Internal Review of Council Decision Policy

Reference Number:	2.10
Type:	Council Policy
	Corporate Governance
Relevant Community Vision Outcome	Responsible Governance • We will manage our City in a sustainable and affordable way with responsible governance. Excellence in Customer Experience and Service Provision • We will foster an organisational culture focused on continuous improvement and delivering excellence in customer experience and service provision.
Responsible Officer(s):	General Manager Corporate Services
First Issued/Approved:	July 1996
Minutes Reference:	CoS 04/05/2026, Item 4.7
Last Reviewed:	May 2026
Next Review Due:	May 2028
Applicable Legislation:	Local Government Act 1999 (Section 270)
Related Policies:	Employee Code of Conduct Policy Expiation Notice Review Policy Customer Experience Policy Rates Rebate Policy Rating Policy Unreasonable Requests for Service, Information and Complaints Policy
Related Procedures:	Internal Review of Council Decision (Sect 270) Procedure

1. Purpose

The City of Charles Sturt (Council) is committed to delivering the highest level of service to the community. Section 270 of the Local Government Act 1999 provides an opportunity for those dissatisfied with a decision of Council to request an internal review. Council is committed to ensuring its processes are fair and consistent, and its approach is outlined in this policy and associated procedure.

2. Policy Scope

What is an Internal Review of a Council Decision?

An internal review of a council decision is undertaken when informal complaint processes have been exhausted. An internal review evaluates the process undertaken by Council in reaching its decision, particularly as to whether the decision made by the Council was:

- a reasonable decision to make in the circumstances;
- a decision open to be made on the facts before it; and

- a decision made in the public interest.

The review will also establish if the decision-making process was flawed in any manner.

The review could lead to the original decision being affirmed, varied or overturned. Sometimes, the decision is unable to be changed; in this case Council will undertake the internal review to establish any opportunities for business improvement.

Payment of the prescribed fee is required by the applicant for an internal review. This is currently set at $20.00.

What is a decision of Council?
A decision of Council includes decisions made by:

- Council (that is the elected body);
- employees of Council; and/or
- other persons acting on behalf of Council (such as contractors).

A decision is deemed to be made when a conclusion or resolution is reached after consideration of a matter, issue or query.

What matters are not covered by this policy?
Not all actions are considered decisions; for example, actions taken during the process of decision-making, such as

- investigations
- requests for further information
- internal consideration of the matter or
- referral of the matter to an external adviser

are not deemed to be decisions.

Matters that have 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, are not considered decisions of Council, and as such are not covered by this Policy. Nor would the referral of a matter to Council's insurer the LGAMLS be a decision.

In addition, some decisions made by Council are subject to review or appeal processes set out in other legislation. These include the:

- Planning, Development and Infrastructure Act 2016;
- Dog and Cat Management Act 1995;
- Freedom of Information Act 1991;
- Expiation of Offences Act 1996.

This Policy and associated procedure cannot replicate, override or operate inconsistently with these statutory processes. Where legislation provides for the review of, or appeal from, a type of decision (or where legislation specifically excludes a type decision from review either expressly or by necessary implication), a decision of that type will ordinarily not be reviewed under this procedure, however the Council will assess each application received on its individual merits.

It is also important to note that a review under this procedure could not vary or revoke a decision which has operative effect under legislation from the time the decision is made. For example, some development approvals under the Development Act 1993 are intended to have operative effect from the time the decision is made and are not capable of being varied or revoked by council.

Decisions made more than six months prior are also not covered by this Policy or Procedure, unless in appropriate cases or, based on the merits of the application received, there is a public interest in the review being undertaken.

Council is aware of its obligations under Section 270 of the Local Government Act 1999 in relation to applications relating to rates and in these instances, Council will consider the provisions available to ratepayers for rate relief orconcessions. The process for rate relief or concessions is detailed in the Rates Rebate Policy and the Rating Policy.

The Chief Executive Officer (CEO) may consider granting an Internal Review on the matters described above, where it is determined that there may be merit in doing so and provided it isn't contrary to other legislative avenues.

