

# Complaints management policy

## Version Control

Version	Date	Comments
1	September 2016	Previous reference ISU:PY:2016:44
2	December 2019	Policy updated and approved

# 1 Purpose

This policy establishes the underlying principles and obligations of the Department of Housing and Public Works (the department) concerning the management and resolution of complaints. This policy has been developed in accordance with the department's values, and the [Public Service Act 2008](#) (PSA) which requires a department to establish and implement a system for dealing with customer complaints. This policy and the Complaints management procedure have been developed in accordance with Australian/New Zealand Standard 10002:2014: Guidelines for complaint management in organisations.

## Application

Complaints which may be managed under this policy and the associated Complaints management procedure are those where a customer expresses dissatisfaction with, and is directly affected by, a service, action or decision made by the department, its staff or persons it has engaged to provide services on its behalf and may include the following:

- a decision made or a failure to make a decision by a public service employee of the department
- an act or failure to act of the department
- the formulation of a proposal or intention by the department
- the making of a recommendation by the department
- breach of privacy
- the customer service provided by a public service employee of the department

## Exclusions

The following types of complaints are not dealt with under this policy and the associated Complaints management procedure and are managed through the relevant legislation, policies and procedures:

- reports of suspected corrupt conduct and public interest disclosures that are dealt with under the department's Prevention and management of corrupt conduct and public interest disclosure policy, the [Crime and Corruption Act 2001](#) and the [Public Interest Disclosure Act 2010](#)
- employee complaints that are dealt with under the department's Employee complaints policy and Employee complaints guideline
- complaints about the department which are made to and dealt with by the Office of the Minister for Housing and Public Works (e.g. complaints being responded to via ministerial correspondence)
- complaints about social housing tenants
- complaints about organisations funded by the department under the [Housing Act 2003](#) or the [Community Services Act 2007](#)
- employee appeals that are dealt with under chapter 7 of the [Public Service Act 2008](#) and in accordance with the [Commission Chief Executive Directive: Appeals \(03/17\)](#)
- reviewable decisions that are dealt with under the [Housing Act 2003](#) and related procedures
- complaints that are primarily contractual in nature
- matters subject to legal proceedings
- complaints and concerns raised by suppliers or members of the public about the procurement activities of other government agencies that may be dealt with under the [Queensland Procurement Policy](#)
- complaints that relate to the application, registration, review, sanction and performance reporting processes dealt with under the department's [Prequalification \(PQC\) System for Building Industry Consultants and Contractors](#) or Conditions of Working with QBuild ([Consultants](#) or [Suppliers](#))

- complaints about access application decisions dealt with under the [Right to Information Act 2009](#)
- complaints about access and amendment application decisions under Chapter 3, Part 2 of the [Information Privacy Act 2009](#).

For information about where to refer the above-mentioned complaints, refer to Attachment 4 of this policy.

For clarity, this policy does not provide another avenue of complaint. For example, where a complainant has a matter dealt with under the department's Employee complaint policy, the same matter will not be dealt with under this policy.

## 2 Policy statement

Effective complaints management is fundamental to the provision of quality service and provides a mechanism for obtaining feedback from clients, resolving disputes and reforming policies and procedures.

The department is committed to effectively handling complaints promptly and professionally, including complaints made anonymously.

The department's complaints management system is based on the following principles<sup>1</sup>:

### Principle one - people focus:

The department acknowledges everybody has a right to complain and is committed to adopting a people focused and proactive complaints management system which seeks feedback and complaints and addresses issues raised in a reasonable timeframe.

Persons raising complaints are treated with respect and are, where appropriate and practicable, actively involved in the complaints resolution process. All reasonable steps will be taken to ensure a complainant is not adversely affected solely because they made a complaint, or a complaint was made on their behalf.

Persons raising a complaint will not be charged for accessing the department's complaints management system.

### Principle two – visibility, transparency and accessibility

The department will ensure its complaints management system is accessible to everyone and that information on how to make a complaint is publicised on its websites and frontline services delivery locations including in accessible formats.

The department will also ensure that persons who may require assistance to lodge a complaint are provided with support and will accept representations from authorised representatives of complainants as appropriate.

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<sup>1</sup> 1. Australian/New Zealand Standard 10002:2014: Guidelines for complaint management in organisations

### Principle three - responsiveness

The department commits to promptly acknowledging each complaint and providing advice on how the complaint will be managed as soon as practicable. The advice will include likely timeframes, the involvement of the complainant and the regularity of contact during the process.

The department commits to assessing and determining priority of complaints promptly and efficiently dealing with complaints within set timeframes. Where timeframes cannot be met, the department commits to internal escalation processes to manage timeliness of outcomes.

Responses to complaints will be determined by the seriousness, frequency and consequences of the complaint.

### Principle four – objectivity and fairness

The department commits to ensuring complaints are managed in an objective, fair, equitable and unbiased manner. The principles of natural justice and procedural fairness will be applied to the management of complaints.

The department will ensure that conflicts of interest do not interfere with and are not perceived to interfere with the management of complaints.

Should the complainant's conduct when making a complaint, or during the complaint management process be seen to be unreasonable, the department may implement strategies to manage the conduct.

### Principle five – continuous improvement

The department commits to learning from complaints as part of continual improvement and will use its complaints management system to identify opportunities for best practice and continuous improvement.

The department will provide for a whole-of-department recording and monitoring system to ensure best practice in complaints management and to identify opportunities for prevention of complaints.

### Principle six – staff empowerment

The department commits to ensuring staff are informed of the department's complaints management system and that staff required to respond to complaints are provided with appropriate complaints management training.

