

COMPLAINT MANAGEMENT Policy & Process

22 MAY 2019



Is this the right policy to guide your enquiry?

Looking Forward



Do you want to **request a particular service or action** now or in the future?

If so, please refer to Council's Customer Request Policy.

Looking Back



Do you have a **complaint or concern about something** Council or one of its representatives has already done or failed to do (e.g. Council meeting decisions, Mayor or Councillor conduct, conduct of a Council employee, contractor or volunteer, a Council business activity in competition with a private business, access to information or your privacy).

If so, then you are in the right place - this Complaint Management Policy & Process is the right document for you.

We understand that it is sometimes difficult to know to whom, or how, to make a complaint.

With many different agencies responsible for assessing and investigating different types of complaints about local government matters, we have developed this policy and process framework to help you make your complaint to the right place first time. It provides a Quick Guide to Local Government Complaint Management, and also provides information about:

- what to expect (i.e. the key steps involved in handling your complaint);
- how long it will might take for the outcome of your complaint to be known;
- if you can have the decision reviewed (i.e. who you can contact) if you remain dissatisfied with the advised outcome.

Policy

The purpose of this Complaint Management Policy and the associated processes outlined in the following pages assist us (Council and our representatives) in ensuring actions comply with the **local government principles** (Section 4 of the *Local Government Act 2009*) in particular:

- transparent and effective processes and decision-making in the public interest;
- delivery of effective services;
- good governance of, and by, Council;
- ethical and legal behaviour of councillors and employees.

It has been established to be compliant with our obligations under various pieces of legislation including the *Local Government Act 2009* and the *Crime and Corruption Act 2001*. The following pages provide a clear process for receiving, recording, actioning (and/or referring), responding to, reporting, and learning from complaints made to us. Complaints may be in relation to the elected Council (when making decisions in a Council meeting), individual Councillors, Employees/Contractors/Volunteers or Council businesses competing with the private sector.

We aim to achieve best practice in the management of complaints with our processes developed to be consistent with the following policy elements.



1. Enabling

Making it easy to raise your concerns

Advising to whom, and how, to make a complaint or request a review

Getting the right information to the right place first time

Providing assistance to those who need it



2. Commitment

Taking action to refer or report your concerns to the appropriate agency, where applicable

Early resolution of non-complex administrative action complaints by Departmental Managers

Taking action to assess, investigate or review complex administrative action complaints in a timely manner with regular updates on progress where a longer period is required.

To preserve confidentiality, and commit to fairness and objectivity.



3. Continuous Improvement (Learning and Improving)

Analysing complaint information to improve systems, decision-making and service delivery going forward.



4. Consistency

Making consistency one of the keys to our success - consistency in our processes for:

- receiving
- recording
- actioning/referring
- responding
- reporting



5. Compliance with Legal Requirements

Ensuring the management of any complaint received is compliant with legislation applicable to local government.

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *Ombudsman Act 2001*
- *Right to Information Act 2009*
- *Information Privacy Act 2009*

Local government complaint management at a glance

Step 1

Report your complaint



Step 2

Assessment of complaint by relevant agency

(e.g. assessment against relevant legislation and policies and consideration of what additional action or information is required)



Step 3

Research into Complaint or investigation by relevant agency

(Type of inquiry, action or investigation will be dependent on the nature of the complaint).



Step 4

Decision, action following investigation and **communication** of outcome



Step 5

Review ('appeal') of decision (only if required)

- Internal (same entity)
- External (where available)



Step 6

Implementation of **learnings** from investigations, training and prevention

(e.g. change in legislation, policy, system, process, training, internal controls)



Which agency is relevant to local government matters?



(Refer Appendix C - "Legislation Lookup" for additional background information and how to navigate through the relevant legislation)

Councillor conduct complaints - The lead agency for inappropriate or serious conduct concerns in relation to Councillors is the **Office of the Independent Assessor (OIA)**. Complaints may be made directly to the OIA. If Council, a Councillor or the CEO receives a complaint about the conduct of a councillor it must be referred to the OIA (Note also corrupt conduct below).

Administrative action complaints - Please report your complaint to Council in the first instance to give us the opportunity to address your concerns. Administrative actions include decisions made at a Council meeting or other actions by Council or one of its representatives (in short, something we have done or failed to do that has affected you directly). Complaints can also be made to the **Queensland Ombudsman** however their Office will generally check if all avenues of internal review within Council have been exhausted prior to commencing an investigation of the complaint.

Employee, contractor and volunteer conduct (behaviour) complaints should be reported to Council through the Manager Human Resources. Employee matters are the responsibility of the Chief Executive Officer or delegate (e.g. Manager Human Resources, or the relevant Manager or Director).

Corrupt conduct complaints - The agency for any type of alleged corrupt conduct (irrespective of how the conduct is said to have occurred) is the State Government's **Crime and Corruption Commission (CCC)**. Complaints can be made directly to the CCC. If at any of the above complaint management steps Council or another agency has a reasonable suspicion of corrupt conduct, then the complaint will be reported to the CCC. The CEO at Council is the public official at Council who must notify the Commission if they reasonably suspect that a complaint, or information or matter (also a complaint), involves, or may involve, corrupt conduct. If the complaint relates to the CEO, the officer who will notify and liaise with the CCC is the Deputy CEO.

Competitive neutrality complaints - Complaints of this type (in relation to a Council business competing with the private business) should be made directly to Council in the first instance. The complaint will then be referred to the **Queensland Productivity Commission**.

Right to information - Requests for information are made directly to Council. In addition to publicly available information, individuals can lodge Right to Information applications directly with Council (Fees are set by the State Government). The decision maker at Council under the *Right to Information Act 2009* is the Director Corporate, Community & Commercial Services. Both internal and external reviews ('appeals') of decisions can be undertaken, the latter being undertaken by the State agency, **Office of Information Commissioner (OIC)**.

What every complainant needs to know:

- To make some types of complaints (e.g. administrative action complaints) you must be the person **directly affected** by the decision (or their nominated agent). However anyone can report suspected corrupt conduct and the complaint will be assessed for reasonable suspicion of corrupt conduct. For the purposes of the *Crime and Corruption Act 2001*, the term 'complaint' also includes information or matter (Refer definitions).
- Prior to commencing the handling of a complaint, the nominated Complaints Officer will consider if there is any actual, perceived or potential **conflicts of interest** in the matter. Where such an interest exists on the part of the Complaints Officer, they will not undertake any process steps until the identified conflict is discussed with the Chief Executive Officer and appropriate arrangements made (i.e. processes implemented to manage the conflict, which may include appointment of an alternative Complaints Officer if the conflict is significant).
- Not all complaints will be investigated by the agency to which the complaint has been reported - it will depend on the outcome of an assessment process. Each agency publishes guidance on the circumstances in which **no further action** will be taken in relation to complaints. For example, a complaint may be considered to be:
 - frivolous or vexatious
 - lacking in substance or credibility
 - not made in good faith
 - made for a mischievous purpose
 - made recklessly or maliciously
 - not within the agency's jurisdiction
 - not in the public interest
 - not a justifiable use of public resources
 - has been dealt with by another entity.

Council also considers the above matters and whether or not the complaint at hand meets any of the above **criteria** prior to determining whether or not to undertake an investigation. In the case of any complaints referred to Council by the Crime and Corruption Commission, and subject to any directions received from the CCC, preliminary inquiries will be undertaken. Options then include 1) take no action; 2) take appropriate management action; 3) investigate. Investigations can be expensive and time-consuming. Another course of action may be more appropriate, depending on the nature and scope of the complaint.

- **Procedural fairness** is important in the management of complaints - whether as part of the investigation process or in any disciplinary process that may follow. The rules of procedural fairness are simple - Avoid bias; Give a fair hearing. For instance, if an employee is facing disciplinary action in relation to a complaint, they must be advised of the allegations in sufficient detail to be able to respond (This doesn't include who raised the complaint or how the complaint was received).

What every complainant needs to know continued...

- Complaint processes will generally provide an opportunity for **review of the complaint decision**. This provides the opportunity for a complainant to highlight aspects that they think may have been missed in the agency's consideration of the matter. It also enables a 'fresh set of eyes' to review available information. As a complainant, you will be advised how a review of the decision can be arranged and to whom the decision review request is referred. For some decisions there will be strict timelines in which review requests must be made. It is important therefore, to comply with the timelines and direct your review request to the advised person or agency. Failure to do so may limit your future options if you remain dissatisfied with the outcome.
- There can be consequences (including fines / offences) if someone makes or asks someone to make **frivolous, vexatious or mischievous, reckless or malicious complaints**. This is the case in relation to Councillor conduct complaints. Under the *Crime and Corruption Act 2001*, it is also an offence to make a frivolous or vexatious complaint (including information or matter) or to provide false or misleading statements. This however doesn't impede or otherwise remove the requirement to report any reasonable suspicion of corrupt conduct to the Crime and Corruption Commission. It only affects how a complaint is subsequently dealt with.

- **Confidentiality** is important in the handling of complaints, particularly where complaints are yet to be substantiated (i.e. there may ultimately be no basis in fact for a complaint). Confidentiality assists in protecting individuals from reprisal, and in protecting the reputation of individuals against whom unsubstantiated complaints have been made.

For example, in the case of complaints against Councillors, the identity of a complainant will be protected unless disclosure is required for investigations or prosecution. Complainants will be advised if their identity will be disclosed.

- There are protections under the law from **reprisal** - for instance, those who make a complaint or intend to make a complaint against a councillor are protected from acts of reprisal. A councillor who is found to have threatened or taken actual action, or has incited, permitted or conspired with another person to threaten or take actual action against a complainant, can be fined or imprisoned for two years.

A section on Public Interest Disclosures, which is relevant to reprisals for significant disclosures is included in this document on Page 29.

The *Ombudsman Act 2001* also provides protections to a person helping the ombudsman. It is an offence if a person causes, or threatens, attempts or conspires to cause, detriment to another person because, or in the belief that, any person —

(a) has made, or may make, a complaint to the ombudsman; or

(b) has given, or may give, the ombudsman information or a document or other thing for the purposes of a preliminary inquiry or an investigation.

An attempt to cause detriment includes an attempt to induce a person to cause detriment.

Quick guide to the reporting and handling of *My* complaint

Type of complaint (Who or what do my concerns relate to?)	Who do I report my complaint to? 	What can I expect? 	How long will it take? 	Still not happy with the outcome? 	
Elected Council - i.e. Council meeting decision For more information please refer to Section 1. Pages 15-16					
Council meeting decision ('resolution') - if you are directly affected by Council's decision 'Administrative action'	Council's Complaints Officer	<ul style="list-style-type: none"> E-mail: internal.review@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 	<ul style="list-style-type: none"> Complaint assigned to a senior officer to assess and research and prepare a report to a Council meeting. Report reviewed by Director and CEO prior to inclusion in the meeting agenda. Correspondence communicating the outcome of the Council decision is prepared once the minutes of the meeting have been finalised. 	Council's target is 20 business days. <i>(Note: Additional time may be required if Council at its meeting requests more information or additional action. If this occurs, we will provide an update on the revised timeframe)</i>	State Government agency - Queensland Ombudsman <ul style="list-style-type: none"> Online form: https://www.ombudsman.qld.gov.au/make-a-complaint/MakeAComplaint.aspx Telephone: 07 3005 7000 (1800 068 908 - Toll free outside Brisbane only) In person: Level 18, 53 Albert Street, Brisbane, Qld. 4000 Post: GPO Box 3314 Brisbane, Qld. 4001
- corrupt conduct	Crime & Corruption Commission (CCC) Chief Executive Officer	<ul style="list-style-type: none"> Online lodgement E-mail: complaints@ccc.qld.gov.au Post: Complaints Officer Crime and Corruption Commission GPO Box 3123 Brisbane Qld 4001. <p>http://www.ccc.qld.gov.au/corruption/report-corruption</p> <ul style="list-style-type: none"> Conduct Hotline: [Text and Voice Messages] 0447 787 277 E-mail: ceo@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 	<ul style="list-style-type: none"> Assessment of complaint by the CCC Referral to the Office of Independent Assessor (OIA) if not corrupt conduct but potentially inappropriate conduct or misconduct. Subsequent actions as directed by the CCC. <ul style="list-style-type: none"> Assessment by public official / Council representative (as appropriate) of complaint to ascertain if there is a reasonable suspicion of corrupt conduct and referral to CCC if applicable. Record of assessment results if not referred ('Assessment Template'). Subsequent actions as directed by the CCC. 	<p>Assessment - Target 85% within 1 month. In some cases it may take longer if further information is required from the complainant, or if the CCC needs to obtain information or documents from Council.</p> <p>Investigation - Target 85% within 12 months</p>	An internal review by the CCC can be requested. The review ('Complaint Service Review') will be conducted by: <ul style="list-style-type: none"> a CCC officer with the appropriate delegation who is senior to the officer who made the original decision; or the Deputy Chairperson if the Chairperson was involved in the original decision. <p>http://www.ccc.qld.gov.au/corruption/how-the-ccc-investigates-corruption/procedures</p>

Type of complaint (Who or what do my concerns relate to?)	Who do I report my complaint to? 	What can I expect? 	How long will it take? 	Still not happy with the outcome? 
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Councillor - i.e. individual elected representative (Mayor or Councillor)

