

Response to Appeals to the State Administrative Tribunal (SAT) Policy

Objective

The objective of this policy is to clarify the role, responsibility and accountability of the Council and City Officers in respect to decisions it makes which are the subject of an application for review to the SAT.

Policy Statements

A: Council decision consistent with Officer's recommendation:

- Where a Council decision is the same or essentially the same as an Officer's recommendation, or corrects or improves the content of an Officer's recommendation, then the responsible Officer or another Officer nominated by an Executive Director or the Chief Executive Officer, shall provide a written response to an application for review on behalf of the Council or attend a mediation or tribunal hearing as required in order to represent the Council's position.
- Elected Members attending mediation sessions do so on a voluntary basis as community members and as observers; not as a representative of Council.
- The outcome of any mediation relating to a decision made at a Council meeting conducted as part of an application for review is to be reported to Council so that a formal response to the SAT on the mediation can be made.

B: Council decision contrary to the Officer's recommendation:

- Where a decision of the Council is the subject of an application for review to the SAT and that decision was contrary to the Officer's recommendation then, in the interests of the Council and the Officer:
- Unless otherwise determined by Council, the mover and seconder of the motion will have first option to represent Council.
- Council will be represented by a private consultant or a person appointed by the relevant Executive Director.
- Council's elected member representatives will prepare the brief for the appointment of the consultant or advocate, with the assistance of Council officers, as determined appropriate by the Chief Executive Officer.

- City officers shall provide all necessary information to the nominated Members of the Council, consultant or advocate to assist in the compilation of a response or a witness statement.
- In the event of City officers being subpoenaed, Council acknowledges that officers will be required to give evidence at a SAT hearing in support of the officer's recommendation, acknowledging that the evidence given may be contrary to the Council decision the subject of the appeal.

Scope

This policy applies to decisions of Council.

Review Position and Date

This policy and procedure is to be reviewed by the document owner every two years.

Legislative and Strategic Context

Legislation, directives, guidelines, Acts or Regulations that provide the broad framework within which the policy operates and/or with which it needs to comply follow:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996 Regulation 11, specifically:*

"(da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); "

Strategic Context:

This policy aligns with the Community Strategic Plan 2030:

Objective 1.1: To establish and maintain sound business and governance structure

Community Priorities:

- 1.1.1 Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.
- 1.1.2 Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

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Manager Governance & Risk		Chief Executive Officer	
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4.1	Manager Governance & Risk	Reviewed by Document Owner under delegated authority. Amendments: <ul style="list-style-type: none"> • Appended with Strategic Context. • Minor amendments made to formatting and layout. • Appended with specific sub-regulation (da) to Regulation 11. 	05/07/2021