

Moira Shire Council

Complaint Handling Policy

Policy type	Council
Policy Number	GOV-02
Version Number	3
Responsible Director	Corporate Performance
Responsible Officer	Manager Governance, Risk and Performance
Date adopted by Council	22 April 2026
Scheduled for review	This policy will be reviewed four years from the date of adoption, or sooner if required. It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Administrative changes do not materially alter the document (such as spelling/typographical errors, change to the name of a Council department, a change to the name of a Federal or State Government department). Administrative updates can be made in accordance with the Policy Framework Guidelines.

1. PURPOSE

Council delivers a large and diverse range of services and strives to ensure its decision-making processes result in fair and reasonable outcomes for the community. We understand that in some circumstances, our services or actions may not meet the expectation of all community members.

Complaints provide important insights about Council services and are a valuable opportunity to identify areas that may need improvement.

This policy is established to meet Council's obligations under section 107 of the *Local Government Act 2020*, which requires councils to have a Complaints Policy that specifies how complaints are to be handled.

This policy establishes a framework to ensure all community members, including children and young people, can feel confident to raise complaints with Council easily with an understanding that Council will listen, be respectful and responsive and handle their complaints fairly and objectively.

2. OBJECTIVE

The objectives of this policy are to:

- Comply with the requirements of section 107 of the *Local Government Act 2020*.
- Assist Council employees in identifying and managing complaints appropriately and consistently.
- Establish a fair and objective process for handling complaints about actions, decisions, and services provided by Council including actions taken by Council employees and contractors.
- Ensure that the community understand how to make complaints and how Council will respond to their complaints; and
- Set out Council's approach to managing unreasonable complaint conduct.

3. SCOPE

This Policy applies to all employees, contractors, volunteers, student on placements and community members who wish to make a complaint as defined in this policy.

3.1 Exclusions

This Policy does not apply to decisions or processes that have a separate statutory or legislative appeal process. These issues are still valid but are managed separately. They include but are not limited to the following examples:

- Petitions to Council about a certain matter.
- Lodging appeals against a planning application or decision (VCAT).
- Contesting infringements relating to parking or other regulatory matters .
- Complaints relating to Councillor conduct.
- Complaints relating to the conduct of staff including Chief Executive Officer.
- Allegations of fraud, corruption or other criminal behaviour.
- Complaints currently under review by an external agency.
- Privacy breaches under Information Privacy Principles or Health Privacy Principles
- Other matters subject to specific statutory processes or Council procedures
- Complaints made under the *Child Wellbeing and Safety Act 2005*.
- Claims for compensation (public liability).

Feedback during formal consultation activities or requests for service such as reporting faulty infrastructure or hazards or request for information are not considered a complaint under this policy.

4. DEFINITIONS

Term	Definition
Act	<i>Local Government Act 2020</i>
CEO	Chief Executive Officer
Complaint	As defined in the <i>Local Government Act 2020</i> includes communication, whether orally or in writing to the Council by a person of their dissatisfaction with: • The quality of an action taken, decision made, or service provided by a member of Council staff or a contractor engaged by Council; or • The delay by a member of Council staff or a contractor engaged by Council in taking action, or making a decision or providing a service; or • A policy or decision made by a Council or a member of Council staff or a Contractor.
Complainant	Any person who makes a complaint including children and young people.
Contractor	A third party engaged by Council to carry out services, supply goods or perform works or functions on behalf of Council.
Councillor	Has the same meaning as the definition in the <i>Local Government Act 2020</i> . In accordance with the <i>Local Government (Moira Shire Council) Act 2023</i> , Moira Shire Council has a Panel of Administrators appointed. Administrators fulfill the role of Councillor, and the Chair Administrator fulfills the role of Mayor. While under administration, any reference to the term Councillor/s can be deemed as a reference to Administrator/s.
Complaint Handling Framework	Includes the Complaint Handling Policy and associated Complaint Handling Procedure that describes Councils commitment to a transparent and accountable process for receiving, actioning and investigating complaints.
Feedback	Feedback may take the form of positive and negative comments about a service, product, experience or process of Council that may not necessarily require corrective action, change of services or a formal review of a decision. Feedback may be used to influence future service reviews and delivery methods.
First Point of Contact	The person who the complainant contacts to express their complaint. This could be any staff member at any level, a Councillor, volunteer or a contractor.
Internal Review	A review conducted independently by a senior staff member who has not been involved with the original decision, action or investigation, and is not from the same work area.
Outcome	The action to be taken to resolve the issues identified in a complaint.
Regulatory Matters	Include but not limited to Parking Enforcement, Community Amenity Local Laws, Animal Management.
Request for Service	A request by a customer seeking assistance, access to a new service or advice, or to inform Council of, or make a report about something for which Council has responsibility but does not include a complaint.
Unreasonable Complainant	A complainant whose conduct is considered to be unreasonable.

