

# Annual reports to the Premier

2011/12  
2012/13

17 December 2013

The Honourable Campbell Newman MP  
Premier of Queensland  
Executive Building  
100 George St  
Brisbane QLD 4000

Dear Premier,

I am pleased to present the annual reports on public service appeals for the reporting periods 2011/12 and 2012/13, fulfilling the requirements of section 218C of the *Public Service Act 2008* (the Act).

On 1 July 2012, responsibility to hear and decide public service appeals changed from the statutory role of an appeals officer in the Public Service Commission (PSC) to members of the Queensland Industrial Relations Commission (QIRC) appointed as appeals officers under section 88A of the Act.

The PSC appeals registry function was subsequently transferred to the Industrial Registry of the QIRC on 1 January 2013, completing the transfer of public service appeals to the QIRC. This change contributes to the government's commitment to streamlining service delivery.

This streamlining came after substantial improvements were made to the appeals system, particularly in relation to timeliness and consistency in decision making. This facilitated a very smooth transition.

This report details the appeals started, lapsed, withdrawn or decided in relation to public service employees during the reporting periods 2011/12 and 2012/13.

Appeals decreased slightly in 2011/12 and again in 2012/13. This continues a downward trend over the past five years, consistent with efforts to improve agency decision making and improvements in PSC communication about the limited scope of appeals. A further reduction in appeals is anticipated in 2013/2014 following the repeal of [Directive 8/10: Managing Employee Complaints](#) on 21 June 2013, which means there is no longer an external review mechanism under the appeals provisions of the Act in relation to an agency's decision on employee complaints.

Pursuant to section 218C (2) of the Act, I would welcome any request for further information from me concerning particular information mentioned in the report.

Yours sincerely



Andrew Chesterman  
**Commission Chief Executive**  
**Public Service Commission**

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## Part A: Overview

**Part A** includes an overview of public service appeals in the 2011/12 and 2012/13 reporting periods and highlights the achievements and priorities for the jurisdiction.

**Part B** contains a snapshot of public service appeals data for 2011/12 and 2012/13.

**Part C** contains public service appeals data for 2011/12. During 2011/12, public service appeals were heard by the independent appeals officer located at the Public Service Commission (PSC) and sessional adjudicators, with administrative support from the PSC.

**Part D** sets out public service appeals data for 2012/13. From 1 July 2012, public service appeals were heard by appeals officers who are members of the Queensland Industrial Relations Commission (QIRC). Part D is the inaugural report for appeals heard by QIRC members who are also appointed appeals officers under the *Public Service Act 2008* (the Act).

## History of public service appeals

Public service appeals provide an avenue for Queensland public service employees to seek a review of decisions that affect them (in addition to rights under industrial relations legislation). Public service appeals support integrity, accountability, ethical and equitable work practices and decisions in the public service.

Public service appeal rights in their current form can be traced back to the now repealed *Public Sector Management Commission Act 1990*. Public service appeals have been heard and decided by various bodies and officers since that time as set out in Table 1.

**Table 1: Jurisdiction to hear and decide public service appeals**

Date	Officer/body with jurisdiction to hear and decide public service appeals
1990 -1996	Commissioner for Public Sector Equity or the Classification Review Tribunal
1996 – 2010	Appeals made to the Public Service Commissioner (who delegated power under the legislation to hear and decide appeals of public service employees)
1 November 2010 – 1 July 2012	Statutory role of appeals officer who was appointed as a Senior Executive of the public service. Sessional adjudicators were also utilised as required by a delegation from the appeals officer.
1 July 2012 - present	Appeals officers who are also members of the QIRC.

## Change of appeals officers and appeals registry

Section 88A of the Act provides for the appointment of appeals officers to hear and decide public service appeals.

From 1 July 2012, the function of hearing and deciding appeals changed from a senior executive appointed to the statutory role of appeals officer within the PSC to appeals officers appointed from the members of the QIRC.

This change was effected by the *Industrial Relations (Fair Work Harmonisation) and Other Legislation Amendment Act 2012* which, in part, amended the appeal provisions of the Act.

During the transition (from 1 July 2012 to 31 December 2012), the PSC appeals registry continued to provide administrative support for the appeals function under the supervision of the former appeals officer.

Further changes to the Act through the *Public Service and Other Legislation Amendment Act 2012* transferred the appeals registry function to the Industrial Registry, from 1 January 2013.

The PSC retains responsibility for reporting to the Queensland Premier annually on appeals statistics and trends pursuant to section 218C of the Act. Appeals officers must provide copies of appeal decisions to the PSC (pursuant to section 208 of the Act).

The former PSC appeals officer provided a number of briefings to the new appeals officers and the Industrial Registry to support the effective transition of the appeals officers and appeals registry functions.

