct the investigation in a fair, objective and timely manner. Natural justice principles apply to all reviews.

#### *Communication*

The Council officer must keep the complainant informed during the investigation process via telephone, email, letter or in person. This may include:

- an acknowledgement of receipt of the internal review
- a request for additional information
- an update on the progress of the investigation being undertaken as part of the internal review
- anticipated timeframe
- the outcome or resolution of the matter
- contact officer details
- external review rights.

The Council officer must document each step of the investigation, including discussions, meetings, phone calls and site inspections on an official file.

The communication medium must generally be the medium used by the complainant, or that nominated by the complainant.

#### ***Stage 2 – Independent review***

Once an internal review has been completed, if a complainant remains dissatisfied, they may request that a review of the administrative action or decision be conducted by the Office of the Disputes Commissioner.

An independent review is not a re-investigation of a complaint, it is an independent review of the history of the matter including any prior responses or information provided to the complainant to determine if the administrative actions of Council were appropriate and reasonable. The review is conducted by Council officers within the Office of the Disputes Commissioner who are entirely separate of the work area responsible for the administrative action and any subsequent review.

A request for an independent review can be lodged with the Office of the Disputes Commissioner by sending an email to [IndependentReview@brisbane.qld.gov.au](mailto:IndependentReview@brisbane.qld.gov.au), detailing the complaint and all the relevant supporting information.

An investigating officer from the Office of the Disputes Commissioner may contact the complainant to confirm the scope of the independent review. The officer may:

- clarify the complaint and the history of the matter
- allow the complainant to provide additional information in support of their complaint
- if appropriate, attempt to reach a mutually acceptable resolution.

Once the scope has been confirmed, an independent review of all evidence and information related to the matter must be conducted and an outcome of the review will be provided to the complainant.

The Council officer must conduct the independent review in a fair, objective and timely manner. Natural justice principles apply to all reviews.

## 5. Resolve

An administrative action complaint is considered to be finalised at any point if the complainant withdraws their complaint or requires no further assistance from Council. However, this does not prevent Council from conducting internal investigations into a matter where necessary.

The complainant must be advised of the outcome of either an internal or independent review in a letter that includes:

- a summary of the administrative action complaint
- the reasons for the original decision
- the steps taken and information considered during the investigation
- the outcome of the review
- remedy options, if appropriate
- officer contact details, if appropriate
- review rights, if appropriate

### *Internal review*

In resolving an administrative action complaint, the Council officer may consider any of the following remedy options:

- an explanation, i.e. how and why the problem occurred, and steps taken to prevent a reoccurrence
- an admission of fault
- a change of decision
- the provision of a service
- the provision of additional information
- a correction of records
- a review of a policy or procedure
- staff training or other professional development activity
- an apology to the complainant
- any other appropriate or reasonable remedy to resolve the administrative action complaint.

All remedies must be approved by an appropriately authorised Council officer prior to being provided to a complainant.

### *Independent review*

In resolving an administrative action complaint at the independent review level, the Council officer may consider any of the following remedy options:

- an explanation, i.e. how and why the problem occurred, and steps taken to prevent a reoccurrence
- an admission of fault
- the provision of additional information
- a correction of records
- a review of a policy or procedure

- staff training or other professional development activity
- an apology to the complainant
- any other appropriate or reasonable remedy to resolve the administrative action complaint

Remedies that include recommendations for review, change or training should, where appropriate, include a timeframe and a mechanism to report back once the recommendation is complete.

Council is committed to resolving reviews as quickly and efficiently as possible. The length of time taken will depend on the circumstances of the matter, such as the complexity of issues and the time required to obtain necessary information.

## **6. Report**

Council must report on administrative action complaints to allow any trends or systemic issues to be identified that may inform improvements to Council services.

Council must also satisfy legislative reporting requirements in Council's annual report (section 179 of the [City of Brisbane Regulation 2012](#)). This will include:

- number of administrative action complaints received
- number of administrative action complaints resolved
- number of administrative action complaints remaining unresolved from the previous financial year.

Reports will be gathered from the following:

- relevant Council electronic recordkeeping systems
- Office of the Disputes Commissioner
- Privacy Officer
- Office of the Chief Executive (for Ombudsman directly referred complaints)
- Ethical Standards.

## **HUMAN RIGHTS COMPATIBILITY STATEMENT**

This procedure has been assessed as compatible with the human rights protected under the [Human Rights Act 2019](#).

## **EVALUATION AND REVIEW**

The Office of the Disputes Commissioner must conduct a regular review of the effectiveness of [AP185 Complaints Management System Policy](#) and the underlying [AP186 Administrative Action Complaints Procedure](#).

The review will evaluate the performance of the procedure and may consider the following aspects:

- accessibility – whether the administrative action complaints process is readily available to members of the community and is user-friendly
- trends – whether any administrative action complaint trends have been identified and if so, proposed action
- effectiveness – whether timelines for responding to administrative action complaints have been met and, if not, remedial action proposed.

The review may be undertaken by:

- consulting relevant staff and customers
- auditing finalised administrative action complaints for compliance.

## **AUTHORITY**

Council: 7 June 2011

Chief Executive Officer approved minor amendments: 19 April 2018

Chief Executive Officer approved minor amendments: 27 July 2020

Chief Executive Officer approved amendments: 31 May 2023

Chief Executive Officer approved: 10 September 2025

## **PROCEDURE OWNER**

Group Executive and General Counsel, Governance and Legal Services

## **FURTHER ASSISTANCE**

General Manager, Governance, Council and Committee Services, Governance and Legal Services

## **RELATED INFORMATION**

Content Manager container: 109/268/189/92

[AP034 Correspondence Management Procedure](#)

[AP185 Complaints Management Policy](#)

[HRP040 Code of Conduct](#)

[ICT24 Recordkeeping in Brisbane City Council Procedure](#)

[AP212 Confidentiality Policy](#)

[AP174 Privacy Policy](#)

[Animal Management \(Cats and Dogs\) Act 2008](#)

[City of Brisbane Act 2010](#)

[City of Brisbane Regulation 2012](#)

[Crime and Corruption Act 2001](#)

[Human Rights Act 2019](#)

[Information Privacy Act 2009](#)

[Local Government Act 2009](#)

[Public Interest Disclosure Act 2010](#)

[Right to Information Act 2009](#)

## **REVIEW DATE**

Due: 10 September 2027

Last reviewed: 10 September 2025