## **2.1 Complaint levels**

The department has assigned levels to complaints, which assist in identifying the seriousness of the complaint, the likely consequences of the complaint and the timeframe for resolution of the complaint. Please note that in nominating a potential level of decision maker for resolution of complaints, the decision maker may choose to assign a lower level officer to review or investigate the complaint and report back with findings.

**Level 1**

<b>Definition</b>	Level 1 complaints are generally straightforward with minimal potential to impact on a division. Such complaints are generally able to be resolved at the point of service or may require some enquiries and/or investigation.
<b>Examples of level 1 complaints</b>	<ul style="list-style-type: none"> <li>• An incorrect invoice has been sent out repeatedly</li> <li>• A tradesperson did not turn up to undertake a job despite repeated requests</li> <li>• A repeated failure to respond to a request for service</li> </ul>
<b>How complaint is to be made</b>	These complaints may be made verbally or in writing.
<b>Decision maker</b>	Level 1 complaints may be resolved by supervisors or managers with regard to any actual or perceived conflicts of interest
<b>Timeframe</b>	Acknowledgement: 3 business days from receipt of complaint Outcome: 20 business days from receipt of complaint

**Level 2**

<b>Definition</b>	Level 2 complaints are generally of a more complex or serious nature and have the potential to impact negatively on a division. Such complaints will require enquiries and/or investigation.
<b>Examples of level 2 complaints</b>	<ul style="list-style-type: none"> <li>• Industry, customer or client is dissatisfied with an element of departmental operations; or program expenditure/progress is unsatisfactory</li> <li>• A social housing tenant complains that an Area Manager has made inappropriate / suggestive comments, including sending a rude text message</li> <li>• An employee disclosed a client's personal information to a party outside the department.</li> </ul>
<b>How complaint is to be made</b>	These complaints may be made verbally or in writing, however the department's preference is for the complaint to be made in writing.
<b>Decision maker</b>	Level 2 complaints may be resolved at the Director or above level with regard to actual or perceived conflicts of interest
<b>Timeframe</b>	Acknowledgement: 3 business days from receipt of complaint Outcome: 30 business days from receipt of complaint

**Level 3**

<b>Definition</b>	Level 3 complaints are generally complex and significant and have the potential to impact negatively on the department and/or cause lasting detriment or significant consequences. Such complaints will usually require comprehensive assessment and/or investigation.
<b>Examples of level 3 complaints</b>	<ul style="list-style-type: none"> <li>• Departmental action has threatened the operations or viability of a private business, or another government department</li> <li>• A division inappropriately disposed of files containing sensitive personal information resulting in a party outside the department gaining access to the files.</li> </ul>
<b>How complaint is to be made</b>	These complaints may be made verbally or in writing, however the department's preference is for the complaint to be made in writing.
<b>Decision maker</b>	Level 3 complaints should be resolved by the Office of the Director-General or the Integrity Services Unit with regard to actual or perceived conflicts of interest
<b>Timeframe</b>	Acknowledgement: 3 business days from receipt of complaint Outcome: to be determined on case by case basis (ideally within 90 business days) but notified to complainant

## 2.2 Internal review of complaint outcomes

If a complainant is dissatisfied with how their complaint has been dealt with (excluding privacy complaints – refer to section 2.7), they can request that their complaint be reviewed by the department. A request for internal review is to be submitted within three months of the date of the decision which is the subject of the internal review being requested.

Following an assessment of the review request and if a review is warranted, the review is to be undertaken. The reviewer should be an employee who is independent of, and no less senior than, the original decision maker or the investigator/reviewer assigned by the decision maker.

Requests for an internal review should include:

- the department's complaint reference number, if known
- the decision/s which the complainant is seeking to be reviewed
- the grounds (reasons) why the complainant considers the decision/s is/are wrong and supporting evidence if available
- the outcome being sought.

The complainant should be provided with a written acknowledgment of the request for review within three business days of the request being received. After assessment of the request for review, the complainant should be provided with a written decision whether a review will be conducted (including reasons why a review will not be conducted if appropriate), a timeframe for the review and any requirement for involvement of the complainant in the review.

Internal reviews should ideally be completed within 30 business days of receipt of the review request, however a timeframe should be determined based on the complexity of the matter.

## 2.3 External review of complaint outcomes

If a complainant is dissatisfied with any action taken by the department in relation to a complaint other than a privacy complaint (refer to section 2.7) and after they have exhausted all available avenues of review within the department, they can request that the department's decision be reviewed by the Queensland Ombudsman.

The Queensland Ombudsman can be contacted by:

Telephone: 1300 068 908

Email: [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au)

Web: [make a complaint](#)

## 2.4 Complaints the department will not action

The department will not accept or action complaints about matters:

- already dealt with or currently being dealt with by the department, another department or agency, a court or tribunal
- that are impractical to investigate, or
- that appear to be frivolous, vexatious, misconceived or lacking in substance.

A determination to not action or accept a matter under this section will be made by the decision maker for the relevant level of the complaint.

## 2.5 Unreasonable complainant conduct

Departmental employees are expected to interact with complainants in a professional, respectful and courteous manner. Complainants are expected to treat employees the same way.

Unreasonable complainant conduct is behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint including the complainant, staff or other service users. Examples of unreasonable complainant conduct can include but are not limited to:

- persistence – making excessive calls or sending excessive emails
- demands – asking for more reviews than provided for in the policy or demanding different outcomes without evidence the original decision was wrong
- lack of cooperation – refusing to identify the issues of the complaint or providing disorganised information
- arguments – expressing irrational claims or making vexatious complaints or denying responsibility for own actions
- behaviours – making self-harm threats or threatening harm to others, using abusive language or threatening violence

The department is committed to addressing valid issues however it will manage unreasonable complainant conduct in a manner consistent with the department's obligation to ensure a healthy and safe work environment.

