
INTERNAL REVIEW OF DECISIONS POLICY

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Responsibility	Executive Officer
Revision Number	1
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Last revised date	
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Applicable Legislation	Local Government Act 1999

1. INTRODUCTION

- 1.1 The Gawler River Floodplain Management Authority (**GRFMA**) acknowledges that, as a regional subsidiary, its decisions made on behalf of its Constituent Councils should be subject to appropriate review, to ensure decisions made are fair, reasonable and objective.
- 1.2 Pursuant to section 270(a1) of the *Local Government Act 1999* (SA), there must be policies, practices and procedures for dealing with complaints about actions of persons acting on behalf of local government councils.
- 1.3 GRFMA has implemented this Policy to facilitate the review of decisions made by GRFMA on behalf of its Constituent Councils.

2. SCOPE

- 2.1 This Policy applies to any decisions made by GRFMA on behalf of one or more Constituent Councils.
- 2.2 The following decisions will not fall under the scope of this policy:
- 2.2.1 decisions made by GRFMA which are not on behalf of one or more Constituent Councils;
 - 2.2.2 decisions made by a Constituent Council (even if related to a matter in which GRFMA has an interest);
 - 2.2.3 any other decisions which are not subject to review for any of the reasons set out in clause 3 of this Policy.

3. DEFINITIONS

Application	An application for review of a Reviewable Decision made in accordance with this Policy
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Applicant	A person who has made an Application
Constituent Councils	The constituent councils of GRFMA
Executive Officer	The Executive Officer of GRFMA
Reviewable Decision	A decision made by GRFMA on behalf of the Constituent Councils which is reviewable under this Policy
Reviewed Decision	A Reviewable Decision which is the subject of an Application

4. **DECISIONS SUBJECT TO REVIEW**

- 4.1 This Policy will not apply to all actions or decisions by GRFMA made on behalf of the Constituent Councils.
- 4.2 Actions or steps taken during the process of decision-making (including but not limited to requests for further information, internally considering a matter or referring a matter to an external advisor) are not Reviewable Decisions and this Policy will not apply to such actions.
- 4.3 Decisions which are reviewable under this Policy are those made when a matter, issue or query is finally determined.
- 4.4 This Policy will not apply where applicable legislation specifically provides for a different internal review process.
- 4.5 This Policy will not apply where its operation would override or operate inconsistently with statutory review or appeal processes which may apply to decisions GRFMA has made on behalf of its Constituent Councils.
- 4.6 GRFMA may refuse to consider an Application for review if:
 - 4.6.1 the Application is made by an employee of GRFMA and relates to an issue concerning their employment;
 - 4.6.2 the Application is trivial, frivolous or vexatious; or
 - 4.6.3 the Applicant does not have a sufficient interest in the matter.

5. **APPLYING FOR REVIEW**

- 5.1 A person who has a sufficient interest in a Reviewable Decision may make a written Application to the Executive Officer.
- 5.2 The Applicant's written Application must include:
 - 5.2.1 the reasons for applying for the review (that is, why the applicant believes that the Reviewable Decision is wrong); and
 - 5.2.2 any additional information, material or evidence to support the application.

- 5.3 An Application must be made within three months of the Reviewable Decision being made (unless a longer period for submitting an Application has been approved by the Executive Officer).
- 5.4 GRFMA will provide assistance where appropriate to Applicants requiring assistance to apply for review, for example, providing access to interpreters or aids.

6. REVIEW PROCESS

- 6.1 Where possible, the Executive Officer will acknowledge receipt of an Application within 5 business days. The Executive Officer will also set out an expected timeframe in which the review will be finalised.
- 6.2 The Executive Officer is responsible for reviewing the Reviewed Decision at the first instance. However, the Board of GRFMA, at its discretion, may appoint an alternate reviewer.
- 6.3 The reviewer may be assisted by an external person or body in undertaking the review.
- 6.4 The reviewer will be required to:
 - 6.4.1 assess the Reviewed Decision and the Application;
 - 6.4.2 undertake a merits review of the Reviewed Decision, taking into consideration all materials and information which were before the original decision maker and any additional relevant material which has been provided or become available since the Reviewed Decision was made;
 - 6.4.3 determine the best or preferable decision; and
 - 6.4.4 prepare a report to the Board of GRFMA recommending whether to affirm, vary or revoke the Reviewed Decision (**the Recommended Outcome**).
- 6.5 The Board of GRFMA must consider the report prepared by the reviewer under clause 6.4.4. The Board of GRFMA may, but need not, adopt the Recommended Outcome. The Board of GRFMA will only depart from the Recommended Outcome if there are cogent reasons to do so.
- 6.6 The reviewer will provide the Applicant with reasons for the Outcome, unless this is not possible, practicable or lawful.
- 6.7 Throughout this process, the reviewer must observe the principles of procedural fairness. This means that:
 - 6.7.1 the Applicant will be entitled to put forward information and materials in support of their Application;
 - 6.7.2 the Applicant will be informed of the proposed outcome of the review, have the opportunity to make submissions to the reviewer on the

proposed outcome, and have these submissions taken into account;
and

6.7.3 the reviewer must not have a bias or a perceived bias in respect of undertaking the review.

6.8 The reviewer will, as far as practicable, provide the Applicant with regular updates as to the progress of the review.

7. REVIEW

7.1 This Policy shall be reviewed by GRFMA every three years.

7.2 Upon review, GRFMA will communicate the updated Policy to all relevant persons.