

Complaint Handling Policy

Policy Name: Complaint Handling Policy	Policy Number: POL 0011-V05
Date Adopted: 31 May 2016	Review Date: 31 May 2019
Policy Owner: Executive Manager/Public Officer	

Contents:

1. Policy Statement/Objective(s)

Shellharbour City Council is committed to ensuring that we handle complaints fairly, efficiently and effectively. Our complaint management system is intended to:

- enable us to respond to issues raised by people making complaints in a timely and cost-effective way
- boost public confidence in our administrative process, and
- provide information that can be used by us to deliver quality improvements in our services, practices, procedures, products, systems and complaint handling.

This policy provides guidance to Council staff and people who wish to make a complaint on Council's services, systems, products and staff.

2. Scope

This policy applies to all Council officials receiving or managing complaints from the public made to or about us, regarding our services, practices, procedures, products, systems and complaint handling.

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

3. References

- Australian and New Zealand Standard *Guidelines for complaint handling in organisations* AS/NZS 10002:2014
- Council's *Code of Conduct* and associated Procedures
- Council's *Privacy Management Plan*
- NSW *Local Government Act 1993*
- NSW *Protected Disclosures Act 1994*
- NSW *Privacy and Personal Information Protection Act 1998*
- NSW *Government Information (Public Access) Act 2009*
- NSW *Independent Commission Against Corruption Act 1998*
- Office of Local Government *Practice Note No 9 – Complaints Management In Councils*
- NSW Ombudsman *Effective Complaint Handling Guidelines, 2nd Edition, December 2010*
- NSW Ombudsman *Complaint Management Framework, June 2015*

4. Definitions

Complaint	<p>Expression of dissatisfaction made to or about us, our products, 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"> • staff grievances (see our internal complaints policy) • public interest disclosures made by our staff (see our internal reporting - public interest disclosures policy) • code of conduct complaints (see our code of conduct) • responses to requests for feedback about the standard of our service provision (see the definition of 'feedback' below) • reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response (see definition of 'feedback') • service requests (see definition of 'service request' below), and • requests for information (see our access to information policy).
Complaint management system	All policies, procedures, practices, staff, hardware and software used by Council in the management of complaints.
Dispute	An unresolved complaint escalated either within or outside of Council.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our products, services or complaint handling where a response is not explicitly or implicitly expected or legally required.
Service request	<p>The definition of a service request is likely to include:</p> <ul style="list-style-type: none"> • requests for approval • requests for action • routine inquiries about Council's business • requests for the provision of services and assistance • reports of failure to comply with laws regulated by Council • requests for explanation of policies, procedures and decisions.
Grievance	A clear, formal written statement by an individual staff member about another staff member or a work related problem.
Policy	A statement of instruction that sets out how we should fulfil our vision, mission and goals.

Procedure	A statement or instruction that sets out how our policies will be implemented and by whom.
Public interest disclosure	A report about wrong doing made by a public official in NSW that meets the requirements of the Public Interest Disclosures Act 1994.

5. Variation and Review

Council reserves the right to review, vary or revoke this policy.

Review History

Date Policy first adopted – Version 1	18/8/2004
Date amendment adopted – Version 2	28/2/2007
Date amendment adopted – Version 3	17/4/2007
Date amendment adopted – Version 4	27/10/2010
Date amendment adopted – Version 5 Based on the Ombudsman's model and includes change of name	31/05/2016

6. Policy

See attached

7. Related Forms

Complaint/Feedback Form

Note: Related forms can be located Online under “Forms and Applications”

8. Attachments:

- Attachment 1: Complaint/Feedback Form
- Attachment 2: Complaint Handling Procedure

Policy Authorised by:

