

GUIDANCE NOTES
LODGEMENT OF A REVIEW OF ACTION

Lodgement of a Selection Review in accordance with Section 50(1)(a) of the Act

1. If an unsuccessful applicant intends to lodge an application for a selection review in accordance with Section 50(1)(a) of the Act, they must first submit a “*Notice of Intention to lodge an Application for Selection Review*” (Form1) to the Office of the State Service Commissioner, **within 7 calendar days** after the date appearing on the written advice to the employee of the selection. Only an employee who submits Form 1 will be entitled to lodge a formal selection review. No approval will be given to extend the 7 calendar day period.
2. In the event that a “*Notice of Intention to Lodge an Application for Selection Review*” (Form1) is not received in relation to a proposed selection to a vacancy **within the 7 calendar days**, the Office of the State Service Commissioner will authorise the Agency to finalise that selection.
3. Unsuccessful applicants considering lodgement of a “*Notice of Intention to lodge an Application for Selection Review*” (Form1), should seek post-selection feedback/counselling from a member of the selection panel (preferably the Chairperson) in order to determine the reasons for their non-selection. During position-selection feedback/counselling, the reasons should be sought as to why the successful applicant was regarded as having superior merit.
4. It is recommended that the unsuccessful applicant also requests access to the selection report for the nominee and the relevant information from the nominee’s application. Access to this documentation would normally be obtained through the Chairperson of the selection panel or from their Human Resources area and access to this documentation is often provided through post-selection feedback/counselling.
5. Following post-selection feedback, and access to appropriate documentation from the original process, an unsuccessful applicant should be in a position to make an informed decision on whether to proceed with the lodgement of a formal application for selection review. If the decision is to proceed, access to appropriate documentation also assists applicants in preparing their supporting statement based on objective evidence from the original selection process.
6. In order to proceed with the review, a formal “*Application for Selection Review*” (Form2) must be submitted to the Office of the State Service Commissioner, **within 14 calendar days** after the date appearing on the advice to the employee of the selection, together with a supporting statement containing particulars of the circumstances giving rise to the review. The supporting statement must be in sufficient detail to enable the Agency to provide a response concerning the issues raised by the applicant (refer Clause 4 of Commissioner’s Direction No.7).

7. Where an unsuccessful applicant has submitted a notification of their intention to lodge a selection review and does NOT intend to proceed with a formal review, they should inform the Office of the State Service Commissioner as soon as practicable.
8. An Applicant may make an “*Application for Selection Review*” on the grounds of a flawed selection process, superior merit to the nominated person or both. Where grounds of flawed process and superior merit are both addressed, it is recommended that each argument be clearly identified.
9. The review statement should be based on evidence from the original selection process and be clear, concise and accurate. The onus is on the applicant to present the basis for their case and substantiate their claims – i.e. the onus of persuasion is on the Applicant.
10. There is no particular format for the presentation of the Applicant’s case - the onus is on the applicant to outline, in a single application, the basis for seeking the review.
11. Where an “*Application for Selection Review*” has not been lodged within the 14 calendar day timeframe, any previously submitted "*Notice of Intention to Lodge an Application for Selection Review*" (Form1) will be considered to have lapsed.
12. If requested by the nominee, the Agency should also provide the nominee with access to similar documentation relating to the review Applicant so that the nominee is able to prepare their nominee review statement.