	PROCEDURE 101	Version:	6
	Internal Review of Decisions	Date Adopted:	12 Nov 2019
		Next Review Due:	Oct 2023

This procedure relates to the Customer Experience Policy for customer service-related matters.

1. DEFINITIONS

Please refer to the Customer Experience Policy for the definitions

2. Procedure

The Internal Review of Decisions is Level 3 of the complaints handling process and generally a last resort, but it may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO. An internal review of decisions can be applied for relating to decisions of:

- the Council;
- employees of the Council; and
- other persons acting on behalf of the Council

Please refer to the Customer Experience Policy as not all types of decisions are eligible for review under this procedure.

2.1 Requesting an Internal Review of Decisions

All applications for an Internal Review must be received in writing describing the reasons for applying for the review and what is believed to be wrong with the decision. Applications need to be submitted within 6 months of the decision being made.

The customer can provide and is encouraged to provide new relevant information or evidence to support their application.

Written requests can be submitted by:

Email	council@wattlerange.sa.gov.au Note: A system generated return email is automatically sent acknowledging receipt of an email submission, if you do not receive this, Council may not have received your email.
Letter	Sent to PO Box 27 Millicent SA 5280; or Lodged at a Council office.


Council encourages customers to provide their identity for their review to be fully processed. A person may remain anonymous, but where insufficient information is provided in a request, the matter may not be able to be properly investigated and notification on progress may not be able to be provided to the informant.

Applicants are encouraged to provide the below details (which will be recorded):

- Customer Name
- Customer Address
- Customer Preferred Phone Number
- Customer Email
- Reason for requesting internal review
- Supporting documentation relating to the decision (including any new information).

If the review is being requested on another person's behalf the other person's details will need to be captured.

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Officers will record the following information with an application for Internal Review:

- Date and time received
- Officer lodging the application
- Officer assigned to

2.2 Acknowledging a Request for Internal Review

All applications will be acknowledged with a return email or letter within 10 business days of receipt, advising that the request has been received and forwarded onto the relevant officer for action/review.

The Chief Executive Officer (CEO) will assign an Internal Review Contact Officer (IRCO) for the application who is responsible for:

- determining whether or not the decision is subject to review under this procedure;
- working in conjunction with the appropriately delegated officer to determine how the review will be handle;
- advising the applicant of the process to be undertaken and the time of the next contact; and
- ensuring the application is properly lodged, assigned and adequate records are maintained;
- updating the Internal Review Register.

When an IRCO has been selected, they will contact the customer advising of the expected timeframe for dealing with the matter.

Council will use its best endeavours to ensure that a review of the original decision will be completed within 20 business days. In more complex cases where a decision is to be reviewed by Council, a committee, or an external panel there may be delays caused by meeting cycle timelines.

The applicant will be regularly informed of progress, either by email, letter or telephone. Verbal conversations should be followed up in writing (where possible) or a file note made.

2.2.1 Applications for a Review of the Impact of Rates or Services Charges

If Council receives an application for a review of a decision concerning the financial impact of Council rates or services charges, these will be dealt with as a matter of priority and as per legislative requirements.


2.2.2 Refusing an Application for Review

An application may be refused if—

- the application is made by an employee of the Council and relates to an issue concerning his or her employment; or
- it appears that the application is frivolous or vexatious; or
- the applicant does not have a sufficient interest in the matter. (refer s270(4) LG Act)

Refusing an application for review will not be done lightly and the evidence on which a refusal is based will be documented.

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Where a matter has been referred to the Local Government Association Mutual Liability Scheme (LGAMLS) and the LGAMLS have refused a claim or potential claim against the Council, on behalf of Council or where the LGAMLS have refused or provided advice to Council to refuse a claim in response to a threat of legal action against the Council, an application for review of a decision in connection with that claim or action (including the decision to refer the matter to the LGAMLS) will be vexatious.

2.3 Undertaking a Review

2.3.1 Internal Review Contact Officer

The role of the IRCO is to be the single point of contact for the applicant. The IRCO will ensure that an appropriate reviewer is assigned and may assist the reviewer.

2.3.2 Assignment of Applications for Review

The Council (being the group of members appointed or elected to the Council) will be the reviewer when:

- the decision being reviewed was made by a Committee of the Council or the CEO;
- the decision relates to civic and ceremonial matters; or
- in other circumstances as determined by the CEO or resolution of the Council.

