

Independent Review of a Decision Policy

Adopted by Council 25 February 2020

public

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MITCHAM

1. PREAMBLE

The City of Mitcham is committed to transparent decision-making processes and to providing access to a fair and objective procedure for the review of decisions to those who feel they have been adversely affected.

Council, its committees, staff and contractors make decisions every day that impact members of the community. It is imperative that these decisions are fair, objective, transparent and subject to review.

Requests for review of a Council Decision are managed in accordance with Council's Complaints Management Policy and may be resolved via the following processes (shown at diagram1):

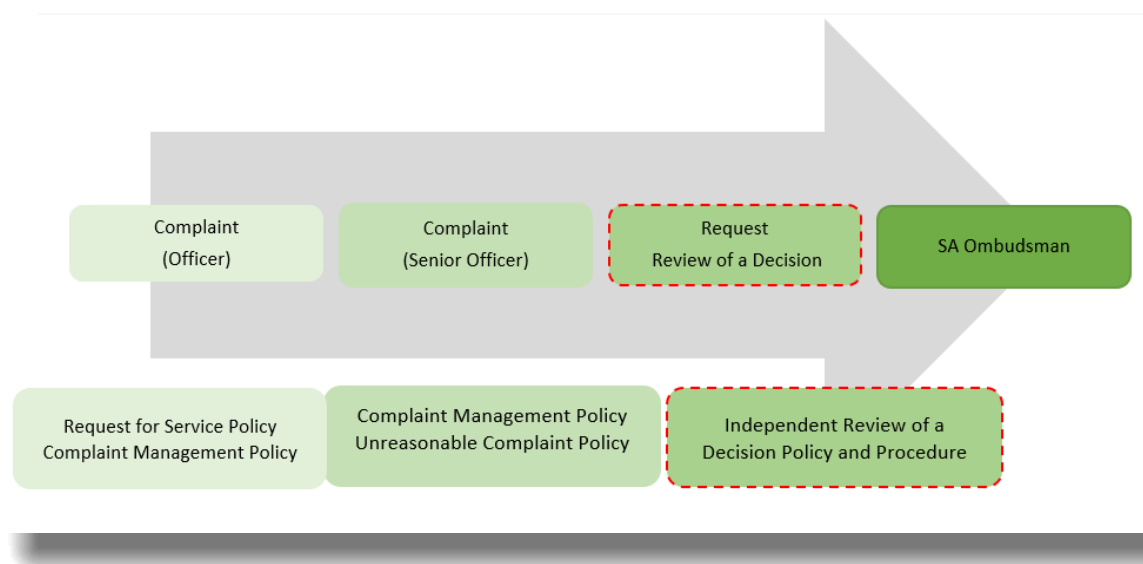
1. An informal, immediate resolution to a request for review of a decision (wherever possible);
2. Escalation of the complaint **to** a more senior officer; and if requested escalation to;
3. An internal review of a decision under Section 270 of the *Local Government Act 1999* ('the Act') where an application is lodged. This does not preclude a complainant from contacting the South Australian Ombudsman at any time.

Section 270 of the Act requires Council to maintain policies, practices and procedures for dealing with requests for service, complaints and requests for the internal review of decisions of:

- a) Council;
- b) Employees of the Council; and
- c) other persons acting on behalf of the Council.

An application for a review of a Council Decision provides Council with an opportunity to revisit a Decision which has aggrieved an interested party. It can also be considered as an opportunity for improvement to services or process.

Diagram1



2. PURPOSE

The purpose of this policy is to provide direction for how Council will manage a formal request for the internal review of a Council Decision (including a decision by its employees and other people acting on behalf of Council).

3. SCOPE

Council aims to resolve all requests for review of a decision as quickly and effectively as possible. Council Administration will seek to ensure that any person who makes an application to review a Council decision is made aware of the process under section 270 of the Act.

