



# **Internal Review of Original Decisions PUX/901/632**

**SLM/901/409**

**Version 2.05**

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## Version History

Version	Date	Description/Comments
1	12/04/1998	Endorsed
1.1	04/07/2005	Conversion Project - New WORD/XML template
2	13/12/2007	Updated to reflect Land Act amendments. Endorsed by Scott Spencer, Director-General, Department of Natural Resources and Water
2.1	27/01/2011	Minor updates to reflect departmental name change to DERM
2.2	05/09/2012	Minor updates to reflect departmental name change to DNRM
2.3	19/03/2013	Updated to change government logo
2.04	14/3/2014	Updated to new DNRM template
2.05	21/06/2016	Minor amendment to review and insert text on new template

## Approval

Position	Name	Date
Acting Director, Operations Support - Land	Amanda Kearnan	21/06/2016



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## Purpose/Scope

To provide guidelines as to whom the appropriate person is to review an “original decision” under the *Land Act 1994*.

## Rationale

The Minister and chief executive have a number of powers to make decisions under the *Land Act 1994*.

The Minister and chief executive also have the authority to delegate, and have delegated, certain decision making powers to appropriate officers within the department.

Some of these decisions have a right of appeal, initially by way of an internal review - these decisions are known as "original decisions" and are listed in Schedule 2 of the above Act.

The Minister has also delegated the power to appropriate officers within the department in relation to an internal review of an "original decision".

A person who has the right to appeal against a decision under the provisions of the *Land Act 1994* must be given written notice of that person's right to appeal.

An appeal against the decision (an "original decision") is in the first instance by way of an application for an internal review.

The application for a review of the decision must be made in writing and within 42 days after notice was given to the person, or other time as approved.

After reviewing the original decision, a further decision (the "review decision") must be made to confirm the original decision, amend the original decision or substitute a new decision.

The principle that underpins internal reviews is that an original decision should be reviewed by a person other than, and preferably senior to the original decision-maker.

A person lower to the original decision-maker is unable to review the original decision. Therefore, although a departmental officer may have the delegation to make both original decisions and review decisions, no officer is able to exercise both those delegations in relation to the same case.

An internal review must be conducted by a person different from and senior (in position, but may be equivalent delegation level) to the person who made the original decision (Note: this cannot apply to the Minister i.e. there is no other authorised person that may review the decision).



## Policy

Where a review of an "original decision" has been applied for under the provisions of the Land Act, the following persons will undertake the review and make a "review decision".

- Where the original decision has been made by the Minister - the Minister.
- Where the original decision has been made by the Chief Executive - the Minister.
- Where the original decision has been made by the Deputy Director General - the Chief Executive.
- Where the original decision has been made by the Assistant Director General - the Chief Executive.
- Where the original decision has been made by the General Manager, Land Management and Use - The Assistant Director General.
- Where the original decision has been made by a Regional Services Director - the Assistant Director General.
- Where the original decision has been made by a Regional Manager - the Regional Services Director.
- Where the original decision has been made by the Director, State Land Asset Management - the General Manager, Manager, Land Management and Use.
- Where the original decision has been made by some other delegate of the Minister or chief executive - the review will be allocated by the relevant Regional Manager to a person with the appropriate delegation senior in position, but may be equivalent delegation level, to the original decision maker

## Legislation

*Land Act 1994*