

Complaints management policy

Human Rights

Decision makers must act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to a decision, as required by section 58 of the [Human Rights Act 2019](#). For further information please refer to the department's Human Rights intranet page.

1. Purpose

This policy establishes the underlying principles and obligations of the Department of Energy and Public Works (the department) concerning the management and resolution of complaints.

This policy and the [Complaints management procedure](#) have been developed in accordance with:

- the [department's values](#)
- section 219A of the [Public Service Act 2008](#) (PSA)
- the *Australian/New Zealand Standard 10002:2022: Guidelines for complaint management in organisations*
- the [Human Rights Act 2019](#), and
- the [Information Privacy Act 2009](#).

Application

Complaints 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 employees or persons it has engaged to provide services on its behalf and may include the following:

- the customer service provided
- 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
- a breach of privacy, and/or
- a breach of human rights.

Exclusions

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

- complaints of suspected corrupt conduct dealt with under the [Crime and Corruption Act 2001](#) and the department's Corrupt conduct prevention policy and procedure
- public interest disclosures dealt with under the [Public Interest Disclosure Act 2010](#) and the department's Public interest disclosure policy and procedure
- employee grievances that are dealt with under the department's Employee grievance policy and guideline
- 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 \(07/20\)](#)
- complaints that are mainly contractual in nature

- complaints subject to legal proceedings
- decisions made by the Regulator, or on behalf of the Regulator, under the *Electricity Act 1994*, *Gas Supply Act 2003*, and related energy regulation
- 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*
- 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 Pregualification (PQC) System for Building Industry Consultants and Contractors or Conditions of Working with QBuild (Contractors, Consultants or Suppliers)
- complaints about the department which are made to and dealt with by the Office of the Minister for Energy and Public Works. This includes complaints being responded to via ministerial correspondence.

For information about where to refer the above-mentioned complaints, please see Attachment 3 of this policy.

For clarity, this policy does not provide another avenue of complaint. For example, where a complaint has been dealt with under another policy (for example, the department's Employee grievance policy), the same complaint 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's complaints management system is based on the guiding principles outlined in the *Australian/New Zealand Standard 10002:2022: Guidelines for complaint management in organisations*.

The department is committed to:

- a free and readily accessible complaints process for all persons
- providing readily available information about where and how to lodge a complaint
- providing information on how complaints will be managed
- reasonable assistance to people who wish to make complaints
- clear explanations about what the department can and cannot do
- informing staff of the existence and operation of the complaints management process
- promptly acknowledging complaints
- responding to/dealing with complaints in a timely manner
- monitoring timeframes for resolution of complaints
- communicating with parties about the progress of resolution
- responding to/dealing with complaints fairly and objectively
- assessing the nature of complaints, including the identification and consideration of all relevant human rights, how complaints should be dealt with and by whom

- providing a clear explanation of the final decision, any recommendations and available review mechanisms
- protecting privacy and confidentiality
- providing feedback to relevant areas of the department on potential system improvements (when required)
- meeting any statutory, policy or procedural reporting requirements
- identifying complaint trends, and
- monitoring the time taken to resolve complaints.

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 (a Responsible Officer) to make enquiries into (or investigate) the complaint and report back with findings.

Level 1

Definition	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.
Examples of level 1 complaints	<ul style="list-style-type: none"> • An incorrect invoice has been sent out repeatedly • A tradesperson did not turn up to undertake a job despite repeated requests • A repeated failure to respond to a request for service
How complaint is to be made	These complaints may be made verbally or in writing.
Decision maker	Level 1 complaints may be resolved by supervisors or managers (subject to any actual or perceived conflicts of interest)
Timeframe	Acknowledgement: 3 business days from receipt of complaint Outcome: 20 business days from receipt of complaint

