

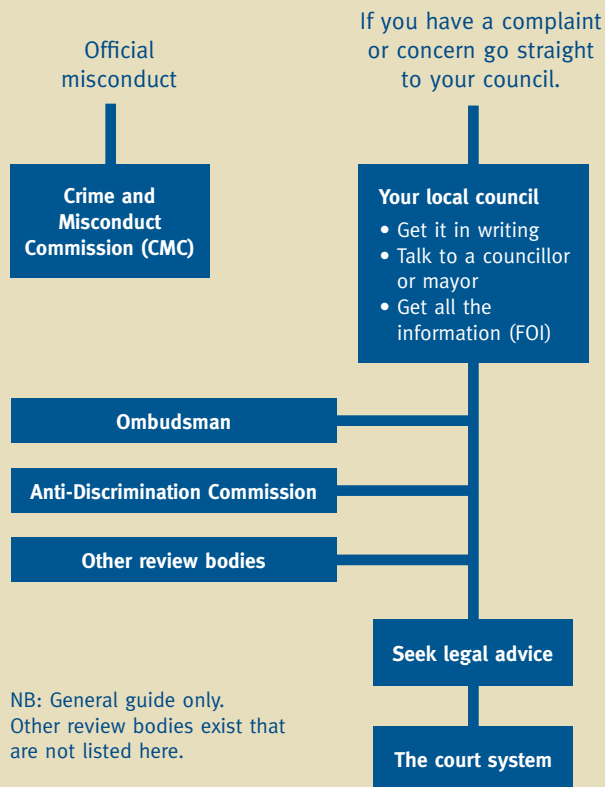
The court system

There is a range of courts that could be approached for a review of your case. For example, under the *Judicial Review Act 1991*, you may apply to the Supreme Court to have an administrative decision or action of your council examined. You must obtain a statement of reasons for the action or decision from the council before applying for a judicial review.

The Minister's role

The Minister for local government may take action only if the local government has acted unlawfully or corruptly, or if it cannot properly exercise its jurisdiction. The Minister does not review individual decisions of councils on behalf of complainants.

How do I proceed with a complaint or a concern?



NB: General guide only.
Other review bodies exist that are not listed here.

The State Government

The following identifies other Queensland authorities that deal with various types of complaints about councils.

Queensland Health

Health and hygiene matters (e.g. mosquitoes, rats, pesticides, water quality and food handling). www.health.qld.gov.au

Department of Natural Resources and Water

Valuations, levee banks, road closures, realignment, control of Crown Lands, land leases, vegetation protection orders on leasehold land, and statewide water supply strategies. www.nrw.qld.gov.au

Environmental Protection Agency

Pollution (e.g. noise, dust, smoke, water), siting of dumps, environmental licences, and forestry leases. www.epa.qld.gov.au

Building Services Authority

Complaints about building/private certifiers, poor quality work, building contract disputes, unlicensed builders, and other tradespersons. www.bsa.qld.gov.au

Building and Development Tribunals

Appeals against council decisions on building matters. www.dip.qld.au/appeals/building-and-development-tribunals.html

Department of Infrastructure and Planning

Changes to the *Integrated Planning Act 1997*, information on the operation of the regional, strategic and local planning and development assessment systems. www.dip.qld.gov.au

Queensland Police Service

Complaints on vehicle noise, party noise, etc. www.police.qld.gov.au

Department of Justice and Attorney-General

Neighbourhood disputes, fences, and over-hanging trees. www.justice.qld.gov.au

Department of Local Government, Sport and Recreation

Changes to the *Local Government Act 1993*, council mismanagement, grants and council funding, process of making local laws, and electoral boundaries. www.dlgpsr.qld.gov.au

The Court System

Planning and Environment Court

e.g. re-zoning and subdivisions.

Land Court

e.g. valuations, categorisations of land and differential rating categories.

Magistrates Court

e.g. parking tickets, and contracts and tendering.

Supreme Court

e.g. electoral disputes and judicial review.