The department will not tolerate complainant conduct or conduct from associated persons that presents a risk to employees' health and safety.

For more information about the management of unreasonable complainant conduct refer to the [Queensland Ombudsman resources for managing unreasonable conduct](#) or the [Managing unreasonable complainant conduct practice manual](#) issued by the NSW Ombudsman.

## 2.6 Human Rights Act 2019

The [Human Rights Act 2019](#) requires departments to make decisions and provide services in a way that is compatible with human rights and to properly consider human rights when making decisions. Attachment 5 of this policy lists these human rights and provides examples of how they might trigger a complaint.

The department has established a Human Rights Complaints Advisory Panel (the Panel) to assist staff assigned to resolve complaints that have been identified as including a human rights component. The Panel has been established as an interim measure for the life of this policy while the department implements the provisions of the [Human Rights Act 2019](#) including an education and awareness program for all staff.

Further information on how human rights will be assessed and managed in the complaints management system are included in the Complaints management procedure.

Where the department fails to respond to the complaint within 45 days or does not resolve the complaint to the complainant's satisfaction, the complainant may refer the complaint to the Queensland Human Rights Commission for independent resolution.

The Queensland Human Rights Commission can be contacted on:

Phone: 1300 130 670

Web: [make a complaint](#)

## 2.7 Privacy complaints

Departmental staff are obliged to manage personal information in accordance with the [Information Privacy Act 2009](#) and the [11 Information Privacy Principles](#). Where a complaint is lodged about a privacy breach, the Manager, Right to Information and Privacy is to be immediately notified of the complaint and consulted on the proposed approach to resolve the complaint. Privacy complaints are to be forwarded to: [righttoinformation@hpw.qld.gov.au](mailto:righttoinformation@hpw.qld.gov.au)

The relevant divisional decision maker retains responsibility for resolving the complaint.

If a complainant is dissatisfied with the department's resolution of their privacy complaint or they have not received a response to their privacy complaint within 45 business days, they can lodge a complaint with the Office of the Information Commissioner.

The Office of the Information Commissioner can be contacted at:

Phone: 07 3405 1111

Email: [administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au)

## 2.8 Complaints by victims of crime

A victim who feels that the department has engaged in conduct that is inconsistent with the fundamental principles of justice may make a complaint to the department or, if the victim is not comfortable doing this, the complaint can be submitted to the Victim Service Coordinator appointed under the Victims of Crime Association. A victim may also complain to the Victim Services Coordinator if the victim is unsatisfied with the outcome of their complaint, or if a response is not provided by the department in a timely manner.

The Victims of Crime Coordinator can be contacted at:

Mail: Level 6, 154 Melbourne Street, South Brisbane QLD 4101

Phone: 1300 546 587

Email: [victimslinkup@justice.qld.gov.au](mailto:victimslinkup@justice.qld.gov.au)

Web: <https://www.qld.gov.au/law/crime-and-police/victims-of-crime/>

## 2.9 Education

It is the responsibility of any staff member assigned to resolve a complaint or to conduct a review or investigation on behalf of a decision maker to ensure that they are familiar with the Complaints management policy and the Complaints management procedure.

The person assigning a complaint to a staff member for resolution also holds responsibility for ensuring the staff member has the capability to undertake the complaint resolution process.

It is recommended that staff who are regularly required to undertake complaint reviews at a minimum complete the department's online Complaints module. The Queensland Ombudsman also offers training in decision making and complaints management and these courses are highly recommended for staff who are regularly involved in complaints management.

Requirements for training in complaints management should be discussed as part of regular performance and development discussions.

## 3 Responsibilities

Key roles and responsibilities are as follows:

### 3.1 Complainant

Complainants are responsible for:

- providing clear information of the issue/s about which they are complaining
- providing all information relevant to the complaint
- being clear at the start about their desired outcome or solution
- cooperating with the department in a respectful way and understanding that unreasonable conduct will not be tolerated
- informing the department if they no longer require assistance including choosing to withdraw their complaint

### 3.2 Divisional Heads and senior managers

Divisional heads and senior managers (e.g. General Managers, Executive Directors, Directors and equivalents) are responsible for:

- ensuring complaints are dealt with fairly, objectively and in a timely manner
- ensuring relevant employees are adequately trained to deal with complaints
- ensuring complaints data is recorded on the department's complaints management register
- regularly reviewing and analysing complaints data to identify and implement continuous improvement opportunities
- notifying and consulting with the Manager, Right to Information and Privacy in relation to all privacy complaints
- referring all significant (Level 3) complaints to the Office of the Director-General or the Integrity Services Unit.

### 3.3 Integrity Services

Integrity Services is responsible for:

- reviewing the effectiveness of the department's complaints management policy and procedure biennially
- managing Level 3 complaints as directed by the Director-General
- notifying and consulting with the Manager, Right to Information and Privacy in relation to privacy complaints
- oversighting the department's complaints management register
- reporting on complaints data to the Executive Leadership Team
- arranging publication of complaints data on the department's website in accordance with s.219A of the [Public Service Act 2008](#)

### 3.4 Manager, Right to Information and Privacy

The Manager, Right to Information and Privacy, Legal Services is responsible for:

- being the department's Privacy Contact Officer
- providing advice and assistance to divisions and the Integrity Services Unit regarding complaints of privacy breaches under the [Information Privacy Act 2009](#).

