

# Complaints Management Policy

Version 5.0

## Approval



Pat Vidgen  
**Electoral Commissioner**

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## Version history

| Version | Notes  | Author                        | Date of Change |
|---------|--|-------------------------------|----------------|
| 1.0     | Issued for use   | Electoral Commissioner        | June 2015      |
| 2.0A    | Draft - review   | Call Centre Manager           | June 2017      |
| 2.0     | Issued for use   | Electoral Commissioner        | November 2017  |
| 3.0A    | Corrections and template consistency                         | Acting Executive Officer      | May 2018       |
| 3.0     | Issued for use   | Acting Electoral Commissioner | October 2018   |
| 4.0A    | Addition of <i>Human Rights Act 2019</i> and template update | Complaints Officer            | December 2019  |
| 4.0     | Issued for use   | Electoral Commissioner        | December 2019  |
| 4.1     | Addition of review and reporting of human rights complaints  | Electoral Commissioner        | April 2020     |
| 5.0A    | Addition of regulatory complaints advice                     | Complaints Officer            | June 2022      |
| 5.0     | Issued for use   | Electoral Commissioner        | June 2022      |

## Review

This policy will be reviewed **every three years** from the approval date, or if the relevant regulatory frameworks change in a way that means this policy is no longer contemporary, or as requested by the Electoral Commissioner.

## Purpose

To provide guidance to any member of the public and Electoral Commission of Queensland (ECQ) employees on how they can expect the ECQ to manage customer complaints in accordance with the *Public Service Act 2008* (the Act).

## Rationale

Under section 219A of the Act, Queensland Government departments must implement an effective complaints management system that complies with any Australian Standard about the handling of customer complaints.

The ECQ is committed to delivering high quality services that respond to the community's needs. We believe the community should be able to provide feedback, both positive and negative, about our services and the way we provide them. The ECQ's complaints management process is underpinned by accountability, access, and responsiveness.

## Guiding Principles

1. Encourage community-focused service delivery by managing and responding to complaints fairly, promptly, and professionally.
2. Information gathered from the complaints process will be used by the ECQ for business improvement.
3. Provide a flexible complaints system to assist people who might require additional help or different approaches to make a complaint, such as people with disability, people living in regional and remote areas, the aged and people from culturally and linguistically diverse backgrounds.

## Policy

### 1. What is a complaint?

Under section 219A(4) of the Act, a customer complaint:

- a) means a complaint about the service or action of a department, or its staff, by a person who is apparently directly affected by the service or action; and
- b) includes, for example, a complaint about any of the following -
  - i. a decision made, or a failure to make a decision, by a public service employee of the department;
  - ii. an act, or failure to act, of the department;
  - iii. the formulation of a proposal or intention by the department;
  - iv. the making of a recommendation by the department;
  - v. the customer service provided by a public service employee of the department.

For the purposes of this policy, a complaint is also an expression of dissatisfaction about a breach of privacy or a breach of human rights.

This policy does not replace or interfere with legislation or policy dealing with complaints about privacy, right to information, human rights, official misconduct or maladministration, criminal conduct or illegality, or matters specifically dealt with through other legislative and/or appeal processes.

## 2. What is not a complaint?

The following will not be treated as a complaint:

- general feedback such as suggestions about how services can be improved or maintained
- enquiries that the ECQ regards as business-as-usual, provision of information or a service
- comments or queries by social media seeking to disrupt or damage the ECQ
- matters that are out of the ECQ's authority or control, i.e. decisions or actions by entities outside the jurisdiction of the ECQ
- employee complaints, which are addressed separately in the ECQ *Employee Complaints Policy*
- complaints about misconduct by the ECQ including illegal activities such as fraud and corruption, which are subject to investigation by external authorities
- public interest disclosure matters (whistle-blowers), which are addressed separately in the ECQ *Public Interest Disclosure Policy*
- regulatory complaints, such as allegations or reports of non-compliance with electoral legislation by election candidates, political parties, third parties or donors. These reports should be lodged directly with the ECQ's Funding, Disclosure and Compliance Division.