Council Administration will encourage parties to participate in a resolution process prior to lodging an application for internal review of a Council decision (conciliation, mediation or neutral evaluation).

In some cases, legislation provides for a statutory process to appeal and/or review certain Council decisions. These decisions are outside the scope of a section 270 review but may be considered for a review under section 270 on the merits of the individual application. A list of the Acts which contain specific appeal and/or review procedures relevant to certain Council decisions appears in Appendix A of this Policy.

Applications for a section 270 review in relation to matters that fall outside of statutory appeal or review procedures will be considered on their merits.

The Council is not required to cease or delay implementing a decision that is the subject of an application or request for review of a Council Decision. The Council may, however, choose to do so as a matter of discretion where it considers this is appropriate.

Under Section 270 of the Act, any person is entitled to ask for a review of a Decision made by Council, its employees or other person acting on behalf of Council. This is referred to as a Section 270 Internal Review.¹ The purpose of an independent review is to review the decision in relation to process and merit.²

4. DEFINITIONS

Act means the *Local Government Act 1999*.

Administration refers to the Employees responsible for implementing the decisions of the Council and managing the day-to-day responsibilities of running the organisation

Alternative Dispute Resolution includes mediation, conciliation and neutral evaluation as set out in Section 271 of the Act

¹ Resolution of Council 10 December 2019 *Item 9.2 Independent Review of a Decision Policy (s270), Request for Service and Unreasonable Complaints and Requests Policies* - Decision 2.

² Resolution of Council 25 February 2020 *Item 9.7 Independent Review of a Decision Policy (S270)*

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Applicant is any party lodging a written application or request for a review of a decision, and could be an individual or a group, residents, ratepayers, business owner(s), users of Council facilities and visitors to the area.

Business day means a day when the Council is normally open for business, i.e. Monday to Friday, excluding public holidays.

CEO is the person occupying the office of the Chief Executive Officer of the City of Mitcham.

Council refers to the elected decision-making body of the City of Mitcham.

Conciliation is a voluntary process in which the parties to a dispute identify the issues, develop options, consider alternatives and endeavour to reach an agreement prior to commencing a section 270 review.

Council Administration refers to the Employees of the City of Mitcham.

Decision is a position adopted by the Council, a Council committee, Council employees and/or any person acting on behalf of the Council, which may, for example, involve a determination to take a certain course of action. In the case of decisions made by the Council (the elected body) or a Council committee, these decisions are arrived at by a formal resolution made at a Council or committee meeting.

Decision-maker refers to the individual or entity responsible for the decision under review.

Employee includes a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and persons providing services to, or on behalf of, the Council even though they may be employed by another party.

Frivolous request is a request from an Applicant, whereby the granting or progression by Council, would result in an unreasonable diversion of public resources, as it relates to unsubstantiated claims and/or a matter that has already been dealt with by the Council.

Investigator is a person who fulfils the role of reviewer and is usually an external appointment.

IRCO is the *Internal Review Contact Officer* who is appointed to act as liaison between Council and the Applicant.

Mediation is a voluntary process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement.

Neutral Evaluation is a process in which the parties to a dispute present arguments and evidence to a dispute resolution practitioner (evaluator).

Procedural Fairness is acting in accordance with the principles of natural justice including by ensuring relevant parties are (where applicable) provided with a reasonable opportunity to be heard, to provide information and to respond to issues raised.

Reviewer refers to the individual or entity who is given the responsibility for the resolution of a request for review of a decision.

Sufficient Interest means, an interest in the Decision which is beyond that of any other member of the public and must confer a benefit or advantage or relieve the complainant of a detriment or disadvantage to which the complainant would otherwise have been subjected to.

Vexatious request is any request from an Applicant that is mischievous, unsubstantiated or unsupported by evidence, or if progressed would serve only to cause annoyance to another party.

5. PRINCIPLES

The principles underpinning this Policy are:

5.1 Fair treatment which requires impartiality and transparency at all stages of the process and the provision of reasonable opportunity for the applicant to provide information and further comment.

