

Complaint Handling Policy

2016



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1. Introduction

Council is committed to sound decision making processes to ensure fair and reasonable outcomes for the Boroondara community. Council recognises a customer's right to make a complaint. Complaints give Council vital information about its services and a valuable opportunity to make things right and identify areas of service that need improvement.

This Complaint Handling Policy aims to ensure that customers can raise their complaints with Council easily and with confidence that Council will listen to their concerns, be responsive and handle their complaints fairly and objectively.

This policy provides Council with an organisational approach to complaints handling and supports and empowers staff in the facilitation and resolution of complaints in an efficient and transparent manner. It also ensures that Council is accountable both internally and externally for its decision making and complaint handling performance.

This policy is based on the Victorian Ombudsman's Councils and complaints - A good practice guide (February 2015), and the Australian Standard: Customer satisfaction - guidelines for complaints handling in organisations (AS/NZS 10002:2014).

2. Objectives

This policy aims to:

- Put in place an open and transparent complaint handling system;
- Specify the key performance indicators to which we will hold ourselves accountable;
- Establish our timeframes for resolving complaints;
- Clarify the roles and responsibilities of council staff;
- Ensure staff handle complaints fairly and objectively; and
- Set out how staff record and analyse complaint data to identify where we can improve our processes and/or services.

3. Scope

This policy applies to all employees. The policy also extends to contractors, agents and volunteers of Boroondara City Council, to the extent provided for in their contract / agreement with Council. These will be referred to throughout this policy as Council staff and contractors.

This policy does not apply to decisions or processes that have separate statutory or other legislative appeal processes. Examples of service areas in which there are separate statutory or legislative appeal processes include but are not limited to:

- Complaints relating to a Council or Committee resolution.
- Complaints relating to a planning application or decision.

- Complaints relating to parking infringements.
- Complaints relating to building, health and food services.
- Complaints relating to a councillor outside their role as a councillor.
- Complaints alleging fraud, corruption or other criminal behaviour.
- Freedom of information requests
- Work related grievances from council staff (i.e. complaints relating to their employment).
- Complaints already reviewed by an external agency.

4. Guiding principles

Complaints that fall within the scope of this policy will also be considered in the context of the seven principles, as outlined in the Victorian Ombudsman's Councils and complaints - A good practice guide (February 2015)

1. Commitment

We are committed to resolving complaints that we receive. Our culture recognises people's right to make a complaint and considers complaint handling to be part of our core business of serving the community and improving service delivery.

2. Accessibility

People can easily find out how to complain to the council and council staff will actively assist them with the complaint process.

3. Transparency

The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and we will stand up to scrutiny.

4. Objectivity and fairness

Under the complaint handling system, complainants and staff are treated with respect and courtesy, and complaints are judged on merit and fact.

5. Confidentiality

The complaint handling system protects the personal information of people making a complaint, and council staff are informed only on a 'need to know' basis.

6. Accountability

We are accountable, both internally and externally, for our decision making and complaint handling performance. We provide explanations and reasons for decisions, and ensure that our decisions are subject to appropriate review processes.

7. Continuous improvement

We regularly analyse complaint data to find ways to improve how the council operates and how services are delivered. We then implement these changes.

5. Definitions

Complaint	<p>An expression of dissatisfaction with:</p> <ul style="list-style-type: none"> the quality of an action taken, decision made, or service provided by Council or its contractor. a delay or failure in providing a service, taking action, or making a decision by Council or its contractor. <p><i>(For more information on a complaint vs a request for service, see section 9.2.2 Assessment criteria, part a.)</i></p>
Complainant/Customer	Person or entity affected by the action or inaction of Council.
Complaint handling system	The way individual complaints are dealt with by Council including the policy, procedures, practices and technology.
Compliment	An expression of praise or regard for staff, processes or services provided and the experience when interacting with any of these.
Feedback	Feedback may take the form of positive and negative comments about a service, product, experience or process of Council that may not necessarily require corrective action, change of services or a formal review of a decision. Feedback may however be used to influence future service reviews and delivery methods.
First point of contact	The person who the complainant contacts to express their complaint. This could be any staff member at any level, or a Councillor.
Front line staff	All staff and their teams who have authority in their role to manage simple complaints. This is typically staff who have direct contact with customers but could be any staff member who initially receives a complaint, regardless of their position or role within the organisation.
Internal review	Internal review can be requested if the complainant is not satisfied that the complaint has been resolved or was handled correctly. Internal reviews will be handled in accordance with the Council Decision and Process Review. The review will be handled by a senior staff member who has not been involved with the original decision, action or investigation, and is not from the same work area.