## 3. Receiving a complaint

Any person making a complaint will be treated with respect.

A complaint may be made to any ECQ employee in person, by phone, email, letter or using the online form on the ECQ's website. The ECQ may request a person making a complaint by phone or in person to provide a written complaint. If the complainant is unable to submit a complaint in writing, an ECQ officer will record the details of the complaint to be submitted on their behalf.

It is not practicable to record a complaint every time someone casually expresses dissatisfaction with an aspect of a service provided (or not provided). Supervisors/managers are best placed to decide the veracity of complaints captured.

### 3.1 Anonymous complaints

An anonymous complaint can be received, and every effort will be made to resolve it.

The ECQ will assess the complaint, but it may be difficult to investigate without consultation with the complainant. Consequently, these complaints will be processed as Complex complaints (refer to Table 1).

### 3.2 Complaints received by Ministerial correspondence or contact

The Electoral Commissioner is responsible for deciding if Ministerial correspondence contains a complaint under this policy.

### 3.3 Receiving a privacy complaint

If a person believes that the ECQ has dealt with their personal information in a way that is not consistent with the privacy principles, they may make a privacy complaint to the ECQ. The ECQ has 45 business days to respond to the complaint, after which the individual can complain to the Office of the Information Commissioner if their complaint remains unresolved (for example, if they do not receive a response or they feel the response is inadequate).

### 3.4 Receiving a human rights complaint

If a person believes that the ECQ has breached their human rights, they may make a

complaint about the breach to the ECQ. The ECQ has 45 business days to respond to the complaint, after which the individual can complain to the Queensland Human Rights Commission if their complaint remains unresolved (for example, if they do not receive a response or they feel the response is inadequate).

#### 4. Timeframes

Complaints will be resolved within the timeframes that apply to the levels of complexity as detailed in Table 1 below. Some complaints may be unable to be resolved if they are insufficient or incomplete.

**Please note:** At any stage, it may be appropriate for a complaint's complexity to be escalated or downgraded in response to investigation findings or after the receipt of further information from the complainant. Complaint reclassification should be adequately recorded in the complaint file.

Standard Ministerial correspondence response times and processes will continue to apply to complaints received through Ministerial correspondence or contact.

**Table 1: Complaint categories and timeframes**

| Category       | Description  | Timeframe        |                  |
|----------------|--|------------------|------------------|
|                |  | Initial Response | Resolution       |
| <b>Serious</b> | Serious matters that are likely to require a formal investigation by either internal or external authorities, e.g.: <ul style="list-style-type: none"> <li>• is of significant public interest and/or likely to come to the attention of wide media audience, or already has (including social media);</li> <li>• relates to a significant breach of legislation of policy; and/or</li> <li>• has the potential for investigation (of the ECQ) by external authorities.</li> </ul> | 1 business day   | 5 business days  |
| <b>Simple</b>  | Simple, non-complex matters that can be managed at first point of contact, e.g.: <ul style="list-style-type: none"> <li>• relates to the ECQ's following of a process or procedure, excluding breaches of policy or legislation; and/or</li> </ul>   | 5 business days  | 15 business days |
| <b>Complex</b> | Multiple relating issues and/or is serious in nature, or has the potential to become serious, e.g.: <ul style="list-style-type: none"> <li>• may come to the attention of the local media;</li> <li>• involves unacceptable behaviour of an ECQ contractor or employee;</li> <li>• anonymous complaints; and/or</li> <li>• relates to a minor breach of policy or legislation.</li> </ul>  | 5 business days  | 30 business days |
| <b>Privacy</b> | Matters relating to the <i>Information Privacy Act 2009</i> (Qld). Refer to Office of the Information Commissioner for more detailed information about <a href="#">resolving privacy complaints</a> .  | 5 business days  | 45 business days |

|                        |  |                 |                  |
|------------------------|--|-----------------|------------------|
| <b>Human Rights</b>    | Matters relating to the <i>Human Rights Act 2019</i> (HRA). Refer to Queensland Government <a href="#">resources</a> for more detailed information about human rights and obligations under the HRA. | 5 business days | 45 business days |
| <b>Internal Review</b> | Review of any complaint as requested by the complainant.   | 5 business days | 20 business days |

## 5. Abusive, trivial, or unreasonable complaints

The ECQ may refuse to investigate or reject all or part of a complaint if it is seen to be abusive, frivolous, unreasonable, misleading or untrue, or where the complainant refuses to cooperate with the ECQ's efforts to investigate.