Other Website Contact Details

Queensland Ombudsman's Office
www.ombudsman.qld.gov.au

Queensland Anti-Discrimination Commission
www.adcq.qld.gov.au

Queensland Crime and Misconduct Commission
www.cmc.qld.gov.au

Queensland Government websites
www.qld.gov.au

Resolving issues and complaints with your local council



Queensland Government

Department of Local Government,
Sport and Recreation



Queensland Government

Department of Local Government,
Sport and Recreation

Following the council elections on 15 March 2008, the face of local government in Queensland significantly changed. The State's 73 councils are better equipped to meet the challenges facing local government now and well into the future. The *Local Government Act 1993* gives councils autonomy in how they make decisions and deliver services. It allows them to do this without intervention by the State Government and the Minister for Local Government. Councils are accountable to the local community and the actions of individual councillors and councils are open to public scrutiny.

Accountable and transparent councils

When Councils make decisions on behalf of the communities they represent, they must consider and balance many competing community interests and points of view.

If you disagree with a council decision or are concerned about its impact, you have the right to question that decision, seek an explanation, suggest alternatives or make an appeal against that decision.

You are entitled to know how and why a decision has been made. Your local council also has a duty to respond to your complaint in a reasonable manner.

There are a number of ways councils are held accountable to the communities they represent:

- All local governments are required to have in place a code of conduct for mayors and councillors, which outlines expectations for ethical behaviour.
- Each council is required to establish a general complaints process to ensure a fair, effective and independent response to written complaints about council decisions.
- Review bodies can be contacted to impartially investigate a matter if a member of the community believes council has not acted fairly or lawfully when responding to a complaint.

- General council meetings must be open to the public and meeting minutes also made available to the community. This ensures the decision-making process is transparent.
- Councils must provide the community with information on their performance through corporate and operational plans, revenue policies and budgets, and by reporting outcomes in financial statements and annual reports.
- Councils must consult with the community before making any new local laws, preparing planning schemes and the corporate plan.
- The Department of Local Government, Sport and Recreation publishes comparative information on the performance of councils that may assist you to interpret how effectively your council is operating.

Approaching your council

If you have a complaint about:

- a decision of council;
- the service your council provides; or
- a councillor's conduct;

you can contact your council's customer service area, call centre or enquiry counter, which may be able to quickly address your concern.

However, if a telephone or in person conversation does not resolve the matter to your satisfaction, it is recommended you write to the council and make an official complaint.

The council is required under legislation to respond to public complaints against a decision and other actions of council in a fair and effective manner.

Review bodies

If you are not satisfied with the council's response to your complaint or request for information, review bodies exist that may be able to help. Refer to the end of this publication for a list of website addresses.

Ombudsman

The Office of the Queensland Ombudsman will impartially investigate complaints against councils. It considers the administrative action of the council and determines whether the action was taken in a lawful and reasonable manner. The Ombudsman provides a free and independent service, and may make recommendations back to councils.

Typical problems referred to the Ombudsman include enforcement of local laws, roads and footpaths, drainage and flooding, sewerage, building inspections, rates and charges, access to property, garbage services, tender disputes, dog control, and some planning matters.

Anti-Discrimination Commission (Queensland)

The Commission's role is to ensure the basic right of all people to fair treatment no matter what their circumstances or background. Decisions made by councils may not use gender, marital status, pregnancy, parental status, breastfeeding, age, race, impairment, religion, political beliefs, trade union activity, or lawful sexual activity as the basis for disadvantaging you or treating you differently from the rest of the community.

Crime and Misconduct Commission (CMC)

If you have reason to believe there has been official misconduct involving a council employee or a councillor, you should go straight to the CMC.

Official misconduct can involve carrying out duties dishonestly or in a way that lacks impartiality, or breaching the trust placed in the position, or breaching confidentiality. It may include fraud, bribery, misuse of powers and corruption. You should telephone the CMC first to ensure your concerns do constitute official misconduct, as this is a very serious charge.