Confidential Review of Actions Report

Review conducted by <Reviewer> on behalf of <**Victorian Public Service** Organisation> on <date>

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Subject of the review of actions

***List the applicant’s name, concerns and desired outcomes e.g.***

1. <The applicant> applied for a review of actions on <date> concerning the decision by <name, job title> to <describe action>.
2. <The applicant’s> desired outcomes are:
* <List outcomes sought>

Documentation

***List the documents submitted by the applicant and management prior to the hearing and any relevant legislation, policies or guidelines e.g.***

1. Documents received prior to the hearing:
* Application for a review of actions dated <date>
* Management’s response dated <date>
* <List any other documents received from the parties>
1. In addition to the documents provided by the parties prior to the hearing, the Reviewer considered:
* *Public Administration Act 2004* (**Act**)
* *Public Administration (Review of Actions) Regulations 2015* (**Regulations**)
* <List relevant organisational policies>
* <List relevant Victorian Public Sector Commission (**VPSC**) standards, codes and guidelines>
* <List relevant sections in any award, enterprise agreement or national employment standards>

Review process

***Provide details of the process followed e.g.***

1. The hearing was conducted on <date> by the <Reviewer>, contracted by the <Organisation>, at <address>. / The review was conducted on the papers.
2. In addition to the Reviewer, the following were present:
* <The applicant>, the employee who applied for the review of actions
* <Name, job title, organisation>, representing/supporting the applicant
* <Name, job title, organisation>
* <Name, job title, organisation>
1. The Reviewer outlined the intended process. <If applicable, record any objections to the process and how these were resolved.>
2. The Reviewer confirmed that all parties had received the information listed in section 3.
3. The Reviewer requested and distributed the following additional documents to all parties:
* <List each document distributed to all parties>
1. The Reviewer confirmed with all parties that they had the opportunity to fully outline their case, clarify information and respond to questions.
2. The parties made oral submissions. Both written and oral submissions are summarised below.
3. The Reviewer’s report was completed on time / delayed due to <describe reasons>.

Information presented at the hearing

***Note if any party presented information that might affect the scope of the review and how this was handled e.g.***

1. None of the parties presented information at the hearing. / <Name> presented information at the hearing. The information concerns <describe the information and its impact on the review>.
2. The Reviewer accepted/rejected the information on the basis of <reason>. / The Reviewer granted/did not grant an adjournment requested by <name> to consider the information. / The Reviewer granted/did not grant the parties an opportunity to respond to the information within <period of time>.

Applicant’s submission

***Summarise the issues and evidence in the applicant’s submission and any comments in response to management’s submission e.g.***

1. In summary, <the applicant and/or representative> argued that the decision to <describe action> was unfair or inconsistent with the Act or standards because:
* <List reasons>
1. <The applicant> made the following comments in response to management’s submission:
* <List comments>

Management’s response

***Summarise the issues and evidence in the management’s submission e.g.***

1. In summary, <the manager> argued that the decision to <describe action> was not unfair or inconsistent with the Act or standards because:
* <List reasons>

Consideration and assessment of issues

***Consider the evidence provided in support of the matters raised e.g.***

1. In considering this review of actions, the Reviewer has taken into account the parties’ written and oral submissions and relevant legislation, policies and guidelines.
* <Base assessment on the evidence; noting areas of agreement and any critical discrepancies between submissions, and where the facts can or cannot be independently verified>.

Findings

***Outline the findings***[[1]](#footnote-1) ***e.g.***

1. The Reviewer considers:
* <Determine whether the actions were fair and consistent with any relevant laws, policies and standards>

Recommendations

***Make recommendations e.g.***

1. It is recommended that:
* The decision to <describe action> is upheld/not upheld. / Management reconsider its decision in relation to <describe action>.

 Signed:

Date:

1. Findings are based on the balance of probabilities. A higher standard of proof is needed to substantiate more serious allegations. (refer Briginshaw v Briginshaw (1938) 60 CLR 336 at 362 per Dixon J) [↑](#footnote-ref-1)