Name: Council Resolution Number - 130

Date: 130

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1. COUNCIL 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	Promote a culture that values complaints and their effective resolution	<ul style="list-style-type: none"> • Report publicly on Council's complaint handling. • Provide adequate support and direction to key staff responsible for handling complaints. • Regularly review reports about complaint trends and issues arising from complaints. • Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly. • Encourage staff to make recommendations for system improvements. • Recognise and reward good complaint handling by staff. • Support recommendations for product, service, staff and complaint handling improvements arising from analysis of complaint data.
Public Officer (Complaints Coordinator)	Establish and manage our complaint management system	<ul style="list-style-type: none"> • Provide regular reports to the General Manager on issues arising from complaint handling work. • Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager and implemented where appropriate. • Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures. • Encourage staff managing complaints to provide suggestions on ways to improve Council's complaint management system. • Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly. • Recognise and reward good complaint handling by staff.

Who	Commitment	How
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints. • Assist people make a complaint, if needed. • Comply with this policy and its associated procedures. • Keep informed about best practice in complaint handling. • Provide feedback to management on issues arising from complaints. • Provide suggestions to management on ways to improve Council's complaints management system. • Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.
All staff	Understand and comply with Council's complaint handling practices.	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints. • Be aware of Council's complaint handling policies and procedures. • Assist people who wish to make complaints access Council's complaints process. • Be alert to complaints and assist staff handling complaints resolve matters promptly. • Provide feedback to management on issues arising from complaints. • Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.

2. GUIDING PRINCIPLES

2.1. Facilitate Complaints

People focus

We are committed to seeking and receiving feedback and complaints about our services, systems, staff, 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 our 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 our decision/s and any options for redress or review.

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 accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

Accessibility

We will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that 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

Complaining to us is free.

2.2. Respond to Complaints

Early resolution

Where possible, complaints will be resolved at first contact with Council and the complaint along with supporting documentation recorded in our electronic records management system.

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 safety or security 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 time frames for our 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.

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 time frames 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.

The person handling the complaint will be different from any staff member whose service or conduct is being complained about. Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how 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 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.

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.

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

3. MANAGE THE PARTIES TO A COMPLAINT

Complaints involving multiple agencies

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

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of 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, and
- our ability to allocate our 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 unreasonably affects us and will support our staff to do the same in accordance with this policy.

For further information on managing unreasonable conduct by complainants please see our policy on managing unreasonable complainant conduct.

4. COMPLAINT MANAGEMENT SYSTEM

4.1 Introduction

When responding to complaints, 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.

4.2 Receipt of complaints

We will record the complaint and its supporting information in our electronic records management system.

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

We will acknowledge receipt of each complaint promptly and preferably within ten 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, 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 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, we 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.

Addressing complaints

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

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

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

4.5 Providing reasons for decisions

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

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have 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 in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and Council's Privacy Management Plan and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

4.6 Closing the complaint, record keeping, redress and review

We will keep comprehensive 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, and
- any outstanding actions that need to be followed up.

We will ensure that outcomes are properly implemented, monitored and reported to the complaints coordinator and/or senior management.

4.7 Alternative avenues for dealing with complaints

We will inform people who make complaints to or about us about any internal or external review options available to them (including the Ombudsman, the Police, ICAC, or other oversight bodies).

4.8 The three levels of complaint handling

Level 3

External review of complaints and/or complaint handling by organisations.

Level 2

Internal review of complaints and/or complaint handling (may include further investigation of issues raised and use of alternative dispute resolution options).

Level 1

Frontline complaint handling and early resolution of complaints.

We aim 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, we may decide to escalate the complaint to a more senior officer within Council. 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 our decision (by the Ombudsman for example).

5. ACCOUNTABILITY AND LEARNING

5.1 Analysis and evaluation of complaints

We 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, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and
- the number of requests we receive for internal and/or external review of our complaint handling.

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

Both reports and their analysis will be provided to Council's General Manager and senior management for review.

5.2 Monitoring of the complaint management system

We will continually monitor our complaint management system to:

- ensure 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

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we 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 complaints data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

Complaint Handling Procedure

Procedure Name: Complaint Handling Procedure	Procedure Number: PRO-0004-V05
Date Adopted: 31 May 2016	Review Date: As required
Procedure Owner: Executive Manager/Public Officer	

Contents:

1. Procedure Statement/Objective(s)

Shellharbour City Council is committed to ensuring that complaints are handled fairly, efficiently and effectively and engenders in our community the confidence that Council is managed in an ethical and appropriate manner.