### 3.5 Managers and employees

Managers and employees are responsible for:

- dealing with complaints fairly, objectively and in a timely manner in accordance with this policy and the Complaints management procedure
- advising the Divisional Complaints Management Officer upon receipt of a complaint
- providing the Divisional Complaints Management Officer all data relating to the complaint for recording in the department's complaints management register
- referring out of scope complaints to the appropriate areas as per Attachment 4 of this policy.

### 3.6 Divisional Complaints Management Officers

Divisional Complaints Management Officers are responsible for:

- providing advice and support to employees in their division about complaints management
- consulting with the Human Rights Complaints Advisory Panel to determine if a complaint contains a human rights element/s
- receiving and recording information about complaints management on the department's complaints management register including associated documentation such as review reports, briefing notes and other correspondence
- providing quarterly reports to the Divisional Head on the number of complaints received, categories of complaints, KPIs on timeframes, resolutions, identified business improvement strategies and monitoring of implementation of identified strategies
- providing complaint data to Integrity Services as required.

### 3.7 Human Rights Complaints Advisory Panel

The Human Rights Complaints Advisory Panel is responsible for:

- providing advice to officers responsible for responding to complaints on whether a complaint includes a human right component/s
- providing advice on strategies on managing complaints which contain a human right component/s
- ensuring complaints with a human right component/s are correctly recorded on the department's complaints management register.

## 4 Delegations

N/A

## 5 Reporting requirements

### 5.1 Internal reporting

The department has established a centralised recording system for complaints. The nominated Divisional Complaints Management Officer is responsible for ensuring each complaint is registered and that all associated actions are recorded including resolution outcomes and identified continuous improvement actions.

The Divisional Complaints Management Officer will provide a quarterly report to the Divisional Head for review and action on the number of complaints received, categories of complaints, KPIs on timeframes, resolutions, identified business improvement strategies and monitoring of implementation of identified strategies.

Integrity Services will provide a six-monthly report to the Executive Leadership Team on complaints data including identification of trends to aid in risk management and strategic, operational and business planning activities.

### 5.2 External reporting

Integrity Services will collate and provide data from the departmental complaints management register regarding human rights complaints in accordance with s. 97(2)(b) of the [Human Rights Act 2019](#) for inclusion in the department's annual report and as otherwise required.

Integrity Services will arrange the publication of the following complaints information for each financial year according to section 219A of the [Public Service Act 2008](#):

- a. the number of complaints received by the department in the year
- b. the number of those complaints resulting in further action
- c. the number of those complaints resulting in no further action.

The department will advise the Victim Service Coordinator of the outcome of complaints made by victims of crime for entering into the Victim Assist Queensland Complaints register.

## 6 Approval

**Liza Carroll**  
**Director-General**

**Date: 18 December 2019**

**Attachment 1:** Contacts

**Attachment 2:** Definitions

**Attachment 3:** References

### Licence

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## Attachment 1: Contacts

Director, Integrity Services Unit  
Human Resources, Corporate Services  
Department of Housing and Public Works  
Level 14, 41 George Street, Brisbane Qld 4000  
GPO Box 2457, Brisbane Qld 4001  
Phone: 07 3008 2924

Manager, Right to Information and Privacy  
Legal Services, Corporate Services  
Department of Housing and Public Works  
Level 2, 60 Albert Street, Brisbane Qld 4000  
GPO Box 2457, Brisbane Qld 4001  
Phone: 07 3008 3118  
Fax: 07 3224 6938

Queensland Ombudsman  
Level 18, 53 Albert Street, Brisbane Qld 4000  
GPO Box 3314, Brisbane Qld 4001  
Phone: 07 3005 7000  
Toll Free: 1800 068 908  
Fax: 07 3005 7067  
Email: [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au)

Office of the Information Commissioner, Queensland  
Level 8, 160 Mary Street, Brisbane, Qld 4000  
PO Box 10143, Adelaide Street, Brisbane Qld 4001  
Phone: 07 3405 1111  
Fax: 07 3405 1122  
Email: [administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au)

Queensland Human Rights Commission  
Level 20, 53 Albert Street, Brisbane, Qld, 4000  
City East Post Shop, PO Box 15565, City East QLD 4002  
Phone: 1300 130 670  
Email: [enquiries@qhrc.qld.gov.au](mailto:enquiries@qhrc.qld.gov.au)

Victims of Crime Association  
Level 6, 154 Melbourne Street, South Brisbane QLD 4101  
Phone: 1300 546 587  
Email: [victimslinkup@justice.qld.gov.au](mailto:victimslinkup@justice.qld.gov.au)

## Attachment 2: Definitions

<b>Term</b>	<b>Description</b>
<b>Complainant</b>	Person or their representative making a complaint.
<b>Complaint</b>	An expression of dissatisfaction about the service or actions of the department, its employees or persons providing services on behalf of the department where a response or resolution is explicitly or implicitly expected or legally required. A complaint is not a question, an enquiry or a request for information or re-work, unless the person specifies that they wish to make a complaint.
<b>Complaints management register</b>	The department's system for recording complaints, including the issues and level of the complaint, details of the complainant, timeframe of resolution, the resolution strategies, business improvement strategies and monitoring and implementation data.
<b>Corrupt conduct</b>	<p>Has a specific meaning under the <a href="#">Crime and Corruption Act 2001</a>. It means conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <ul style="list-style-type: none"> <li>a. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> <li>(i) a unit of public administration; or</li> <li>(ii) a person holding an appointment; and</li> </ul> </li> <li>b. results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in (a) in a way that— <ul style="list-style-type: none"> <li>(i) is not honest or is not impartial; or</li> <li>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</li> </ul> </li> <li>c. would, if proved, be: <ul style="list-style-type: none"> <li>(i) a criminal offence; or</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</li> </ul> </li> </ul> <p>Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that</p> <ul style="list-style-type: none"> <li>a. impairs, or could impair, public confidence in public administration; and</li> <li>b. involves, or could involve, any of the following – <ul style="list-style-type: none"> <li>(i) collusive tendering</li> </ul> </li> </ul>

