

Program: Executive Office
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Scope

This policy applies to all Mackay Regional Council (MRC) Councillors and Staff in relation to administrative action complaints ("complaints"), competitive neutrality complaints as defined in the *Local Government Act 2009* (the Act) and human rights complaints as defined in the *Human Rights Act 2019*.

Objective

The objectives of this Policy include:

- That all complaints are assessed, investigated and managed in accordance with the relevant Corporate Standard;
- Maintaining a high level of customer service whilst managing complaints;
- Detection and rectification of administrative errors, where appropriate;
- Identification of areas for improvement in MRC's administrative practices;
- Enhancement of the Community's confidence in the administrative complaints management process and the reputation of MRC as being transparent and accountable;
- Train MRC staff to manage complaints effectively and to continuously look at improving processing;
- Corresponding with the Affected person regarding the investigation by acknowledging the complaint and providing a written outcome where possible to the customer.

Policy Statement

MRC welcomes complaints about its administrative actions as a form of feedback from our community in order to improve our services, systems and procedures. All complaints will be assessed, investigated and managed in accordance with the AAC Corporate Standard which is read in conjunction with this policy.

This process to remain in force until otherwise determined
by Mackay Regional Council

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1.0 Principles

This Policy applies to complaints resulting from MRC's administrative actions including:

- a) A decision, a failure to make a decision, including failure to provide written statement of reasons for a decision;
- b) An act, or a failure to do an act;
- c) The formulation of a proposal or intention;
- d) The making of a recommendation;
- e) Competitive neutrality complaints;
- f) Human rights complaints;
- g) Complaints regarding use of personal information;
- h) Complaints made against employees or the MRC Code of Conduct;
- i) Development compliance matters;
- j) Environmental nuisance complaints;
- k) Appeal of penalty infringement notices; and
- l) Complaints of an administrative nature not otherwise listed ('General Complaints').

This Policy does not apply to the following complaints:

- a) Which are not an administrative action of MRC;
- b) Made by a person not deemed to be an "Affected person";
- c) Initial request for services or information;
- d) Suggestions, enquiries or petitions;
- e) Regarding a decision made under a Local Law which is reviewable under a local law process;
- f) Any matter covered by a separate statutory prescribed review process, for example:
 - A prescribed process under the *Planning Act 2016*;
 - A prescribed process under the *Animal Management (Cats and Dogs) Act 2008*;
- g) Official misconduct/conduct complaints of staff;
- h) Complaints regarding the CEO;
- i) Councillor Conduct complaints;
- j) A public interest disclosure made under the *Public Interest Disclosure Act 2010*;
- k) Matters currently being dealt with or have been previously dealt with by a court, tribunal or external complaints agency;
- l) Disputes about legal liability;
- m) Social media complaints; or
- n) Complaints outside of MRC's jurisdiction.

2.0 Complaint Management

2.1 Refusal to Investigate Complaint

MRC may refuse to investigate a complaint, or having started to investigate a complaint, refuse to continue to investigate if it reasonably considers that:

- The complaint is trivial, frivolous or vexatious;
- The complaint is part of a neighbourhood dispute;
- Where the Affected person continually refuses to accept MRC's decision;
- Where the Affected person displays unreasonable conduct;
- The Investigation of the complaint is unnecessary or is an unjustifiable use of MRC resources;
- The complaint is made anonymously and there is insufficient information provided to investigate the complaint; or
- The complaint is made outside of the complaint period.

2.2 Anonymous Complaints

Anonymous complaints will be accepted by MRC, however it is important that appropriate information, evidence (including potential witnesses) and supporting documents are provided to support the complaint being made.

2.3 Review Rights

If a customer is not happy with the outcome of their complaint, they are able to apply for an internal review. After an internal review, if they are still not satisfied with the outcome response of the complaint, they are entitled to seek an external review by the Queensland Ombudsman or other relevant body.

2.4 Lodging a complaint

A complaint must be in writing and may be lodged by one of the following methods:

- Email to - complaints@mackay.qld.gov.au
- On-line - by making a general request and choosing the request type "**Lodge AAC**".
- By Post - Addressed to the CEO, PO Box 41, Mackay Qld 4740;
- Over the counter at a customer service centre;

- By Telephone: 1300 MACKAY (1300 622 529).

3.0 Definitions

To assist in interpretation the following definitions shall apply:

Administrative action complaint shall mean a request for review of an administrative action made by MRC based on an expression of dissatisfaction by an Affected person. See paragraph 1 for a detailed description of administrative action complaints.

In determining if a complaint is an administrative action complaint, it is irrelevant—

- (a) how quickly the complaint was resolved; or
- (b) to which area of a local government the complaint was made; or
- (c) whether the complaint was a written or verbal complaint; or
- (d) whether or not the complaint was made anonymously.

Affected person shall mean a person as follows:

- (a) **Administrative action complaints** – a person who is who is directly affected by an administrative action of MRC.
- (b) **Competitive neutrality complaints** – a person who:
 - i. competes with MRC in relation to the business activity; and
 - ii. claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by MRC; or
 - iii. wants to compete with MRC in relation to the business activity; and
 - iv. claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by MRC.

Competitive Neutrality Complaint shall mean a complaint that:

- (a) relates to the failure of MRC to conduct a business activity in accordance with the competitive neutrality principle; and
- (b) is made by an Affected person.

Complaint shall mean an administrative action complaint.

Complaint Period shall mean:

- (a) twelve (12) months from the administrative action date; and
- (b) three (3) months from the administrative action review decision date.

Council shall mean the Mayor and Councillors of Mackay Regional Council.

Frivolous complaints shall mean a complaint which is considered to be either minor, lacking in substance or without merit.

Human Rights Complaint shall mean a complaint about an alleged contravention of section 58-1 by a public entity in relation to an act or decision of the public entity.

MRC shall mean Mackay Regional Council.

Neighbourhood dispute shall mean conflict between neighbours where they are unable to reach a mutually agreed outcome or displaying behaviour which is disrespectful or unacceptable to the other party.

Staff shall mean all persons employed by Mackay Regional Council on a permanent, temporary, or casual basis, or otherwise engaged by Mackay Regional Council including those under a contract of service or a volunteer program.

The Act shall mean the *Local Government Act 2009*.

Trivial complaints shall mean a matter of little importance or does not show that the Affected person has suffered a significant injustice.

Vexatious complaints shall mean a complaint, which is considered to be made maliciously, regardless of its merits, primarily to embarrass, annoy or place an unreasonable burden on a respondent.

Unreasonable conduct shall mean any behaviour by a person which because of its nature or frequency, raises substantial health, safety, resources or equity issues for the people involved in the complaint process.

4.0 Review of Policy

This policy will be reviewed when any of the following occur:

- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

5.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Human Rights Act 2019*
- Australian Standard AS-NZS10002:2014 *Guidelines for complaint management in organisations;*
- MRC Policy No. 100 - Complaints against the CEO
- MRC Corporate Standard 001.1 - Administrative Action Complaints
- MRC Corporate Standard 001.2 - Competitive Neutrality Complaints
- MRC Corporate Standard 001.3 - Human Rights Complaints
- MRC Code of Conduct

6.0 Attachments

- *Corporate Standard 001.1 – Administrative Action Complaints*
- *Corporate Standard 001.2 – Competitive Neutrality Complaints*
- *Corporate Standard 001.3 – Human Rights Complaints*

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	Review		Endorsed by Council	25/01/2017
2	Audit	Change to definitions	Council	24/10/2017
3	Review	Amendments to Policy	Council	10/06/2020
4	Review/Updated	Inclusion of Standards	Council	10/8/2022

Attachment 'A'

Program	Executive Office
Date of Endorsement	10 August 2022
Version	1
Review Date	10 August 2025

1.0 Scope

This Standard applies to complaints made by an Affected person about administrative actions of Mackay Regional Council (MRC) and applies to all MRC Staff.