Level 2

Definition	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.
Examples of level 2 complaints	<ul style="list-style-type: none"> • Industry, customer or client is dissatisfied with an element of departmental operations; or program expenditure/progress is unsatisfactory • An employee inadvertently disclosed a client's personal information to a party outside the department.
How complaint is to be made	These complaints may be made verbally or in writing, however the department's preference is for the complaint to be made in writing.
Decision maker	Level 2 complaints may be resolved at the Director level or above (subject to any actual or perceived conflicts of interest)
Timeframe	Acknowledgement: 3 business days from receipt of complaint Outcome: 30 business days from receipt of complaint

Level 3

Definition	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.
Examples of level 3 complaints	<ul style="list-style-type: none"> • Departmental action has threatened the operations or viability of a private business, or another government department • A division inadvertently disposed of files containing sensitive personal information resulting in a party outside the department gaining access to the files.
How complaint is to be made	These complaints may be made verbally or in writing, however the department's preference is for the complaint to be made in writing.
Decision maker	Level 3 complaints should be resolved by the Director-General (subject to any actual or perceived conflicts of interest)
Timeframe	<p>Acknowledgement: 3 business days from receipt of complaint</p> <p>Outcome: to be determined on case by case basis (ideally within 90 business days) but notified to complainant</p>

2.2 Internal review

If a complainant is dissatisfied with how their complaint has been dealt with (excluding human rights and privacy complaints – refer to sections 2.6 and 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 from when a complainant is informed of the decision about their complaint.

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, and
- 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 an assessment of the request for review, the complainant should be provided with a written decision outlining:

- whether a review will be conducted (including, reasons why a review will not be conducted, if relevant)
- a timeframe for the review, and
- any requirement for involvement of the complainant in the review.

Internal reviews should 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

This section does not apply to human rights complaints or privacy complaints.

If a complainant remains dissatisfied following an internal review of their complaint, they can request that the department's decision be reviewed by the Queensland Ombudsman.

The Queensland Ombudsman can be contacted on:

Telephone: 1300 068 908

Email: 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:

- already dealt with or currently being dealt with by the department, another department or agency, a court or tribunal or commission
- 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 complaint 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, the following:

- 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 concerns 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 concerns. However, the department will manage unreasonable complainant conduct in accordance with the following objectives:

- ensuring reasonableness and fairness
- allocating sufficient time and resources, and
- protecting health and safety.

The department will not tolerate complainant conduct 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 New South Wales Ombudsman.

2.6 Human rights complaints

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 4 of this policy lists these human rights and provides examples of how they might trigger a complaint.

If a person thinks that a government department or agency has breached their human rights, they can make a complaint directly to that department. The department has 45 business days to respond. After this time, the person can complain to the Queensland Human Rights Commission (QHRC) if their complaint is unresolved (for example, if they do not receive a response or think the response is inadequate). However, in exceptional circumstances the QHRC may accept a complaint before the 45-day period has ended.

Further information about how human rights complaints are assessed and managed by the department can be found in the Complaints management procedure.

The Queensland Human Rights Commission can be contacted on:

Telephone: 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 department's Right to Information and Privacy Unit 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 rti-privacy@epw.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 on:

Telephone: 07 3405 1111

Email: enquiries@oic.qld.gov.au.

2.9 Education

The Responsible Officer (a staff member assigned to conduct enquiries into a complaint on behalf of a decision maker) is to ensure that they are familiar with this policy and the Complaints management procedure.

The person assigning a complaint to a Responsible Officer is responsible for ensuring the Responsible Officer has the capability to make the necessary enquiries.

The Queensland Ombudsman offers training in decision making and complaints management and these courses are highly recommended for staff who are regularly involved in complaints management, including Responsible Officers.

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 Complainants

- Provide clear information regarding the concern/s about which they are complaining.
- Provide all information relevant to their complaint.
- Be clear at the start about their desired outcome or solution.
- Cooperate with the department in a respectful way and understand that unreasonable conduct will not be tolerated.
- Inform the department if they no longer require assistance, including if they choose to withdraw their complaint

3.2 Divisional Heads and senior managers

- Ensure complaints are dealt with fairly, objectively and in a timely manner.
- Ensure relevant employees are adequately trained to deal with complaints.
- Ensure complaints data is recorded on divisional complaints management registers.
- Regularly review and analyse complaints data to identify and implement continuous improvement opportunities.
- Notify and consult with the Manager, Right to Information and Privacy, in relation to all privacy complaints.
- Refer all significant (Level 3) complaints to the Office of the Director-General or the Integrity Services Unit.

