



# APVMA Policy – Complaints

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## **Purpose**

The purpose of this document is to set out the APVMA's policy for managing complaints. This document is intended to serve as an APVMA policy for the handling of both internal and external complaints received by the agency. It is designed to ensure the APVMA also identifies areas where it may improve its regulatory services and broader operations.

## **Policy review**

The APVMA Complaints Handling Policy will be reviewed on a regular basis as part of the agency's ongoing policy review cycle to identify opportunities for improvement and ensure alignment with current best practice.

## Policy statement

The APVMA Complaints Handling Policy (the Policy) is intended to ensure that complaints are managed fairly, efficiently and effectively, to improve accountability and to promote stakeholder confidence.

The policy draws on the [Better Practice Complaint Handling Guide](#) developed by the Commonwealth Ombudsman and the NSW Ombudsman's [Effective complaint handling guidelines](#).

The APVMA's management of complaints is intended to:

- enable the agency to respond in a timely and cost-effective way to the issues raised by people making complaints
- provide information that can be used to deliver improvements in the quality of our regulatory services, staff training and complaint handling.

This policy provides guidance to our staff and stakeholders on the manner in which the APVMA should receive and handles complaints.

## Scope

This policy applies to complaints received from stakeholders made to or about the agency regarding our regulatory services, staff actions and complaint handling.

Staff grievances, Code of Conduct complaints and public interest disclosures are managed through separate mechanisms.

## APVMA commitment

Who	Commitment	How
Chief Executive Officer	Promote a culture that respects complaints and values their effective resolution	<ul style="list-style-type: none"><li>• Report publicly on the APVMA's complaint handling.</li><li>• Provide support and direction to key staff responsible for handling complaints.</li><li>• Review reports about complaint data and issues arising from complaints.</li><li>• Encourage all staff to be alert to complaints and to assist those responsible for handling complaints to resolve them promptly.</li><li>• Encourage staff to make recommendations for system improvements.</li><li>• Recognise and reward good complaint handling by staff.</li><li>• Support recommendations for regulatory, corporate and complaint handling improvements arising from the analysis of complaint data.</li></ul>

Who	Commitment	How
Chief Operating Officer	Establish and manage our complaint management system	<ul style="list-style-type: none"> <li>• Provide regular reports to the CEO on issues arising from complaint handling work.</li> <li>• Ensure recommendations arising out of complaint data analysis are discussed with the CEO and implemented where appropriate.</li> <li>• Recruit, train and empower staff to resolve complaints promptly and in accordance with the APVMA's policies and procedures.</li> <li>• Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management processes.</li> <li>• Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly.</li> <li>• Recognise and reward good complaint handling by staff.</li> </ul>
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	<ul style="list-style-type: none"> <li>• Treat all people with respect, including people who make complaints.</li> <li>• Assist people to make a complaint, if needed.</li> <li>• Comply with this policy and its associated procedures.</li> <li>• Keep informed about best practices in complaint handling.</li> <li>• Provide feedback to management on issues arising from complaints.</li> <li>• Provide suggestions to management on ways to improve the organisation's complaints management processes.</li> <li>• Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</li> </ul>
All staff	Understand and comply with the APVMA's complaint handling practices.	<ul style="list-style-type: none"> <li>• Treat all people with respect, including people who make complaints.</li> <li>• Be aware of the APVMA's complaint handling policies and procedures.</li> <li>• Assist people who wish to make complaints to access the APVMA's complaints process.</li> <li>• Be alert to complaints and assist staff handling complaints to resolve matters promptly.</li> <li>• Provide feedback to management on issues arising from complaints.</li> <li>• Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</li> </ul>

## Guiding principles



## Facilitate complaints

### People focus

We are committed to seeking and receiving feedback and complaints about our regulatory services, systems, practices, procedures, products and complaint handling process.

Any concerns raised in feedback or complaints will be dealt with in a reasonable timeframe.

People making complaints will be:

- provided with information about our complaint handling process
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate.

