

Your Rights to Review and Appeal

Please read the following information prior to completing the attached application form.

INTERNAL REVIEW

If you are dissatisfied with a determination made by a South Australian State Government Agency, Local Government Council or University in relation to:

- a freedom of information (FOI) application for access to a document, or
- an FOI application for amendment to your personal records

in most cases, you are entitled to apply for an Internal Review of that determination.

How do I make a request for Internal Review?

To make an application for an Internal Review you must:

- write a letter or lodge an application form with the Principal Officer of the State Government Agency, Local Government Council or University that made the determination, and
- include the application fee of **\$33.00**.

Generally agencies accept payment by cash, money order or cheque. If you would like to pay by credit card you will need to ask the agency if they are able to accept credit card payments.

What if I have a concession card?

If you are the holder of a current concession card or if you can satisfy the agency that the payment of the fee would cause financial hardship, the agency must waive or remit (reduce or refund) the application fee.

If you are a concession cardholder you will need to provide evidence e.g. you should attach a copy of your concession card when you make the application. Alternatively you will need to give written reasons as to why the payment of a fee would cause you financial hardship.

How long does an Internal Review take?

If you wish to make an application for Internal Review you need to do so within 30 (calendar) days after being notified of the initial determination.

You will be advised of the outcome of your Internal Review application within 14 (calendar) days of it being received by the agency.

If the agency does not deal with your Internal Review application within 14 (calendar) days you are entitled to an External Review by the Ombudsman SA, the Police Ombudsman, or the District Court. See over for further information.

When can't I apply for an Internal Review

If the determination was made by the Principal Officer of a State Government Agency, Local Government Council or University rather than an officer within the agency, you cannot apply for an Internal Review. However, you can apply for an External Review by the Ombudsman SA, the Police Ombudsman or the District Court.

Can I seek a review of a fee or charge?

If you disagree with a fee or charge, an agency must, at your request, review that fee or charge and where appropriate reduce the fee.

A person seeking a review of a fee or charge is not required to pay an application fee or any other charge in relation to the review.

Where the agency decides not to reduce the fee or charge and you are still dissatisfied, you can apply to the Ombudsman SA or Police Ombudsman for review. All applications for external review must be directed to the Ombudsman unless a police officer or the Minister for Police made the original determination; then it must be directed to the Police Ombudsman.

EXTERNAL REVIEW

After an Internal Review has been completed, or where you are unable to apply for an Internal Review, and you are dissatisfied with the determination, you have the right to apply for an External Review.

Who should I apply to?

If the determination was made by a police officer or the Minister for Police you must apply to the Police Ombudsman.

All other applications for External Review should be made to the Ombudsman SA.

How long will an External Review take and how much will it cost?

If you wish to make an application for an External Review you must do so within 30 (calendar) days after being notified of the determination. However, the Ombudsman SA or the Police Ombudsman can extend this time limit at their discretion.

There is no fee or charge for External Reviews undertaken by either Ombudsman.

Contact Details:	
Ombudsman SA Phone: 8226 8699 Toll Free: 1800 182 150 (within SA) Email: ombudsman@ombudsman.sa.gov.au	Police Ombudsman Phone: 8226 8677 Email: policeombudsman@agd.sa.gov.au

APPEAL TO THE DISTRICT COURT

If you are dissatisfied with:

- a determination not subject to Internal Review, e.g. extensions to deal with an application
- an Internal Review determination, or
- the outcome of a review by the Ombudsman SA or the Police Ombudsman

you have the right to appeal to the District Court.

If you wish to appeal to the District Court you must do so within 30 (calendar) days after being advised of the determination or the results of the review.

Any costs will be determined by the District Court, where applicable.

For more information contact the District Court of South Australia Civil Registry.

Contact Details:

District Court

Phone: 8204 0289

Email: district.civil@courts.sa.gov.au

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Application for Internal Review of Determination

Under s29 & 38 of the *Freedom of Information Act 1991*

To the Principal Officer

Agency name.....

Details of Applicant

Last Name

Given Names

Australian Postal Address

..... Post Code

Tel (hm)Tel (wk)Tel (mob)

Email (*Optional*).....

FOI Reference Number (*If known*).....

I have submitted an application requesting access to documents in accordance with the *Freedom of Information Act 1991*.

I am not satisfied with the determination made by your agency and, therefore, seek a review because:

(Please place a tick in the appropriate box)

- I have been refused access to a document
- I have been refused access to part of a document
- I have been refused a request to amend a personal document
- I have been given access to a document but access has been deferred
- I believe I have been charged too much
- I am a third party specified in the documents but have not been consulted about giving access to another person
- I have been consulted but disagree with the determination to release the documents

Comments

Include any additional comments you wish to be considered in the review of the determination (*include additional pages if necessary*)

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Fees and Charges

An application fee of **\$33.00** must be submitted with the completed application form, unless you are seeking to have the application fee waived. Please attach evidence, eg. a copy of your concession card, or other evidence as proof of financial hardship if this the case.

You are not required to pay a fee or charge if seeking a review of a determination in regard to an application to amend your personal records or a review of a fee or charge determined by the agency.

In the following section please tick as appropriate

- Do you qualify for fee waiver? Yes No
- Is proof attached? Yes No
- Is the fee attached? Yes No
- Application Fee is in the form of Cheque Cash Money Order
(Please do no send cash through the mail)

Generally agencies accept fees in the form of money order or cheque, through the mail, and cash, if applying in person. If you wish to pay your application fee via credit card you will need to ask the agency you are applying to if they accept credit card payments.

If no fee is attached and you do not qualify for fee waiver the agency cannot process this application until the fee has been received by the agency.

If the agency varies or reverses a determination so that access to a document is, or will be, given the agency will refund any fees paid by the applicant.

Applicant's Signature

Date / / 20.....

OFFICE USE ONLY

Received on / / 20.....

Acknowledgment sent on / / 20.....