

## Overview

This guideline outlines internal review rights and processes for decisions made by the Electoral Commission of Queensland (ECQ) in relation to determinations and the revocation of determinations under the *Electoral Act 1992* and the *Local Government Electoral Act 2011*.

An applicant has a right to internal review (conducted within ECQ), followed by a right to an external review (conducted outside of the ECQ) of a reviewable decision. The *Electoral Act 1992* requires an applicant to start an appeal process with an internal review within ECQ.

## Reviewable decisions

Section 374 of the *Electoral Act 1992* grants a right of appeal to a person who received an information notice with a decision on a determination matter that was made under section 277(4) (b) or a revocation of determination under section 278(2) of the *Electoral Act 1992*. Every appeal that is made by a person against a reviewable decision must be by way of an application for internal review.

## Internal review process

### Application for internal review

An application for internal review must:

- be made in writing
- provide suitable contact details of the applicant to which written notices can be sent
- be made within 20 business days from the date stated on the information notice or a further time permitted by the Electoral Commissioner; and
- be lodged with ECQ by the due date.

#### Note

The application must be made within 20 days after the day the person is given the information notice about the decision; or if the person is not given an information notice about the decision – the day the person otherwise becomes aware of the decision.

There is no fee for an internal review application. An applicant does need to supply a copy of the original decision that is the subject of the request for an internal review.

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## Who can make an internal review decision?

An internal review will be conducted and decided by the Electoral Commissioner (or delegate) in compliance with the *Electoral Act 1992* and the *Local Government Electoral Act 2011*.

## Processing an internal review application

In conducting the internal review the Electoral Commissioner (or delegate) will make a review decision to:

- confirm the original decision; or
- amend the original decision; or
- substitute another decision for the original decision.

## Notice of decision

To finalise an internal review, the Electoral Commissioner (or delegate) gives the applicant a review notice as soon as practicable after a decision is made (or taken to be made if the decision was not made within the 30 business days after ECQ received the application for internal review).

## External review

If a person who applied for internal review of an original decision is dissatisfied with the Electoral Commissioner's review decision then they may appeal to the Magistrates Court against the decision within 28 days. Section 380 of the *Electoral Act 1992* details how to appeal a review decision.

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<sup>1</sup> Section 2, definition of court.