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# Complaints Management Policy

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# Purpose

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The Australian Electoral Commission (AEC) is an independent Commonwealth statutory authority committed to providing quality, impartial and accessible electoral services and programs to the Australian community.

Our [Service Charter](#) explains what we do and the standard of service you can expect from us. Where you believe we do not meet this level of service, we value the time taken to provide feedback and we commit to treating a complaint seriously, promptly and in line with this *Complaints Management Policy* (this policy).

We recognise properly managing complaints is important in helping us to deliver on our services, to evaluate and make continuous improvement in our delivery.

This policy sets out the principles and processes that we will follow when we manage a complaint. In this policy we refer to the person or organisation that makes a complaint as a 'complainant'.

The policy explains:

- principles guiding how we manage complaints
- definitions of complaints
- how to make a complaint
- the process we will use to manage a complaint
- how to seek an internal review of a complaint response
- avenues to seek an external review.

This policy document is for both internal and external use and is available from our website or on request from our staff.

We will review this policy regularly and update it as required.

# Policy statement

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The AEC recognises that the proper management and handling of complaints is a crucial aspect of our service, including evaluating and making continuous improvement in our delivery. We are committed to making the complaints process, transparent and accessible, to be responsive within our stated service levels and to treat complaints fairly whilst maintaining confidentiality of personal information. Complainants can expect to receive a response from the AEC and have a right to an internal review if they are unhappy with the decision made.

# Policy objectives

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The objective of this policy is to define a clear complaints management policy that is transparent, consistent and contributes to the AEC's agency direction of delivering high quality electoral services.

# Principles for complaints management

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

## Accessibility

We are committed to making our complaints management process accessible to all. Wherever possible, extra assistance is also available to complainants who may require particular assistance in making a complaint. We are also committed to ensuring that staff understand this policy and use it when managing all complaints.

## Responsiveness

We are committed to being responsive to complaints in both how we manage them and in how we use them to help improve our services and programs. This policy sets out what a complainant can expect from us when they make a complaint, including the steps involved and the expected timeframes.

## Confidentiality

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

## Fairness

We are committed to managing complaints fairly and with integrity. We will maintain impartiality and treat all complainants with respect. Complainants have an opportunity to respond and seek a review of our response. Internal reviews of complaints will be undertaken by staff independent from the original complaint decision. Where appropriate, an external investigator may be engaged to review a complaint.

## Transparency

We are committed to transparency in all aspects of our complaints management process. This policy outlines how we manage complaints. When we respond to a complainant we will explain the assessment undertaken and the decision reached.

## Efficiency

We are committed to managing complaints as efficiently as possible. We will provide complainants with updates on the progress of their complaint.

# Rights and responsibilities

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There are certain rights and responsibilities that a complainant can expect in our management of a complaint. The AEC also maintains some rights and responsibilities.

## Complaint Rights

A complainant has the right to:

- make a complaint
- be treated with courtesy and respect by our staff
- have a complaint managed in line with our complaints management policy
- seek a review of our response if they are not satisfied with the response provided or the process undertaken
- make an anonymous complaint
- withdraw their complaint at any time.

## Complainant Responsibilities

A complainant has the responsibility to:

- treat our staff with courtesy and respect
- not knowingly provide false or misleading information.

A complainant can also assist us with managing their complaint by:

- providing sufficient information to enable us investigate the matter
- providing further information if requested.

## AEC Rights

We have the right to:

- have our employees treated with courtesy and respect
- investigate a complaint after it has been withdrawn by a complainant.

## AEC Responsibilities

We have the responsibility to:

- support complainants' right to complain
- protect complainants' privacy, and anonymity, if requested
- manage a complaint in line with the complaints management policy
- provide complainants with a timely response
- provide complainants an avenue for internal review
- cooperate with any request for information by another relevant organisation as a result of a complainant's external appeal of our review decision.

# Making a complaint

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## What is a complaint?

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 it is viewed the AEC has not met its expected quality of service. Complaints can be made by any individual, group or organisation.

