

<b>Internal Review of a Council Decision Procedure</b>		Admin Procedure No: 12.99472	<i>Records only</i>
Function: Governance		Responsible Manager: Graham Webster	
Procedure Version: 1 Date:	Procedure: Next Review: 2015	Procedure Controlled Document Number:	
Template Version: 1 Date: Nov 2010	Template: Next Review Date: Nov 2012	Template Controlled Document No: 10.720	
Associated Policy(s): Internal Review of a Council Decision		Associated Procedures:	

## 1. PURPOSE

There is a requirement under section 270 of the *Local Government Act 1999* that Council has policies, procedures and practices in place for dealing with requests to review Council decisions. This procedure should be read in conjunction with the Internal Review of a Council Decision Policy and outlines the process to be followed in such a review.

## 2. SCOPE

This process will not be used in instances where there are specific legislated appeal processes in place for the matter which is the subject of the complaint.

## 3. DEFINITIONS

**IRCO** means the Internal Review Contact Officer.

**Section 270 review** means an internal review of a Council decision.

## 4. REFERENCES

Activity	Action	Responsibility	Documentation	Information
Application for a review of a decision	1 Request from resident/ratepayer to the CEO	Internal Review Contact Officer (IRCO)	The complaint is recorded in TRIM	<ol style="list-style-type: none"> <li>1. All requests must be in writing to the CEO.</li> <li>2. The request is forwarded to the IRCO for initial processing.</li> <li>3. Letter of acknowledgement is sent to the applicant within 10 business days.</li> <li>4. Where possible, an indication of the time the review might take is provided to the applicant.</li> </ol>

<b>Appointment of a reviewer</b>	2 Decision made as to whether the review should be conducted by Council or the CEO (or his/her delegate)	CEO	Council report or file relating to decision	<ol style="list-style-type: none"> <li>1. If the complaint is about a decision of the Council or the CEO, then Council is the reviewing body. The CEO will appoint a Review Officer to investigate and report back to Council.</li> <li>2. If the complaint is about a decision of an officer or an agent of the Council, then the CEO will appoint a Review Officer.</li> <li>3. The Review Officer will be a senior Council officer with no association with the matter under review.</li> <li>4. If this is not possible, an external person will be appointed.</li> <li>5. The applicant is informed of the Review Officer.</li> </ol>
<b>Conduct of the investigation</b>	3 Review of all documents / authorisations etc  Communication with all parties	Review Officer or Council	TRIM documents Council agenda/ minutes Delegations Authorisations Council policies	<ol style="list-style-type: none"> <li>1. All relevant documentation related to the decision is reviewed.</li> <li>2. All Council policies relied on for the decision are reviewed.</li> <li>3. Delegations and/or authorisations relied on in the decision-making are reviewed.</li> <li>4. Additional information/clarification sought from all parties as required.</li> <li>5. All parties provided with information and provided with opportunities to respond.</li> <li>6. All parties informed of the progress of the review, especially if there are delays.</li> <li>7. If Council is conducting the investigation, a report is prepared for Council by the Review Officer.</li> </ol>
<b>Outcome of the review</b>	4 The complaint is upheld, or  the complaint is not upheld	Review Officer or Council	Report to Council if relevant Letter of advice to applicant	<p><b>Council</b></p> <ul style="list-style-type: none"> <li>▪ Based on the report of the Review Officer, the Council passes a resolution to either uphold the complaint or not - providing reasons for the decision and any proposed remedies.</li> </ul> <p><b>Administration</b></p> <ul style="list-style-type: none"> <li>▪ Based on the report of the Review Officer, the CEO will make a determination – providing reasons for the decision and any proposed remedies.</li> </ul> <p><b>Review Officer</b></p> <ul style="list-style-type: none"> <li>▪ If the complaint is not upheld, reasons will be provided to the applicant to substantiate this decision.</li> <li>▪ If the complaint is upheld, the applicant will be advised of the decision and any proposed methods for remedying the situation.</li> </ul>

<b>Timeframes</b>	5	Adherence to pre-determined time frames.	Review Officer IRCO	<ul style="list-style-type: none"> <li>▪ Initial complaint is to be responded to within 10 business days.</li> <li>▪ It is anticipated that most complaints will be finalised within 28 days.</li> <li>▪ More complex issues or those requiring a Council decision will take longer to resolve and may take 6 weeks or longer.</li> </ul>
<b>Appeal mechanisms</b>	6	Option for appeal	Applicant	If an applicant is dissatisfied with the outcome of a Council review, the applicant can refer the matter to the Ombudsman.
<b>Annual reporting</b>	7	Report to Council Annual Report	IRCO	<p>Council agenda &amp; minutes Annual Report</p> <ul style="list-style-type: none"> <li>▪ An annual report must be presented to Council which must detail: <ul style="list-style-type: none"> <li>- the number of section 270 applications to review a decision</li> <li>- the subject matter of the complaints</li> <li>- the outcomes of the reviews</li> </ul> </li> <li>▪ This report can also detail improvements made to services, policies, procedures or practices as a result of the review/s.</li> <li>▪ A similar report must appear in the Annual Report.</li> </ul>

**This Procedure will be reviewed annually or as required by the Responsible Manager.**