5.2 Accessibility which includes generating awareness of Council's policies and procedures including how to lodge a formal review and providing assistance to applicant's as may reasonably be necessary to enable them to lodge an application for a section 270 review

5.3 Responsiveness to reviews which requires the provision of sufficient resources, well trained staff and a willingness to review and improve Council systems and ensuring completion in a timely manner.

5.4 Efficiency in resolving reviews as quickly as possible, while ensuring that each application is dealt with at a level that is appropriate to the complexity of the Decision.

5.5 Integrated approach to issues under review which have overlapping functional responsibilities.

5.6 Continuous Improvement by monitoring the effectiveness of council processes and practices and implementing identified improvements to enhance their effectiveness and/or efficiency.

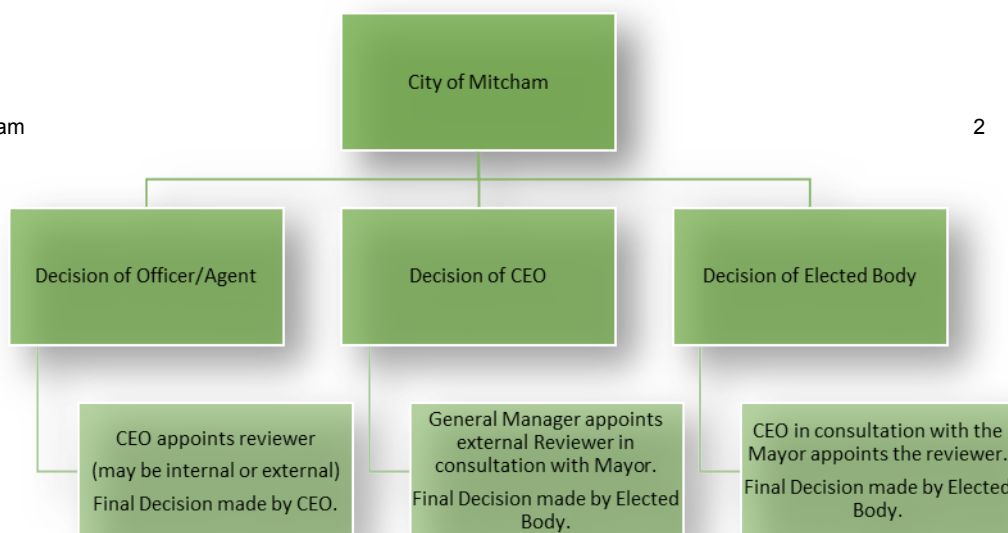
6. PROCEDURAL INFORMATION

Detailed procedures of how this policy (requests for a review of decision) are managed are provided at Attachment B of this Policy. However, the following is provided for ease of reference;

- Any person can make an application for a review of a decision,
- An initial response will be made within five (5) days of receipt by IRCO,
- An independent review will be attempted to be completed as soon as possible (within six (6) months),
- An applicant will be informed of the review's progress by IRCO,
- The decision sought to be reviewed must have been made within 6 months,
- The following may trigger a refusal (by IRCO);
 - The matter is related to an employment matter
 - The application appears to be frivolous or vexatious
 - The applicant does not have sufficient interest in the matter
- An IRCO may be appointed by the CEO as the Reviewing Officer (see also diagram 2 below;
- Applicants will be afforded natural justice, and treated respectfully in accordance with the principles contained within the policy,
- Where appropriate, reasons for the decision will be provided to the Applicant,
- Where a review results in the Applicants grievance being upheld (original decision overturned) various outcomes may occur however any financial compensation will be a decision of the CEO and/or Council having first consulted Council's Mutual Liability Scheme.

Diagram

2



7. PROCEDURAL FAIRNESS

The City of Mitcham will ensure that the principles of natural justice will be provided to an Applicant when administering a Section 270 review by ensuring the relevant parties are provided with a reasonable opportunity to be heard, to provide information and to respond to issues raised.