Request for service	Contact with the Council to seek assistance, advice, information, access to a new service or to inform/make a report about something for which the Council has responsibility.
Unreasonable Complainant Conduct	<p>Unreasonable complainant conduct ('UCC') is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, our staff, our contractors, agents or volunteers, other service users and complainants or the complainant himself/herself.</p> <p>UCC can be divided into five categories of conduct:</p> <ul style="list-style-type: none"> • Unreasonable persistence • Unreasonable demands • Unreasonable lack of cooperation • Unreasonable arguments • Unreasonable behaviours

6. Roles and responsibilities of council staff and contractors

Frontline staff:

- Most complaints can be resolved immediately and frontline staff receive and assess complaints and where possible resolve the complaint at the point of contact, within the scope of their role.
- Where a frontline staff member requires the assistance of the supervisor, the supervisor will assist and investigate to enable the complaint to be resolved at this point of contact.
- Complaints that cannot be managed at this first point of contact are to be referred to the appropriate officer for investigation and management of the complaint.

Coordinators, Team Leaders, Managers and Directors:

- Provide training and support to staff so that they understand the complaint handling process and are empowered to manage complaints within the scope of their role.
- Receive, investigate and manage any referred complaints through to resolution at this stage.
- Where a complainant requests a review of the decision made, refer to an appropriate Manager, Director or the Chief Executive Officer for internal investigation.
- Conduct any allocated internal reviews through to completion at this stage.

Chief Executive Officer:

- Receives and manages any escalated complaints that cannot be resolved at the Director level.
- Manages complaints that relate to other policies (e.g. Protected Disclosures) as applicable.

Third party contractors:

- Keep the Council contract manager informed of any trends in complaints and/or major issues regarding complaints in accordance with the contract.

7. How to make a complaint

A person can make a complaint in a number of ways.

Mail:

Boroondara City Council
Private Bag 1
Camberwell Vic 3124

Telephone:

Customer Service Team 03 9278 4444
National Relay Service: TTY 13 36 77
Speak and Listen: 1300 555 727

Email:

Complaints Management
boroondara@boroondara.vic.gov.au

Website:

www.boroondara.vic.gov.au
"Contact Us"

In person:

Boroondara Council Offices
8 Inglesby Road, Camberwell or
360 Burwood Road, Hawthorn
Monday to Friday from 8:30am to 5pm

After business hours:

Phone 03 9278 4444 to be immediately transferred to Council's after hours service

8. Accessibility

Anyone who has been affected by an action or inaction of Council can make a complaint.

Council has the following services in place to assist people with specific needs to make a complaint:

- Council can be contacted through the National Relay Service (NRS): TTY users can phone the NRS on 13 36 77 then ask for 03 9278 4444
- Speak & Listen (speech-to-speech) users phone the NRS on 1300 555 727 and ask for 03 9278 4444
- Interpreting services are available.

We accept and respond, where possible, to anonymous complaints, provided we have received enough information to do so.

9. Complaint handling procedure

9.1. Overview

Boroondara City Council takes a four-tiered approach to complaint handling, as follows:

1. **Frontline resolution:** frontline staff receive the complaint and resolve it within the scope of their authority immediately, if possible.
2. **Investigation, if required:** if frontline staff cannot resolve the complaint, they will refer it to a more senior council officer for investigation.
3. **Internal review:** if the complainant is not satisfied with the outcome of the investigation, they can request an internal review.
4. **Access to external review:** if the complainant is not satisfied with the process or outcome of the internal review, they will be informed of any external avenues through which they may pursue their complaint.

9.2. Procedures

9.2.1 Frontline resolution

Frontline staff will:

- Receive the complaint and register it.
- Respond to all complaints within 10 business days of receipt.
- If required, clarify the complaint and the outcome the complainant is seeking.
- Assess the complaint to determine how it should be dealt with.

9.2.2 Assessment criteria

The following assessment criteria may be used to assist Council officers in determining the type of complaint and the best process to use to resolve the matter.