3.3 Integrity Services Unit

- Review the department's complaints management policy and procedure.
- Deal with Level 3 complaints as directed by the Director-General.
- Notify and consult with the Right to Information and Privacy Unit in relation to Level 3 privacy complaints.
- Arrange the publication of complaints data on the department's website in accordance with section 219A of the [*Public Service Act 2008*](#).

3.4 Right to Information and Privacy Unit

- Serve as the department's privacy contact.
- Provide advice and assistance to divisions regarding complaints of privacy breaches under the *Information Privacy Act 2009*.

3.5 Managers and other persons dealing with complaints

- Deal with complaints fairly, objectively and in a timely manner in accordance with this policy and the Complaints management procedure.
- Advise the Divisional Complaints Management Officer upon receipt of a complaint.
- Provide the Divisional Complaints Management Officer with all data relating to the complaint for recording in divisional complaints management registers.
- Refer out of scope complaints to the appropriate areas as per Attachment 3 of this policy.

3.6 Divisional Complaints Management Officers

- Provide advice and support to employees in their division about complaints management.
- Receive and record information about complaints management on the division's complaints management register such as complaint material, reports, briefing notes and other correspondence.
- Provide quarterly reports to the Divisional Head on
 - the number of complaints received
 - the categories of complaints
 - timeframes
 - outcomes
 - identified business improvement strategies, and
 - the implementation of identified strategies.
- Provide complaints data, including data on human rights complaints, when requested.

4. Delegations

N/A

5. Reporting requirements

5.1 Internal reporting

Each division has a complaints management register for recording information about Level 1 and 2 complaints. Divisional Complaints Management Officers are responsible for ensuring all Level 1 and 2 complaints are recorded on divisional registers and that all associated actions are recorded, including outcomes and identified continuous improvement actions.

Divisional Complaints Management Officers will provide quarterly reports to Divisional Heads for review and action. The reports should outline:

- the number of complaints received
- the categories/nature of complaints
- timeframes

- outcomes
- identified business improvement strategies, and
- the implementation of identified strategies.

The Integrity Services Unit has a complaints management register for recording information about Level 3 complaints and is responsible for reporting on such complaints, as required.

5.2 External reporting

The Integrity Services Unit arranges the publication of customer complaints information each financial year pursuant to section 219A of the Public Service Act 2008.

Governance arranges the inclusion of information about human rights complaints in the department's annual report pursuant to section 97(2)(b) of the Human Rights Act 2019.

6. Approval

Approved by:

Paige Ridgewell
A/Deputy Director-General, Corporate and Portfolio Strategy

Date: 13 January 2023

- Attachment 1:** Contacts and references
Attachment 2: Definitions
Attachment 3: Contacts for complaints not covered by this policy
Attachment 4: Human rights triggers in complaints
Attachment 5: Divisional Complaints Management Officers

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Version Control

Version	Date	Comments
1.0	13 January 2023	Policy approved by the A/Deputy Director-General, Corporate and Portfolio Strategy

Attachment 1: Contacts and References

Contacts

Director, Integrity Services Unit

Corporate and Portfolio Strategy
Department of Energy and Public Works
Level 2, 60 Albert Street, Brisbane Qld 4000
GPO Box 2457, Brisbane Qld 4001
Telephone: 07 3008 2924
Email: integrityservices@epw.qld.gov.au

Manager, Right to Information and Privacy Unit

Legal Services, Corporate and Portfolio Strategy
Department of Energy and Public Works
Level 2, 60 Albert Street, Brisbane Qld 4000
GPO Box 2457, Brisbane Qld 4001
Telephone: 07 3008 3119
Email: rti-privacy@epw.qld.gov.au