8. SUFFICIENT INTEREST

Applicants requesting a review of a Decision must have Sufficient interest in the decision requested to be reviewed. This involves consideration of Attachment B including (but not limited to) the following;

- The actual or apprehended benefit or injury or damage or discrimination to the Applicant's proprietary rights, business, economic interests, social or political interests; and
- the propinquity of the Applicant in relation to the decision made (proximity, kinship, similarity).

9. PRIVACY AND CONFIDENTIALITY

Applicants should be aware that the details of any request for review of Council decision may be included in the Council Agenda and Minutes which are public documents. Where this occurs, the applicant's name and address will be kept confidential in so far as it is practicable to do so. If this is not practicable, the applicant will be advised.

All applications for review of Council decision lodged with Council are subject to the *Freedom of Information Act 1991* and may be disclosed in accordance with the provisions of that legislation.

Whilst the confidentiality of applications for review cannot be guaranteed, where a request for review is referred to the Council for determination, the Council may consider the matter in confidence if it is lawful and appropriate to do so, subject to one of the grounds under section 90(3) of the Act being satisfied.

AVAILABILITY OF POLICY

The policy is a public document and is available for inspection at the:

Customer Service Centre
City of Mitcham
131 Belair Road
TORRENS PARK SA 5062

It is available for inspection and downloading from Council's website www.mitchamcouncil.sa.gov.au

POLICY REVIEW

In order to ensure Council continues to provide the best possible service responses to its customers, this policy will be subject to periodic evaluation, with delegation provided to the CEO to make minor amendments that do not change the intention of the policy. Next review November 2022.

VERSION HISTORY

VERSION	AUTHOR(S) POSITION	CHANGES	DATE
1	Governance Officer		26/09/2000
2	Governance Officer		20/12/2005
3	Governance Officer	Annual reporting	9/05/2006
4	Governance Officer	Comprehensive review	23/10/2012
5	Governance Officer	Comprehensive review	10/2/2017
6	Team Leader Governance	Definitions inclusion of sufficient interest (clause 4), Principles numbered (clause 5), Policy statement removed (clause 6) to procedure, Addition of Procedural Fairness (clause 6), Addition of Sufficient Interest (clause 7), Addition of	December 2019

		Frivolous & Vexatious Complaints (clause 8).	
7	Team Leader Governance	Refer to Item 9.7 Independent Review of a Decision Policy (s270) , 25 February 2020.	28 February 2020
8	Team Leader Governance	Removal of reference to <i>Development Act 1993</i> and replace with <i>Planning and Development Act 2016</i>	10 June 2021

DOCUMENT CONTROL

Responsible Department	Organisational and Community Development		
Delegations Apply	YES		
Classification	Governance		
Applicable legislation	Local Government Act 1999 (Section 270)		
Related Policies & Corporate Documents	Internal Review of a Council Decision - Procedure Complaints Management Policy Customer Service Policy Rating Policy Statement		
Additional references	Ombudsman SA, RIGHT OF REVIEW, An audit of Local Government Internal Review of Council Decisions Procedures. Ombudsman SA, Valuing Complaints - An audit of complaint handling in South Australian councils – November 2011		
Endorsed by Council:	10 December 2019	Item No:	9.2
Effective Date:	11 December 2019	Next Review Date:	November 2022
ECM Number:	3419166		

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APPENDIX A

Legislation that provides for statutory appeal/review processes that may be applicable to decisions subject of an application for a section 270 review.

