



Complaints Management Policy

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Note: Document Control continued at Appendix B



 General Manager

31/8/23

 Date

ACKNOWLEDGEMENT OF COUNTRY

Glen Innes Severn Council acknowledges and pays respect to the Ngorabul people as the traditional custodians of this land, their elders past, present and emerging and to Torres Strait Islander people and all First Nations people.

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1 Introduction

1.1 Purpose

This policy is intended to ensure that Council handles complaints fairly, efficiently and effectively.

Council's complaints management system is intended to:

- Enable Council to respond to issues raised by people making complaints in a timely and cost-effective way;
- Boost public confidence in Council's administrative process; and
- Provide information that can be used by Council to deliver quality improvements in its services, staff and complaint handling.

This policy provides guidance to Council staff and people who wish to make a complaint, on the key principles and concepts of Council's complaint management system.

1.2 Applicability

This policy applies to all staff receiving or managing complaints from the public, made to or about Council, regarding its services, staff and complaint handling.

Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

1.3 Organisational Commitment

Council expects staff, at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
General Manager and Directors	Promote a culture that values complaints and their effective resolution	<p>Report publicly on Council's complaint handling.</p> <p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review reports about complaint trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.</p>
Manager of Governance, Risk and Corporate Planning	Establish and manage Council's complaint management system.	<p>Provide regular reports to the Management Executive Team (Manex) and the Audit, Risk and Improvement Committee (ARIC) on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with Manex and implemented where appropriate.</p> <p>Train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve Council's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people make a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve Council's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>

Who	Commitment	How
All staff	Understand and comply with Council's complaint handling practices.	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of Council's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the Council's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>

2 Terms and Definitions

2.1 Complaint

A complaint is an expression of dissatisfaction made to or about Council, its services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

A complaint covered by this Policy can be distinguished from:

- Staff grievances [see Council's Grievance Resolution Policy];
- Public interest disclosures made by Council staff or contractors [see Council's Internal Reporting (Public Interest Disclosures) Policy];
- Code of conduct complaints [see Council's Code of Conduct];
- Responses to requests for feedback about the standard of Council's service provision [see the definition of 'feedback' below];
- Reports of problems or wrongdoing merely intended to bring a problem to Council's notice with no expectation of a response [see definition of 'feedback'];
- Service requests [see definition of 'service request' below]; and
- Requests for information [see Council's Access to Information Policy].

2.2 Complaint management system

All policies, procedures, practices, staff, hardware and software used by Council in the management of complaints.

2.3 Dispute

An unresolved complaint escalated either within or outside of Council.

2.4 Feedback

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Council, about Council's services or complaint handling where a response is not explicitly or implicitly expected or legally required.

2.5 Service request

This includes:

- Requests for approval;
- Requests for action;
- Routine inquiries about the Council's business;
- Requests for the provision of services and assistance;
- Reports of damaged or faulty infrastructure (e.g., road pothole);
- Reports of hazards (e.g., fallen tree branch);
- Reports concerning neighbours or neighbouring property (e.g., noise or unauthorised building works);

- The lodging of an appeal in accordance with procedure or policy;
- Reports of failure to comply with laws regulated by the Council; and
- Requests for explanation of policies, procedures and decisions.

2.6 Grievance

A clear, formal written statement by an individual staff member about another staff member or a work-related problem.

2.7 Policy

A statement of instruction that sets out *what* Council will do to fulfill its vision, mission and goals.

2.8 Procedure

A statement or instruction that sets out *how* Council policies will be implemented and by whom.

2.9 Public interest disclosure

A report about wrongdoing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 1994* [from 1 October 2023 - *Public Interest Disclosures Act 2022*].

3 Guiding Principles



3.1 Facilitate complaints

People Focus

Council is committed to seeking and receiving feedback and complaints about its services, systems, practices, procedures, products and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- Provided with information about Council's complaint handling process;
- Provided with multiple and accessible ways to make complaints;
- Listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate; and
- Provided with reasons for Council's decision/s and any options for redress or review.

No detriment to people making complaints

Council 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.

Any complaint of reprisal by a Council staff member will be dealt with as a separate and serious complaint. Any findings of reprisal against a complainant by any Council staff member may result in disciplinary action.

Anonymous complaints

The Public Officer will determine whether an anonymous complaint will be investigated. Some of the factors in deciding whether to investigate an anonymous complaint will be dependent upon the seriousness of the complaint and provided there is sufficient information in the complaint to enable an investigation to be conducted, or whether there is a statutory requirement for identification of the complainant.