When will a request for review be refused?
Council, or a person assigned to consider the application, may refuse to consider an application for review if:

- the application is made by an employee of the council and relates to an issue concerning his or her employment; or
- it appears that the application is frivolous or vexatious; or
- the applicant does not have a sufficient interest in the matter; or
- the matter is covered by the Council Member Code of Conduct; or
- a recommendation of the Ombudsman.

Refusing an application for review will not be done lightly and reasons for the refusal will be provided to the applicant.

What can you expect from Council?
Council will acknowledge receipt of an application for a review within three business days. Council will aim to have the investigation completed, and a draft report prepared within a month.

It is recognised that some investigations are more complex and are unable to be completed within these timeframes. In these instances, Council will advise the applicant and provide estimated timeframes for the draft report to be completed.

Where a formal Internal Review is granted under this Policy the person conducting the internal review shall be independent from those involved in the initial decision. Applicants will be treated equally, in accordance with good administrative practice and Council's procedures are designed to ensure that:

- every applicant has the opportunity to make an application for review of a decision covered by this procedure;
- an unbiased assessment is undertaken;
- decisions are based on sound evidence;
- applicants receive information about the outcome of the review.

While Council prefers to resolve requests for review directly with its customers, it does not negate citizens' rights to seek an external review of a decision through the State Ombudsman, other legal appeal processes or the Courts at any time during the complaint handling process.

In the case where an application is refused, or a review has been finalised and the applicant is still unhappy with the decision, the Chief Executive Officer may recommend the case go to mediation, conciliation or neutral evaluation. Costs and expenses associated with the appointment and work of a mediator, conciliator or evaluator under this section will be shared equally between the Council and the other party.

In line with Section 270(8), all requests for an internal review will be included within Council's Annual Report. This information includes:

- The number of applications for review made under this Policy;
- The types of matter to which the applications relate;
- The outcomes of applications under this Policy; and
- Any other matters as may be prescribed by the regulations.

3. Definitions

Key Term – Acronym	Definition
Complainant	A customer who is dissatisfied with the service delivery of the Council or the handling of a request for information
Frivolous complaint or request	A complaint or request that lacks substance or merit, or is otherwise trivial in nature.
Malicious complaint or request	A complaint or request that is motivated by improper, vicious, or mischievous purposes.
Unreasonable complainant conduct	any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint
Vexatious Complaint	A complaint or request is a complaint or request that is made to harass, annoy, delay or cause detriment or trouble to the Council or a third party. A complaint may be considered vexatious if: • it comprises false allegations, and cannot possibly succeed; or • there is an absence of any reasonable grounds for lodging the complaint; or • the complainant does not have sufficient interest in the matters the subject of the complaint.

Internal Review of Council Decisions (Section 270) Procedure

Reference Number:	2.4
Classification	Internal - Procedure
First Issued/Approved:	October 2010
Review Frequency:	2 Years
Last Reviewed:	May 2026
Next Review Due:	May 2028
Responsible Officer(s):	General Manager Corporate Services
Council File Reference:	12/255389
Applicable Legislation:	Local Government Act 1999 (Section 270)
Relevant Policies:	Employee Code of Conduct Policy Expiation Notice Review Policy Customer Experience Policy Rates Rebate Policy Unreasonable Requests for Service, Information and Complaints Policy
Related Procedures:	Nil

1. Purpose

Section 270 of the Local Government Act 1999 requires all Councils to establish procedures for the review of decisions of:

- Council (that is the elected body)
- employees of Council
- other persons acting on behalf of Council (such as contractors)

This Procedure has been developed to inform and assist those persons seeking a formal review of a decision under Section 270.

2. Procedure

2.1 Principles

The City of Charles Sturt is committed to transparent decision making processes and to provide access to a fair and objective procedure for the review of decisions.

Grievances may arise as a result of dissatisfaction with a Council decision, policy, procedure, service or fee. Efforts will always be made to resolve grievances quickly and efficiently, without the need for formal applications for review to be lodged, in accordance with Council's Customer Experience Policy.