Community Titles Act 1996

Dog and Cat Management Act 1995

Environment Protection Act 1993

Expiation of Offences Act 1996

Fire and Emergency Services Act 2005

Food Act 2001

Freedom of Information Act 1991

Heavy Vehicle National Law (South Australia) Act 2013

Local Government (Elections) Act 1999

Local Government Act 1999

Natural Resources Management Act 2004

Planning, Development and Infrastructure Act 2016

Road Traffic Act 1961

Roads (Opening and Closing) Act 1991

South Australian Public Health Act 2011

Strata Titles Act 1988

Supported Residential Facilities Act 1992

Work Health Safety Act 2012

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APPENDIX B – INDEPENDENT REVIEW OF A DECISION PROCEDURE



INDEPENDENT REVIEW OF A DECISION PROCEDURE

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1. PURPOSE

The purpose of this Procedure is to clearly outline the process for managing a formal request for the internal review of a Decision, supporting the Internal Review of a Decision Policy.

2. SCOPE

This Procedure applies to all requests for a review of a Decision application.

3. DEFINITIONS

Refer also to the Independent Review of a Decision Policy.

Kinship means a closeness in relationship.

Proximity means a closeness in location.

Similarity means a closeness to a group or class of persons.

References to the singular include a reference to the plural and vice versa.

4. PRINCIPLES

The principles underpinning this Procedure are outlined in Clause 5 of Council's Internal Review of a Decision Policy and include, fair treatment, accessibility, responsiveness, efficiency, integrated approach and continuous improvement.

5. PROCEDURAL FAIRNESS

Council Administration will ensure that any person requesting a review of a Decision will be afforded the right and opportunity, in line with procedural fairness, to:

- be provided with an opportunity to reply in a way that is appropriate for the circumstances;
- have their reply received and considered before a decision is made;
- to receive all information before preparing their reply including:
 - a description of the Decision;
 - the criteria for making the Decision; and
 - any information on which any such decision would be based.
- to be afforded a reasonable chance to consider their position and provide a reply; and
- to have their submission considered thoroughly and given proper and genuine consideration by Council Administration.

Council Administration will follow the steps set out in **Clause 7** below to achieve the elements of procedural fairness.

Council Administration will also analyse whether the Applicant has Sufficient Interest in the subject matter of the Decision in determining whether to refuse any application for review in accordance with Section 270(4)(c) of the Act 1999.

6. SUFFICIENT INTEREST

Sufficient Interest, as defined in this Procedure, generally requires that the Applicant demonstrate an interest in the subject matter of the action which is beyond that of any other member of the public.

This initial step will be undertaken by the IRCO in determining whether to proceed with a request to review a Decision under Section 270 of the Act. The IRCO will turn their mind to Proximity, Kinship and Similarity in assessing Sufficient Interest.

In determining whether an Applicant has Sufficient Interest in the subject matter of a Decision, the Applicant will be required to provide evidence of and/or demonstrate (but not limited to), all or a combination of the following:

- the Decision has caused the Applicant more than just a mere intellectual or emotional concern and that the Applicant will gain some advantage or disadvantage, other than the satisfaction of righting a wrong, upholding a principle or winning a contest;
- the Applicant has a direct relationship either individually or as part of a representative body in relation to the issue in dispute within the Decision;
- demonstrate the Applicant has suffered actual or apprehended injury or damage to the Applicant's proprietary rights, business or economic interests or social or political interests;
- demonstrate that the Decision is beyond the power and authority of the Council or Council Administration to make and has affected the Applicant or a given area the Applicant resides in; or
- demonstrate that success in the action to review a Decision will confer on the Applicant personally or as a member of a class, a benefit or advantage greater than that of an ordinary member of the community or relieve the Applicant of a detriment or disadvantage to which the Applicant would otherwise have been subject to personally or as a member of a class to an extent greater than that of any ordinary member of the community;

The above criteria is not an exhaustive list of possible factors that may be considered by the Council or Council Administration in determining whether an Applicant has a Sufficient Interest in the review of a Decision. Any review of a Decision will be conducted on a case by case basis and the Council reserves the right to refuse a request for review if the Council deems that an Applicant lacks Sufficient Interest in the subject matter of the Decision complained of.