2.0 Objective

This Standard outlines the process by which MRC receives, records, assesses, investigates, responds and reports on administrative action complaints ("AAC").

AACs encompass all complaints made by customers about the administrative actions of MRC.

This Standard has been developed to:

- provide a single system through which complaints about administrative actions can be managed.
- comply with section 268 of the *Local Government Act 2009* and the requirements under section 306 of the *Local Government Regulation 2012* for resolving complaints.
- provide a mechanism to improve our systems and processes through reporting and customer feedback.

3.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Human Rights Act 2019*
- MRC Policy No. 001 - Administrative Action Complaints
- MRC Policy No. 045 - Fraud & Corruption Prevention
- MRC Policy No. 078 - Public Interest Disclosure
- MRC Policy No. 100 - Complaints against the CEO
- MRC Code of Conduct
- Corporate Standard 001.2 – Competitive Neutrality Complaints
- Corporate Standard 001.3 – Human Rights Complaints
- AS 10002:2022 Guidelines for Complaint Management in Organisations

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Affected person shall mean a person who is who is directly affected by an administrative action of MRC.

Complaint Period shall mean:

- (a) twelve (12) months from the administrative action date; and
- (b) three (3) months from the administrative action review decision date.

Council shall mean the Mayor and Councillors of Mackay Regional Council.

Frivolous complaints shall mean a complaint which is considered to be either minor, lacking in substance or without merit.

Human Rights Complaint shall mean a complaint about an alleged contravention of section 58-1 by a public entity in relation to an act or decision of the public entity.

Internal Review Officer is MRC's Executive Officer or any person acting in that position.

Neighbourhood dispute shall mean conflict between neighbours where they are unable to reach a mutually agreed outcome or displaying behaviour which is disrespectful or unacceptable to the other party.

MRC shall mean Mackay Regional Council.

Review Officer shall mean an equal to or senior in position to the previous decision makers involved in the matter. The Reviewing Officer should have had no previous involvement in the subject matter and be completely independent of both the original decision made and the *Stage 1 Initial Complaint* decision.

Staff shall mean all persons employed by Mackay Regional Council on a permanent, temporary, or casual basis, or otherwise engaged by Mackay Regional Council including those under a contract of service or a volunteer program.

Trivial complaints shall mean a matter of little importance or does not show that the Affected person has suffered a significant injustice.

Vexatious complaints shall mean a complaint, which is considered to be made maliciously, regardless of its merits, primarily to embarrass, annoy or place an unreasonable burden on a respondent.

Vulnerability shall mean a state of being a state of being especially susceptible to detriment due to circumstances including disability, age, literacy levels, gender, trauma and stress.

Unreasonable conduct shall mean any behaviour by a person which because of its nature or frequency, raises health, safety, resources or equity issues for the people involved in the complaint process.

5.0 Standard Statement

This standard is to ensure that:

- Initial complaints that can be resolved quickly via contacting the relevant officer and communicating to the customer by telephone are resolved in this informal manner.
- All complaints are treated with appropriate respect for the confidentiality and privacy of the parties involved.
- Any Affected person who is dissatisfied with a decision or action of MRC can easily lodge a complaint.
- All Affected persons will be offered assistance in lodging a complaint.
- Each complaint is recorded and initially assessed in terms of its seriousness, priority, complexity and degree of urgency.
- Complaints will be responded to as quickly as possible and in accordance with the timeframes set out in section 8.0 *Administrative Action Complaints Process*.
- An Affected person will be informed of the complaint outcome, decision and reasons for the decision. The Affected person will also be provided information about any available review options.
- Complaints are properly monitored with a view to continuous improvement of MRC services and processes.

This Standard must be read in conjunction with the Administrative Action Complaints Policy.

6.0 What is an Administrative Action Complaint (AAC)?

An AAC is a request for review of an administrative action made by MRC based on an expression of dissatisfaction by an Affected person. An administrative action includes:

- a) A decision, a failure to make a decision, including failure to provide written statement of reasons for a decision;
- b) An act, or a failure to do an act;
- c) The formulation of a proposal or intention;
- d) The making of a recommendation;
- e) Competitive neutrality complaints;
- f) Human rights complaints;
- g) Complaints regarding use of personal information;
- h) Complaints made against employees or the Employee Code of Conduct;
- i) Development compliance matters;
- j) Environmental nuisance complaints;
- k) Appeal of penalty infringement notices; and

- l) Complaints of an administrative nature not otherwise listed ('General Complaints').

In determining if a complaint is an administrative action complaint, it is irrelevant—

- how quickly the complaint was resolved; or
- to which area of a local government the complaint was made; or
- whether the complaint was a written or verbal complaint; or
- whether or not the complaint was made anonymously.

Administrative action complaints include:

- complaints regarding how a previous request has been handled by MRC;
- requests to review a decision or action made by MRC;
- complaints about the way a response has been provided by MRC;
- complaints which revisit the same, specific issue after an initial response has been given by MRC;
- complaints about a decision of Council or a Committee of Council; and
- a failure to complete a request for service or provide a decision in the designated timeframes.

7.0 What is not an AAC?

Matters that are not an AAC include:

- a) Which are not about an administrative action of MRC;
- b) Made by a person not deemed to be an "Affected person";
- c) Initial request for services or information;
- d) Suggestions, enquiries or petitions;
- e) Regarding a decision made under a Local Law which is reviewable under a local law process;
- f) Any matter covered by a separate statutory prescribed review process, for example:
 - A prescribed process under the *Planning Act 2016*;
 - A prescribed process under the *Animal Management (Cats and Dogs) Act 2008*;
- g) Official misconduct/conduct complaints of staff;
- h) Complaints regarding the CEO;
- i) Councillor Conduct complaints;
- j) A public interest disclosure made under the *Public Interest Disclosure Act 2010*;
- k) Matters currently being dealt with or have been previously dealt with by a court, tribunal or external complaints agency;
- l) Disputes about legal liability;
- m) Social media complaints; or
- n) Complaints outside of MRC's jurisdiction.

8.0 Administrative Action Complaints Process

8.1 Who can make an AAC

Any Affected person can make an AAC.

An AAC can be made by an agent on behalf of the Affected person. If an AAC is lodged by an agent, MRC will respond directly to that agent. MRC will take all reasonable steps to confirm that the agent has the appropriate authority to act on behalf of the Affected person. Unless the complaint is made anonymously, written authorisation to act as the Affected person's agent will be required.

If a complaint is lodged on behalf of an Affected person by a professional advisor, for example a solicitor corresponding on firm's letterhead or email, verification is not required, and MRC will respond directly to the advisor.

If an Affected person is a person experiencing vulnerability, MRC will provide support and practical assistance if needed. In these circumstances, MRC will also accept complaints from other people who act on behalf of, or in support of the affected person. MRC may be required to confirm that the person has the appropriate authority to act on behalf of the Affected Person.

8.2 Stages of the AAC Process

(a) *Stage 1 – Initial Complaint*

An Affected person is encouraged (where appropriate) to contact the relevant MRC service area in an attempt to resolve the complaint first. If the Affected Person is still not happy then they can lodge an AAC.

The initial complaint will be investigated by the Program Manager of relevant area and may include talking to those involved and auditing documentation. Once the investigation is completed a decision, reasons for the decision and available review options will be provided to the Affected person and advice of any remedy.

