



Internal Review of Council Decision Procedure

Policy Number	S0017
File Number	9.63.2.2
Responsible Officer	Chief Executive Officer
Adopted	15 September 2003
Last reviewed at Council Meeting	16 September 2026
Minute Number	268-26
Due date of next Review	September 2030

1. Purpose

- 1.1 This Procedure has been developed in accordance with section 270(1) of the *Local Government Act 1999* and forms part of Council's broader framework for managing complaints, request for services and other grievances.
- 1.2 The purpose of this Procedure is to provide a transparent, accessible and consistent process for the review of decisions, actions or inactions of Council, Council employees and other persons acting on behalf of Council. It outlines the steps to be followed when a request is received and ensures that matters are considered fairly, objectively and in a timely manner.
- 1.3 This procedure is designed to ensure that:
 - Every person has the opportunity to make an application for review of a decision covered by this procedure.
 - Reviews are conducted fairly and without bias.
 - The merits of the decision under review are considered as well as relevant policies, procedures, guidelines and other Council documents.
 - Applicants receive information about the outcome of the review.

2. Scope

- 2.1 This procedure applies to internal reviews of Council decisions, where an applicant lodges a formal application for review of a Council decision and pays the fees.
- 2.2 This document sets out:
 - the decisions which are subject to review;
 - the method of applying for a review;

- the review process; and
 - record keeping requirements.
- 2.3 Nothing in this procedure prevents a person from making a complaint to the Ombudsman at any time under the *Ombudsman Act 1972*.

3. Definitions

- 3.1 **Act** refers to the *Local Government Act 1999*.
- 3.2 **Alternative Dispute Resolution** includes mediation, conciliation or neutral evaluation as set out in section 271 of the *Local Government Act 1999*.
- 3.3 **Applicant** is the party lodging the requests for review. Examples include residents, ratepayers, members of a community group, users of Council facilities and visitors to the area.
- 3.4 **Business Day** means a day when the Council is normally open for business, i.e. Monday to Friday, excluding public holidays.
- 3.5 **Council** refers to the Clare & Gilbert Valleys Council
- 3.6 A **Council Member** means an Elected Member of the Clare & Gilbert Valleys Council
- 3.7 A **Council staff member** or **Employee** means any person that is employed full-time, part-time or casually by Council who receives remuneration for their work.
- 3.8 **Decision** is the original decision, the subject of the request for internal review, and either a:
- 3.8.1 formal decision of the elected body of Council or a Council Committee;
 - 3.8.2 decision made under delegation by the Chief Executive Officer;
 - 3.8.3 decision made under delegation by an Employee of Council; or
 - 3.8.4 a decision made by other persons acting on behalf of Council.
- 3.9 **Decision-maker** is the Council, CEO, or person delegated, to assess the Internal Review Recommendation made by the Reviewing Officer and make the Final Decision on the internal review.
- The Decision Maker should make a new and independent decision that is not bound by the recommendations of the Reviewing Officer and must:
- 3.9.1 affirm the Council Decision;
 - 3.9.2 vary the Council Decision; or
 - 3.9.3 revoke the decision
- 3.10 **Employee** includes a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and persons providing services to, or on behalf of, the Council even though they may be employed by another party.
- 3.11 **Final Decision** is the final determination made by the Decision Maker in assessing the Internal Review of Decision.
- 3.12 **Internal Review Contact Officer (IRCO)** is appointed by the Chief Executive Officer and is the initial point of contact for applicants.
- 3.13 **Internal Review Recommendation** is the report provided by the Reviewing Officer to the Decision Maker, setting out the scope, evidence considered, and assessment of the internal review request, and a recommendation to the Decision Maker.