Legal Services

Corporate and Portfolio Strategy
Department of Energy and Public Works
Level 2, 60 Albert Street, Brisbane Qld 4000
GPO Box 2457, Brisbane Qld 4001
Email: legalservices@epw.qld.gov.au
[Working with Legal Services \(sharepoint.com\)](#)

Queensland Ombudsman

Level 18, 53 Albert Street, Brisbane Qld 4000
GPO Box 3314, Brisbane Qld 4001
Telephone: 07 3005 7000
Toll Free: 1800 068 908
Email: ombudsman@ombudsman.qld.gov.au

Office of the Information Commissioner, Queensland

Level 7, 133 Mary Street, Brisbane, Qld 4000
PO Box 10143, Adelaide Street, Brisbane Qld 4000
Telephone: 07 3234 7373
Toll Free: 1800 642 753
Email: enquiries@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
Telephone: 1300 130 670
Email: enquiries@qhrc.qld.gov.au

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

Human Rights Act 2019

Information Privacy Act 2009

Judicial Review Act 1991

Public Records Act 2002

Public Service Act 2008

Right to Information Act 2009

Queensland Government documents

Queensland Government - [Human rights resources](#)

Queensland Government – [Human rights complaints](#)

Department of Energy and Public Works documents

[Complaints management procedure](#)

[Corrupt conduct prevention policy](#)

[Corrupt conduct prevention procedure](#)

Employee grievance policy

Employee grievance guideline

[Public interest disclosure policy](#)

[Public interest disclosure procedure](#)

Other resources

Australian/New Zealand Standard AS/NZS 10002 – 2022 Guidelines for complaint management in organizations

Attachment 2: Definitions

Term	Description
Complainant	Person or their representative making a complaint.
Complaint	An expression of dissatisfaction about the service, actions or decisions of the department, its staff 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.
Corrupt conduct	<p>Has a specific meaning per section 15 of the <u><i>Crime and Corruption Act 2001</i></u>.</p> <p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <p>(i) a unit of public administration; or</p> <p>(ii) a person holding an appointment; and</p> <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—</p> <p>(i) is not honest or is not impartial; or</p> <p>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</p> <p>(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</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p> <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <p>(i) collusive tendering;</p> <p>(ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—</p> <p>(A) protecting health or safety of persons;</p> <p>(B) protecting the environment;</p> <p>(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;</p>

	<p>(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</p> <p>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p> <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"> • employees • people who used to but no longer work in the department • people who subsequently take up an appointment in the department • people who are suppliers or providers to the department • other private individuals or organisations • people outside Queensland where there is a direct link between the conduct and its adverse effect on the department).¹ <p>Refer to the Corrupt conduct prevention policy and Corrupt conduct prevention procedure on the Hub for further information.</p>
Customer	<p>In relation to the department, any person who is on the receiving end of:</p> <ul style="list-style-type: none"> • the customer service provided • 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 • a breach of privacy, and/or • a breach of human rights.
Divisional complaints management registers	<p>The department's system for recording complaints, including the concerns and level of the complaint, details of the complainant, timeframe of resolution, the outcomes, business improvement strategies and monitoring and implementation data.</p>

¹ "Corruption in focus: A guide to dealing with corrupt conduct in the Queensland public sector", Crime and Corruption Commission, January 2020, page 1.3.