Dealing with grievances at the local level is the most effective way of resolving such matters quickly. However, sometimes a simple resolution of a grievance cannot be achieved, and a formal process is required.

2.2 When Will the Procedure Apply?

The Customer Experience Policy details Council's approach in resolving customer complaints. This Procedure will apply to matters that are **not** resolved satisfactorily. A formal application for review of a decision will therefore initiate the procedure process. The person who lodges a formal application is referred as to "the applicant".

The Procedure will apply to all formal requests for review of decisions. A definition of what constitutes a reviewable decision is established in the Policy. The CEO may refuse a request on the grounds that it appears that the application is frivolous or vexatious or the applicant doesn't have a sufficient interest in the matter.

A person who is not the direct subject of a decision may have sufficient interest in the decision to seek areview under this procedure. For example, a person may have sufficient interest in a Council decision regarding the number of dogs which may be kept within a neighbour's property.

2.3 How is an Application Lodged?

An application seeking the review of a decision must be submitted in writing and include:

- a statement clearly indicating which decision/s the applicant wishes to have reviewed;
- a statement outlining the reasons the review is requested; and
- any other relevant information.

Council assistance may be available to applicants in preparing a written application, where necessary, including the use of an interpreter, providing assistance with a disability or referring applicants to an advocate.

If the request is for a review of a decision made by the elected body, an employee or others acting on behalf of Council, the application should be addressed to the Chief Executive Officer, City of Charles Sturt, PO Box 1, Woodville SA 5011 or via email to council@charlessturt.sa.gov.au and marked to the attention of the Chief Executive Officer.

If the request is for a review of a decision made by the Chief Executive, the application should be marked "Personal" and addressed to The Mayor, City of Charles Sturt, PO Box 1, Woodville SA 5011 or email to council@charlessturt.sa.gov.au and marked to the attention of the Mayor.

All applications must be accompanied by the prescribed fee. This is currently set at $20.00.

Council (or a delegate of Council under Section 270(3a) of the Local Government Act 1999) may reduce, waive or refund (in whole or part) the prescribed fee as it sees fit. The Council has given this delegation to the Chief Executive Officer (or his delegate).

2.4 How Will An Application for Review Be Dealt With?

The Chief Executive Officer (CEO) will determine the most appropriate officer (the "reviewing officer") to undertake the review after taking into account the information supplied and the level within the organisation at which the decision was made. This will generally be a senior officer separate from those involved in the initial decision and may be an external independent person.

Principles of natural justice will be observed in dealing with all applications.

Natural justice involves:

- giving an applicant a right to put their case forward. This will generally involve giving an applicant the opportunity to provide all relevant documentary evidence, rather than a verbal hearing;
- ensuring that the reviewer does not have a personal interest in the outcome (is not biased); and
- acting only on proper evidence that is capable of proving the case.

The reviewing officer will assess the application, determine the appropriate action and arrange for the determination to be communicated to the applicant. **Diagram 1** outlines the process for review.

Some matters may be referred to Council for consideration or reconsideration. These are:

- a request for review of a decision formally made by Council (i.e. a Council resolution);
- a request for an alteration to a formal Council Policy;
- a request for the review of a decision made by the Chief Executive which is not supported by Council Policy or clear procedural guidelines; and
- any other matters at the discretion of the CEO.