- a) Is the matter a complaint? A matter **is not a complaint** if it relates to:
 - A request for information about Council services, policies or procedures.
 - A request for service or action to be taken in relation to a service or product provided by Council such as branches trimmed on a nature strip tree, a rubbish bin repaired, or someone complaining about their neighbour breaching a local law or a planning scheme.
 - A report of damaged or faulty infrastructure or hazards such as potholes or fallen branches.
 - A suggestion for a proposed service or product improvement such as additional hard waste collections.
 - An enquiry or request for clarification or more information, such as a question about the fire services levy on a rates bill.
 - A petition to Council about a certain matter.

- A follow up or further request for service that has not yet been completed by Council but is still within the service timeframes advised to the customer, such as if a customer was told their bin would be collected within three days and the customer contacted Council again within one day.
- Comments or submissions received during formal consultation or community engagement, which has a specific process for receiving community feedback and comments.
- Lodging an appeal in accordance with other policies, procedures and legislation, such as contesting a fine or a matter which is before VCAT or a court.

The above issues are still valid and are managed separately from the complaint handling process.

b) Is the complainant personally affected by the complaint?

- In some instances, the complainant should be personally affected by the issue or have authority and a sound reason to complain on another person's behalf. An example would be where the complaint relates to a person's 'personal affairs'.

c) What type of complaint is being made?

- Some complaints may be able to be dealt with by the Council officer who receives the complaint. Depending on the nature of the complaint, some complaints may need to be referred to other areas of Council for resolution.
- Consideration will also be given to the severity, safety implications, complexity, impact and the possibility of immediate action needed.

If Council is not the right organisation to respond to the complaint, frontline staff will refer the complainant to an organisation that can help.

9.3. Investigation

- If frontline staff cannot resolve the complaint, in the first instance, it will be assigned to a Coordinator, Team Leader or Manager for investigation.
- The officer handling the complaint will advise the complainant who the contact person is and how long it will take to respond to the complaint.
- Complaint handling staff will aim to resolve all complaints within 28 days.
- If it takes longer than 28 days to resolve a complaint, the contact person will contact the complainant prior to or at this time and explain why.
- Complaints that are not resolved within 28 days will be subject to review and staff may need to escalate the complaint if necessary to ensure that a resolution is expedited.
- The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome letter will contain reasons for the decision made and the contact information for the responsible officer.
- Where appropriate, the officer handling the complaint may contact the complainant via telephone to discuss the outcome of their complaint prior to sending the outcome letter.

9.4. Internal review

The complainant may request an internal review of their complaint if they are not satisfied that the complaint has been resolved or was handled correctly. Any internal review will be in accordance with the Council Decision and Process Review which is outlined at **Appendix 1**. Decisions or processes that have separate statutory or other legislative appeal process such as planning, local laws (including parking infringements) and building and health services are not included.

The following principles will apply when allocating a matter for internal review:

- the reviewing officer must not have been involved in the original decision, action or investigation. Where practicable, the reviewer should be from a different work area; and
- the allocated officer may be another Manager, a Director or the Chief Executive Officer. The allocation of the review will be guided by the nature and complexity of the complaint.

The officer reviewing the complaint is required to review the history of the matter, including any findings from any previous investigations and any responses and information provided to the complainant.

Where an internal review is not completed, or expected to be completed within 10 business days, the complainant should be contacted and advised who is handling the complaint and when they can expect to receive a response.

A written letter signed by the officer responsible for the internal review should be provided to the complainant at the conclusion of every internal review.

Where available, the outcome letter will advise the complainant of any avenues of external review available in relation to the matter.

9.5. Complaints received by councillors

When a councillor receives a complaint from a member of the public, he or she will refer it to the relevant Director or the Chief Executive Officer.

Council staff will then respond to the complaint in accordance with this policy.

The response to the member of the public will be in accordance with the councillor correspondence procedures.

9.6. Complaints about contractors

Council retains a level of responsibility for services carried out by contractors on its behalf.

This policy applies to all contractors carrying out services on Council's behalf to the extent provided for in their contract / agreement with Council.

Contract managers will ensure that all contractors are made aware of their obligations under this policy and contract managers will review any complaint handling during any regular meetings.