### No detriment to people making complaints

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

### Anonymous complaints

We will accept anonymous complaints and carry out an investigation of the issues raised where there is enough information provided to do so. As far as possible, anonymous complaints will be managed in the same way as other complaints.

### Accessibility

We will ensure information about how and where complaints may be made to or about us is readily and publicly available. We will ensure our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of parliament, another organisation).

## No charge

Making a complaint to the APVMA is free.

## Respond to complaints

### Early resolution

Where possible, complaints will be resolved at first contact with the APVMA.

### Responsiveness

We will promptly acknowledge receipt of complaints.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to the health and safety of people, animals or the environment, the response will be immediate and will be escalated appropriately.

We are committed to managing people's expectations and will inform them, as soon as possible, of the following:

- The complaints process
- The expected timeframes for our actions
- The progress of the complaint and reasons for any delay
- Their likely involvement in the process
- The possible or likely outcome of their complaint

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will also advise people as soon as possible when we are unable to meet our timeframes for responding to their complaint and the reason for our delay.

### Objectivity and fairness

We will address each complaint with integrity and in an equitable, objective and unbiased manner.

We will ensure the staff member(s) handling a complaint are not the same person as any staff member whose conduct or service is the subject of the complaint.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, APVMA reviews of the way a complaint was managed will be conducted by a person other than the original decision maker.

## **Responding flexibly**

Our staff are empowered to resolve complaints promptly and with as little unnecessary formality as possible. We will adopt flexible approaches to service delivery and problem-solving to enhance accessibility for people making complaints and/or their representatives.

All complaints will be dealt with on a case-by-case basis. We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

## **Confidentiality**

We will protect the identity of people making complaints where this is practical and appropriate. Complainants may request that their complaint is handled 'in confidence'.

Personal information that identifies individuals will only be disclosed or used by the APVMA as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

## **Manage the parties to a complaint**

### **Complaints involving multiple agencies**

Where a complaint is received by the APVMA and involves agencies other than the APVMA, we will seek to coordinate the complaint handling process with the other agency involved.

Where a complaint involves multiple organisations, we will work with the other organisations where possible to ensure that communication with the person making a complaint and/or their representative is clear and coordinated. Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We will take complaints not only about the actions of our staff but also the actions of our service providers.

### **Complaints involving multiple parties**

When similar complaints are made by related parties, we will try to arrange to communicate with a single representative of the group.

## **Empowerment of staff**

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

## **Managing unreasonable conduct by people making complaints**

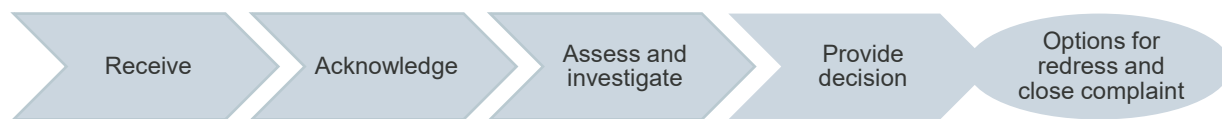
We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff
- our ability to allocate resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and/or unreasonably affects us and will support our staff to do the same in accordance with this policy.



# Complaint management system



## Introduction

When responding to complaints, APVMA staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The key stages in our complaint management system are set out below.

## Making a complaint

The preferred methods of making a complaint are:

**Email:** [complaints@apvma.gov.au](mailto:complaints@apvma.gov.au)

**Letter** addressed to:

Complaints  
Australian Pesticides and Veterinary Medicines Authority  
GPO Box 574  
Canberra ACT 2601  
Australia

## Information to include in a complaint

To help the APVMA respond quickly and effectively to complaints, complainants are requested to:

- specifically address the matter to the APVMA
- clearly explain the issues that fall within the legislative responsibilities of the agency
- provide as many specific details about the issue as possible, including any steps that have been taken to attempt to resolve the issue
- provide any supporting evidence or relevant documentation
- outline their desired outcome or resolution
- respond to requests for information or clarification in a timely matter
- treat APVMA staff with courtesy and respect.

