

INTERNAL REVIEW POLICY and PROCEDURE



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Purpose

This policy sets out the principles and practices for dealing with internal review requests in relation to investigation outcomes or recommendations made by the Land Access Ombudsman, or their delegate, in respect of land access disputes referred under the *Land Access Ombudsman Act 2017* (the Act).

Policy background

Good administrative practice demands that agencies have an efficient and robust internal review mechanism for people who disagree with their decisions. Such a mechanism assists in ensuring that an agency's decision-making is accountable, consistent and transparent, and aids in continuously improving business practice.

To this end, the Office of the Land Access Ombudsman (LAO) provides parties to a land access dispute with a pathway to seek a review of certain investigation outcomes or recommendations made by the Land Access Ombudsman, or officers of the LAO exercising delegated powers, under the Act.

This policy and procedure is to be read in conjunction with the LAO's *Customer Complaints Management Policy*.

What is an internal review?

If a party to a land access dispute is dissatisfied with an investigation outcome or recommendation made about their dispute referral, they can request an internal review of that investigation outcome or recommendation.

An internal review is an impartial review of an investigation outcome or recommendation made under the Act about a dispute referral, by a person who was not the original decision-maker.

The reviewer considers all the information and material which was originally provided, and any additional relevant information or material provided as part of the request for internal review, in order to review the investigation outcome or recommendation.

What outcomes or recommendations can be reviewed?

The following investigation outcomes or recommendations can be reviewed:

- A decision to refuse a land access dispute referral under s 36 of the Act
- A decision or recommendation to take no further action at any stage of the assessment or investigation process
- The contents of a (final) notice about the outcome of an investigation given under s 51 of the Act.

An internal review is only available on a closed case.

What should I do if I am unhappy with an investigation outcome?

If you are of the view that an investigation outcome or recommendation made by the LAO or an LAO officer is incorrect, unreasonable or wrong, you are encouraged to initially contact the original investigation officer to discuss your concerns. It may be that the investigation officer can provide you with a further explanation or answer any queries you may have.

If, after this contact, you are still dissatisfied with the investigation outcome or recommendation, you may make a written request for an internal review in accordance with the requirements set out below.

Making an internal review request

Time limit

Requests for internal review of an investigation outcome or recommendation must be made in writing no later than **three months** after the closure of the LAO file. The LAO will only consider an extension of time in exceptional circumstances. Any request for an extension of time must be made in writing and justified by a satisfactory explanation for the delay.

How do I make a request?

Requests for internal review must:

- be in writing
- refer to the relevant case reference number
- provide a concise summary of your reasons for requesting the review, outlining why you believe the investigation outcome or recommendation was incorrect, unreasonable or wrong, or why/how the assessment, investigation or final notice was inadequate
- identify the outcome or remedy you are seeking in requesting a review.

The request should refer to any documents or other evidence relied upon to support the review.

You may provide new information or material which was not available at the time the original decision was made. Any new information or material must, however, be relevant to the outcome that is the subject of review. In relation to new information not relevant to the outcome under review, consideration will be given to whether the new information constitutes a new dispute referral.

Where do I make a request?

You may lodge your request for internal review:

By email: corporatelao@lao.org.au

By post: Internal Reviews
Office of the Land Access Ombudsman
Reply Paid 87700
PO Box 15148
City East QLD 4002

Your request must be in writing unless there is good reason for making your request orally, for example, age, infirmity or disability. If you are unable to make your request in writing, please telephone our office on 1800 717 550 and we will assist you.

The internal review process

Who conducts the review?

Your internal review request will be considered independently by an officer who is of equal or greater seniority to the officer who originally investigated the matter. To ensure an objective approach free of bias, your request will not be considered by the original investigation officer. Reviewers aim to be consistent in their approach, and act independently, exercising their own judgment.

The Senior Dispute Resolution Officer will complete an initial internal assessment of the review request. The matter will then be referred to the Land Access Ombudsman for review. In cases requiring investigation, the LAO may engage an external investigator, with subject matter knowledge, who will provide a report to the Land Access Ombudsman. The Land Access Ombudsman will then consider the information before them, make a recommendation and communicate the outcome of the internal review to the concerned parties.