5. POLICY STATEMENT

Council is committed to providing accessible, fair, and timely complaint handling that respects the rights of all community members and drives continuous improvement in our services. Complaints are an opportunity to learn, improve, and strengthen Council's relationship with the community.

This policy forms part of Council's Complaints Handling Framework, which includes this policy, the associated Complaints Handling Procedure, and supporting processes and training to support the consistent delivery of this policy. A visual overview of the complaints process is provided in Appendix A.

5.1 Guiding Principles

Council's Complaints Handling Framework has been developed to align with the following eight principles:

Commitment	We are committed to resolving complaints that we receive. Our culture recognises people's right to make a complaint and considers complaint handling to be part of our core business of serving the community and improving service delivery.
Accessibility	People can easily find out how to make a complaint to us, and we actively assist them with the complaint process.
Transparency	We clearly set out how to make a complaint, where to lodge a complaint, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.
Objectivity and fairness	Complainants and staff are treated with respect and courtesy, and complaints are judged on merit and fact.
Confidentiality	We protect the personal information of people making a complaint, and employees are informed only on a 'need to know' basis
Accountability	We are accountable, both internally and externally, for our decision making and complaint handling performance. We provide explanations and reasons for decisions and ensure that our decisions are subject to appropriate review processes.
Continuous improvement	We regularly analyse complaint data to find ways to improve how we operate and how we deliver then implement these changes.
Human Rights	We ensure our complaint handling processes respect and promote human rights under the Charter of Human Rights and Responsibilities Act 2006. We give particular consideration to the needs of vulnerable groups including children, people with disabilities, Aboriginal and Torres Strait Islander peoples, and culturally and linguistically diverse communities.

5.2 What happens to complaints

We will handle complaints fairly and systematically using the process outlined in section 6.

After investigating a complaint, we will provide the complainant with a clear explanation of our findings and decision.

Where Council finds it has made an error, it will take steps to redress the situation. Possible remedies include, but are not limited to -

- An explanation of why the error occurred and steps taken to prevent it from happening again.

- A reversal of a decision.
- A correction of the Council records.
- A change to the policy, procedure or practice.
- Disciplinary action taken against a staff member (if necessary).
- Providing the means of redress requested by the complainant.
- Full or partial refund of monies paid or full or partial credit note, where applicable.

5.3 How to make a complaint

Any person can make a complaint. We accept complaints made orally or in writing in various ways and will handle all complaints in accordance with this Policy. Complaints made via comments on Social Media posts are not considered as a formal way to make a complaint.

5.3.1 Ways to make a complaint

In Person: Main Administration Centre 44 Station Street Cobram Victoria Service Centre 100 Belmore Street Yarrawonga Victoria By Telephone: (03) 5871 9222	Online: Complete the Complaint Form on Council's website. Post: Moirā Shire Council PO Box 578 COBRAM VIC 3643 Email: info@moira.vic.gov.au
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5.3.2 What to include in a complaint

To help us understand and respond to complaints effectively, the following information should be provided:

- Name and contact details. We accept and respond, where possible, to anonymous complaints, provided we have received enough information to do so.
- A brief description of the action, decision, service, delay or policy that is the subject of the complaint;
- Relevant details such as dates, times, location or reference numbers and documents that support your complaint.

The reason(s) why the complainant is dissatisfied and the expected outcome.

5.3.3 Accessibility

Council is committed to ensuring its complaints process is accessible to everyone. Complainants are encouraged to identify any specific communication needs or barriers they may experience to help Council meet their needs.

Council has the following services in place to assist people with specific needs to make a complaint:

- a hearing loop that is compatible with hearing aids that have a T program or T switch is available at Customer Service centres in Cobram and Yarrawonga

- Council can be contacted through the National Relay Service (NRS). TTY users can phone the NRS on 133 677 then ask for 03 5871 9222
- Speak & Listen (speech-to-speech) users phone the NRS on 1300 555 727 and ask for 03 5871 9222
- Internet relay users connect to NRS on www.relayservices.com.au then ask for 03 5871 9222
- Assisting with obtaining access to translation services if required

6. COMPLAINT HANDLING PROCESS

When a complaint is made, Council will assess how it will be handled and respond appropriately. Complaints requiring investigation will be acknowledged within five (5) business days.

