

PROJECT TITLE: AUDIT OF THE CONSERVATION AND PROTECTION PROGRAM
 PROJECT NO: 6B011
 SECTOR: ECOSYSTEMS & FISHERIES MANAGEMENT
 DAC APPROVAL DATE: JUNE 18, 2009
 1ST STATUS REPORT UPDATE: JANUARY 7, 2010
 2ND STATUS REPORT UPDATE: JUNE 17, 2010
 3RD STATUS REPORT UPDATE: DECEMBER 17, 2010

STATUS REPORT ON THE IMPLEMENTATION OF THE MANAGEMENT ACTION PLAN

RECOMMENDATIONS	MANAGEMENT ACTION PLAN	ACTIONS COMPLETED	ACTIONS OUTSTANDING	ESTIMATED COMPLETION DATE
1. The Director General C&P should, in conjunction with Regions and with supported Sectors as appropriate, update existing policies and further develop a comprehensive suite of program policies and procedures which are centrally managed to strengthen and standardize compliance and enforcement efforts as a cohesive Departmental Enforcement Service. <i>(High importance)</i>	C&P will review all existing national policies and identify those that need updating. <i>(OPI: Conservation and Protection – Fisheries and Aquaculture Management)</i>	January 2010 Update: Review and identification of updates completed, April 2009	January 2010 Update: None	November 2008 Status: Completed
	C&P-NHQ will document and prepare a summary of all existing Regional policies.	January 2010 Update: Regional policies have been documented June 2010 Update:	January 2010 Update: Summarize existing policies to help identify and/or fill national gaps June 2010 Update:	January 2009 Revised Date: March 2010 Status: Completed
	The DG C&P will establish a National Policy Committee with clearly defined Terms of Reference.	January 2010 Update: Committee has been established and TOR approved	January 2010 Update: None	January 2009 Status: Completed
	The National Policy Committee will develop guidelines for a structure of Policies, Standard operating			February 2009 to March 2009

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	<p>Procedures and Guidelines and the hierarchy of National and Regional documents. A Guidance document will be provided for approval of Senior Management.</p>	<p>January 2010 Update: Draft document completed: next steps are regional review and final approval by C&P Directors Committee</p> <p>June 2010 Update:</p>	<p>January 2010 Update: Regional review & presentation to National C&P Directors' Committee for approval.</p> <p>June 2010 Update:</p>	<p>Revised Date: March 2010</p> <p>Status: Completed</p>
	<p>The Policy Committee will identify policy gaps and assess policy requirements. Through the use of a facilitator this Committee will develop and apply a risk management model to assess the priority for development of specific policies, procedures and guidelines. This model once accepted will form the basis for annual work planning.</p>	<p>January 2010 Update: Project underway to develop a risk-based priority setting tool for C&P policy requirements.</p> <p>On-going development of tool.</p> <p>June 2010 Update:</p>	<p>January 2010 Update: Use the tool to rank all national policy gaps. Present results of prioritization exercise to C&P Directors Committee with proposed workplan. Directors Committee to confirm priorities and assign resources.</p> <p>Tool to be tested by mid-November</p> <p>June 2010 Update: Tool used to identify policy priorities: the results were confirmed at March 2010 Director's meeting. Resources being identified by representatives of the Policy Committee. Workplan will be a</p>	<p>March 2009</p> <p>Revised Date: March 2010</p> <p>Status: Completed.</p>

