

Industrial Registry

Complaints Management System Policy

Version 1.1 | Date Effective: 18 January 2024

1. Policy Statement

The Industrial Registry is committed to the delivery of high-quality services, economic prosperity and social justice and supports the Industrial Court of Queensland ('Court') and the Queensland Industrial Relations Commission ('Commission') in the provision of a framework for industrial relations that is fair and balanced.

The Industrial Registry is also committed to a positive complaints management system and process to effectively and efficiently manage complaints fairly, confidentially, and within a prompt timeframe.

2. Authority and Objectives

Section 264 of the *Public Sector Act 2022* ('PS Act') outlines the requirement for the establishment and implementation of a complaints management system for dealing with complaints which complies with the *Australian Standard – Guidelines for complaint management in organizations* (AS 10002:2022) ('Australian Standard').

The complaints management system must enable the Industrial Registry to manage the receipt, processing and outcome of a complaint as well as notify the complainant about the outcome of the complaint (unless the complaint was anonymous).

In accordance with the above, the objectives of this policy are as follows:

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| <ul style="list-style-type: none">• To provide a complainant with access to a fair, accountable, transparent and responsive complaints management process regarding the Industrial Registry. |
| <ul style="list-style-type: none">• To manage complaints in a consistent, systematic, responsive and timely manner. |
| <ul style="list-style-type: none">• To enhance the ability to monitor trends, eliminate causes of complaints and improve operational effectiveness through the identification of improvement opportunities. |
| <ul style="list-style-type: none">• To provide staff with the necessary tools and support to improve skills in the management of complaints. |
| <ul style="list-style-type: none">• To reduce the likelihood of complaints developing into ongoing disputes. |

This policy is to be read in conjunction with the following documents which detail how complaints will be managed:

- the Complaints Management System Procedure; and
- the Complaints Management System Framework.

3. Principles

- 3.1 This policy does not seek to replace or interfere with legislation or policy dealing with complaints about privacy, right to information, staff grievances, or public interest disclosures.
- 3.2 In order to achieve the above objectives, this policy reflects the underlying guiding principles as set out in the current Australian Standard, outlined in the below table:

| Principles | Outline |
|--|--|
| <i>People Focused</i> | <ul style="list-style-type: none"> • Recognising and respecting everyone's right to complain or provide feedback. • Commitment to addressing any issues raised within a reasonable timeframe. • Involvement of the complainant in the process as far as is practicable and appropriate. |
| <i>Accessibility and Transparency</i> | <ul style="list-style-type: none"> • Complaints may be made in person, by phone, or by email or other written communication, taking into consideration any human rights considerations. • Complainants are not charged a fee to make a complaint. • Information regarding how a complaint may be made is publicised on the website. The website has been designed and developed to ensure that its content is available to as many users as possible. • Management of the expectations of complainants by ensuring they are aware of the process, timeframes, their likely involvement, possible outcomes, and any other necessary information. • Practical support and special assistance will be made available to a complainant if required. |
| <i>Responsiveness</i> | <ul style="list-style-type: none"> • Complaints are acknowledged promptly and responded to in a timely manner. • Complainants are kept informed about the progress of the complaint, are advised about the outcome reached, the reasons for the decision, and any review options available. • Early resolution is preferred and may be handled by frontline staff. |
| <i>Impartiality and Fairness</i> | <ul style="list-style-type: none"> • Complaints are managed impartially and are dealt with fairly, respectfully, consistently, equitably and in accordance with the principles of natural justice and procedural fairness. • The confidentiality of personal information of the complainant, and others involved in the complaint, is respected. • If the complainant's conduct is unreasonable, including unreasonable persistence, demands, lack of cooperation, arguments and behaviour, the Industrial Registry will manage the conduct to ensure that the complaint may be productively resolved while protecting the welfare and wellbeing of staff. |
| <i>Accountability</i> | <ul style="list-style-type: none"> • Formal documented processes and procedures are used in the management of complaints and are published on the website. • The policy and procedures will be reviewed annually to ensure relevance and effectiveness. • Implementation of record keeping practices to meet requirements, including the tracking of the progress of a complaint. |