Frivolous and **Vexatious** requests will be dealt with in accordance with the Council's Unreasonable Complaints and Requests Policy.

7. PROCEDURE STATEMENT

The City of Mitcham is committed to transparent decision making processes and to providing access to a fair and objective procedure for the review of Decisions under Section 270 of the Act.

An application for a review of a Decision provides Council and Council Administration with an opportunity to revisit a Decision which has aggrieved an interested party. It can also be considered as an opportunity for improvement.

A review will pay particular attention to the process used to arrive at a particular decision as well as any new and relevant information.

How to make an Application for a review of a Decision

An application or request for review of a Decision is required to be made within 6 months of that Decision having been made and is an option that is available to any person who is aggrieved by the Decision. This includes if an initial complaint resolution process does not resolve the matter to that person's satisfaction.

The Council or Council Administration, as the case may be, may exercise discretion to allow a longer timeframe within which an application for review may be made, based on the individual merits of each application, and on a case-by-case basis.

Applications must be in writing and addressed to the Chief Executive Officer and identify the relevant Decision and (wherever possible) the decision-maker. The Application should include the Applicant's reasons for requesting the review and any outcome that the Applicant is seeking and be accompanied by any supporting evidence.

Equity of treatment

All Applicants will be treated equally, in accordance with good administrative practice. Council's procedures are designed to ensure that:

- a reasonable attempt is made to efficiently resolve the matter through Council's complaint resolution process in the first instance;
- every Applicant has the opportunity to make an application for review of a decision covered by this Procedure;
- an unbiased assessment is undertaken;
- decisions are based on sound evidence; and
- Applicants receive information about the progress and outcome of the review in accordance with **Clause 6** of this Procedure.

To ensure that persons are not prevented from lodging an application for review because of any difficulties they may experience, Council Administration will offer assistance where appropriate and provide it on request, including assistance in documenting the reasons for the review in writing when circumstances warrant. This may include arranging access to interpreters, aids or advocates.

There is no fee payable for a review of a Decision.

Who can make an application?

An application for review may be made by any person who is aggrieved by a Decision.

An applicant may be an individual or a group, a resident, ratepayer, business owner, user of council facilities or a visitor to the area. Connection between the Decision and the Applicant is a factor to be determined by Council Administration and all potential Applicants are advised to carefully read **Clause 7** above.

Depending on the particular circumstances, an Applicant may also include a person who is not the direct subject of the Decision. For example, where a Council issues a permit for a person to keep more than the maximum number of dogs permitted under a by-law, a neighbour may seek an internal review of that decision.

Applications for a review of the impact of rates or service charges

If Council or Council Administration receives an application for a review of a Decision concerning the impact of Council rates or services charges, these will be dealt with as a matter of priority. Where circumstances warrant, Council or Council Administration will consider financial relief or the granting of concessions in line with the provisions of the Act.

Refusal of an application

The Council or Council Administration may refuse to consider an application for review in accordance with Section 270(4) of the Act 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.

A decision to refuse an application for review will not be made lightly and reasons for the refusal will be documented which will include reference to any supporting evidence. The decision to refuse an application is assessed by the Internal Review Contact Officer (**IRCO**).

Internal Review Contact Officer

An IRCO is the initial point of contact for Applicants.

The role of the IRCO is (in part) to:

- acknowledge the receipt of the application within 5 business days;
- explain the review procedure to the Applicant and explore the possibility of progressing any alternative options to resolve the matter, such as Alternative Dispute Resolution;
- Where applicable, inform the CEO / Council of reason to 'trigger' 'Refusal';

- outline the timeframes involved and the action to be taken in the first instance. Where possible, a review will be completed in twenty (20) business days. This timeframe may be longer if an external investigator is used, the matter is referred to the Council (elected body) for a decision or the Decision in question is complex in nature;
- keep the Applicant informed of progress of the review (or any delays).