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	<p>The model will be employed to assess current needs which will form a recommendation to Senior Management setting out priorities for policy development. This process will also identify research that may need to be undertaken to facilitate policy development.</p>	<p>January 2010 Update: See above risk-based prioritization tool. This item is a summary of the overall approach taken to address policy gaps. June 2010 Update:</p>	<p>living document. January 2010 Update: See above. June 2010 Update: See above.</p>	<p>March 2009 Revised Date: March 2010 Status: Completed.</p>
	<p>Phase I C&P will immediately increase its focus on determining critical policy renewal and development to be undertaken. Delivery options will be explored, including contracts, regional leads, special assignments, etc.</p>	<p>January 2010 Update: National Policy Advisory Committee established. Focus has been increased and process developed. Staffing to ensure business continuity within enforcement policy group at NHQ: temporary double booking of Chief's position. June 2010 Update:</p>	<p>January 2010 Update: Once workplan is presented to and accepted by the National C&P Directors' committee, resources must be assigned – options for delivery will be considered June 2010 Update: Casual employment in regional and national offices to lead policy projects.</p>	<p>Status: Additional resources required – at NHQ and/or through regional support. Status: Ongoing. No target date.</p>
	<p>Phase II Work to build capacity required to review and revise existing policies, and address policy gaps due to evolving enforcement issues.</p>	<p>January 2010 Update: Resources redirected towards policy review and development.</p>	<p>January 2010 Update:</p>	<p>Dependant on additional resources Status: Complete</p>

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		Note: Long-term capacity issues will require additional resources.		
<p>2. The Director General C&P should annually, in conjunction with Regional authorities review all compliance and enforcement memoranda of understanding and major formal agreements with other Sectors, departments, levels of Government and other enforcement services as a means to improve accountability and to ensure the agreements remain current, relevant and effective. (High importance)</p>	<p>C&P will conduct a review of all MOUs and formal agreements with other Sectors, departments, levels of Government and other enforcement services and will develop an electronic repository to be posted on the C&P Intranet site. A national coordinator will be assigned to maintain the repository. <i>(OPI: Conservation and Protection Program – Fisheries and Aquaculture Management)</i></p>	<p>January 2010 Update: Repository completed. Change in the C&P NHQ Organization Structure complete to accommodate this requirement. June 2010 Update: Staffing Underway December 2010 Update: Delay in staffing action.</p>	<p>An electronic list of all formal agreements and MOUs developed January 2010 Update: Staffing of a CO-02 that will include this responsibility. June 2010 Update: Complete Staffing December 2010 Update: Once staffing is complete, assign a coordinator to maintain the electronic repository and coordinate MOU review process.</p>	<p>March 2009 Revised Date: June 2010 Status 2010: October 2010 Status: March 2011</p>
	<p>The program will identify regional and/or NHQ champion(s) who will be responsible for identifying when MOUs or formal arrangement are no longer current or no longer required and will communicate this to the appropriate national committee. The national committee or individual assigned will be responsible for bringing recommendations to the National C&P Directors Committee for approval.</p>	<p>January 2010 Update: National Champion identified. Have begun identifying MOU's requiring renewal New Program officer position has the lead</p>	<p>Identify MOU's and formal arrangements requiring further review January 2010 Update: None</p>	<p>January 2010 Status: Completed. NHQ champion has been identified. Will be reviewing and coordinating renewal of MOU's and formal arrangements on an on-going basis.</p>

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	<p>C&P will have to build the required structure to support this initiative in the long term.</p>	<p>January 2010 Update: Change in organizational Structure complete</p> <p>June 2010 Update: Staffing Underway</p> <p>December 2010 Update: Delay in staffing action.</p>	<p>Repository of MOU's held nationally</p> <p>January 2010 Update: Staffing</p> <p>June 2010 Update: Complete Staffing</p> <p>December 2010 Update: Once staffing is complete, assign a coordinator to maintain the electronic repository and coordinate MOU review process.</p>	<p>January 2010</p> <p>Revised Date: June 2010</p> <p>June 2010 Update: October 2010</p> <p>Status: March 2011</p>
<p>3. The ADM Fisheries and Aquaculture Management and ADM Oceans and Habitat should revise the National Habitat Compliance Protocol to make a clear distinction between administrative and law enforcement functions, to facilitate a common collaborative approach across the department and to mitigate the potential health and safety risk to habitat officials. (High importance)</p>	<p>As part of the departmental Expenditure Review (ERC) process, Cabinet approved a "Proposal for Elimination of a Program or Activity" in 2004 that led to a significant change in the respective roles and responsibilities of the Habitat Management and Conservation and Protection Programs regarding habitat compliance activities. The National Habitat Compliance Protocol describes this new direction within a practical operational context. The potential health and safety risk has come to the forefront due to the lead role of Habitat Management staff in responding to occurrences. A joint meeting of the Habitat Management and Conservation and Protection National Directors committees will be held in early 2009 and the National</p>	<p>January 2010 Update: Directors have met. Still reviewing the C&P/HMP Protocol. C&P Directors had approved the protocol. HM Directors have raised other issues requiring resolution</p> <p>June 2010 Update: Roles and responsibilities have been refined. New training material developed. DG's meeting set in May and</p>	<ul style="list-style-type: none"> • Meeting of C&P Directors and Habitat Management Directors • Review of National Habitat Compliance Protocol <p>January 2010 Update: Further analysis and briefing of ADM's and DM for decision.</p> <p>June 2010 Update:</p>	<ul style="list-style-type: none"> • January / February 2009 • June 2009 <p>Revised Date: January 2010</p> <p>Status: Complete</p>

