



New South Wales Government
Independent Planning Commission

COMPLAINTS MANAGEMENT POLICY

OUR ROLE AS THE COMMISSION

The Independent Planning Commission of NSW was established by the NSW Government on 1 March 2018 as an independent statutory body operating separately to the Department of Planning and Environment.

The Commission plays an important role in strengthening transparency and independence in the decision-making processes for major development and land use planning in NSW. The key functions of the Commission include to:

- Determine State significant development applications
- Conduct public hearings for development applications and other matters
- Provide independent expert advice on any other planning and development matter, when requested by the Minister for Planning or Planning Secretary

The Commission is an independent consent authority for State significant development applications and provides an additional level of scrutiny where there are:

- More than 25 public objections
- Reportable political donations
- Objections by the relevant local council

POLICY OVERVIEW

This *Complaints Management Policy* (Policy) aims to ensure complaints are managed fairly, efficiently and transparently. Objectives are to:

- Provide guidance to complainants on complaint making and obligations
- Encourage timely, efficient responses recognising legitimate expectations of the complainant
- Enhance public confidence in our administrative processes, by creating a transparent, responsive environment
- Outline complaint management processes in a fair, accessible, equitable manner
- Outline dealing with unreasonable complainant conduct
- Support staff members when responding to complaints
- Use information received through complaints to improve our operations

POLICY PRINCIPLES

Complaints are a legitimate, valued part of our relationship with the public. They also provide opportunities for us to identify operational improvements.

Our complaints management process is open, friendly, flexible and accessible to everyone. Information on how and where complaints can be made is being made available.

Complaints are addressed promptly, and in a sensitive, objective, consistent, professional, unbiased manner. Where appropriate, complainants are involved in a resolution process. Issues identified during complaint management are considered in relation to potential Commission service improvement.

WHAT'S A COMPLAINT?

Complaints are expressions of dissatisfaction made to, or about the Commission. They relate to:

- Quality and/or completion of operations
- Commission member and Secretariat staff conduct
- Suspected breaches of operational procedures or the *Code of Conduct*
- The handling of a complaint

Complaints may be made in accordance with this *Policy*, or to the NSW Ombudsman directly.

Allegations of corrupt conduct should be made to the Independent Commission Against Corruption. Allegations of serious public money wastage should be made to the NSW Auditor General.

If you'd like to lodge a complaint with an external body, making an initial complaint with us is unnecessary.

SO, WHAT'S NOT A COMPLAINT?

Our *Policy* does not cover dissatisfaction with:

- Determinations, recommendations or advice made or given by the Commission
- Government decisions
- Government policy
- Legislated powers or procedures

MAKING AND MANAGING COMPLAINTS

Complainant Obligations

To assist us in managing complaints properly, complainants are asked to:

- Refrain from making frivolous, aggravating or trivial complaints
- Refrain from making complaints in a bad manner
- Allow sufficient time for the complaint to be addressed
- Follow this *Policy's* procedural steps when making a complaint
- Cooperate with the person managing the complaint

In return, complainants can expect respect, courtesy and sensitivity at all times.

How to Make a Complaint

STEP 1

If you'd like, you may phone to outline your complaint. You'll be asked to give your name and contact details, and to set out the nature of your complaint, as well as any prior actions you have taken. Some matters may be clarified and/or resolved with Secretariat staff over the phone.

If your complaint is more serious or complex, you'll be required to write or email the Commission Secretariat to formalise complaint details, and provide any supporting information before we take action. You can find the Secretariat's contact details at the end of this *Policy*.

We may accept an anonymous complaint, and will follow the procedure in relation to this circumstance – but only where sufficient information is provided.