Employee	A person employed in the department under the <i>Public Service Act 2008</i> as a public service officer, general employee or temporary employee and persons on secondment from other departments/agencies.
Employee record	<p>Includes, as per section 15 of the <i>Public Service Regulation 2018</i>:</p> <ul style="list-style-type: none"> • a report, correspondence item or other document about the employee's work performance, work conduct or work history • a medical report about the employee • a written allegation of misconduct by the employee <p>to the extent that it contains information about a public service employee as defined in the <i>Public Service Act 2008</i>, but excludes the following documents:</p> <ul style="list-style-type: none"> • 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 • 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 • is a public interest disclosure or record of a public interest disclosure under the <i>Public Interest Disclosure Act 2010</i> or was brought into existence for that Act's administration • a document about the employee relating to suspected corrupt conduct under the <i>Crime and Corruption Act 2001</i> or an investigation of the conduct • a document about the employee relating to a suspected criminal offence or an investigation of the offence • a document that is subject to legal professional privilege.
Human rights	Refers to human rights as described by Part 2 of the <i>Human Rights Act 2019</i> . Refer to Attachment 4 for a full list of human rights.
Public interest disclosure	<p>Has a specific meaning per sections 12 to 17 of the <i>Public Interest Disclosure Act 2010</i> (PID Act).</p> <p>Means a disclosure of certain types of information made to a Proper Authority. The types of information that a person can make a public interest disclosure about are as follows:</p> <p>A public officer (which includes an employee) can make a public interest disclosure about:</p> <ol style="list-style-type: none"> (a) the conduct of another person that could, if proved, be— <ol style="list-style-type: none"> (i) corrupt conduct; or

	<p>(ii) maladministration that adversely affects a person's interests in a substantial and specific way; or</p> <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 or 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.</p> <p>if</p> <p>(a) the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter [the subjective test]; or</p> <p>(b) the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter [the objective test].</p> <p>Any person (which includes a public officer/employee) can make a public interest disclosure 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 <i>Disability Services Act 2006</i>; or</p> <p>(b) the commission of an offence against a provision mentioned in Schedule 2 of the 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>if</p> <p>(a) the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter [the subjective test]; or</p> <p>(b) the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter [the objective test].</p> <p>A PID includes all information and help given by the discloser to the Proper Authority for the PID.</p>
Responsible officer	An employee assigned responsibility by the decision maker to undertake enquiries into a complaint or conduct an internal review, for consideration by the decision maker.

Attachment 3: Contacts for complaints not covered by this policy

Nature of complaint	Contact	Relevant links
Corrupt conduct	Integrity Services Unit Email: integrityservices@epw.qld.gov.au	Department of Energy and Public Works' Corrupt conduct prevention policy and procedure Crime and Corruption Act 2001
Public interest disclosures	Integrity Services Unit Email: integrityservices@epw.qld.gov.au	Department of Energy and Public Works' Public interest disclosure policy and procedure Public Interest Disclosure Act 2010
Employee grievances	Local HR Business Partner in the first instance	Department of Energy and Public Works' Employee grievance policy and guideline
Employee appeals		Commission Chief Executive Directive: Appeals (07/20)
Contractual complaints	Local manager in the first instance	
Complaints subject to legal proceedings	Local manager in the first instance and consult with the General Counsel, Legal Services Email: legalservices@epw.qld.gov.au	
Complaints regarding access application decisions under the <i>Right to Information Act 2009</i>	Right to Information & Privacy Unit, Legal Services Email: rti-privacy@epw.qld.gov.au	Right to Information Act 2009 Chapter 3, Part 2
Complaints about procurement activities of other government agencies (i.e. not this department)	Refer to the relevant agency in the first instance. If the complainant remains dissatisfied, contact the Compliance Branch, Queensland Government Procurement Telephone: 1300 10 50 30	Relevant link if the complainant has already lodged a complaint with the relevant agency and remains dissatisfied: Make a procurement complaint Business Queensland
Complaints regarding Prequalification (PQC) System	Manager, Building Policy and Practice (Building Contract Management) Telephone: 07 3008 2511	Prequalification (PQC) System for Building Industry Consultants and Contractors

