

	PROCEDURE	Version:	7
	Internal Review of Decisions	Date Adopted:	08 Oct 2024
		Next Review Due:	Oct 2028

1. STATEMENT

This procedure relates to the [Customer Experience Policy](#) for customer service-related matters. It describes Council's procedure for processing customer requests for an internal review of Council decisions.

2. DEFINITIONS

Please refer to the [Customer Experience Policy](#) for the definitions that apply to this procedure.

3. PROCEDURE

The internal review of decisions is Level 3 (the highest level) of the Council's complaints handling process. Whilst generally a last resort, it may also be used in situations that are not able to be resolved by other means, such as a complaint about a decision of the Chief Executive Officer (CEO).

An internal review can be undertaken for decisions of

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

Please refer to the [Customer Experience Policy](#) as not all types of decisions are eligible for review under this procedure.

3.1 Requesting an internal review of decisions

All applications for an internal review must be in writing and describe the reason(s) for applying for the review and what is believed to be incorrect with the original decision.

Applications for internal review must be submitted within 6 months of the decision being made.¹ If an application is made more than 6 months after the reviewable decision was made, the Council may allow an application in appropriate cases.²

The customer can provide (and is encouraged to provide) new relevant information to support their application.

Written requests can be submitted to:

Email	council@wattlerange.sa.gov.au
	Note: A system generated return email is automatically sent acknowledging receipt of an email submission. If you do not receive this, Council may not have received your email.
Letter	PO Box 27 Millicent SA 5280; or
	Lodged at a Council office.

Council encourages customers to provide their name and contact details for their review to be fully processed. A person may remain anonymous, however where insufficient information is provided in a request, it may not be possible to fully investigate the matter or provide information to the applicant about the status of the investigation or actions taken by Council.

¹ Section 270(2a)(a) Local Government Act 1999.

² Section 270(2a)(b) Local Government Act 1999.

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115	Public	Corporate Services	Director Corporate Services	4 yearly
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Applicants are encouraged to provide the following details, which will be recorded on the Internal Review Register:

- customer's name
- customer's address
- customer's preferred phone number
- customer's email
- reason the customer is requesting an internal review
- supporting documentation relating to the decision (including any new information).

If the review is being requested on another person's behalf, the details of the other person will also need to be recorded.

In addition to the applicant's details, officers will also record the following information with an application for internal review:

- date and time the application is received
- name of the officer lodging the application.

3.2 Application fee

The application needs to include the prescribed fee listed in the Fees and Charges Schedule under section 270(3) of the *Local Government Act 1999* (LG Act). It should be noted that s270(3a) of the LG Act allows the Council to reduce, waive or refund the fee as appropriate.

Applications will not be considered unless the relevant fee has been paid or waived by Council. If the applicant provides information that they are experiencing financial hardship, the CEO will be informed and will assess whether to reduce or waive the fee.

3.3 Acknowledging a request for internal review

All internal review applications will be acknowledged by either a return email or letter sent within ten (10) business days of receipt of the application, advising that the request has been received and forwarded to the relevant Council officer for action/review.

The Chief Executive Officer (CEO) will assign an Internal Review Contact Officer (IRCO) for the application who is responsible for:

- determining whether the decision is subject to review under this procedure
- 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 explaining the timeline
- ensuring the application is properly lodged, assigned and adequate records are maintained
- updating the Internal Review Register.

When an IRCO has been appointed, they will contact the customer advising of the expected timeframe and process for dealing with the matter.

Council will endeavour to ensure that a review of the original decision is completed within 6 months of the making of the relevant Council decision. In more complex cases where a decision requires a review by elected members, a committee or an external panel, there may be delays in completing the review caused by meeting cycle timelines.

The applicant will be regularly informed of progress by email, letter or telephone. Verbal conversations should be followed up in writing (where possible) or a file note made.

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3.3.1 Applications for a review of the impact of rates or services charges

An application for a review of a decision concerning the financial impact of Council rates or services charges must be dealt with as a matter of priority, as required by section 270 of the LG Act.

3.3.2 Refusing an application for review

As set out in section 270(4) of the LG Act, an application for review may be refused if:

- the application is made by an employee of the Council and relates to an issue concerning his or her employment
- it appears that the application is frivolous or vexatious
- the applicant does not have a sufficient interest in the matter
- the Council or person considering the application is satisfied that the subject matter of the application has been or is already the subject of a review by the Council or an investigation, inquiry or review by another authority.

An application for the review of a decision in relation to a claim or action that has been referred to the Local Government Association Mutual Liability Scheme (LGAMLS) (including the decision to refer the matter to the LGAMLS) will be deemed vexatious where the:

- LGAMLS has refused, on behalf of Council, a claim or potential claim against Council; or
- LGAMLS has refused, or provided advice to Council to refuse, a claim in response to a threat of legal action against Council.