Where Council has made provision for a contractor to handle any complaints about their services, the complainant may be directed to contact the contractor in the first instance. For example a complaint about the Hawthorn Aquatic and Leisure Centre may be directed to the YMCA at first instance as they manage the facility on behalf of council.

If a complainant is not satisfied with the outcome of the complaint, he or she can ask the council to review the decision.

All outcome letters written by contractors in relation to complaints will include the name and contact details of a council staff member to whom the complainant may escalate their complaint if they are not satisfied with the outcome the contractor has provided.

10. Complaints about specific matters - alternative procedures

There are specific complaint procedures that will apply to certain types of complaints. If the complaint received would be better handled with another process outside this complaint handling policy, this will be explained to the complainant at the start.

10.1. Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the *Protected Disclosure Act, 2012* and Council's Protected Disclosure (Whistleblowers) Procedures 2015.

10.2. Complaints about councillors

Complaints about councillors will be dealt with in accordance with the *Local Government Act, 1989*, *Protected Disclosure Act, 2012*, Council's Protected Disclosure (Whistleblowers) Procedures 2015 and the Councillor Code of Conduct 2016.

10.3. Complaints about the Chief Executive Officer

Complaints about the Chief Executive Officer will be handled in accordance with the *Local Government Act, 1989*, *Protected Disclosure Act, 2012*, Council's Protected Disclosure (Whistleblowers) Procedures 2015, Code of Conduct and Code of Ethics and should be made in writing to the Director Corporate Services.

11. Remedies

Where a complaint is substantiated, we will take steps to redress the situation. Possible remedies include, but are not limited to:

- an explanation of why the error occurred and steps taken to prevent it from happening again.
- a reversal of a decision.
- a correction of the Council records.
- a change to policy, procedure or practice.
- disciplinary action taken against a staff member.
- providing the means of redress requested by the complainant.
- full or partial refund of monies paid or full or partial credit note.

In addition to any other remedies offered, we will consider offering an apology to the complainant, irrespective of whether the complainant specifically requests this.

12. Privacy and confidentiality

Complainants have a right to expect that their complaint will be looked into in private, to the extent possible. The identity of complainants will be shared with council staff on a 'need to know' basis. The complaint will not be revealed or made public by Council, except where required by law.

When gathering information to respond to a complaint, we will only:

- use it to deal with the complaint or to address systemic issues arising from the complaint; and
- disclose it in a de-identified format when disclosing data to the public.

All complaints lodged with Council are subject to the *Freedom of Information Act, 1982* and confidentiality cannot be guaranteed under the provisions of that legislation.

13. Recording complaints

All complaints are recorded within Council's customer request management system or records/document management system (Objective).

We will analyse our complaint data and provide annual reports to Council on how we can reduce complaints and improve services. The Senior Leadership Team is responsible for acting on the recommendations in these reports.

We may record the following information for each complaint:

- the complainant's details.
- how the complaint was received.
- a description of the complaint.
- the complainant's desired outcome (if known).
- the council officer responsible for handling the complaint.
- any action taken, including contact with the complainant, response times and the outcome.
- any recommendations for improvement, and who is responsible for implementing them.

Any staff queries regarding the recording of complaints should be directed to the Coordinator Customer Service or the Coordinator Corporate Information.

14. Reporting on performance

Appropriate performance data will be captured to enable Council to review the timeliness and efficacy of Council's complaint handling as well as identifying trends and patterns in complaints. Such data may be reported annually in Council's Annual Report.

15. Unreasonable complainant conduct

There may be a variety of reasons why a person is difficult to deal with. Whatever the reason, council staff should not necessarily assume that a 'difficult' person does not have a valid complaint. Wherever possible, council staff should apply the same standards of communication to anyone asking a question or expressing a concern calmly.

While the majority of customers have legitimate concerns and genuinely seek resolution, a small proportion of customers demonstrate unreasonable concerns and unreasonable and uncooperative behaviour.

When customers behave unreasonably in their dealings with staff, their conduct can have a negative impact on Council's service delivery to other customers. Because of this, Council will take immediate action to manage customer conduct that negatively and unreasonably affects the organisation, and support staff to do the same.

Unreasonable Complainant Conduct (UCC) is any behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the Council, staff, other service users and customers or the customer himself/herself.