The IRCO should turn their mind to the question of whether the Applicant has Sufficient Interest in the subject matter of the Decision in accordance with **clause 7** above. If it is determined that the Applicant has not demonstrated Sufficient Interest in the Decision, then the IRCO, in consultation with the Council and/or the CEO, may refuse the Applicant's request.

Appointment of Reviewer

The process for reviewing a Decision will vary depending on how the Decision was originally made.

If the Decision under review was made by a resolution of Council then applications for the review of that Decision will be referred to the Council (elected body) for determination. In this case, the CEO (in consultation with the Mayor where the CEO sees appropriate) is responsible for appointing the Reviewer who will undertake the investigation and the preparation of a report for Council's consideration. The Reviewer may be the CEO, a senior Council Officer, or a person independent of the Council.

If the Decision under review is a Decision that was made by the CEO, then a Director who has no involvement in the Decision and whose responsibilities fall outside of the issues relevant to the review will be responsible for appointing a person external to the Council as the Reviewer, in consultation with the Mayor (i.e. who will investigate and report back to Council for its determination).

If the Decision under review was made by an Employee of the Council, then the CEO will appoint a Reviewer who will investigate and report back to the CEO for their determination. The Reviewer may be a senior Council officer who has no association with the matter under review.

The IRCO may be appointed as the reviewing officer by the CEO.

If the Decision under review is contentious, complex and/or raises legal questions a person external to the Council with appropriate expertise may be appointed as the Reviewer, and the cost of such appointment be reported to Council.

The Council may otherwise determine the outcome of an application for review:

- in respect of a Council Decision relating to civic and ceremonial matters, or

- where the CEO determines this is appropriate having regard to the Decision subject of the application; or
- if the otherwise Council resolves to this effect.

Role of Reviewer

The role of the Reviewer is to review the Decision in question to ensure that the decision-maker complied with all procedural requirements and made the best possible determination in the circumstances.

In undertaking the review, the Reviewer must consider both the procedure leading to the decision and the merits of the decision. The Reviewer is required to determine and report upon whether it was the correct and preferable decision in all of the circumstances.

Matters to be considered by the Reviewer in assessing the legality of the Decision and whether it is the 'correct and preferable' Decision include (without limitation):

- the legislative powers pursuant to which the Decision is made;
- the application and affect of relevant Council policies in relation to the Decision;
- whether all matters relevant to the Decision were taken into account;
- that the Decision was made in good faith and not for any improper purpose;
- whether the Decision was objectively reasonable and appropriate in all of the circumstances.

The Reviewer is responsible for ensuring that

- findings of fact are based on evidence;
- any recommendations to resolve the matter are reasonable; and
- that procedural fairness is accorded to all parties as necessary.

Reasons for a decision

While there is no statutory requirement to give reasons for a Decision arising from a review, Council will provide reasons for the decision of the Reviewer where practicable in line with the principles of Procedural fairness.

Council and/or Council Administration will always give reasons to explain the outcome of the review or the Decision where:

- a Decision is not in accordance with published policy;
- a Decision is likely to detrimentally affect rights or interests of individuals (or organisations) in a material way, or
- it relates to conditions that are attached to any approval, consent, permit, licence or other authorisation issued by the Council.

Outcome of a review

Where the review of a Decision upholds the Applicant's grievance, an appropriate remedy or response will be determined which is consistent and fair for both the Council and Applicant. The remedy chosen will be proportionate and appropriate to any failing that the review process may have identified.

The range of other possible outcomes includes:

- an apology
- an explanation
- mediation or other alternative dispute resolution process
- an admission of fault
- Council Motion to vary, amend or rescind
- a change to policy, procedure or practice
- a correction of misleading records
- financial compensation, including a refund of any fees paid by the applicant
- the waiving of a debt
- the remission of a penalty
- disciplinary action against Council employees
- referral of a matter to an external agency for further investigation

The remedy or response may be one, or a combination of these actions. The chosen remedy will be proportionate and appropriate to the findings of the review and will take into account any remedy sought by the Applicant as part of their application for review.

