



DISTRICT COUNCIL OF
OROROO/CARRIETON
Southern Flinders Ranges • Established 1997

Internal Review of Council Decisions

Revised on 9 January 2007

Introduction

Section 270 Local Government Act 1999 requires all Councils to establish procedures for the review of decisions of:

- the Council
- employees of the Council
- other persons acting on behalf of the Council.

The District Council of Ororoo Carrieton is committed to transparent decision making processes and to providing access to a fair and objective procedure for the internal review of decisions.

This policy and procedure has been developed to inform and assist those persons seeking a formal review of decisions which adversely affect them.

The District Council of Ororoo Carrieton Internal Review of Council Decisions Policy has been adopted in accordance with the requirements of Section 270 of the Local Government Act.

Grievances / Complaints

For the purpose of this policy and procedure a grievance will mean “a real or imaginary wrong causing resentment and regarded as grounds for complaint”.

Grievances and subsequent complaints may arise as a result of dissatisfaction with a decision about a policy, procedure, service or fee. All attempts will be made to resolve grievances and complaints quickly and efficiently, without the need for formal processes to be applied. Sometimes this cannot be achieved. This procedure provides guidance for dealing with formal requests for review of decisions of Council, its employees, and other people acting on behalf of Council.

Dealing with grievances and complaints 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 handling process co-operatively. However, this will not negate citizens’ rights to seek external review through the State Ombudsman, other legal appeal processes, the Courts, or mediation and neutral evaluation at any time during the complaint handling process.

When Will the Procedure Apply?

Issues arise about a range of matters during the course of Council’s day to day activities. Most grievances / complaints are initially made verbally by telephone, face-to-face to a Council officer, or some may be made in writing in the first instance. Sometimes Elected Members also receive grievances / complaints. Grievances / complaints will be referred to the relevant Council staff member in the first instance and prompt action generally results in the matter being resolved satisfactorily.

This procedure will apply to matters that are **not** resolved satisfactorily. A formal application or request for review of a decision will therefore initiate the procedure process. The person who lodges a formal request for internal review is referred to as the “applicant”.

This procedure will apply to all formal requests for review of decisions, except in instances where specific procedures are prescribed in relevant legislation for example Development Act, Freedom of Information Act or assignment of land use codes and valuation of rateable property provisions in the Local Government Act.

Who Can Lodge a Request for a Review of a Decision?

Any person who is affected by the decisions made by Council may lodge a request for internal review under this process. For example, residents, ratepayers, members of a community group, users of Council's facilities, visitors to the area and those submitting tenders all have the right to lodge a request for review.

How is an Application for Review Lodged?

Formal requests for the review of Council decisions are to be made in writing providing full details about the grievance. This application must include:

- a statement clearly indicating which decision/s the applicant wishes to have reviewed
- a statement outlining the reason the review is requested
- any other relevant information

Assistance may be available to applicants where necessary, including the use of an interpreter, providing assistance with a disability or referring applicants to an advocate to help prepare a written application.

If the request for review of a decision made by the Council as the elected body, or a decision made by an employee of the Council, the application should be addressed to the Chief Executive Officer, District Council of Ororoo Carrieton, PO Box 3, Ororoo SA 5431.

If the request is for a review of a decision made by the Chief Executive Officer, the application should be addressed to the Manager, Finance and Administration, District Council of Ororoo Carrieton, PO Box 3, Ororoo SA 5431.

How Will an Application for Review Be Dealt With?

Principles of natural justice will be observed in dealing with all matters. All parties will have the opportunity to express their point of view, provide relevant information, and respond to issues raised. Council has nominated the Chief Executive Officer or delegate as the Officer who is responsible for dealing with grievances. The Chief Executive Officer or delegate will assess grievances, determine the appropriate action, and arrange for independent investigation if necessary.