UCC can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

15.1. Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- an unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints.
- reframing a complaint in an effort to get it taken up again.
- excessive phone calls, visits, letters, and emails (including cc'd correspondence) when requested not to do so.
- contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint - internal and external forum shopping.

15.2. Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- insisting on talking to a Manager (or the Chief Executive Officer / Director) personally when it is not appropriate or warranted.
- emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised - when this is not the case.
- insisting on outcomes that are not possible or appropriate in the circumstances. For example, demanding for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this exists.

- demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.
- insisting on an outcome when that matter is before a court or tribunal.
- insisting on an outcome when the matter relates to a decision of Council or relates to a matter awaiting determination by Council.

15.3. Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about - only where the complainant is clearly capable of doing this.
- providing little or no detail with a complaint or presenting information in 'drips and drabs'.
- refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- displaying unhelpful behaviour - such as withholding information, acting dishonestly, misquoting others, and so forth.

15.4. Unreasonable arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or irrational and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources.

Arguments are unreasonable when they:

- fail to follow a logical sequence.
- are not supported by any evidence and/or are based on conspiracy theories.
- lead a complainant to reject all other valid and contrary arguments.
- are trivial when compared to the amount of time, resources and attention that the complainant demands.
- are false, inflammatory or defamatory.

15.5. Unreasonable behaviours

Unreasonable behaviour is conduct that is unreasonable in all circumstances - regardless of how stressed, angry or frustrated that a complainant is - because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant himself/herself. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks.
- harassment, intimidation or physical violence.
- rude, confronting and threatening correspondence.
- threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
- stalking (in person or online).
- emotional manipulation.

All staff should note that Boroondara City Council has a zero tolerance policy towards any harm, abuse or threats directed towards Council staff. Any conduct of this kind will be dealt with under the No Bullying, Discrimination or Harassment in the Workplace (including Sexual Harassment) Policy and in accordance with our duty of care and occupational health and safety responsibilities.

16. Strategies for managing unreasonable customers

Council may decide to deal with unreasonable customer conduct in one or more of the following ways:

16.1. Who they contact

Where a customer demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a single staff member (a sole contact point).

This staff member will exclusively case manage their complaint(s) and interactions with Council. This will ensure they are dealt with consistently and will minimise the chances for misunderstandings, contradictions and manipulation.

16.2. What they can raise with Council

Where customers continue to engage in unreasonable conduct about issues that have already been comprehensively considered and/or reviewed (at least once) by Council, restrictions may be applied to the issues/subject matter the customer can raise with Council.

16.3. When, where and how they can have contact

A customer's telephone, written or face-to-face contact with the Council may place an unreasonable demand on time or resources because it affects the health, safety and security of staff and it may also be behaviour that is persistently rude, threatening, abusive or aggressive. As such, Council may limit when, where and/or how the customer can interact with Council.

17. Related documents

Relevant legislation includes but is not limited to:

- Building Act 1993
- Charter of Human Rights and Responsibilities Act 2006
- Competition and Consumer Act 2010
- Domestic Animals Act 1994
- Environment Protection Act 1970
- Equal Opportunity Act 2010
- Food Act 1984
- Freedom of Information Act 1982
- Health Records Act 2001
- Independent Broad-Based Anti-Corruption Act 2011
- Infringements Act 2006
- Local Government Act 1989
- Planning and Environment Act 1987
- Privacy and Data Protection Act 2014
- Protected Disclosure Act 2012
- Public Health and Wellbeing Act 2008
- Public Records Act 1973
- Summary Offences Act 1988

Relevant Council policies and procedures include but are not limited to:

- Code of Conduct
- Code of Ethics
- Councillor Code of Conduct
- Corporate Information Management Policy
- Council Decision and Review Process
- Customer Service Charter
- Health Records Policy 2015
- No Bullying, Discrimination or Harassment in the Workplace (including Sexual Harassment) Policy
- Occupational Violence Guidelines
- Privacy and Data Protection Policy 2014
- Protected Disclosure (Whistleblowers) Procedures 2015

18. Availability of the policy

This Policy is available from the Council website www.boroondara.vic.gov.au and can be made available in hard copy format upon request.

19. Review

This Policy should be reviewed as required but at least every four years.

Citizen Decision and Process Review Model

(Does Not Apply to Council Decisions, Statutory Decisions or Decisions/Processes in Accordance with Adopted Council Policy)