## Use of personal information

We will keep a record of all complaints received and internal reviews undertaken. We 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 and/or internal review process, will usually be disclosed to the AEC business area to which the complaint relates and to staff members involved in managing the complaint or internal review. Where we are obliged to report details of the complaint or internal review to another agency, such as the Office of the Australian Information Commissioner, 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 for the purpose of investigating any offence against Commonwealth law, or to the Commonwealth Director of Public Prosecutions for the purpose of prosecuting an offence.

## Types of complaints

Complaints can fall into the following broad categories:

### Complaints of a general nature

Complaints of a general nature may relate to our products, services, programs or the conduct of a staff member.

### Complaints of a legal nature

Complaints of a legal nature refer to possible breaches of, or offences under, the *Commonwealth Electoral Act 1918*, *Referendum (Machinery Provisions) Act 1984* or *Fair Work Act 2009*.

## Complaints regarding fraud

Complaints which relate to suspected instances where the *Commonwealth Electoral Act 1918* is intentionally breached to obtain a benefit or cause detriment are considered electoral fraud.

## Complaints regarding breach of privacy

Complaints which relate to the suspected interference of an individual's personal privacy by the AEC.

## Complaints outside of AEC responsibilities

A complaint cannot be considered by the AEC where it relates to matters outside the AEC's areas of responsibility.

## How to make a complaint

Depending on the broad category of the complaint that you wish to make, there may be certain requirements you need to follow.

### Complaints of a general nature

General complaints can be lodged in any of the following ways:

<b>Online:</b>	<a href="#">I'd like to make a complaint form</a>
<b>Post:</b>	Australian Electoral Commission Reply Paid 9867 [your capital city]
<b>Phone:</b>	13 23 26 (National) +612 6273 8606 (Overseas)
<b>In person:</b>	Visiting your local <a href="#">AEC office</a>

### Complaints of a legal nature

Complaints of a legal nature can be lodged in any of the following ways:

<b>Online:</b>	<a href="#">I'd like to make a complaint form</a>
<b>Post:</b>	The Chief Legal Officer Australian Electoral Commission Locked Bag 4007 Canberra ACT 2601
<b>Phone:</b>	02 6271 4411

The investigation of complaints of a legal nature must comply with relevant Commonwealth law and policies, and may take longer to investigate.



Further information on making a legal complaint is available on our [website](#).

## Complaints regarding fraud

Complaints regarding suspected fraud can be lodged in any of the following ways:

<b>Online:</b>	<a href="#">I'd like to make a fraud allegation</a>
<b>Post:</b>	Fraud Control Manager AEC National Office Locked Bag 4007 Canberra ACT 2601
<b>Phone:</b>	AEC's Fraud Line 1300 795 898

The investigation of suspected cases of fraud must comply with relevant Commonwealth law and policies, and may take longer to investigate.

Further information on reporting suspected fraud is available on our [website](#).

## Complaints regarding breach of privacy

Complaints regarding a breach of privacy can be lodged in any of the following ways:

<b>Online:</b>	<a href="#">I'd like to make a complaint form</a>
<b>Post:</b>	The Privacy Officer Australian Electoral Commission Locked Bag 4007 Canberra ACT 2601
<b>Phone:</b>	02 6271 4411

Complaints which relate to the suspected interference of an individual's personal privacy by the AEC are required to be handled in accordance with our Privacy Policy and may take longer to investigate. In the case of a serious breach of privacy we may also report the incident to the Australian Information Commissioner.

Further information is available from the AEC's [Privacy Policy](#).

## Complaint withdrawal and follow up

You may withdraw your complaint at any stage during the process, however, we may continue to investigate the complaint. For withdrawing or following up an existing complaint, wherever applicable please quote the complaint reference number that was provided to you along with any additional details.

Please note that this does apply for complaints that were lodged anonymously.

