

	<p style="text-align: center;">GOVERNANCE POLICY</p> <p style="text-align: center;">INTERNAL REVIEW OF COUNCIL DECISIONS</p>	Policy Number Version Number Issued Last Review Next Review GDS	G1.13 5 July 2012 October 2023 November 2027 9.63.1.1
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INTERNAL REVIEW OF COUNCIL DECISIONS

POLICY

1. Purpose

The Flinders Ranges Council (Council) is committed to transparent decision-making processes, and to providing access to a fair and objective procedure for the internal review of decisions.

Grievances 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 quickly and efficiently, without the need for formal applications for review to be lodged. Sometimes this cannot be achieved. The policy provides guidance for dealing with formal requests for internal review of decisions of Council, its employees, and other people acting on behalf of the Council.

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 handling process co-operatively. However, this will not negate citizens' rights to seek external review through the State Ombudsman, other legal appeal processes, or the Courts at any time during the internal review process.

2. The Local Government Act 1999

The Flinders Ranges Council's Internal Review of Council Decisions Procedure, has been adopted in accordance with Section 270 of the *Local Government Act 1999 SA* (the Act). The Procedure is one aspect of Council's customer focused approach to service delivery. It provides a further opportunity to review the way Council provides services to the community, and to identify areas for improvement.

3. When will the Internal Review of Council Decisions Procedure Apply?

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, or some may be made in writing in the first instance. Sometimes Council members also receive grievances. Grievances will be referred to the relevant Council staff member in the first instance and prompt action generally results in the matter being resolved satisfactorily.

The Internal Review of Council Decisions Procedure will apply to requests for review of decisions of Council, its employees or other persons acting on behalf of Council. 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".

The Internal Review of Council Decisions Procedure will apply to all formal requests for review of Council decisions, except in instances where specific procedures are prescribed in Local Government or other relevant legislation. For example, Conflict of Interest, Election and Voting, Development Act, and Freedom of Information Act matters.

Examples of when other processes will be used include:

- Electoral Issues – *Local Government (Elections) Act*
- *Development Act* matters
- Freedom of Information requests
- Expiation of Offences – for example, dog and parking controls
- By-Laws and Order making powers
- Rates
 - Valuations – Valuer General
 - Declarations
 - Invalid Rate
 - Land Use
- Code of Conduct issues
- Employment related matters

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- Conflict of Interest matters
- Electoral sign issues
- Decisions made through delegations under other Acts, such as (but not limited to)
 - *Fire and Emergency Services Act (Section 105F notices)*
 - *Water Resources Act*
 - *SA Public Health Act*
 - *Food Act*

Matters that fall outside statutory appeals procedures will be considered for the conduct of a Section 270 review on the merit of the application.

All requests for a Section 270 review must be made within six (6) months of the date of the original decision that is the subject of the Section 270 review.

4. Who can Lodge a Request for a Review of a Decision?

Any person who is directly affected by the decisions made by Council, may lodge a request for Internal Review of a Council decision. For example, 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 for review.

5. How can a Request for a Review of a Decision be Lodged?

Formal requests for the review of Council decisions are to be made in writing to the Chief Executive Officer, providing full details about the review request. Assistance will be provided to applicants where necessary, including the use of an interpreter, providing assistance for people with a disability, or referring applicants to an advocate to help prepare a written application.

Council undertakes 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.

6. How will a request for internal review of a council decision 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 a Contact Officer who is responsible for dealing with the request for review of a Council decision in the first instance. The Council's Chief Executive Officer is the Contact Officer.

The Contact Officer will assess the request, determine the appropriate action, and arrange for independent review if necessary. Should the applicant not be satisfied with the decision of the Contact Officer then, if necessary the matter will be referred to the Council.

Some matters will be referred directly to Council for consideration or re-consideration.

The types of requests for review of Council decisions that could 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
- Recommendations to refuse to review a decision raised by an applicant on the grounds that it is frivolous or vexatious, or where the applicant does not have a sufficient interest in the matter
- Matters where legal procedures have not been followed, for example, relating to leases and licences, and tenders
- Any other matters at the discretion of the Contact Officer.



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Matters may also be dealt with through independent mediation, where the associated costs will be shared equally between Council and the applicant. The Contact Officer will discuss this option with applicants where relevant.

7. How long will it take for the Request for Review of a Council Decision to be Assessed?

A request for review of a Council decision will be formally acknowledged within 5 (five) 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.