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	<p>Habitat Compliance Protocol will be reviewed by the Spring 2009. Health and Safety training requirements to mitigate the risk associated with occurrence response will be identified and provided to all Habitat Management staff involved in habitat inspections. (OPI: Habitat Management Program and Conservation and Protection Program.)</p>	<p>Protocol to be signed off in late May.</p>		
<p>4. The Director General C&P should, in consultation with other Sectors and Regions, promulgate an annual DFO compliance and enforcement strategy that communicates strategic program objectives and priorities with performance measures and allocates the nationally controlled resources to guide Regional planning and maximize the effectiveness of the decentralized operations through a cohesive departmental plan. (Medium importance)</p>	<p>C&P has recently completed the DFO Compliance Review and Modernization initiative and has identified medium to long term strategic direction as outlined in the new Compliance Framework. (OPI: Conservation and Protection Program-Fisheries and Aquaculture Management)</p> <p>This framework constitutes the three to five year strategic direction for the program. C&P will also refine its governance structure to include a strategic planning session with the National C&P Directors Committee near the end of every fiscal year.</p>	<p>January 2010 Update:</p> <p>Continue to promote the National Compliance Framework</p> <p>January 2010 Update:</p> <p>Annual Strategic planning meeting with the National Directors of C&P scheduled Dec, 2009 and every year in future.</p>	<p>National C&P Directors strategic planning meeting to be held annually in the Jan/Feb period. IRM workshops to be held during same period.</p> <p>January 2010 Update:</p> <p>Incorporate in C&P planning cycle beginning in FY 09/10</p> <p>January 2010 Update:</p> <p>Complete annual C&P performance report that will inform the strategic planning session</p> <p>Strategic priorities will</p>	<p>Status:</p> <p>Completed</p> <p>March 2010</p> <p>Status:</p> <p>March 2010</p>

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		<p>June 2010 Update: Planning Meeting held in December. Strategic Priorities communicated to regions. Annual performance report completed.</p>	<p>be communicated to the Regions to inform regional and operational planning</p> <p>June 2010 Update:</p>	<p>Status: Complete</p>
	<p>Regional Integrated Risk Management workshops will be held during the same time period to help assess the program risks. Priorities, targets and performance measures will be identified and included in the Sector Business Plans. National priorities will be communicated to the regional level to be incorporated into the Area operational planning process and will be reflected in the new Operational Planning and Budgeting Process.</p>	<p>January 2010 Update:</p> <p>New C&P Risk Profile completed. To be reviewed every year.</p> <p>Regional Priorities currently being identified and budgeted for in the new Operational Planning and Budgeting Process.</p>	<p>January 2010 Update:</p>	<p>Status: Completed: Regional Integrated Risk Management workshops to be conducted on an as needed basis or until further direction is provided by the Sector.</p>
<p>5. The Director General C&P should establish minimum national enforcement equipment scales and specifications for application in all Regions; and monitor future program requirements through lifecycle planning in cooperation with the Regional HQs. (Low importance)</p>	<p>C&P will develop a process for establishing and reviewing a standard equipment scale (beyond clothing and personal protective equipment). <i>(OPI: Conservation and Protection Program – Fisheries and Aquaculture Management)</i></p>	<p>January 2010 Update:</p> <p>Establishing standard equipment scales and specifications is now a function of the National</p>	<p>The Committee will identify COE's for specialized equipment</p> <p>January 2010 Update:</p> <p>None</p>	<p>Status: Completed</p>