	<p>(ii) fraudulent applications for licences, permits and other authorities under an Act necessary to protect –</p> <ol style="list-style-type: none"> <li>a) the health and safety of persons</li> <li>b) the environment</li> <li>c) the use of the State’s natural resources</li> </ol> <p>(iii) dishonestly obtaining benefits from the payment or application of public funds or the disposition of state assets evading State taxes, levies, duties or fraudulently causing a loss of State revenue</p> <p>(iv) fraudulently obtaining or retaining an appointment; and</p> <p>c. would be:</p> <ol style="list-style-type: none"> <li>(i) a criminal offence</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</li> </ol> <p>Corrupt conduct can be attributed to any person, regardless of whether or not they are employed in the department, including:</p> <ul style="list-style-type: none"> <li>• employees</li> <li>• people who used to but no longer work in the department</li> <li>• people who subsequently take up an appointment in the department</li> <li>• people who are suppliers or providers to the department</li> <li>• other private individuals or organisations</li> <li>• people outside Queensland where there is a direct link between the conduct and its adverse effect on the department)<sup>2</sup></li> </ul> <p>Refer to <a href="#">Prevention and Management of Corrupt Conduct and Public Interest Disclosure Policy and Procedure</a> for further information</p>
<b>Customer</b>	<p>Any person who is on the receiving end of:</p> <ul style="list-style-type: none"> <li>• a decision made or a failure to make a decision by a public service employee of the department</li> <li>• an act or failure to act of the department</li> <li>• the formulation of a proposal or intention by the department</li> <li>• the making of a recommendation by the department</li> <li>• breach of privacy</li> <li>• the customer service provided by a public service employee of the department</li> </ul>
<b>Employee (Public service employee)</b>	A person employed under the <a href="#">Public Service Act 2008</a>
<b>Employee record</b>	Includes as per section 15 of the <a href="#">Public Service Regulation 2018</a> :

<sup>2</sup> “Corruption in focus: A guide to dealing with corrupt conduct in the Queensland public sector”, Crime and Corruption Commission, July 2014, page 1.3.

	<ul style="list-style-type: none"> <li>• a report, correspondence item or other document about the employee's work performance, work conduct or work history</li> <li>• a medical report about the employee</li> <li>• a written allegation of misconduct by the employee</li> </ul> <p>to the extent that it contains information about a public service employee as defined in the <a href="#">Public Service Act 2008</a>, but excludes the following documents:</p> <ul style="list-style-type: none"> <li>• a medical report about the employee indicating that disclosure of information in it to the employee might be prejudicial to the employee's mental or physical health or wellbeing</li> <li>• a document created by an appropriately qualified person for the primary purpose of providing a professional counselling service to another public service employee that contains information about the employee</li> <li>• is a public interest disclosure or record of a public interest disclosure under the <a href="#">Public Interest Disclosure Act 2010</a> or was brought into existence for that Act's administration</li> <li>• a document about the employee relating to suspected corrupt conduct under the <a href="#">Crime and Corruption Act 2001</a> or an investigation of the conduct</li> <li>• a document about the employee relating to a suspected criminal offence or an investigation of the offence</li> <li>• a document that is subject to legal professional privilege.</li> </ul>
<p><b>Fundamental principles of justice</b> (for victims of crime as per the <a href="#">Victims of Crime Assistance Act 2009</a> as relevant to the Department of Housing and Public Works)</p>	<ul style="list-style-type: none"> <li>• <i>Principle 1 – Fair and dignified treatment</i> The victim (including, for this principle, a witness to an act of violence) will be treated fairly and shown dignity, respect, compassion and courtesy. Particular needs of the victim including the victim's age, sex, race, cultural or linguistic background, impairment, sexuality or religious beliefs will be taken into account.</li> <li>• <i>Principle 2 – Privacy of victim</i> A victim's (including, for this principle, a witness to an act of violence) personal information, including their address and telephone number, must not be disclosed to any unauthorised persons.</li> <li>• <i>Principle 3 – Information about services</i> The victim will be given timely information on relevant services available to them, including welfare, health, counselling, legal help and financial assistance, to the extent that giving the information is relevant to the department's functions or is otherwise reasonable and practicable for the department to give the information.</li> </ul>
<p><b>Human rights</b></p>	<p>Refers to human rights as described by Part 2 of the <a href="#">Human Rights Act 2019</a>. Refer to Attachment 5 for a full list of human rights.</p>

