



Administrative Action Complaints

An administrative action complaint is a complaint about a Council decision, action, or failure to act. This applies when the person making the complaint has been directly affected by what Council has done or not done (*Local Government Act 2009*).

Administrative action complaints include:

- Complaints about how Council handled a previous request
- Requests for Council to review one of its decisions
- Complaints about the way Council responded to an enquiry
- Complaints about a decision made by Council or one of its committees
- Complaints about delays in completing a request or providing a decision within a designated timeframe.

Your complaint should include:

- a straight-forward description of the action or decision you are complaining about
- what your direct interest is in the matter.

If Council can't determine this essential information, we may ask you to more clearly and simply state your complaint.

Timeframes:

Council will acknowledge your complaint within 10 business days. Council aims to resolve:

- Urgent matters within 15 business days.
- Non-urgent complaints or less complex matters within 30-45 business days.
- Complex matters within 45-60 business days.

Grounds for Refusal:

Council may refuse a complaint if it is trivial, frivolous, or not related to an administrative action. Council may also refuse a complaint if it has already been reviewed, or if investigating it would be unnecessary or unjustifiable.

Complaint handling process:

Where possible, Council will aim to resolve your complaint the first time you contact us. If this is not possible, your complaint will go through the following steps:

1. **Operational Review:** Your complaint will be sent to the right area of Council to assess what the issue is and what needs to happen next.
2. **Internal Investigation:** If you are not satisfied after the operational review, you may ask for an internal investigation. This investigation is carried out by a trained officer who was not involved in the original decision and has no conflict of interest. The investigation looks at whether the decision-making process was fair and reasonable. It does not make a new operational decision.
3. **Internal Review:** The investigation findings and recommendations are provided to the Internal Review Authority. The review checks whether the assessment and investigation were carried out properly, and whether the conclusions were fair and supported by evidence. It is not a new investigation.
4. **External Review:** If you are still not satisfied, you can ask for an external review through the Queensland Ombudsman, the Queensland Civil and Administrative Tribunal, or the Courts.

Outcome:

You will be advised of the outcome of your complaint.

Possible outcomes are:

- The original decision was correct and does not need more investigation.
- The original decision was wrong and should be changed.
- The investigation should be reopened.
- Council needs to explain the decision more clearly.
- A policy or procedure should be updated.
- A record should be changed.
- An apology or other remedy should be provided.

Review and Appeals Process:

If you are not satisfied with Council's decision or how your complaint was handled, you can request an independent review through the Queensland Ombudsman.

Contact Council

Please contact Council on 1300 79 49 29 or email enquiry@frasercoast.qld.gov.au

Queensland Ombudsman Contact Details:

www.ombudsman.qld.gov.au (Complaint form)
GPO Box 3314, Brisbane, QLD 4001
1800 068 908 (Toll free outside Brisbane only)

Matters that are not administrative action complaints include:

MATTER	EXAMPLE	ALTERNATE COMPLAINT AVENUE
Complaints against or about Councillors conduct - refer to the Investigation Council Policy	A Councillor (including the Mayor) does not correctly disclose and/or manage an interest in a matter	Policies – Fraser Coast Regional Council
Complaints about the Chief Executive Officer – refer to the Council Policy	Conduct of the Chief Executive Officer	Policies – Fraser Coast Regional Council
Disputes about the merits of planning approvals and building development approvals	Refusal of a building development application; challenging a decision notice from a private building certifier refusing the application in line with the Council's recommendation or swimming pool fences Not in agreement with the outcomes of a private certifier	Queensland Government Development Tribunal or Queensland Planning and Environment Court Queensland Building and Construction Commission
Where there is a statutory right of review	Complaint regarding rating categorisation.	Section 92 of the <i>Local Government Regulation 2012</i> provides that a landowner may appeal to the Land Court within 42 days of receiving the objection outcome from Council. Land Court
Appeals of court decisions or matters before the courts or other tribunal	Appeal of court decision regarding development application (DA)	Queensland Government Development Tribunal or Queensland Planning and Environmental Court
A decision made by Council's insurer	Refusal of an insurance claim made against Council	Local Government Mutual Services (external insurance provider) Queensland Civil and Administrative Tribunal (QCAT) under \$25,000 Insurance Claim Form and FAQ
Matters that relate to insurance claims or coverage disputes should be referred to Council's insurer for determination.	Where the insurer declines the claim, the complainant may still lodge a complaint about Council's administrative action in handling the matter.	
Civil neighbour disputes	Boundary fence disputes, torts, trespass or airspace intrusions (including misuse of drones)	Queensland Police Service (QPS) Queensland Civil and Administrative Tribunal (QCAT) Australian Government Civil Aviation Safety Authority (CASA)

MATTER	EXAMPLE	ALTERNATE COMPLAINT AVENUE
Matters that fall within the jurisdiction of another level of government	Social housing, health care or roads which are not maintained by Council	Relevant State or Federal Government Department, i.e. Department of Housing and Public Works, Queensland Health or Transport and Main Roads
Matters for which the statute of limitations on civil litigation has expired	Personal injury claim - 3 years from date of cause of action Defamation - 1 year from the date of the publication of the matter	Seek independent legal advice. Legal Aid Queensland Queensland Civil and Administrative Tribunal (QCAT)
Adverse privacy impacts associated with Council's use and / or application of artificial intelligence systems	Cyber security breaches, privacy breach	Queensland Government Office of the Information Commissioner
Allegations of suspected harm or risk of harm to a child	Incident takes place at a Council managed playground involving a child	Queensland Police Service (QPS)
Matters that may involve criminal offences	Vandalism, theft or a compromise of safety	Queensland Police Service (QPS)
Matters that have been previously finalised, i.e. Those matters for which an internal review has been completed and outcome determined	Complaint has already been the subject of an internal review.	Queensland Ombudsman Office
A decision made under a local law which is not reviewable in accordance with Fraser Coast Regional Council Local Law No. 1 (Administration) 2011, Part 6	Penalty infringement notices for an offence against a local law (i.e. parking fine)	Queensland Government State Penalty Enforcement Registry (SPER) Queensland Magistrates Court
Matters that are currently being actively managed by the relevant department	Council department has logged an issue and scheduled a resolution i.e., the matter is actively being managed through the Early Resolution or Operational Review process	Contact Us – Fraser Coast Regional Council
Governance and strategic decisions of Council	Policy positions, strategic priorities, high-level planning decisions, and financial decisions such as budgetary allocations, financial planning or expenditure decisions.	Budget Fraser Coast Regional Council Contact Us – Fraser Coast Regional Council