- 3.14 **Prescribed fee** means the fee payable in relation to an application for review pursuant to Section 270 of the Local Government Act 1999, as set in the [Local Government \(Application for Review Fee\) Notice 2021](#).
- 3.15 **Reasonableness** is the appropriate standard or quality of decision-making that must be brought to bear when making an administrative decision.
- 3.16 **Reviewing Officer** is the Council officer, external person or CEO to review the Council Decision and make an Internal Review Recommendation to the Decision Maker on the Council Decision.
- The Reviewing Officer will:
- 3.16.1 not have been involved with the original decision; and
 - 3.16.2 be sufficiently independent of the original decision
- 3.17 Vexatious Request is any request:
- 3.17.1 from an Applicant who has consistently, over a period of time, complained about minor or trivial matters;
 - 3.17.2 that has previously been dealt with, and no new information has been provided by the Applicant;
 - 3.17.3 where the Applicant, or the person on whose behalf the request was made, does not have a sufficient personal interest in the matter raised in the complaint; or
 - 3.17.4 that is frivolous or not made in good faith; and
 - 3.17.5 considered by the CEO having regard to all the circumstances of the request, that an investigation or the continuance of the investigation of the matter raised in the request, is unnecessary or unjustifiable.

4. Internal review of a council decision

An internal review of a Council decision will be undertaken in accordance with this Procedure. This review process involves a comprehensive reconsideration of the relevant facts, legislative requirements, policies and other relevant considerations that informed the original decision.

The original decision will be reassessed based on the information available at the time it was made, together with any new or additional information that has become available since the original decision was made.

A review under this Procedure involves the decision being reconsidered afresh. The purpose of the review is to determine whether the decision is legally sound and where there is more than one lawful option available, whether the decision represents the most appropriate or preferable outcome having regard to the relevant circumstances and evidence.

The application process and relevant application forms for initiating a review pursuant to this Procedure can be found at Appendix A, below.

4.1 Council's Commitment

- 4.1.1 Council, its committees, employees and contractors make decisions every day that affect members of the community. It is important that these decisions are made in a fair, consistent, transparent and objective manner and, where appropriate, provide a pathway for review.
- 4.1.2 Council is committed to open, responsive and accountable governance. As part of this commitment, it provides clear and accessible processes that enable community members affected by a Council decision, action or

inaction to seek a review where appropriate. These processes support transparency, procedural fairness and continuous improvement in the delivery of Council services.

4.2 Key Principles

4.2.1 The Procedure is based on five principles, which are fundamental in the way Council approaches requests for service, complaint handling and reviews of decisions.

4.2.2 They are:

- **Fair treatment:** which requires impartiality, confidentiality and transparency at all stages of the process;
- **Accessibility:** to be accessible there must be broad public awareness about Council's policies and procedures and a range of contact options;
- **Responsiveness:** this will be achieved by providing sufficient resources, well trained staff and ongoing review and improvement of the systems;
- **Efficiency:** requests and complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their level of complexity; and
- **Integration of different areas of Council** where the matter under review overlaps functional responsibilities.

5. Decisions subject to review

5.1 A review under this Procedure may be sought in relation to decisions made by:

- the Council;
- employees of the Council; and
- other persons acting on behalf of the Council.

5.2 The review undertaken pursuant to this Procedure is a *merits review* which means the decision will be reconsidered based on the relevant facts, applicable legislation, policies and any other relevant considerations. Following the review, the original decision may be affirmed, varied or revoked and replaced with a new decision.

5.3 A decision is made when a matter, issue or request has been considered and a determination has been reached. Once a decision has been made, it may be subject to review under this Procedure unless the decision is excluded by this Procedure or is otherwise not reviewable under legislation.

5.4 If council receives an application for a review of a decision concerning the financial impact of council rates or service charges, these will be dealt with as a matter or priority. Where circumstances warrant, council will consider financial relief or the granting of concessions in line with the provisions of the Act.

The right of a council to recover rates is not suspended by an application for the provision of some form of relief or concession with respect to the payment of those rates (but a council may then, if appropriate in view of the outcome of the application, refund that while or a part of any amount that has been paid).

6. Decisions not subject to review

6.1 Not all actions undertaken by Council, Council employees or other persons acting on behalf of Council constitute a decision capable of review under this Procedure.