For more information please refer to Section 2. Pages 17-19

Councillor conduct - inappropriate conduct - misconduct - unsure what type of conduct	State Government agency: Office of Independent Assessor (OIA)	<ul style="list-style-type: none"> Online form: https://oia.qld.gov.au/office-of-the-independent-assessor/make-a-complaint.html#cognito Telephone: 1300 620 722 E-mail: OIAcomplaints@oia.qld.gov.au In person: Level 13, 53 Albert Street, Brisbane Qld 4000 Post: PO Box 15031 City East Qld 4002 	<ul style="list-style-type: none"> Assessment of complaint Potential outcomes: <ul style="list-style-type: none"> - Referral to CCC - Investigation by OIA - Referral to Council - Dismissal of complaint - No further action If an investigation is conducted by the OIA refer to the following link: https://oia.qld.gov.au/resources/oia/assessment-process.pdf If an investigation is conducted by the OIA refer to the following link: https://oia.qld.gov.au/resources/oia/investigator-process-flowchart.pdf 	<p>Assessment - 21 working days</p> <p>Investigation - It is difficult to predict how long it will take to deal with a complaint. Several factors, such as the complexity of the complaint, the availability of witnesses and the ability to obtain evidence will all impact on the duration of a matter.</p> <p>Update every two months.</p>	<p>An internal review by the OIA can be requested.</p> <ul style="list-style-type: none"> E-mail: review@oia.qld.gov.au Post: PO Box 15031 CITY EAST QLD 4002 If unable to write, contact 1300 620 722 to discuss. <p>https://oia.qld.gov.au/office-of-the-independent-assessor/about-us/are-you-unhappy-with-us.html</p>
Councillor conduct - corrupt conduct	Crime & Corruption Commission (CCC)	<ul style="list-style-type: none"> Online lodgement E-mail: complaints@ccc.qld.gov.au Post: Complaints Officer Crime and Corruption Commission GPO Box 3123 Brisbane Qld 4001. <p>http://www.ccc.qld.gov.au/corruption/report-corruption</p>	<ul style="list-style-type: none"> Assessment of complaint by the CCC. Referral to the Office of Independent Assessor (OIA) if not corrupt conduct but potentially inappropriate conduct or misconduct. Subsequent actions as directed by the CCC. 	<p>Assessment - Target 85% within 1 month. In some cases it may take longer if further information is required from the complainant, or if the CCC needs to obtain information or documents from Council.</p>	<p>An internal review by the CCC can be requested. The review ('Complaint Service Review') will be conducted by:</p> <ul style="list-style-type: none"> a CCC officer with the appropriate delegation who is senior to the officer who made the original decision; or the Deputy Chairperson if the Chairperson was involved in the original decision. <p>http://www.ccc.qld.gov.au/corruption/how-the-ccc-investigates-corruption/procedures</p>
	Chief Executive Officer	<ul style="list-style-type: none"> Conduct Hotline: [Text and Voice Messages] 0447 787 277 E-mail: ceo@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 	<ul style="list-style-type: none"> Assessment by Council representative of complaint to ascertain if there is a reasonable suspicion of corrupt conduct and referral to CCC if applicable. Record of assessment results if not referred ('Assessment Template'). Subsequent actions as directed by the CCC. 	<p>Investigation - Target 85% within 12 months</p>	<p>Complaints can be lodged directly to the Crime & Corruption Commission:</p> <ul style="list-style-type: none"> Online lodgement E-mail: complaints@ccc.qld.gov.au Post: Complaints Officer Crime and Corruption Commission GPO Box 3123 Brisbane Qld 4001.

Type of complaint (Who or what do my concerns relate to?)	Who do I report my complaint to? 	What can I expect? 	How long will it take? 	Still not happy with the outcome? 
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Employee, Contractor or Volunteer

For more information please refer to Section 3. Pages 20-26

Service delivery or Enforcement or compliance action (e.g decision or fine) 'Administrative action'	Council's Complaints Officer	<ul style="list-style-type: none"> E-mail: internal.review@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 	<ul style="list-style-type: none"> Review by a higher level within the organisation (generally Department Manager) Reply in the same form as the complaint is made: e.g. telephone call - telephone response e-mailed complaint - e-mail response letter - letter response If necessary, a request for a second review can be made to the same e-mail address (The second review will be done by the Director or CEO). A report will be prepared for a Council meeting if the Director or CEO cannot resolve the complaint and a Council decision is required. 	Council's target is 20 business days. If additional time is required, an update will be provided within the 20 business days. Council's target is 20 business days. If additional time is required, an update will be provided within the 20 business days.	State Government agency - Queensland Ombudsman <ul style="list-style-type: none"> Online form: https://www.ombudsman.qld.gov.au/make-a-complaint/MakeAComplaint.aspx Telephone: 07 3005 7000 (1800 068 908 - Toll free outside Brisbane only) In person: Level 18, 53 Albert Street, Brisbane, Qld. 4000 Post: GPO Box 3314 Brisbane, Qld. 4001
Employee conduct - General conduct (behaviour) concerns	Human Resources	<ul style="list-style-type: none"> E-mail: employee.conduct@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 	<ul style="list-style-type: none"> Assessment of complaint Determination of approach given the nature of the complaint (e.g. Discussion with employee and their supervisor / Manager / Director, internal investigation or external investigation). Communication of outcome may be limited due to privacy reasons as it may become a matter of disciplinary action between Council and employee. 	Timing will depend on the nature of the complaint.	<ul style="list-style-type: none"> E-mail: ceo@maranoa.qld.gov.au Post: Chief Executive Officer (Strictly confidential) PO Box 620 Roma, Qld. 4455
Employee conduct - corrupt conduct (CEO)	Crime & Corruption Commission (CCC) Deputy CEO (Refer S48A policy Appendix B)	<ul style="list-style-type: none"> Online lodgement E-mail complaints@ccc.qld.gov.au Post: Complaints Officer Crime and Corruption Commission GPO Box 3123 Brisbane Qld 4001. http://www.ccc.qld.gov.au/corruption/report-corruption Phone 1300 007 662 [Ask to speak with Deputy CEO] E-mail: deputy.ceo@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 	<ul style="list-style-type: none"> Assessment of complaint by the Crime & Corruption Commission (CCC). CCC will deal with the complaint in the way it sees appropriate which may include referral to the nominated person to deal with. Assessment by public official / nominated person / Council representative (as applicable) of complaint to ascertain if there is a reasonable suspicion of corrupt conduct and referral to CCC if applicable. Record of assessment results if not referred ('Assessment Template'). If referred to the public official / nominated person / Council representative (as applicable) to deal with, following preliminary inquiries, options are to: 1) take no action; 2) take appropriate management action; 3) investigate. Preliminary inquiries will include, at a minimum, review of Council records, the subject officer's complaint history and whether the subject officer has had any relevant training. 	<p>Assessment - Target 85% within 1 month. In some cases it may take longer if further information is required from the complainant, or if the CCC needs to obtain information or documents from Council.</p> <p>Investigation - Target 85% within 12 months</p>	An internal review by the CCC can be requested. The review ('Complaint Service Review'): will be conducted by: <ul style="list-style-type: none"> a CCC officer with the appropriate delegation who is senior to the officer who made the original decision; or the Deputy Chairperson if the Chairperson was involved in the original decision. http://www.ccc.qld.gov.au/corruption/how-the-ccc-investigates-corruption/procedures Complaints can be lodged directly to the Crime & Corruption Commission: <ul style="list-style-type: none"> Online lodgement E-mail: complaints@ccc.qld.gov.au Post: Complaints Officer Crime and Corruption Commission GPO Box 3123 Brisbane Qld 4001.
Employee conduct - corrupt conduct (Other Employees)	Human Resources	<ul style="list-style-type: none"> Conduct Hotline: [Text and Voice Messages] 0447 787 277 E-mail: employee.conduct@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 <p><i>Complaints can also be reported directly to the CCC.</i></p>	<p><i>Investigations of complaints involving corrupt conduct will be undertaken in accordance with the Crime and Corruption Commission's Corruption in Focus Guide, or in accordance with specific directions by the CCC. http://www.ccc.qld.gov.au/corruption-prevention/corruption-in-focus</i></p>		<p>Note: Queensland Civil and Administrative Tribunal has jurisdiction for review of decisions ('reviewable decisions') associated with disciplinary action for corrupt conduct - Refer Part 2 of the <i>Crime and Corruption Act 2001</i>. Application must be made within 28 days.</p>

Type of complaint (Who or what do my concerns relate to?)	Who do I report my complaint to? 	What can I expect? 	How long will it take? 	Still not happy with the outcome? 
Contractor conduct	Council's Complaints Officer <ul style="list-style-type: none"> • E-mail: employee.conduct@maranoa.qld.gov.au • Post: PO Box 620, Roma. Qld. 4455 	<ul style="list-style-type: none"> • Referral of complaint to Council's contract administrator or superintendent for the contract works • Assessment against contract terms and conditions • Management in accordance with the contract communication and dispute resolution clauses 	Council's target is 20 business days. If additional time is required, an update will be provided within the 20 business days.	A request for a second internal review can be made to the same e-mail address internal.review@maranoa.qld.gov.au The review will be conducted by a more senior employee (e.g. Director).

A Council business where it competes with a private business
 For more information please refer to Section 4. Pages 27-28

Competitive neutrality complaint	Council's Complaints Officer <ul style="list-style-type: none"> • E-mail: internal.review@maranoa.qld.gov.au • Post: PO Box 620, Roma. Qld 4455 	<ul style="list-style-type: none"> • Complaint assigned to a complaints officer to research and prepare a report to a Council meeting. • Report reviewed by Director and CEO prior to inclusion in the meeting agenda. • Correspondence prepared once the minutes of the meeting have been finalised. 	Council's target is 20 business days. If additional time is required, an update will be provided within the 20 business days.	Competitive neutrality complaints can be lodged directly to the Queensland Productivity Commission: <ul style="list-style-type: none"> • online lodgement: https://www.qpc.qld.gov.au/contact-us/ • Post: Queensland Productivity Commission PO Box 12112 George Street BRISBANE QLD 4003
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Type of complaint (Who or what do my concerns relate to?)	Who do I report my complaint to? 	What can I expect? 	How long will it take? 	Still not happy with the outcome? 
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My property valuations or my property's rating category

(Note: These are 'objections' but are often referred to as complaints and therefore are included in this table for ease of reference).

My property's valuation for rating purposes	State Government's Valuer-General	<ul style="list-style-type: none"> Lodge online https://www.qld.gov.au/environment/land/title/valuation/objections/lodge-objections/online-objections Hard copy (Form 58U for unimproved valuation). <p>Note: Lodge within 60 days of the date of issue of your valuation notice</p>	<ul style="list-style-type: none"> The State government website includes details of the objection process. <p>https://www.qld.gov.au/environment/land/title/valuation/objections/lodge-objections/process</p>	As soon as is practical, you (or your agent) will be notified in writing of the decision on your 'properly made' objection and the reasons for it. This notification will be sent to the address provided. If you lodged your objection using the online lodgement system, you will be able to track its progress online.	<p>Decisions about the amount of your valuation (e.g. decisions on objection) are not subject to internal review, but can be appealed to the Land Court.</p> <p>Appeals to the Land Court must be made within 60 days of the date of issue stated in the written objection decision. It is your responsibility to lodge your appeal against the decision with the Land Court and forward a copy of the appeal documents within 7 days to the Valuer-General at the business centre shown at the top of your valuation notice or at any of our business centres.</p> <p>https://www.qld.gov.au/environment/land/title/valuation/objections/reviews-appeals</p>
My property's rating category	Council's Chief Executive Officer	<p>Send objection notice to:</p> <ul style="list-style-type: none"> E-mail: ceo@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 	<ul style="list-style-type: none"> Consideration of the objection. Decision to change the rating category or not allow the objection. Notice of decision and reasons for decision. If the Chief Executive Officer decides to change the rating category of the land, the rating category is taken to have been changed from the start of the period of the rate notice. 	Within 60 days after the objection was made.	<p>The owner may appeal by filing an appeal notice in the Land Court registry, within 42 days after the day when the owner received notice of the decision. The appeal notice must be in the form approved by the Land Court.</p> <p>The owner must give a copy of the filed appeal notice to the local government, within 7 days after the appeal notice was filed.</p> <p>If the owner fails to do so, it does not affect the making of the appeal, or the jurisdiction of the Land Court to decide the appeal, but the court may award costs against the owner for any adjournment that is caused by the owner's failure.</p>

Type of complaint (Who or what do my concerns relate to?)	Who do I report my complaint to? 	What can I expect? 	How long will it take? 	Still not happy with the outcome? 
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My right to information

If in doubt whether information is publicly available, please lodge a Customer Request (Tel: 1300 007 662, E-mail: customer.service@maranoa.qld.gov.au) in the first instance. Our officers can undertake a preliminary check for you and advise if a Right to Information application is required. Council's publication scheme (documents) can also be viewed on our website: <http://www.maranoa.qld.gov.au/web/guest/publication-scheme>

