

Customer complaints procedure

1. Purpose

The Department of State Development and Infrastructure (the department) is committed to ensuring complaints made about its actions, decisions, or the conduct of its officers are dealt with in a responsive, confidential, and objective manner, ensuring no detriment to the complainant.

This procedure describes the processes for customer complaints and should be read in conjunction with the department's [Complaints management policy](#).

2. Scope

This procedure applies to:

- » the services and actions of the department and
- » all employees of the department and non-employees including contractors, consultants and volunteers whose actions represent the department.

For this procedure, the following are not classified as complaints:

- » questions, enquiries and requests for information or action
- » feedback obtained during public consultation processes
- » feedback received about matters outside the direct responsibility of the department
- » feedback received about another agency or organisation
- » complaints that are primarily contractual disputes
- » a complaint concerning a matter with which a person is not directly affected by the issues they have raised.

This procedure does not modify or revoke any legislative requirements or appeal processes that apply to managing particular types of complaints, such as:

- » privacy complaints made under the *Information Privacy Act 2009*
- » complaints about right to information (for example, dissatisfaction with an access or amendment application made under the *Right to Information Act 2009* or *Information Privacy Act 2009*),
- » complaints alleging criminal or corrupt conduct
- » public interest disclosures as made under the *Public Interest Disclosure Act 2010*, or
- » complaints made under the *Industrial Relations Act 2016*.

This procedure applies to department employees as defined under the [Public Sector Act 2022](#) (the PS Act), except employees of the Office of Industrial Relations¹.

3. Associated policy

This procedure is to be read in conjunction with the departments [Complaints Management Policy](#).

4. Procedure

4.1 Making a complaint

Customer complaints are accepted both verbally and in writing through a variety of channels, including face to face, telephone, letter, email or [online via the Queensland Government portal](#).

Where possible, the department aims to resolve complaints at the frontline (stage 1). However, where a complaint is of a more serious nature, it will be referred directly to a senior officer (stage 2) for action and resolution. Refer to the following table for further information.

¹ Employees of the Office of Industrial Relations (OIR) should refer to policy and procedural guidance of OIR



| Complaint Stage | Process |
|--|--|
| Stage 1 (Frontline complaints) | <ul style="list-style-type: none"> » Officers at the first point of contact resolve less serious complaints, where possible, in consultation with their supervisor. » Details of complaints are to be sent to the <u>Integrity and Workplace Relations (IWR)</u> unit for further analysis. » If a complaint is unresolved or assessed as more complex, it will be referred to stage 2. » If a complainant is not satisfied with the outcome of their complaint, they may request an internal review. If an internal review is requested, it is to be referred to stage 2. » Complaints received about a customer complaint outcome or the process used in dealing with a stage 1 complaint, will be referred to stage 2. |
| Stage 2 (Complex complaints and/or Internal Review) | <ul style="list-style-type: none"> » A more senior officer or designated complaints review officer will: <ul style="list-style-type: none"> ○ review complaints unresolved at the frontline (stage 1) upon request by the complainant for an internal review, or ○ investigate serious and complex complaints referred directly from the frontline (stage 1). » Where there is a complaint about investigation outcomes, a more senior officer to the original decision-maker must review the complaint in accordance with the procedure document. » Where a review is to be conducted by a person other than the original decision-maker, the reviewer must be of equivalent or more senior classification to the original decision-maker. <p><i>Note: A complaint about a stage 1 decision or action of the department, received more than one year after the complainant was notified of the decision or action, is reviewed only if the authorised reviewing officer considers that exceptional circumstances exist.</i></p> |
| Stage 3 (External review) | <ul style="list-style-type: none"> » Where the complaint remains unresolved after stage 2, the department will advise the complainant of relevant review and appeal options such as Queensland Ombudsman and/or other external agencies |

4.2 Assessment and action

Upon receiving a complaint, reasonable steps will be taken to ensure that the complaint is properly understood, and clarification or further information will be sought if necessary and possible.

Note: The department has a zero tolerance of all forms of domestic and family violence, as well as all forms of harassment and discrimination. Any complaint that alleges any form of physical assault, sexual assault or other criminal behaviour is to be referred to IWR unit. Following consideration by the delegate, such complaints may be referred to the Queensland Police Service (QPS) for investigation or other necessary action. The department takes these matters seriously and will facilitate any resulting disciplinary investigations in consultation with the QPS.

