# Application for a Review of Actions

Victorian Public Sector Commission

**If you wish to make an application to the Victorian Public Sector Commission for a review of actions, read the instructions and complete the form located below.**

### Before you start

Have this information ready before you make your application:

* the date the employment related action took place
* the application date of the initial review (if applicable)
* any evidence or supporting documentation.

Please note that the scope and outcomes of reviews by the Victorian Public Sector Commission (the Commission) are confined. These are set out by the [Public Administration (Review of Actions) Regulations 2015 (the Regulations)](https://www.legislation.vic.gov.au/in-force/statutory-rules/public-administration-review-actions-regulations-2015/001).

The Commission will not necessarily be able to undertake a review of your case. It will depend on the circumstances you raise. In most cases, the Commission can only consider the process followed and cannot consider the merits of an employment related action or initial review. If the Commission decides it can undertake a review, and makes recommendations, these recommendations will be non-binding on your employer, and will relate to the process that was undertaken.

If you have any queries, please call (03) 9922 8600 or email integrity@vpsc.vic.gov.au.

### Who can use this form

**Only eligible Victorian Public Service (VPS) employees can apply to the Commission for a review of an employment action under the Regulations and the *Public Administration Act 2004* (the Act).**

We recommend completing **Part A: self-guided assessment** at the start of the form to determine your eligibility.

### How to apply

Complete all relevant questions in the form.

Lodge the application, alongside any evidence and supporting documentation to the Commission via post or email.

Post: 3 Treasury Place, East Melbourne VIC 3002

Email: integrity@vpsc.vic.gov.au

### What happens next

After we receive your application, we will:

* provide email notification of receipt
* notify your organisation that an application has been made and request any relevant information they may have considered in considering your grievance previously.

We may contact you if we feel we do not have all relevant information.

Following receipt of all relevant information, a preliminary assessment will be conducted. The preliminary assessment is conducted to determine whether the application meets eligibility and threshold requirements under the Regulations. Please note, a high proportion of applications are not accepted because they do not meet threshold requirements.

This process will be done as quickly and with as little formality as proper consideration of the matter allows. In conducting this assessment, we will:

* provide you with notification of whether the application is accepted or refused
* specify the regulation under which the application is accepted or refused.

If the review is accepted, we will notify your public service body Head that the application has been accepted. The Commission will then conduct a review under the relevant regulation the application has been made. This will involve the preparation of a report by the Commission. During this process the Commission:

* will consider all relevant facts and evidence
* may seek further information or documents
* may interview any employee in the organisation
* will provide you with the opportunity to comment on the Commission’s draft report
* will provide the organisation with the opportunity to comment on the Commission’s draft report.

Once the review is finalised, the review report will be provided to all relevant parties via email. The Commissioner may make recommendations that a decision be reconsidered or processes within the organisation be introduced or changed. These recommendations are non-binding.

If an organisation does not adopt a recommendation(s), the Head of the organisation must provide written explanations to all parties for not adopting the Commission’s recommendation(s) within 28 days.

### Where to get help

Commission staff can provide information on:

* eligibility
* how to make an application
* the process of a review
* the potential outcomes of a review.

If you have any accessibility requirements or any queries, please call (03) 9922 8600 or email integrity@vpsc.vic.gov.au.

### Privacy and information

By completing this form, you provide your consent for the Commission to contact any other relevant parties about this matter.

We store and use your information in accordance with:

* the *Privacy and Data Protection Act 2014* (Vic)
* the *Public Records Act 1973* (Vic)
* the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

## Part A: Self-guided assessment: Am I eligible for a review of actions?

**Use this assessment tool to determine your eligibility for a review of actions at the Commission.**

1. ****I** work in the Victorian Public Service (VPS)**

Yes. Select the organisation and go to Q2

[ ]  Bushfire Recovery Victoria

[ ]  CenITex

[ ]  Cladding Safety Victoria

[ ]  Commercial Passenger Vehicle Commission

[ ]  Commission for Children and Young People

[ ]  COVID-19 Quarantine Victoria

[ ]  Court Services Victoria (excluding judicial officers) \*

[ ]  Department of Education

[ ]  Department of Energy, Environment, and Climate Action

[ ]  Department of Families, Fairness and Housing

[ ]  Department of Government Services

[ ]  Department of Health

[ ]  Department of Jobs, Skills, Industry and Regions

[ ]  Department of Justice and Community Safety

[ ]  Department of Premier and Cabinet

[ ]  Department of Transport and Planning

[ ]  Department of Treasury and Finance

[ ]  Emergency Services Superannuation Board (excluding CEO) \*

[ ]  Environment Protection Authority

[ ]  Essential Services Commission

[ ]  Family Violence Prevention Agency (Respect Victoria)

[ ]  Game Management Authority

[ ]  Independent Broad-based Anti-Corruption Commission

[ ]  Infrastructure Victoria

[ ]  Invest Victoria

[ ]  Labour Hire Licensing Authority

[ ]  Latrobe Valley Authority

[ ]  Local Government Inspectorate

[ ]  Major Transport Infrastructure Authority

[ ]  Office of Projects Victoria

[ ]  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 Special Investigator

[ ]  Office of the Victorian Electoral Commission

[ ]  Office of the Victorian Government Architect

[ ]  Office of the Victorian Information Commissioner

[ ]  Office of the Victorian Inspectorate

[ ]  Portable Long Service Benefits Authority

[ ]  Public Record Office Victoria

[ ]  Safe Transport Victoria

[ ]  Safer Care Victoria

[ ]  Service Victoria

[ ]  Suburban Rail Loop Authority

[ ]  Victoria Police (Public Service)