<p>Access to information (where some or none of the documents contain my personal information)</p> <p>(Application, access and processing fees generally apply - fees are set annually by the State Government)</p>	<p>Right to Information Officer</p>	<p>Preliminary enquiries: 1300 007 662</p> <p>Complete an application form and send to:</p> <ul style="list-style-type: none"> E-mail: rti@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 <p>https://www.smartservice.qld.gov.au/services/information-requests/form/SPLES17813_RIGHT_TO_INFORMATION_PRIVACY_ACCESS_FORM_UPDATE.pdf</p>	<ul style="list-style-type: none"> Searches undertaken for documents in Council's possession or control which meet the terms of the application. Issue a charges estimate notice and a schedule of relevant documents before the end of the processing period. You can either accept the charges, narrow the scope of the application to reduce the charges, or withdraw the application. (Note: To increase the scope, it is important to lodge a new application). Consultation with a third party where a document contains information that could reasonably be expected to be of concern to them. Decision Notice and reason for the decision. <p>Where access to documents has been provided, access by Council can be given by whichever method is most practical and appropriate in the circumstances:</p> <ul style="list-style-type: none"> inspection copies viewing or hearing images or sounds transcriptions of sound recordings; and creating a written document out of electronic information, such as a database. <p>Where access to documents has been refused, the Decision Notice will set out the grounds relied upon under Section 47 of the RTI Act. Examples include where the documents are comprised of:</p> <ul style="list-style-type: none"> exempt information contrary to the public interest information information contrary to a child's best interests healthcare information where it would be contrary to an applicant's best interests to release. <p>It also provides that access may be refused where the documents are non-existent or unlocatable, or access is available through other means.</p>	<p>Timeframe for processing application - 25 business days, plus 10 business days if a third party needs to be consulted. At any time before the processing period ends Council can ask the applicant for more time to deal with the application.</p>	<p>A review application must be made within 20 business days of the date of the original decision notice.</p> <p>Review options:</p> <p>Internal review by a Council officer senior to the original decision maker (will consider your application as if the original decision had not been made):</p> <ul style="list-style-type: none"> Email: rti@maranoa.qld.gov.au Post: Chief Executive Officer Maranoa Regional Council PO Box 620 Roma QLD 4455 <p>External review by the Office of the Information Commissioner:</p> <ul style="list-style-type: none"> In Person: Level 8, 160 Mary Street, Brisbane QLD 4000 Email: administration@oic.qld.gov.au Fax: 07 3405 1122 Post: Office of the Information Commissioner PO Box 10143 Adelaide Street Brisbane QLD 4000
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Type of complaint (Who do my concerns relate to?)	Who do I report my complaint to? 	What can I expect? 	How long will it take? 	Still not happy with the outcome? 
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My privacy

Council is committed to protecting your personal information. The way we manage personal information is governed by the *Information Privacy Act 2009* (IP Act) which contain the Information Privacy Principles (IPPs). These principles govern the way we collect, store, allow individuals to access and amend, use, and disclose personal information.

<p>Access to my personal information (where all of the documents contain my personal information)</p>	<p>Privacy Officer</p>	<p>Preliminary enquiries: 1300 007 662</p> <p>Complete application form and send to:</p> <ul style="list-style-type: none"> E-mail: privacy@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 <p>https://www.smartservice.qld.gov.au/services/information-requests/form/SPLES17813_RIGHT_TO_INFORMATION_PRIVACY_ACCESS_FORM_UPDATE.pdf</p>	<ul style="list-style-type: none"> Searches undertaken for documents in Council's possession or control which meet the terms of the application. Consultation with a third party where a document contains information that could reasonably be expected to be of concern to them. Decision Notice and reason for the decision. <p>Where access to documents has been provided, access by Council can be given by whichever method is most practical and appropriate in the circumstances:</p> <ul style="list-style-type: none"> inspection copies viewing or hearing images or sounds transcriptions of sound recordings; and creating a written document out of electronic information, such as a database. <p>Where access to documents has been refused, the Decision Notice will set out the grounds relied upon (refer Section 63 of the IP Act). Examples include where the documents are comprised of:</p> <ul style="list-style-type: none"> exempt information contrary to the public interest information information contrary to a child's best interests healthcare information where it would be contrary to an applicant's best interests to release. <p>It also provides that access may be refused where the documents are non-existent or unlocatable, or access is available through other means.</p>	<p>Timeframe for processing - 25 business days, plus 10 business days if a third party needs to be consulted. At any time before the processing period ends Council can ask the applicant for more time to deal with the application.</p>	<p>An application for a review must be made within 20 business days of the date of the original decision notice.</p> <p>Review options:</p> <p>Internal review by a Council officer senior to the original decision maker (will consider your application as if the original decision had not been made):</p> <ul style="list-style-type: none"> Email: privacy@maranoa.qld.gov.au Post: Chief Executive Officer Maranoa Regional Council PO Box 620 Roma QLD 4455 <p>External review by the Office of the Information Commissioner:</p> <ul style="list-style-type: none"> Email: administration@oic.qld.gov.au Post: Office of the Information Commissioner PO Box 10143 Adelaide Street Brisbane QLD 4000
<p>Amendment of any part of my personal information contained in a document held by Council, which I believe is inaccurate, incomplete, out of date or misleading.</p>	<p>Privacy Officer</p>	<p>Preliminary enquiries: 1300 007 662</p> <p>Complete application form and send to:</p> <ul style="list-style-type: none"> E-mail: privacy@maranoa.qld.gov.au Post: PO Box 620, Roma. Qld 4455 	<ul style="list-style-type: none"> Searches undertaken for documents in Council's possession or control which meet the terms of the request. Decision Notice about whether amendment of the document is to be permitted. Where amendment has been permitted, on alteration of the personal information a notation will be added (refer Section 75 of the IP Act). Where amendment has been refused, the Decision Notice will set out the reasons for the refused amendment. 		

Type of complaint (Who do my concerns relate to?)	Who do I report my complaint to? 	What can I expect? 	How long will it take? 	Still not happy with the outcome? 
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My privacy (continued)

Council is committed to protecting your personal information. The way we manage personal information is governed by the *Information Privacy Act 2009* (IP Act) which contain the Information Privacy Principles (IPPs). These principles govern the way we collect, store, allow individuals to access and amend, use, and disclose personal information.

Privacy complaint about an act or practice of Council in relation to my personal information which I believe is a breach of the privacy principles.	Privacy Officer	Preliminary enquiries: 1300 007 662 <ul style="list-style-type: none"> E-mail: privacy@maranoa.qld.gov.au Post: Privacy Officer PO Box 620, Roma. Qld 4455 	<ul style="list-style-type: none"> Complaint assessed by the Privacy Officer Reply in the same form as the complaint is made: e.g. e-mailed complaint - e-mail response letter - letter response 	Council's target is 20 business days. If additional time is required, an update will be provided within the 20 business days.	Review options: Internal review by a Council officer senior to the Privacy Officer: <ul style="list-style-type: none"> Email: privacy@maranoa.qld.gov.au Post: Chief Executive Officer Maranoa Regional Council PO Box 620 Roma QLD 4455 External review by the Office of the Information Commissioner: <ul style="list-style-type: none"> Email: administration@oic.qld.gov.au Post: Office of the Information Commissioner PO Box 10143 Adelaide Street Brisbane QLD 4000 However, an individual may not make a complaint to the commissioner unless: <ol style="list-style-type: none"> the individual has first complained to Council's Privacy Officer; and at least 45 business days have elapsed since the complaint was first made to the Privacy Officer; and the individual has not received a response to the complaint or the individual has received a response but considers the response not to be an adequate response.
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1. Elected Council (i.e. a Council Meeting Decision)



Does your complaint relate to a decision made at a Council meeting? (decisions are available on the Council website - <http://www.maranoa.qld.gov.au/council-meetings>)

A Council meeting is where all 9 elected members (i.e. Mayor and Councillors) formally meet as a group on the 2nd and 4th Wednesday of the month or at a special meeting. You may have received correspondence following the meeting to advise you of the Council's decision and you remain dissatisfied with the outcome.

As the elected representatives when meeting as a group comprise the formal decision making body of Council, employees or individual Councillors, including the Mayor, cannot override a Council decision. Therefore a specific process applies for the review of a Council decision.

A Council decision is also referred to as an '**administrative action**'. An administrative action complaint can only be made to Council by the person directly affected by Council's action. Whilst this is generally the customer, where Council is reasonably satisfied that a complaint is being made by a valid representative, nominated advocate or agent of the customer (affected person) then the complaint will be accepted.

If you are **not an affected person**, you can share your feedback with all Councillors as follows:

E-mail: councillors@maranoa.qld.gov.au
 Post: PO Box 620, Roma. Qld 4455 (Attention Mayor and Councillors)

The full list of contact methods are available on Council's website - www.maranoa.qld.gov.au (Contact Us). For more information, our website also includes a link to "*A Quick Guide to Council's Customer Service Charter*" and Council's "*Customer Request Policy*".



Who do I report my complaint to?

Concerns about Council's decision

If a person **directly affected** by the decision is dissatisfied with the outcome and seeks a review (reconsideration of the decision), the request can be forwarded to:

Post: Complaints Officer, PO Box 620, Roma. Qld 4455
 E-mail: internal.review@maranoa.qld.gov.au (Attention: Complaints Officer)

It is important to include any information that you believe has not been considered by Council when making its initial decision. This will facilitate the preparation of a further report to Council.

Corrupt conduct concerns

If the allegation is in relation to corrupt conduct, any individual can report the matter to the Crime and Corruption Commission:

Online: www.ccc.qld.gov.au/corruption/report-corruption
 Phone: 1800 061 611

Note: If the complaint is made directly to Council, the Chief Executive Officer will refer the matter to the CCC which will assess the complaint and advise the Chief Executive Officer of the action required.



What can I expect?

Concerns about a Council decision

Your complaint will be assigned to a senior officer to research and prepare a report to a Council meeting. The report will be reviewed by the Director and CEO prior to inclusion in the meeting agenda.

Once Council has considered the report and made a decision on the matter, formal meeting correspondence will be prepared to you once the minutes of the meeting have been finalised.

Please note that in relation to decisions that have been enacted, there may be little or no avenue for Council to make an alternate decision. It is therefore important that the outcome sought is clearly outlined as part of the internal review request.

Corrupt conduct concerns

Crime & Corruption Commission (CCC):

- Assessment of complaint by the CCC
- Referral to the Office of Independent Assessor (OIA) if not corrupt conduct but potentially inappropriate conduct or misconduct.
- Subsequent actions as directed by the CCC.



How long will it take?

Council's target is 20 business days.

(Note: Additional time may be required if Council at its meeting requests more information or additional action. If this occurs, we will provide an update on the revised timeframe.)

Crime & Corruption Commission (CCC):

Assessment - Target 85% within 1 month. In some cases it may take longer if further information is required from the complainant, or if the CCC needs to obtain information or documents from Council.

Investigation - Target 85% within 12 months



Still not happy with the outcome?

Concerns about a Council decision

You are welcome to request an External Review of the matter by the Queensland Ombudsman.

Post:	GPO Box 3314, Brisbane, Qld. 4001
In person:	Level 18, 53 Albert Street, Brisbane, Qld. 4000
Online:	https://www.ombudsman.qld.gov.au/make-a-complaint/makecomplaint
Telephone:	07 3005 7000 1800 068 908 (Toll free outside Brisbane only)

Depending on the State legislation applicable to your matter, there may be other avenues of appeal, for example:

- Queensland Civil and Administrative Tribunal (QCAT)
- Office of the Information Commissioner (OIC)
- Planning and Environment Court
- Magistrates Court

If any of these apply, our officers will make sure to advise you of your options.

Please note that the Ombudsman will generally only undertake a review once the internal review process has been completed and the outcome is known.

Corrupt conduct concerns

An internal review by the Crime and Corruption Commission can be requested. The review ('Complaint Service Review') will be conducted by:

- a CCC officer with the appropriate delegation who is senior to the officer who made the original decision; or
- the Deputy Chairperson if the Chairperson was involved in the original decision.
<http://www.ccc.qld.gov.au/corruption/how-the-ccc-investigates-corruption/procedures>

More about the Queensland Ombudsman

As detailed on their website, please note that they will rarely get involved with complaints about:

- local councils' overall rating strategies and policies
- particular rates that have been set
- rate increases established as part of an annual council budget.

This is because councils are democratically elected bodies which have broad powers under the *Local Government Act 2009* (Local Government Act) to set rates and charges for services. Once rates and charges are set through the Annual Budget meeting, they cannot be changed by Council at a subsequent meeting.

The Ombudsman's Office will also not deal with complaints about the valuation of land or the emergency management levy because other avenues of appeal have been established by the state government for those matters.

They will, however, consider complaints about rates and charges if:

- there is no alternative process for resolving the complaint under the Local Government Act or other legislation;
- there is evidence that Council has not followed correct processes as set out in the Local Government Act and regulations or did not follow relevant Council policy and procedures.

For more information: www.ombudsman.qld.gov.au

2. Councillors



Office of the Independent Assessor

The role of the Independent Assessor is to investigate and assess complaints about councillor conduct.

The Independent Assessor has jurisdiction to investigate and prosecute complaints made against councillors from all local governments in Queensland (excluding Brisbane City Council as it is administered by the *City of Brisbane Act 2010*).

The Independent Assessor:

- investigates and assesses complaints about councillor conduct;
- provides advice, training and information about dealing with alleged or suspected inappropriate conduct, misconduct or corrupt conduct to councillors, local government employees and the public;
- prosecutes misconduct offences via the Councillor Conduct Tribunal.

For more information: <https://oia.qld.gov.au/office-of-the-independent-assessor/about-us/the-independent-assessor.html>

Does your complaint relate to the conduct of a Councillor or Mayor?

Elected local government representatives (Mayor and Councillors) are accountable to the local community for the way they behave in carrying out their local government responsibilities.