- 6.2 Actions that occur as part of the decision-making process, such as undertaking investigations, seeking further information, conducting internal assessments or referring matters for external advice, are not decisions for the purposes of this Procedure.
- 6.3 Some decisions made by the Council, Council employees or persons acting on behalf of Council are subject to specific review or appeal rights established under legislation. This Procedure does not replace, override or operate inconsistently with those statutory processes. Where legislation provides a separate review, appeal or reconsideration process for a particular type of decision, that decision will not be reviewed under this Procedure. Examples include:
- objections to valuations made by the Council;
 - appeals against orders made pursuant to section 254 of the *Local Government Act 1999*;
 - appeals against the issuing of litter abatement notices under the *Local Nuisance and Litter Control Act 2016*;
 - appeals against destruction and control orders issued under the *Dog and Cat Management Act 1995*;
 - review of an expiation notice under the *Expiation of Offences Act 1996*; and
 - review and appeal processes under the *Planning, Development and Infrastructure Act 2016* and the *Freedom of Information Act 1991*.
- 6.4 Where legislation specifically excludes a type of decision from review either expressly or by necessary implication, this procedure cannot operate inconsistently with that legislation, and such a decision will not be reviewable under this procedure. Examples include the following decisions of the Council which are not reviewable and therefore not subject to this procedure pursuant to section 270(4a) of the *Local Government Act 1999*:
- to refuse to deal with, or determine to take no further action in relation to, a complaint under Part A1 Division 1¹ by a person who is dissatisfied with the decision; or
 - relating to a recommendation of the Ombudsman under Part 1.
- 6.5 A review under this Procedure cannot vary or revoke a decision which has been implemented or which the Council is not able at law to vary or revoke. For example, planning consents under the *Planning, Development and Infrastructure Act 2016* cannot be revoked or varied by the Council.
- 6.6 Where legislation specifically provides for an internal review process, that process will apply rather than the process set out in this Procedure. For example, internal review of a determination under the *Freedom of Information Act 1991* or withdrawal of an expiation notice issued by the Council under section 16 of the *Expiation of Offences Act 1996*.
- 6.7 Where a matter has been referred to the Local Government Association Mutual Liability Scheme (LGAMLS) in respect to a claim or potential claim against the Council or in response to a threat of legal action against the Council, an application for review of a decision in connection with that claim or action (including the decision to refer the matter to the LGAMLS) will not be reviewable under this procedure.
- 6.8 Alternative Processes are tabled below:

¹ Part A1 Division 1 -Council to deal with member behaviour – complaints under this Division must be made in accordance with Council's behavioural management policy.

Type	Process/contact
Chief Executive Officer (CEO)	Referred to Mayor and managed under the CEO Code of Conduct and Complaint Handling Policy
Contractor	Referred to the appropriate manager responsible for the specific work being undertaken.
Decisions under legislation including: • <i>Freedom of Information Act 1991</i> • <i>Planning, Development and Infrastructure Act 2016</i> • <i>Dog and Cat Management Act 1995</i> • <i>Environmental Protection Act 1993</i> • <i>Expiation of Offences Act 1996</i> • <i>Local Nuisance and Litter Control Act 2016</i> • <i>Section 254 orders under the LG Act</i>	Managed under each respective legislative review process NB – Freedom of Information applications may be referred to the Ombudsman for review
<i>Public Interest Disclosure Act 2018</i>	Referred to Public Interest Disclosure Policy
Elected members	Referred to the CEO or Mayor and is managed under the Behavioural Management Policy for Council Members
Insurance claims	Contact admin@cgvc.sa.gov.au and claims are managed by Local Government Risk Services
Objections to property valuations	Contact Valuer-General's Office
Volunteer	Referred to Human Resources
Employee	Matters concerning employees are managed under the <i>Code of Conduct</i> and the Complaint Handling Policy

7. Roles and Responsibilities

7.1 All Staff

- 7.1.1 It is essential that no one is excluded from lodging an application for review because of any difficulties they may have representing themselves. All staff are expected to offer assistance where appropriate and provide it on request, including assistance in documenting the reasons for the review in writing when circumstances warrant, and if necessary arrange access to interpreters, aids or advocates to ensure that an applicant is treated equitably.

7.2 Chief Executive Officer (CEO)

- 7.2.1 Council has nominated the CEO to receive any Internal Review of Decision Requests except where the application should be referred to the Mayor i.e. when the decision was made by the CEO. The CEO may assign a Reviewing Officer to manage the internal review process.