Accessibility

Council will ensure that information about how and where complaints may be made to or about Council, is well publicised. Council will ensure that its 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, Council 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, or another organisation).

No Charge

Complaining to Council is free.

3.2 How to make a complaint

Any staff member approached by persons enquiring how to lodge a complaint must advise that person of the methods available. There is no need to record the enquiry.

Complaints may be lodged with Council:

- In person: Town Hall Office, 265 Grey Street, Glen Innes;
- Telephone 6730 2300;
- Email council@gisc.nsw.gov.au; or
- Letter addressed to:
 - General Manager [or Public Officer]
 - PO Box 61
 - Glen Innes, NSW 2370

Complaints:

- Will not be accepted through social media outlets such as Facebook;
- Should detail the name, address and contact phone numbers of the complainant together with a brief description of the problem; and
- **Against a staff member or Councillor will only be accepted in writing.**

Any staff member may receive a complaint and must follow Council's Complaints Management Procedures.

Any Councillor in receipt of a complaint should refer the matter directly to the General Manager, relevant Director or Public Officer.

The Public Officer

Council's Public Officer is appointed by the General Manager under Chapter 11, Part 3 of the *Local Government Act 1993*. Responsibilities of the Public Officer include:

- Dealing with requests and complaints from the public concerning Council's affairs;

- Assisting people to gain access to public documents of the Council;
- May receive submissions made to the Council;
- May accept service of documents on behalf of Council; May represent Council in any legal or other proceedings; and
- Has any other functions as may be conferred or imposed on the Public officer by the General Manager or the *Act*.

3.3 Respond to complaints

Early resolution

Staff are empowered to resolve complaints wherever possible at first contact. Staff will register all complaints and the resolution/action taken. If needed the complaint will be delegated to a relevant officer.

Responsiveness

Council will acknowledge receipt of complaints promptly.

Council 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 safety or security the response will be immediate and will be escalated appropriately.

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

- The complaints process;
- The expected time frames for actions;
- The progress of the complaint and reasons for any delay;
- Their likely involvement in the process; and
- The possible or likely outcome of their complaint.

Council will advise people as soon as possible when it is 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).

Council will also advise people as soon as possible when it is unable to meet its time frames for responding to their complaint and the reason for the delay.

Objectivity and fairness

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

Council will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

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

Responding flexibly

Council staff are empowered to resolve complaints promptly and with as little formality as possible.

Council will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

Council will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

Confidentiality

Council will protect the identity of people making complaints where this is practical and appropriate.

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

3.4 Manage the parties of a complaint

Complaints involving multiple agencies

Where a complaint involves multiple organisations, Council will work with the other organisation/s 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 Council, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where Council services are contracted out, Council expect contracted service providers to have an accessible and comprehensive complaint management system. Council takes complaints not only about the actions of its staff but also the actions of service providers.

Complaints involving multiple parties

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

Empowerment of staff

All staff managing complaints are empowered to implement the 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 the complaint management system.

Managing unreasonable conduct by people making complaints

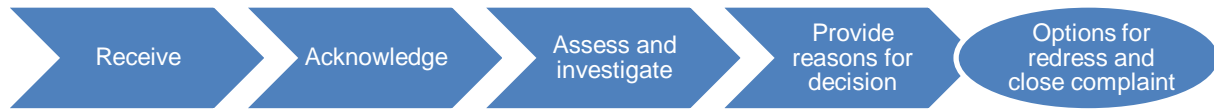
Council is committed to being accessible and responsive to all people who approach it with feedback or complaints. At the same time Council's success depends on:

- Its ability to do its work and perform its functions in the most effective and efficient way possible;
- The health, safety and security of its staff; and
- Its ability to allocate its resources fairly across all the complaints it receives.

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

For further information on managing unreasonable conduct by people making complaints please see Council's Unreasonable Complaints Policy located at www.qjisc.nsw.gov.au.

4 Complaint Management System



4.1 Introduction

When responding to complaints, staff should act in accordance with Council's 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 five key stages in Council's complaint management system are set out below.

4.2 Receipt of Complaints

Unless the complaint has been resolved at the outset, Council will record the complaint and its supporting information. Council 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 information; and
- any additional support the person making a complaint requires.

4.3 Acknowledgement of complaints

Council will acknowledge receipt of each complaint promptly, and preferably within two working days.