Some complaints may follow modified processes due to statutory requirements or the nature of the complaint as outlined in Section 3 (Exclusions). These are managed under specific Council policies, procedures and relevant legislation.

The following process applies to handling complaints under this policy:

Internal	Tier 1 Frontline resolution	The aim of this approach is for the complaint to be resolved at first point of contact. The officer receiving the complaint should have the necessary skills to understand and resolve the complaint. If that is not possible, the complaint will be escalated to an investigation.
	Tier 2 Investigation (if required)	Where a complaint has not been resolved at frontline, it will be escalated to Council officer to further investigate the complaint, including gathering information, consolidating decisions determining an outcome. The decision and outcome will be communicated to the complainant within ten (10) business days.
	Tier 3 Internal Review	If the complainant is dissatisfied with Council's decision and how their complaint was responded to, they can request an internal review. It will be assigned to an appropriate member of the Council who is independent of the action taken, decision made or provision of service that is the subject of the complaints. An internal review may also be initiated if a Director or Manager confirms reasonable efforts to achieve a timely resolution have been exhausted. Council will inform the complainant of the outcome of the review and explain the reasons within thirty (30) days.
External	Tier 4 External Review	If the complainant remains dissatisfied after Council's internal review, they can seek external review through the appropriate independent body (set out in Appendix C). We will provide you with information about relevant external review options as part of our internal review response.

Where Council anticipates that a complaint cannot be resolved within the standard timeframes set out in this section, the complainant will be notified as soon as practicable and advised of a revised expected timeframe for resolution.

6.1 External Review

If the complainant is dissatisfied with the internal review, they can choose to request an external review. There are many avenues of where a complaint may be referred, depending on the nature of the complaint. Refer to Appendix B for a list of relevant Regulatory Agencies.

6.2 Complaints excluded from this process

Council maintains separate procedures for the management of specific complaints, which may include relevant statutory requirements. Appendix C provides operational guidance for key excluded complaint types, including appropriate contact points and referral procedures.

7. ROLES AND RESPONSIBILITIES

Role	Responsibility
Receiving Officer	- Determines whether the matter is a complaint. - Attempts frontline resolution of the complaint immediately and within the authority of their role. - Records the complaint in Council systems. - Refers a complaint that cannot be resolved to an investigation.
All staff	- Receive, investigate and attempt to resolve the complaint immediately within the authority of their role and where appropriate in partnership with the referring receiving officer and with advice/involvement from a Director, if required. - Refer the complaint to the Governance, Risk and Performance Team if the matter cannot be resolved or with involvement from the Director.
Governance, Risk and Performance Team	- Provide training and support to staff so that they understand the complaint handling process and are empowered to manage complaints within the authority of their role. - Conduct Internal Review process, if there has been no prior involvement in the complaint investigation.
Chief Executive Officer	- Receives and manages any escalated complaints that cannot be resolved at the Director level.
Councillors	- When a Councillor receives a complaint from a member of the community they will refer it to the Office of the CEO.
Third Party Contractors	- Ensure Council is advised in a timely manner of all complaints received.

8. MANAGING UNREASONABLE COMPLAINANTS

Council expects mutual courtesy and respect between staff and complainants. Council has a zero-tolerance policy for behaviour that is offensive, abusive, threatening or which consumes disproportionate resources.

Examples of unreasonable complainant conduct include:

- Persistent, unrelenting and incessant attempts to raise issues that have been comprehensively dealt with.
- Making demands for unattainable or constantly changing outcomes.

- A continual unwillingness to cooperate in the complaints handling process; constant and repeated arguments not based on reason.
- Acts of aggression, threats, verbal abuse or derogatory, racist or defamatory remarks.

Council has a responsibility under the *Occupational Health and Safety Act 2004* to maintain employee and customer safety in the workplace.

Council will apply appropriate and proportionate strategies to manage unreasonable conduct, in which may include limiting contact methods, frequency, or access to facilities that will be detailed in a Contact Plan.

Where restrictions are applied, Council will inform the unreasonable complainant in writing of the reasons along with a Contact Plan.

Decisions to restrict access require Director Corporate approval in consultation with the CEO. Restrictions will be reviewed at the complainant's request (minimum 3 months) and annually.

9. PRIVACY AND CONFIDENTIALITY

Council is committed to protecting complainants' privacy in accordance with the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001* and Council's Privacy Policy.

