

 <b>Adelaide Plains Council</b>	<b>Internal Review of Council Decisions Policy</b>	
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	<b>Administered by:</b> General Manager - Governance and Executive Office	<b>Last Review Date:</b> 2022 <b>Next Review Date:</b> 2024
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## 1. Objective

Adelaide Plains Council (Council), which includes its committees, employees and contractors, make decisions every day which impact on members of the community. It is imperative that these decisions are fair, objective and subject to review.

Council is committed to open, responsive and accountable government. This includes providing processes by which those who believe they have been adversely affected by a Council decision can have their complaints considered.

The purpose of this Policy and Council’s *Internal Review of Council Decisions Procedure* (the Procedure), both of which are available for inspection on Council’s website, is to:-

- provide guidelines for how Council will deal with formal requests for internal reviews of Council decisions; and
- ensure a fair, consistent and structured process for any review of a decision which has been made by Council.

## 2. Policy Statement

Section 270 of the *Local Government Act 1999* (the Local Government Act) requires Council to maintain “policies, practices and procedures” for dealing with requests for service and complaints including a procedure about “the review of decisions of:

- the council;
- employees of the council;
- other persons acting on behalf of the council.”

Council has a **three tier process** for managing customer complaints, as set out below, which includes immediate, informal resolution as well as established processes for review by senior staff.

### ***Tier 1 – Immediate response to resolve the complaint***

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

### ***Tier 2 – Complaint escalated to a more senior officer***

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

### ***Tier 3 – Internal review of a Council decision by statutory process***

Internal review of a Council decision is available under Section 270 of the Local Government Act. This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process is generally a last resort in the complaint handling process, but 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.

## **3. Scope**

### **3.1 Application of the Policy and the Procedure**

This Policy and the Procedure apply when:-

- Tier 1 & 2 of the complaint handling process has already been undertaken and the issue of concern has not been resolved; or
- An Internal Review of Council Decision Application is received in accordance with the Procedure and the issue of concern cannot be resolved satisfactorily by alternate means.

### **3.2 Matters outside the scope of the Policy and the Procedure**

Some decisions made by Council, its employees or on behalf of Council are subject to other review or appeal processes set out in legislation. This Policy cannot override or operate inconsistently with those legislative processes.

Where legislation provides for the review of, or appeal from, a type of decision, a decision of that type will not be reviewed under this Policy.

Examples include:-

- objections to valuations made by a Council and appeals against orders made pursuant to section 254 of the Local Government Act;
- appeals against the issuing of litter abatement notices under the *Local Nuisance and Litter Control Act 2016*; appeals against destruction and control orders issued under the *Dog and Cat Management Act 1995*;
- review of an expiation notice under the Expiation of Offences Act 1996; and
- external review process under the *Development Act 1993* and the *Freedom of Information Act 1991*.

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. It is, however, noted that as a general rule, the Ombudsman prefers that matters be addressed by Council in the first instance, unless this is not appropriate in the circumstances.

#### **4. Council's Commitment**

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

Everyone will be treated equally, in accordance with good administrative practice. This Policy and the Procedure are designed to ensure that:-

- 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 outcome of the review.

## 5. Definitions

**Applicant** is the party lodging the request for review. Examples include residents, ratepayers, members of a community group, users of the Adelaide Plains Council facilities and visitors to the area.

**Council** refers to the Adelaide Plains Council.

**Decision** is a position adopted by the Adelaide Plains Council or its employees. It will generally be a judgement reached after consideration of relevant information.

**Employee** includes a person employed directly by the Adelaide Plains 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.

**The Procedure** refers to Council's *Internal Review of Council Decisions Procedure*, available on Council's website.

## 6. Key Principles

This Policy and the Procedure are based on five principles, which are fundamental in the way Council approaches requests for service, complaint handling and reviews of decisions. They are:-

- Fair treatment: which requires impartiality, confidentiality and transparency at all stages of the process;
- Accessibility: to be accessible there must be broad public awareness about Council's policies and procedures and a range of contact options;
- Responsiveness: this will be achieved by providing sufficient resources, well trained staff and ongoing review and improvement of the systems;
- Efficiency: requests and complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their level of complexity;
- Integration of different areas of Council where the matter under review overlaps functional responsibilities.

## 7. Specific Provisions - Relating to Rates and/or Service Charges

In accordance with section 270 (2)(ca) of the Local Government Act, if applications for review relate to the impact that any declaration of rates or service charges may have had on ratepayers then such applications, will be dealt with promptly and if appropriate, addressed through the provision of relief or concessions under the Local Government Act.

Residential land owners experiencing financial hardship relating to water and sewerage services to remain connected to a retail service may be eligible for assistance under Council's *Water and Sewerage Services Hardship Policy*.

## **8. Record Keeping**

All documents, notes, photographs and correspondence must be retained and stored in accordance with Council's Records Management protocols as required by section 125 of the Local Government Act.

All applications must be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.

## **9. Reporting**

Administration will maintain a record/register of all applications for review received (and their outcomes) during each financial year, and provide a report on use of the Internal Review of Council Decisions process in Council's Annual Report, in accordance with section 270(8) of the Local Government Act.

The reporting will outline:

- The number of requests for review received in the relevant financial year;
- The matters to which the applications relate;
- The outcome of the subsequent reviews; and
- Any other matter prescribed by Regulation.

## **10. Related Documents**

Application for Internal Review of a Council Decision

Annual Report

Customer Service Charter

Complaints Handling Policy

Internal Review of Council Decisions Procedure

Requests for Services Policy

## **11. Records Management**

All documents relating to this Policy will be registered in Council's Record Management System and remain confidential where identified.

## **12. Document Review**

This Policy will be reviewed periodically to ensure legislative compliance and that it continues to meet the requirements of Council its activities and programs.

## **13. References**

*Development Act 1993*

*Freedom of Information Act 1991*

*Internal Review of Council Decisions Procedure*

*Local Government Act 1999*

## **14. Further Information**

Members of the public may inspect this Policy free of charge on Council's website at [www.apc.sa.gov.au](http://www.apc.sa.gov.au) or Council's Principal Office at:

2a Wasleys Rd,  
Mallala SA 5502

On payment of a fee, a copy of this policy may be obtained. Any queries in relation to this Policy must be in writing and directed to the General Manager – Governance and Executive Office.