Application TO THE VICTORIAN PUBLIC SECTOR COMMISSION for a Review of Actions

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About the review of actions

Victorian Public Service (**VPS**) employees may apply to the Victorian Public Sector Commission (**Commission**) for a review of employment related actions under the *Public Sector (Review of Actions) Regulations* *2015* (**regulations**).

The VPS includes Departments, Administrative Offices, and organisations specified in section 16 of the *Public Administration Act 2004* (refer Attachment A1).

Depending on the type of review of actions sought, the Commission may seek information about the way in which the VPS organisation conducted its initial review (**regulation 7**) or why it didn’t review the matter (**regulation 8**). The Commission may also conduct an initial review itself if the matter concerns the head of the organisation (Secretary or CEO) or if the applicant has been victimised or harassed for previously making a complaint to the Commission (**regulation 9**).

Following a review, the Commission may recommend that a decision be reconsidered or processes within the organisation be introduced or changed. If applicable, the head of the organisation must give a written explanation to all parties for not adopting the Commission’s recommendation within 28 days.

Self-guided assessment: Am I eligible to apply for a review of actions?

1. **I work in the Victorian Public Service (refer to** **Attachment A1)**

[ ]  Yes. Go to Q2

[ ]  No. If you are a member of the public or work in another type of organisation, you cannot apply to the Commission for a review of actions. Instead, contact the organisation concerned directly.

1. **My complaint relates to my employment**

[ ]  Yes. Go to Q3

[ ]  No. If your complaint is not about a matter that personally affects your employment, such as a performance management, discipline or selection outcome, you cannot apply to the Commission for a review of actions. Instead, raise your concerns about any other matter directly with your employer.

1. **I have asked my public service employer to review the matter**

[ ]  Yes. Go to Q4

[ ]  No. You would need to ask your employer to review the matter before applying to the Commission.

There are two exceptions. You may apply to the Commission for an initial review if:

1. the matter involves the head of your organisation; or
2. you have previously been victimised or harassed for complaining to the Commission.

This type of review is made under **regulation 9**. The Commission will not review a matter that could be reviewed by the Victorian Equal Opportunity and Human Rights Commission, such as discrimination.

1. **My public service employer undertook the initial review under regulation 6**

[ ]  Yes. Go to Q5

[ ]  No. You may apply to the Commission for a review if your employer either decided not to conduct an initial review or did not commence an initial review within 30 days. This type of review is made under **regulation 8**. Your employer may decline your request if the matter is lacking in substance, or the selection process for a proposed appointment or promotion did not have a significant deficiency.

1. **The process for the initial review was unfair, or contravened the Public Administration Act, the regulations or the employment standards**

[ ]  Yes. You may apply to the Commission for a **regulation 7** review. The Commission cannot consider the merits of your case, only the process used to review the matter in your organisation.

[ ]  No. Unfortunately, the Commission cannot consider the matter.

Submitting your application

Post or email your completed application to:

**Post**: Victorian Public Sector Commission

3 Treasury Place

Melbourne VIC 3002

**Email**: info@vpsc.vic.gov.au

**For all queries call**: (03) 9651 1321

Application

1. Contact details

Name:

Address:

Public Service Organisation (refer to Attachment A1):

Telephone:

Email:

1. Type of review sought and timeframe for making an application

Select one option below. The timeframe for making an application is 28 days unless specified otherwise below or the Commission is satisfied that the circumstances justify acceptance of a late application:

[ ]  Regulation 7 – The initial review undertaken in my VPS organisation was unfair, or contravened the Act, the regulations or the employment standards. (The timeframe for making an application is 7 days for an appointment.)

[ ]  Regulation 8 – My VPS organisation declined my request to conduct an initial review or did not commence an initial review within 30 days. (The timeframe is 70 days for the latter.)

[ ]  Regulation 9 – My complaint concerns the Secretary, CEO or Head of my VPS organisation.

[ ]  Regulation 9 – I have been victimised or harassed for complaining to the Commission.

1. Dates

List the dates, and include the following documents with your application:

[ ]  Application to the Commission: Click here to enter a date.

[ ]  Application to your employer for an initial review (applicable to regulations 7 & 8): Click here to enter a date.

[ ]  Initial review report completed (applicable to regulation 7): Click here to enter a date.

[ ]  Correspondence from your employer declining your application for an initial review (applicable to regulation 8): Click here to enter a date.

1. Nature of complaint

Please provide specific details about your complaint and what you are seeking to resolve it. (*E.g. My complaint relates to a disciplinary process.* *Contention 1: The initial review did not allow me explain the reasons for my actions.)*

Include any other supporting evidence or documents (*E.g. I have a medical certificate that verifies my need to be absent from work.)*

1. Victorian Public Service

The organisations making up the Victorian Public Service (**VPS)** are Departments, Administrative Offices and organisations specified in section 16 of the *Public Administration Act 2004*: If your organisation is not included on this list, you are not entitled to a review of actions.

[ ]  CenITex

[ ]  Commission for Children and Young People

[ ]  Department of Education and Training

[ ]  Department of Environment, Land, Water and Planning

[ ]  Department of Health and Human Services

[ ]  Department of Jobs, Precincts and Regions

[ ]  Department of Justice and Community Safety

[ ]  Department of Premier and Cabinet

[ ]  Department of Transport

[ ]  Department of Treasury and Finance

[ ]  Environmental Protection Authority

[ ]  Essential Services Commission

[ ]  Family Safety Victoria

[ ]  Game Management Authority

[ ]  Independent Broad-based Anti-corruption Commission

[ ]  Infrastructure Victoria

[ ]  Labour Hire Licensing Authority

[ ]  Latrobe Valley Authority

[ ]  Level Crossing Removal Authority

[ ]  Local Government Inspectorate

[ ]  Major Road Projects Authority

[ ]  North East Link Authority

[ ]  Office of Projects Victoria

[ ]  Office of Public Prosecutions

[ ]  Office of the Chief Parliamentary Counsel

[ ]  Office of the Governor

[ ]  Office of the Legal Services Commissioner

[ ]  Office of the Ombudsman Victoria

[ ]  Office of the Road Safety Camera Commissioner

[ ]  Office of the Victorian Electoral Commissioner

[ ]  Office of the Victorian Government Architect

[ ]  Office of the Victorian Information Commissioner

[ ]  Office of the Victorian Inspectorate

[ ]  Public Record Office

[ ]  Rail Projects Victoria

[ ]  Respect Victoria

[ ]  Safer Care Victoria

[ ]  Service Victoria

[ ]  Taxi Services Commission

[ ]  Victoria Police (public service)

[ ]  Victorian Agency for Health Information

[ ]  Victorian Auditor-General's Office

[ ]  Victorian Commission for Gambling and Liquor Regulation

[ ]  Victorian Equal Opportunity and Human Rights Commission

[ ]  Victorian Fisheries Authority

[ ]  Victorian Government Solicitor’s Office

[ ]  Victorian Public Sector Commission

[ ]  Victorian Responsible Gambling Foundation

[ ]  Western Distributor Authority

**Disclaimer**: This list of organisations was accurate as at January 2019. Please refer to Orders in relation to Sections 10, 11 and 16 of *the Public Administration Act 2004* on the [Register of Instruments](http://vpsc.vic.gov.au/about-public-sector/register-of-instruments/orders/) for any updates.