<p><b>Public Interest Disclosure</b></p>	<p>Means a disclosure of information made to the proper authority:</p> <p>(1) by an employee about:</p> <p>(a) the conduct of another person that could, if proved, be-</p> <ul style="list-style-type: none"> <li>• corrupt conduct or</li> <li>• maladministration that adversely affects a person's interests in a substantial and specific way or</li> </ul> <p>(b) a substantial misuse of public resources (other than an alleged misuse based on a mere disagreement over policy that may properly be adopted about amounts, purposes and priorities of expenditure) or</p> <p>(c) a substantial and specific danger to public health or safety or</p> <p>(d) a substantial and specific danger to the environment or</p> <p>(2) by any person (including an employee) about:</p> <p>(a) a substantial and specific danger to the health or safety of a person with a disability (as defined in section 11 of the <a href="#">Disability Services Act 2006</a> or</p> <p>(b) the commission of an offence against a provision mentioned in Schedule 2 of the <a href="#">Public Interest Disclosure Act 2010</a> (PID Act) if the commission of the offence is or would be a substantial and specific danger to the environment or</p> <p>(c) a contravention of a condition imposed under a provision mentioned in Schedule 2 of the PID Act if the contravention is or would be a substantial and specific danger to the environment or</p> <p>(d) the conduct of another person that could, if proved, be a reprisal.</p> <p>A public interest disclosure includes all information and help given by the discloser to the proper authority for the disclosure.</p>
<p><b>Reprisal/s</b></p>	<p>Means causing, or attempting or conspiring to cause, detriment to another person because, or in the belief that –</p> <p>(a) the other person or someone else has made, or intends to make, a PID or</p> <p>(b) the other person or someone else is, has been, or intends to be, involved in a proceeding under the PID Act against any person.</p> <p>An attempt to cause detriment includes an attempt to induce a person to cause detriment.</p>
<p><b>Responsible officer</b></p>	<p>Employee assigned responsibility to undertake review into complaint or an internal review, up to and including making decision on complaint/internal review outcome</p>

<b>Victim</b>	Is (as per section 5 of the <a href="#">Victims of Crime Assistance Act 2009</a> ) a person who has suffered harm: <ul style="list-style-type: none"><li>• because a crime is committed against the person or</li><li>• because the person is a family member or dependant of a person who has died or suffered harm because a crime is committed against that person or</li><li>• as a direct result of intervening to help a person who has died or suffered harm because a crime is committed against that person.</li></ul>
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## Attachment 3: References

The requirements set out in this document are based on, and are consistent with, relevant Government legislation, regulations, directives, information standards and/or policies at the time of publication.

### Legislation and regulations

[Crime and Corruption Act 2001](#)

[Information Privacy Act 2009](#)

[Public Interest Disclosure Act 2010](#)

[Public Service Act 2008](#)

[Right to Information Act 2009](#)

[Victims of Crime Assistance Act 2009](#)

[Human Rights Act 2019](#)

### DHPW documents

[Complaints management procedure](#)

[Employee complaints policy](#)

[Employee complaints guideline](#)

[Prevention and management of corrupt conduct and public interest disclosure policy](#)

### Other Resources

Australian/New Zealand Standard AS/NZS 10002 – 2014 Guidelines for complaint management in organizations

## Attachment 4: Contacts for complaints not covered by the Complaints management policy

Nature of complaint	Contact	Relevant links
Corrupt conduct	Integrity Services Unit Ph: 07 3008 2924 or 07 3008 2925	Department of Housing and Public Works' <a href="#">Prevention and management of corrupt conduct and public interest disclosure policy</a>
Public Interest Disclosure		<a href="#">Crime and Corruption Act 2001</a> <a href="#">Public Interest Disclosure Act 2010</a>
Employee complaints	Local HR Business Partner in the first instance	Department of Housing and Public Works' <a href="#">Employee Complaints Policy and Employee Complaints Guideline</a>
Employee appeals		<a href="#">Commission Chief Executive Directive: Appeals (03/17)</a>
Reviewable decisions that are dealt with under the <i>Housing Act 2003 (Qld)</i>	Housing Appeals and Review Unit Ph: 07 3008 2921 or 1300 364 560 <a href="mailto:corporate.HARU@hpw.qld.gov.au">corporate.HARU@hpw.qld.gov.au</a>	<a href="#">Housing Act 2003</a>
Complaints regarding Prequalification (PQC) System	Manager, Building Policy and Practice (Building Industry and Policy) Ph: 07 3008 2511	<a href="#">Prequalification (PQC) System for Building Industry Consultants and Contractors</a>
Contractual complaints	Local manager in the first instance	
Complaints about organisations funded by the department under the <i>Housing Act 2003 (Qld)</i> or the <i>Community Services Act 2007 (Qld)</i>	Local contract manager in the first instance. A list of funded organisations and their contract manager is located on the CoMIT Team Site.	<a href="#">CoMIT team site</a>
Matters subject to legal proceedings	Local manager in the first instance and consult with the General Counsel, Legal Services	<a href="mailto:legalservices@hpw.qld.gov.au">legalservices@hpw.qld.gov.au</a>
Complaints about procurement activities of other government agencies (i.e. not this department)	Refer to Audit and Compliance Unit,	<a href="#">Queensland Procurement Policy</a>

Nature of complaint	Contact	Relevant links
	Queensland Government Procurement Ph: 3215 3560	
<b>Complaints regarding access application decisions under the <i>Right to Information Act 2009 (Qld)</i></b>	Manager, Right to Information & Privacy, Legal Services Ph: 07 3008 3118	<a href="#">Right to Information Act 2009</a> Chapter 3, Part 2