## What to include in your complaint

We recommend you provide the following details when making a complaint:

<b>Name of complainant:</b>	your full name or name of the group/organisation making the complaint
<b>Contact details:</b>	your contact details such as a phone number, email address and/or postal address
<b>Details of complaint:</b>	the details of your complaint, including: <ul style="list-style-type: none"><li>▪ dates, time, locations, names of staff dealt with, where relevant or known</li><li>▪ description of the issue/s you are concerned about</li><li>▪ any supporting material relevant to the complaint</li></ul>
<b>Contact request:</b>	whether you wish not to be contacted regarding the complaint
<b>Outcome:</b>	an indication of the outcome you are seeking

### Silent electors

If you are a silent elector and do not wish to disclose your address, please let us know when making a complaint.

### Anonymity and pseudonymity

You have the right to make a complaint anonymously or under a pseudonym, however this may limit the investigation we are able to undertake and the response that we can provide. Further information is available from our [Privacy Policy](#).

### Complaints lodged via social media

We recognise that some complaints may be lodged on one of our social media channels. If personal information is required to provide a response, we will ask you to communicate with us in a way which protects your privacy.

## Extra assistance contacting the AEC

We recognise that some complainants may require extra assistance in making a complaint and we have processes in place to assist these complainants:

### National Relay Service

If you are deaf or have a hearing or speech impairment you can contact us through the National Relay Service (NRS):

<b>TTY users</b>	phone 133 677 then ask for 13 23 26
<b>Speak and Listen users</b>	phone 1300 555 727 then ask for 13 23 26
<b>Internet relay users</b>	connect to the <a href="#">NRS</a> then ask for 13 23 26.

## Interpreting and translating service

If you would prefer to contact us in a language other than English a telephone interpreter service is available in [18 languages](#).

## Other assistance

We may also be able to provide other assistance to assist you in the complaints process, on request.

# Complaints handling

### How we manage complaints

Wherever possible, our staff will attempt to resolve a complaint at the time that it is received. These complaints will be managed according to the principles of this policy, however, the steps in the complaint management process may be undertaken concurrently, rather than sequentially.



## Receipt

Complaints can be received by the AEC via the following channels:

CHANNEL	FORMAT
<b>Online:</b>	<a href="#">I'd like to make a complaint form</a>
<b>Post:</b>	Australian Electoral Commission Reply Paid 9867 [your capital city]
<b>Phone:</b>	13 23 26 (in Australia) +612 6273 8606 (Overseas)
<b>In person:</b>	Visiting your local <a href="#">AEC office</a>
<b>Social media:</b>	AEC Facebook, Instagram or Twitter accounts

Once a complaint is received via any of the channels mentioned above, it is then assessed, assigned and acknowledged by the AEC prior to being investigated and responded to.

## Assessment

Each complaint will be assessed to determine:

- whether the complaint or resolution falls within our responsibility
- whether it is a clear issue or circumstance that is raised
- the urgency and/or seriousness of the complaint
- the complexity of the complaint
- the impact or risk to the complainant, other people, our staff and/or the AEC
- whether there are any specific requirements to start an investigation
- the appropriate area/staff member to deal with the complaint.

This assessment will determine the estimated timeframe needed to respond to the complaint, whether the complaint can be resolved at the first point of contact or whether it needs to be escalated and if so, to whom.

## Assignment

We will record a complaint in our system and assign it with a unique identification number. This number will identify a complaint throughout the process and in all correspondence.

## Acknowledgment

We aim to acknowledge all complaints within three working days.

If we expect a complaint may take longer than three days to provide a response, the complainant will be provided an initial acknowledgment confirming receipt of the complaint. This acknowledgement will provide an expected timeframe for response.

If we expect a complaint can be resolved within three working days, and a response is subsequently provided within this time, an acknowledgement will not be provided.

If we expect a complaint can be resolved within three working days, but a response is not subsequently provided within this time, an acknowledgement which confirms receipt of the complaint will be provided on or before the third day. This acknowledgement will also provide an expected timeframe for response.

## Investigation

The level of investigation needed to resolve a complaint will vary, as determined by the assessment, any specific requirements in legislation or AEC policy. It may also be revised once the process is underway.

If, during the investigation, a complaint is found to be more complex than originally expected, we will inform the complainant of a revised timeframe. We may also request additional information from the complainant at any stage in the management of the complaint.