(b) *Stage 2 - Internal Review*

If the Affected person is not satisfied with the outcome of Stage 1 they may request a review. The nature of the complaint will be assessed in accordance with the complaint criteria and a Review Officer will be appointed.

The internal review may be undertaken by an officer senior to the first decision maker or a suitably qualified person external to MRC. This person will be appointed on the basis that he/she has the appropriate knowledge, qualifications, skill and experience to successfully resolve a complaint.

Once the review is completed the Affected person will be provided with a decision and reason/s for the decision. The Affected person will also be provided information about available review options.

(c) *Stage 3 - External Review*

If the Affected person remains dissatisfied after progressing through Stages 1 and 2, they can pursue external options - e.g. alternative dispute resolution;

complaints agency such as the Queensland Ombudsman, Queensland Civil and Administrative Tribunal (QCAT) or other avenues of appeal or review.

9.0 Procedure

There are six steps in the management of administrative action complaints:

- Receive
- Record
- Assess
- Process
- Respond
- Report

(a) *Receive*

i. Lodging a Complaint

Customers may make a complaint in any of the following ways:

- **By email** to complaints@mackay.qld.gov.au
- On-line - by making a general request and choosing the request type "**Lodge AAC**".
- **By Post** - Addressed to the CEO , PO Box 41, Mackay Qld 4740
- **In person** over the counter at a customer service centre;
- By telephone: 1300 MACKAY (1300 622 529)

ii. Assistance

If necessary, assistance may be provided to an Affected person on how to make a complaint, including how it should be documented. The aim is to clarify the matter of concern to the Affected person and the outcome/s sought.

If an Affected person requires interpreter services, or is a person experiencing vulnerability, the Affected person will be referred to an appropriate MRC officer who will provide advice or make arrangements to ensure the necessary assistance is provided.

iii. Anonymous complaints

Anonymous complaints or feedback about administrative actions will be accepted by MRC. These complaints will be assessed as per the criteria for

Administrative Action Complaints

AAC complaint types set out in the section *Administrative Action Complaint Types and Service Delivery Standards*.

If an Affected person makes an anonymous complaint, MRC requires sufficient information to be provided in order for the matter to be investigated as details are not able to be clarified. Further, a decision is unable to be provided to an anonymous complaint.

In assessing and determining what action to take in relation to anonymous complaints consideration should be given to:

- the seriousness of the complaint issues;
- whether the complaint can be actioned without further information from the Affected person. If not, the complaint may not be actioned; and
- if the anonymous Affected person gave sufficient information or detail to allow a complaint to be fully investigated.

The decision on what action to take in relation to anonymous complaints or feedback about administrative actions is to be made by the Executive Officer.

(b) *Record*

Once a complaint has been received, MRC officers will record the matter using existing systems, such as ECM and/or Pathway.

The complaint will then be referred to the Corporate Governance team either through ECM, Pathway or by email to complaints@mackay.qld.gov.au. The Corporate Governance Officer will:

- record the matter as a complaint in the Pathway CMS
- assign a complaint actioning officer in the CMS
- ensure all documentation is recorded in ECM and Pathway using correct naming conventions.
- within 3 business days, acknowledge receipt of the complaint and provide reference details to the customer either by telephone, email or letter.

i. Verbal Complaints

If a customer wishes to lodge a verbal complaint, it must be recorded in the Pathway Customer Request System and referred to Corporate Governance for assessment and recording in the CMS if required.

Corporate Governance Officers may request that a verbal complaint be put in writing if it is determined to be of a complex nature or contains complex material.

(c) *Assess*

The following assessment criteria may assist MRC officers to determine the type of complaint and the best process to be used to resolve the matter.

Administrative Action Complaints

i. Is the matter an AAC?

Determine if the complaint is in accordance with the criteria of an AAC referenced in paragraph 6.

ii. Is the person an Affected person?

Determine whether the person is sufficiently directly affected by the matter, rather than having only an intellectual or emotional interest in the subject.

iii. What type of complaint is being made?

On receipt of a complaint, Corporate Governance Officers will evaluate the detail of the complaint and history of officer involvement in considering the issues.

The complaint will be referred to an officer of the relevant program who is independent of the original decision, for example Program Manager, Team Leader or Coordinator.

All, HR related complaints will be referred to People and Culture for actioning.

The reviewer will be equal to or senior in position to the previous decision makers involved in the matter. The reviewer should have had no previous involvement in the subject matter and be completely independent of any decisions made.

Alternatively, it may be determined that a Governance Officer will undertake the review where:

- the matter has already been considered by the relevant Program Manager
- a conflict of interest has been declared
- 2nd stage prescribed infringement notice appeal
- a Governance controlled complaint (eg information privacy breach)
- the history, complexity or other reason supports the matter being processed by a Corporate Governance Officer.

iv. Complaint types and Service Delivery Standards

If it has been determined that the complaint will be processed as part of the CMS, Corporate Governance Officers, in consultation with the relevant program, will determine the appropriate complexity according to the criteria outlined in the table below in order to establish the service delivery standard for processing:

Administrative Action Complaints

Type of complaint	Criteria	Decision Timeframe
Low Complexity Complaints	Low complexity complaints require no investigation and can be easily addressed through the provision of information, or through negotiating a desired outcome, perhaps through face-to-face or over the telephone - a written response may not be required. Low complexity complaints should be managed at the program level.	Up to 10 business days
Medium Complexity Complaints	Medium complexity complaints may require some research into the matter; it might also require some negotiation/facilitated discussion with the Affected person's or consultation with other areas of MRC. They are rated a medium complexity and typically include issues that relate to a single incident or a decision. Some investigation or fact finding of the complaint issues may be required. Typically, medium complexity complaints contain a small number of issues. A written response is required.	Up to 30 business days
High Complexity Complaints	High Complexity Complaints are matters where there are a large number of complaint issues; or where the complaint issues may refer to possible systemic concerns. These matters will typically involve the Affected person providing very detailed and lengthy background information that requires time to address. The matters can be of a very complex nature which may involve working with a number of programs in order to reach an outcome. Formal investigation may be required, involving assessment of information, and may involve interviews or discussions with staff and other relevant persons, including external consultation.	Up to 45 business days

If necessary, the Executive Officer may extend the timeframe for processing an administrative action complaint to 60 business days. If an extension is granted, the Affected person is required to be notified before the expiry of the initial timeframe.

vi. *Frivolous or vexatious complaints*

In assessing a complaint, consideration can be given to whether the complaint should be deemed frivolous or vexatious. Where an MRC officer recommends there be no further action or investigation, the officer must advise the CEO of the recommendation including the implications of, and rationale for, the recommendation. If the CEO is in agreement and is satisfied with the reasons presented, a decision can be made to take no further action on the matter.

The Affected person will be informed of this decision and reasons for the decision. The Affected person will also be provided information about available review options.

vii. *Unreasonable conduct*

Unreasonable conduct by a complainant is any behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process. This includes MRC staff, the subject of the complaint, the person who made the complaint, other people who have or make a complaint and other service users.

Unreasonable conduct applies to the behaviour of the person, rather than the person themselves. Someone may exhibit unreasonable behaviour on one or more occasions, but this does not mean they should always be viewed as such. Cultural differences can also affect perceptions of conduct as being unreasonable. It is important to always be fair during interactions.

viii Refusal to deal with a complaint

MRC can refuse to deal with a complaint if:

- The complaint is trivial, frivolous or vexatious;
- The complaint is part of a neighbourhood dispute;
- Where the Affected person continually refuses to accept MRC's decision;
- Where the Affected person displays unreasonable conduct;
- The Investigation of the complaint is unnecessary or is an unjustifiable use of MRC resources;
- The complaint is made anonymously and there is insufficient information provided to investigate the complaint; or
- The complaint is made outside of the complaint period.