Attachment 4: Human rights triggers in complaints

Consider this human right...	...when complaints involve:
Recognition and equality before the law Section 15	<ul style="list-style-type: none"> • A service delivered to some groups and not others. • A policy, program or service with the potential to have a disproportionate impact on a group or individuals who have a particular attribute (for example, elderly people, people with a disability, or people who are not fluent in English). • Eligibility criteria for programs, entitlements or plans (for example, payment plans under the State Penalty Enforcement Register). • A policy, program or service that engages any of the other protected human rights in a discriminatory way. For example, a policy aimed at people living in relationships should, where relevant, apply equally to married couples, de facto couples, and same-sex couples.
Right to life Section 16	<ul style="list-style-type: none"> • A decision that deals with withdrawal or withholding of life sustaining treatment. • The use of force by law enforcement officers, including the use of weapons. • A policy that deals with the use of deadly force (for example, the law relating to self-defence).
Protection from torture and cruel, inhuman or degrading treatment Section 17	<ul style="list-style-type: none"> • How people are treated at sites where an agency is responsible for their care (e.g. public hospitals, mental health services or facilities, prisons, state schools, state operated aged care services). • A policy, program or decision about medical treatment for people without their consent (e.g. under mental health or guardianship law). • 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. • A policy, program or decision that involves a person being searched (including intrusive searches).
Freedom from forced work Section 18	<ul style="list-style-type: none"> • A policy or program that involves people doing work or providing services under threat of a penalty. • Any policy, program or service that allows an agency to employ or direct people to perform work in a vital industry or during a state of emergency (for example, requiring military service).
Freedom of movement Section 19	<ul style="list-style-type: none"> • A policy, program or decision that restricts movement or where a person can live. • A policy or program that restricts people's movement based on national security considerations. • A policy, program or decision that monitors a person's movements. • A policy, program or decision that limits movement in public spaces. • Imposing planning controls, such as by zoning residential locations away from commercial, industrial or agricultural areas.
Freedom of thought, conscience, religion and belief Section 20	<ul style="list-style-type: none"> • A policy, program or decision that promotes, restricts or interferes with a particular religion or set of beliefs. • A policy or statutory provision that requires people to disclose their religion or beliefs. • A policy, program or service that 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). • 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.

	<ul style="list-style-type: none"> • A policy or decision that restricts people under state control from observing their religion (e.g. prisoners).
Freedom of expression Section 21	<ul style="list-style-type: none"> • A policy that requires prior approval before a person can express themselves (for example, to hold a protest or busk in a particular area). • A policy that regulates the contents of speech, publication, broadcast, display or promotion, or regulates offensive speech. • A policy, program or service that imposes a dress code (for example, a dress code that prohibits staff from wearing t-shirts displaying political messages) • A policy or decision that restricts or censors media coverage (for example, on the reporting of judicial proceedings).
Peaceful assembly and freedom of association Section 22	<ul style="list-style-type: none"> • A policy, program or decision that restricts people from having public or private gatherings (for example, restricting areas or times for demonstrations, pickets or public events). • A policy or decision that requires a person to belong to a professional body or workplace association (a requirement for compulsory membership of a professional body has not generally violated this right, particularly if the association is responsible for professional regulation). • A policy, program or service that treats people differently because they are a member of a group or association. • A policy, program or service that prohibits membership in a group or association with certain persons (for example, in a criminal justice context).
Taking part in public life Section 23	<ul style="list-style-type: none"> • A policy or decision that limits participation in elections. • A policy or statutory provision that sets eligibility requirements for the public service and public office. • A policy or statutory provision that sets processes and procedures for voting.
Property rights Section 24	<ul style="list-style-type: none"> • A policy allowing a person's property to be acquired, seized or forfeited under civil or criminal law (for example, confiscations proceedings). • A policy or decision allowing an agency to access private property. • A policy decision that implements Government control over its own property (for example, resumption of land).
Privacy and reputation Section 25	<ul style="list-style-type: none"> • A policy, program or decision that involves surveillance of people for any purpose (for example, CCTV). • A policy, program or service that collects and/or publishes personal information (for example, results of surveillance, medical tests, electoral roll). • A policy, program or service that regulates a person's name, private sexual behaviour, sexual orientation, or gender identity. • A policy, program or service that regulates storage, security, retention and access to personal information. • A policy that requires mandatory reporting of injuries or illnesses. • A policy or decision that interferes with or inspects mail and other communications, or prevents or monitors correspondence between categories of people. • A policy, program or service that requires mandatory disclosure or reporting of information (including disclosure of convictions). • A policy that establishes powers of entry and search (including personally invasive powers, such as strip searches). • A requirement for compulsory physical examination or intervention (for example, DNA, blood, breath or urine testing).
Protection of families and children Section 26	<ul style="list-style-type: none"> • A policy, program or decision that regulates family contact for people in care or relates to intervention orders between family members. • A policy, program or decision that regulates adoption and surrogacy.

