



REVIEW OF COUNCIL DECISIONS

Under the
Local Government Act 1999

PROCEDURES

Approved on: 1 May 2003
Reviewed on: 30 May 2009

Responsible Department/Officer	Administrator
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Related Procedures/Policies	
Reference to Strategic Plan	

1. INTRODUCTION

The Roxby Downs Council (“the Council”) is committed to accountable and transparent decision making processes, and to providing access to a fair and objective procedure for the internal review of Council 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. This Procedure provides guidance for dealing with formal requests for internal review of decisions of the Council, its employees, and other people acting on behalf of 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.

The Council’s Internal Review of Council Decisions Procedure, has been adopted in accordance with Section 270 of the Local Government Act. The Procedure is one aspect of Council’s customer focussed approach to service delivery associated with delivery of Local Government services. It provides a further opportunity to review the way Council provides services to the community, and to identify areas for improvement.

2 DEFINITIONS

Applicant: The person who lodges a formal request for internal review.

Decisions: Any decision made by the Council, employees of Council or other persons acting on behalf of the Council made by resolution or delegated authority, or is unhappy with the resolution of a compliant.

Grievance Where a person disagrees with a decision of the Council made by resolution or delegated authority, or is unhappy with the resolution of a compliant.

3 APPLICABILITY

Issues arise about a range of matters during the course of the 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. 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 the 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.

It is considered inappropriate to use the Council's procedure when an alternative statutory process for review exists in the Local Government Act or other legislation. Matters that fall into this category include decisions under the Development Act, Expiation of Offences, Bylaws, Rates, Employment related issues and decisions through delegation under the Country Fires Act and Health Act.

In particular Council operates separate businesses of Roxby Power (Electricity Supply) and Roxby Water (Water & Sewerage Services) under the Roxby Downs (Indenture Ratification) Act 1982. Each business has separate legislative standards that apply and the Internal Review of Council Decisions Procedure are not necessarily applicable.

4 LODGING A REQUEST FOR A REVIEW OF A DECISION

Any person, who is affected by the decisions made by the Council, may lodge a request for Internal Review of a Council decision. For example, residents, ratepayers, members of a community group, users of the Council's facilities, and visitors to the area all have the right to lodge an application for review.

5 HOW TO REQUEST A REVIEW OF A DECISION.

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

The written request must clearly set out:

- which decision(s) the applicant wishes to have reviewed;
- the reasons why the review is being requested;
- any other relevant information; and
- the applicant's name and contact details.

Council will not charge a fee on an application for review.

Council undertakes to maintain confidentiality as far as is possible, with only relevant parties being involved. Applicants will be encouraged to observe confidentiality also, as this is likely to achieve the fairest result for all concerned.

If the application and the review is required to be reported to Council and therefore becomes the subject of a Council report, the applicant will be advised if that is the case, as it may not be possible to keep the matter confidential if it is outside the criteria of Part 3 of Chapter 6 of the Local Government Act 1999

6 HOW WILL A REQUEST FOR A REVIEW BE HANDLED?

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. The review will be conducted in a fair, objective, and reasonable manner throughout. Accurate records of interviews and review actions will be kept safe and secure.

As far as practicable the reviewing officer will not be a person who was either involved in the original decision which is the subject of the request for review, has a personal interest in the outcome of the review or has a personal relationship with the applicant or other party relevant to the review.

Council has nominated its Office Manager as the Contact Officer responsible for dealing with the initial request for a review of a Council decision. The Contact Officer will assess the request, determine the appropriate action, and, if necessary, arrange for independent review by the Administrator. If the review relates to a decision of the Administrator, the reviewing officer will not be the Administrator, but will be an independent person(s).

Some matters will be referred directly to the Administrator 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
- Council endorsed objectives and policies.
- Budgetary matters or evaluation of service delivery 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.
- Any other matters at the discretion of the Contact Officer or Administrator.

The Council may refuse to deal with a request for review if:

- it is made by an employee of the Council and relates to an issue concerning his or her employment;
- It appears the application is vexatious or frivolous;
- The applicant does not have sufficient interest in the matter.