The Affected person will be informed of this decision and reasons for the decision. The Affected person will also be provided information about available review options.

(d) Process

i. Initial Complaint

Complaints will be referred to the Manager of the relevant MRC service area in an attempt to resolve the complaint. It may be possible to action the matter immediately.

The actioning officer will collect all relevant information about a complaint so that an assessment of the matter may be made.

The initial complaint will be investigated by the actioning officer and may include talking to those involved and auditing documentation. Once the investigation is completed a decision, reasons for the decision and available review options will be provided to the Affected person and advice of any remedy.

If the customer is satisfied with the response, no further action is required. The actioning officer will record the appropriate notes and documentation in ECM and Pathway and action the complaint in the CMS.

ii. *Internal Review*

If the Affected person is not satisfied with the outcome of Stage 1 they may request a review. The nature of the complaint will be assessed in accordance with the complaint criteria and a reviewer will be appointed. The reviewer will be equal to or senior in position to the previous decision makers involved in the matter.

The reviewer should have had no previous involvement in the subject matter and be completely independent of both the original decision made and the Initial Complaint decision.

The internal review may be undertaken by an officer of MRC or a suitably qualified person external to MRC. This person will be appointed on the basis that he/she has the appropriate knowledge, qualifications, skill and experience to successfully resolve a complaint.

The Executive Officer will determine if a complaint is required to be investigated by a person external to MRC.

The internal review will be conducted in a fair, objective and timely manner. Natural justice principles will apply to all investigations.

When conducting an internal review of an administrative action complaint the following course of action is suggested:

- develop a plan on how you envisage the review will be undertaken.
- gather information for analysis (i.e. evidence, inspections, site visits).
- formulate decisions and recommendations.
- write a report detailing all steps taken, including recommendations.
- discuss report and recommendations with appropriate Program Manager and/or supervisors.

Resources and templates for reports have been provided in BRUCE and Pathway to assist officers in completing an internal review.

Once the review is completed the Affected person will be provided a decision and reason/s for the decision in writing. The Affected person will also be provided information about available review options.

The actioning officer will record the appropriate notes and documentation in ECM and Pathway and action the complaint in the CMS.

Administrative Action Complaints

iii. *Internal Review Tips and Traps*

Tips ☑	Traps ☒
Plan your approach.	Lack of/poor planning.
Gather relevant and reasonably available information.	Lack of relevant information and poor use of resources.
Evaluate the facts.	Failure to obtain all relevant facts and evidence.
Make a decision on the complaint.	Making untested assumptions.
Consider and decide on appropriate remedy for sustained complaints.	Failure to communicate leading to unclear or unrealistic outcome.
Consider making recommendations for administrative improvement.	Failure to address potential improvements resulting in further complaints.
Maintain confidentiality.	Failure to protect the privacy and confidentiality of all parties involved in complaint.
Afford natural justice where required.	Failure to follow proper and fair processes/afford natural justice.
Manage and record information obtained.	Poor record keeping.

iv. *Communication*

The Affected person should be kept informed during the investigation process via telephone, email, letter or in person.

This may include:

- an acknowledgement of receipt of the administrative action complaint
- a request for additional information
- an update on the progress of the investigation
- anticipated timeframe
- the outcome or resolution of the matter
- contact officer details
- external review rights.

Email and letter templates have been provided in BRUCE and Pathway to assist officers in communicating with the Affected person.

Each step of the investigation is to be documented including discussions, meetings, telephone calls, site inspections and registered in ECM and/or Pathway.

v. *Timeframes*

MRC is committed to resolving complaints as quickly and efficiently as possible and in accordance with *Table A Complaint Types and Service Delivery Standards*.

(e) *Response*

At the completion of the investigation, the relevant Program Manager or Executive Officer should make a decision as to:

- whether the complaint is sustained/not sustained/partially sustained.
- what remedy or remedies, if any, will be applied.

It is best practice to provide a written response on the outcome of a complaint to the customer. The response will generally include the following advice:

- whether the complaint is sustained
- if the complaint is not sustained, the reasons for the decision
- if the complaint is sustained:
 - any remedy to be made available to the Affected person
 - if applicable, the circumstances and timeframe in which the remedy will be made available; and/or
 - whether the investigation identified the need to revise an MRC policy, procedure or practice to prevent similar complaints arising, details of the proposed revision and the timeframe for implementation.
- available review options.

i. *Remedies*

MRC may consider any of the following remedy options:

- an explanation, i.e. how and why the problem occurred, and steps taken to prevent a reoccurrence
- an admission of fault
- a change of decision
- the provision of a service
- the provision of additional information
- a correction of records
- waiving of a penalty
- a refund
- rectification actions
- a review of a policy or procedure
- staff training or other professional developmental activity
- an apology to the Affected person
- any other appropriate or reasonable remedy to resolve the complaint

MRC will take action in a timely manner to implement any remedy to be made available to an Affected person and/or any revision of its policy, practice or procedure.

All remedies must be approved by an appropriately authorised officer prior to being provided to an Affected person.

ii. Recommendations

Program Managers will be responsible for ensuring that any agreed recommendations identified as part of the outcome of the complaint review/investigation are actioned in a timely manner.

iii. Finalising Complaints

In reviewing a complaint, accurate and detailed records must be recorded in Pathway and/or ECM. Records may include:

- records of discussions.
- investigation and resolution activities.
- investigation/review report.
- decisions, actions and outcomes regarding the complaint.
- any correspondence, emails or record of communication.

(f) Report

A report detailing the performance of the administrative action complaints process will be made available through the MRC Annual Report which is published each year.

Regular reports will also be made available to ELT for analysis to identify trends, systemic issues and potential improvements.

Each report will set out:

- details of complaints received and resolved during the period.
- the program/service area which is the subject of the complaint.
- whether timeframes were met.
- the decision/outcome for each complaint.
- the program that processed the complaint.

The report will also assist in providing management with details of any systemic issues that have been identified and/or whether there is any trend in the complaints received.

10.0 Withdrawal/resolution of a complaint

A complaint may be resolved or withdrawn by the Affected person at any time during the complaints process. A complaint is taken to be resolved to the Affected person's satisfaction, or is taken to be withdrawn, if the Affected person gives a clear indication to that effect to the person handling the complaint.

11.0 External Review of a Complaint

Where the Affected person remains dissatisfied with the outcome of the Internal Review (Stage 2), they may lodge a complaint with an external agency such as the Office of the Queensland Ombudsman.

12.0 Review and Auditing

MRC is committed to continually improving its services and will monitor agreed system improvements resulting from the review of complaints.

Periodic reviews and self-audits of the effectiveness of the administrative action complaints process will occur and include an evaluation of the major elements including; compliance with the policy, procedure and guidelines including complaints capture, recording and internal reporting, time taken to manage complaints, correctness of complaint outcomes.

13.0 Communication

MRC will ensure the AAC Policy and Procedure are easily available on the MRC website. All procedures and AAC resources will be made available to MRC officers through the administrative action complaints page on BRUCE and also provided through training and awareness sessions.