With the exception of the above, complaints are assessed, managed and responded to by the business area responsible for the policy, product or service relevant to the complaint. Where a complaint is about the service provided by an employee, the complaint is assessed and investigated by the relevant supervisor/manager.

The department maintains a register of the following information (which is managed by IWR):

- » complainant’s name,
- » the nature of the complaint, where and when it occurred,
- » the complaint outcome is recorded by the department
- » time taken to resolve the complaint.

All documents associated with complaints are to be provided to IWR for recording and reporting purposes. A complaint about a decision or action of the department that is received more than one year after the complainant

was notified of that decision or action, will be reviewed only if the authorised reviewing officer considers that exceptional circumstances exist.

Review officers may re-make decisions or provide remedies to complainants within the scope of the officers' delegated authority.

If the department is unable or cannot address the complaint, where possible, it may be referred to the appropriate external agency (such as the Queensland Ombudsman) with the consent of the complainant.

Anonymous complaints are treated on merit.

4.3 Feedback

Complainants are to be advised of the outcomes of their complaints as soon as possible and provided with reasons for decisions.

Complainants are to be advised of any available internal review options, and any statutory or external appeal options, where applicable.

If the result of a complaint presents an opportunity for the department to improve processes or operations it will be referred to the relevant area and a senior officer will have responsibility for the implementation of necessary actions

4.4 Monitoring effectiveness

The department's complaints management system:

- » must meet all statutory, policy and reporting requirements
- » identify complaint trends
- » monitor the time taken to resolve complaints.

Reports on the volume, trends and issues associated with department complaints are provided on a quarterly basis to the relevant committee within the department's governance framework.

In accordance with section 264(3) of the *Public Sector Act 2022*, information about customer complaints for the previous financial period is published on the department's website by 30 September after the financial year.

5. Delegations

Delegations are to be exercised in accordance with the department's Human Resource, Financial, Procurement, Contract Signing and Business Support Delegations. Delegation Schedules are reviewed on a regular basis to ensure they remain current and relevant to the operational needs of the department. It is recommended that delegate authority levels are confirmed prior to exercising any powers in relation to this policy and supporting procedures.

6. Responsibilities and accountabilities

See the [Complaints Management Policy](#) for responsibilities and accountabilities related to this procedure.

7. Human rights compatibility

The department is committed to respecting, protecting and promoting human rights.

Under the *Human Rights Act 2019* (HR Act), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

When making a decision about customer complaints, decision-makers must comply with this obligation.

For further information on the HR Act see <https://www.qhrc.qld.gov.au>

8. Definitions

Refer to [Appendix A](#) for definitions of key terms referred to in this procedure.

9. Related documents

- » [Complaints about the Director-General and Coordinator-General procedure](#)
- » [Complaints management policy](#)
- » [Human rights complaints procedure](#)
- » [Privacy complaint procedure](#)
- » [Public interest disclosure procedure](#)
- » [Reporting corrupt conduct procedure](#)

10. References

- » [Code of Conduct for the Queensland Public Service](#)
- » [Crime and Corruption Act 2001](#)
- » [Human Rights Act 2019](#)
- » [Industrial Relations Act 2016](#)
- » [Information Privacy Act 2009](#)
- » [Public Interest Disclosure Act 2010](#)
- » [Public Sector Ethics Act 1994](#)
- » [Public Sector Act 2022](#)
- » [Queensland Ombudsman – Complaints management guidance](#)
- » [Queensland Ombudsman – Managing unreasonable complainant conduct](#)

11. Further information

For further information or clarification, please contact:

- » your manager or supervisor
- » your business support officer
- » complaints@dsdilgp.qld.gov.au

12. Storage of information

All information should be managed in accordance with the [Public Records Act 2002](#), and the whole-of-Government [Records Governance policy](#). In addition, personal information should be managed in accordance with the [Information Privacy Act 2009](#).

