



Asbestos Response Taskforce Complaints Policy

6 August 2018

OVERVIEW

The Asbestos Response Taskforce (the Taskforce), a business unit within the Environment, Planning and Sustainability Directorate (EPSDD), is committed to delivering quality outcomes for the ACT community.

The Taskforce:

- values feedback as a means of strengthening administration and improving its relations with the community, and uses information about complaints to improve its processes, documents and decision making;
- recognises an effective complaints handling system needs to demonstrate fairness, accessibility, responsiveness, efficiency and integration;

EPSDD maintains a register of complaints recording the date the complaint was received, details of the complainant, nature of the complaint and outcome.

PURPOSE

This policy applies to complaints from members of the community about the administrative processes of, or decisions made by, the Taskforce, or the conduct of its staff.

This policy does not apply to:

- the design or scope of the Loose Fill Asbestos Insulation Eradication Scheme, which should instead be raised via the Contact My Minister website - www.contactmyminister.act.gov.au.
- complaints about the conduct of valuers undertaking valuations on behalf of the Taskforce. These should be raised with the firm concerned, or the Australian Property Institute (ACT Division) on 02 6122 8700 or email to national@api.org.au.

Complaints about the conduct of the Executive Director of the Asbestos Response Taskforce should be raised in writing to the Head of Service, GPO Box 158, Canberra ACT 2601.

Concerns regarding safety on demolition sites should be reported immediately to WorkSafe by calling Access Canberra on 13 22 81 or online at www.accesscanberra.act.gov.au/app/answers/detail/a_id/1767.

If the Taskforce receives a complaint that is not within its jurisdiction, the Taskforce will attempt to refer the complainant to the appropriate authority.

LODGING A COMPLAINT

Taskforce staff will treat complainants courteously, receive feedback positively and attempt to resolve complaints quickly.

People who make complaints to the Taskforce will not be adversely affected because of this. The Taskforce will respond appropriately to all concerns, and make decisions objectively and fairly.

Concerns about the conduct of Taskforce staff should be raised with the relevant manager in the first instance. If the complainant is dissatisfied with the response they can submit an Asbestos Response Taskforce Complaint Form.

Complaints about the administrative processes of, or decisions made by, the Taskforce, should be submitted in writing using the Asbestos Response Taskforce Complaint Form.

The Asbestos Response Taskforce Complaint Form is available at www.asbestostaskforce.act.gov.au/complaint-form.

The form captures a description of the complaint and the complainant's desired outcome. Taskforce staff will provide Reasonable Assistance to complainants in completing the form where required.

The Taskforce may not be able to fully investigate anonymous complaints and asks that complainants include their name and contact information.

PRIVACY

The Taskforce has obligations under the *Information Privacy Act 2014* (the Act) to respect and maintain an individual's right to privacy.

Personal information provided by a complainant is used only where extra information is required in order to resolve the complaint or to provide advice about the outcome. The Taskforce will not share your information with any third party without your permission or unless required by law.

The Taskforce may not be able to provide information to complainants where it impacts on the privacy of others.

If a complainant feels that their rights under the Act have been infringed by the Taskforce, they may seek advice from the Office of the Information Commissioner on 1300 363 992 or by email to enquiries@oaic.gov.au.

WITHDRAWAL OF COMPLAINTS

Should a complainant wish to withdraw their complaint, the Taskforce asks that this be done in writing, via email or post to:

Email: asbestostaskforce@act.gov.au

Post: Complaints, Asbestos Response Taskforce, GPO Box 158, Canberra ACT 2611

THIRD PARTY MEDIATION

The Taskforce is supportive of third party interventions if this is requested by and assists the complainant. The Taskforce will require appropriate consents and permissions to be in place if a third party is nominated.

There are a large number of mediation services available in Canberra. Two of those services are:

The Conflict Resolution Service (CRS)

The CRS can provide free and effective conflict resolution advice. CRS has over 30 years' experience in servicing the people of the ACT and region. Visit www.crs.org.au, email mediation@crs.org.au or phone 6190 7100.

ACT Disability, Aged and Carer Advocacy Service (ADACAS)

ADACAS is an independent, not-for-profit advocacy organisation helping people with disabilities, older people and their carers. ADACAS provides free independent advocacy in the ACT. Visit www.adacas.org.au, email adacas@adacas.org.au or phone 6242 5060.