14.0 Review of Standard

This corporate standard will be reviewed when any of the following occur:

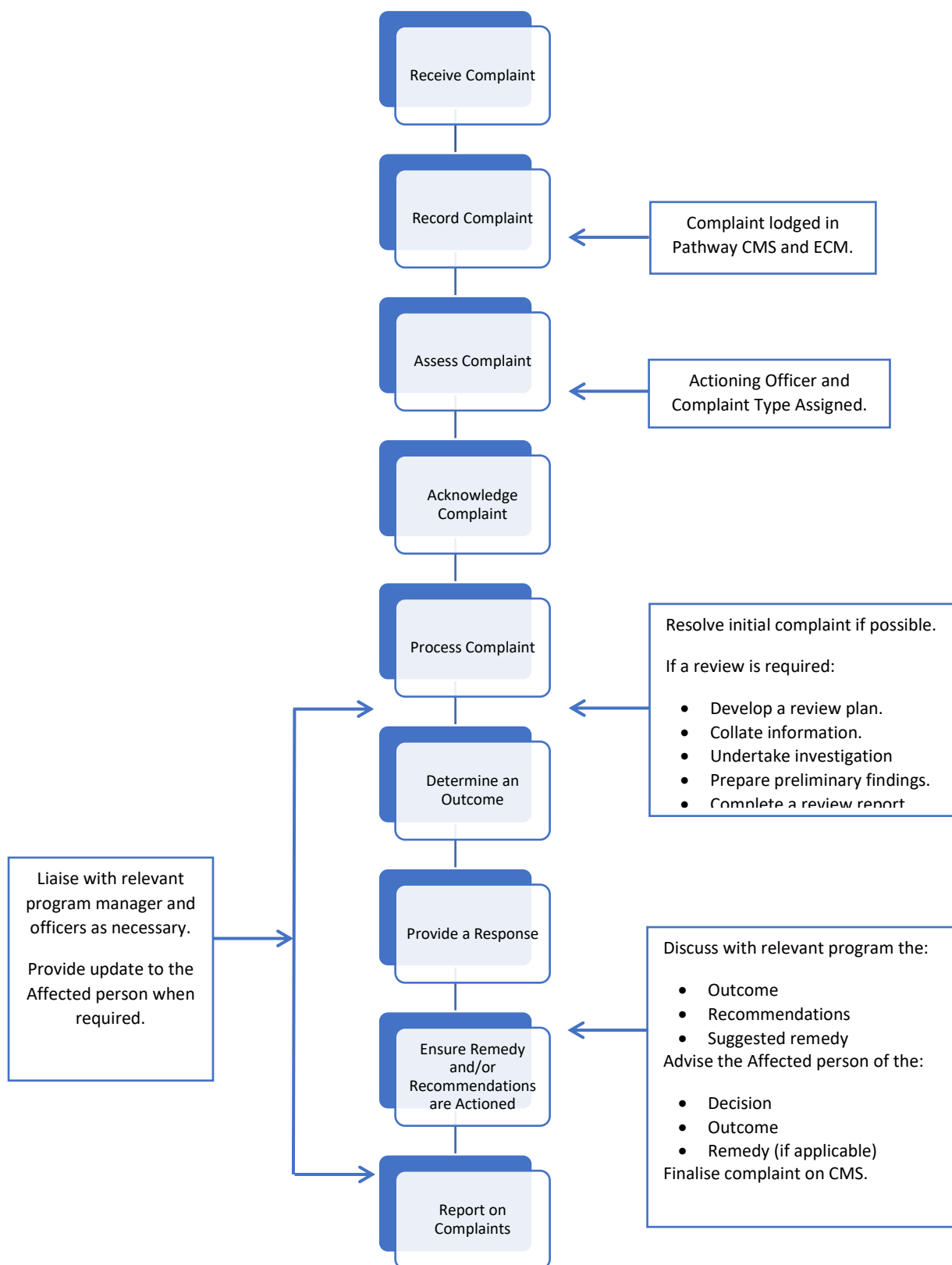
1. The related policy documents are amended or replaced.
2. Other circumstances as determined from time to time.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New		ORD-2022-240	10/8/22

Appendix A - Complaint Handling Flow Chart



Appendix B - Effective Frontline Complaint Handling

The first step is the acceptance of a complaint by MRC. It is important that the initial contact is handled well. The environment in which the complaint is taken – if it is made face-to-face – should be private (if possible) and the Affected person encouraged to fully express their concerns.

- Greet the person courteously, giving your first name and ask in a positive manner how you can help.
- Treat the Affected person respectfully, courteously and professionally. Maintain confidentiality where appropriate.
- Listen empathetically to what the Affected person has to say – everyone appreciates being listened to, so give the Affected person time to tell his/her story.
- If necessary, for people whose first language is not English arrange for an interpreter from Translating & Interpreting Service (TIS) telephone 13 14 50 and ask them to contact Mackay Regional Council on 1300 622 529.
- If necessary, for people with speech or hearing impairment, arrange to use the National Relay Service (13 36 77).
- If necessary, for people experiencing vulnerability or cultural issues, identify and provide the additional assistance or different approaches required.
- Use active and reflective listening skills, use positive body language (adopt an open body posture), maintaining eye contact and showing interest.
- Take notes of the conversation for later reference.
- Seek clarification of any points that are not clear in a non-judgmental way, using open-ended questions that start with how? when? where? who? why?
- Ask the Affected person about possible remedies to resolve the matter by asking, “How do you believe your complaint can be resolved?”
- Make it clear to the Affected person that the complaint has been understood by summarising the main points and seeking confirmation.
- Provide any relevant information that will assist the Affected person to better understand the decision or action that they are aggrieved about.
- Show empathy. Remember, whether the complaint is justified or not, the Affected person's sense of grievance is real and it is our job to deal with that grievance effectively.
- Refer the matter to Corporate Governance for review.

Attachment 'B'

Program	Executive Office
Date of Endorsement	10 August 2022
Version	1
Review Date	10 August 2025

1.0 Scope

This Standard applies to Competitive Neutrality Complaints regarding Business Activities undertaken by Mackay Regional Council (MRC) that are in direct competition, or have the potentially to be in competition, with the private sector.

2.0 Objective

To provide a process for resolving competitive neutrality complaints as required s44 of the *Local Government Regulations 2012*.

3.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- Council Policy 001 Administrative Action Complaints
- Corporate Standard 001.1 Administrative Action Complaints

4.0 Definitions

To assist in interpretation the following definitions shall apply:

“Affected Person” is:

- (a) a person who –
 - (i) competes with the MRC in relation to the Business Activity; and
 - (ii) claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by MRC; or
- (b) a person who –
 - (i) wants to compete with MRC in relation to the Business Activity; and (ii) claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by MRC.

“Business Activity” means an activity of MRC that involves the supply of goods and/or services to clients on a commercial basis and in direct competition, or potential competition, with the private sector. It could include, for example:

- Water and sewerage services;
- Off-street parking;
- Cultural sporting and recreational facilities.
- Tourism facilities

However, the term does not apply to any operation where the overall expenditure on the business activity for the previous financial year was less than \$325,000

The following business activities are also excluded by the Local Government Act

- a building certifying activity;
- a roads activity; or
- activities related to the provision of library services.

“Competitive Neutrality Complaint” is a complaint that:-

- (a) relates to the failure of MRC to conduct a Business Activity in accordance with the Competitive Neutrality Principle; and
- (b) is made by an Affected Person.

“Competitive Neutrality Principle” is the principle that an entity conducting a Business Activity should not enjoy a net competitive advantage over competitors solely because the entity is in the public sector.

“Competitive Advantage” is an advantage that the MRC may have over a private sector business providing the same goods or services because of the inherent financial advantages of Local Government.

Council shall mean the Mayor and Councillors of Mackay Regional Council.

“Internal Review Officer” is MRC’s Manager Governance & Safety or any person acting in that position.

MRC shall mean Mackay Regional Council.

5.0 Standard Statement

To ensure the fair and equitable management of competitive neutrality complaints received by MRC in relation to its business activities.

