**Rights and responsibilities in the complaints process**

The Department of Transport and Main Roads (TMR) aims to ensure customer complaints are deal with fairly, efficiently, and effectively and that we meet our duty of care to provide a safe working environment for our staff.

To achieve this, the following rights and responsibilities must be observed and respected by anyone involved in a complaints process. This may include the customer making the complaint, any staff member(s) handling the complaint and anyone who is the subject of a complaint (a person or organisation).

All parties have the right to be treated with and to receive courtesy and respect. These rights and responsibilities are supported by the Complaints Management Principles outlined in our *Complaints Management Policy* and our Customer Commitments.

Rights of customers

Customers have the right to make a complaint. They also have the right to:

* communicate valid concerns without fear of reprisal.
* receive a reasonable explanation of TMR’s complaints process.
* receive a fair and impartial assessment of their complaint.
* be informed (in at least general terms) about the actions taken and outcome of their complaint.
* be given reasons that explain decisions affecting them.
* one review of the decision on the complaint.

Rights of staff

Staff have the right to determine whether a complaint will be dealt with and how. They also have the right to:

* expect honesty, cooperation, and reasonable assistance from customers, other organisations and anyone who is the subject of a complaint.
* modify, restrict or decline service (if appropriate) in response to unacceptable behaviour by a customer.

Rights of the subject of a complaint

Anyone who is the subject of a complaint has the right to:

* a fair and impartial assessment and, where appropriate, investigation of the allegations made against them.

be informed (at an appropriate time) about the substance of the allegations made against them.

* be given a reasonable opportunity to respond to any adverse information before any final decision is made.
* be told the outcome of any investigation into allegations, including the reasons for any decision or recommendation that may be detrimental to them.
* be protected from harassment by the person who made the complaint.

Responsibilities of customers

Customers are responsible for:

* expressing their opinion in ways that are reasonable, lawful and appropriate.
* clearly identifying the issues of their complaint (to the best of their ability) or asking for help from staff.
* providing all relevant information available (to the best of their ability).
* being honest in all communications.
* cooperating with staff who are assigned to deal with their complaint.

TMR does not tolerate conduct that is abusive, threatening, unreasonable, vexatious or makes inappropriate demands on our time, resources or staff.

If customers do not meet their responsibilities, we may apply strategies under our *Unreasonable Complainant Conduct Policy* including placing limitations or conditions on how a customer can communicate with staff or access our services.

Responsibilities of staff

Staff are responsible for:

* providing reasonable assistance to customers.
* acting professionally, fairly and impartially.
* giving customers a reasonable opportunity to explain their complaint.
* giving anyone who is the subject of a complaint, a reasonable opportunity to respond to any adverse information before any final decision is made.
* informing anyone who is the subject of an investigation (at an appropriate time) about the substance of the allegations made against them.
* informing customers of the actions taken and the outcome of their complaint.
* giving customers reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them.
* taking all reasonable and practical steps to ensure that customers do not suffer reprisal for making a complaint.
* giving adequate warning of the consequences of unacceptable behaviour.

Responsibilities of the subject of a complaint

Anyone who is the subject of a complaint is responsible for:

* cooperating with staff who are assigned to handle the complaint.
* providing all relevant information in their possession when required to do so.
* being honest in all communications.
* refraining from taking any detrimental action against the person who made the complaint in reprisal for them making the complaint.

Responsibilities of TMR

TMR is responsible for having an appropriate and effective customer complaints management system that meets legislative requirements. TMR’s *Complaints Management Policy* and *Unreasonable Complainant Conduct Policy* meets the requirements of the:

* *Public Sector Act 2022* (section 264)
* *Human Rights Act 2019*
* Australian Standard 10002:2022, *Guidelines for complaint management in organizations*
* Queensland Public Service *Customer Complaint Management Framework* and *Customer Complaint Management Guideline*.

For more information

Visit TMR’s website pages:

* Compliments and Complaints page on <https://www.tmr.qld.gov.au/About-us/Contact-us/Compliments-and-complaints>
* Customer Commitments page on <https://www.tmr.qld.gov.au/about-us/corporate-information/policies/our-customer-commitments>