## Attachment 5: Human rights triggers in complaints

Consider this human right...	...when complaints involve:
<b>Recognition and equality before the law</b>  <b>Section 15</b>	<ul style="list-style-type: none"> <li>• A service delivered to some groups and not others.</li> <li>• 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).</li> <li>• Eligibility criteria for programs, entitlements or plans (for example, payment plans under the State Penalty Enforcement Register).</li> <li>• 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.</li> </ul>
<b>Right to life</b>  <b>Section 16</b>	<ul style="list-style-type: none"> <li>• A decision that deals with withdrawal or withholding of life sustaining treatment.</li> <li>• The use of force by law enforcement officers, including the use of weapons.</li> <li>• A policy that deals with the use of deadly force (for example, the law relating to self-defence).</li> </ul>
<b>Protection from torture and cruel, inhuman or degrading treatment</b>  <b>Section 17</b>	<ul style="list-style-type: none"> <li>• How people are treated at sites where an agency is responsible for their care (e.g. public hospitals, mental health services or facilities, prisons, state schools, state operated aged care services).</li> <li>• A policy, program or decision about medical treatment for people without their consent (e.g. under mental health or guardianship law).</li> <li>• A decision affecting the physical or mental well-being of a person in a way that may cause serious physical or mental pain or suffering, or humiliate the person.</li> <li>• A policy, program or decision that involves a person being searched (including intrusive searches).</li> </ul>
<b>Freedom from forced work</b>  <b>Section 18</b>	<ul style="list-style-type: none"> <li>• A policy or program that involves people doing work or providing services under threat of a penalty.</li> <li>• 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).</li> </ul>
<b>Freedom of movement</b>  <b>Section 19</b>	<ul style="list-style-type: none"> <li>• A policy, program or decision that restricts movement or where a person can live.</li> <li>• A policy or program that restricts people's movement based on national security considerations.</li> <li>• A policy, program or decision that monitors a person's movements.</li> <li>• A policy, program or decision that limits movement in public spaces.</li> <li>• Imposing planning controls, such as by zoning residential locations away from commercial, industrial or agricultural areas.</li> </ul>
<b>Freedom of thought, conscience, religion and belief</b>  <b>Section 20</b>	<ul style="list-style-type: none"> <li>• A policy, program or decision that promotes, restricts or interferes with a particular religion or set of beliefs.</li> <li>• A policy or statutory provision that requires people to disclose their religion or beliefs.</li> <li>• A policy, program or service that regulates conduct in a way 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).</li> </ul>

	<ul style="list-style-type: none"> <li>• 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.</li> <li>• A policy or decision that restricts people under state control from observing their religion (e.g. prisoners).</li> </ul>
<b>Freedom of expression</b>  <b>Section 21</b>	<ul style="list-style-type: none"> <li>• A policy that requires prior approval before a person can express themselves (for example, to hold a protest or busk in a particular area).</li> <li>• A policy that regulates the contents of speech, publication, broadcast, display or promotion, or regulates offensive speech.</li> <li>• 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)</li> <li>• A policy or decision that restricts or censors media coverage (for example, on the reporting of judicial proceedings).</li> </ul>
<b>Peaceful assembly and freedom of association</b>  <b>Section 22</b>	<ul style="list-style-type: none"> <li>• 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).</li> <li>• 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).</li> <li>• A policy, program or service that treats people differently because they are a member of a group or association.</li> <li>• A policy, program or service that prohibits membership in a group or association with certain persons (for example, in a criminal justice context).</li> </ul>
<b>Taking part in public life</b>  <b>Section 23</b>	<ul style="list-style-type: none"> <li>• A policy or decision that limits participation in elections.</li> <li>• A policy or statutory provision that sets eligibility requirements for the public service and public office.</li> <li>• A policy or statutory provision that sets processes and procedures for voting.</li> </ul>
<b>Property rights</b>  <b>Section 24</b>	<ul style="list-style-type: none"> <li>• A policy allowing a person's property to be acquired, seized or forfeited under civil or criminal law (for example, confiscations proceedings).</li> <li>• A policy or decision allowing an agency to access private property.</li> <li>• A policy decision that implements Government control over its own property (for example, resumption of land).</li> </ul>
<b>Privacy and reputation</b>  <b>Section 25</b>	<ul style="list-style-type: none"> <li>• A policy, program or decision that involves surveillance of people for any purpose (for example, CCTV).</li> <li>• A policy, program or service that collects and/or publishes personal information (for example, results of surveillance, medical tests, electoral roll).</li> <li>• A policy, program or service that regulates a person's name, private sexual behaviour, sexual orientation, or gender identity.</li> <li>• A policy, program or service that regulates storage, security, retention and access to personal information.</li> <li>• A policy that requires mandatory reporting of injuries or illnesses.</li> <li>• A policy or decision that interferes with or inspects mail and other communications, or prevents or monitors correspondence between categories of people.</li> <li>• A policy, program or service that requires mandatory disclosure or reporting of information (including disclosure of convictions).</li> <li>• A policy that establishes powers of entry and search (including personally invasive powers, such as strip searches).</li> <li>• A requirement for compulsory physical examination or intervention (for example, DNA, blood, breath or urine testing).</li> </ul>