On 3 December 2018, the Queensland Government introduced legislative changes in relation to councillor conduct. These reforms aim to further strengthen the transparency, accountability and integrity measures that apply to the system of local government in Queensland. The reform process has included the commencement of:

- a uniform Councillor Code of Conduct (i.e. mandatory for all Councillors in Queensland) which came into effect on 3 December 2018 <http://www.dlgrma.qld.gov.au/resources/publication/local-government/code-of-conduct-for-queensland-councillors.pdf> (Appendix A);
- the Office of the Independent Assessor.

A separate process now applies to complaints about the conduct of a Councillor or Mayor.

Councillor conduct is divided into four categories:

1. Unsuitable meeting conduct

Unsuitable meeting conduct is when a councillor, in a council meeting, contravenes the code of conduct or a council policy.

2. Inappropriate conduct

It is inappropriate conduct when a councillor contravenes a behavioural standard (a breach of the councillor code of conduct), or a policy, procedure or resolution of council, an order of the chairperson of a council meeting to leave and stay away, or when a councillor received orders for unsuitable meeting conduct three times in one year.

3. Misconduct

Misconduct is when a councillor is dishonest or biased in the exercise of their powers. Behaviours categorised as misconduct include:

- breaches of trust
- misuse of information or material acquired in or in connection with the performance of the councillor's function for the benefit or detriment of the councillor or another person
- giving directions to local government employees
- releasing information confidential to council
- failing to report suspected conflicts of interest of other councillors
- failing to comply with an order of the council or the Councillor Conduct Tribunal
- failing to comply with acceptable request guidelines of the council
- failing to comply with a council policy about the reimbursement of expenses
- being disciplined for inappropriate conduct three times in one year.

4. Corrupt conduct

Corrupt conduct" is defined in section 15 of the *Crime and Corruption Act 2001*. For the current definition, please go to the Queensland Government's legislation website which is located here: <https://www.legislation.qld.gov.au/browse/inforce#/act/title/c>.



Who do I report my complaint to?

A person can make a complaint about councillor conduct to the Office of the Independent Assessor by any of the following methods:

Phone: 1300 620 722
E-mail: OIAcomplaints@oia.qld.gov.au
Post: PO Box 15031
City East Qld. 4002
In person: Level 13, 53 Albert Street
Brisbane Qld. 4000

If the allegation is in relation to corrupt conduct, any individual can report the matter to the Crime and Corruption Commission:

Online: www.ccc.qld.gov.au/corruption/report-corruption
Phone: 1800 061 611

Note: If the complaint is made directly to Council, the Chief Executive Officer will refer the matter to the CCC which will assess the complaint and advise the Chief Executive Officer of the action required.

A complaint however received, will be assessed by either the relevant agency i.e. the Office of the Independent Assessor or the Crime and Corruption Commission.



What can I expect?

Each type of councillor conduct complaint is handled as follows:

1. Unsuitable meeting conduct

Unsuitable meeting conduct is handled by council in the council meeting.

2. Inappropriate conduct

Once the assessment has been undertaken, the Independent Assessor may refer the matter back to Council to investigate in accordance with the adopted Investigation Policy [\[Insert link\]](#).

3. Misconduct

Alleged misconduct is handled by the Independent Assessor who may undertake an investigation into the matter and, where required, refer the matter to the Councillor Conduct Tribunal. The Tribunal is an independent body responsible for dealing with complaints of misconduct by councillors.

4. Corrupt conduct

Once the assessment has been undertaken, the Crime and Corruption Commission may deal with the matter themselves (e.g. investigate) or refer the matter back to Council to deal with. Investigations of complaints involving corrupt conduct will be undertaken in accordance with the CCC's Corruption in Focus guide, or in accordance with specific directions by the CCC: <http://www.ccc.qld.gov.au/corruption-prevention/corruption-in-focus>.

Office of Independent Assessor (OIA):

- **Assessment of complaint**

Potential outcomes:

- Referral to CCC
- Investigation by OIA
- Referral to Council
- Dismissal of complaint
- No further action

<https://oia.qld.gov.au/resources/oia/assessment-process.pdf>

- **Investigation by OIA** (where applicable):

<https://oia.qld.gov.au/resources/oia/investigator-process-flowchart.pdf>

Crime & Corruption Commission (CCC):

- Assessment of complaint by the CCC
- Referral to the Office of Independent Assessor (OIA) if not corrupt conduct but potentially inappropriate conduct or misconduct.
- Subsequent actions as directed by the CCC.



How long will it take?

- **Office of Independent Assessor (OIA):**

Assessment - 21 working days

Investigation - It is difficult to predict how long it will take to deal with a complaint. Several factors, such as the complexity of the complaint, the availability of witnesses and the ability to obtain evidence will all impact on the duration of a matter.

An update will be provided every two months.

- **Crime & Corruption Commission (CCC):**

Assessment - Target 85% within 1 month. In some cases it may take longer if further information is required from the complainant, or if the CCC needs to obtain information or documents from Council.

Investigation - Target 85% within 12 months



Still not happy with the outcome?

- **Office of Independent Assessor (OIA):**

An internal review by the OIA can be requested.

E-mail: review@oia.qld.gov.au

Post: PO Box 15031
City East, Qld. 4002

If unable to write, contact 1300 620 722 to discuss.

<https://oia.qld.gov.au/office-of-the-independent-assessor/about-us/are-you-unhappy-with-us.html>

- **Crime & Corruption Commission (CCC):**

An internal review by the CCC can be requested. The review ('Complaint Service Review') will be conducted by:

- a CCC officer with the appropriate delegation who is senior to the officer who made the original decision; or
- the Deputy Chairperson if the Chairperson was involved in the original decision.
<http://www.ccc.qld.gov.au/corruption/how-the-ccc-investigates-corruption/procedures>



Important Note:

Because of the seriousness of these allegations, there may be at times lengthy investigations into the matter by the relevant agencies.

Once the matters are reported, Council is not in a position to provide updates to individuals.

The final outcome will be published on the Councillor Conduct Register which must be available on Council's website as required by section 150DX of the *Local Government Act 2009*.

3. Employee, Contractor or Volunteer



Does your complaint relate to the actions or conduct of an employee, contractor or volunteer in performing their duties as part of their role with Council?

Employees deliver a number of functions and services on behalf of Council - this may include the enforcement of state government legislation and Council local laws which they perform as authorised persons under the various pieces of legislation (i.e. compliance action). Services are provided according to the role for which they are appointed by the Chief Executive Officer.

During the course of providing the service or function, a customer may be dissatisfied with either the service delivered, the employee's actions or their behaviour (how the employee has conducted themselves). Complaints about employees are the responsibility of the Chief Executive Officer or delegate e.g. the relevant Director or Departmental Manager. In some instances the matter may need to be referred to another agency i.e the CCC, prior to any action (including investigation) being undertaken.

Depending on whether the complaint relates to service delivery, compliance action or an employee's conduct will determine how the complaint is handled. Different processes also exist depending on who the complaint is about.

Complaints about service delivery

There may be instances where you have already lodged a Customer Request and you are not satisfied with the outcome of a matter.

Examples of this type of complaint could include:

- a service has been missed, e.g. a wheelie bin was missed being collected
- a required action was not undertaken
- the service you received was below expectation
- the action was not consistent with a Council decision or adopted policy

This could pertain to any part of Council's operations (referred to as '**administrative actions**') including:

- (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;*

In instances where a customer has raised a concern about our actions (i.e. a complaint), we offer our customers up to two Internal Reviews (*Internal Review No. 1 and Internal Review No. 2*). This involves a person or persons at a higher level in the organisation reviewing the matter.

Please work with us while the review is underway - we may seek additional information, clarify desired or acceptable outcomes from your perspective or collaboratively explore options with you.

It is important to note that this type of complaint (an 'administrative action complaint') can only be made to Council by the person directly affected by Council's action. Whilst this is generally the customer, where Council is reasonably satisfied that a complaint is being made by a valid representative, nominated advocate or agent of the customer (affected person), then the complaint will be accepted.

If you are **not an affected person**, you can share your feedback by lodging a customer request as follows:

- E-mail: customer.service@maranoa.qld.gov.au; or
- Phone: 1300 007 662; or
- Visit: One of our Customer Service offices

The full list of contact methods are available on Council's website - www.maranoa.qld.gov.au (Contact Us). For more information, our website also includes a link to "*A Quick Guide to Council's Customer Service Charter*" and Council's "*Customer Request Policy*".



Who do I report my complaint to?

If a person is dissatisfied with service delivery and seeks a review, the request can be forwarded to:

- Post: Complaints Officer, PO Box 620, Roma. Qld 4455
- E-mail: internal.review@maranoa.qld.gov.au
- Phone: 1300 007 662 (Initial Review No.1 only;
Note: Internal Review No. 2 must be in writing)

- Advise that you would like an Internal Review;
- Provide the Customer Service Officer with the details of your concerns, your name if possible and the Customer Request Number for the matter if you have one;

All requests for Internal Reviews received by other Council representatives will follow the same process to ensure that your concerns are recorded and progress monitored.



What can I expect?

The Officer receiving the complaint will initiate an Internal Review, which will be undertaken by a higher level within the organisation, generally the relevant **Department Manager**. As mentioned above, the reviewing officer may seek further information or clarification through the process. Once the review is completed, you will be advised of the outcome by the officer undertaking the review and the reasons for the decision. We will reply in the same form as the complaint is made:

e.g. telephone call - telephone response
e-mailed complaint - e-mail response
letter - letter response

In instances where a customer is unwilling to provide their name, it may be difficult or impossible to conduct an internal review or commit to a particular review timeframe as there is no avenue to seek additional information or clarification. Whilst some actions may be undertaken by Council, given the anonymity of the request it will not be possible to provide updates.



How long will it take?

Council's target is 20 business days.

If additional time is required, an update will be provided within the 20 business days.



Still not happy with the outcome?

If you remain dissatisfied with the complaint outcome, a second internal review process can be requested. Please put your concerns in writing to us via post or e-mail.

Post: Complaints Officer, PO Box 620, Roma. Qld 4455

E-mail: internal.review@maranoa.qld.gov.au

If you are personally not able to put your concerns in writing, you are welcome to speak with a Customer Service Officer, another officer or a Councillor who will take the details and lodge it for you through the complaints process. All complaints however received will follow the same internal review process.

If someone else has prepared the complaint for you, please make sure that you give them the details and review what is written to ensure that your complaint is accurately described.

Please include information that will assist in addressing your concerns - e.g:

- *what happened*
- *when did it happen*
- *why you think it is unfair or wrong*
- *what the initial response was through the first Internal Review*
- *why you are unhappy with the response*
- *what we should do to fix your complaint*
- *copies of documents or information you have to support your complaint.*

The second Internal Review is generally reviewed and approved by a Director (Note: If Internal Review No. 1 has been undertaken by a Director, the second will be reviewed and approved by the Chief Executive Officer).

If the Director/Chief Executive Officer cannot resolve the matter, a Council meeting agenda report will be prepared for the elected Council to make a decision.

A Council meeting is where all 9 elected members (i.e. Mayor and Councillors) formally meet as a group on the 2nd and 4th Wednesday of the month or at a special meeting. We will aim to write to you within a week of the meeting and advise of Council's decision.

The second internal review is often very complex particularly where matters involve multiple parties, employees or departments, or where the complaint spans a significant period of time. For this reason it may be difficult to commit to a particular timeframe.

This is particularly the case where:

- external advice or information needs to be sourced from an external organisation;
- information archives need to be searched and relevant information collated;
- significant time is required to thoroughly consider the complainant's concerns and the volume of requests for internal reviews at any given time.

An initial review of the complaint will be undertaken within 1 month (20 business days) and updates provided monthly thereafter if needed, through to finalisation.

You will be advised if a report to a Council meeting is required for a decision, and correspondence will be forwarded following the meeting.

Complaints about enforcement or compliance action

As our employees undertaken a number of functions in relation to the enforcement of State government legislation and local laws from time to time, individuals may be dissatisfied with the taking of such action. This action most commonly relates to a decision by an authorised officer or the issuing of an infringement notice. i.e. 'fine'.

Where an individual is seeking a review of such decision under specific legislation, e.g. *Animal Management (Cats and Dogs) Act 2008*, you will be advised of the timeframes for dealing with the request as well as any associated application fees that may be payable to progress to the review stage.

Infringement notices ("fines")

If you have been issued an infringement notice (PIN) for an offence relating to animals or other breaches of local laws or State legislation and believe there may be cause for it to be withdrawn, you may request a review of the fine.

An infringement **may** be withdrawn in the following circumstances:

- an exemption from the law; and/or
- reasonable excuse (e.g. compassionate grounds, emergency medical reason or circumstance); and/or
- an error on the infringement notice; and/or
- vehicle related offences (vehicle sold, vehicle stolen or unknown user).

An infringement **will not** be withdrawn for the following reasons:

- financial hardship
- being unaware of the law or not seeing a sign
- disagreeing with the law. You may feel the offence for which the infringement notice has been issued is trivial or did not cause a problem to anyone
- forgot to pay the registration fee
- payment was lost in the mail
- didn't know a permit was required
- the problem has now been addressed.



Who do I report my complaint to?

To lodge an appeal to have an infringement withdrawn please provide a written summary of your dispute. It is important that you provide sufficient supporting evidence when you lodge your request for an appeal to have an infringement withdrawn. This helps Council to make an informed decision.