| | |
|-----------------------------------|---|
| Improvement and Prevention | <ul style="list-style-type: none"> • Identification of any issues or improvements that may be made through accurate reporting and regular reviews and training. • Provision of the unambiguous and comprehensive policy to ensure complainants are informed of their rights and responsibilities. • Complainant able to request an internal review or, should the complainant remain unsatisfied, they are able to seek an external review. • Ensuring outcomes are properly monitored and reported and any identified improvements are implemented. • Empowerment of staff through the provision of adequate training and guidance regarding their role in the complaints management process and this is reviewed on a regular basis. |
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4. What is a complaint?

This policy applies to a written or verbal complaint made by, or on behalf of, a person external to the Industrial Registry, who has been directly affected by the service or action of the Industrial Registry and/or an officer of the Industrial Registry. Anonymous complaints are afforded the same consideration as other complaints, however a complaint may not be able to be fully investigated if contact information has not been provided. Contact details may be found at the end of this policy.

Personal information is handled in accordance with the *Information Privacy Act 2009*. Information regarding the Industrial Registry's privacy policy is available on the website.

4.1 Complaints within *scope*

Section 264(4) of the PS Act provides examples of the actions a complaint may be made about, such as:

- a decision made, or a failure to make a decision;
- an act, or failure to act;
- the formulation of a proposal or intention;
- the making of a recommendation; or
- the customer service provided.

Complaint types may be categorised as follows:

| Service | Behaviour/conduct | Administrative decision | Process |
|--|--|--|---|
| <i>Such as the timeliness or quality of the service provided</i> | <i>Involving the behaviour or conduct of an officer of the Industrial Registry</i> | <i>Regarding a decision/ recommendation made or failed to be made by an officer of the Industrial Registry in relation to the provision of a service</i> | <i>The process (policy or procedure) followed in the provision of a service</i> |

If the same complaint is lodged with various agencies, if practicable, the agencies should work together to ensure the complainant receives a clear and coordinated response.

Some complaints, once assessed, may be determined to be out of scope due to the nature of the complaint.

The Industrial Registry may refuse to investigate a complaint if it is seen to be abusive, trivial, unreasonable, misleading or where the complainant refuses to cooperate throughout an investigation.

The provisions of the *Human Rights Act 2019* will be taken into consideration in the assessment of all complaints. For more information, please refer to section 5 of this policy.

4.2 Complaints *out of scope*

The following are examples of complaints that would fall *outside of the scope* of this policy:

| Issue | Process information |
|--|--|
| <input checked="" type="checkbox"/> a decision or order made in a proceeding by a Member of the Court, Commission or the Industrial Registrar. | There are appeal procedures in place should a party be dissatisfied with a decision made in a proceeding. Consult the website - Queensland Industrial Relations Commission |
| <input checked="" type="checkbox"/> breaches of privacy | Consult the website - Privacy Queensland Industrial Relations Commission |
| <input checked="" type="checkbox"/> right to information applications | Consult the website - Right to information Queensland Industrial Relations Commission |
| <input checked="" type="checkbox"/> staff grievances | Current internal staff refer to the intranet and the Public Sector Commission |
| <input checked="" type="checkbox"/> public interest disclosures | Consult the website - Public Interest Disclosure Procedure Queensland Industrial Relations Commission |
| <input checked="" type="checkbox"/> corrupt behaviour | If outside of the parameters of a public interest disclosure, the complaint must be made to the Crime and Corruption Commission Queensland |

Furthermore, this policy *does not* apply to complaints about:

- Members and Associates of the Court or Commission;
- another public sector entity or organisation;
- the recording and/or transcription services;
- the conduct of legal representatives;
- matters outside the direct responsibility of the Industrial Registry; and
- a third-party entity or service provider where the matter is referred for investigation or response.