7.3 Council Members

- 7.3.1 Must comply with the requirements of this Procedure.

7.4 Employees

- 7.4.1 Must comply with the requirements of this Procedure.

7.5 The Mayor

- 7.5.1 Where the decision was made by the CEO, the Mayor is responsible for receiving any Internal Review of Decision Requests. The Mayor may assign a Reviewing Officer to manage the internal review process

7.6 **Reviewing Officer**

The role of a reviewer is to review the decision in question to ensure that the decision-maker complied with following procedural requirements and made the best possible decision in the circumstances.

The Reviewer is also responsible for:

- 7.6.1 Explaining the Procedure to the Applicant and exploring any alternative options to resolve the matter, such as alternative dispute resolution prior to an application for review;
- 7.6.2 Acknowledging receipt of the Application;
- 7.6.3 Ensuring that the Application is recorded in the corporate record keeping system and captured for reporting purposes;
- 7.6.4 Outlining the timeframes involved and the action to be taken in the first instance;
- 7.6.5 Undertaking a preliminary investigation to determine what (if any) actions have already been taken to try to resolve the matter;
- 7.6.6 Keeping the Applicant informed of progress; and
- 7.6.7 Ensuring that adequate records of the review process and findings are produced and maintained

The Reviewing Officer cannot be the Decision Maker, unless a remedy can be reached without internal review, within their level of delegated authority

7.7 **Decision Maker**

The Decision Maker must ensure that findings of fact are based on evidence; that the application of existing policies are properly considered and that all decisions are reasonable. The Decision Maker must not make a decision or exercise a power or discretion in bad faith or for an improper purpose.

The Decision Maker is also responsible for:

- Ensuring the decision is within a power properly conferred on the decision-maker under the relevant Act.
- Ensuring that all matters are considered which are relevant to the making of the decision and not take into account matters which are not relevant to the decision.
- Ensuring those who may be affected by a decision are accorded procedural fairness, which includes the principles of natural justice.

A decision-maker must not exercise a discretionary power at the direction of another person.

8. Confidentiality

- 8.1 The details of any request for internal review will be kept confidential as far as practicable. When no longer practicable, the applicant will be advised.
- 8.2 The applicant will be encouraged to observe confidentiality as this is likely to achieve the fairest result for all concerned.
- 8.3 The applicant's personal information will be used by the Reviewing Officer in relation

to investigating and reviewing the application.

- 8.4 Only relevant parties will be involved in the internal review process.
- 8.5 Where a request for review is referred to the Elected Council for determination, the Council may consider the matter in confidence where it is lawful and appropriate to do so, subject to there being relevant grounds under Section 90(3) of the Act.
- 8.6 If the application is referred to the Ombudsman, the council will share any relevant information relating to the application with the Ombudsman's office in accordance with the *Ombudsman Act 1972*.
- 8.7 Information contained within the application may be accessible under the *Freedom of Information Act 1991*.

9. Record Keeping & Reporting

- 9.1 All applications will be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.
- 9.2 The Internal Review Contact Officer (IRCO) records the following information about all applications for review:
- the number of applications for review made,
 - the kinds of matters to which the applications relate,
 - the outcome of applications,
 - such other matters as may be prescribed by the regulations.
- 9.3 The IRCO will submit a report to Council annually about section 270 applications for review of a decision, including:
- the number of applications for review made under this section,
 - the kinds of matters to which the applications relate,
 - the outcomes of applications under this section.
- 9.4 This information, as specified in section 270(8), will be included in Council's Annual Report.

10. Policy Responsibility

- 10.1 The CEO is responsible for ensuring the proper operation of this policy.

11. Availability/Accessibility

- 11.1 [This Policy](#) and Council's [Fees & Charges Register](#) are available to be downloaded free of charge from Council's website: www.claregilbertvalleys.sa.gov.au.
- 11.2 This Policy is available for inspection at Council's offices during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of [Fees & Charges](#), can be provided upon request.