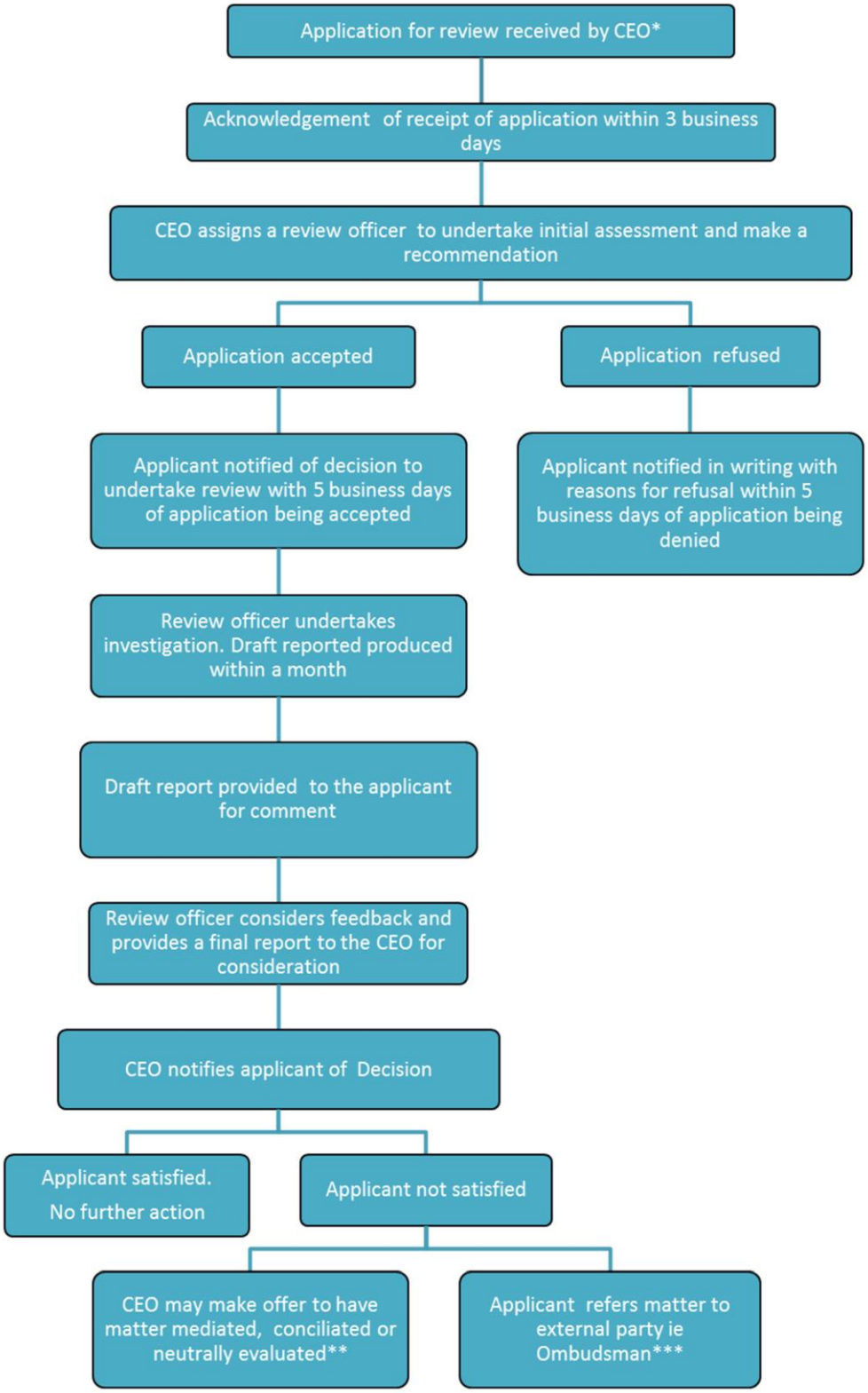
In these instances, the process outlined in **Diagram 2** will apply.

Council will ordinarily **not** review or reconsider:

- decisions of Council in respect to the setting of Council rates; and
- decisions of Council that are clearly set out in the City of Charles Sturt Corporate Business Plan and Budget.

