



Public Service Appeals

APPEAL DECISION WITHOUT HEARING

PRACTICE DIRECTION No 1 of 2014

1. In this Practice Direction:

"Act" means the *Public Service Act 2008*.

"Appeal" means an Appeal started against a decision as specified in sections 193, 194, 196 and 197 of the Act.

"Appellant" means a person who starts an Appeal against a decision as specified in sections 193, 194, 196 and 197 of the Act.

"Senior Appeals Officer" means the Vice President of the Queensland Industrial Relations Commission appointed under section 88B of the Act as the Senior Appeals Officer.

"Appeals Officer" means a Member of the Queensland Industrial Relations Commission appointed under section 88A of the Act as an Appeals Officer.

"Department" means the Department or other unit of government which has made the decision that is subject of an Appeal.

"Parties" means the Appellant and the Department in each Appeal.

2. This Practice Direction sets out the grounds which may be considered by the Senior Appeals Officer and/or an Appeals Officer when determining if an Appeal should be decided 'on the papers' without a hearing.
3. Section 203A of the Act allows the Senior Appeals Officer to decide procedures to be followed in an appeal.
4. In hearing and deciding an Appeal, the Senior Appeals Officer and/or an Appeals Officer must act as quickly as possible and with as little formality and technicality as is consistent with a fair and proper consideration of the issues (section 202(b) of the Act).
5. To ensure that an Appeal is dealt with quickly and efficiently, generally, an Appeal will be decided 'on the papers' without a hearing. The Senior Appeals Officer and/or an Appeals Officer may hold a hearing or a conference to assist them in deciding an Appeal. Hearings/conferences are only held with the approval of the Senior Appeals Officer.

6. An Appeal about a promotion or discipline decision that is heard on the papers will be decided on the evidence available to the decision maker. However, the Senior Appeals Officer and/or an Appeals Officer are permitted to take other evidence into account. Both parties will be asked by the Senior Appeals Officer and/or an Appeals Officer to provide written submissions. There will be an opportunity for each of the parties to respond to the written submission of the opposing party within a reasonable timeframe. All submissions will be written and there will be no oral submission heard by the Senior Appeals Officer and/or an Appeals Officer.
7. The Senior Appeals Officer and/or an Appeals Officer will only make a decision on an Appeal after all of the parties have been provided with an opportunity to make their respective written submissions.
8. The following factors may be taken into account by the Senior Appeals Officer and/or an Appeals Officer in determining whether a hearing/conference should be held:
 - Where the Senior Appeals Officer and/or an Appeals Officer require clarification of matters raised in or arising from the written submissions;
 - Where the Senior Appeals Officer and/or an Appeals Officer wish to ask questions about issues relevant to the Appeal;
 - Where further information is required from one or both parties; or
 - Where the complexity of the matter requires a hearing/conference

Each application will be considered on a case by case basis. The above list of factors is not intended to be exhaustive in considering an application and no one factor is more important than another.

D.M. LINNANE,
Senior Appeals Officer

Operative Date: 15 July 2014
Practice Direction - Appeal Decision without Hearing