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

4.4 Initial assessment and addressing of complaints

Initial assessment

After acknowledging receipt of the complaint, Council will confirm whether the issue/s raised in the complaint is/are within its control. Council will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

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

- How serious, complicated or urgent the complaint is;
- Whether the complaint raises concerns about people's health and safety;
- How the person making the complaint is being affected;
- The risks involved if resolution of the complaint is delayed; and
- Whether a resolution requires the involvement of other organisations.

Complaints that will not be investigated

The Public Officer may determine that a complaint will not be investigated where that complaint:

- Is not lodged in accordance with the methods for lodgement specified in this Policy;
- Is considered an expression of an opinion, commentary, or feedback; or not made in good faith; or concerns a trivial matter; or is frivolous or vexatious as may be determined due to unreasonable demands, arguments, behaviours, persistence, or unreasonable lack of co-operation;
- Involves a matter where an adequate remedy or right of appeal already exists, whether the complainant uses the remedy or right of appeal;
- Relates to a decision of Council;
- Relates to conduct before a court, coroner or tribunal;
- Relates to matters under investigation by the Minister for Local Government, Independent Commission Against Corruption (ICAC), the NSW Ombudsman's office (Ombo), a Minister of the Crown or government department or the NSW Police Service;
- Relates to the appointment or dismissal of any employee or an industrial or disciplinary issue;
- Relates to a decision, recommendation, act or omission which is more than one (1) year old;
- Relates to a matter awaiting determination by the Council;
- Relates to the actions or conduct of private individuals;
- Relates to a matter where there is insufficient information available; or
- Involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against Council.

Should the Public Officer determine that a complaint will not be investigated, the complainant will be advised of the reason for this decision.

Addressing complaints

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

- Give the person making a complaint information or an explanation;
- Gather information from the person or area that the complaint is about; or
- Investigate the claims made in the complaint.

Council will keep the person making the complaint up to date on the progress, particularly if there are any delays. Council will also communicate the outcome of the complaint using

the most appropriate medium. Which actions Council decides to take will be tailored to each case and consider any statutory requirements.

4.5 Providing reasons for decisions

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

- The outcome of the complaint and any action taken;
- The reason/s for its decision;
- The remedy or resolution/s that Council has proposed or put in place; and
- Any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If during investigation, Council makes any adverse findings about a particular individual, Council will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions.

4.6 Closing the complaint, record keeping, redress and review

Council will keep comprehensive records about:

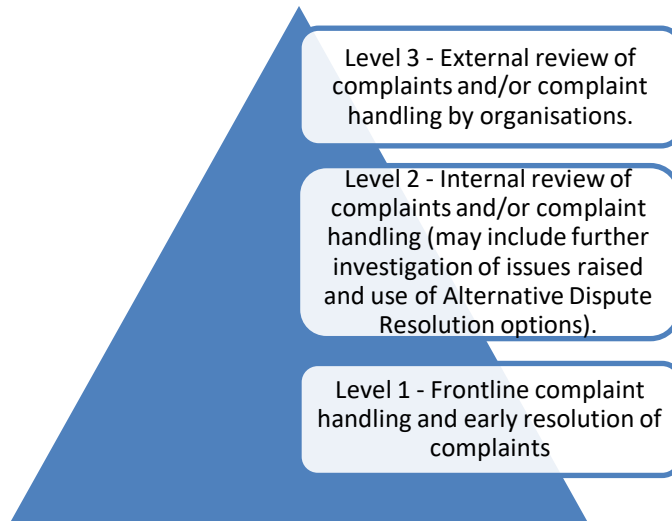
- How it managed the complaint;
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations); and
- Any outstanding actions that need to be followed up.

Council will ensure that outcomes are properly implemented, monitored and reported to the Public Officer, and complaints data and relevant information reported to Manex, the ARIC and Council.

4.7 Alternative avenues for dealing with complaints

Council will inform people who make complaints, about any internal or external review options available to them (including any relevant Ombudsman or oversight bodies). See **Appendix A** for contact details of relevant external integrity bodies.

4.8 The three levels of complaint handling



Council aims to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, Council may decide to escalate the complaint to a more senior officer. 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, and/or;
- Facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of Council's review of their complaint, they may seek an external review of the decision (by the Ombudsman for example).

5 Accountability and Learning

5.2 Analysis and evaluation of complaints

Council will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Regular reports will be run on:

- The number of complaints received;
- The outcome of complaints;
- Issues arising from complaints;
- Systemic issues identified; and
- The number of requests received for internal and/or external review of Council's complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of Council's customer service and make improvements.