Other mediation and complaint resolution services

Volunteering and Contact ACT produce a Complaints Resolution Services Guide which can be found on their website: www.vc-act.org.au/info-guides. Email info@vc-act.org.au or phone 6248 7988 for assistance.

CESSATION OF COMPLAINTS

The Taskforce may decide not to further investigate a complaint in circumstances where it becomes evident that the Taskforce and the complainant will not be able to reach a mutually agreed course for the conduct of the investigation or the resolution of the complaint. Such a decision may occur in the following instances:

- Confidentiality of all parties to the investigation can no longer be assured;
- The matter complained about cannot be substantiated;
- Staff resources called upon substantially exceed the merit of the matter complained about;
- The complainant is abusive in nature and will not engage in a respectful and courteous manner. This instance may be a staged process, such as the complainant being asked to raise concerns in writing only if they continue to be abusive over the phone or in person. Third party mediation should be investigated and encouraged in these instances.

REVIEW PROCESS

Complaints submitted using the Asbestos Response Taskforce Complaint Form will be referred initially to the relevant Senior Manager for investigation and response.

If a complainant is not satisfied with the response to their complaint they can seek a review.

A first level review will be undertaken by the Executive Director, Asbestos Response Taskforce, (or another person at the equivalent level). Review requests should be made using the Asbestos Response Taskforce Complaint Form and set out the basis for their dissatisfaction with the original response.

Should the complainant remain dissatisfied with the outcome they can seek a second level review. This will be undertaken by the Deputy Director-General, Sustainability and the Built Environment, EPSDD (or another person at the equivalent level). Such requests should be made using the Asbestos Response Taskforce Complaint Form and set out the basis for the ongoing dissatisfaction.

The Asbestos Response Taskforce Complaint Form is available at www.asbestostaskforce.act.gov.au/complaint-form.

Written notice of each decision will be provided to the complainant.

Following a second level review, applicants can contact the ACT Ombudsman. The ACT Ombudsman is available to assist people who have complaints against the administrative actions of Government departments and agencies. Visit www.ombudsman.act.gov.au, email ombudsman@ombudsman.gov.au or phone 1300 362 072.

TIMEFRAMES

The Taskforce will acknowledge receipt of the complaint within 3 business days and aims to resolve complaints within 20 business days.

Where a matter is complex, involves other parties or further information is required, extra time may be necessary to conduct an investigation and prepare a full response. The Taskforce will advise the complainant of anticipated timeframes should this be the case.

Reviews will be conducted within 10 working days of a request being received, providing all requisite information is received.

FREEDOM OF INFORMATION

Members of the public may request information under the *Freedom of Information Act 2016*. Visit www.planning.act.gov.au/about_us/access-to-government-information, phone 13 22 81 or email epsdfoi@act.gov.au for assistance with this process.

DEFINITIONS

- **Complainant** - any community member making a complaint
- **Complaint** - a dispute, grievance or an expression of dissatisfaction about the administrative processes of, or decisions made by, the Taskforce, or the conduct of its staff
- **Reasonable Assistance** - includes providing access to large print documents and translation services

RELEVANT LEGISLATION

- *Public Sector Management Act 1994*
- *Ombudsman Act 1989*
- *Freedom of Information Act 2016*
- *Information Privacy Act 2014*
- *Human Rights Act 2004*
- *Human Rights Commission Act 2005*
- *Territory Records Act 2002*

All ACT legislation is available at www.legislation.act.gov.au.

FURTHER INFORMATION

Call Access Canberra on 13 22 81 and ask to speak with the Asbestos Response Taskforce, or email asbestostaskforce@act.gov.au.

ACCESSIBILITY

The ACT Government is committed to making its information, services, events and venues as accessible as possible. If you have difficulty reading a standard printed publication and would like to receive this publication in an alternative format, such as large print, please phone 13 22 81 or email asbestostaskforce@act.gov.au.



If English is not your first language and you require a translating and interpreting service, please phone 13 14 50 and ask for 13 22 81.

If you are deaf, or have a speech or hearing impairment, and need the teletypewriter service, please phone 13 36 77 and ask for 13 22 81.

For speak and listen users, please phone 1300 555 727 and ask for 13 22 81. For more information on this service visit www.relayservice.com.au.