Where the Council is not the reviewer, a reviewer will be chosen from the following:

- CEO or their nominee,
- A panel comprised of Council Members and Senior Staff,
- A panel of experts external to the organisation,
- An external body or person.

Wherever possible and appropriate, Council will seek to involve an external person or panel to assist with the review, including the enlistment of employees of other Councils.


2.3.3 Role of Reviewer

The reviewer will undertake a merits review of the decision.

The reviewer will consider all materials and information which were available to the original decisionmaker and any additional relevant information or material provided which has been provided or become available during the course of the review.

The reviewer will 'stand in the shoes' of the original decision-maker and determine the appropriate decision on the basis of the relevant circumstances and available information and materials.

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2.3.4 Providing 'Procedural Fairness'

The reviewer will observe the principles of procedural fairness (also called 'natural justice') when undertaking the review. To observe the principles of procedural fairness:

- an applicant is entitled to put forward information and materials in support of the application for review;
- be informed of the proposed outcome of the review, have the opportunity to make submissions to the reviewer on the outcome and have these submissions taken into account; and
- the reviewer must not have a bias or perceived bias in respect of undertaking the review.

2.4 Providing reasons

While there is no statutory requirement to give reasons for a decision, Council will provide reasons for the decision of the reviewer where practicable.

Council will always give reasons to explain the outcome where:

- A decision is not in accordance with a Council policy;
- A decision is likely to detrimentally affect rights or interests of individuals (or organisations) in a material way; or
- Conditions are attached to any approval, consent, permit, licence or other authorisation.

2.5 Outcome of review

Where the reviewer is the elected Council or a panel comprising of Elected Members and a staff member, the elected Council should determine whether to affirm, vary or revoke the original decision.

Where the reviewer is a Council employee, the employee may determine whether to affirm, vary or revoke the original decision if authority to make the decision has been delegated to that employee. If the reviewer does not have a delegation enabling the making of the decision, then the reviewer should report the outcome of the review to the elected Council (or delegate) for a determination as to whether the decision should be affirmed, varied or revoked.

Where the reviewer is an external person or body then the reviewer should report the outcome of the review to the elected Council for a determination as to whether the decision should be affirmed, varied or revoked. An external reviewer cannot vary or revoke a decision made by or on behalf of Council.


2.6 Recording and Reporting on Internal Reviews

All applications will be recorded into the Council's Records Management System and logged into the register of internal reviews.

Information captured into the Internal Review Register will be reported on in Council's Annual Report and provided to Council;

- The number of applications for review made
- The kinds of matters to which the applications relate
- The outcomes of the applications

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3. REVIEW

This Procedure will be reviewed every four years after each general election.

Reviews must be done in consultation with the Executive Leadership Team, Council Staff and Council Members.

4. AVAILABILITY

This Policy is available for inspection without charge at the following location during ordinary business hours:

- Principal Office, "Civic Centre", George Street, Millicent
- Council Website: www.wattlerange.sa.gov.au.

A copy of the Policy may be purchased from the Principal Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

5. REFERENCES & FURTHER READING

References	•
Relevant Legislation:	<ul style="list-style-type: none"> • <i>Local Government Act 1999</i> – Sections 125, 254, 270, 270(8), 271 • <i>Development Act 1993</i> • <i>Freedom of Information Act 1991</i>
Relevant Policies / Procedures / Guidelines	<p>This Procedure should be read in conjunction with:</p> <ul style="list-style-type: none"> • Attachment A – Internal Review of Council Decision • Policy Customer Experience • Whistleblowers' Protection Policy • Fraud and Corruption Prevention Policy • Procedure Compliments and Complaints Handling • Procedure Unreasonable Customer Conduct • Procedure Request for Service • Council's Records Management Procedure

6. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	12 December 2006	Council	Adopted	Folio 3789; Item 18.1.2
2	14 December 2010	Council	Reviewed	Folio 4496; Item 16.1.7
3	13 August 2012	Council	Amended	Folio 4797; Item 11.1.1
4	11 December 2012	Council	Reviewed and Amended	Folio 4847; Item 11.1.9
5	14 July 2015	Council	Reviewed and Amended	Folio 6115; Item 11.2.4
6	12 November 2019	Council	Reviewed. Policy statements merged into Customer Experience Policy. Now Procedure	Folio 8697; Item 15.2.12

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Attachment A – Internal Review of Council Decision