Personal information gathered from a complainant during complaint handling will only be:

- used to deal with the complaint or for a reasonable secondary purpose, such as monitoring complaint trends; and
- disclosed in a de-identified format for reporting purposes; and
- accessed by Council staff where necessary to deal with the complaint, or for a related secondary purpose.

All complaints are recorded in relevant records management systems with access limited to relevant investigating employees.

We record the following information for each complaint:

- the complainant's details (unless anonymous)
- how the complaint was received if received verbally
- a description of the complaint
- the complainant's desired outcome (if known)
- the council officer responsible for handling the complaint
- any action taken, including contact with the complainant, response times and the outcome
- any recommendations for improvement, and who is responsible for implementing them

10. MONITORING AND EVALUATION

Council regularly analyses complaint data to identify trends, improve services, and enhance complaint handling processes. Performance is measured through key performance indicators including the number of complaints received, response timeframes against targets, complaint outcomes overturned on internal review, and complaints escalated to external bodies where a Council decision was overturned.

Council prepares quarterly reports on performance and annual reporting in Council's Annual Report, including details of service improvements implemented as a result of complaints received. Senior Management is responsible for implementing recommendations arising from complaint analysis and reporting.

11. RELATED DOCUMENTS

Related Legislation

Local Government Act 2020

Public Interest Disclosures Act 2012

Local Government (Moira Shire Council 2023) Act

Privacy and Data Protection Act 2014

Charter of Human Rights & Responsibilities Act 2006

Freedom of Information Act 1982

Child Wellbeing and Safety Act 2005

Gender Equality Act 2020

Related Policies and Procedures

Customer Service Charter & Standards

Privacy Policy

Public Interest Disclosures procedure

Model Councillor Code of Conduct

Employee Code of Conduct

Administrator & Staff Interaction Protocol

Complaint Handling Procedure

Social Media Policy & Guidelines

References

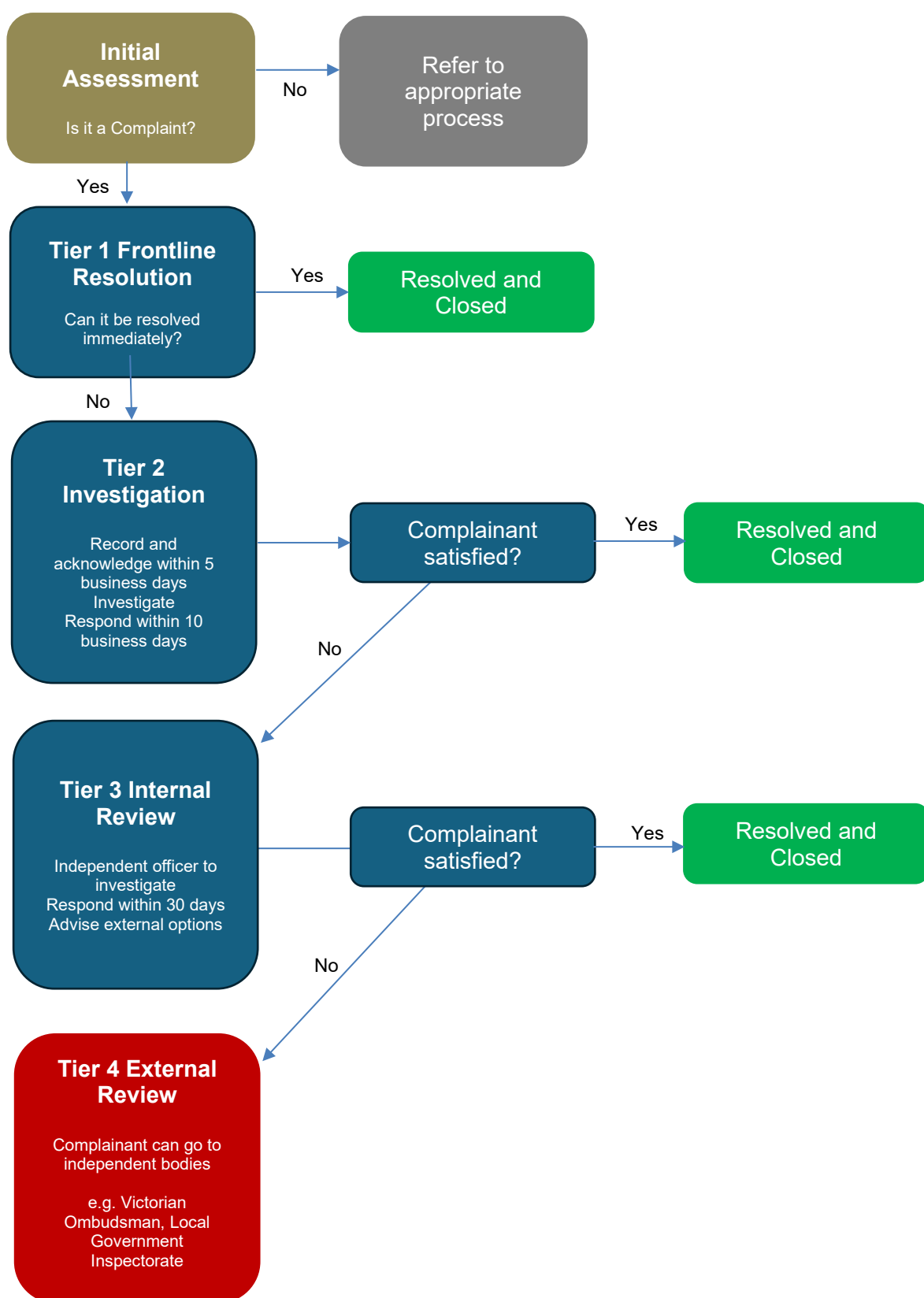
Victorian Ombudsman's Councils and Complaints – A good practice guide February 2015