5. Human rights in complaints management

Human rights considerations, as outlined in the *Human Rights Act 2019*, form part of decision-making and the complaints management system of the Industrial Registry. Therefore, officers are required to identify and consider all human rights when assessing, investigating and responding to complaints.

Section 58 of the *Human Rights Act 2019* addresses the conduct of public entities (including the Industrial Registry), outlining that it is unlawful for a public entity:

- to act or make a decision in a way that is not compatible with human rights; or
- in making a decision, to fail to give proper consideration to a human right relevant to the decision.

Furthermore, if a complainant believes the Industrial Registry has breached their human rights, they may lodge a human rights complaint to the Industrial Registry in the first instance. The Industrial Registry then has 45 business days to respond to the complaint. If the complainant has not received a response within 45 business days, or is dissatisfied with the response received, they may make a complaint to the Queensland Human Rights Commission (QHRC). In exceptional circumstances, the QHRC may also accept a complaint before the 45 business days has elapsed.

6. Vulnerability

The Industrial Registry recognises that all complainants are unique, with diverse needs, abilities and personal circumstances. The Industrial Registry will take appropriate measures to identify complainants who may be vulnerable and aim to reduce and address the vulnerability by providing assistance.

7. Complainant rights and responsibilities

The Industrial Registry recognises that in managing complaints in a consistent, systematic, responsive and timely manner, all parties to a complaint have certain rights and responsibilities. The Industrial Registry acknowledges that the complainant as a right to be treated with respect and courtesy, be treated equitably and fairly, and be informed of the conduct that is expected of them.

In turn, the responsibilities of the complainant include:

- cooperating in a respectful way and understand that unreasonable conduct will not be tolerated;
- providing a clear idea of the problem subject of the complaint and outline the desired resolution;
- providing all relevant information when the complaint is made;
- understanding the complaints process and that some decisions may be final or overturned;
- understanding that complex complaints can take time to assess, manage and resolve;
- updating the Industrial Registry should circumstances change and the complaint is no longer being pursued;
- if dissatisfied with the outcome, request an internal review within 20 days of receiving the outcome.

8. Managing unreasonable conduct

The Industrial Registry will ensure that work health and safety responsibilities and duty of care obligations are met and that strategies are in place for managing unreasonable complainant conduct. Unreasonable complainant conduct includes:

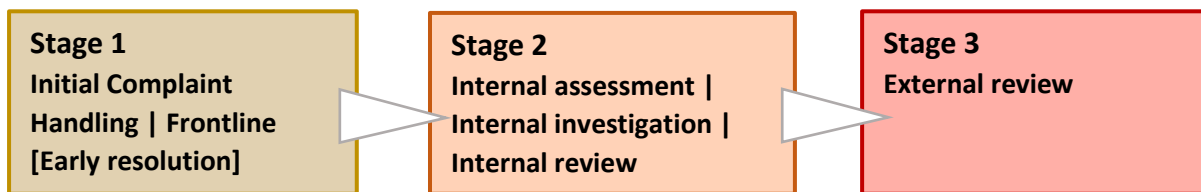
- unreasonable persistence or inappropriate demands on time, resources or staff;
- vexatious complaints;
- lack of cooperation;
- providing misleading or untrue information; and
- unreasonable behaviour (including abusive or argumentative behaviour).

The Industrial Registry may refuse to investigate a complaint if it is seen to be abusive, trivial, unreasonable, misleading or where the complainant refuses to cooperate throughout an investigation.

The Industrial Registry will not tolerate *any form* of violent or aggressive behaviour towards staff. Staff safety and wellbeing is paramount and if complainant conduct creates an unacceptable risk, the Industrial Registry may discontinue contact with the complainant.

9. Complaints model

The complaints management system of the Industrial Registry consists of the following three stages.



9.1 *Stage 1 – Initial Complaint Handling - Frontline (early resolution)*

The frontline is the first point to receive all complaints, be it verbally or in writing. Simple complaints received by a **Receiving Officer** (Frontline) may be able to be resolved directly with the complainant, but preferably within three business days of the receipt of the complaint.

9.2 *Stage 2 - Internal assessment/Internal investigation/Internal Review*

Standard and complex complaints are those that are not able to be resolved at the frontline and may be referred for further assessment or investigation.

An **internal assessment**, conducted by the **Complaints Coordinator** may be utilised when the complaint is more serious or complex. The Complaints Coordinator assesses the information provided by the complainant to identify and attempt to resolve the key concerns.

An **internal investigation** may be conducted to find and evaluate the facts to determine whether the complaint has merit. It is conducted by an **Internal Investigation Officer** who is a senior officer with the necessary knowledge, training and experience to conduct an efficient and effective investigation.

Depending on the complexity of the complaint, these complaints should be resolved within 30 business days of the receipt of the complaint.

If a complainant is dissatisfied with the outcome of a complaint, or the way in which a complaint was handled, they may request an **internal review** within 20 business days of receiving the outcome decision. An internal review is a systematic way of reviewing the complaints process and outcome to ensure compliance with relevant policies, procedures and legislative requirements. An internal review, conducted by an **Internal Review Officer** is not an investigation, or re-investigation, of the complaint, but rather a merits review of the complaints process and the outcome, based on the information and facts available at the time.

Depending on the complexity of the request, the internal review should be completed within 20 business days of the receipt of the request.

Internal review requests are considered an opportunity to review and improve the complaint handling process.

9.3 *Stage 3 - External review*

A complainant who is dissatisfied with the Industrial Registry's response following an internal review may seek an **external review** by an independent external review body.

The external review body which may accept an external review of the complaint is the [Queensland Ombudsman](#). The external review body will not investigate a matter until the

complainant has attempted to resolve the issue directly with the Industrial Registry and has exhausted any other right of review.

Should a complainant be dissatisfied about the outcome of a complaint regarding a human rights matter, they may wish to contact the [Queensland Human Rights Commission](#).

The [Office of the Information Commissioner Queensland](#) should be contacted should the complaint refer to breaches of privacy.

10. External reporting

The Industrial Registry is required to report on the complaint management system for the purpose of being accountable and transparent.

An annual summary report of complaints for each financial year (not including human rights complaints) will be published on the website.

11. Maintenance and improvement

The complaints management system of the Industrial Registry will be constantly monitored, reviewed and updated to align with the overall objective of enhancing the ability to monitor trends, eliminate causes of complaints and improve operational effectiveness through the identification of improvement opportunities.

12. Definitions, references and relating documents

12.1 For the purpose of this policy, the following definitions apply:

| Term | Definition |
|------------------------------|--|
| Agency | Refers to a public sector entity as per s 9 of the <i>Public Sector Act 2022</i> . |
| Anonymous complaint | A complaint received from a complainant who does not wish to be identified. |
| Complainant | A person who lodges a complaint with the Industrial Registry. |
| Complaint | A complaint about the service or action of a public sector entity, or its staff, by a person who is apparently directly affected by the service or action ¹ . |
| Complaint Coordinator | An officer of the Industrial Registry who has the responsibility for the assessment and management of the complaint (including record keeping/recording of the complaint). |
| Complaints Management System | Consists of all policies, procedures, frameworks, practices, systems, staff and resources used to manage complaints. |
| Complex complaint | A complaint that has multiple issues and may be deemed serious in nature, warranting further assessment and investigation. |
| Days | Any mention of days refers to business days. |
| External Review | A process conducted by an external review body such as the Queensland Ombudsman or the Queensland Human Rights Commission. |
| Frivolous complaint | One that is trivial or meritless in nature and does not justify the resources that would be required to action it. |
| Industrial Registrar | The Industrial Registrar: <ul style="list-style-type: none"> • administers the Industrial Registry; • has the functions conferred under the <i>Industrial Relations Act 2016</i> or another Act; and • has the power to do all things necessary or convenient to be done to perform the function.² |
| Internal Assessment | Further assessment of a standard or complex complaint. |