Upon receipt of your formal complaint, the Commission will:

- Acknowledge receipt promptly
If received in writing
- Keep your personal details
In accordance with our privacy obligations
- Ensure your complaint is understood
We will seek clarification from you if necessary
- Inform you of next steps, the staff member managing your complaint, and their contact details

STEP 2

The staff member responsible for managing your complaint will:

- Determine whether the complaint can be dealt with under this *Policy*
If not, endeavour to provide information and alternative options
- Consider the seriousness, complexity and urgency of the complaint
- Consider the immediate health, safety and environmental concerns of the complaint
- Consider the impact of the issue on you
Including risks involved in delayed resolution, and

potential organisational consultation

- Gather information needed to resolve the complaint
- Refer the complaint to the Director of the Secretariat or the Commission Chairperson
Depending on the complaint nature
- Keep you informed of complaint progress
Including estimated timeframes

When considering a complaint made against an individual, we will:

- Inform the complaint subject of the complaint
- Give the complaint subject a right to be heard
- Take steps to ensure people considering the complaint do not have a personal interest in the outcome
- Act only on the basis of rational evidence
- Inform the complaint subject of the complaint nature and the proposed resolution

STEP 3

After complaint consideration and any investigation into issues raised, you'll be contacted and advised of:

- The outcome of our complaint consideration and actions taken
- The reasons for decisions made
- Proposed remedies or resolutions
- Potential review options

Resolution of a complaint may include:

- An apology
- A general review of the matter or a particular discussion
- Provision of further information
- No further action
If appropriate
- Referral to a relevant agency or integrity body

If adverse findings are made about an individual during the course of investigation, obligations to the respect of privacy under the *Privacy and Personal Information Protection Act (1998)* and applicable exemptions in the *Act* will be considered before findings are shared.

I'M NOT HAPPY WITH AN OUTCOME

If you're unhappy with the outcome of our complaint management, you may request for your complaint to be referred to the Director of the Secretariat or the Commission Chairperson. You can also refer your complaint directly to the NSW Ombudsman.

RECORDING COMPLAINTS

All complaints are to be recorded in the Commission's complaints register. They should outline the following:

- Complaint date and how it was made
- Complaint details, including issues raised
- Any remedy requested by the complainant
- Services, practices or products identified
- Name and role of staff member(s) responsible for complaint management

- Actions taken in response to the complaint
- Response time
- The advised outcome
- Outstanding issues to be followed up

When recording complaints, the Commission will comply with our obligations under the *State Records Act* (1998) and the *Privacy and Personal Information Protection Act* (1998). Personal information will only be disclosed or used as permitted under the *Privacy and Personal Information Protection Act*, our *Privacy Statement*, and any other confidentiality obligations.

COMPLAINT REPORTING

The Commission will report on received complaints, detailing the number and scope of complaints, key issues, and policy or operational responses taken in our annual report.

REVIEW OF THIS POLICY

We will periodically review the performance of the complaints management process in this *Policy*. To enhance and optimise the process, necessary improvements may be implemented.

UNREASONABLE CONDUCT

Unreasonable complainant conduct can significantly affect the progress and efficiency of our functions, and undermine our ability to respond appropriately. We are committed to managing unreasonable conduct proactively and decisively, and support staff that may be exposed to it.

Conduct is deemed 'unreasonable' when its nature or frequency raises health, safety, resource or equity issues for the Commission, Secretariat staff, other service users and consumers, or the complainant themselves. Unreasonable conduct includes behaviour that is:

- Harmful, humiliating, or abusive
- Threatening, discriminatory or comprises bullying
- Excessively persistent, demanding or uncooperative, resulting in a disproportionate, unreasonable impact on services, time or resources

Secretariat staff are encouraged to notify their immediate supervisor of any conduct considered to be unreasonable, concerning or distressing.

GENERAL ENQUIRIES AND SUGGESTIONS

The procedures in this *Policy* do not apply to general enquiries, feedback or suggestions. However, we do welcome constructive comments, suggestions for improvement, and information requests on our functions and procedures.

Contact:

Commission Secretariat
Phone (02) 9383 2100 | Fax (02) 9383 2133
Email: ipcn@ipcn.nsw.gov.au

Independent Planning Commission NSW

Level 3, 201 Elizabeth Street
Sydney, NSW 2000

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