## Appealable public service decisions

Decisions which may be appealed against (and by which type of employee) are listed in section 194 and 196 of the Act. Broadly, appeals can be made against the following types of decisions:

- A decision to take, or not to take action under a directive (if the public service employee is entitled to appeal under [Directive No. 19/10: Appeals](#))<sup>1</sup>
- Discipline decisions for a public service employee or a former public service employee if the employee is entitled to appeal under a directive made by the Commission Chief Executive (a CCE directive)
- Promotion decisions (if the public service officer aggrieved by the decision is entitled to appeal under a CCE directive)
- Decisions regarding the continuation of an employee's temporary employment status
- Transfer decisions for public service officers
- Suspension without pay
- Decision not to relocate a public service employee who has made a public interest disclosure - section 47, [Public Interest Disclosure Act 2010](#)
- A decision about anything else against which another Act allows a person to appeal (section 194(1)(f)).

A person must have standing to appeal, as set out in section 196 of the Act.

## Appeals officer

Between 1 November 2010 and 1 July 2012, public service appeals were heard by a senior executive of the public service appointed as the appeals officer to independently hear and decide public service appeals.

From 1 July 2012, appeals officers appointed from members of the QIRC heard public service appeals.

Appeals officers are appointed under Chapter 3, Part 5 of the Act and must perform their functions independently, impartially, fairly, and in the public interest, without direction from the PSC, the Commission Chief Executive or any Minister<sup>2</sup>.

An appeals officer must review the original decision to determine whether the decision is fair and reasonable. For a promotion or disciplinary decision, the appeal is a review of the original decision based on the evidence available to the decision maker when the decision was made (section 201).

<sup>1</sup> This ground includes employee complaints (but only until 21 June 2013, when [Directive 08/10: Managing employee complaints](#) was repealed) and employees requiring placement (but only until 1 July 2013 when [Directive 06/12: Employees requiring placement](#) was replaced by [Directive 06/13: Employees requiring placement](#) which effectively removed the right of appeal).

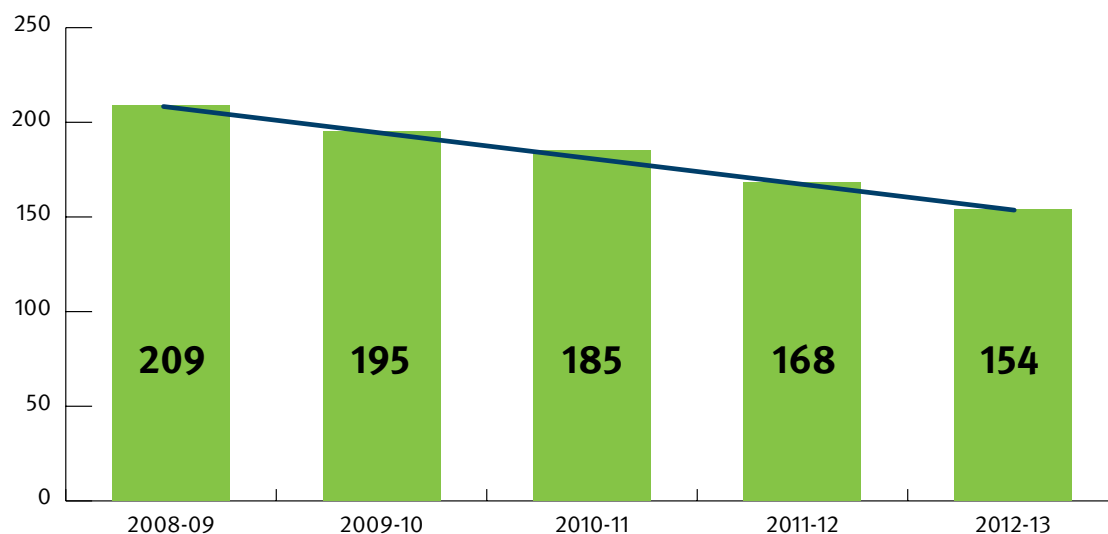
<sup>2</sup> [Public Service Act 2008](#), section 88G.

## Part B: Snapshot of appeals 2011/12 and 2012/13

Appeals decreased slightly in 2011/12 (9%) and in 2012/13 (8%). This continues a downward trend over the past five years, consistent with efforts to improve agency decision making and improvements in PSC communication about the limited scope of appeals.

In 2011/12, 22% of appeals were allowed with 36 out of 162 appeals received and finalised. This decreased in 2012/13, with only 9% of appeals allowed and 12 out of 139 appeals received and finalised.

**Figure 1: Appeals received 2008-2013**



\* Appeals received between financial years 2008/09 to 2012/13.