## Receipt of complaints

We will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file.

The record of the complaint will document:

- the contact information of the person making a complaint
- issues raised by the person making a complaint and the outcome/s they want
- any other relevant details
- any additional support the person making a complaint requires.

## **Acknowledgement of complaints**

Where possible, the complaint will be acknowledged, and the complainant will be provided an appropriate timeframe for a response if required.

Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

## **Initial assessment and addressing of complaints**

### **Initial assessment**

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint.

When determining how a complaint will be managed, we will consider:

- how serious, complicated or urgent the complaint is
- whether the complaint raises concerns about the health and safety of people, animals or the environment
- how the person(s) making the complaint is/are being affected
- the risks involved if resolution of the complaint is delayed
- whether a resolution requires the involvement of other organisations.

### **Addressing complaints**

After assessing the complaint, we will consider how to manage it. To manage a complaint, we may:

- give the person making a complaint information or an explanation
- gather information from the product, person or area that the complaint is about
- investigate the claims made in the complaint.

We will keep the person making the complaint updated on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. The actions we decide to take will be tailored to each case and take into account any statutory requirements.

## **Providing decisions**

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them of:

- the outcome of the complaint and any action we took
- the remedy or resolution/s that we have proposed or put in place
- any options for review that may be available to the complainant, such as an internal review, external review, or appeal
- the reasons for our decision (if appropriate).

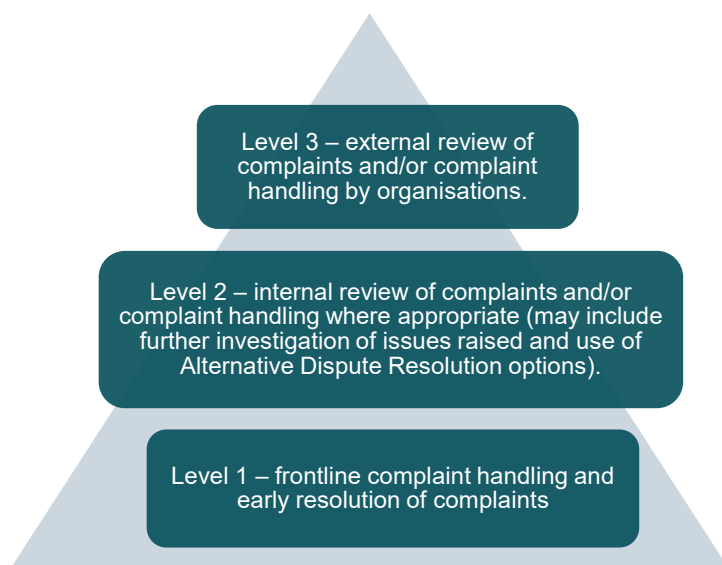
## Closing the complaint, record keeping, redress and review

We will keep appropriate records about:

- how we managed the complaint
- the outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations)
- any outstanding actions that require follow-up.

We will ensure outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.

## The 3 levels of complaint handling



We aim to resolve complaints at the first level, the frontline areas where APVMA staff are in contact with external parties. Wherever possible, staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, we may decide to escalate the complaint to a more senior officer within the APVMA. This second level of complaint handling will provide for the following internal mechanisms:

- Assessment and possible investigation of the complaint and decision/s already made
- Facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties)

## Alternative avenues for dealing with complaints

If a complainant is unsatisfied with the handling of their complaint, they may pursue the complaint with an external body such as:

- The Commonwealth Ombudsman, who can investigate complaints about the administrative actions of Australian Government departments and agencies, including the APVMA. In most instances, the Ombudsman will not investigate complaints about the APVMA until the APVMA has been made aware of the complaint and given an opportunity to resolve the matter. The Commonwealth Ombudsman can be contacted on 1300 362 072 or via the [Commonwealth Ombudsman](#) website
- The Office of the Australian Information Commissioner (OAIC), who can review decisions related to breaches of privacy, or the *Freedom of Information Act 1982*. OAIC can be contacted on 1300 363 992 or via the [Australian Information Commissioner](#) website
- The Australian Human Rights Commissioner (AHRC), who can investigate complaints of discrimination and breaches of human rights. The AHRC can be contacted on 1300 656 419 or via the [Australian Human Rights](#) website.

