

**G-10**

## Internal Review of OCA Decisions

### DOCUMENT CONTROL

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**REVISION RECORD**

<b>Date</b>	<b>Version</b>	<b>Revision description</b>
9 February 2012	2	Policy reviewed and adopted.
11 May 2010	1	New policy adopted.

## 1. ADOPTION

This Policy was adopted by the Outback Communities Authority ("the OCA") on 9 February 2012.

## 2. TITLE

Internal Review of OCA Decisions Policy.

## 3. POLICY STATEMENT

The Outback Communities Authority ("the OCA") is committed to providing excellence in governance through an efficient, fair and accessible mechanism to resolve complaints, and to provide access to a fair and objective procedure for the internal review of its decisions.

To this end, the OCA recognises the importance of transparency in decision-making and the need to provide a fair and objective process for the review of all decisions and actions.

## 4. DEFINITIONS

**Complainant:** A person, group or organisation making a complaint or raising a grievance.

**Complaint:** An expression of dissatisfaction, however made, about the standard of service, lack of service or the performance of a person representing the OCA.

**Decision:** Includes decisions made by the OCA, any committee of the OCA, employees of the OCA and any other persons authorised to act on behalf of the OCA.

**Grievance:** A written expression of dissatisfaction with a decision or action of the OCA or the handling or resolution of a complaint

## 5. PURPOSE

The intent of this Policy is to:

- inform and assist those persons seeking a formal review of decisions which adversely affect them; and
- to reassure complainants that their grievances will be dealt with objectively, fairly and in a timely manner.

## 6. POLICY DETAILS

There is no charge for submitting a request to the OCA for the review of a decision. The principles of procedural fairness will be observed in dealing with grievances and/or complaints. The OCA's processes will be objective and independent of the original decision making process wherever possible. All parties will have the opportunity to express their point of view, provide relevant information and respond to issues raised during the formal review process.

### 6.1 *Grievances / Complaints*

Grievances and/or complaints may arise as a result of dissatisfaction with a decision about a policy procedure, a service or a fee. All attempts will be made, in the first instance, to resolve grievances and complaints quickly and efficiently without the need for formal processes to be applied.

### 6.2 *Informal Process*

Dealing with grievances and complaints on an informal basis can be the most effective way of resolving matters quickly. An informal approach of resolving grievances and complaints will be conducted in the first instance before a complainant is invited to lodge a formal application for review.

All grievances and complaints will be referred to the relevant OCA staff member in the first instance and prompt action will be taken to attempt to reach a satisfactory resolution.

If the matter is not resolved, the complainant will be invited to make a formal written application for review (refer to item 6.5). The person who lodges a formal request for internal review is referred to as the 'applicant'.

### 6.3 *Who Can Lodge a Request for a Review of a Decision?*

Any person who is affected by decisions made by the OCA may lodge a request for internal review under this policy. For example, outback residents, members of a community group, users of OCA facilities, visitors to the area and those submitting tenders all have the right to lodge a request for review.

### 6.4 *Other Review Processes*

The OCA operates under a range of legislation which provides an alternative statutory process for review. This procedure will not apply when an alternative statutory process for review exists, particularly if the applicant is already using this process. Examples of where this procedure will not apply are:

- Matters under consideration by the Ombudsman.
- Requests relating to the Freedom of Information Act 1991.
- Property valuations made by the Valuer General.
- Matters relating to externally funded services where a separate complaints resolution processes already exists.

### 6.5 *Lodging of an Application for Review*

The lodging of an Application for Review will apply to matters that are not resolved satisfactorily by the informal process described at paragraph 6.2 above. A formal Application for Review of an OCA decision will initiate the internal review process.

Applicants who lodge an Application for Review will be encouraged to participate in the review handling process and to work with the OCA in the resolution of such matters. Use of this procedure will not negate a person's right to seek external review through the State Ombudsman or other legal appeal processes at any time during the complaint handling process.

Formal requests for the review of an OCA decision are to be made in writing, providing full details about the grievance, using the 'Application for Review' form (see Appendix I). If the 'Application for Review' form cannot be used, the information that appears on the Application should be included in the written request.

Applications for the review of OCA decisions must be lodged within three (3) months of the decision in question being made. In exceptional, but reasonable circumstances the Manager may agree to accept a late application. If a person has exceptional reasons for the late Application, these must be expressed in the Application Form.

