

July 2023

# Complaints Management Policy

# Purpose

The Australian Electoral Commission (AEC) is an independent statutory authority established under the *Commonwealth Electoral Act 1918*.

The AEC's purpose is to maintain an impartial and independent electoral system through active electoral roll management, efficient delivery of polling services and targeted education and public awareness programs.

This policy sets out the principles and processes that the AEC will follow in managing complaints. In this policy we refer to a person or organisation that makes a complaint as a 'complainant'. The policy explains:

- what a complaint is
- how we manage complaints
- how to seek review of a complaint response

This policy document is for both internal and external use and is available on the [AEC website](#).

# Policy statement

Receiving feedback, including complaints, is a valuable part of the AEC's process for continuously improving our services. The AEC welcomes your feedback to improve the way we work.

We are committed to making the complaints process accessible and transparent, to be responsive within our stated service levels, and to treat complaints fairly whilst maintaining confidentiality of personal information.

Complainants have a right to request an internal review if they are unhappy with the decision made.

# Definition of complaints

For the purpose of this policy, a complaint is where an individual or organisation has expressed dissatisfaction to the AEC in relation to an AEC service, process or program, or where they view the AEC has not met its expected quality or timeliness of service.

Complaints can be made by any individual, group or organisation. The complaints the AEC will respond to can be categorised into the following:

<b>Complaints about the AEC</b>	Complaints which relate to our products, services, programs, or the conduct of a staff member.
<b>Complaints of a legal nature</b>	Complaints which refer to possible breaches of, or offences under, the <i>Commonwealth Electoral Act 1918</i> , <i>Referendum (Machinery Provisions) Act 1984</i> or <i>Fair Work Act 2009</i> .
<b>Complaints regarding fraud</b>	Complaints which relate to suspected instances where the <i>Commonwealth Electoral Act 1918</i> is intentionally breached to obtain a benefit or cause detriment are considered electoral fraud.

<b>Complaints regarding breach of privacy</b>	Complaints which relate to the suspected interference of an individual's personal privacy by the AEC regarding an alleged breach of the <i>Privacy Act 1988</i> or the Australian Privacy Principles.
<b>Complaints of a procurement nature</b>	Complaints which relate to a procurement activity being undertaken by the AEC and complaints relating to the application of the Commonwealth Procurement Rules or the <i>Government Procurement (Judicial Review) Act 2018</i> .

## Complaints outside of AEC responsibilities

A complaint that is not part of the AEC's areas of responsibilities will not be considered by the AEC. This notably includes the provision of legal or constitutional advice, as well as complaints relating to electoral events run by other election management bodies.

If you have a complaint about services provided by another federal, state or territory government, agency or body, please contact the responsible organisation in the first instance.

## Principles for complaints management

The AEC's complaints management process is guided by the following principles:

### Responsiveness

We are committed to being responsive to complaints by actively listening, monitoring timeframes for resolution, and communicating about progress. Staff should attempt to resolve a complaint at the time that it is received.

### Fairness

We are committed to managing complaints fairly and with integrity. We will maintain impartiality and treat all complainants with respect.

### Accessibility

We are committed to making our complaints management process accessible to all. Complaints are able to be made in a range of ways and include services for individuals with specific needs.

### Transparency

The AEC will be clear in the complaints process and can explain the assessments made, actions taken, and the decision reached.

### Confidentiality

We are committed to maintaining confidentiality when managing complaints and will handle and retain personal information according to our [Privacy Policy](#).

### Improvement- focused

We are committed to identifying complaint trends (where possible) and using feedback to improve our products, services, training, and information.

## Protection of AEC staff

We are committed to the wellbeing of our staff, which includes protecting staff from hostile or abusive content, and from personal attacks. We therefore reserve the right to cease communicating with individuals who do not treat our staff with courtesy and respect.