All supporting evidence must be attached to the request for an infringement to be waived - examples of supportive evidence for different types of infringements include:

- photographs of incorrect or missing regulatory signage;
- documents that support medical or compassionate grounds;
- copies of permits or disabled permits not displayed at the time of the offence;
- building approvals or private certifier documents;
- receipts or evidence to support the mechanical reason for why a vehicle was parked illegally;
- statutory declaration as support for extenuating circumstances;

For example, a statutory declaration relating to a vehicle compliance matter may include:

- the vehicle has been sold (copy of transfer papers or receipt of sale must be provided) or otherwise disposed of;
- the vehicle had been used illegally (written advice or crime report from the Queensland Police Service must be provided);
- the vehicle owner was not the driver of the vehicle at the time of the offence and the name and contact details of the driver at the time the infringement notice was issued;
- the vehicle was being used by another person at the time of the offence but the driver at the time the infringement notice was issued is unable to be identified.

Appeal requests can be submitted using the Infringement Notice Withdrawal Request Form [\[Insert Link\]](#) and forwarding it to:

Post: Complaints Officer, PO Box 620, Roma. Qld 4455

E-mail: internal.review@maranoa.qld.gov.au



What can I expect?

The Complaints Officer will initiate an Internal Review, which will be undertaken by a higher level within the organisation, generally the relevant **Department Manager**. The reviewing officer may seek further information or clarification through the process. Once the review is completed, you will be advised of the outcome by the officer undertaking the review and the reasons for the decision.



How long will it take?

Council's target is 20 business days.
If additional time is required, an update will be provided within the 20 business days.



Still not happy with the outcome?

If you remain unsatisfied, a second internal review process can be requested. Please put your concerns in writing to us via post or e-mail.

Post: Complaints Officer, PO Box 620, Roma. Qld 4455

E-mail: internal.review@maranoa.qld.gov.au

If you are personally not able to put your concerns in writing, you are welcome to speak with a Customer Service Officer, another officer or a Councillor who will take the details and lodge it for you through the complaints process. All complaints however received will follow the same internal review process.

If someone else has prepared the complaint for you, please make sure that you give them the details and review what is written to ensure that your complaint is accurately described.

Please include information that will assist in addressing your concerns - e.g:

- *what happened*
- *when did it happen*
- *why you think it is unfair or wrong*
- *what the initial response was through the first Internal Review*
- *why you are unhappy with the response*
- *what we should do to fix your complaint*
- *copies of documents or information you have to support your complaint.*

The second Internal Review is generally reviewed and approved by a Director (Note: If Internal Review No. 1 has been undertaken by a Director, the second will be reviewed and approved by the Chief Executive Officer).

If the Director/Chief Executive Officer cannot resolve the matter a Council meeting agenda report will be prepared for the elected Council to make a decision.

A Council meeting is where all 9 elected members (i.e. Mayor and Councillors) formally meet as a group on the 2nd and 4th Wednesday of the month or at a special meeting. We will aim to write to you within a week of the meeting and advise of Council's decision.

The second internal review is often very complex particularly where matters involve multiple parties, employees or departments, or where the complaint spans a significant period of time. For this reason it may be difficult to commit to a particular timeframe.

This is particularly the case where:

- external advice or information needs to be sourced from an external organisation;
- information archives need to be searched and relevant information collated;
- significant time is required to thoroughly consider the complainant's concerns and the volume of requests for internal reviews at any given time.

An initial review of the complaint will be undertaken within 1 month (20 business days) and updates provided monthly thereafter if needed, through to finalisation.

You will be advised if a report to a Council meeting is required for a decision, and correspondence will be forwarded following the meeting.

Complaints about an employee's conduct

Council has in place, and periodically reviews, a code of conduct for its employees, which provides a framework for how they conduct their Council responsibilities.

Residents, businesses and visitors may observe conduct which they believe is inappropriate and may wish to raise these concerns with Council.

These types of complaints may range from low level matters such as opportunities for improvement through to serious allegations of corrupt or criminal activity. Examples of employee conduct complaints include:

- Concern about a particular work practice observed
- Conduct that you believe was inappropriate conduct
- A serious conduct concern
- Potential corrupt / criminal activity



Who do I report my complaint to?

If in the course of an employee conducting their Council responsibilities you believe the employee has engaged in corrupt conduct, you can report the matter directly to the Crime and Corruption Commission (CCC):

Online lodgement: <http://www.ccc.qld.gov.au/corruption/report-corruption>

E-mail: complaints@ccc.qld.gov.au

Phone: 1800 061 611

Post: Complaints Officer
Crime and Corruption Commission
GPO Box 3123
Brisbane Qld 4001.

Alternatively if you would like to raise the matter with Council in the first instance, such allegations are to be made to:

- For general concerns about an employee's conduct, the contact officer is:

Post: Manager Organisational Development & Human Resources,
(Private & Confidential),
PO Box 620,
Roma. Qld 4455

E-mail: employee.conduct@maranoa.qld.gov.au

- For matters pertaining to the Chief Executive Officer, the nominated person is the Deputy Chief Executive Officer (referred to as a 'public official'). There is a separate policy for suspected corrupt conduct complaints regarding a public official [\[Insert Link\]](#).

Post: Deputy Chief Executive Officer,
(Private & Confidential),
PO Box 620,
Roma, Qld. 4455

E-mail: deputy.ceo@maranoa.qld.gov.au

To assist with the assessment and where necessary subsequent investigation of your complaint, please ensure that your complaint is accurately described.

Information that will assist in reviewing your concerns include:

- *what happened*
- *when did it happen*
- *what do you think was wrong with the conduct*
- *were there any witnesses to the conduct (please include names where known)*
- *copies of documents or information you have to support your complaint.*

To assist in the assessment and investigation process (where applicable) it would be appreciated if you could provide your contact details to assist with any queries that may arise and to advise of your willingness to be interviewed in relation to the matter.

Where complaints are made anonymously, it will understandably not be possible to advise the outcome of the assessment or investigation process (where applicable).



What can I expect?

Employee conduct - general conduct concerns

General conduct complaints reported to Human Resources will be assessed in the first instance to determine the appropriate approach given nature of the complaint (e.g. discussion with employee and their supervisor / Manager / Director, internal investigation or external investigation).

Employee conduct - corrupt conduct concerns

Where employee conduct concerns are reported to Human Resources, an assessment by a Council representative of the complaint will be undertaken to ascertain if there is a reasonable suspicion of corrupt conduct and if so, it will be referred to the Crime and Corruption Commission.

Important note:



Complaints about employee conduct while not performing Council duties should be referred to the relevant agency e.g. directly to the police for alleged criminal activity.

- If the complaint is about the CEO, the Manager will refer the matter to the Deputy CEO who will liaise with the Crime and Corruption Commission
- If the complaint relates to other employees - the CEO or delegate will refer the matter to the Crime and Corruption Commission.

Where an employee conduct complaint has been made or referred to the Crime & Corruption Commission (CCC), the Commission will assess the complaint to determine whether the matter may be referred to Council to deal with or the CCC may elect to deal with the matter (e.g. investigate).

Investigations of complaints involving corrupt conduct will be undertaken in accordance with the CCC's Corruption in Focus guide, or in accordance with specific directions by the CCC: <http://www.ccc.qld.gov.au/corruption-prevention/corruption-in-focus>.

For more information about the Crime and Corruption investigation procedures: <http://www.ccc.qld.gov.au/corruption/how-the-ccc-investigates-corruption/procedures>

When communicating about an employee conduct complaint, complainants need to be aware that they may not receive the full details of the investigation process and outcomes as they relate to individuals. Providing information about the outcome of a complaint, such as whether the complaint was substantiated, the reasons for this determination, and the specific measure(s) taken because of the complaint, can reveal personal information about the individual who was the subject of the complaint.

The privacy principles prohibit an agency from disclosing an individual's personal information to a third party unless one of the permitted exceptions apply. One of the more relevant exceptions for the disclosure of complaint outcome information is where this is 'required or authorised under a law'.

For more information refer to: www.oic.qld.gov.au/guidelines/for-government/guidelines-privacy-principles/applying-the-privacy-principles/privacy-in-complaints-management-status-and-outcomes.



How long will it take?

- **General conduct concerns**

Generally, the time needed will depend on the nature of the complaint. Council's target is 20 business days.

If additional time is required, an update will be provided within the 20 business days.

- **Corrupt conduct concerns**

The Crime and Corruption Commission is the lead agency in relation to employee corrupt conduct concerns. The Commission's published timeframes are:

Assessment - Target 85% within 1 month. In some cases it may take longer if further information is required from the complainant, or if the CCC needs to obtain information or documents from Council.

Investigation - Target 85% within 12 months



Still not happy with the outcome?

- **General conduct concerns**

An internal review by Council's Chief Executive Officer can be requested.

E-mail: ceo@maranoa.qld.gov.au

Post: Chief Executive Officer
(Strictly confidential)
PO Box 620
Roma, Qld. 4455

- **Corrupt conduct concerns**

In relation to outcomes provided by the Crime and Corruption Commission (CCC), an internal review by the CCC can be requested. The review ('Complaint Service Review') will be conducted by:

- a CCC officer with the appropriate delegation who is senior to the officer who made the original decision; or
- the Deputy Chairperson, if the Chairperson was involved in the original decision.

<http://www.ccc.qld.gov.au/corruption/how-the-ccc-investigates-corruption/procedures>



Important note:

Council employees can also make a complaint or report information they become aware of in the course of their duties about the inappropriate conduct of staff or Councillors using the same e-mail addresses as someone external to Council or raising the matter with their Director, Manager Human Resources or CEO.

Does your complaint relate to a service or project being delivered by a contractor?

Sometimes Council services or projects are delivered by a contractor. These are often local businesses who operate in our community.



Who do I report my complaint to?

If you have a concern in relation to a Council contractor, the request can be forwarded to:

Post: Complaints Officer, PO Box 620, Roma, Qld. 4455

E-mail: internal.review@maranoa.qld.gov.au (Attention: Complaints Officer)

Phone: 1300 007 662 (Initial Review only)

The matter will then be referred to Council's contract administrator or superintendent for the contract works. An assessment will be made against the contract document and with the contractor's business.



What can I expect?

Depending on the legal agreement and the nature of the complaint, the matter may be referred to the contractor to deal with through their organisation's processes. This will particularly be the case in relation to matters concerning the contractor's employees.

Any identified issues with the contractor's performance will be assessed in accordance with the contract terms and conditions between Council and the contractor and managed in accordance with the contract communication and dispute resolution clauses.



How long will it take?

Council's target is 20 business days.

If additional time is required, an update will be provided within the 20 business days.



Still not happy with the outcome?

A request for a second internal review can be made to the same e-mail address internal.review@maranoa.qld.gov.au

The review will be conducted by a more senior employee (e.g. Director).

4. Competition from a Council Business



Do you have concerns about competition from a Council business activity?

Competitive neutrality refers to the requirement that Council must not receive any competitive advantage in relation to a business activity because it is a local government.

There are circumstances where a Council business may be in direct competition or have the potential to be in competition with the private sector. The *Local Government Act 2009* includes a number of requirements for these types of businesses depending on their size (annual expenditure compared to legislative thresholds). For smaller businesses, this includes consideration of applying a Code of Competitive Conduct.

Council is committed to the early resolution of competitive neutrality concerns and encourages the affected person (or business) to report the concerns to Council in the first instance.

Definitions:

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 (or business).

An **affected person** (or business) for a competitive neutrality complaint is—

- (a) a person (or business) 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 (or business) alleges is enjoyed by the local government; or
- (b) a person (or business) 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 (or business) alleges is enjoyed by the local government.

Business activity, of a local government, means trading in goods and services by the local government.

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.



Who do I report my complaint to?

In the first instance, the affected person (or business) should put their concerns in writing to Council:

- E-mail: internal.review@maranoa.qld.gov.au; or
- Post: Maranoa Regional Council,
Complaints Officer,
PO Box 620,
Roma, Qld. 4455

Information that will assist in reviewing concerns include:

1. Details of Council's alleged failure to comply with the competitive neutrality principle in conducting the business activity; and
2. Information that shows:
 - a. the affected person (or business) that is, or could be, in competition with the business entity; and
 - b. how the affected person (or business) is, or may be, adversely affected by Council's alleged failure.



What can I expect?

The request will be assigned to a Complaints Officer to research and prepare a report to a Council meeting.

The report will be reviewed by the Director and Chief Executive Officer prior to inclusion in the meeting agenda. Formal meeting correspondence will be prepared to you once the minutes of the meeting have been finalised.



How long will it take?

Council's target is 20 business days.

If additional time is required, an update will be provided within the 20 business days.



Still not happy with the outcome?

If the affected person (or business) is dissatisfied with Council's decision, a competitive neutrality complaint can be lodged directly to the Queensland Productivity Commission (QPC):

Online lodgement: <https://www.qpc.qld.gov.au/contact-us/>

Post: Queensland Productivity Commission
PO Box 12112 George Street
Brisbane, Qld. 4003

Competitive neutrality complaints must be made in writing and may be lodged with Council for referral to the Queensland Productivity Commission as soon as practicable:

Post: Complaints Officer, PO Box 620, Roma, Qld. 4455; or
Email: internal.review@maranoa.qld.gov.au (Attention: Complaints Officer)

Information you should include:

- the alleged advantage the affected person (or business) considers the Council owned business has;
- the way the affected person (or business) is, or could be, in competition with the Council owned business;
- the way in which the affected person (or business) is, or may be, adversely affected by the Council owned business' failure to comply with the principle of competitive neutrality; and
- information to demonstrate that the affected person (or business) has made a genuine attempt to resolve the complaint with Council e.g. formal meeting correspondence advising of Council's decision on the matter.

