



Withdrawal of External Review Applications Policy

Policy Number: POL-RTI-02-2025

1 Purpose

This policy sets out the position of the Information Commissioner (**IC**) on withdrawal of external review applications made to the Office of the Information Commissioner (**OIC**) under the *Right to Information Act (Qld)* (**RTI Act**), by an applicant, after an application is accepted for external review by the OIC.

2 Scope

This policy applies to all OIC staff involved in assessing external review applications, whether permanent, temporary, on secondment, internship, and statutory office holders.

Applicants are entitled to withdraw their application for external review at any time, and for any reason. This policy will apply where applicants withdraw their application after it has been accepted for external review by the OIC.

3 Legislative obligations

The exercise of statutory powers and functions must comply with all legislative obligations, including the *Human Rights Act 2019 (Qld)* and the *Anti-Discrimination Act 1991 (Qld)*.

4 Policy Statement

The Information Commissioner (**IC**) has decided that the OIC will consider the withdrawal of an external review application as final and will not reopen such a review unless there are compelling reasons to do so. If a request to reopen a previously withdrawn review is made 3 months or later after withdrawal, the IC will generally not reopen the review.

Requests to withdraw applications for external review *before* the external review has commenced, that is, before it has been accepted by the OIC, will be closed administratively. In this case, OIC will consider a fresh application if it is made within 20 business days of the date of the reviewable decision by the agency or Minister. If the applicant reapplies outside this timeframe, they will need to request the IC to exercise discretion to allow a longer period to make an application.

5 Context

The IC is empowered, subject to the RTI Act, to use discretion in determining the procedure to be followed on an external review. The IC is also empowered to do all things that are necessary and convenient to be done for or in connection with the performance of the IC's functions. As such, the IC may develop rules or guidelines to guide the exercise of the external review function, informally and expeditiously, as required by the RTI Act.

The RTI Act is silent on the procedure for finalising an external review via withdrawal of the application and as such, the IC has determined this via a policy statement. The IC considers it important to determine the point of finality in circumstances where the IC has not issued a decision, to provide clarity to applicants about the effect of withdrawal, and fairness to the agencies and Ministers who are also participants in the external review. This procedure accords with the IC's duty in conducting an external review, to adopt procedures that are fair, having regard to their obligations under the RTI Act.

Under the RTI Act, before starting an external review of a decision, the IC must inform the agency or Minister concerned that the decision is to be reviewed. The OIC will write to both participants to

the external review (the applicant and the agency or Minister) to confirm that the external review application has been accepted before the review commences.

Once this has occurred, an applicant is entitled to elect to finalise the application by withdrawing their application for any reason. These matters will also be closed administratively, that is without a formal closure notice or decision from the IC. As noted above, withdrawn applications will not be reopened unless there are compelling reasons to do so. Applicants will be provided with advance warning, that should they elect to finalise an external review application by withdrawing it, the OIC will consider the matter finalised.

Applicants may confirm their decision to withdraw in writing or orally. In either case, OIC will confirm this in writing and advise all participants to the external review that the matter has been closed.

6 Definitions/glossary of terms

For the purposes of this policy and related policy documents, the following definitions apply:

Term	Definition
External review	Review by the Information Commissioner under Chapter 3B, Part 2 of the RTI Act.
External review application	An application for external review by the Information Commissioner under section 85 of the RTI Act.
Reviewable decision	Decisions listed at Schedule 4A of the RTI Act.

7 Related policy documents and supporting documents

Legislation	<i>Right to Information Act 2009 (Qld)</i> <i>Human Rights Act 2019 (Qld)</i> <i>Anti-Discrimination Act 1991 (Qld)</i> <i>Public Sector Act 2022 (Qld)</i> <i>Public Sector Ethics Act 1994 (Qld)</i>
Procedures	Guidelines for government: Review rights under the RTI Act Guidelines for government: How to conduct an internal review

8 Review and Revision

This policy will be reviewed every two years and may be revised as deemed necessary by the policy owner.

9 Version Control

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