13. Document control

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| Document owner | Director, Ethics | | | |
| Contact details | ethics@dsdilgp.qld.gov.au | | | |
| Next review (annually) | February 2025 | | | |
| Supersedes | DSDILGP Customer complaints procedure v2.3 (D17/152361) | | | |
| Version | Issue Date | Reason | Author | Approver |
| 2.0 | 07/09/2017 | Major update following review | Senior Complaints Officer, Ethics and Governance | Deputy Director-General, Business Solutions and Partnerships (BSP) |

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| 2.1 | 30/08/2018 | Minor update from MoG changes | Principal Governance Officer, Ethics and Governance | Executive Director, Corporate Services, BSP |
| 2.2 | 04/04/2019 | Update to branding and White Ribbon Commitment | Principal Governance Officer, Governance, Performance and Risk | Deputy Director-General, Business Commercial and Performance (BCP) |
| 2.3 | 20/07/2021 | Minor updates and branding – following Machinery of Government Changes | Senior Project Officer, Ethics | Director, Ethics |
| 2.4 | 16/02/2024 | Minor updates – MoG; updating legislative references and team titles Removed 'employee grievance' and 'DFV' in Appendix A as not relevant to this procedure | Advisor, IWR | Director, Integrity & Workplace Relations |

Appendix A: Definitions

The key terms referred to in this procedure are as follows:

| Term | Definition |
|---|---|
| Complainant | » The person who makes a complaint. |
| Corrupt conduct (As defined by the Crime and Corruption Commission) | <ul style="list-style-type: none"> » Under the Crime and Corruption (CC) Act, there are two different types of corrupt conduct. » "Type A" corrupt conduct involves conduct that affects, or could affect, a public officer (an employee of a public sector agency) so that the performance of their functions or the exercise of their powers: <ul style="list-style-type: none"> ○ is not honest or impartial, or ○ knowingly or recklessly breaches public trust, or ○ involves the misuse of agency-related information or material. » Common examples of Type A corrupt conduct include fraud and theft, extortion, unauthorised release of information, obtaining or offering a secret commission and nepotism. » "Type B" corrupt conduct involves specific types of conduct that impair, or could impair, public confidence in public administration. This may include: <ul style="list-style-type: none"> ○ collusive tendering, or ○ fraud relating to an application for a licence, permit or other authority relating to public health or safety; the environment; or the State's natural, cultural, mining or energy resources, or ○ dishonestly obtaining public funds or State assets, or ○ evading a State tax, levy or duty or fraudulently causing a loss of State revenue, or ○ fraudulently obtaining or retaining an appointment. » Both Type A and Type B corrupt conduct must be either a criminal offence or serious enough to warrant dismissal. » Refer to section 15 of the CC Act for the legal definition. |
| Customer complaint | <ul style="list-style-type: none"> » A complaint about the service or action of the department, or its staff, by a person who is apparently directly affected by the service or action. Customer complaints include complaints about any of the following— <ul style="list-style-type: none"> ○ a decision made, or a failure to make a decision, by an employee ○ an act, or failure to act, of the department ○ the formulation of a proposal or intention by the department ○ the making of a recommendation by the department ○ the customer service provided by an employee of the department. |
| Delegate | » The person authorised to perform a specific task or function on the Director-General or Minister's behalf. Delegations and authorisations are recorded in the department's delegation schedules. |
| Discloser | » The person who makes a PID under the PID Act. |
| Privacy complaint | » A written complaint by an individual about an act or practice of an agency in relation to their personal information, which alleges a breach of the agency's obligations to comply with the privacy principles under the IP Act. A privacy complaint may also relate to an act or practice of a person or entity dealing with personal information on behalf of the department (such as a contractor or consultant). |

| Term | Definition |
|--|--|
| Procedural fairness (also known as natural justice) | » The common law duty to accord a person procedural when making a decision that affects their rights, interests or legitimate expectations. The duty to accord procedural fairness consists of three key rules: <ul style="list-style-type: none"><li data-bbox="614 344 1479 441">○ the fair hearing rule, which requires a decision-maker to accord a person who may be adversely affected by a decision an opportunity to present his or her case<li data-bbox="614 448 1479 544">○ the rule against bias, which requires a decision-maker not to have an interest in the matter to be decided and not to appear to bring a prejudiced mind to the matter<li data-bbox="614 551 1479 607">○ the no evidence rule, which requires a decision to be based upon logically probative evidence. |
| Public consultation | » A formal process where the department has invited comment. |
| Public Interest Disclosure (PID) | » An appropriate disclosure of public interest information (such as a report of corrupt conduct, reprisal, maladministration that affects a person’s interests in a substantial and specific way, substantial misuse of public resources, substantial and specific: danger to public health and safety the environment) made to a proper authority. Refer to Chapter 2 of the PID Act for the legal definition. |