If the Queensland Productivity Commission (QPC) decides to undertake an investigation, it aims to complete an investigation within six months from the time the investigation notice is sent. However, the time taken for an investigation may vary due to the complexity of the matters under investigation, the quality of information available and whether the information has been provided punctually.

If the QPC provides a report to Council about an investigation into a competitive neutrality complaint, Council will make a copy of that report available as soon as practicable for inspection at the Council's public office.

A meeting report will be prepared for inclusion in a meeting agenda for Council to consider the recommendations in the Commission's report at the first meeting of Council following receipt of the report. Council will decide by resolution whether to implement the recommendations contained in the QPC report, stating the reasons for its decision.

Council will provide a notice of the resolution (formal meeting correspondence) to the Commission and the affected person (or business) within seven (7) days after making the resolution.

Council will maintain a register of all Competitive Neutrality Complaints, recommendations and decisions and will make it available for viewing at Council's Public Office.

Queensland Productivity Commission

The Queensland Productivity Commission (QPC) is an independent statutory body established by the State government to provide advice on complex economic and regulatory issues, and proposes policy reforms that aim to drive economic growth, lift productivity and improve living standards for Queenslanders.

The QPC is responsible for the Queensland State Government's competitive neutrality complaints mechanism:

- Advising government agencies about complying with the principle of competitive neutrality
- Receiving, investigating and reporting on complaints about the alleged failures of government agencies to comply with the principle of competitive neutrality.

The Queensland Productivity Commission has an advisory role. This means it provides independent advice to local government, but any action is ultimately a matter for the relevant Council.

The Commission follows the following acts, regulations and policies when it handles competitive neutrality complaints about local government business activities:

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- National Competition Policy Implementation in Queensland: *National Competition Policy and Queensland Local Government (1996)*.

Public Interest Disclosures

About Public Interest Disclosures

A public interest disclosure is a disclosure about a serious wrongdoing in the public sector, in a way that ensures the individual is appropriately protected when they do.

For an allegation to be considered a public interest disclosure under the *Public Interest Disclosure Act 2010* (the PID Act) it must be:

- public interest information about serious wrongdoing or danger
- an appropriate disclosure
- made to a proper authority (e.g. Council, CCC).

Who do I make my disclosure to?

Any person, including a public sector employee, can make a public interest disclosure to Council about:

- danger to the health or safety of a person with a disability
- danger to the environment caused by commission of an offence or contravention of a condition in certain environmental legislation; or
- reprisal after making a public interest disclosure.

Post: PID Officer, PO Box 620, Roma. Qld 4455

E-mail: pid@maranoa.qld.gov.au (Attention: PID Officer)

Telephone: 1300 007 662; or

In person: At one of our Customer Service offices

A public officer (Councillor or officer of Council) can also make a public interest disclosure about:

- corrupt conduct
- maladministration that adversely affects someone's interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- a substantial and specific danger to the environment.

The public officer can make the disclosure to the Crime and Corruption Commission:

Online: www.ccc.qld.gov.au/corruption/report-corruption

Phone: 1800 061 611

E-mail: complaints@ccc.qld.gov.au

Post: Complaints Officer
Crime and Corruption Commission
GPO Box 3123
Brisbane Qld 4001.

<http://www.ccc.qld.gov.au/corruption/report-corruption>

If a disclosure about corrupt conduct is made directly to Council, the PID Officer will refer the matter to the CCC which will assess the complaint and advise the Chief Executive Officer of the action required.

You can make an anonymous PID however this will often make the disclosure more difficult to investigate. We strongly encourage disclosers to identify themselves. Strict confidentiality is maintained at all times in relation to investigation and reporting of PIDs.

What can I expect?

Under the Public Interest Disclosure Act, identifying information about a person making a disclosure, the person/s alleged to have engaged in wrongdoing and details of the disclosure are all confidential. It is an offence to reveal confidential information except in certain circumstances, such as:

- if it is required under the Public Interest Disclosure Act
- if it is required under another Act
- for a proceeding in a court or tribunal
- to protect the health or safety of a person
- if the person to whom the confidential information relates agrees in writing

It is an offence for any person to cause or attempt to cause detriment to another person because of or in the belief that a person has made or may make a PID.

Disclosers are entitled to reasonable information about the action taken as a result of making a disclosure. This includes information about the action proposed and, if action is taken, the results of that action.

All other aspects of the complaint and the relevant agencies will be in accordance with the previous sections of this policy and process framework.

If a disclosure is not a public interest disclosure, it may still be an important complaint.

Council's Public Interest Disclosure Policy and Public Interest Disclosure Procedure provides clear guidance on how Council will handle and deal with PIDs.

DEFINITIONS

TERM	DEFINITION
Administrative Action Complaint	<p>An administrative action complaint is a complaint that is about an administrative action of Council, for example:</p> <ul style="list-style-type: none"> (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. <p>When deciding if a complaint is an administrative action complaint, it is irrelevant –</p> <ul style="list-style-type: none"> (a) how quickly the complaint was resolved; or (b) to which area of a local government the complaint was made; or (c) whether the complaints was a written or verbal complaint; or (d) whether or not the complaint was made anonymously.
Administrative Action - Affected Person	<p>An affected person is a person who is apparently directly affected by an administrative action of Council.</p>
Competitive Neutrality Complaint	<p>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.
Competitive Neutrality Complaint - Affected Person	<p>A person who:</p> <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 <p>or</p> <p>A person who—</p> <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.
Complainant	<p>The person who makes a complaint.</p>
Complaint Management	<p>What happens when a customer is not satisfied with a response provided through the Customer Request process, an administrative action complaint, conduct complaint or competitive neutrality complaint.</p>

TERM	DEFINITION
Conduct	<ul style="list-style-type: none"> (a) neglect, failure and inaction; and (b) conspiracy to engage in conduct; and (c) attempt to engage in conduct.
Corrupt Conduct **	<p>Corrupt conduct is defined in section 15 of the <i>Crime and Corruption Act 2001</i> as follows:</p> <p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> (i) a unit of public administration; or (ii) a person holding an appointment; and (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— <ul style="list-style-type: none"> (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and (c) would, if proved, be— <ul style="list-style-type: none"> (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment. <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) impairs, or could impair, public confidence in public administration; and (b) involves, or could involve, any of the following— <ul style="list-style-type: none"> (i) collusive tendering; (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— <ul style="list-style-type: none"> (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State’s natural, cultural, mining or energy resources; (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; (v) fraudulently obtaining or retaining an appointment; and (c) would, if proved, be— <ul style="list-style-type: none"> (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.

**** Important Note:** As reforms are implemented at a State level, the definition of “Corrupt conduct” is updated from time to time. The above definition was current at the time of this policy adoption. Readers should refer to section 15 of the *Crime and Corruption Act 2001* for the current definition which can be found on the Queensland Government’s legislation website: <https://www.legislation.qld.gov.au/browse/inforce#/act/title/c>.

DEFINITIONS

TERM	DEFINITION
Council	Maranoa Regional Council
Council Officer or Employee	A person employed by Council whether in a full-time, part-time, casual basis.
Council Team Member	An Employee, delegated officer or Councillor of Maranoa Regional Council. The term excludes family members, associates or employees of private businesses.
Councillor	A person who stood for, and was elected by the community, in a Local Government election to form part of Council and who has the responsibilities as detailed in section 12 of the <i>Local Government Act 2009</i> . The term Councillor includes the Mayor. The term excludes a Councillor's family members, associates or employees of their private businesses.
Customer	An individual (ratepayer, resident, visitor) or business, community group, or government department/agency who interacts with Council in relation to the provision of a service or requested action within the jurisdiction of Maranoa Regional Council. It also includes a person who is a Councillor, where the person is requesting that Council provide a service or take an action involving their own property or business, or a community group for which they are a member in their private capacity, when the request: <ul style="list-style-type: none"> • is lodged in the same way as other Customers (through the published Customer contact methods); • is made in their personal or business name, or in the name of the community group (rather than as Councillor); • is managed in the same way as all other requests from the public. It does not include a Councillor who passes on details on behalf of another person (the other person is the Customer).
Complaint Number	A unique identifier to streamline communications about a particular complaint.
Information	A communication received by the CCC concerning suspected corruption that is not a complaint, notification or matter OR information from other sources (see examples below). Examples of information may include, but are not limited to: <ul style="list-style-type: none"> • information given to the commission through a commission activity, including, for example— evidence given by a witness at a commission hearing information obtained through telephone interception or a covert operation evidence gathered through a corruption investigation • an intelligence report from a law enforcement agency • a media report • indirect sources of information about suspected corruption.

TERM	DEFINITION
Matter	An adverse finding made by an official body such as Parliament, a court or a tribunal that a person has, or may have, engaged in corruption.
Procedural Fairness	<p>Also referred to as “natural justice” — applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Procedural fairness is, at law, a safeguard applying to the individual whose rights or interests are being affected. The rules of procedural fairness, which have been developed to ensure that decision-making is fair and reasonable, are simple:</p> <ul style="list-style-type: none"> • Avoid bias. • Give a fair hearing. <p>Depending on the circumstances, procedural fairness may require an officer to:</p> <ul style="list-style-type: none"> • inform people against whose interests a decision may be made of the substance of any allegations against them, or grounds for adverse comment about them • give people a reasonable opportunity to put their case, whether in writing, at a hearing or otherwise • hear all relevant parties and consider submissions from them • make reasonable enquiries or investigations before making a decision • ensure that no person decides a case in which they have a direct interest • act fairly and without bias • conduct any investigation without undue delay.
Public Official	<p>Under the <i>Crime and Corruption Act 2001</i>, public official means—</p> <p>(a) the ombudsman; or</p> <p>(b) the chief executive officer of a unit of public administration, including the commissioner of police; or</p> <p>(c) a person who constitutes a corporate entity that is a unit of public administration.</p> <p>The public official for Maranoa Regional Council is the Chief Executive Officer.</p>
Reasonable Suspicion	<p>For a suspicion to be “reasonable”, there needs to be more than bare or idle speculation. In essence, there must be some evidence sufficient for a reasonable person to suspect corrupt conduct.</p> <p>It is not necessary to believe that the alleged conduct is corrupt conduct, or that the conduct has actually occurred. Reasonable suspicion must be based on an objective assessment of the information at hand.</p> <p>It is not sufficient to subjectively decide that someone is or is not capable of the alleged conduct.</p> <p>At time of forming the suspicion, sufficient evidence does not need to be available to prove the corrupt conduct allegation, but the available facts, evidence or other information must suggest that the allegation, if proven, would amount to corrupt conduct. The suspicion may be based on hearsay and other inadmissible material that nevertheless is relevant.</p> <p><i>Note: The CCC does not need to be notified if the public official does not hold a reasonable suspicion. For example, if there is something about the allegation — including any direct knowledge — which shows beyond doubt that it is not correct.</i></p>

APPENDIX A: Code of Conduct for Councillors in Queensland

Department of Local Government, Racing and Multicultural Affairs



Code of Conduct for Councillors in Queensland

Approved on 3 December 2018

Working towards White Ribbon accreditation



Department of Local Government, Racing and Multicultural Affairs



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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available on the Department of Local Government, Racing and Multicultural Affairs' website at www.dlgrma.qld.gov.au.



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Purpose of the Code of Conduct

The Code of Conduct sets out the principles and standards of behaviour expected of Councillors and Mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in Local Government and Council decisions.

Background

Under section 150D of the *Local Government Act 2009* (the Act), the Minister for Local Government must make a Code of Conduct stating the standards of behaviour for Councillors in the performance of their responsibilities as Councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, Councillors must understand and commit to complying with the Local Government principles and obligations of Councillors in accordance with section 169 of the Act, as well as the standards of behaviour set out in this Code of Conduct. All Councillors are required to make a declaration of office under section 169 of the Act. As part of that declaration, Councillors must declare that they will abide by this Code of Conduct.



The Local Government Principles and Values

The Act is founded on five Local Government principles with which Councillors must comply while performing their roles as elected representatives. These principles are listed below:

1. Transparent and effective processes, and decision-making in the public interest
2. Sustainable development and management of assets and infrastructure, and delivery of effective services
3. Democratic representation, social inclusion and meaningful community engagement
4. Good governance of, and by, Local Government
5. Ethical and legal behaviour of Councillors and Local Government employees.

This Code of Conduct provides a set of values that describe the types of conduct Councillors should demonstrate under each principle. These values are listed below:

1. In making decisions in the public interest, Councillors will:
 - make decisions in open council meetings
 - properly inform relevant personnel of all relevant information
 - make decisions in accordance with law and policy
 - commit to exercising proper diligence, care and attention.
2. To ensure the effective and economical delivery of services, Councillors will:
 - manage Council resources effectively, efficiently and economically
 - foster a culture of excellence in service delivery.
3. In representing and meaningfully engaging with the community, Councillors will:
 - show respect to all persons
 - clearly and accurately explain Council's decisions
 - accept and value differences of opinion.
4. In exercising good governance, Councillors are committed to:
 - the development of open and transparent processes and procedures
 - keeping clear, concise and accessible records of decisions.
5. To meet the community's expectations for high level leadership, Councillors will:
 - be committed to the highest ethical standards
 - uphold the system of Local Government and relevant laws applicable.

This Code of Conduct also sets out standards of behaviour aimed at helping Councillors understand how the principles and values are put into practice while performing their official duties as elected representatives.