## Response

We will advise the complainant of our response to their complaint, and any corresponding action that we will be taking.

We aim to provide a response to all complaints within ten working days, unless we have informed the complainant it will take longer.

Our response will explain the investigation undertaken and the conclusions reached. We will also advise a complainant of the review process available to them if they are dissatisfied with the process used to investigate their complaint or with our response.

If the complainant has requested that they not be contacted regarding the outcome of their complaint, we will not provide them with a response.

## Complaints review process

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### Internal review

A complainant has the right to seek an internal review of our 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 for requesting a review of our response.

### How to request an internal review?

A request for an internal review of a complaint should be made, in writing wherever possible, to the AEC staff member who responded to the complaint, or as otherwise advised in the response provided.

### What to include in your request for an internal review?

You should provide the following details when requesting an internal review:

<b>Name of complainant:</b>	your name or name of the group/organisation requesting the internal review
<b>Details of review request:</b>	the detail of your concerns, including: <ul style="list-style-type: none"><li>▪ why you are dissatisfied with the complaints process or our response</li><li>▪ description of the issue/s you are concerned about</li><li>▪ copies of any relevant documents or correspondence relating to your original complaint</li><li>▪ the unique reference number assigned to the original complaint, if known.</li></ul>
<b>Contact details:</b>	your contact details such as a phone number, email address and/or postal address
<b>Outcome:</b>	an indication of the outcome you are seeking

## Silent electors

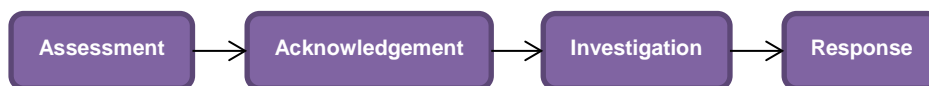
If you are a silent elector and do not wish to disclose your address, please let us know when requesting an internal review.

## Anonymity and pseudonymity

You have the right to request an internal review anonymously or under a pseudonym, however this may limit the investigation we are able to undertake and the response that we can provide. Further information is available from our [Privacy Policy](#).

## How we conduct an internal review?

The internal review process is undertaken following the same steps outlined in the complaints management process from 'Assessment' to 'Response'.



AEC staff who were not involved in the original complaint process or response conduct an internal review. Staff involved in the review are provided with:

- the complainant's request for an internal review
- details of the original complaint
- details of the complaint assessment, investigation and response
- access to the staff involved in the original complaint assessment, investigation and response, as well as any further supporting documentation.

We aim to acknowledge a request for an internal review within three working days and provide a response within 15 working days. If the response is expected to take longer than 15 days we will contact the complainant to provide the expected timeframe.

## 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 conducted.

## Options for external review

Options for an external review include, but are not limited to:

- the [Commonwealth Ombudsman](#)
- the [Administrative Appeals Tribunal](#)

- the [Special Minister of State](#)
- the [Australian Information Commissioner](#)
- the [Australian Human Rights Commission](#)
- the Courts.

## Service standards

Our service delivery standards for the acknowledgement and resolution of complaints are:

### Complaint service standards

Acknowledgment	Provision of response
Acknowledgment provided to the complainant within <b>three working days</b>	Complainant responded to within <b>ten working days</b>

\*If a complaint is resolved within three working days an acknowledgment of the complaint is not provided.

### Internal review service standards

Acknowledgment	Resolution of response
Acknowledgment provided to the complainant within <b>three working days</b>	Complainant responded to within <b>fifteen working days</b>

We strive to acknowledge and resolve complaints within these timeframes, however, if the matter is complex it may take longer to respond. If a complaint is likely to take longer, we will contact the complainant to provide the expected timeframe.

### Complaints during an election period

We recognise that complaints during the election period related to the conduct of the election must be handled promptly.

## Monitoring our performance

We will monitor how we perform in managing complaints against the standards set out in this policy. Complainants who make a complaint via the complaints form on our website will be advised that we may use their personal information to contact them for feedback about how we managed their complaint. At this time, complainants who make a complaint via post, phone, social media or in person will not form part of this feedback.

## 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](#).