Refusing an application for review will not be done lightly and the evidence on which a refusal is based must be documented. The CEO or Deputy CEO will determine whether to refuse or accept an application.

3.4 Undertaking a review

3.4.1 Internal Review Contact Officer

The role of the IRCO is to be the single point of contact for the applicant. The IRCO will ensure that an appropriate reviewer is assigned to the matter.

3.4.2 Assignment of applications for review

The Council (being the group of members appointed or elected to the Council) will be the reviewer when:

- the decision being reviewed was made by a committee of the Council or the CEO
- the decision relates to civic and ceremonial matters or
- in other circumstances as determined by the CEO or resolution of the Council.

Where the Council is not the reviewer, a reviewer will be chosen from the following:

- CEO or their nominee
- a panel comprised of Council members and senior Council staff
- a panel of experts external to the organisation
- an external body or person.

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Wherever possible and appropriate, Council will seek to involve an external person or panel to assist with the review, including the enlistment of staff from other councils.

3.4.3 Role of reviewer

The reviewer will undertake a merits-based review of the decision.

The reviewer will consider all materials and information that were available to the original decision-maker and any additional, relevant information that has been provided or becomes available during the course of the review.

The reviewer will assess the original decision and re-evaluate that decision considering any new information/material that is available at the time of the review.

3.4.4 Providing procedural fairness

The reviewer will observe the principle of procedural fairness (also called 'natural justice') when undertaking the review. To observe procedural fairness, an applicant:

- is entitled to put forward information and materials in support of the application for review
- will be informed of the proposed outcome of the review for consideration
- will have the opportunity to make submissions to the reviewer on the outcome and have these submissions taken into account.

The review process must be open and transparent, and the reviewer must not have a bias or perceived bias in respect of undertaking the review.

3.5 Providing reasons

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

Council will always give reasons to explain the outcome where:

- a decision is not in accordance with a Council policy
- a decision is likely to detrimentally affect the rights or interests of an individual (or organisation) in a material way, or
- conditions are attached to any approval, consent, permit, licence or other authorisation.

3.6 Outcome of review

Where the reviewer is the elected Council or a panel comprising elected members and Council staff members, the elected Council should determine whether to affirm, vary or revoke the original decision.

Where the reviewer is a Council employee, the employee may determine whether to affirm, vary or revoke the original decision if authority to make the decision has been delegated to that employee. If the reviewer does not have a delegation enabling the making of the decision, then the reviewer should report the outcome of the review to the elected Council (or delegate) for a determination as to whether the decision should be affirmed, varied or revoked.

Where the reviewer is an external person or body, the reviewer will report the outcome of the review to the elected Council for a determination as to whether the decision should be affirmed, varied or revoked. An external reviewer cannot vary or revoke a decision made by or on behalf of Council.

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3.7 Recording and reporting on internal reviews

All internal review applications will be recorded in the Council's Records Management System and logged in the Internal Review Register.

Information recorded in the Internal Review Register will be reported in Council's Annual Report and provided to Council. The information reported will include:

- the number of applications for internal review made during the financial year
- a description of the kinds of matters for which internal reviews were requested
- who conducted the review (e.g. elected members, Council employee or external party)
- the outcomes of the review applications.

4. REVIEW

This procedure will be reviewed every four (4) years, in consultation with the Executive Leadership Team, Council staff and Council members.

5. AVAILABILITY

This procedure is publicly available on Council's website: www.wattlerange.sa.gov.au.

A printed copy may be purchased from Council offices upon payment of the relevant fee in Council's Fees and Charges Schedule.

6. REFERENCES & FURTHER READING

References	
Relevant Legislation:	• <i>Local Government Act 1999</i> – sections 125, 254, 270, 271 • <i>Freedom of Information Act 1991</i>
Relevant Policies / Procedures / Guidelines	This procedure should be read in conjunction with: • Attachment A – Internal Review of Council Decision - Flow diagram • Customer Experience Policy • Public Interest Disclosure Procedure • Fraud and Corruption Prevention Policy • Compliments and Complaints Handling Procedure • Unreasonable Customer Conduct Procedure • Requests for Service Procedure • Records Management Procedure

7. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of this procedure.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	12 December 2006	Council	Adopted	Folio 3789; Item 18.1.2
2	14 December 2010	Council	Reviewed	Folio 4496; Item 16.1.7
3	13 August 2012	Council	Amended	Folio 4797; Item 11.1.1
4	11 December 2012	Council	Reviewed and amended	Folio 4847; Item 11.1.9
5	14 July 2015	Council	Reviewed and amended	Folio 6115; Item 11.2.4
6	12 November 2019	Council	Reviewed. Policy statements merged into	Folio 8697; Item 15.2.12

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			Customer Experience Policy. Now a procedure.	
7	08 October 2024	Council	Reviewed. Procedure updated to reflect amendments to section 270 of the Local Government Act. Updated flow chart diagram.	Folio 11108; Item 15.2.4

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