This procedure describes the steps that need to be taken by staff to implement the aims of Council's complaint handling policy and respond to complaints.

2. Scope

This procedure applies to all staff of Council particularly those who have regular contact with customers either face to face, by email, social media or by phone. This includes staff in Customer Service, Rates, Infrastructure Services, City Development and Community Connections.

3. References

Refer to Complaint Handling Policy

4. Definitions

Refer to Complaint Handling Policy

5. Variation and Review

Council reserves the right to review, vary or revoke this procedure

Review History

Date Procedure first adopted – version 1	18/08/2005
Date amendment adopted – version 2	28/2/2007
Date amendment adopted – version 3	17/4/2007
Date amendment adopted – version 4	17/10/2010
Date amendment adopted – version 5	31/05/2016

6. Procedure

6.1. INTRODUCTION

For the purposes of these procedures, a complaint is an expression of dissatisfaction made to or about Council products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

Feedback and requests for approval, action, information, provision of services, assistance and routine enquiries are not considered as complaints under the Complaints Handling Framework.

6.2. HOW MAY COMPLAINTS BE MADE?

All complaints must be made in writing. Staff should assist people with a disability or people from culturally and linguistically diverse backgrounds to write their complaint.

A complaint may be made to any member of staff of Council. Staff should assist people who wish to make a complaint through the complaints process.

6.3. HOW ARE COMPLAINTS TO BE MANAGED?

All complaints must be registered in ECM, linked to the complainant and the subject "complaints against Council". They are to be given a confidential classification and tasked to the Public Officer or the General Manager.

Anonymous complaints that raise significant issues will also be investigated.

The Public Officer or General Manager will assess the level of the complaint and determine the appropriate level of action.

Level 1 - complaints are referred by the Public Officer or General Manager to the appropriate Manager for investigation, action and to respond directly to the complainant.

Level 2 - complaints are referred by the Public Officer to the appropriate Director or General Manager. The Director or General Manager will determine the appropriate action and response to the complainant.

Level 3 – complaints are referred by the Public Officer or General Manager to an external investigator or body such as but not limited to the Office of Local Government, Independent Commission Against Corruption (ICAC), the NSW Ombudsman, Anti-Discrimination Board or the Police for its consideration.

All complaints are to be acknowledged in writing within 10 working days of receiving the complaint.

Complaints made against the General Manager are to be referred to the Public Officer or the Mayor.

6.3.1 Complaints Assessment Criteria

When investigating a complaint the investigator may take into account the following considerations:

- whether the complaint is trivial, frivolous, vexatious or not made in good faith
- whether the complaint raises issues that would be more appropriately dealt with by another agency or body
- whether the complaint should be dealt with under alternate policies/procedures such as Council's Code of Conduct, Internal Reporting (Public Interest Disclosure) or Internal Complaints procedure
- use of appropriate strategies such as explanation, counselling, training, informal discussion, negotiation or apology
- whether the issue/s giving rise to the complaint have previously been addressed or resolved
- the seriousness of the alleged complaint
- how much time has passed since the alleged matter occurred

6.4. CONFIDENTIALITY

Complaints against Council staff should be kept strictly confidential and referred only to the Public Officer or the General Manager.

It is important that staff not advise the subject person of a complaint. The investigator will inform the subject person at the appropriate stage of the investigation in line with procedural fairness.

6.4 REFERRAL TO EXTERNAL AGENCIES

The General Manager or Public Officer may at any time refer a complaint to an external body such as, but not limited to, the Office of Local Government, Independent Commission Against Corruption (ICAC), the NSW Ombudsman or the Police for its consideration.

The General Manager or Public Officer, prior to the referral must notify the complainant in writing of the intention to refer the complaint to an external agency where it is appropriate for them to do so.

