



## COMPLAINTS HANDLING POLICY

### Introduction and principles

1. The Australian Energy Infrastructure Commissioner (the “Commissioner” or “we” or “our”) is an independent role created by the Australian Government, reporting to the Minister for Energy and Emissions Reduction. A key role of the Commissioner is to receive complaints from concerned residents (“you”) regarding proposed or operating wind farm facilities, large scale solar farms (5 MW or more), energy storage facilities, such as large scale batteries (1 MW or more) and new major transmission projects. The Commissioner also works collaboratively with all levels of government, scientists, industry and the community to facilitate the adoption of best practices related to the development and operation of these facilities. The Commissioner’s Terms of Reference provides further information on the Commissioner’s role.
2. This document outlines the Commissioner’s policy and procedure for receiving and handling complaints. In undertaking this role, the Commissioner may assist parties to find resolutions to complaints. Where appropriate, the Commissioner may refer complaints about proposed or operating projects to a relevant party or parties and help to ensure that they are addressed.
3. Residents should bear in mind that the Commissioner’s role in complaint handling is a facilitation role only. The Commissioner will not formally recommend binding solutions to disputes, arbitrate complaints or provide formal advice. The Commissioner may, however, suggest possible solutions for consideration by the parties.
4. In seeking to address resident complaints, the Commissioner will not seek to duplicate or override the important statutory responsibilities of State and Territory governments or local government authorities.
5. You may still pursue your complaint via other jurisdictions, such as formal legal action or other dispute resolution mechanisms.
6. Core principles that guide the handling of complaints by the Commissioner are:
  - We are independent.
  - Our role is to use best efforts to assist the parties to find acceptable outcomes and reach agreement on a way forward.

- We will assist parties to share fact and evidence based information relevant to a complaint so that they can work towards an outcome.
  - We will always act independently, impartially and ethically.
  - We expect that the parties involved in a matter brought to the Commissioner will act with integrity and respect, and be genuinely seeking an outcome to the issues raised.
  - The Commissioner’s process is a voluntary process.
7. The Commissioner will use best efforts to assist parties to resolve complaints received by the Office, however, the Commissioner will not provide legal, professional or technical advice to any person. While the Commissioner will undertake the role with due care, the Commissioner or the Commonwealth will not be liable for any loss or damage arising from the Commissioner’s activities.

### **Our procedures for handling complaints**

8. The Commissioner will receive complaints from concerned residents who reside in a dwelling within proximity to a proposed or operating wind farm, solar farm, energy storage facility or new major transmission projects. The concerned resident may be represented by an appropriate nominee acceptable to and approved by the Commissioner.
9. The Commissioner may decide not to handle a complaint. Factors in determining whether or not the Commissioner will handle a complaint can include how current the issue is or the ability of the complainant to provide appropriate evidence in support of a complaint. For example, the Commissioner is more likely to accept a complaint that relates to a current issue as there will be more current and available evidence and prospects of achieving resolution. Older complaints, particularly those that were about issues that occurred more than six years ago, are unlikely to be accepted.
10. Our procedures enable us to provide an independent, objective and consistent process for responding to enquiries and for handling complaints from concerned residents. There are five main steps in our complaint resolution process:
- i. Enquiry**
  - ii. Lodging a complaint**
  - iii. Referral**
  - iv. Conciliation**
  - v. Closure.**

## **Enquiry**

11. Your initial contact to the Commissioner will be treated as an enquiry. Examples of enquiries can include if you:

- are requesting or providing information only
- choose to remain anonymous
- are not a resident or a person working within proximity to a proposed or operating facility, or
- have indicated you would like to make a complaint or have lodged an initial complaint and need to provide more information before the matter can be accepted as a formal complaint by the Commissioner.

You may contact us by letter, email or telephone.

## **Lodging and Accepting a Complaint**

### *Lodging your complaint*

12. If you would like to lodge a complaint with regard to a proposed or operating project, we require the following information from you in writing, via letter or email:

- your name
- your address
- your contact details, including telephone and email
- the name of the proposed or operating project
- the approximate distance of the project to your dwelling (e.g. if a wind farm facility, please specify the distance of the nearest operating or proposed turbine)
- the complaint you wish to make about the project
- the basis of the complaint
- when you first made the complaint about the project to the other party
- evidence in support of the complaint, including relevant dates
- a summary of any current or previous attempts to resolve the complaint, including relevant correspondence from you and other parties to the complaint
- the practical outcomes you are seeking in a resolution to the complaint

- your written permission for the Commissioner to discuss the complaint and provide your details and information about the complaint to the other party or parties to the complaint, and
- other information we may deem necessary to assist us in attempting to understand the complaint and approaches for its resolution.

You may contact the Office for assistance and questions that you may have in preparing the materials to lodge a complaint.

### *Accepting your complaint*

13. When we have received all of the information you are able to provide in support of your complaint, we will make a decision about accepting your complaint. We will then advise you of our decision and, if the complaint is accepted, ensure that you have been provided with a complaint reference number.
14. The Commissioner will review the materials provided and may contact you to discuss the matter. The Commissioner may also contact other parties that are relevant to the complaint and assess their willingness to work with us to resolve the complaint.
15. Based on the review of the information and subsequent discussions, the Commissioner will determine the next steps in the complaint handling process.