Both reports and their analysis will be provided to Manex for review.

5.2 Monitoring the complaint management system

Council will continually monitor its complaint management system to:

- Ensure its effectiveness in responding to and resolving complaints; and
- Identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

5.3 Continuous improvement

Council is committed to improving the effectiveness and efficiency of its complaint management system. To this end, Council will:

- Support the making and appropriate resolution of complaints;
- Implement best practices in complaint handling;
- Recognise and reward exemplary complaint handling by staff;
- Regularly review the complaints management system and complaint data; and
- Implement appropriate system changes arising out of the analysis of complaints data and continual monitoring of the system.

6 Legislation and Supporting Documents

Relevant Legislation, Regulations and Industry Standards include:

- *Effective complaint handling guidelines* (3rd Edition / February 2017) Ombudsman NSW;
- *Complaint Management Framework* (June 2015) Ombudsman NSW;
- *Guidelines for complaint management in organizations* (AS/NZS 10002:2022);
- *Tips for local councils: Building a best practice complaint management system*, Ombudsman NSW;
- *Local Government Act 1993*;
- *Public Interest Disclosures Act 2014 (Until 1 October 2023)*;
- *Public Interest Disclosures Act 2022 (Commencing 1 October 2023)*;
- *Independent Commission Against Corruption Act 1988*;
- *Privacy and Personal Information Protection Act 1998*;
- *Health Records and Information Privacy Act 2002*; and
- *Government Information (Public Access) Act 2009*.

Nothing in this policy overrides the General Manager's obligation to report under Section 11 of the *Independent Commission Against Corruption Act 1988*.

Relevant Council Policies and Procedures include:

- Complaints Management Procedure;
- Unreasonable Complaints Policy and Procedure;
- Code of Conduct;
- Procedures for the Administration of the Model Code of Conduct;
- Internal Reporting (Public Interest Disclosures) Policy and Procedure;
- Grievance Resolution Policy;
- Access to Information Policy; and
- Legislative Compliance Policy.

7 Variation and Review

The Complaints Management Policy will be reviewed every three years, or earlier if deemed necessary, to ensure that it meets the requirements of legislation and the needs of Council. The term of the Policy does not expire on the review date, but will continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.

Appendix A

External Agency	Nature of Complaint
<p>The NSW Ombudsman (Ombo) Level 24,580 George Street SYDNEY NSW 2000</p> <p>Phone: 02 9286 1000 or Toll free: 1800 451 524 Facsimile: 02 9283 2911 Email: nswombo@ombo.nsw.gov.au</p>	Matters concerning maladministration or related to child abuse.
<p>Office of Local Government (OLG) Locked Bag 3015 NOWRA NSW 2541</p> <p>Phone: 02 4428 4100 Facsimile: 02 4428 4199 Email: olg@olg.nsw.gov.au</p>	Matters concerning a serious breakdown in Council's operations if the Council is not operating satisfactorily or pecuniary interest matters.
<p>The Independent Commission Against Corruption (ICAC) GPO Box 500 SYDNEY NSW 2001</p> <p>Phone: 02 8281 5999 or Toll free: 1800 463 909 Facsimile: 02 9264 5364 Email: icac@icac.nsw.gov.au</p>	Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official. The <i>ICAC Act 1988</i> requires the General Manager to report suspected cases of corrupt conduct to the ICAC.
<p>Anti-Discrimination Board (ADB) PO Box W213 PARRAMATTA WESTFIELD NSW 2150</p> <p>Phone: 02 9268 5555 or Toll free: 1800 670 812 Facsimile: 02 9268 5500 Email: complaintsadb@justice.nsw.gov.au</p>	Matters in relation to discrimination, disability and harassment.
<p>Australian Competition and Consumer Commission (ACCC) GPO Box 3131 CANBERRA ACT 2601</p> <p>Phone: 1300 302 502</p>	Competitive neutrality complaints.
<p>Information and Privacy Commission NSW (IPC) PO Box 7011 SYDNEY NSW 2001</p> <p>Phone: 1800 472 679 Email: ipcinfo@ipc.nsw.gov.au</p>	Breaches of the <i>Privacy and Personal Information Protection Act 1998</i> , the <i>Health Records and Information Privacy Act 2002</i> , or the <i>Government Information (Public Access) Act 2009</i> .

Appendix B

Document Control Continued

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2	26/08/2010	15.08/10		DCCS	Council
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