Each standard of behaviour is not intended to cover every possible scenario. However, they provide general guidance about the manner in which Councillors are expected to conduct themselves.

It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.



Standards of behaviour

This Code of Conduct sets out the standards of behaviour applying to all Councillors (excluding Councillors who are governed under the *City of Brisbane Act 2010*) in Queensland. The behavioural standards relate to, and are consistent with, the Local Government principles and their associated values.

The standards of behaviour are summarised as the three R's, being:

1. **RESPONSIBILITIES**
2. **RESPECT**
3. **REPUTATION**

Each standard of behaviour includes, but is not limited to, several examples to guide Councillors in complying with the Code of Conduct when carrying out their role as elected officials. Councillors are to understand and comply with the following standards of behaviour as set out in the Code of Conduct listed below.

1. Carry out **RESPONSIBILITIES** conscientiously and in the best interests of the Council and the community

For example, Councillors will, at a minimum:

- 1.1 Attend and participate meaningfully in all Council meetings, briefings, relevant workshops and training opportunities to assist Councillors in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given
- 1.2 Respect and comply with all policies, procedures and resolutions of Council
- 1.3 Use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business
- 1.4 Report any suspected wrongdoing to the appropriate entity in a timely manner
- 1.5 Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)
- 1.6 Cooperate with any investigation being undertaken by the Local Government or other entity.

2. Treat people in a reasonable, just, **RESPECTFUL** and non-discriminatory way

For example, Councillors will, at a minimum:

- 2.1 Show respect for fellow Councillors, Council employees and members of the public
- 2.2 Not bully, harass, intimidate or act in a way that the public would reasonably perceive a Councillor's behavior to be derogatory towards other Councillors, Council employees and members of the public
- 2.3 Be respectful of other people's rights, views and opinions.



3. Ensure conduct does not reflect adversely on the **REPUTATION** of Council

For example, Councillors will, at a minimum:

- 3.1 When expressing an opinion dissenting with the majority decision of Council, respect the democratic process by acknowledging that the Council decision represents the majority view of the Council
- 3.2 When making public comment, clearly state whether they are speaking on behalf of Council or expressing their personal views
- 3.3 Avoid making unnecessary or irrelevant comments or accusations about Councillors or Council employees in order to undermine them or their position
- 3.4 Ensure behaviour and presentation is appropriate to maintain the dignity of the office of the Councillor.

Consequences of failing to comply with the Code of Conduct

Failure to comply with the standards of behaviour in this Code of Conduct, or other conduct prescribed in this Code of Conduct may give rise to a complaint against a Councillor's conduct and subsequent disciplinary action under the Act.

A complaint about the conduct of a Councillor must be submitted to the Independent Assessor who will assess the complaint and determine the category of the allegation. In order of most to least serious, the categories of complaint are **corrupt conduct**, **misconduct**, **inappropriate conduct** and then **unsuitable meeting conduct**.

Unsuitable meeting conduct

Under section 150H of the Act, any conduct by a Councillor that is contrary to the standards of behavior in the Code of Conduct that occurs within a meeting of Council (including standing committee meetings), is dealt with as **unsuitable meeting conduct**.

Unsuitable meeting conduct by a Councillor is dealt by the Chairperson of the meeting. It is important that the Chairperson deal with matters of unsuitable meeting conduct locally, and as efficiently and effectively as possible so that Council can continue with their business of making effective decisions in the public interest.

Note: Chairpersons of meetings are carrying out a statutory responsibility under the Act to manage and lead the meeting. As such, where a Chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct (see below).



Inappropriate conduct

Under section 150K of the Act, any conduct by a Councillor that is contrary to the standards of behavior in the Code of Conduct or a policy, procedure or resolution of a Council, and is not unsuitable meeting conduct, misconduct or corrupt conduct (i.e. occurs outside of a meeting of Council) is dealt with as **inappropriate conduct**.

The conduct of a Councillor is also inappropriate conduct if the conduct contravenes an order by the Chairperson of a meeting of Council for the Councillor to leave the meeting, or is conduct at Council meetings that leads to orders for the Councillor's unsuitable meeting conduct being made on three occasions within a period of one year.

The Independent Assessor is responsible for assessing allegations of suspected inappropriate conduct. If the Independent Assessor chooses to refer the matter to the Council to deal with, the Council must deal with the matter as quickly and effectively as possible.

Misconduct

Councillors are required to comply with all laws that apply to Local Governments. This includes refraining from engaging in **misconduct**.

The Independent Assessor is responsible for assessing and investigating instances of suspected misconduct. The Independent Assessor may then refer the matter to the Councillor Conduct Tribunal to be heard and determined.

The conduct of a Councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the Councillor's functions or exercise of powers, or
- is, or involves:
 - a breach of trust placed in the Councillor
 - misuse of information or material acquired by the Councillor, whether the misuse is for the benefit of the Councillor or for the benefit or to the detriment of another person
 - a Councillor giving a direction to any Council employee (other than the Mayor giving direction to the Chief Executive Officer and senior executive employees)
 - a release of confidential information outside of the Council
 - failure by a Councillor to report a suspected material personal interest, conflict of interest or perceived conflict of interest of another Councillor, or
- is a failure by the Councillor to comply with:
 - an order made by the Council or Tribunal
 - any acceptable request guidelines of the Council made under section 170A of the Act
 - the reimbursement of expenses policy of the Council.

The conduct of a Councillor is also misconduct if the conduct leads to the Councillor being disciplined for inappropriate conduct on three occasions within a period of one year, or is conduct that is identified in an order of Council that will be dealt with as misconduct if the Councillor engages in the conduct again.



Corrupt conduct

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001* and must be referred to the Crime and Corruption Commission. For a Councillor, corrupt conduct involves behaviour that:

- adversely affects or could adversely affect the performance of the Councillors responsibilities, and
- involves the performance of the Councillors responsibilities in a way that:
 - is not honest or impartial, or
 - involves a breach of the trust placed in the Councillor, or
 - involves the misuse of information acquired by the Councillor, and
- is engaged in for the purpose of providing a benefit or a detriment to a person, and
- if proven would be a criminal offence.

More information

The Department's website provides further information and resources for Councillors.

The Department also provides and facilitates training for Councillors and Council employees to assist them to develop the knowledge, skills and understanding necessary to undertake their roles and responsibilities effectively and in the best interests of their communities.

For more information, please contact your regional office within Local Government and Regional Services in the Department on:

Telephone: 13 QGOV (13 74 68)

Post: PO Box 15009, City East, Queensland 4002

Website: www.dlgrma.qld.gov.au

APPENDIX B: Section 48A Complaints

Title: Complaints about the public official: section 48A of the *Crime and Corruption Act 2001*

1 Objective

The Chief Executive Officer is the public official of the Maranoa Regional Council.

The objective of this policy is to set out how the Maranoa Regional Council will deal with a complaint (also information or matter)¹ that involves or may involve corrupt conduct of its public official as defined in the *Crime and Corruption Act 2001* (CC Act).

2 Policy rationale

The policy is designed to assist the Maranoa Regional Council to:

- Comply with s48A of the *Crime and Corruption Act 2001*;
- Promote public confidence in the way suspected corrupt conduct of the public official for the Maranoa Regional Council is dealt with (s34(c) CC Act);
- Promote accountability, integrity and transparency in the way the Maranoa Regional Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the public official.

3 Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i>
Contact details	The contact details for the Deputy Chief Executive Officer are set out on page 9 of this document (Complaint Management Policy & Processes).
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
<i>Corruption in Focus</i>	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.5
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	see item 5 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i>
Unit of public administration (UPA)	see s20 of the <i>Crime and Corruption Act 2001</i>

4 Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the public official of the Maranoa Regional Council

¹ See s48A of the CC Act and definitions below

- to all persons who hold an appointment in, or are employees of, the Maranoa Regional Council

For the purpose of this policy a complaint includes information or matter.²

5 Nominated person

Having regard to s48A(2) and (3) of the CC Act, this policy nominates:

- Deputy Chief Executive Officer as the nominated person³

to notify⁴ the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.⁵

Once the Maranoa Regional Council nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the public official/CEO is a reference to the nominated person⁶.

6 Complaints about the public official

Complaint involving a reasonable suspicion of corrupt conduct, where there is a nominated person

Where there is a nominated person, if a complaint may involve an allegation of corrupt conduct of the public official of the Maranoa Regional Council, the complaint may be reported to:

- the nominated person, or
- a person to whom there is an obligation to report under an Act⁷ (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the public official, they are to:

- notify the CCC of the complaint⁸, and
- deal with the complaint, subject to the CCC's monitoring role, when — directions issued under s40 apply to the complaint, if any, or pursuant to s46, the CCC refers the complaint to the nominated person to deal with⁹.

If the public official reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the public official must:

- report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
- take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the elected Council.

Where there is a nominated person, and if directions issued under s40 apply to the complaint:

- the nominated person is to deal with the complaint, and

² See s48(4) CC of the CC Act

³ See footnote 2 'Suggested outline of policy'

⁴ Under ss37 or 38 of the CC Act

⁵ Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act

⁶ See s48A(3) CC Act

⁷ See s39(2) of the CC Act

⁸ Under ss37 or 38, subject to s40 of the CC Act

⁹ Under ss41 and 42 and/or ss43 and 44 of the CC Act

- the public official is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the elected Council.

7 Resourcing the nominated person

If pursuant to ss40 or 46, the nominated person has responsibility to deal with the complaint¹⁰:

- the Maranoa Regional Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately¹¹, and
- the nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
 - authorisation under a law of the Commonwealth or the State, or
 - the consent of the nominated person
- the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - purposes of the CC Act¹²
 - the importance of promoting public confidence in the way suspected corrupt conduct in the Maranoa Regional Council is dealt with¹³, and
 - the Maranoa Regional Council's statutory, policy and procedural framework.

If the Deputy Chief Executive Officer (i.e. nominated person) has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the public official to direct and control staff of the Maranoa Regional Council as if the nominated person is the public official of the Maranoa Regional Council for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the public official to enter into contracts on behalf of the Maranoa Regional Council for the purpose of dealing with the complaint
- do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the elected Council or the public official, to the nominated person.

8 Liaising with the CCC

The public official is to keep the CCC and the nominated person (if any) informed of:

- the contact details for the public official/CEO and the nominated person (i.e. Deputy Chief Executive Officer)
- any proposed changes to this policy.

9 Consultation with the CCC

The public official will consult with the CCC when preparing any policy about how the Maranoa Regional Council will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.¹⁴

10 Statutory references

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001*.

¹⁰ Under ss43 and 44 of the CC Act

¹¹ See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the Maranoa Regional Council's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

¹² See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

¹³ See s34(c) CC Act

¹⁴ Section 48A of the CC Act

11 Approval

This policy is approved by:

Chief Executive Officer

Date: 20 May 2019

Elected Council

Date: 22 May 2019

Next review date: May 2020

APPENDIX C: Legislative Look-up - Precis of key sections

Step 1 Reporting complaints



Crime and Corruption Act 2001

36	Complaining about corruption <i>(Complaint can be made to the commission, but there are no limits to whom a complaint about corruption can be made - e.g. could be made to the Crime and Corruption Commission and to the Director-General of the Department of Local Government)</i>
38	Duty to notify commission of corrupt conduct <i>(The CEO must notify the commission of a complaint, subject to section 40)</i>
39	Duty to notify is paramount <i>(This applies irrespective of whether a matter is considered confidential)</i>
40	Commission may issue directions about notifications <i>(About what and how the CEO is to notify the Commission)</i>
40A	Record of alleged corrupt conduct not notified <i>(Details, evidence and reasons for decision to not notify must be kept)</i>
48A	Policy about how complaints involving public official are to be dealt with <i>(Council must develop a policy for corrupt conduct complaints about the CEO; the Deputy CEO is the notifier at Maranoa Regional Council).</i>

Local Government Act 2009

150N	Duty to notify Crime and Corruption Commission about suspected corrupt conduct not affected <i>(The Office of Independent Assessor also has a responsibility to notify the Crime and Corruption Commission of suspected corrupt conduct.)</i>
150O	Complaints about councillor conduct <i>(can be made to the Office of Independent Assessor, orally or in writing; there are no limits to whom a complaint about a councillors' conduct can be made - e.g. could be made to the Crime and Corruption Commission and to the Director-General of the Department of Local Government)</i>
150P	Complaints about councillor conduct must be referred to assessor <i>(applies unless there is a duty to notify the Crime and Corruption Commission of suspected corrupt conduct).</i>
150R	Local government official must notify assessor about particular conduct <i>(a local government official is a councillor or the CEO - must notify the assessor of information indicating a councillor may have engaged in conduct that would be inappropriate conduct or misconduct)</i>
150S	Local government must notify assessor about misconduct
48	Competitive neutrality complaints <i>(a complaint relating to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle and is made by an affected person).</i>

Local Government Regulation 2012

45	Making a complaint (competitive neutrality) <i>(Complaint to be in writing to Council or the Queensland Productivity Commission (QPC), with details of the business entity's alleged failure to comply with the competitive neutrality principle, information that the person is or could be in competition with the local government business entity, how the complainant is, or may be, adversely affected by the business entity's alleged failure, and shows that the complainant has made a genuine attempt to resolve the complaint through the complaints process). If the complaint is made to Council, it must be forwarded to the QPC as soon as practicable.</i>
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Ombudsman Act 2001