Undertaking the review

An internal review is not a re-investigation of a dispute from beginning to end (although this is an outcome which may be recommended by an external reviewer – see below).

The review will consider whether the investigation:

1. identified and addressed all the relevant issues
2. sought and considered appropriate evidence
3. complied with the LAO's internal policies and procedures
4. made the correct decision consistent with:
 - o any relevant laws, legislative standards and codes
 - o best practice in the agriculture and resources industries
 - o what is fair and reasonable in all the circumstances
5. adequately explained the outcome or recommendation to the relevant party.

The reviewer will consider the information provided with the request and the material on the original case file. The reviewer may also speak to the officer/s who dealt with the original case.

You, or another affected party, may be requested to make further submissions as part of the internal review process. Information you provide to the LAO as part of the internal review process may be provided by the LAO to an affected party for the purposes of obtaining submissions or deciding how best to proceed with the internal review request.

You may withdraw your request for internal review at any time before an outcome is reached by the reviewer.

What outcome can be expected?

Depending on operational demands and the complexity of the issues raised, the LAO's internal review process aims to be completed within two months. One or more of the following outcomes are possible:

- the original investigation outcome or recommendation was correct and the land access dispute does not merit further investigation
- the original investigation outcome or recommendation was wrong and should be amended without further investigation
- the original investigation should be reopened
- the investigation outcome or recommendation should be better communicated
- a policy, procedure or practice may be amended
- records may be amended
- an apology or some other remedy may be offered.

You will be informed of the internal review decision in writing. This will include reason/s for the decision.

What if I am not satisfied with the internal review decision?

Unless exceptional circumstances exist, a decision or recommendation will be reviewed internally by the LAO only once.

If you are not satisfied with the decision made on internal review, or any part of the internal review process, you may make a complaint to the Office of the Queensland Ombudsman.

You may wish to visit their website at www.ombudsman.qld.gov.au for further information in relation to how the Queensland Ombudsman may be able to assist.

The contact details for the Office of the Queensland Ombudsman are:

- By email:** ombudsman@ombudsman.qld.gov.au
- By post:** Office of the Queensland Ombudsman
GPO Box 3314
Brisbane QLD 4001
- By phone:** 07 3005 7000 or 1800 068 908 (outside of Brisbane)
- In person:** Level 17, 53 Albert Street, Brisbane

Recordkeeping

The reviewer must enter the details of internal review application in the Internal Review Register for both recordkeeping and reporting purposes.

Reporting

Internal review requests will be reported in the LAO's annual report and review data will be published annually in accordance with the requirements of s 219A of the *Public Service Act 2008*.

Feedback and monitoring

Reviewers will:

- advise the original decision-maker that a review request has been received, and
- report the outcomes of each review to the original decision-maker with comment aimed at preventing a repetition of any error.

The Senior Dispute Resolution Officer will report to the LAO a six monthly basis regarding trends in internal reviews and performance.

Glossary

For the purpose of this procedure, the following definitions shall apply:

| TERM | DEFINITION |
|-----------------|--|
| Reviewer | The review officer conducting the internal review who has had no substantive prior dealings in the matter and is of equal or greater seniority to the original decision-maker. |

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| Original decision-maker | The officer or employee who made the original decision (the decision under review). |
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Related documents

This procedure should be read in conjunction with:

- Customer Complaints Management Policy.

Legislation

- [Land Access Ombudsman Act 2017](#)
- [Public Service Act 2008](#)

Further information

For further information regarding this procedure, refer to the Senior Dispute Resolution Officer, LAO.

Review

This procedure will be reviewed within one year of the approval date.

Approval

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| <p>Jane Pires Land Access Ombudsman</p> <p>Date: 14/4/2021</p> |

Version history

| VERSION | DATE | ACTION | DESCRIPTION / COMMENTS |
|---------|----------------------|---|------------------------|
| 1.0 | 15/04/2019 | | First release |
| 1.0 | 30/03/2020 | No changes made | Internal review |
| 1.1 | 24/3/2021 12/8/21 | Amended OLAO to LAO Amended error in LAO email address | Internal review |

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Internal review, review