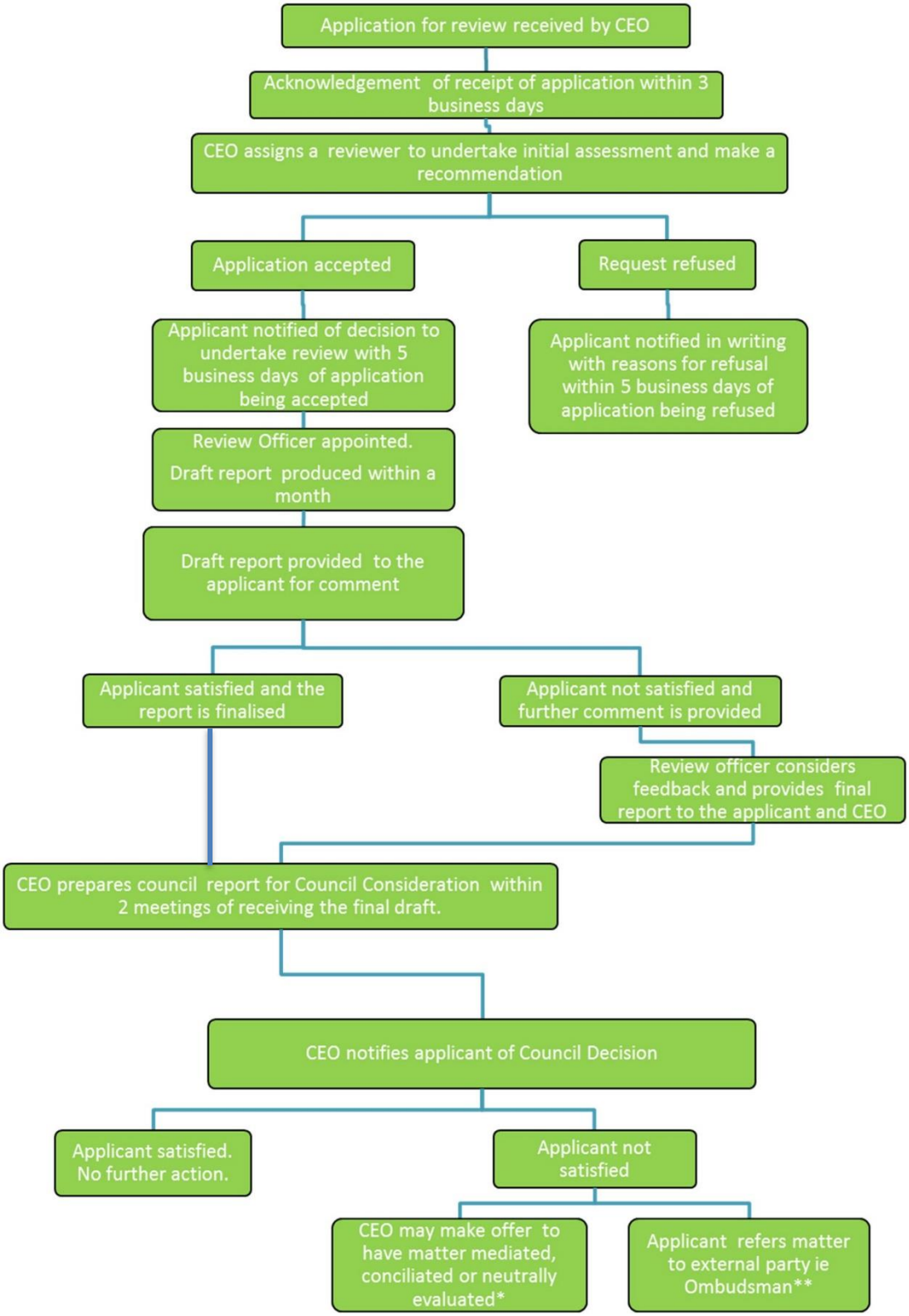
However, the Council will assess each application received on its individual merits.

Diagram 1: Process for the review of decisions of Council staff, contractors and volunteers.