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		Equipment Committee. The Committee will identify COE's on an as needed basis. Several COE's have already been identified.		
	C&P will establish a National committee to do the following: develop the process to evaluate equipment standards; advise on life cycle management plans; coordinate annual priority setting for equipment standards.	<p>January 2010 Update:</p> <p>Terms of Reference approved and Committee held inaugural meeting June 09</p>	<p>Establish committee and adopt Terms of Reference</p> <p>January 2010 Update:</p> <p>None</p>	<p>March 31, 2009</p> <p>Status:</p> <p>Completed</p>
	The National Equipment Committee will prepare a list of enforcement equipment, with standards where available, which will be posted on the C&P Intranet site.	<p>January 2010 Update:</p> <p>List of enforcement equipment is on website – updating is underway.</p>	<p>January 2010 Update:</p> <p>Updated list to be completed by December 31, however this will be an ongoing process.</p>	<p>September 30, 2009</p> <p>Status:</p> <p>Completed</p>
	Each region will report on their compliance with the standard and also plan for the life cycle management of this equipment. Life cycle management will only apply to equipment of a certain value to be determined. Life cycle management will be dependent on available resources.	<p>January 2010 Update:</p> <p>This is an on-going action now that the process is in place</p>	<p>Ongoing, once equipment scales and specifications established</p> <p>January 2010 Update:</p>	<p>Status:</p> <p>Completed</p>
6. The Director General C&P should establish a national intelligence program in partnership with other organizations to more effectively manage the	Under the DFO Compliance Review and Modernization initiative, the need for a national intelligence program was identified and a working group was established to develop options and recommendations for filling this		Current Intelligence and Analysis capacity including Major Case Management / Intelligence Committee will be maintained.	

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<p>program by possessing the capacity to: advise other sectors of trends or threats adversely affecting fisheries resources and fish habitat; promulgating effective strategic guidance for Regional C&P activities; and supporting the Regional efforts in all three pillars with useful intelligence products. <i>(Medium importance)</i></p>	<p>gap in the program. This working group has developed a model to achieve the intelligence gathering and analysis objectives. <i>(OPI: Conservation and Protection Program.)</i></p>	<p>January 2010 Update: Major Case Management/ Intelligence Committee Maintained and active</p>	<p>January 2010 Update: None</p>	<p>Status: Completed</p>
	<p>The C&P program has successfully piloted Regional intelligence programs that have proven to be effective and will likely continue to be supported internally.</p>	<p>January 2010 Update: Continuing to support regional intelligence programs</p>	<p>January 2010 Update:</p>	<p>Status: Completed</p>
	<p>There are presently insufficient resources and very limited flexibility within C&P to implement a fully functional model across the country. Initial focus - plan activities based on current resources; identify the priorities for current capacity.</p>	<p>January 2010 Update: Regional planning for Major Case Management activities based on current funding levels</p>	<p>January 2010 Update: Will continue to plan within current funding envelope</p>	<p>Status: Completed</p>
	<p>Maintain a more detailed plan for Intelligence Analysis and Major Case Management capacity to provide guidance for gradual growth should resources become available.</p>	<p>January 2010 Update: Detailed plan for fully developed Major Case Management program developed</p>	<p>January 2010 Update: None</p>	<p>Status: Completed</p>
<p>7. The ADM Fisheries and Aquaculture Management should strengthen controls for fishery officer, guardian and inspector designations pursuant to Sections 5 and 38 of the</p>	<p>Designation, monitoring authority and record keeping for all Fishery Officer and Habitat Inspector designations are already centralized at NHQ. C&P will review and update the current inventory including class designations of other enforcement organizations.</p>			December 2008
		<p>January 2010 Update: List of designation current</p>	<p>January 2010 Update: None</p>	<p>Status: Completed</p>