[ ]  Victorian Auditor-General's Office

[ ]  Victorian Disability Worker Commission

[ ]  Victorian Equal Opportunity and Human Rights Commission

[ ]  Victorian Fisheries Authority

[ ]  Victorian Gambling and Casino Control Commission

[ ]  Victorian Government Solicitors Office

[ ]  Victorian Public Sector Commission

[ ]  Victorian Responsible Gambling Foundation

[ ]  Victorian Skills Authority

[ ]  Wage Inspectorate Victoria

\* You cannot apply for a review of an action made by your employer. You can only apply for a review of an employment decision made by another public service organisation on this list, for example in a recruitment process.

**Disclaimer:** This list of organisations was accurate as of March 2023. 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.

[ ]  **No. If you are a member of the public or work in another type of organisation, you cannot apply for a review of actions.**

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.

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

[ ]  Yes. Go to Q4

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

* the matter involves the Head of your organisation; or
* you have previously been victimised or harassed for complaining to the Commission.

If these circumstances apply, you may apply to the Commission under [regulation 9](https://www.legislation.vic.gov.au/in-force/statutory-rules/public-administration-review-actions-regulations-2015/001).

1. ****My VPS employer undertook an initial review, under regulation 6****

[ ]  Yes. Go to Q5

[ ]  No. You may apply to the Commission if your employer did not commence an initial review within 30 days. You may apply under [regulation 8](https://www.legislation.vic.gov.au/in-force/statutory-rules/public-administration-review-actions-regulations-2015/001).

[ ]  No, my employer declined my request. You may apply to the Commission if your employer declined your request, and you believe the refusal was unreasonable. You may apply under [regulation 7](https://www.legislation.vic.gov.au/in-force/statutory-rules/public-administration-review-actions-regulations-2015/001).

1. ****The process for the initial review was unfair, or contravened the**** [**Public Administration Act**](https://www.legislation.vic.gov.au/in-force/acts/public-administration-act-2004/082)****, the**** [**Regulations**](https://www.legislation.vic.gov.au/in-force/statutory-rules/public-administration-review-actions-regulations-2015/001)****, or the**** [**employment standards**](https://vpsc.vic.gov.au/ethics-behaviours-culture/employment-principles-and-standards/)

[ ]  Yes. You may apply to the Commission under [regulation 7](https://www.legislation.vic.gov.au/in-force/statutory-rules/public-administration-review-actions-regulations-2015/001).

[ ]  No. The Commission cannot consider the matter.

**Please note:**

The Commission may refuse to conduct a review that is the subject of a proceeding in any court or tribunal initiated by the applicant, or if the matter could be more appropriately be the subject of a proceeding in any court or tribunal, including a proceeding under Division 2 of Part 8 of the *Equal Opportunity Act 2010*.

## Part B: Application

****Complete all questions below****

#### Contact details

Name:

Address:

Telephone:

Email:

#### Type of review sought and timeframes for making an application

Select the relevant regulation(s).

[ ]  ****Regulation 7 – An initial review decision 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 appointment or promotion matters, or 28 days for other matters from the day after you were notified of the decision of the initial review.

[ ]  ****Regulation 8 – My VPS organisation did not commence an initial review within 30 days of receiving my application.****

The timeframe for making an application is 70 days after the day the initial review application was received.

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

The timeframe for making an application 7 days for an appointment or promotion matters, or 28 days for other matters.

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

The timeframe for making an application 7 days for an appointment or promotion matters, or 28 days for other matters.

#### Documentation and relevant dates

Where applicable, include the following documents with your application and list the dates:

[ ] Application to the Commission

Click or tap to enter a date.

[ ] Initial action or decision

Click or tap to enter a date.

[ ] Application to your employer for an initial review

Click or tap to enter a date.

[ ] Initial review outcome letter

Click or tap to enter a date.

[ ] Correspondence relating to your application to your employer for an initial review

Click or tap to enter a date.

#### Nature of the complaint(s)

Provide specific details about your complaint(s). If there is more than one complaint, each complaint should be numbered. Please include any relevant context and evidence to support each specific complaint.

You should refer to the public sector values, codes, employment principles and standards, enterprise agreement and its common policies, your organisation’s policies, and other relevant instruments.

You should reference evidence and any supporting documentation submitted to support your complaint(s) in accordance with the type of review sought.

Examples of evidence:

* Dates
* Emails
* Letters
* Initial reviewer’s comments or procedure
* Medical certificates
* Performance development plan
* Position description
* Selection criteria

Click or tap here to enter text.

#### Significant deficiency

\* Only complete if your application concerns an appointment or promotion decision.

Provide details on the significant deficiency in the selection process or the process of the initial review, required by section 64 (2) of the Act.

Click or tap here to enter text.

#### Outcome sought

Provide a description of the resolution you seek.

Click or tap here to enter text.