

Internal Review of Council Decisions Procedure

Reference Number:	Section 6 No. 13
Responsible Department:	Governance
Related Policy/Procedure:	6.12 Complaints Handling Policy
Date of Adoption:	21 November 2000
Current Review Date:	24 March 2020
Minute Reference:	Page 2020/38
Version Number:	Amendment No. 4
Applicable Legislation:	Local Government Act, 1999 s270
Next Review Date:	July 2023
Review Frequency:	Within 12 months of a Council election

1. Purpose

The purpose is to describe the procedure that will be applied by Light Regional Council in dealing with applications for a formal review relating to decisions of the Council, employees of the Council, and other persons acting on behalf of the Council.

2. Legislation

The Procedure will apply as set out in this document and in accordance with Section 270 of the Act.

3 Aims

The Light Regional Council's aim is to:

- Demonstrate its commitment to transparent decision-making processes, and to providing access to a fair and objective procedure for the internal review of decisions.
- Resolve grievances quickly and efficiently, without the need for formal applications for review to be lodged, where possible.
- Focus on council's approach to service delivery and provide a further opportunity to review the way Council provides services to the community, and to identify areas for improvement.

4. Internal Review of Council Decision Procedures

In this section the following terms mean;

"Application" refers to a formal request for review of a decision of Council

"Applicant" refers to the person(s) who lodge an Application

¹"Contact Officer" is the Chief Executive Officer (CEO). The CEO may subdelegate the role of Contact Officer. The Contact Officer cannot be the Review Officer (see clause 4.4.3)

¹ LG Act 1999 Part 2 S270 2(b)

4.1 Application of the Internal Review of Council Decisions Procedure.

The Procedure assumes that generally a matter commences as a grievance and may move into a formal request for internal review of a Council decision, if the matter is not resolved and the person is still aggrieved.

Issues arise about a range of matters during the course of Council's day to day activities. Most grievances are initially made verbally by telephone, face-to-face to a Council officer, via email or in writing. Sometimes Elected Members also receive grievances. Grievances will be referred to the relevant Council staff member in the first instance and ²prompt action generally results in the matter being resolved informally and without the requirement to follow the steps set out in the Procedure.

³The Procedure will apply to formal requests for review of a decision of the Council, its employees or other persons acting on behalf of Council except where alternative statutory procedures are available to the Applicant including:

- Electoral Issues – Local Government (Elections) Act
- Planning, Development and Infrastructure Act matters
- Freedom of Information requests
- Expiation of Offences – for example, dog and parking Controls
- By-Laws and Order Making powers
- Objections to valuations of properties and attribution of land use to land
- Declarations
- Invalid Rate
- Code of Conduct issues
- Employment related matters
- Conflict of Interest matters – Council members
- Electoral sign issues
- Decisions made pursuant to other Acts, which provide for specific review or appeal mechanisms in relation to the decision
- Matters relating to HACC services, where specific complaint mechanisms are identified.

An Application will initiate the process under the Procedure.

² refer to Light Regional Council's Complaints Handling Policy

³ LG Act 1999 Part 2 S270 (1)(a)(b)(c)

4.2 Applicants

Where an Applicant makes an Application under the Procedure the matter will be dealt with as set out in the Procedure. The Chief Executive Officer may dispense with the requirement that an Application be lodged for a matter to be handled pursuant to the Procedure and may notwithstanding the absence of an Application deal with a matter pursuant to the Procedure.

The Procedure will apply to all applications or requests for review of a decision of the Council, an employee of the Council or other person acting on behalf of the Council, except in instances where specific review or appeal procedures are prescribed in legislation. Examples are shown at clause 4.1.

Any person may lodge an Application. Residents, ratepayers, members of a community group, users of Council's facilities, and visitors to the area all have the right to lodge an Application.

4.3 Lodging the application

⁴A formal Application must be made in writing lodged by letter, fax or e-mail, to the Contact Officer. Each such request must contain the following information;

- Applicant name/contact information
- Date of lodgement
- Reasons for and details of the request for review
- Resolution sought by applicant
- Other relevant information.

Assistance will be provided to Applicants where necessary.

Council will seek to maintain confidentiality as far as is possible, and only relevant parties will be involved. Applicants will be encouraged to observe confidentiality also, as this is likely to achieve the fairest result for all concerned. However, the Council has obligations in relation to the release of information under amongst other Acts, the Local Government Act 1999 and the Freedom of Information Act 2001 which may require the Council to disclose details including details about the Applicant and the Application. Applicants should not assume that such details will be kept confidential.

4.4 Review of Application

4.4.1 ⁵Principles of natural justice will be observed in dealing with an Application. All parties will have the opportunity to express their point of view, be heard, provide relevant information, and respond to issues raised. Council has a Contact Officer who is responsible for dealing with an Application in the first instance.

⁴ LG Act 1999 Part 2 S270 (2)(a)

⁵ LG Act 1999 Part 2 S270 (2)(b)

- 4.2.2 Dealing with grievances at the local level is the most effective way of resolving matters quickly. Applicants for review of decisions will be encouraged to participate in the review procedure co-operatively. However, this will not negate citizens' rights to seek external/independent review through the State Ombudsman, other legal appeal processes, or the Courts.
- 4.4.3 The Contact Officer will assess the request, determine the appropriate action, and arrange for the Application to be considered by a Review Officer, unless the Application is to be referred to the Council for consideration. The Review Officer will be a Senior Officer not associated with the decision to which the Application relates and will be appointed by the Contact Officer or the Council.
- 4.4.4 ⁶Some matters will be referred directly to Council for consideration or re-consideration. The types of Applications that will be referred to Council are those regarding:
- Decisions made by resolution of Council.
 - Council endorsed objectives and policies.
 - Budgetary matters, or evaluation of service delivery matters.
 - Civic and ceremonial matters.
 - The Internal Review of Council Decisions Procedure, or the process applied.
 - Issues that are likely to be of interest to the wider community.
 - Matters which may involve litigation.
 - Determinations to refuse to consider an Application on the grounds that the Application is frivolous or vexatious, or where the Applicant does not have a sufficient interest in the matter
 - Any other matters at the discretion of the Contact Officer or Chief Executive Officer.
- 4.4.5 ⁷Applications that relate to the impact that any declaration of rates or service charges may have on ratepayers will be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act.
- 4.4.6 The Contact Officer has several options when deciding to initiate an internal review.