### Achievements 2011/12

- On 1 January 2012, a single notice of appeal was introduced to streamline the lodgement process with a greater focus on the type of decision being appealed. The single notice of appeal replaced three separate forms.
- On 1 July 2011, Appeal Services introduced a new business model for the hearing and deciding of appeals, which included the use of sessional adjudicators to perform the appeals function under the Act. This reform was foreshadowed in the *Appeal Services Annual Report to the Premier 2010/11*.
- A trial of revised processes for promotion appeals was conducted during the trial period of 1 April 2011 to 7 November 2011 (also foreshadowed in the *Appeal Services Annual Report to the Premier 2010/11*). The goal of the trial was to test a revised process to expedite promotion appeals. The trial was a success. There was a:
  - 31% reduction in the average time taken to finalise a promotion appeal (from 49 days to 34 days);
  - 56% reduction in the average number of days taken to decline to hear a promotion (from 40.5 to 18 days); and
  - 58% decrease in the average time taken to determine there was no right of appeal for a promotion appeal (to an average of 5 days, from 7 days).
- A new practice direction for promotion appeals was introduced on 20 March 2012, following a successful trial of the new process in 2011. The new process follows more closely the intent of the Act which has the review of the promotion decision undertaken by an independent third party, the appeals officer, rather than the onus of demonstrating a process flaw being solely the responsibility of the appellant.



- A new practice direction was introduced on 10 October 2011 for the management and hearing of teacher transfer appeals which included a standard approach of deciding the appeals following an exchange of written submissions without a hearing.
- In 2011/12, stakeholders increased their engagement with appeals due to the publication of notable cases on the PSC website and the appeals officer forum. The publication of notable cases with de-identified information about case decisions allowed employee organisations and agencies to inform their practice.
- A stakeholder forum held in November 2011 provided stakeholders with an opportunity to hear about practice changes and significant decisions. This forum also included a session by the Office of Fair and Safe Work Queensland on 'Resolve at work – an early intervention model' which provided attendees with an option about how to manage these types of issues in the workplace.
- Stakeholder engagement also included workshops to improve workforce management practice.
- A quarterly communiqué was sent to all stakeholders including government agencies and their decision-makers, employees, employee organisations and the PSC (as foreshadowed in the *Appeal Services Annual Report to the Premier 2010/11*).

## Achievements 2012/13

- From 1 July 2012 to early 2013, the former appeals officer supported the transition of the appeals officers and appeals registry functions and provided a number of presentations to the new appeals officers about the appeal provisions, categories of appeal and role of the appeals officers in hearing and deciding appeals.
- The PSC appeals registry supported a seamless transition of the appeals registry functions to the industrial registry including providing systems, processes and tools to guide decision making.
- The PSC supported the introduction of the *Industrial Relations (Fair Work Act Harmonisation) and Other Legislation Amendment Act 2012* and the *Public Service and Other Legislation Amendment Act 2012* which implemented the change of appeals officers and the transfer of appeals registry functions.
- The new appeals officers adopted the practice directions of the former appeals officer and rebranded the notice of appeal form to reflect the change of appeals officers and appeals registry.
- The PSC facilitated additional legislative amendments (included in the *Industrial Relations Transparency and Accountability of Industrial Organisations and Other Acts Amendment Act 2013*) to improve the management of public service appeals by establishing the role of a senior appeals officer, responsible for deciding appeal procedures and making practice directions for public service appeals. The senior appeals officer is the Vice President of the QIRC.
- In 2013, the senior appeals officer commenced a review of the Appeals Guide to reflect the change of appeals officers and appeals registry.
- The PSC Advisory Service continued to provide general advice about the appeal provisions of the Act to public service employees and to agency human resources and industrial relations practitioners.
- After consultation with government agencies, on 21 March 2013 the PSC Commission Chief Executive issued a revised Discipline Guideline to streamline and improve discipline processes and practice across government.
- In early 2013, the PSC conducted three workshops on the issue of discipline to encourage early and skilled resolution of workplace disputes.
- **Directive 8/10: Managing employee complaints** was repealed on 21 June 2013. This removed a right of appeal for employees regarding employee complaints. In particular, this means that requested transfers, predominately by teachers, will no longer be appealable. It is anticipated that this will reduce the overall number of appeals. However, an employee's right of internal review conducted by the agency has not been withdrawn.