<p><b>Protection of families and children</b></p> <p><b>Section 26</b></p>	<ul style="list-style-type: none"> <li>• A policy, program or decision that regulates family contact for people in care or relates to intervention orders between family members.</li> <li>• A policy, program or decision that regulates adoption and surrogacy.</li> <li>• 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.</li> </ul>
<p><b>Cultural rights – generally</b></p> <p><b>Section 27</b></p>	<ul style="list-style-type: none"> <li>• A policy, program or service that restricts people from observing religious practices.</li> <li>• A policy, program or service that restricts people from declaring their affiliation to a particular racial, religious or cultural group.</li> <li>• A policy or service that limits or prohibits communication in languages other than English, including through the provision of information.</li> <li>• A policy that restricts the provision of services or trade on religious holidays.</li> <li>• A policy or program that regulates cultural or religious practices in public education.</li> <li>• A policy, program or service that provides government information only in English and allows for access to services only by English speaking persons.</li> <li>• A policy that licences or restricts food preparation and service.</li> </ul>
<p><b>Cultural rights – Aboriginal peoples and Torres Strait Islander peoples</b></p> <p><b>Section 28</b></p>	<ul style="list-style-type: none"> <li>• A policy, program or service that prohibits the use of a traditional language.</li> <li>• 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 culture practices.</li> <li>• A policy or decision that interferes with the relationship between Aboriginal or Torres Strait Islander people and land, water and resources.</li> <li>• A policy or decision that protects Aboriginal and Torres Strait Islander cultural heritage, including Aboriginal human remains and secret or sacred objects.</li> </ul>
<p><b>Right to liberty and security of person</b></p> <p><b>Section 29</b></p>	<ul style="list-style-type: none"> <li>• A policy or decision that authorises a person with a mental illness to be detained for treatment.</li> <li>• A policy that allows a person to be detained on safety grounds, such as intoxication.</li> <li>• A policy or statutory provision that provides powers of arrest.</li> <li>• A policy or statutory provision that provides for detention on remand or release on bail conditions.</li> </ul>
<p><b>Humane treatment when deprived of liberty</b></p> <p><b>Section 30</b></p>	<ul style="list-style-type: none"> <li>• A policy setting out the conditions for detention of individuals.</li> <li>• A policy setting out standards and procedures for treatment of people who are detained (for example, use of force, dietary choice, access to private shower and toilet facilities).</li> <li>• A policy or statutory provision that allows people who are detained to be searched.</li> </ul>
<p><b>Fair hearing</b></p> <p><b>Section 31</b></p>	<ul style="list-style-type: none"> <li>• A policy or proposal that reverses the onus of proof.</li> <li>• A policy or program that creates or restricts reviews of administrative decision-making and appeal processes.</li> <li>• 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).</li> <li>• A policy or statutory provision that regulates the procedures for challenging the impartiality and independence of courts and tribunals.</li> <li>• A policy that restricts the publication of cases or decisions.</li> <li>• A policy, program or service that disadvantages or doesn't consider the particular circumstances of a litigant (for example, a litigant with a disability).</li> </ul>

<p><b>Rights in criminal proceedings</b></p> <p><b>Section 32</b></p>	<ul style="list-style-type: none"> <li>• A policy or decision that impacts on the presumption of innocence.</li> <li>• A policy that deals with the admissibility of evidence.</li> <li>• A policy that deals with reverse onus of proof.</li> <li>• A policy or decision that delays trial proceedings.</li> <li>• A policy or service that restricts cross examination.</li> <li>• A policy or decision that deals with the provision of legal aid.</li> <li>• A policy or decision that restricts access to information and material to be used as evidence.</li> <li>• A policy that limits appeal rights.</li> <li>• A policy that regulates the procedures for investigation and prosecution of offences.</li> <li>• A policy, program or service that deals with the provision of assistants and interpreters.</li> </ul>
<p><b>Children in the criminal process</b></p> <p><b>Section 33</b></p>	<ul style="list-style-type: none"> <li>• A policy or decision that detains children for any length of time.</li> <li>• A policy or decision that detains children in locations that have limited facilities or services for their care and safety (for example, watch houses).</li> <li>• A policy or decision that relates to sentencing laws.</li> <li>• A policy or statutory provision that relate to standards in detention centres.</li> </ul>
<p><b>Right not to be tried or punished more than once</b></p> <p><b>Section 34</b></p>	<ul style="list-style-type: none"> <li>• A policy or statutory provision that creates new offences.</li> <li>• A policy or decision that is related to the double jeopardy exceptions under the Criminal Code.</li> </ul>
<p><b>Retrospective criminal laws</b></p> <p><b>Section 35</b></p>	<ul style="list-style-type: none"> <li>• A policy or decision that sanctions a person for conduct that was not unlawful at the time of the conduct.</li> <li>• 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.</li> </ul>
<p><b>Right to education</b></p> <p><b>Section 36</b></p>	<ul style="list-style-type: none"> <li>• A policy, program or service that provides education and training to young people in detention.</li> <li>• 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).</li> </ul>
<p><b>Right to health services</b></p> <p><b>Section 37</b></p>	<ul style="list-style-type: none"> <li>• A policy, program or service that deals with access to health care for prisoners or other persons in care.</li> <li>• 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).</li> </ul>

From Queensland Government Human Rights Guide: Handling human rights complaints

## Attachment 6: Divisional complaints management officers

### Building Policy and Asset Management

Business Assurance Coordinator

QBuild

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Email: [katty.wong@hpw.qld.gov.au](mailto:katty.wong@hpw.qld.gov.au)

### Housing, Homelessness and Sport

Senior Business Support Officer

Business and Service Support

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Executive Support Officer

Aboriginal and Torres Strait Islander Housing Unit

Ph: 3334 2148

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A/Manager Business Support

Regulatory Services

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Manager, Executive and Operational Support

Sport and Recreation

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### **Service Delivery**

Regional Services Officer

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### **Queensland Government Customer and Digital Group**

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### **Portfolio Strategy**

Manager

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## Attachment 7: Human right complaints advisory panel

### Integrity Services representative

Director Integrity Services

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### Human Resources representatives

Manager Employee Relations

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Director Human Resources (Housing, Homelessness and Sport)

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Director, Human Resources (Building Policy and Asset Management)

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### Legal Services representatives

Director - Employment and Commercial Law

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Director – Litigation and Administration Law

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**Housing, Homelessness and Sport**

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