7, 10	Meaning of administrative action <i>(includes a decision and an action, failure to make a decision or do an action, the formulation of a proposal or intention, the making of a recommendation).</i>
20	Complaints <i>(can be made orally or in written form, by an affected person, generally within a year the complainant had notice of the action, unless the Ombudsman otherwise decides).</i>

Step 2 Assessment of complaint



Crime and Corruption Act 2001

- | | |
|----|--|
| 33 | Commission's corruption functions
<i>(dealing with a complaint in the appropriate way, having regard to principles in Section 34)</i> |
| 34 | Principles for performing corruption functions
<i>(cooperation, capacity building, devolution, public interest)</i> |
| 45 | Responsibility of commission
<i>(the Crime and Corruption Commission has primary responsibility for dealing with complaints about, or information or matter involving, corrupt conduct)</i> |
| 46 | Dealing with complaints - commission
<i>(responsibilities include expeditiously assessing each complaint about corruption made or notified to it, or otherwise coming to its attention)</i> |

Local Government Act 2009

- | | |
|------|---|
| 150Q | Further information about complaints
<i>(Office of Independent Assessor can request further information)</i> |
|------|---|

Ombudsman Act 2001

- | | |
|----|---|
| 22 | Preliminary enquiry
<i>(The ombudsman may make reasonably necessary inquiries to decide whether a complaint should be investigated, and must be provided with reasonable help by the CEO or delegate).</i> |
|----|---|

Step 3 Research into complaint / investigation by relevant agency



Crime and Corruption Act 2001

33 (2)	The commission's corruption functions also include— (a) <i>investigating and otherwise dealing with—</i> (i) <i>conduct liable to allow, encourage or cause corrupt conduct; and</i> (ii) <i>conduct connected with corrupt conduct; and</i> (b) <i>investigating whether corrupt conduct or conduct mentioned in paragraph (a)(i) or (ii) may have happened, may be happening or may happen.</i>
35	How commission performs its corruption functions (<i>Can include investigating itself, in cooperation with or monitoring others' investigations - e.g. Council (Section 43). Ensures the gathering of evidence for prosecution or disciplinary proceedings.</i>)
46	Dealing with complaints—commission (<i>Outlines the range of actions the Commission may take. Website notes that the CCC will retain and investigate only the most serious allegations of corrupt conduct, including those with a strong public interest element or if the relevant agency is not equipped to handle the investigation. Complaints about corrupt conduct (or information provided) that are not considered to be serious or systemic are referred to the appropriate agency to deal with.</i>)

Local Government Act 2009

150T	Assessor must investigate conduct of councillor (<i>Unless there is insufficient information, the assessor must investigate complaints referred to it, either by a person, the local government or the Crime and Corruption Commission.</i>)
150U	Assessor may initiate investigation (of the conduct of a councillor) (<i>The assessor may, at its own initiative, investigate a councillor's conduct if becoming aware of information indicating a councillor may have engaged in conduct that would be inappropriate conduct or misconduct - not corrupt conduct, but still in the public interest to investigate.</i>)
150V	Investigative powers (of the assessor when investigating the conduct of a Councillor) (<i>The assessor will conduct the investigation in the way it sees appropriate, and make inquiries the assessor considers appropriate, with the investigation kept confidential to the extent practicable.</i>)
150AE	Local government must adopt investigation policy (for the conduct of a councillor) (<i>The policy, to be included on the website, details how Council is to deal with the suspected inappropriate conduct of councillors referred, by the assessor, to Council to be dealt with.</i>) <i>The policy must—</i> (a) <i>include a procedure for investigating the suspected inappropriate conduct of councillors; and</i> (b) <i>state the circumstances in which another entity may investigate the conduct; and</i> (c) <i>be consistent with the principles of natural justice; and</i> (d) <i>require councillors and persons who make complaints about councillors' conduct to be given notice about the outcome of investigations.</i> (3) <i>The policy may allow the local government to ask the president of the conduct tribunal to—</i> (a) <i>investigate the conduct of a councillor; and</i> (b) <i>make recommendations to the local government about dealing with the conduct.</i> <i>Note— See section 150DU about paying the costs of a conduct tribunal member.</i>
150CU	Included in the functions of the assessor are— (a) <i>to investigate and deal with the conduct of councillors if it is alleged or suspected to be inappropriate conduct, misconduct or, when referred to the assessor by the Crime and Corruption Commission, corrupt conduct;</i>
268	Process for administrative action complaints - (1)A local government must adopt a process for resolving administrative action complaints.

Local Government Regulation 2012

306(3)(c)	Process for resolving administrative action complaints must include the criteria considered when assessing whether to investigate a complaint; (Refer page 5)
46	Queensland Productivity Commission (QPC) must investigate and report on competitive neutrality complaints received by it.
47	QPC may request further information
48	QPC may refuse to investigate a competitive neutrality complaint
49	QPC must give notice of its intention to investigate a competitive neutrality complaint
51	Matters QPC must consider when investigating a competitive neutrality complaint

Ombudsman Act 2001

24 and Part 4	Investigations generally (<i>The ombudsman may conduct an investigation or part of an investigation informally; or by exercising powers under part 4 - Powers and procedures for investigations.</i>)
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Step 4 Decision, action following investigation and communication of outcome



Crime and Corruption Act 2001

44 (5), (6)	Dealing with complaints - public officials (5) <i>If a person makes a complaint that is dealt with by the public official, the public official must give the person a response stating—</i> <i>(a) if no action is taken on the complaint by the public official or action to deal with the complaint is discontinued by the public official—the reason for not taking action or discontinuing the action; or</i> <i>(b) if action is taken on the complaint by the public official—</i> <i>(i) the action taken; and</i> <i>(ii) the reason the public official considers the action to be appropriate in the circumstances; and</i> <i>(iii) any results of the action that are known at the time of the response.</i> (6) <i>However, the public official is not required to give a response to the person—</i> <i>(a) if the person has not given his or her name and address or does not require a response; or</i> <i>(b) if the response would disclose information the disclosure of which would be contrary to the public interest.</i>
46	Dealing with complaints—commission <i>(b) taking the action the commission considers most appropriate in the circumstances having regard to the following principles (cooperation, capacity building, devolution, public interest)</i>
49,50	Reports about complaints dealt with by the commission <i>(addresses where the commission decides that prosecution proceedings or disciplinary action should be considered).</i>
51	<i>Disciplinary action may be taken against an employee (by CEO) for findings of corrupt conduct.</i>

Local Government Act 2009

150W	Decision by assessor about conduct (Councillor conduct) <i>(a) dismiss the complaint</i> <i>(b) where the assessor is reasonably satisfied the councillor's conduct is inappropriate - refer suspected inappropriate conduct to Council to deal with</i> <i>(c) make an application to the tribunal where the assessor is reasonably satisfied the councillor's conduct is misconduct</i> <i>(d) take no further action</i>
150X	Decision by assessor to dismiss complaint (Councillor conduct) <i>(a) the conduct—</i> <i>(i) has already been, or is being, dealt with by another entity; or</i> <i>(ii) does not constitute inappropriate conduct or misconduct; or</i> <i>(b) the complaint—</i> <i>(i) is frivolous or vexatious; or</i> <i>(ii) was not made in good faith; or</i> <i>Examples—</i> <i>a complaint made for a mischievous purpose, recklessly or maliciously</i> <i>(iii) lacks substance or credibility; or</i> <i>(c) dealing with the complaint—</i> <i>(i) would not be in the public interest; or</i> <i>(ii) would be an unjustifiable use of resources.</i>
150Y	Decision by assessor to take no further action (Councillor conduct) for matters referred to it <i>(i) the conduct does not constitute inappropriate conduct or misconduct; or</i> <i>(ii) there is insufficient information to properly investigate the conduct or form an opinion about whether the conduct is, or may be, inappropriate conduct or misconduct; or</i> <i>(iii) taking further action would be an unjustifiable use of resources.</i>
150Z	Notice by assessor about decision to dismiss complaint or take no further action (Councillor conduct) <i>Must be given to the person, the Councillor and the Council (decision, summary and reasons)</i>
150AA	Notice and opportunity for councillor to respond <i>(where assessor is considering making a decision to—</i> <i>(a) refer a councillor's conduct to the local government to be dealt with; or</i> <i>(b) make an application to the conduct tribunal to decide whether the councillor's conduct is misconduct.</i>
52	Queensland Productivity Commission's (QPC's) report on investigation (Competitive neutrality complaint) <i>(Must be given to Council together with whether the complaint has been substantiated. If the QPC determines that the business entity has a competitive advantage or disadvantage, then the report must include recommendations, reasons for recommendations and how the business activity can be undertaken to comply with the principle of competitive neutrality or to overcome any competitive disadvantage.)</i>

Step 4 Decision, action following investigation and communication of outcome continued



Local Government Regulation 2012

306	Administrative action complaint <i>(3) A complaints management process is a process for resolving complaints about administrative actions of a local government that— (d) requires the local government to inform an affected person of the local government’s decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.</i>
187	Reporting of administrative action complaints in the annual report <i>(1)The annual report for a financial year must contain— (a) a statement about the local government’s commitment to dealing fairly with administrative action complaints; and (b) a statement about how the local government has implemented its complaints management process, including an assessment of the local government’s performance in resolving complaints under the process. (2)The annual report must also contain particulars of— (a) the number of the following during the financial year— (i) administrative action complaints made to the local government; (ii) administrative action complaints resolved by the local government under the complaints management process; (iii) administrative action complaints not resolved by the local government under the complaints management process; and (b) the number of administrative action complaints under paragraph (a)(iii) that were made in a previous financial year.</i>
52	Queensland Productivity Commission’s (QPC’s) report on investigation (Competitive neutrality complaint) <i>(Must be given to Council together with whether the complaint has been substantiated. If the QPC determines that the business entity has a competitive advantage or disadvantage, then the report must include recommendations, reasons for recommendations and how the business activity can be undertaken to comply with the principle of competitive neutrality or to overcome any competitive disadvantage.)</i>

Ombudsman Act 2001

50	Report and recommendations - for specific types of administrative action findings: <i>(a) was taken contrary to law; or (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or (c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or (d) was taken— (i) for an improper purpose; or (ii) on irrelevant grounds; or (iii) having regard to irrelevant considerations; or (e) was an action for which reasons should have been given, but were not given; or (f) was based wholly or partly on a mistake of law or fact; or (g) was wrong. If the ombudsman considers— <i>(a) the administrative action should be referred to the agency for further consideration; or (b) action can be, and should be, taken to rectify, mitigate or change the effects of, the administrative action; or (c) a practice under which the administrative action was taken should be changed; or (d) any law under which, or on the basis of which, the administrative action was taken should be reconsidered; or (e) reasons, or further reasons, should be given for the administrative action; or (f) any other steps should be taken. (2) The ombudsman may— <i>(a) give the principal officer of the agency a report that— (i) states the action the ombudsman considers should be taken; and (ii) makes recommendations the ombudsman considers appropriate; and (b) if the agency is a local government—direct the principal officer to table the report at a meeting of the local government; and (c) if subsection (3) does not apply—give a copy of the report to the responsible Minister for the agency.</i></i></i>
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Step 5 Review ('appeal') of decision (only if required)



Crime and Corruption Act 2001

Part 2 219BA	Disciplinary proceedings relating to corruption (1) A reviewable decision means— (a) a decision made in relation to an allegation of corruption against a prescribed person, other than a decision made by a court or QCAT;
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Local Government Act 2009

150AT	Review by QCAT <i>A person who is entitled under section 150AS(3) to be given a QCAT information notice for a decision of the conduct tribunal may apply to QCAT, as provided under the QCAT Act, for a review of the decision.</i> <i>150AS (3) A notice about a decision, other than a decision to recommend the councillor's suspension or dismissal, given to the assessor or councillor under subsection (2)(b) must be a QCAT information notice for the decision (relates to misconduct)</i>
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Ombudsman Act 2001

17	<i>This section does not stop applications being made under the Judicial Review Act 1991 by entities whose actions are being investigated or by complainants.</i>
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Step 6 Implementation of learnings from investigations, training and prevention



Crime and Corruption Act 2001

33 The commission has the following functions for corruption (the corruption functions)—
(a) to raise standards of integrity and conduct in units of public administration;

34 Principles for performing corruption functions
(b) Capacity building
• *the commission has a lead role in building the capacity of units of public administration to prevent and deal with cases of corruption effectively and appropriately*

Local Government Act 2009

150CU Included in the functions of the assessor are—
(b) to provide advice, training and information to councillors, local government employees and other persons about dealing with alleged or suspected inappropriate conduct, misconduct or corrupt conduct; and

Local Government Regulation 2012

306 Administrative action complaints
The local government must -
(4)(c) ensure internal reports are occasionally provided to senior management about the operation of the complaints management process; and
(d) ensure mechanisms are in place to—
(i) identify, analyse and respond to complaint trends; and
(ii) monitor the effectiveness of the complaints management process (by monitoring the time taken to resolve complaints, for example).

Ombudsman Act 2001

12 Functions of the ombudsman
(b) to consider the administrative practices and procedures of an agency whose actions are being investigated and to make recommendations to the agency—
(i) about appropriate ways of addressing the effects of inappropriate administrative actions; or
(ii) for the improvement of the practices and procedures; and

(c) to consider the administrative practices and procedures of agencies generally, and to make recommendations or provide advice, training, information or other help to the agencies about ways of improving the quality of administrative practices and procedures; and

(d) to provide advice, training, information or other help to agencies, in particular cases, about ways of improving the quality of administrative practices and procedures; and