*** Where the CEO is the matter of the complaint complaints should be addressed to the Mayor.**
**** The cost of mediated, conciliated or neutral evaluation will be shared by the applicant and Council**
***** Nothing in this procedure limits a complainant's right to make a complaint with the Ombudsman's Office at any time.**

Diagram 2: Process for the review of decisions by Council



*** The cost of mediated, conciliated or neutral evaluation will be shared by the applicant and Council**
**** Nothing in this procedure limits a complainant's right to make a complaint with the Ombudsman's Office at any time.**

2.5 How Long Will it Take for an Application for Review to be Assessed?

Applications will be formally acknowledged within three business days of receipt, including advice about the expected time frame for dealing with the matter. In most cases applications will be considered and a draft report produced within a month. Applicants will be kept informed about the progress of the review and be advised in writing of the outcome of the review procedure.

Where a matter needs to be reconsidered by Council, it will be provided as an agenda item within two ordinary meetings of Council following the receipt of the report.

2.6 Meditation, Conciliation or Neutral Evaluation

Where a review has been undertaken, and the applicant not satisfied, the CEO may recommend the case go to mediation, conciliation or neutral evaluation (as detailed in Section 271 of the Local Government Act 1999, and included as **Appendix A**). Costs and expenses associated with the appointment and work of a mediator, conciliator or evaluator under this section will be shared equally between the council and the other party.

2.7 Ombudsman

Nothing in this procedure prevents an applicant from making a complaint to the Ombudsman under the Ombudsman's Act 1972 at any time during or after any of the steps of the process.

2.8 Further Information

For further information in relation to the Internal Review of Council decisions please contact Aly McGregor, General Manager Corporate Services, City of Charles Sturt, 72 Woodville Road, Woodville SA 5011, phone (08) 8408 1825, facsimile (08) 8408 1825 or email amcgregor@charlessturt.sa.gov.au.

Copies of the Internal Review of Council Decisions Policy are available from the Charles Sturt Civic Centre and all Charles Sturt Customer Service Centres at no charge. It is also accessible on Council's website at www.charlessturt.sa.gov.au.

3. Definitions

Nil

Appendix A Section 271 Local Government Act

271—Mediation, conciliation and neutral evaluation

(1) A council may, as part of, or in addition to, the procedures established under section 270, make provision for disputes between a person and the council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation under this section.

(2) A scheme made under this section must provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator if a dispute is to be dealt with under this section.

(3) For the purposes of mediation proceedings—

(a) the mediator may call a conference of the parties to the dispute and at that conference seek to identify the issues and the possibilities of resolving the matter by agreement; and

(b) a conference may be adjourned from time to time by the mediator; and

(c) the mediator may at any time interview the parties separately or together; and

(d) the mediator may at any time bring the proceedings to an end if the mediator considers that the proceedings will not result in an agreed settlement between the parties.

(3a) For the purposes of conciliation proceedings—

(a) the conciliator may call a conference of the parties to the dispute and at that conference seek to identify the issues and to provide advice as to how the matter might be settled through the conciliation proceedings; and

(b) the conciliator may make a recommendation for the resolution of the dispute; and

(c) a conference may be adjourned from time to time by the conciliator; and

(d) the conciliator may at any time bring the proceedings to an end if the conciliator considers that the proceedings will not result in a settlement of the matter.

(4) For the purposes of conducting neutral evaluation of a dispute—

(a) the parties must attend before the evaluator at a time and place determined by the evaluator; and

(b) the evaluator must hear the parties and seek to—

(i) identify and reduce the issues of fact and law that are in dispute; and

(ii) assess the relative strengths and weaknesses of each party's case; and

(iii) offer an opinion of the likely outcome of further proceedings; and

(c) the evaluator may at any time interview the parties separately or together.

(5) A mediator, conciliator or evaluator may otherwise inform himself or herself on a matter as he or she thinks fit.

(6) Evidence of anything said or done in an attempt to resolve a matter by mediation, conciliation or neutral evaluation under this section must not be disclosed in subsequent proceedings.

(7) Costs and expenses associated with the appointment and work of a mediator, conciliator or evaluator under this section will be shared equally between the council and the other party.

(8) No civil liability attaches to a mediator, conciliator or evaluator acting in good faith under this section.

(9) Nothing in this section prevents a person from making a complaint to the Ombudsman at any time under the *Ombudsman Act 1972*.