#### 6.6 *Internal Review Officer*

A nominated representative from the Office for State/Local Government Relations will be appointed as the OCA's Internal Review Officer and is the initial point of contact for persons who are considering lodging a formal Application for Review of an OCA decision.

The role of the Internal Review Officer is to:

- explain the procedure to the applicant and explore the options available to resolve the matter before a formal application is lodged.
- maintain a register of all grievances and/or complaints lodged and of the outcome.
- acknowledge receipt of the Application.
- undertake a preliminary investigation to determine what actions have already been taken to try to resolve the matter.
- keep the applicant informed of progress.
- ensure adequate records are maintained.
- report to the OCA on all applications lodged for review.

The Internal Review Officer of the OCA can be contacted on 8204 8725.

#### 6.7 *Review of a decision made by the OCA, or the General Manager*

If any person has a complaint about an OCA resolution or a decision made by the General Manager, the Internal Review Officer will inform them of the review process.

If an Application for Review is made, the Internal Review Officer will aim to review the Application and determine if the decision should be reconsidered or reversed within three weeks from the date that the Application is received. If the Internal Review Officer forms the view that a decision ought to be reconsidered or reversed, the Internal Review Officer will refer the application to a meeting of the OCA along with a report containing a recommendation that the decision be reconsidered or reversed and the reasons why. The OCA in formal meeting will then determine whether the decision should be reconsidered or reversed.

If the Internal Review Officer is of the view that the decision should not be reconsidered or reversed, the Officer will provide his/her reasons and seek an independent opinion on the application, from either a Review Panel made up of staff from the Office for State and Local Government Relations and/or OCA Members and/or from a person not employed by, or a member of the board of the OCA.

After the OCA has determined whether or not to reconsider or reverse the reviewed decision, the Internal Review Officer will inform the applicant of the outcome of the review, and will advise that a further complaint may be lodged with the Ombudsman should they remain dissatisfied with the outcome of the review.

#### 6.8 *Review of a decision made by OCA Staff*

Applications for a review of a decision made by an OCA staff member will be referred to the Internal Review Officer.

The Internal Review Officer will assess the application, determine the appropriate course of action, including whether any other specific statutory appeal mechanism might exist and, if necessary, arrange for an independent investigation.

If a decision made by the Internal Review Officer is being reviewed then any review of that decision will be made by the OCA General Manager.

#### 6.9 *Refusal for Review*

The OCA may decline to consider an application:

- made by an OCA employee relating to an employment issue.
- which appears frivolous or trivial.
- where the applicant is not seen as having a genuine interest in the matter.

#### 6.10 *Confidentiality*

The OCA will maintain confidentiality on all matters relating to applications for review. Applicants will also be encouraged to observe confidentiality as this is likely to achieve the fairest result for all concerned.

#### 6.11 *Timeframes and Notification of outcomes*

Applications will be formally acknowledged within 5 days of receipt, including advice to the applicant about the expected timeframe for dealing with the matter.

In most cases Applications for Review will be considered within 21 days, although in some circumstances it may take longer. If it is likely that the review process will take longer the applicant will be notified of this fact and the date by which the review will be considered.

#### 6.12 *Suspension of Review in Consultation with the Ombudsman*

If the applicant, in accordance with their rights, decides to seek review via the Ombudsman at any stage during the review process, the OCA review will be suspended pending the outcome of the Ombudsman's investigation. This will only occur after consultation with the Ombudsman.

Further information:

- Appendix I – Flow Chart of the Process outlined in this policy.
- Appendix II – Application for Decision Review.

This document is to be read in conjunction with:

- Meeting Procedures of the Outback Communities Authority Policy – G-04

## **7. AVAILABILITY OF THE POLICY**

Members of the public may inspect a copy of the policy, without charge, at the offices of the OCA during office hours, and may obtain a copy for a fee fixed by the OCA. The policy is also available from the OCA's website: [www.oca.sa.gov.au](http://www.oca.sa.gov.au).

## **8. REVIEW OF THE POLICY**

This policy and all OCA policies will be reviewed on an annual basis.

The next scheduled review is due to occur in February 2013.

## **9. OCA CONTACT PERSON**

Mrs B. Honan, Business Services Manager. Telephone (08) 8648 5970.