## Unreasonable client demands/behaviours

There may be instances where the APVMA must deal with unreasonable demands or behaviours from complainants. A complainant's conduct can be considered unreasonable if its nature or frequency consumes a disproportionate amount of the APVMA's resources to the detriment of other complainants and/or raises significant health or safety issues for APVMA staff. This may include:

- where a complainant raises the same issues that have been investigated previously without presenting new evidence
- where a complainant is abusive towards staff (e.g. swearing and threatening behaviours)
- unreasonable persistence regarding outcomes
- unreasonable demands relating to timeframes for resolutions.

If a complainant makes unreasonable demands or displays unreasonable behaviour, the APVMA will not engage in extended discussions and will not revisit the issue unless either the circumstances of the subject of the complaint has changed substantially or the complainant provides new and substantial information or evidence in relation to the subject of the complaint.

## Complaints that are frivolous, vexatious, or not made in good faith

If there is reason to believe that complaints are frivolous, vexatious or not being made in good faith, complaints may not be acknowledged and the APVMA may exercise its discretion to minimise or control the APVMA's dealings with the complainant. The complainant will be given clear advice and reasons why this is the case.

## Legislative framework

The following list outlines the relevant legislation that applies to complaints handling:

- [Privacy Act 1988](#)
- [Public Interest Disclosure Act 2013](#)
- [Public Service Act 1999](#)

## Definitions

The following table defines terms used in this document.

Term	Definition
<b>Complaint</b>	<p>An expression of dissatisfaction made to or about the APVMA, our regulatory services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.</p> <p>A complaint covered by this policy can be distinguished from:</p> <ul style="list-style-type: none"><li>• staff grievances</li><li>• public interest disclosures made by our staff</li><li>• code of conduct complaints</li><li>• responses to requests for feedback about the standard of our service provision (see the definition of ‘feedback’ below)</li><li>• reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response (see definition of ‘feedback’)</li><li>• service requests (see definition of ‘service request’ below)</li><li>• requests for information (see the APVMA’s <a href="#">guidance</a> on accessing information held by the APVMA).</li></ul>
<b>Complaint management system</b>	All policies, procedures, practices, staff resourcing, hardware and software used by us in the management of complaints.
<b>Dispute</b>	An unresolved complaint escalated either within or outside of the APVMA.
<b>Feedback</b>	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our regulatory services or complaint handling where a response is not explicitly or implicitly expected or legally required.
<b>Service request</b>	<p>A ‘service request’ includes:</p> <ul style="list-style-type: none"><li>• all applications made under the <i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>, the <i>Agricultural and Veterinary Chemicals Code Act 1994</i>, and related legislation</li><li>• reports of failure to comply with laws administered by the APVMA</li><li>• reports made in accordance with the adverse experience reporting program</li><li>• routine inquiries about the organisation’s business</li><li>• requests for explanation of policies, procedures, and decisions.</li></ul>

Term	Definition
<b>Grievance</b>	A clear, formal written statement by an individual staff member about another staff member or a work-related problem.
<b>Policy</b>	A statement of instruction that sets out how we should fulfil our vision, mission and goals.
<b>Procedure</b>	A statement or instruction that sets out how our policies will be implemented and by whom.
<b>Public interest disclosure</b>	A report about wrongdoing made by a public official (discloser) who suspects wrongdoing within the Commonwealth public sector, raised under the <i>Public Interest Disclosure Act 2013</i> (PID Act).

## Related material

[Better practice complaint handling guide](#), Commonwealth Ombudsman

[Effective complaint handling guidelines](#), NSW Ombudsman