12. Legislative Framework / Other References

- 12.1 [Local Government Act 1999](#)
- 12.2 [State Records Act 1997](#)
- 12.3 [Freedom of Information Act 1991](#)

- 12.4 [Independent Commissioner Against Corruption Act 2012](#)
- 12.5 [Ombudsman Act 1972](#)
- 12.6 [Behavioural Management Policy](#)
- 12.7 [Complaint Handling Policy](#)
- 12.8 [Request for Service Policy](#)

13. Document History

Version	Adopted	Minute	Description of Change
1	15/09/2003	MB53/03	Adopted
2	16/11/2015		Reviewed by Council
3	17/06/2019	170-19	Reviewed by Council
4	16/09/2026	268-26	Updated to new template. Updated to reflect changes to the <i>Local Government Act 1999</i> as per Local Government Act Reforms



1. Application Process

1.1 Who can apply

- 1.1.1 A person with a sufficient interest in a decision made by Council, a Council employee or another person acting on behalf of Council may submit a written application requesting a review of that decision.
- 1.1.2 An application for review must generally be lodged within **6 months** of the date the decision was made. However, Council or a delegate or nominee authorised by Council, may exercise discretion to accept an application submitted outside this timeframe where, having regard to the circumstances of the matter, it is considered appropriate to do so.
- 1.1.3 A person does not need to be the direct subject of a decision to have a sufficient interest in seeking a review under this Procedure. A person may have a sufficient interest where the decision has a direct or significant impact on their interests, rights, responsibilities or circumstances. For example, a person may seek a review of a Council decision relating to the number of dogs permitted to be kept on a neighbouring property where that decision may affect their interests.

1.2 Making an application

An application for review:

- must be in writing addressed to the CEO;
- must set out the reasons for applying for the review (that is, why the applicant believes that the decision is wrong);
- may also include new, relevant information or evidence to support the application (Although Council can be expected to have information and material relevant to the matter under review); and
- must be accompanied by the [prescribed fee](#).

Council may, as it thinks fit, reduce, waive or refund (in whole or part) the fee pursuant to Section 270(3a) of the Act.

1.3 Assisting with the application for review

Council will, where requested, provide assistance to applicants. Assistance may include interpreter and/or translation services, assistance with writing the application, or ensuring ease of physical access to meeting rooms etc. If a person refuses assistance, that does not negate their right to proceed with the application.

1.4 Internal Review Contact Officer

An Internal Review Contact Officer (IRCO) appointed by the Chief Executive Officer is the initial point of contact for applicants.

The role of the Internal Review Contact Officer is to:

- explain the procedure to the applicant and explore any alternative options to resolve the matter, such as alternative dispute resolution prior to an application for review;



- acknowledge the receipt of the application;
- outline the timeframes involved and the action to be taken in the first instance;
- undertake a preliminary investigation to determine what actions have already been taken to try to resolve the matter;
- keep the applicant informed of progress;
- maintain a register of all applications for review received and the outcomes of the applications;
- ensure adequate records are maintained;
- report to Council at prescribed intervals on all applications lodged for review;

All applications are to be referred to the IRCO immediately, including meeting with the applicant or transferring a telephone call when contact is first made.

The relevant contact details for making an Internal Review of Decision Request are:

Internal Review of Decision Request
Chief Executive Officer
Clare & Gilbert Valleys Council
4 Gleeson Street
CLARE SA 5453
email: admin@cgvc.sa.gov.au
phone: 08 8842 6400

1.5 Acknowledging an application for review

The IRCO is responsible for:

- working in conjunction with the appropriately delegated officer to determine how the review will be handled
- advising the applicant of the process to be undertaken and the time of the next contact
- ensuring the application is properly lodged and assigned.

Applications for a review of a decision must be responded to within ten (10) business days, acknowledging receipt and advising of the expected timeframe for dealing with the matter. The IRCO will use their best endeavours to ensure that a review of the original decision will be completed within 21 business days. However, if the decision is to be reviewed by Council, a committee, or an external panel there may be delays caused by meeting cycle timelines. In more complex cases, a review may take longer.

The applicant will be regularly informed of progress, either by email, letter or telephone.

1.6 Refusing an application

Council is entitled under the Act to refuse to consider an application for review if:

- The application is made by an employee of the Council and relates to an issue concerning their employment; or
- It appears that the application is frivolous or vexatious;
- The Applicant does not have a sufficient interest in the matter;



- It is satisfied that the subject matter of the application has been or is already the subject of a review by council or an investigation, inquiry or review by another authority;
- The Decision under review is excluded from this Procedure pursuant to Clause 6 above.