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<p>Fisheries Act by: centralizing the designation and monitoring authority under the Director General C&P; and making compliance with the Code of Conduct for Fishery Officers, or for other enforcement services, their own professional enforcement code of conduct or equivalent measures agreeable to the Director General C&P, a condition of designation under the Act. (Medium importance)</p>	<p><i>(OPI: Conservation and Protection Program – Fisheries and Aquaculture Management)</i></p>			
	<p>All of DFO sectors receiving designations under Sections 5 will be advised of the requirement to respect and adhere to the Code of Conduct.</p>	<p>January 2010 Update:</p> <p>June 2010 Update: No update</p> <p>December 2010 Update: Letter sent to DG CCG Fleet regarding the requirement for designated CCG staff to adhere to the <i>Code of Conduct for Fishery Officers</i>.</p> <p>Note: CCG is the only other DFO sector that carries out enforcement functions. The Habitat Compliance Protocol was recently amended so that Fishery Officers will be performing the duties of Habitat Inspectors. All other DFO sectors with designations will be guided by the proposed DFO Values and Ethics Code (VICR led initiative).</p>	<p>January 2010 Update:</p> <p>Letter to be prepared and sent to all organizations receiving designations.</p> <p>June 2010 Update: See last update</p> <p>December 2010 Update:</p>	<p>March 2009</p> <p>Revised Date: March 2010</p> <p>Status: October 2010</p> <p>Status: Completed</p>
	<p>New training requirements for s. 38</p>			<p>December 2008</p>

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	designations will be developed. This training will become a prerequisite for Inspector designations	<p>January 2010 Update:</p> <p>Habitat Inspection and Investigation Course revised and new Habitat Compliance Decision Framework Course developed and delivered. These are prerequisites to Inspector Designations</p>	<p>January 2010 Update:</p> <p>None</p>	<p>Status:</p> <p>Completed</p>
	As the authority to designate guardians rests with the RDG's, records for these designation will continue to be managed by the regions but will be updated and provided to NHQ on a regular basis.	<p>January 2010 Update:</p> <p></p> <p>June 2010 Update: No update.</p> <p>December 2010 Update: Letter sent to RDGs from ADM EFM requesting a report on current guardian designations; Ongoing annual reporting requirements.</p>	<p>January 2010 Update:</p> <p>Letter to be prepared and sent to the Regions requesting a regular update on Guardian Designations.</p> <p>June 2010 Update: See January update</p> <p>December 2010 Update:</p> <p>None</p>	<p>March 2009 Revised Date:</p> <p>March 2010</p> <p>Status: October 2010</p> <p>Status: Completed</p>
	C&P will review class designations, including a survey of activities carried out under these designations since the last survey. C&P will document the code of conduct or similar standards that designated individuals or classes are subjected to. Will then assess the implications and consider the options.	<p>January 2010 Update:</p> <p></p> <p>June 2010 Update: No update</p>	<p>January 2010 Update:</p> <p>Letter to be sent out to all organizations that receive class designations.</p> <p>June 2010 Update: See January update</p>	<p>March 2010 Revised Date:</p> <p>June 2010</p> <p>Status: October 2010</p>

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		<p>December 2010 Update: Review of all class designations.</p>	<p>December 2010 Update: Send a letter to all organizations that receive class designations including expectations for codes of conduct.</p>	<p>Status: March 2011</p>
<p>8. The Director General C&P should develop competency profiles stating knowledge, skill and experience standards and expand the FOCPP beyond GT-04 through the management levels to support human resource development and succession planning. (Low importance)</p>	<p>Competency profiles for all C&P positions currently exist with the exceptions of Area Chiefs (PM-06). <i>(OPI: Conservation and Protection Program – Fisheries and Aquaculture Management)</i></p>	<p>January 2010 Update: Competency Profiles being developed for the PM-06's as part of the development of the National Model Work Descriptions for these positions. June 2010 Update: NMWP completed currently with classification</p>	<p>January 2010 Update: Complete and approve NMWD for PM-06's. June 2010 Update:</p>	<p>Revised Date: March 2010 Status: October 2010</p>
		<p>December 2010 Update: Decision to use the generic competency profile for the PM-06 position, and allow regional flexibility to amend it to meet specific needs.</p>	<p>December 2010 Update: NMWD for PM-06 is not yet completed – still with the <i>Organization and Classification Centre of Expertise</i>.</p>	<p>Status: Completed</p>
	<p>The current FOCPP budget is limited largely to supporting the ongoing recruitment and training process (one troop of 30 recruits per year to keep up with attrition). C&P supports this recommendation relating to human resource development and succession planning beyond the GT-04 level and will attempt to secure funds to make this happen.</p>	<p>January 2010 Update: Professional Development beyond the GT-04 level continues on an opportunistic basis. No new resources to enhance this activity</p>	<p>January 2010 Update: Continue to seek funding – on going</p>	<p>Ongoing, no target date. Status: Completed</p>