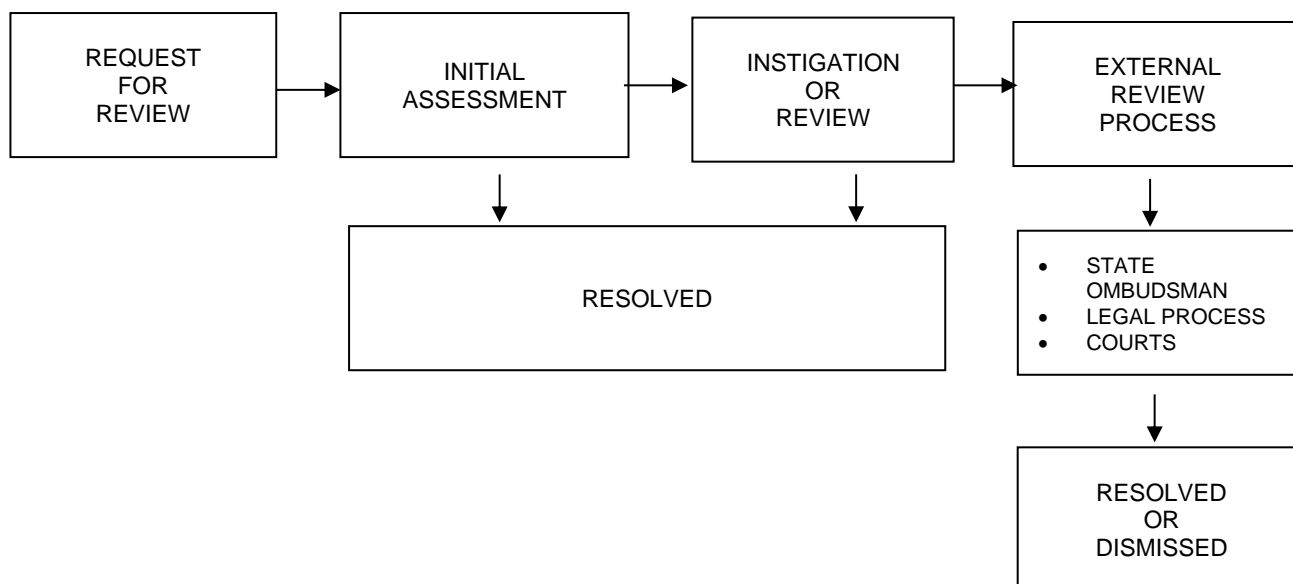
A request for review relating to the impact of a rate or service charge will be formally acknowledged within 2 (two) days of receipt, including advice to the applicant about the expected timeframe for dealing with the matter pursuant to Section 270 (2) (ca) of the Local Government Act 1999, and in conjunction with Council's Rating Policy (G1.28).

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 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.

8. The Process Adopted

The following diagram demonstrates the review processes available to the applicant for the review of Council decisions.



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Further Information:

The Chief Executive Officer is The Flinders Ranges Council's Contact Officer for advice about the Internal Review of Council Decisions and for any further information, please contact -

Chief Executive Officer
The Flinders Ranges Council
PO Box 43
Quorn SA 5433

Telephone: 08 8620 0500
Email: council@frc.sa.gov.au

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

RESPONSIBILITIES

The Chief Executive Officer is accountable for ensuring the proper operation of this Policy.

LEGISLATION

[Local Government Act 1999 SA](#)
[Freedom of Information Act 1991](#)

REFERENCES

G1.28 Rating Policy

REVIEW

To be reviewed within 12 months after a General Election, in line with legislation and any legislative changes or by resolution of Council.

Adopted by Council 14 August 2012
Resolution 164/2012

Review Date	Version Number	Change	Resolution
13 August 2013	1	Nil	180/2013
30 June 2015	2	3. Reference to Acts reviewed, ie <i>Fire and Emergency Services Act, SA Public Health Act</i> 7. specific reference to 270 (2)(ca) of <i>Local Government Act</i> Review – standard policy wording Policy reviewed by Lawyers (Reviewed by Policy Review Reference Committee – Minutes endorsed by Council; public consultation process approved 21 July 2015)	229/2015
20 December 2016	3	Inclusion of recommendations 3 & 4 of the Ombudsman – Audit of LG Internal Review of Councils Decisions Procedures	277/2016
19 October 2021	4	Minor grammar and formatting changes	246/2021
17 October 2023	5	Minor changes regular review	283/2023