2. Undertaking a Review

2.1 Initial assessment of request

- 2.1.1 The Chief Executive Officer or Mayor will take receipt of an Internal Review of Decision Request and act as the Reviewing Officer or may assign a Reviewing Officer to manage the internal review process and provide an Internal Review Recommendation to the Decision Maker.
- 2.1.2 Before conducting an internal review of the Council Decision, the Reviewing Officer will conduct an initial assessment of the application to determine if the matter will be reviewed, or if a remedy can be reached without internal review, within their level of delegated authority.

2.2 Determining the reviewer

- 2.2.1 Where Council is the Decision Maker, the Chief Executive Officer, or Mayor in consultation with the Chief Executive Officer, will appoint an external Reviewing Officer to undertake the internal review and provide the Internal Review Recommendation.
- 2.2.2 The elected Council will be the reviewer:
 - when the decision being reviewed was made by the elected Council, a Committee of the Council or the Chief Executive Officer;
 - when the decision relates to civic and ceremonial matters; or
 - in other circumstances as determined by the Chief Executive Officer or resolution of the Council.

The Council will consider the outcome of the review and determine whether to affirm, vary or revoke the reviewed decisions.
- 2.2.3 Where the elected Council is not the reviewer, the internal review will be undertaken by the CEO or his / her delegate.

2.3 Review process

- 2.3.1 In carrying out a review of a decision, the reviewer will consider all the information and material that was before the original decision-maker and any additional relevant information or material provided by the applicant. The reviewer will 'stand in the shoes' of the original decision-maker and make the best decision available based on the evidence.
- 2.3.2 This means the reviewer will do more than simply consider whether the decision is legally and procedurally correct. The reviewer will also consider whether a different decision would be better, based on the evidence.
- 2.3.3 The process of a merits review, as described above, will typically involve a



review of the facts that support a decision, including any new evidence that may come to light.

2.4 Providing Reasons

2.4.1 While there is no statutory requirement to give reasons for a decision, Council will provide reasons for the decision of the reviewer where practicable.

2.4.2 Council will always give reasons to explain the outcome where:

- A decision is not in accordance with published policy;
- A decision is likely to detrimentally affect rights or interests of individuals (or organisations) in a material way; or
- Conditions are attached to any approval, consent, permit, licence or other authorisation.

3. Procedural Fairness

Council will observe the principles of procedural fairness (also called 'natural justice') when exercising its statutory powers which could affect the rights and interests of individuals.

To observe the principles of procedural fairness:

- an applicant is entitled to put forward information and materials in support of the application for review;
- be informed of the proposed outcome of the review, have the opportunity to make submissions to the reviewer on the proposed outcome and have these submissions taken into account; and
- the reviewer must not have a bias or perceived bias in respect of undertaking the review.

4. Providing reasons

4.1 While there is no statutory requirement to give reasons for a decision, Council will where appropriate and/or not contrary to law give reasons to explain the outcome where:

- a decision is likely to affect rights or interests of individuals (or organisations); or
- conditions are attached to any approval, consent, permit, licence or other authorisation.



Form 1

Applicants Details:	
Applicant Name:	
Telephone Number:	
Email:	
Address:	
Date of Application:	
Preferred means of contact:	

Pursuant to Section 270 of the *Local Government Act 1999*, an application for review must be accompanied by payment of a prescribed fee of **\$20.00**.

Decision to be reviewed	
Please provide all relevant details, such as the date of the decision, the name of the staff member or department, and any previous contact with Council about this matter. (Attach additional pages if required.)	
Date of Decision:	



Reasons for review request:

Resolution sought:



List of Attachments:	

Assistance required:	
Type (eg interpreter)	
Council to arrange:	Yes / No
Applicant to arrange:	Yes / No

Signed:

Date: / /

Clare & Gilbert Valleys Council use only
Received (date and time):
Application received by:
Name
Position Title:
Record Number:
Application Referred to:
Name:
Position Title: