

Internal review: Governance and oversight

This information sheet is general in nature and provided for information purposes only. It is not intended to be a substitute for legal advice. You should seek your own legal advice as required.

A governance and oversight framework enables agencies to establish good internal review practices and monitor their performance.

Setting standards: Formal policies and guidelines

Enforcement agencies should develop guidelines to document agency specific practices and processes and assist review officers to act fairly and lawfully. Guidelines support review officers to consider relevant matters, exercise discretion and understand the legal requirements of the internal review process.

Written guidelines should include information on:

- legislated requirements including timeframes
- appropriate use of discretion when making internal review decisions
- general evidentiary requirements
- issuing of official warnings
- appropriate use of the power to request further information from the applicant
- application of administrative law principles
- providing reasons for the decision
- the limitations of issuing officer's involvement in the internal review decision-making process.

Agencies are also encouraged to develop written policies to ensure review officers act in accordance with the responsibilities of a public authority. Additional policies may cover:

- conflicts of interest, independence, and impartiality
- the use of contractors



- the application of administrative law principles when issuing fines
- record keeping requirements.

Agencies should provide information on the application process for internal review on websites, infringement notices and other platforms.

Monitoring: Trends and data

Agencies are required to collect data to fulfill the reporting obligations established by section 6 of the *Infringements Act 2006* (the Act) and regulation 8 of the *Infringements Regulations 2016*. This includes reporting on the number of internal review applications received under each ground and the outcome of each application.

In addition to these reporting obligations, the Director, Fines Victoria may request additional internal review information from enforcement agencies at any time under section 53B of the Act.

Collecting and analysing data is useful for agencies to monitor performance and identify training needs.

Other information that could be collected to assist enforcement agencies in monitoring performance include:

- the sub-grounds of special circumstances applications
- the number of requests for further information and whether further information was provided
- favourable decisions for the applicant at court following review.

Monitoring: Quality assurance (QA) frameworks

Implementing a quality assurance framework assists the agency to identify areas for improvement and can support an agency to implement training and other strategies to address the identified gaps.

The QA framework could monitor:

- compliance with decision making guidelines
- compliance with other agency policies
- applicant satisfaction: fair hearing and outcome
- application processing times
- withdrawals due to officer error
- correct classification of cases
- complaints referred to agency
- appropriate and detailed record keeping.

To implement a QA framework:

Develop a strategy and approach that is endorsed by the organisation that may include:

- baseline compliance indicators
- good practice indicators to support continuous improvement

- quarterly reviews of randomly selected files to assess qualitative indicators such as compliance with decision making principles
- review of performance against historical data
- review of the quality of infringements data ensuring there are no errors
- development of plans to improve performance.

Continuous improvement: Assessment and training

Tools to continuously improve:

- routinely assess review and issuing officers and provide training where required
- provide review officers with self-assessment checklists to support their decision making
- conduct routine discussion groups with review officers to resolve difficult applications, consider case studies or both
- implement training and guidance on administrative law principles
- appoint a senior or technical review officer to provide guidance when required.

Further information can be obtained via:



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