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	The National C&P Training Committee will continue to identify opportunities for human resource development beyond the GT-04 level based on the existing competency profiles.	January 2010 Update: National C&P Training Committee continue to be active in identifying opportunities for human resource development	January 2010 Update: None	Ongoing, no target date. Status: Completed
	All C&P staff will be given the opportunity to develop Personal Learning Plans.	January 2010 Update: All C&P Staff given opportunity to develop Personal Learning Plans On-going basis	January 2010 Update: None	Ongoing, no commitment beyond current program Status: Completed
9. The Director General C&P should introduce a professional standards audit program independent of line reporting relationships to maintain professional competencies at all levels. (Low importance)	The C&P program has already recognized the need for a professional standards audit program. Efforts were made a number of years ago to establish formal audit processes. Workload and resource issues have slowed progress on these initiatives. (OPI: Conservation and Protection Program – Fisheries and Aquaculture Management)	January 2010 Update: The occasional professional standards audit being conducted in the regions on an as needed basis.	January 2010 Update: None	No Target Dates Status: Completed
	Given all of the other commitments and funding pressures, C&P is not in a position to commit to any new investments in a professional standards audit program.	January 2010 Update: No new actions completed	January 2010 Update: None	Status: Completed

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<p>10. The Director General C&P should introduce a formal public complaint process independent of line reporting as a means to enhance professional competence, accountability and transparency for those who perform fisheries and habitat compliance, inspection and enforcement functions pursuant to Sections 5 and 38 of the Fisheries Act. <i>(Medium importance)</i></p>	<p>The public have the opportunity to forward complaints to the Minister or DFO Senior Management. The C&P program already has a well established Code of Conduct which deals with the majority of issues that are raised regarding alleged improper behaviour on the part of fishery officers, including certain situations involving public complaints (depending on the circumstances). <i>(OPI: Conservation and Protection Program – Fisheries and Aquaculture Management)</i></p>	<p>January 2010 Update: Continue to apply the National C&P Code of Conduct process</p>	<p>January 2010 Update: None</p>	<p>Status: Completed</p>
	<p>C&P will examine a process developed by the Pacific Region for receiving, tracking and responding to public complaints, to determine if there is potential to expand the process for national application.</p>	<p>January 2010 Update: Pacific Region public complaints policy currently being reviewed.</p>	<p>January 2010 Update: Pacific Policy Review results and options for consideration to be brought forward to the National C&P Directors Committee for decision.</p>	<p>March 2009 Revised Date: March 2010</p>

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		<p>June 2010 Update: Review completed.</p>	<p>June 2010 Update: Ongoing research for alternatives. Discussion of Pacific process at May 2010 Directors meeting.</p> <p>Public complaints policy gap was ranked using the prioritization tool (Item 1) and now included in policy workplan (ranked 34 of 38).</p>	<p>Status: Completed. Refer to policy workplan.</p>
	<p>The cost of introducing a formal public complaint process and interference complaint process with independent oversight bodies would be prohibitive and could not be justified given the amount of cases that would be referred. The current process and options to go outside of this process are adequate to ensure that complaints are dealt with in a fair and transparent manner.</p>	<p>January 2010 Update: See above</p>	<p>January 2010 Update: See above</p>	<p>No Target Dates Status: Completed</p>