## Rights and responsibilities

Both complainants and the AEC have rights and responsibilities in complaints management:

	Complainant	AEC
Rights	<ul style="list-style-type: none"><li>▪ make a complaint</li><li>▪ be treated with courtesy and respect</li><li>▪ have a complaint managed in line with the Complaints Management Policy</li><li>▪ seek a review of our response if they are not satisfied with the response provided or the process undertaken</li><li>▪ make an anonymous complaint</li><li>▪ withdraw their complaint at any time</li></ul>	<ul style="list-style-type: none"><li>▪ have our employees treated with courtesy and respect</li><li>▪ refuse to investigate complaints that are outside of the AEC's remit or that are frivolous or vexatious in nature</li><li>▪ investigate a complaint after it has been withdrawn by a complainant</li></ul>
Responsibilities	<ul style="list-style-type: none"><li>▪ treat staff with courtesy and respect</li><li>▪ not knowingly provide false or misleading information.</li><li>▪ provide concise but sufficient information to enable the AEC to investigate the matter</li><li>▪ provide further information if requested.</li></ul>	<ul style="list-style-type: none"><li>▪ support complainants' right to lodge a complaint</li><li>▪ protect complainants' privacy and anonymity, if requested</li><li>▪ manage a complaint in line with the Complaints Management Policy</li><li>▪ provide complainants with a timely response</li><li>▪ provide avenues to request review</li><li>▪ cooperate with any request for information as a result of external appeal of our decision</li></ul>

## Use of personal information

The AEC will manage personal information collected for the purpose of managing a complaint or conducting an internal review in accordance with our [Privacy Policy](#) as well as the [Privacy Act 1988](#).

Personal information collected during the complaint process may be disclosed to AEC business areas. Where we are obliged to report details of the complaint or internal review to another agency, details may be disclosed as part of a report to that agency.

Personal information collected about a complainant or third party in relation to alleged breaches of the *Commonwealth Electoral Act 1918*, *Referendum (Machinery Provisions) Act 1984* or the *Fair Work Act 2009* may also be disclosed to the Australian Federal Police or to the Commonwealth Director of Public Prosecutions for the purpose of investigating or prosecution.

# Complaints handling

The complaint management process includes five steps:

1



## RECEIVE

When received a complaint must be assessed to determine its urgency and importance.

2



## ASSESSMENT

Once the complaint has been assessed, the details of the complaint must be recorded. The complaint will be assessed against a range of criteria including:

- Does the complaint or resolution fall within the AEC's remit?
- What is the urgency/seriousness of the complaint?
- What is the complexity of the complaint
- Is the complaint about a clear issue or circumstance or is it frivolous or vexatious in nature?

3



## ACKNOWLEDGEMENT

All complaints must be acknowledged where possible. Complaints should be acknowledged the same way they were received, unless the client cannot be contacted or is anonymous.

5 BUSINESS DAYS

4



## RESOLVE

The time taken to resolve, investigate or review a complaint will depend on the nature and complexity of the complaint.

5



## COMMUNICATE RESOLUTION

When the investigation or review is completed, the outcome is communicated to the complainant, including advice on alternative courses or internal or external review.

10 BUSINESS DAYS\*

*\* The AEC aims to provide a response to all complaints within 10 business days of receipt unless the matter is complex, there are particular sensitivities or legal constraints, or there are resource constraints. When we cannot provide a response within that timeframe, we aim to send an acknowledgement with a likely timeframe.*

*If the complainant has requested that they not be contacted regarding the outcome of their complaint, they will not be provided a response.*

## No further action determination

**The AEC takes threats of violence very seriously. Complaints that threaten violence or harm will be immediately referred to the police. Complaints that are abusive, obscene, or discriminatory will not be addressed.**

The AEC may choose not to respond to complaints that fall outside of its legislative authority, administrative remit, or that the AEC deems to be frivolous and/or vexatious. Complaints that are outside the AEC's remit include:

- Compulsory enrolment and voting, over which the AEC has no discretion.
- Matters relating to other election management bodies, including the state and territory electoral commissions.
- Truth in electoral or referendum advertising (outside of communications that are misleading about the process of voting, and/or are unauthorised when required to be authorised).
- Complaints that amount to requests for constitutional or legal advice.

Frivolous or vexatious complaints include complaints which meet the following criteria:

- repeatedly lodging complaints about the same subject matter after being dissatisfied with a response or outcome
- a repetition of information which has already been addressed on the AEC's [Disinformation Register](#)
- complaints which are abusive, inappropriate, or harassing in nature
- complaints which are part of an organised campaign and are substantially similar in their content. A response may be given to the individual or group who organised the campaign
- complaints which are sufficiently unsubstantiated or baseless that further action is deemed to be a waste of Commonwealth resources in the opinion of government lawyers or senior executive staff.

In most instances the AEC will address a complaint when it is in doubt as to whether a complaint meets one or more of these criteria.

Any staff member uncomfortable with an interaction with a complainant should refer the matter to a supervisor, or when this is not possible terminate the communication after attempting to inform the complainant of why this is being done.

## What the AEC requires in a complaint

To assess your complaint about an AEC service, product, or staff member we ask you to:

- clearly state what the issue is and provide any supporting information, where relevant or known, including dates, times, locations, names of staff dealt with, a description of the issue/s of concern and any supporting material relevant to the complaint, including reference numbers, if applicable
- outline the outcome/resolution you are seeking
- cooperate with and treat our staff with courtesy and respect
- provide your full name and contact details such as a phone number, email address and/or postal address where a response has been requested. This information should also be provided by groups or organisations.

## Silent electors

If the complainant is a silent elector, the complaint capture system should prompt them to consider whether or not they wish to advise the AEC of this status and note that they are not required to provide contact details or an address. All systems for complaints management should be able to process complaints without a requirement for contact details.

## Anonymity and pseudonymity

Complainants have the right to submit complaints and request internal reviews anonymously or pseudonymously. They should be informed that this may limit the investigation we are able to undertake and the response that we can provide. Further information is available in the AEC [Privacy Policy](#).

## Complaints lodged via social media

Social media platforms provide for rapid public commentary with other people and organisations. While the social media accounts of the AEC are official communication channels for the agency, they are not platforms for the lodgement of official complaints. If a social media user wants to lodge an official complaint, they must do so via other avenues such as the AEC's online complaints form.

For matters relating to, or involving, a person's private details, users are to be encouraged to contact the AEC through channels that are not publicly visible.

## Complaint withdrawal and follow up

Complainants may withdraw their complaints at any stage during the process. However, the AEC may continue to investigate the complaint. This should be made clear to complainants who withdraw their complaints.

# Complaints review process

## Internal review

A complainant has the right to seek an internal review of the response to their complaint if they are dissatisfied with the process used to investigate their complaint or with our response.

General complaints do not have a time limit for requesting a review of their case, however, complaints of a legal nature, or those regarding fraud, or a breach of privacy may have specific time limits imposed by legislation.

Requests for internal review should be made in writing and addressed to Complaints Management, or as otherwise advised in responses provided. Members of the AEC's Senior Executive Service will determine whether an internal review is to be granted.

## External review

A complainant has the right to seek an external review; however, we recommend that complainants use our internal review process before seeking an external review.

In the case of some external review mechanisms, such as with the Commonwealth

Ombudsman, an external review cannot be conducted until an internal review has been undertaken. Details of external review options can be provided on request.

## Regulatory Framework

This policy has been informed by the following regulatory and policy standards:

- *Commonwealth Ombudsman's Better Practice Guide to Complaints Handling 2009*
- *Australian Standard ISO 10002-2006 Customer Satisfaction – Guidelines for complaints handling in organisations (AS ISO 10002-2006)*
- The ethical and professional standards of the [Australian Public Service Code of Conduct](#)
- [AEC Service Charter](#)
- [AEC Privacy Policy](#).
- *Resource Management Guide No. 422: Handling complaints under the Government Procurement (Judicial Review) Act 2018.*