This Standard must be read in conjunction with the Administrative Action Complaints Policy.

5.1 Internal Review Process

The Internal Review Process is MRC's process for attempting to resolve Competitive Neutrality Complaints prior to an Affected person exercising the right to make a formal complaint to the Queensland Competition Authority.

Only people who are adversely affected by the business activity being undertaken by MRC are able to lodge a complaint, and it must be on the basis that MRC is benefiting from a competitive advantage due to its public sector status. Accordingly, the Internal Review Process commences with the submission of a written complaint to the Internal Review Officer specifying:

- How the Affected person is an "affected person"; and
- How the Affected person believes the competitive neutrality principle has been breached, together with any supporting evidence that the Affected person has.

The Internal Review Process follows a number of steps which must be conducted within certain timeframes. The Internal Review Officer must within 10 business days of receiving the written complaint, acknowledge its receipt in writing and request any further information required to properly consider the Affected person's concerns. When undertaking the Internal Review Process, the Internal Review Officer must:

- seek to establish the facts relating to the concerns expressed by the Affected person. This may involve meeting with the Affected person, collecting data, holding further meetings and recommending mediation;
- within 45 days of receiving the Affected person's written complaint, develop a draft response to be forwarded to the Affected person and requesting his/her views on that draft response, and
- upon receipt of the Affected person's views on the draft response, provide a report to MRC's Chief Executive Officer (CEO) and Director responsible for the Program identified in the complaint on the findings of that Officer's initial investigation and the Affected person's views on the draft response.
- Within 10 days of receiving the Internal Review Officer's findings and the Affected person's views on the draft response, the CEO or nominee must send a response to the Affected person.
- That response must include details of how to make a formal complaint to the Queensland Competition Authority should the Affected person be dissatisfied with the adopted response.

- 5.2 Reporting Requirements

The *Local Government Regulation 2012* requires that MRC prepare and maintain a record of all Competitive Neutrality Complaints, associated decisions and recommendations.

MRC will maintain a register of all Competitive Neutrality Complaints, associated decisions and recommendations and report these in MRC's Annual Report.

6.0 Standard Review

This corporate standard will be reviewed when any of the following occur:

1. The related policy documents are amended or replaced.
2. Other circumstances as determined from time to time.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New		ORD-2022-240	10/8/2022

Attachment 'C'

Program	Executive Office
Date of Endorsement	10 August 2022
Version	1
Review Date	10 August 2025

1.0 Scope

This Standard applies to all Mackay Regional Council Staff and Council.

2.0 Objective

To outline the process by which MRC receives, records, assesses, processes, responds and reports on Human Rights complaints.

This Standard has been developed to:

- (a) protect and promote human rights
- (b) help building a culture that respects and promotes human rights; and
- (c) help promote a dialogue about the nature, meaning and scope of human rights. .

3.0 Reference

- Local Government Act 2009
- Local Government Regulation 2012
- Human Rights Act 2019
- Council Policy 001 – Administrative Action Complaints
- Corporate Standard 001.1 – Administrative Action Complaints

4.0 Definitions

To assist in interpretation the following definitions shall apply:

Affected person shall mean a person who is who is directly affected by an administrative action of MRC.

Chief Executive Officer (CEO) shall mean the Chief Executive Officer. A person who holds an appointment under section 194 of the *Local Government Act 2009*. This includes a person acting in this position.

Council shall mean the Mayor and Councillors of Mackay Regional Council.

ELT shall mean Executive Leadership Team which consist of the Chief Executive Officer, Executive Officer, all Directors and Senior Legal Counsel.

MRC shall mean Mackay Regional Council.

Staff shall mean all persons employed by Mackay Regional Council on a permanent, temporary, or casual basis, or otherwise engaged by Mackay Regional Council including those under a contract of service or a volunteer program

the Act shall mean the Human Rights Act 2019

5.0 Standard Statement

MRC is committed to respecting, protecting and promoting human rights.

This Standard describes the processes for human rights complaints and must be read in conjunction with the Administrative Action Complaints Policy.

Under the Act, an Affected person who believes a public entity has breached their human rights obligations has the right to complain and seek remedies. There are three ways an Affected person can made a complaint which include:

- Internal complaints;
- Independent complaints; and
- Raising the Act in courts and tribunals.

5.1 Internal Complaints

An Affected person must first raise a complaint directly with MRC. MRC has 45 days to respond, after which the Affected person can make a formal complaint to the Queensland Human Rights Commission (QHRC) if the complaint has not been responded to or the Affected person is not satisfied with MRC's response.

In order to ensure that a complaint is handled in the most efficient manner, MRC request that complaints:

- Clearly identify the issues of complaint, or ask for help from MRC Staff to do this;
- Give MRC all the available information in support of the complaint in an organised format and not provide any information that is intentionally misleading or knowingly wrong or vexatious;
- Cooperate with the MRC enquiries or investigations; and
- Treat Staff with courtesy and respect.

The complaint management process is outlined in Attachment A.

5.2 Independent Complaints

An Affected person can also raise a complaint about human rights with the QHRC or another independent body. In order to accept complaints under the Act, the QHRC must be satisfied that:

- A complaint has first been made to the public entity alleged to have breached the Act;
- At least 45 business days have elapsed since the complaint was made to the public entity; and
- The Affected person has not received a response to their complaint or has received an inadequate response.

For further details on QHRC's complaint process, please refer to: <https://www.qhrc.qld.gov.au/>.

5.3 Raising the Act in Courts and Tribunals

In some cases, the complaint can be taken to a court or tribunal. While an Affected person cannot make complaints directly to courts and tribunals for breaches of the Act, it is possible to raise breaches of the Human Rights Act in the process of a hearing based on another law.

5.4 Remedies

Where there is a breach of the Act, an Affected person cannot claim financial compensation. However, where the complaint is not resolved, the QHRC can make recommendations regarding actions required of the respondent to uphold human rights.

6.0 Roles and Responsibilities

6.1 Council

A Councillor who receives a human rights complaint is obliged to report the complaint to the Corporate Governance team in accordance with this Policy.

6.2 Staff

All Staff have a duty and responsibility to perform their functions on behalf of MRC, including the making of decisions or undertaking actions in a professional manner and in compliance with the Act. Staff must also assist an Affected person wishing to make a human rights complaint and assist with any related investigation and response.

6.3 Chief Executive Officer

The CEO will only get involved in complaints if the matter is exceptionally complex or requires input by the CEO.

6.4 Directors

Directors are responsible for oversight, investigations (if required) and responding to complaints with their programs, having regard to the relevant area of operation and expertise.

Directors are also responsible for the oversight of implementing improvement opportunities identified from the complaints process.

6.5 MRC Officer

The reviewing MRC Officer who is investigating the complaint shall do so in accordance with the identified timeframes and within legislative requirements. Where a complex investigation is required, the Reviewing Officer will update the Affected person on the progress of the response.

6.6 Corporate Governance

The Corporate Governance team are responsible for:

- Maintaining the Complaints Register and Complaints reporting;
- Coordinating the complaints process;
- Supporting Staff and Reviewing Officers with assessing, investigating and responding to complainants, if required; and
- Providing appropriate training for the organisation.

6.7 Affected person

An Affected person is entitled to:

- A prompt acknowledgement of MRC's receipt of the complaint;
- A prompt response to the complaint;
- Be kept informed on the progress and outcome of the complaints process;
- Confidentiality of personal details (where possible within the law); and
- A thorough and objective investigation or review of a complaint.