6.5 REVIEW OPTIONS

6.5.1 Internal Review

A person that is unsatisfied with Council's response to their complaint may request an internal review of the outcome or decision.

The Public Officer or General Manager will refer the internal review request to a staff member no less senior than the person who made the original decision.

There is no internal review if the decision is made by the General Manager.

6.5.2 External Review

A person that is unsatisfied with Council's response to their complaint or outcome of an internal review may request an external review.

The General Manager will refer all requests for external reviews to an external investigator or the appropriate body such as Office of Local Government, Independent Commission Against Corruption (ICAC), the NSW Ombudsman, Anti-Discrimination Board or the Police for its consideration.

6.6 HOW TO LODGE A COMPLAINT

Post

Shellharbour City Council
Locked Bag 155
SHELLHARBOUR CITY CENTRE NSW 2529

Email

records@shellharbour.nsw.gov.au

Online

<http://www.shellharbour.nsw.gov.au/Contact-Us.aspx>

Phone

(02) 4221 6111

In Person

Lamerton House
Lamerton Cres
Shellharbour City Centre

7. Related Forms

Complaint/Feedback Form

Note: Related forms can be located Online under 'Forms'

Procedure Authorised by:

Name: Flora Lepouras



Title: Executive Manager/Public Officer

Date: 31 May 2016

CUSTOMER FEEDBACK/COMPLAINT FORM

DX 26402 Shellharbour City Centre

Shellharbour City Council is committed to providing a high quality level of service to its customers and the community. We welcome feedback from you as it provides us with an opportunity to identify service improvements, increase customer satisfaction and strengthen relationships.

CONTACT DETAILS - Please Print

Surname _____ Given Name/s _____

Postal Address _____ Postcode _____

Telephone No. (Daytime) _____ Mobile _____

Email _____

I agree to receive correspondence at the above email address.

Please tick which of the following describes your feedback or complaint

Compliment Suggestion Complaint Request

DETAILS OF FEEDBACK OR COMPLAINT

When did the conduct occur (date)? _____

What would you like to see us do about the conduct? (eg an apology, change in practices or policies)

Customer's Signature: _____ Date: _____

Please post this form or lodge it at:
Shellharbour City Council
Locked Bag 155
SHELLHARBOUR CITY CENTRE NSW 2528
Or by email
records@shellharbour.nsw.gov.au

What is a complaint?

Expression of dissatisfaction made to or about us, our products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

What is a not a complaint?

- staff grievances (see internal complaints policy)
- public interest disclosures made by our staff (see internal reporting - public interest disclosures policy)
- code of conduct complaints (see code of conduct)
- responses to requests for feedback about the standard of our service provision (see the definition of 'feedback' below)
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response (see definition of 'feedback' below)
- service requests (see definition of 'service request' below)
- requests for information (see our access to information policy)
- reports of damaged or faulty infrastructure (ie potholes)
- reports of hazards (ie fallen trees)
- disputes concerning neighbours

Feedback

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

Service Request

The definition of a service request is likely to include:

- requests for approval
- requests for action
- routine inquiries about Council's business
- requests for the provision of services and assistance
- reports of failure to comply with laws regulated by Council
- requests for explanation of policies, procedures and decisions.

Where can I find out more information?

If you need help in filling out this form, please contact the Privacy Contact officer on 4221 6111.

Our Complaints Handling Policy and Procedure is available from the Corporate Policies section of our website at www.shellharbour.nsw.gov.au.

PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE

The information on this form is being collected by Shellharbour City Council for the purpose of providing you with a response to your feedback or complaint. Your personal information will only be used by Council staff for the purpose of determining the matter. This completed form will be placed on a relevant file and/or saved in Council's electronic records management system. You may apply to Council for access to this information. Requests for correction of your personal information can be made under the *Privacy & Personal Information Protection Act 1998*. Please see Council's [Privacy Management Plan](#) or contact the Council's Public Information Officer on 4221 6111 for more information.