¹ Section 264 of the *Public Sector Act 2022*

² Section 513 of the *Industrial Relations Act 2016*

| Term | Definition |
|--------------------------------|--|
| Internal Investigation | A process to find and evaluate the facts of the complaint. |
| Internal Investigation Officer | An officer of the Industrial Registry who has the responsibility to investigate more complex complaints. |
| Internal Review | A merits review of the internal assessment and investigation of complaint based on the information and facts available at the time. |
| Internal Review Officer | An officer of the Industrial Registry who manages the review of an internal assessment and investigation at the request of a complainant. |
| Procedural fairness | Providing any party who may be affected by a complaint with a fair hearing and a reasonable opportunity to respond to any claims made. Also known as natural justice. |
| Proceedings | In the context of this policy, proceedings means a hearing or conciliation conference held in accordance with the <i>Industrial Relations Act 2016</i> or another Act which is conducted by the Court, Commission or the Industrial Registrar. |
| Receiving Officer | A frontline officer of the Industrial Registry who receives a complaint. |
| Register | An internal tool used to capture and record complaints data including details of the complaint, the outcome, and any reviews undertaken. |
| Simple complaint | A complaint that can be resolved on the frontline (early resolution). |
| Standard complaint | A complaint that may have a single issue or concern that may be resolved on the frontline or after further assessment. |
| Unreasonable complaint conduct | Conduct is likely to be unreasonable where it involves actions or behaviours which because of the nature or frequency, raises substantial health, safety, wellbeing, resource or equity issues, including unrelenting contact (e.g. excessive and unnecessary phone calls or emails), demanding conduct, unreasonable behaviour, or lack of cooperation. |
| Vexatious complaint | A complaint intended to harass, annoy, delay or cause detriment. |
| Vulnerability | A state of being especially susceptible to detriment due to circumstances including disability, age, literacy levels, gender, trauma, stress and location (rural/remote and/or homeless) |

12.2 References and related legislation, policies and procedures

- Complaints Management System Procedure
- Complaints Management System Framework
- [Queensland Public Service Customer Complaint Management Guideline](#)
- [Queensland Public Service Customer Complaint Management Framework](#)
- [Australian Standard – Guidelines for complaint management in organizations \(AS 10002:2022\)](#)
- [Public Sector Act 2022](#)
- [Human Rights Act 2019](#)
- [Complaints management - Queensland Ombudsman](#)
- [Policy and procedure guide - Queensland Ombudsman](#)
- [Public service Code of Conduct | For government | Queensland Government](#)
- [Public Interest Disclosure Policy and Procedure | Queensland Industrial Relations Commission](#)

13. Contact

For further information, please contact the Industrial Registry:

By phone: 1300 592 987

By email: qirc.registry@qirc.qld.gov.au

By post: Industrial Registrar, Queensland Industrial Registry
GPO Box 373, Brisbane QLD 4001

In person: Level 21, Central Plaza 2
66 Eagle Street (Cnr Elizabeth and Creek Streets), Brisbane QLD 4000

Internet: www.qirc.qld.gov.au

Personal information is handled in accordance with the *Information Privacy Act 2009*. Information regarding our privacy policy is available on the website - [Privacy | Queensland Industrial Relations Commission](#).

Further assistance:

The [Translating and Interpreting Service \(TIS National\)](#) is available for complainants who are unable to speak or write in English. They are available on phone **131 450**.

The [National Relay Service](#) is available for complainants with hearing or vision impairments. Contact details are as follows:

NRS Chat:nrschat.nrscall.gov.au

SMS Relay:.....0423 677 767

Voice Relay1300 555 727

TTY (Speak/Type and Read)133 677

TTY (Type and Listen)1800 555 677

14. Version Control

| Version | Amendments | Approved | Date |
|---------|------------|---|-----------------|
| 1.1 | Nil | B. Paris, Deputy Industrial Registrar. | 17 January 2024 |