If an apology is required it will be done promptly and the appropriate action will be taken to make any improvements required to the process.

Where disciplinary action is pursued against an Employee as a result of the outcomes of a review process, this will occur on a confidential basis and the Applicant is not entitled to information regarding the details of any action taken.

The Council itself and the CEO are the only people authorised to offer financial compensation and this will only occur after consultation with the Local Government Association Mutual Liability Scheme.

The IRCO will notify the Applicant of the outcome of the review in writing. Where appropriate, information will also be provided to the Applicant about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency such as the SA Ombudsman.

Reporting and records management

All applications will be recorded in Council's records management system.

Information, as specified in Section 270(8), will be included in Council's Annual Report as per Schedule 4(1)(i) of the Act.

The IRCO will also report to the Council regarding how the outcomes have been used to improve Council's customer service, policies, procedures and practices. Where practicable and appropriate, learning outcomes will be shared with relevant local government agencies and networks.

Other formal avenues of complaint

While Council prefers to work with its customers to resolve requests for review quickly and effectively, an Applicant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time. Where a complaint is made to the Ombudsman in the first instance, the Ombudsman may, where he/or she sees fit, refer the matter back to the Council to undertake a section 270 review.

8. ALTERNATIVE DISPUTE RESOLUTION

Section 271 of the Act provides that the Council must adopt a Scheme for the purposes of constituting panels of persons who are suitable and available to act as Mediators, Conciliators or evaluators. This will be adopted on a case by case basis as determined by the Executive Leadership Group.

9. PRIVACY AND CONFIDENTIALITY

Applicants should be aware that the details of any request for review of a Decision may be included in the Council Agenda and Minutes which are public documents. Where this occurs, the Applicant's name and address will be kept confidential in so far as it is practicable to do so. If this is not practicable, the Applicant will be advised.

All applications for review of a Decision lodged with Council are subject to the *Freedom of Information Act 1991* and may be disclosed in accordance with the provisions of that legislation.

Whilst the confidentiality of applications for review cannot be guaranteed, where a request for review is referred to the Council for determination, the Council may consider the matter in confidence if it is lawful and appropriate to do so, subject to one of the grounds under section 90(3) of the Act being satisfied.

10. AVAILABILITY OF PROCEDURE

The procedure is a public document and is available for inspection at the:

Customer Service Centre
City of Mitcham
131 Belair Road
TORRENS PARK SA 5062

It is available for inspection and downloading from Council's website www.mitchamcouncil.sa.gov.au

11. PROCEDURE REVIEW

In order to ensure Council continues to provide the best possible service to its customers, this procedure will be subject to periodic evaluation, with delegation provided to the CEO to make minor amendments that support the policy. Next review November 2022.

12. VERSION HISTORY

VERSION	AUTHOR(S) POSITION	CHANGES	DATE
1	Team Leader Governance	New Document – Annexed to Policy	December 2019
2	Team Leader Governance	Refer to Item 9.7 Independent Review of a Decision Policy (s270) , 25 February 2020.	28 February 2020

13. DOCUMENT CONTROL

Responsible Department	Organisational and Community Development		
Delegations Contained within Procedure	YES		
Classification	Governance		
Applicable legislation	Local Government Act 1999 Local Government (General Regulations) 2013		
Related Policies & Corporate Documents	Internal Review of a Council Decision - Policy Complaints Management Policy Customer Service Policy Rating Policy Statement		
Additional references	Ombudsman SA, RIGHT OF REVIEW, An audit of Local Government Internal Review of Council Decisions Procedures. Ombudsman SA, Valuing Complaints - An audit of complaint handling in South Australian councils – November 2011		
Endorsed by Council	10/12/2019	Item No:	N/a
Effective Date	11/12/2019	Next Review Date:	9/12/2022
Template Set ID:	3345084		