At the Administrators sole discretion the matter may be referred to the Roxby Downs Advisory Group for advice.

7. TIME FRAME & PROCESS

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.

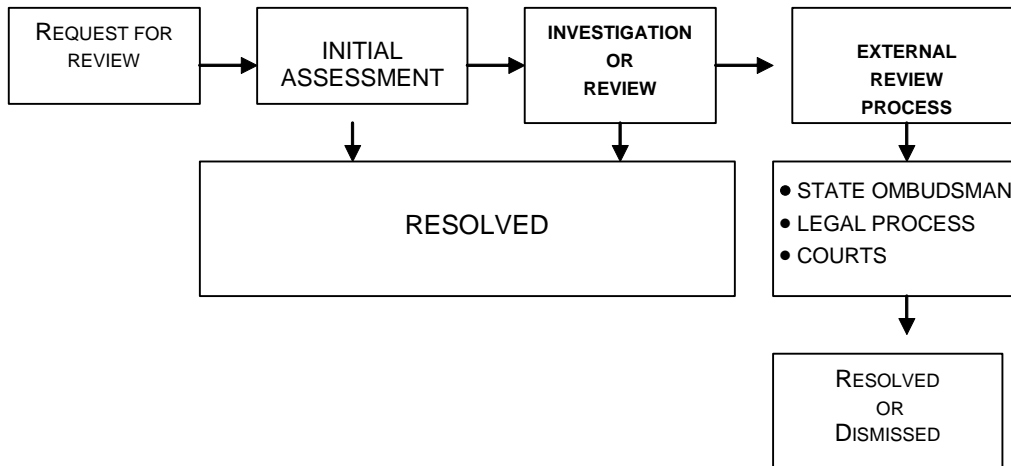
However, in all cases, applicants will be kept informed about the progress of the review, and advised in writing of the outcome of the review procedure and process. All records of the process will be kept safe and secure; with only relevant parties with a genuine interest having access to the records.

The applicant may seek review by the Ombudsman at any stage through the review process pursuant to the Ombudsman Act 1972. In the event, after liaison with the Ombudsman the review may be suspended until the outcome of the Ombudsman's review is completed.

If applications for review are not resolved satisfactorily, applicants will be advised of other options for review, including the State Ombudsman, , and/or the District Court.

At any stage of the process, the applicant may direct their grievance to the Ombudsman.

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



8 REVIEW OF DECISIONS RELATING TO RATES AND SERVICES CHARGES

Requests for reviews of a decision relating to the impact that any declaration of rates or service charges may have had on ratepayers will be dealt with as promptly as reasonably practicable.

The right of the Council to recover rates is not suspended by an application for the provision of some form of relief or concession with respect to the payment of those rates.

As a result of an application for review, and if warranted in the circumstances, the Council may:

- refund the whole or part of any amount paid by way of rates or service charges;
- other forms of relief or concession available under the Act.

9. REPORT ON REVIEWS

A complete set of records will be registered in Council's record management system relating to the application, the investigation and the outcomes.

The Council will on an annual basis, prepare and consider a report pursuant to Section 270(8) of the Act that relates to:

- the number of applicants for reviews under this policy;
- the kinds of matters that the applications related to;
- the outcome of the applications under this Policy;
- any other matters prescribed by regulations.

10. ACCESS TO THE REVIEW OF COUNCIL DECISIONS PROCEDURES

Copies of the Review of Council Decisions Procedures are available for inspection at the Council's website www.roxbycouncil.com.au and at the Council Office, Richardson Place, Roxby Downs SA 5725.

11. FURTHER INFORMATION

For further information about the procedure and other options for review, please contact Margaret Anchor Administrative Officer at the Council Office, Richardson Place, Roxby Downs SA 5725.

Phone: 08 8671 0010
Fax: 08 8671 0452
Email: roxby@roxbycouncil.com.au.

Copies of the Procedure are available from Richardson Place Roxby Downs at no charge.

This Procedure is available on the Council's website.

Bill Boehm
Administrator