Step	Process
Receive	<p>Complaints are received both verbally and in writing through a variety of channels, including face to face, telephone, letter, email, facsimile or via the online complaints form.</p> <p>For Affected person's requiring assistance to make a complaint, there are services available:</p> <p>For Affected person's needing an interpreter:</p> <ul style="list-style-type: none">• Ezisppeak – for migrant and refugee languages

	<ul style="list-style-type: none"> • 2M Language Services – for Aboriginal and Torres Strait Islander languages • Auslan Connections – for AUSLAN and other deaf language interpreting <p>For Affected person's who are deaf, hard of hearing and/or have a speech impairment: • National Relay Service</p>
Access	<p>An initial assessment of the complaint may consider the context and circumstances of the complaint (and the Affected person who made the complaint) to determine its priority, how it should be managed, and who should respond.</p> <p>The complaint should be acknowledged in the first instance and provide advice to the Affected person around timeframes for response.</p>
Consider	<ul style="list-style-type: none"> • Identify the human rights relevant to the complaint (refer to Part 2, and divisions 2 and 3 of the Act and Appendix B of this document). • Consider whether MRC's action or decision limits those human rights. • Assess whether the limitation is justified and reasonable in the circumstances.
Resolve	<p>If an Affected person's human rights have been limited, some possible remedies are:</p> <ul style="list-style-type: none"> • acknowledging the error and apologising • providing a more thorough explanation for a decision or action • changing the decision • updating policies • training of staff • advising that disciplinary or management action has been taken (where appropriate).
Decision	<p>The Decision Letter to the Affected person should:</p> <ul style="list-style-type: none"> • explain the outcome using Plain English • clearly explain how and why decisions were made • list any remedies and/or other changes made as a result of the complaint • provide information about the Affected person's rights of review.
Report	<p>MRC maintains a register of Complaints. All decisions on complaints are to be provided to Corporate Governance for recording and reporting.</p>

7.0 Review of Standard

This corporate standard will be reviewed when any of the following occur:

1. The related policy documents are amended or replaced.
2. Other circumstances as determined from time to time.

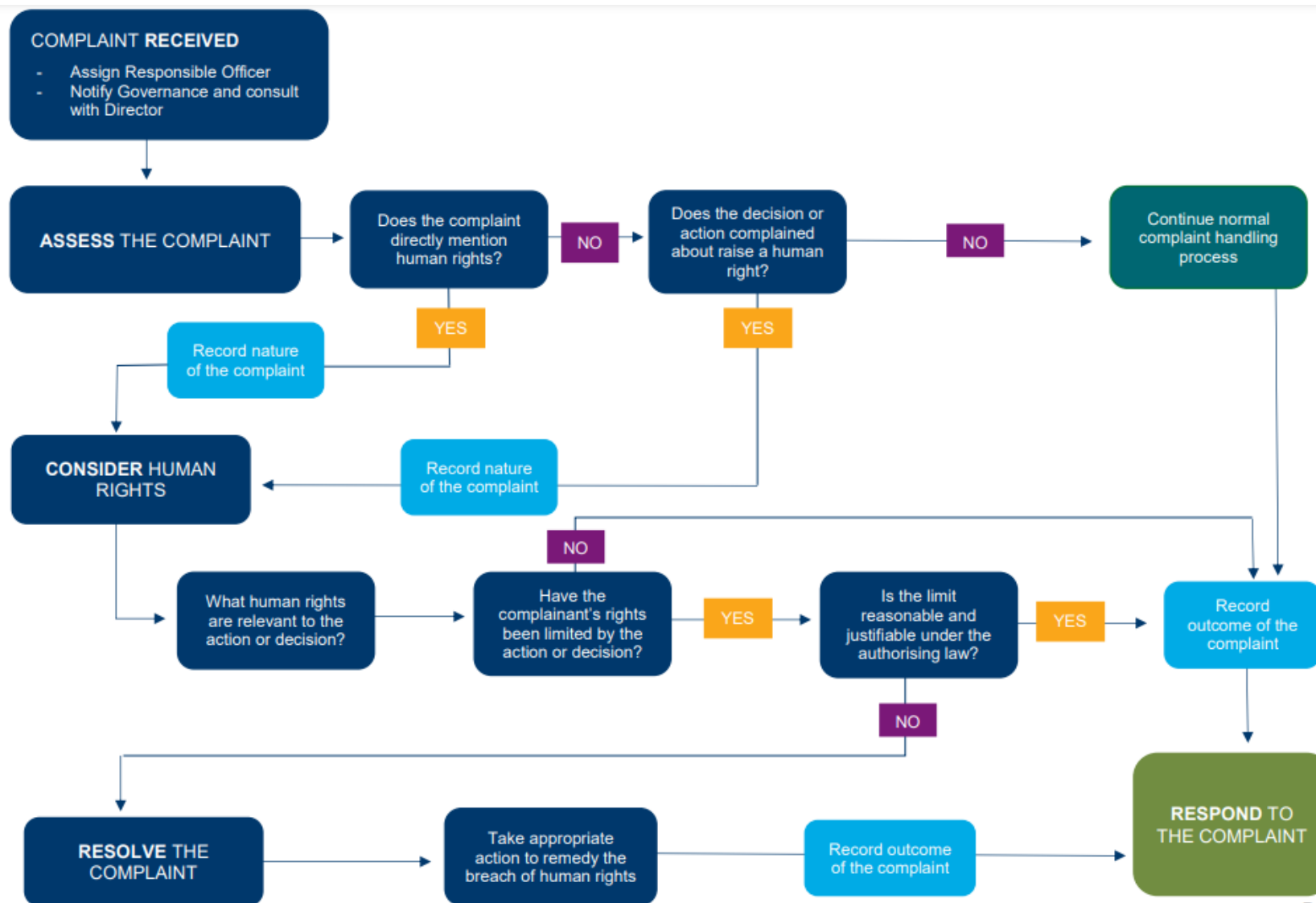
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Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New		ORD-2022-240	10/8/2022

HUMAN RIGHTS COMPLAINTS

Attachment A: Human Rights Complaints Management Flow Chart



Appendix B Human Rights Triggers

For more information about the rights, refer to the [Nature and scope of the protected human rights Guide](#).

Consider this human right	When complaints involve
Recognition and equality before the law (Section 15)	<ul style="list-style-type: none"> a service delivered to some groups and not others. a policy, program or service with the potential to have a disproportionate impact on a group or individuals who have a particular attribute (for example, elderly people, people with a disability, or people who are not fluent in English). eligibility criteria for programs, entitlements or plans (for example, payment plans under the State Penalty Enforcement Register). a policy, program or service that engages any of the other protected human rights in a discriminatory way. For example, a policy aimed at people living in relationships should, where relevant, apply equally to married couples, de facto couples, and same-sex couples.
Right to life (Section 16)	<ul style="list-style-type: none"> a decision that deals with withdrawal or withholding of life sustaining treatment. the use of force by law enforcement officers, including the use of weapons. a policy that deals with the use of deadly force (for example, the law relating to self-defence).
Protection from torture and cruel, inhuman or degrading treatment (Section 17)	<ul style="list-style-type: none"> how people are treated at sites where an agency is responsible for their care (for example, public hospitals, mental health services or facilities, prisons, state schools, state operated aged care services). a policy, program or decision about medical treatment for people without their consent (for example, under mental health or guardianship law). a decision affecting the physical or mental wellbeing of a person in a way that may cause serious physical or mental pain or suffering or humiliate the person. a policy, program or decision that involves a person being searched (including intrusive searches).
Freedom from forced work (Section 18)	<ul style="list-style-type: none"> a policy or program that involves people doing work or providing services under threat of a penalty. any policy, program or service that allows an agency to employ or direct people to perform work in a vital industry or during a state of emergency (for example, requiring military service).
Freedom of movement (Section 19)	<ul style="list-style-type: none"> a policy, program or decision that restricts movement or where a person can live. a policy or program that restricts people's movement based on national security considerations. a policy, program or decision that limits movement in public spaces.

