



COUNCIL POLICY

Administrative Action Complaints Policy

POLICY NUMBER: CHRC001

DEPARTMENT: Chief Executive Officer

EFFECTIVE DATE: 20.01.16

UNIT: Governance

1.0 Purpose and Scope

This policy covers complaints in relation to administrative actions of the Council, the Chief Executive Officer as council delegate or the delegates of the Chief Executive Officer.

This policy does not cover requests for service, requests for maintenance or requests for information in the first instance. These requests may be subject to further complaints and dealt with as an administrative action if Council does not respond in accordance with the policies, processes and procedures relating to these requests.

2.0 Reference

Local Government Act 2009
Local Government Regulation 2012
Administrative Action Complaints Procedure

3.0 Definitions

Council means Central Highlands Regional Council

Administrative Action means:

- A decision of Council where the decision is not in accordance with the policies, processes and procedures set by Council or legislation applied to or by the Council
- Failure to make a decision where that decision is within the jurisdiction of the Council
- Failure to communicate a decision in writing setting out the reason for a decision
- An act of the Council
- Failure to act by the Council
- The formulation of a proposal or intention
- The making of a recommendation

Affected person means a person who is apparently directly affected by the administrative action

Administrative Action Complaint means a complaint lodged with council by an affected person in relation to administrative actions

4.0 Policy Statement

Council will undertake a fair assessment of administrative action complaints by ensuring there are processes and procedures to manage the:

- assessment of whether the complainant is an affected person;

- independent assessment of the administrative action

Administrative action complaints can be lodged in writing, electronically or by phone.

Council must process anonymous complaints and make reasonable efforts to communicate the determination of these complaints.

The Council will ensure that administrative action complaints are at all times reviewed by a person independent of the original administrative action. The following table sets out the minimum separation between the original decision maker and the reviewer.

Original Decision Making	Reviewer
Mayor (excludes a decision in relation to a complaint about a councillor)	Council. The Council may authorise that a suitable person undertake a review and make recommendations to Council on the matter
Council	Chief Executive Officer or an independent reviewer appointed by Council (see Administrative Complaints Procedure)
Chief Executive Officer	Council or an independent reviewer appointed by council
Departmental General Managers	Chief Executive Officer, another departmental General/Executive Manager or an independent reviewer appointed by the Chief Executive Officer
Departmental Staff	Departmental General/Executive Manager or another Council employee or an independent reviewer determined by the departmental General Manager

5.0 Policy Review

All policies will be reviewed annually or when any of the following occur:

- Relevant legislation, regulations, standards and policies are amended or replaced; and
- Other circumstances as determined from time to time by the Chief Executive Officer / Executive Leadership Team / Managers.