	<ul style="list-style-type: none"> • A policy, program or decision that deals with removing children from a family unit or separating children from parents, guardians, or other adults responsible for their care.
Cultural rights – generally Section 27	<ul style="list-style-type: none"> • A policy, program or service that restricts people from observing religious practices. • A policy, program or service that restricts people from declaring their affiliation to a particular racial, religious or cultural group. • A policy or service that limits or prohibits communication in languages other than English, including through the provision of information. • A policy that restricts the provision of services or trade on religious holidays. • A policy or program that regulates cultural or religious practices in public education. • A policy, program or service that provides government information only in English and allows for access to services only by English speaking persons. • A policy that licences or restricts food preparation and service.
Cultural rights – Aboriginal peoples and Torres Strait Islander peoples Section 28	<ul style="list-style-type: none"> • A policy, program or service that prohibits the use of a traditional language. • A policy, program or decision that allows or limits the ability of Aboriginal or Torres Strait Islander persons to take part in a cultural practice, or otherwise interferes with their distinct culture practices. • A policy or decision that interferes with the relationship between Aboriginal or Torres Strait Islander people and land, water and resources. • A policy or decision that protects Aboriginal and Torres Strait Islander cultural heritage, including Aboriginal human remains and secret or sacred objects.
Right to liberty and security of person Section 29	<ul style="list-style-type: none"> • A policy or decision that authorises a person with a mental illness to be detained for treatment. • A policy that allows a person to be detained on safety grounds, such as intoxication. • A policy or statutory provision that provides powers of arrest. • A policy or statutory provision that provides for detention on remand or release on bail conditions.
Humane treatment when deprived of liberty Section 30	<ul style="list-style-type: none"> • A policy setting out the conditions for detention of individuals. • A policy setting out standards and procedures for treatment of people who are detained (for example, use of force, dietary choice, access to private shower and toilet facilities). • A policy or statutory provision that allows people who are detained to be searched.
Fair hearing Section 31	<ul style="list-style-type: none"> • A policy or proposal that reverses the onus of proof. • A policy or program that creates or restricts reviews of administrative decision-making and appeal processes. • A policy, program or service that provides special procedures for witnesses giving evidence in a court or tribunal (such as special measures for children and other vulnerable persons). • A policy or statutory provision that regulates the procedures for challenging the impartiality and independence of courts and tribunals. • A policy that restricts the publication of cases or decisions. • A policy, program or service that disadvantages or doesn't consider the particular circumstances of a litigant (for example, a litigant with a disability).
Rights in criminal proceedings Section 32	<ul style="list-style-type: none"> • A policy or decision that impacts on the presumption of innocence. • A policy that deals with the admissibility of evidence. • A policy that deals with reverse onus of proof. • A policy or decision that delays trial proceedings.

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

From Queensland Government Human Rights Guide: Handling human rights complaints

Attachment 5: Divisional Complaints Management Officers

Corporate and Portfolio Strategy

Principal Advisor
Office of the Deputy Director-General
Ph: 3008 2902
Email: oddg.corporate@epw.qld.gov.au

Energy

A/Manager
Office of the Deputy Director-General
Ph: 3008 3687
Email: oddg.energy@epw.qld.gov.au

Hydrogen

Principal Advisor
Office of the Deputy Director-General
Ph: 3109 4111
Email: oddg.hydrogen@epw.qld.gov.au

Procurement

Principal Advisor
Office of the Deputy Director-General
Ph: 3215 3557
Email: Betterprocurement@epw.qld.gov.au

Public Works

Business Assurance Coordinator
QBuild
Ph: 3008 3393
Email: QBuild@epw.qld.gov.au