### *Information handling*

16. All information received by the Office for the purposes of handling these complaints will be managed by the Commissioner and staff in accordance with *The Australian Energy Infrastructure Commissioner Information Handling Policy*, available at [www.aeic.gov.au](http://www.aeic.gov.au).

### **Referral**

17. In many cases, the complaint may be best handled by a direct referral to the other party, such as the project developer, project operator, a state or local government department or agency. The Commissioner will assist in facilitating the referral, where possible.
18. When referring a complaint, the Commissioner may need to pass on information that you have provided to the Commissioner, including your contact information, to the other party, department or agency.
19. The other party may contact you directly in writing to address the issues raised in your complaint or provide information to us that we may then share with you.

20. Following any correspondence or discussion between the parties, the Commissioner may contact you and enquire whether or not the complaint has been resolved. If you are in direct and ongoing dialogue with the other party, the Commissioner may decide to close the complaint at that point in time and will advise you of this decision.

## **Conciliation**

21. In the event that the complaint has not been resolved by referral, the Commissioner may seek to conciliate the complaint between you and the other party. If the parties are agreeable, the Commissioner will invite you and the other party to meet with the Commissioner for a discussion about the complaint and potential solutions. The meeting is an opportunity for the parties to come together, present their point of view and, in the presence of the Commissioner, attempt to resolve the complaint by agreement.

22. The Commissioner will confirm, after consultation with the parties, when and where the meeting will take place and who is to attend the meeting. The Commissioner will also confirm whether any support persons and respondent representatives will be attending the conciliation meeting.

23. At the beginning of the conciliation meeting, the parties will be informed by the Commissioner about the way the conciliation will be conducted and the role of the Commissioner at the meeting.

24. If parties do not resolve the complaint at the conciliation meeting, a further meeting may be scheduled if the Commissioner is of the view that a subsequent meeting would be productive.

25. If attempts to conciliate the complaint do not result in an agreement to resolve the complaint, the Commissioner may, at the Commissioner's discretion, make non-binding recommendations to the parties. Such recommendations are not enforceable and are made in good faith for the parties to consider and decide whether or not to accept any recommendations made.

## **Closure**

26. The Commissioner will consider whether a complaint is resolved and/or may close the file and stop handling the complaint at the Commissioner's discretion. Reasons may include where:

- you confirm that you have accepted the other party's offered resolution
- information has been provided by the respondent that addresses the questions or issues raised
- the Commissioner has referred your complaint to the respondent and you are in direct dialogue with that party to address your concerns and questions
- the Commissioner has made non-binding recommendations to the parties

- you do not provide consent for us to discuss your complaint or share information, preventing our ability to assist in achieving a resolution
- despite our efforts, you have not been able to reach a resolution of your complaint and we consider that further time and effort in handling the complaint will not assist with achieving a resolution
- you advise us that you no longer wish to pursue the complaint, or
- despite our efforts, you cannot be contacted by us to discuss the complaint or do not respond to our requests for further information to handle the complaint.

27. The Commissioner may decide to also stop handling a complaint for other reasons. These include where:

- you have not provided the requested documentation or evidence by a stated time for there to be a meaningful discussion of the complaint between the parties
- the Commissioner has written to you seeking an update from you within a time period stated in our correspondence and we have not received the required response from you
- you have engaged legal representation to handle your complaint
- you have chosen to pursue your complaint in a different dispute resolution forum
- you have made threats and/or used inappropriate language to our Office or respondents to the complaint, or
- your behaviour has been unreasonable and detrimental to the objective of reaching a resolution to the complaint.

28. When we close the file on an accepted complaint, we will advise you of this decision and, where applicable, explain our decision. We will also outline how you can seek a review of your complaint. We may also inform the other party of our decision.

29. In the event that you raise new material issues or provide relevant new evidence after your complaint has been closed, we will consider the information accordingly and make a decision about either re-opening your complaint or opening a new complaint.

### **Review of complaint handling process**

30. At the request of a complainant, the Commissioner may review how a complaint was handled by the Office to confirm whether the complaint has been handled in accordance with this Complaint Handling Policy. The Commissioner will inform the complainant of the outcome of the review. The Commissioner may also inform any other parties, if required.

31. If the complainant remains dissatisfied with the outcome of the Commissioner's review or the handling of their complaint, the Commissioner may suggest that the complainant contact the Commonwealth Ombudsman. More information on the role of the Commonwealth Ombudsman is available at: <http://www.ombudsman.gov.au/making-a-complaint>

## **Respect**

32. We expect that all parties to a complaint will communicate with us and with each other in a professional, courteous and non-threatening manner. We take a serious view of communications that contain offensive, rude, abusive or threatening material. In these cases we may take a number of steps, including:

- suggesting that a party only communicate to the Commissioner in writing
- editing information that we have received to remove offensive or abusive comments
- not responding to communications that contain offensive or abusive comments
- stop handling the complaint, or
- reporting issues of concern to a higher level of management or to an external agency or regulator, the police or a law enforcement agency.

## **Feedback**

33. We welcome feedback and will consider any comments or suggestions regarding our Complaint Handling Policy or process. If you would like to provide feedback, please contact our Office via the contact details available below.

### **Contact details and website:**

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

**Toll free number:** 1800 656 395

**Mail:**

Office of the Australian Energy Infrastructure Commissioner  
PO Box 24434  
Melbourne VIC 3001

**Website:** [www.aeic.gov.au](http://www.aeic.gov.au)