	<ul style="list-style-type: none"> Imposing planning controls, such as by zoning residential locations away from commercial, industrial or agricultural areas.
Freedom of thought, conscience, religion and belief (Section 20)	<ul style="list-style-type: none"> a policy, program or decision that promotes, restricts or interferes with a particular religion or set of beliefs. a policy or statutory provision that requires people to disclose their religion or beliefs. a policy, program or service that affects a person's worship, observance, practice or teaching of their religion or belief (for example, a dress code that does not accommodate religious dress). a policy, program or service where conditions of receiving a benefit or accessing a service prevent a person from adhering to their religion or belief. A policy or decision that restricts people under state control from observing their religion (for example, prisoners).
Freedom of expression (Section 21)	<ul style="list-style-type: none"> A policy that requires prior approval before a person can express themselves (for example, to hold a protest or busk in a particular area). A policy that regulates the contents of speech, publication, broadcast, display or promotion, or regulates offensive speech. A policy, program or service that imposes a dress code (for example, a dress code that prohibits staff from wearing t-shirts displaying political messages) A policy or decision that restricts or censors media coverage (for example, on the reporting of judicial proceedings).
Peaceful assembly and freedom of association (Section 22)	<ul style="list-style-type: none"> A policy, program or decision that restricts people from having public or private gatherings (for example, restricting areas or times for demonstrations, pickets or public events) A policy or decision that requires a person to belong to a professional body or workplace association (a requirement for compulsory membership of a professional body has not generally violated this right, particularly if the association is responsible for professional regulation) A policy, program or service that treats people differently because they are a member of a group or association. A policy, program or service that prohibits membership in a group or association with certain persons (for example, in a criminal justice context).
Taking part in public life (Section 23)	<ul style="list-style-type: none"> A policy or decision that limits participation in elections A policy or statutory provision that sets eligibility requirements for the public service and public office. A policy or statutory provision that sets processes and procedures for voting.
Property rights (Section 24)	<ul style="list-style-type: none"> A policy allowing a person's property to be acquired, seized or forfeited under civil or criminal law (for example, confiscations proceedings).

	<ul style="list-style-type: none"> • A policy or decision allowing an agency to access private property • A policy decision that implements Government control over its own property (for example, resumption of land).
Privacy and reputation (Section 25)	<ul style="list-style-type: none"> • A policy, program or decision that involves surveillance of people for any purpose (for example, CCTV) • A policy, program or service that collects and/or publishes personal information (for example, results of surveillance, medical tests, electoral roll) • A policy, program or service that regulates a person's name, private sexual behaviour, sexual orientation, or gender identity • A policy, program or service that regulates storage, security, retention and access to personal information • A policy that requires mandatory reporting of injuries or illnesses. • A policy or decision that interferes with or inspects mail and other communications, or prevents or monitors correspondence between categories of people • A policy, program or service that requires mandatory disclosure or reporting of information (including disclosure of convictions) • A policy that establishes powers of entry and search (including personally invasive powers, such as strip searches) • A requirement for compulsory physical examination or intervention (for example, DNA, blood, breath or urine testing).
Protection of families and children (Section 26)	<ul style="list-style-type: none"> • A policy, program or decision that regulates family contact for people in care or relates to intervention orders between family members • A policy, program or decision that regulates adoption and surrogacy • A policy, program or decision that deals with removing children from a family unit or separating children from parents, guardians, or other adults responsible for their care.
Cultural rights – generally (Section 27)	<ul style="list-style-type: none"> • A policy, program or service that restricts people from observing religious practices. • A policy, program or service that restricts people from declaring their affiliation to a particular racial, religious or cultural group • A policy or service that limits or prohibits communication in languages other than English, including through the provision of information. • a policy that restricts the provision of services or trade on religious holidays • a policy or program that regulates cultural or religious practices in public education • a policy, program or service that provides government information only in English and allows for access to services only by English speaking persons

	<ul style="list-style-type: none"> a policy that licences or restricts food preparation and service.
Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (Section 28)	<ul style="list-style-type: none"> a policy, program or service that prohibits the use of a traditional language a policy, program or decision that allows or limits the ability of Aboriginal or Torres Strait Islander persons to take part in a cultural practice, or otherwise interferes with their distinct cultural practices. A policy or decision that interferes with the relationship between Aboriginal and Torres Strait Islander people and land, water and resources. A policy or decision that protects Aboriginal and Torres Strait Islander cultural heritage, including Aboriginal human remains and secret or sacred objects.
Right to liberty and security of person (Section 29)	<ul style="list-style-type: none"> A policy or decision that authorises a person with a mental illness to be detained for treatment A policy that allows a person to be detained on safety grounds, such as intoxication A policy or statutory provision that provides powers of arrest A policy or statutory provision that provides for detention on remand or release on bail conditions.
Humane treatment when deprived of liberty (Section 30)	<ul style="list-style-type: none"> A policy setting out the conditions for detention of individuals A policy setting out standards and procedures for treatment of people who are detained (for example, use of force, dietary choice, access for private shower and toilet facilities) A policy or statutory provision that allows people who are detained to be searched.
Fair hearing (Section 31)	<ul style="list-style-type: none"> A policy or proposal that reverses the onus of proof A policy or program that crates or restricts reviews of administrative decision-making and appeal processes. A policy, program or service that provides special procedures for witnesses giving evidence in a court or tribunal (such as special measures for children and other vulnerable persons) A policy or statutory provision that regulates the procedures for challenging the impartiality and independence of course and tribunals A policy that restricts the publication of cases or decisions A policy, program or service that disadvantages or doesn't consider the particular circumstances of a litigant (for example, a litigant with a disability)
Rights in criminal proceedings (Section 32)	<ul style="list-style-type: none"> A policy or decision that impacts on the presumption of innocence A policy that deals with the admissibility of evidence A policy that deals with reverse onus of proof A policy or decision that delays trial proceedings A policy or service that restricts cross examination A policy or decision that deals with the provision of legal aid

	<ul style="list-style-type: none"> • A policy or decision that restricts access to information and material to be used as evidence • A policy that limits appeal rights • A policy that regulates the procedures for investigation and prosecution of offences • A policy, program or service that deals with the provision of assistants and interpreters.
Children in the criminal process (Section 33)	<ul style="list-style-type: none"> • A policy or decision that detains children for any length of time • A policy or decision that detains children in locations that have limited facilities or services for their care and safety (for example, watch houses) • A policy or decision that relates to sentencing laws • A policy or statutory provision that relates to standards in detention centres.
Right not to be tried or punished more than once (Section 34)	<ul style="list-style-type: none"> • A policy or statutory provision that creates new offences • A policy or decision that is related to the double jeopardy exceptions under the Criminal Code.
Retrospective criminal laws (Section 35)	<ul style="list-style-type: none"> • A policy or decision that sanctions a person for conduct that was not unlawful at the time of the conduct • A policy or decision that fails to apply less severe penalties for a person's conduct if penalties have decreased since the time of the conduct.
Right to education (Section 36)	<ul style="list-style-type: none"> • A policy, program or service that provides education and training to young people in detention • A policy, program or service providing access to schools that has a disproportionate impact on people with a particular attribute (for example, people with a disability).
Right to health services (Section 37)	<ul style="list-style-type: none"> • A policy, program or service that deals with access to health care for prisoners or other persons in care • A policy, program or service providing health services that has a disproportionate impact on people with a particular attribute (for example, people with a disability).