

## Review of Council Decisions (Inc. Handling Complaints)

**Keywords:** *Decision; Grievance; Complaints*

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<b>Corporate Plan:</b>	
<b>Classification:</b>	<i>Executive Services – Statutory Policies – “Review of Council Decisions”</i>
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<b>Next Review Due:</b>	<i><u>Regulatory Requirement:</u> Within 12 months of the General Elections 2010 <u>Good Governance Practice:</u> Annually</i>
<b>Responsible Officer(s):</b>	<i>CEO / EA</i>
<b>Council File Reference:</b>	<i>9.63.1</i>
<b>Applicable Legislation:</b>	<i>Section 270 Local Government Act, 1999</i>
<b>Relevant Policies:</b>	
<b>Related Procedures:</b>	<i>Public Consultation is <b>not</b> required prior to adoption – however was put to Public Consultation following June 2010 Meeting. (Not necessary for future reviews)</i>
<b>Delegations:</b>	<i>CEO</i>

### Purpose

The Review of Council Decisions Policy (including handling of complaints) has been developed in accordance with the intent and requirements of Section 270 of the Local Government Act 1999.

The Policy provides a forum for the review of decisions made by:

- The Council
- Employees of the Council
- Other persons acting on behalf of the Council

This policy has been developed to inform and assist those persons seeking a formal review of decisions which adversely affect them.

### Principles / Scope

To outline the principles and procedures that the Berri Barmera Council will follow in addressing grievances as a result of decisions made by Council

A request to review a decision may be made where there are alternate forums for the review of such a decision (a court established specifically for that purpose (Development, Industrial), where the request is vexatious or where the person making the application has insufficient interest in the decision.

## **INTERNAL REVIEW OF COUNCIL DECISIONS FRAMEWORK:**

The Berri Barmera Council is committed to transparent decision making processes and to providing access to a fair and objective procedure for the hearing or review of 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. The procedure provides guidance for dealing with formal requests for review of decisions of 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 complaint handling process.

### **The Local Government Act, 1999 ("the Act")**

The Berri Barmera Council's Procedure for Review of Decisions 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. It provides a further opportunity to review the way Council provides services to the community, and to identify areas for improvement.

### **When will the Procedure apply?**

Issues arise about a range of matters during the course of 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. Sometimes Elected Members also receive grievances. 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 procedure will apply to matters that are not resolved satisfactorily. A formal application or request for review of a decision will therefore initiate the procedure process. The person who lodges a formal grievance is referred to as the "applicant".

The procedure will apply to all formal requests for review of decisions, except, for example, Development Act, Freedom of Information Act matters i.e. in instances where specific procedures are prescribed in relevant legislation.

### **Who can lodge a request for a review of a decision?**

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

### **How can grievances be lodged?**

Formal grievances are to be in writing to the Chief Executive Officer, providing full details about the grievance. Assistance will be provided to applicants where necessary, including the use of an interpreter, providing assistance for people with a disability, or referring applicants to an advocate to help prepare a written application. Confidentiality will be maintained by Council, and only parties to the grievance will be involved. Applicants will be encouraged to observe confidentiality also, as this is likely to achieve the fairest result for all concerned.

**How will grievances be dealt with?**

Principles of natural justice will be observed in dealing with grievances. All parties will have the opportunity to express their point of view, provide relevant information, and respond to issues raised. Council has nominated the Chief Executive Officer as the responsible officer for dealing with grievances. The CEO will assess grievances, determine the appropriate action, and arrange for independent investigation if necessary.

Some matters will be referred directly to Council for consideration or re-consideration. The types of grievances that will be referred to Council are those regarding:

- Council endorsed objectives and policies.
- Council review of budgetary matters, or evaluation of service delivery matters.
- Civic and ceremonial matters.
- The procedure of Review of Decisions or process.
- Issues that are likely to be of interest to the wider community.
- 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.
- Any other matters at the discretion of the Chief Executive Officer.

Autonomy has been given to the Chief Executive Officer to make a judgement about the severity of complaints regarding the above matters, so as not to hold up Council meeting time on matters that are minor, albeit addressing some of the issues above.

