



1. Intent of Policy

The purpose of this Policy is to outline options for redress for members of the local community and for Council, if commitments or responsibilities are not met. It also provides advice on resolution of actions for defamation proceedings involving Councillors and Council staff.

2. Scope of Policy

These limits will only be applied in serious cases of inappropriate conduct and only if the person concerned has first been warned about the consequences of persisting with the identified inappropriate conduct. A review of limits set may be requested after three months.

3. Definitions and Abbreviations

ICAC – Independent Commission Against Corruption

4. Policy Principles

Council accepts and values complaints and criticism of Council's performance. Council also understands and accepts that some members of the public may experience strong anger arising from dissatisfaction with Council services.

Nevertheless, Council will consider placing limits on communication between certain members of the public and Council. This applies where communication becomes abusive of persons or resources. This is in the interests of responsible management of Council's limited resources and in order to fulfil Council's obligations as a responsible employer.

5. Policy Statement

This policy will:

1. Outline options for redress for members of the local community if the Council's commitments to service and communication set out in its policy on service and communication are not met,
2. Outline options for redress for the Council if members of the public do not meet their responsibilities set out in the Council's policy on service or otherwise become abusive of Council's staff or resources, and
3. Provide advice on quick and effective resolution of actions for defamation or threatened defamation proceedings involving Councillors and Council staff.

5.1 What if Council does not honour its commitments?

Any member of the public who believes that Council has failed to honour its commitments set forth in Council's 1120 Community Engagement Policy or 1115 Communication Policy should raise the matter with Council in the form of a complaint. Council will investigate the complaint and advise the complainant of the outcome in accord with the timeframes listed in 2101 Handling Complaints policy.

Complaints will be investigated in accordance with Council's complaint management policy.

If the complaint is justified, Council will try to explain the problem and outline what Council is doing to resolve the matter.

If the complainant remains dissatisfied, the complainant can seek a review. Alternatively, the complainant can complain to the NSW Ombudsman, the ICAC or the Office of Local Government.

5.2 Putting limits on services from and communication with Council

Council accepts and values complaints and criticism of Council's performance. Council also understands and accepts that some members of the public may experience strong anger arising from dissatisfaction with Council services.

Nevertheless, Council will consider placing limits on communication between certain members of the public and Council. This applies where communication becomes abusive of persons or resources. This is in the interests of responsible management of Council's limited resources and in order to fulfil Council's obligations as a responsible employer.

These limits will only be applied on the decision of the Council, the general manager or a member of staff with appropriate delegated authority in serious cases of inappropriate conduct and only if the person concerned has first been warned about the consequences of persisting with the identified inappropriate conduct. Council will set the limits out in writing and include a statement of reasons for their imposition.

Council will not impose unconditional limits on communication between Council and any member of the public. Council will keep an accurate record of the limit imposed and will, on request, review the limitation (on the decision of the Council) following the expiration of a period of three months.

The following limits will be considered subject to the preconditions outlined above if:

- a. Council receives correspondence that contains substantial inappropriate content (such as abusive or threatening language or adverse personal reflections on individuals), Council may advise the sender that the sender will not receive a substantive reply,
- b. A caller to Council uses inappropriate language (such as strong abusive language, threatening language or language casting adverse personal reflections on individuals), Council staff may terminate the telephone call,
- c. Council receives persistent calls from a member of the public during which inappropriate language is used, Council may advise the caller (both personally and subsequently in writing) that in future, business is to be transacted only in writing,
- d. A person being personally interviewed by Council staff continues to use inappropriate language (such as strong abusive language, threatening language or language casting adverse personal reflections on individuals) or otherwise behave inappropriately (such as acting in an overtly aggressive or threatening manner), Council may terminate the interview,

- e. A person repeatedly addresses meetings of Council on the same or similar issues and, as a result, other members of the public are unreasonably deprived of the opportunity to themselves address meetings, Council may impose limits on the number of opportunities it will give to that person to address meetings on similar issues,
- f. Following a thorough examination of a complaint and following a proper internal review of that decision, the complainant remains dissatisfied with the outcome of the complaint, Council may place limits on further communications with the complainant regarding the complaint (including filing further correspondence not raising new information without acknowledgment or referring the complainant to an appropriate external agency),
- g. Council believes on reasonable grounds that information available to a member of the public who has lodged a complaint is deliberately being provided to Council in a selective way, Council may advise the complainant to immediately pass on all relevant material to the Council in order that the matter can be properly assessed, failing which, Council will not consider further material unless a satisfactory explanation is given to explain why the material was not supplied earlier,
- h. A person places what, viewed reasonably, are excessive demands on the resources of Council in responding to continual and extensive demands for information, Council may, if it is satisfied that the resource demands in responding to these contacts are excessive, place specific limits on the manner and/or degree to which it will respond to these demands, including:
 - i. providing information only if Council is under a statutory responsibility to do so,
 - ii. using identified contact people in Council to deal with the matter,
 - iii. using newsletters and the like to disseminate information more efficiently, or
 - iv. making Council's relevant files available for inspection to the person,
- i. A person continually raises new issues with the Council, particularly where these issues are not issues in which the individual has a significant personal interest or does not represent a broader interest group in the local community, Council may, if it determines that the resource demands in responding to these contacts are excessive, place specific limits on the degree to which it will respond to these communications (such as not responding to correspondence unless it raises new and significant issues or placing numerical limits on the number of inquiries it will respond to in a designated period).

5.3 Defamation and apprehended violence orders

Council notes that despite its commitment to quality service and improved communications, there are occasions where conflict between Council (including staff and Councillors) and members of the public may escalate to the point where parties resort to legal action such as defamation proceedings or applying for an apprehended violence orders.

Council is committed to improved service to and communication with the local community, the speedy and cost effective resolution of disputes involving Council and minimising any impact on the rights of members of the public to participate in the affairs of Council. Council also considers that legal action should be considered only when all other reasonable and appropriate alternatives to resolving disputes have been attempted.

To this end, Council will encourage and assist the parties to disputes giving rise to defamation proceedings or applications for apprehended violence orders to resolve these disputes through other means (including, where appropriate, by engaging appropriate external mediators). In the

case of action taken against Council, Councillors and/or Council staff, Council may contribute towards the cost of any mediation.

6. Accountability, Roles and Responsibilities

6.1 General Manager

The General Manager is responsible for the overall control and implementation of the policy. Additionally, the General Manager is responsible to action in relation to limits as per e) above.

6.2 Directors

All directors are responsible to take action in relation to limits as per a) and i) above.

Additionally, the Director of Finance & Corporate Services is responsible to take action in relation to limits as per c), e), f), g) and h) above.

6.3 Employees

All staff are responsible to take action in relation to limits as per b), c), and d) above.

6.4 Members of the Public

Any member of the public who believes that Council has failed to honour its commitments set forth in Council's policy on service should raise the matter with Council in the form of a complaint.

Complaints will be investigated and if the complaint is justified, Council will try to explain the problem and outline what Council is doing to resolve the matter.

If the complainant remains dissatisfied, the complainant can seek a review or complain to the third parties listed as per 5.1).

7. Related Documents

- 2101 Handling Complaints Policy
- 1120 Community Engagement Policy
- 1115 Communication Policy

Approving Authority	Oberon Council
Contact	Corporate Services Director
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