Victorian Ombudsman's Councils and Complaints - A Good Practice Guide (2nd edition July 2021)

12. DOCUMENT REVISIONS

Version	Summary of Changes	Approved by	Date
1	Original Policy adopted	Council	22/03/2017
2	Policy review	Council	15/12/2021
3	Policy review	Council	22/04/2026

APPENDIX A – COMPLAINT HANDLING PROCESS FLOWCHART



APPENDIX B - EXTERNAL REVIEW: INDEPENDENT BODIES

This appendix provides contact details and referral information for relevant independent review bodies. Contact details, referral procedures, and agency information may be updated as operational needs require.

Complaint Type	Appropriate external body
Actions or decisions of Council, Council staff and Contractors, including the handling or review of a Complaint. This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006.	Victorian Ombudsman: www.ombudsman.vic.gov.au
Breaches of the <i>Local Government Act 2020</i> or the <i>Local Government Act 1989</i> .	Local Government Inspectorate: www.lgi.vic.gov.au
Breach of privacy or an FOI complaint	Office of the Victorian Information Commissioner: www.ovic.vic.gov.au
Corruption or public interest disclosure ('whistle-blower') complaints	Independent Broad-based Anti Anti-Corruption Commission: www.ibac.vic.gov.au
Discrimination	Victorian Equal Opportunity and Human Rights Commission: www.humanrights.vic.gov.au
Council elections	Victorian Electoral Commission: www.vec.vic.gov.au
Breach of health records obligations	Health Complaints Commissioner: www.hcc.vic.gov.au
Victorian Civil and Administrative Tribunal (VCAT) assists in resolving a range of disputes between people and government in areas such as planning and environment; land valuation and building and construction	VCAT: www.vcat.vic.gov.au

APPENDIX C – ALTERNARE COMPLAINTS PROCEDURES

This appendix covers key excluded complaint types requiring specific handling arrangements. Procedures, contact details, and referral guidance may be updated as operational needs require.

COMPLAINT TYPE	
Allegations of Corruption	These complaints will be handled in accordance with the: <i>Public Interest Disclosures Act 2012</i> ; and Council's Public Interest Disclosure Policy & Procedure
Councillor Conduct	These complaints will be dealt with in accordance with the: <i>Local Government Act 2020</i> ; <i>Public Interest Disclosures Act 2012</i> ; Council's Public Interest Disclosure Policy & Procedure; and Model Code of Conduct.
Chief Executive Officer	These complaints should be made in writing to the Director Corporate Performance and will be handled in accordance with the: <i>Local Government Act 2020</i> ; <i>Public Interest Disclosures Act 2012</i> ; Council's Public Interest Disclosure Policy & Procedure; and Employee Code of Conduct.
Council Staff	These complaints should be made in writing to the Manager People and Culture and will be handled in accordance with the: <i>Local Government Act 2020</i> ; <i>Public Interest Disclosures Act 2012</i> ; Council's Public Interest Disclosure Policy & Procedure; and Employee Code of Conduct.
Contractor	Where Council has made provision for a contractor to handle any complaints about their services, the complainant may be directed to contact the contractor in the first instance. For example: a complaint about the operations of a council facility that is managed by a contractor.
Planning and Regulatory Matters	Complaints relating to a planning or regulatory matter are subject to alternative Statutory Review and will not be handled under this Policy.