The Council (or Chief Executive Officer acting on its behalf) may also decline to consider an application:

- made by a Council employee relating to an employment issue
- which appears frivolous or vexatious
- where the applicant is not seen as having a sufficient interest in the matter; or
- where alternative statutory review processes exist (in particular this applies to the Development Act matters where well developed review mechanisms exist)

It is considered inappropriate to use this review procedure where alternative statutory processes existing including:

- Electoral issues – Local Government (Elections) Act
- Development Act matters
- Freedom of Information requests
- Decisions made through delegations under other Acts, such as Country Fire Services Act (S40 notices), Health and Food Act etc

Some matters will be referred directly to Council for consideration or re-consideration. The types of requests for review of Council decisions that will be referred to Council are those regarding:

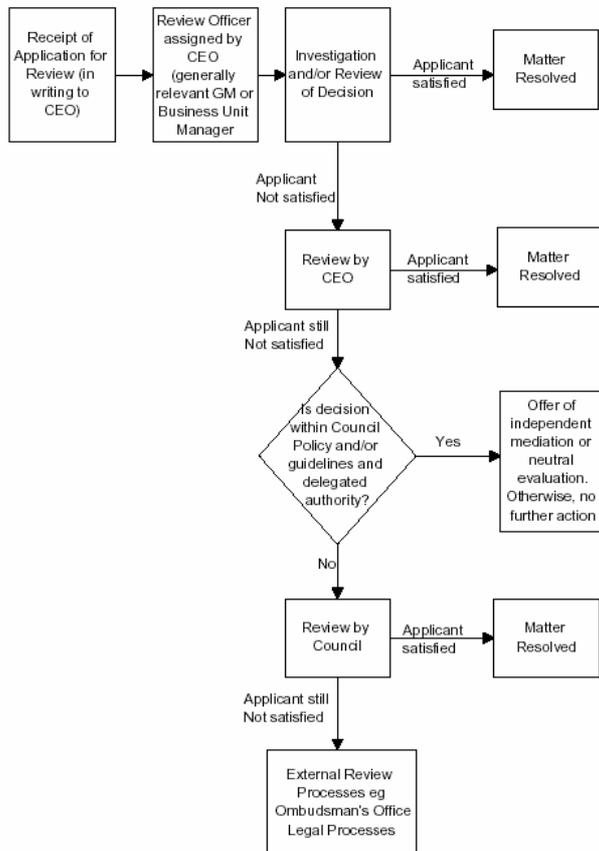
- Decisions made by resolution of Council
- Alteration to an adopted Council Policy
- Any other matter at the discretion of the Chief Executive Officer

Council requires the Chief Executive Officer to make a judgement about the severity of complaints regarding the above matters, so as not to hold up Council meeting time on matters which whilst falling into the above categories, are of a relatively minor nature. However, where such a matter is likely to be of interest to the wider community the Chief Executive Officer shall consult the Chairman or relevant Committee Chairman.

How Long Will it Take for Application for Review to be Assessed?

A request for review of a Council decision will be formally acknowledged within 5 days of receipt, including advice to applicants about the expected timeframe for dealing with the matter. In most cases applications for review will be considered within 21 days, although in some circumstances it may take longer. 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.

The following diagram represents the process endorsed by Council where a grievance results in a review of decisions.



If applications for review are not resolved satisfactorily, applicants will be advised of other options for review, such as the State Ombudsman, legal advice, and / or the courts or mediation and neutral evaluation.

Nothing in this procedure prevents an applicant from making a complaint to the Ombudsman under the Ombudsman Act 1972 at any time during or after any of the steps of the process.

For Further Information

The Chief Executive Officer is The District Council of Orroroo/Carrieton's Contact Officer for advice about the Internal Review of Council Decisions policy and procedure. Contact details are Chief Executive Officer, District Council of Orroroo Carrieton, PO Box 3, Orroroo SA 5431, phone (08) 8658 1260, facsimile (08) 8658 1434, email council@orroroo.sa.gov.au

Copies of the Internal Review of Council Decisions Policy are available from the District Council of Orroroo Carrieton, 17 Second Street, Orroroo SA 5431 at no charge. It is also accessible on Council's website at www.orraroo.sa.gov.au

This Policy was adopted by resolution of the Council on 8 April 2003

This Policy was reviewed on 9 January 2007

This Policy is scheduled for review in January 2010