If an investigation is not pursued, the complainant will (wherever practicable) be advised that the ECQ is not proceeding with that complaint or aspect of the complaint.

A person that continues to submit abusive, frivolous, or unreasonable complaints may be declared a vexatious complainant by the Electoral Commissioner or Assistant Electoral Commissioner. The ECQ's decision to deem a complainant to be a vexatious complainant will be communicated in writing to the complainant.

Any further correspondence or telephone contact with the vexatious complainant in regard to their complaint/s identified when making the determination will be ceased.

## 6. Review

The Electoral Commissioner may select and appoint an Internal Review Officer for the review of any complaint or appoint another person or persons to investigate the complaint at their discretion.

Complainants may request that the Electoral Commissioner review any complaint response. The Electoral Commissioner may or may not conduct that review at their sole discretion and may delegate the review to other internal or external entities. A reviewed decision may be upheld or amended.

A complainant, who is not satisfied with the outcome of an internal review, may seek an external review of the ECQ's decision through the Queensland Ombudsman.

A complainant, who is not satisfied with the outcome of an internal review of a human rights complaint, may seek an external review of the ECQ's decision through the Queensland Human Rights Commission.

## 7. Reporting

### 7.1 Internal

The Complaints Officer will provide a report to the Senior Management Team every quarter. The report will include a summary of complaints received, actions taken, apparent trends and lessons learned / improvements made.

### 7.2 External

In accordance with s219A (3) of the Act, by 30 September each year, the ECQ will publish on its website information about complaint trends for matters received during the financial year. The report must include as a minimum:

- the number of customer complaints received by the department that financial year;
- the number of those complaints resulting in further action; and
- the number of those complaints resulting in no further action.

In accordance with s97 (2)(b) of the *Human Rights Act 2019* the ECQ will publish in its annual report, details of any human rights complaints received, including—

- the number of complaints received; and
- the outcome of the complaints; and
- any other information prescribed by regulation relating to complaints.

## Delegations

1. The Electoral Commissioner will appoint a Complaints Officer, who will be responsible for ongoing oversight of the complaints management process and maintenance of the Complaints Register.
2. Any ECQ Officer becomes the Responsible Officer when given the responsibility for investigating a complaint. All ECQ officers and call centre operators are Responsible Officers for simple complaints.
3. Responsible Officers may receive and resolve simple complaints at first point of contact. An assessment is to be made as to whether a complaint resolved at first point of contact is recorded in the Complaints Register.
4. For serious and complex complaints, and internal reviews, investigations may be conducted by any person, at the discretion of the Approving Officer but the response **cannot be released to the complainant** until approved by the Electoral Commissioner or their delegate. Officers with the delegation to approve responses to complainants are as detailed in Table 2, along with officers able to decide that a complaint should not be investigated.

**Table 2: Complaint process delegations**

| Category | Responsible Officer   | Approving Officer  |  |
|----------|---|--|--|
|          |   | Decision not to investigate complaint                            |  |
|          |   | Named  | Anonymous  |
| Serious  | Electoral Commissioner<br>Assistant Electoral Commissioner    | Electoral<br>Commissioner<br>Assistant Electoral<br>Commissioner | Electoral<br>Commissioner<br>Assistant Electoral<br>Commissioner |
| Simple   | Complaint recipient<br>Complaints Officer                     | Director   | Director   |
| Complex  | Director  | Electoral<br>Commissioner<br>Assistant Electoral<br>Commissioner | Electoral<br>Commissioner<br>Assistant Electoral<br>Commissioner |
| Privacy  | Electoral Commissioner<br>Assistant Electoral<br>Commissioner | Electoral<br>Commissioner<br>Assistant Electoral<br>Commissioner | Electoral<br>Commissioner<br>Assistant Electoral<br>Commissioner |