Namely the Contact Officer may refer the matter directly to the Council or a Committee of Council; undertake the review process; allocate the matter to a Review Officer (independent of the original decision) of the Council; refer the matter for an independent review by an officer or internal review committee (such as the Governance Advisory Panel) or outside of the organisation; or, the Contact Officer may wish to seek legal advice on the matter prior to referring the issue to any of the aforementioned.

⁶ LG Act 1999 Part 2 S270 (2)(c)

⁷ LG Act 1999 Part 2 S270 (2)(ca)

Alternatively, or in addition to this Procedure, the Contact Officer, in accordance with Section 271 of the Local Government Act 1999, may make provision for disputes between a person and the council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.

4.4.7 ⁸On the completion of the review process, the Contact Officer shall ensure that any outcomes resulting from the review are relayed to the relevant parties, ensuring that all parties are informed of the rationale/reasons for the outcome of the review. Where the matter is not resolved to the Applicant's satisfaction, the Contact Officer should advise the Applicant about the options for external/independent review, which may include referral to the State Ombudsman, legal advice, and/or the courts.

4.5 Review Timeframe

⁹An Application will be formally acknowledged within 5 working days of receipt, and advice will be provided to the Applicant about the expected timeframe for dealing with the Application. In most cases an Application will be considered within 30 days, although in some circumstances it may take longer, for example where an Application has been referred to the Council for consideration or where, due to the nature or complexity of the Application, additional time is required. However, in all cases, Applicants will be kept informed about the progress of the review and advised in writing of the outcome of the review procedure and process.

If Applications are not resolved satisfactorily, Applicants will be advised of other options for review, such as the State Ombudsman, legal advice, and/or the courts.

4.6 Record Keeping

Keep clear and accurate records of interviews and review actions, focussing on factual information. Records are to be kept safe and secure, utilising ¹⁰InfoXpert with only relevant parties given authority to access to the records.

Staff will provide a report stating the use of the Internal Review of Council Decisions in the Annual Report in accordance with the Local Government Act, Section 270 (8).

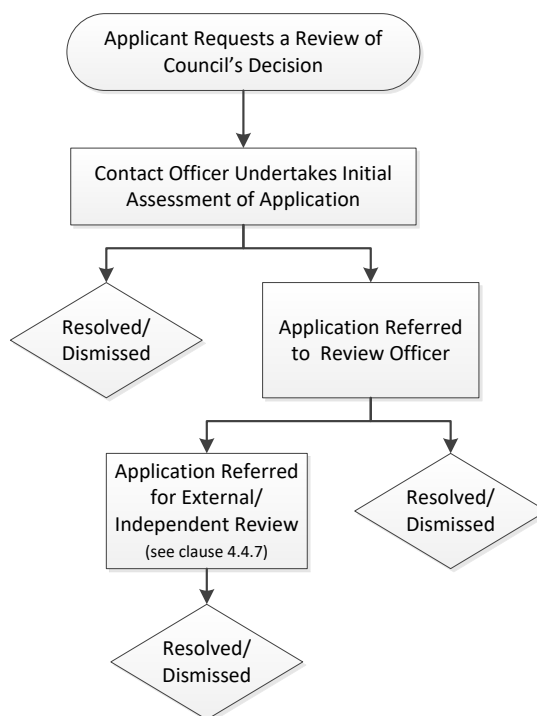
⁸ LG Act 1999 Part 2 S270 (2)(d)

⁹ LG Act 1999 Part 2 S270 (2)(e) and (d)

¹⁰ Council's electronic records management system

4.7 Review Options Available to Applicants

The following diagram demonstrates the review processes available to the Applicant for the review of a decision of the Council, an employee of the Council or other person acting on the Council's behalf.



5. References

Local Government Act 1999

Complaints Handling Policy

6. Review and Re-Evaluation

In order to ensure Council continues to provide the best possible internal review of council decisions for its customers, this procedure will be subject to evaluation and review within 12 months of a Council election.

History of Procedure Amendment

1. Procedure adopted 21/11/2000 see Council Minutes Reference 15.2.6, Page 2000/380
2. Guidelines adopted 13/12/2000 see Council Minutes Reference 15.2.7, Page 2000/401
3. Amendment No. 1 was adopted by Council on 21 August 2007, see Minute Reference 10.2.1, Page 2007/247.
4. Amendment No. 2 was adopted at Council meeting held 26 November 2013, see Minute Reference GAP9.2.2/2013 Page 2013/369.
5. Amendment No. 3 was adopted at Council meeting held 28 July 2015, see Minute Reference 28 July 2015 Page 2015/231
6. Amendment No. 4 adopted at Council meeting held 24 March 2020 Minute reference GAP9.2.3/2020, Page 2020/38.

For further information:

All initial enquiries should be made to the Council's Chief Executive Officer situated at the Light Regional Council's Kapunda office, 93 Main Street, Kapunda (or by telephoning 08 8525 3200 during office hours ie 9.00 am to 5.00 pm; or to email address "light@light.sa.gov.au") for advice about the Procedure.

Copies of the Procedure are available from the Light Regional Council at no charge.