**Decision Required**

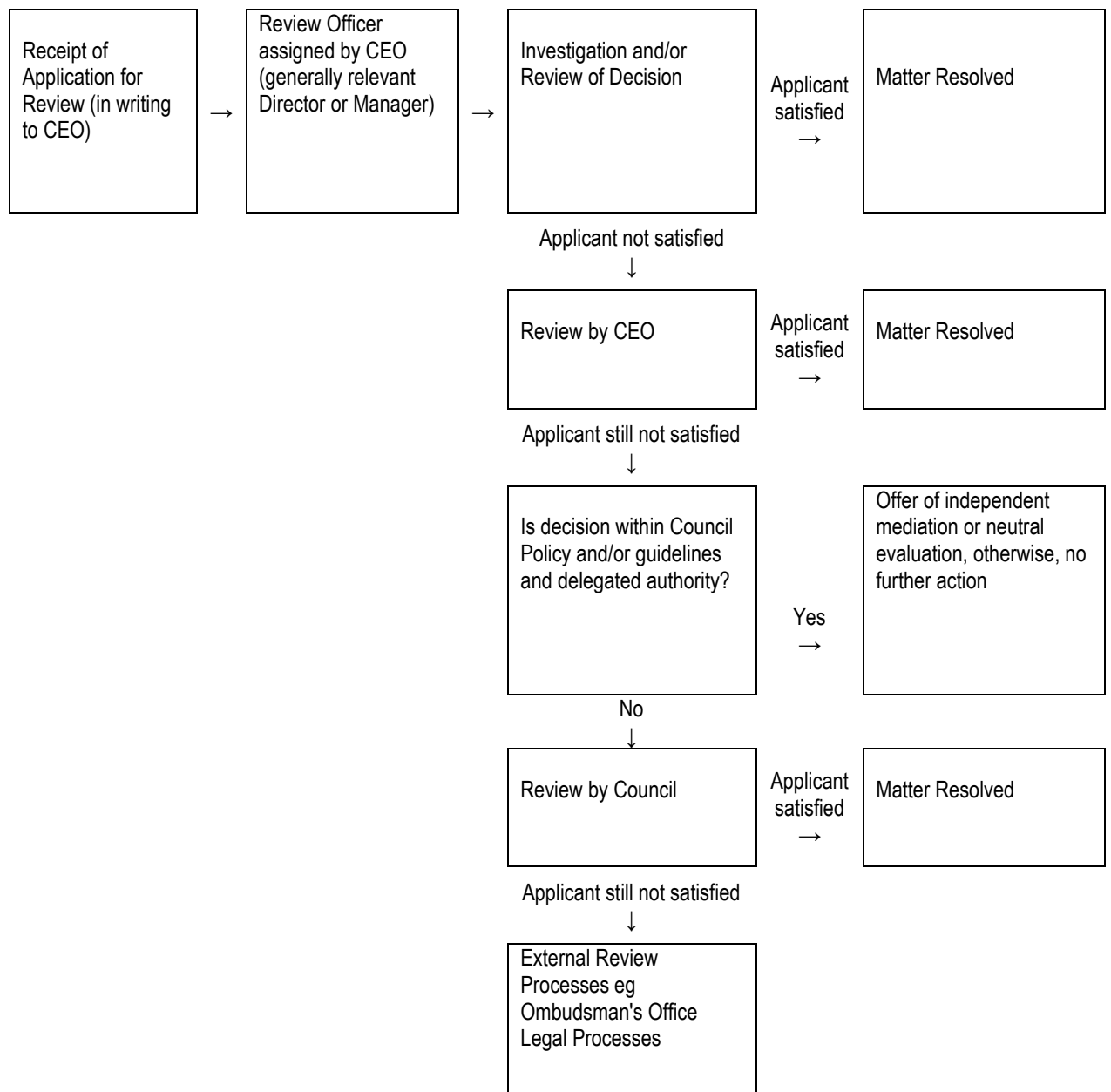
Matters may also be dealt with through independent mediation or neutral evaluation, where the associated costs will be shared equally between Council and the applicant. The Chief Executive Officer will discuss this option with applicants where relevant.

**How long will it take for grievances to be assessed?**

Grievances will be formally acknowledged within 7 days of receipt, including advice to applicants about the expected timeframe for dealing with the matter. In most cases applicants 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. If applications for review are not resolved satisfactorily, applicants will be advised of other options for review, such as the State Ombudsman, legal advice, and/or the courts.

### The process adopted

The following diagram demonstrates the process to be adopted by Council for the review of decisions.



### Review:

All complaints will be treated seriously and at the time of review, consideration will be given to complaints received to ascertain relevance towards improving Council's processes and Customer Service.

### Further Information:

For further information about the procedure and other options for review, please contact the Chief Executive Officer, Berri Barmera Council, PO Box 229 Berri 5343, telephone 8582 1922, facsimile 8582 3029.

Copies of the Review of Council Decisions (including handling complaints) are available from the Council's principal office (17 Wilson Street Berri) at no charge.

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Printed copies are considered uncontrolled.  
Before using a printed copy, verify that is the current version.***