|                        |  |  |  |
|------------------------|--|--|--|
| <b>Human Rights</b>    | Electoral Commissioner<br>Assistant Electoral Commissioner | Electoral Commissioner<br>Assistant Electoral Commissioner | Electoral Commissioner<br>Assistant Electoral Commissioner |
| <b>Internal Review</b> | Electoral Commissioner                                     | Electoral Commissioner                                     |  |



## Appendix 1 — Definitions

### Definitions

| Term                    | Definition   |
|-------------------------|--|
| Anonymous complaint     | A complaint received from a complainant who does not wish to identify themselves. An anonymous complaint must be recorded, and every attempt made to resolve it.   |
| Complainant             | Any person who lodges a complaint with the ECQ.  |
| Complaint               | An expression of dissatisfaction, either verbally or in writing, from a member of the public about ECQ staff conduct, a service, procedure, practice or policy.<br><br>A complaint considered to be abusive, frivolous or unreasonable may be refused investigation by the Electoral Commissioner or their delegate. |
| Complaints Officer      | An employee appointed by the Electoral Commissioner to resolve complaints.   |
| Frivolous complaint     | A complaint not having any serious purpose, value or background intended to harass, annoy, delay or cause detriment.   |
| Human rights complaint  | A complaint regarding a breach of <a href="#">human rights</a> under the Queensland <i>Human Rights Act 2019</i> .   |
| Internal Review Officer | An ECQ officer that manages the review of a complaint, decision or outcome at the request of a complainant.<br><br>**This officer must not have been involved in the initial complaint investigation.  |
| Investigation           | Reviewing an action or activity in response to an urgent or complex complaint.<br><br>Reviewing a response to a complaint as part of an internal review.   |
| Privacy complaint       | A complaint regarding a breach of collection, storage, use and disclosure of personal information under the <a href="#">Information Privacy Principles</a> in the <i>Information Privacy Act 2009 (Qld)</i> .  |
| Receiving Officer       | Any employee who receives a complaint.   |
| Record of complaint     | The documented record of a complaint received verbally (using a manual complaint form).  |
| Referred                | Where a complaint falls outside the operations of the ECQ, or the scope of the ECQ complaints policy and the matter is referred to the appropriate area.   |

|                             |   |
|-----------------------------|---|
| Reject                      | A complaint where managing officers have refused to investigate as it is considered abusive, trivial or unreasonable.   |
| Responsible Officer         | An ECQ officer assigned to investigate a complaint.<br>An ECQ officer who receives and resolves simple complaints at first point of contact   |
| Reviewed decision – upheld  | Where an administrative decision has been assessed by an independent staff member and the original decision is confirmed or supported.  |
| Reviewed decision – amended | Where an administrative decision has been assessed by an independent staff member and the original decision is fully or partially changed.  |
| Unable to be resolved       | A complaint which will never be resolved, where reasons may include: <ul style="list-style-type: none"> <li>• insufficient or incomplete information provided in the complaint and the complainant is unable to be contacted despite repeated attempts, or</li> <li>• insufficient or incomplete information provided in the complaint and the complainant is anonymous.</li> </ul> |
| Vexatious complainant       | A complainant who submits very high volumes and frequency of enquiries and complaints which are narrow and repetitive in nature of which expenditure of effort by the ECQ in addressing the complaints is not likely to satisfy the complainant, and where further investment of time is not in the public interest.  |

## Appendix 2 — Regulatory Framework

### Regulatory framework

- [Public Service Act 2008](#)
- Standards Australia - *Guidelines for complaints management in organisations AS10002:2022*
- Queensland Ombudsman - [Complaints Management Policy and Procedure Guide](#)
- [Information Privacy Act 2009](#)
- [Right to Information Act 2009](#)
- [Human Rights Act 2019](#)