## Priorities for 2013/14

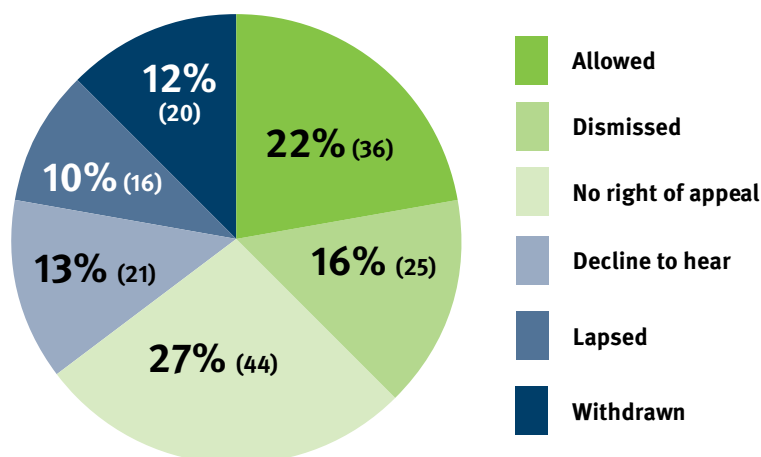
- A revised Appeals Guide is scheduled to be released in 2013/14.
- The senior appeals officer and the industrial registry are investigating options to increase their data reporting capacity.
- The PSC is reviewing [Directive 19/10: Appeals](#) to reflect the changes to the appeals system.
- The PSC will continue to monitor the impact of the repeal or amendment of directives to the number and type of appeals received (for example, [Directive 08/10: Managing employee complaints](#)).

## Part C: Appeals 2011/12

### Appeals received and finalised 2011/12

Of the 168 appeals received between 2011/12, 162 appeals were received and finalised within that period with six carried over to 2012/13. Figure 2 depicts the outcomes of appeals received and finalised in 2011/12.

**Figure 2: Appeals received and finalised 2011/12**



Of the 162 appeals received and finalised in 2011/12, 36 (22%) were allowed. The remaining 126 appeals did not proceed to hearing because:

- there was no right of appeal – 44 appeals (27%);
- the appeal was dismissed – 25 appeals (16%);
- the appeal was declined to be heard – 21 appeals (13%);
- the appeal was withdrawn – 20 appeals (12%); or
- the appeal lapsed – 16 (10%).

Table 2 depicts the number of appeals received and finalised in 2011/12, by agency and finalisation outcome.

Table 3 sets out the appeals received and finalised in 2011/12, by agency and appeal type.

**Table 2: Appeals received and finalised 2011/12, by agency<sup>1</sup> and finalisation outcome**

Agency	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
Communities	9	2	0	1	3	1	2
Community safety	12	2	1	5	2	2	0
DEEDI	5	1	1	0	0	1	2
DERM	4	2	0	0	1	0	1
DET <sup>2</sup>	47	10	17	6	2	3	9
DJAG	9	1	3	3	2	0	0
DPW	7	0	1	2	1	2	1
DTMR	9	2	1	6	0	0	0
HQCC	2	0	0	2	0	0	0
Local Government and Planning	2	0	0	1	1	0	0
Office of Adult Guardian	1	1	0	0	0	0	0
OQPC	1	0	0	0	0	1	1
Qld Health	49	12	1	17	9	6	4
QLeave	1	1	0	0	0	0	0
QPS	1	1	0	0	0	0	0
QLD Museum	1	1	0	0	0	0	0
QSS	1	0	0	1	0	0	0
Treasury	1	0	0	0	0	0	0
<b>Totals</b>	<b>162</b>	<b>36</b>	<b>25</b>	<b>44</b>	<b>21</b>	<b>16</b>	<b>20</b>

Notes

1. The Machinery of Government changes on 3 April 2012 (including the reconfiguration and renaming of government departments) by the incoming government are not reflected in this table.
2. Includes two matters which were subsequently subject to judicial review.

**Table 3: Appeals received and finalised 2011/12, by agency and appeal type**

Agency	Promotion						Discipline						Decision Temporary Employment								
	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
Communities	4	0	0	1	2	0	1	1	1	0	0	0	0	1	1	0	0	0	0	0	0
Community safety	6	0	0	4	1	1	0	3	2	0	0	0	1	0	0	0	0	0	0	0	0
DEEDI	1	1	0	0	0	0	0	2	0	1	0	0	1	0	0	0	0	0	0	0	
DERM	3	2	0	0	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	
DET	4	0	0	2	0	0	2	8	4	3	0	0	1	6	0	1	2	0	1	2	
DJAG	6	1	1	3	1	0	0	3	0	2	0	1	0	0	0	0	0	0	0	0	
DPW	4	0	0	2	0	2	0	1	0	0	0	0	1	1	0	1	0	0	0	0	
DTMR	2	0	1	1	0	0	0	3	2	0	1	0	0	1	0	0	1	0	0	0	
HQCC	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Local government and planning	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	
Office of the Adult Guardian	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
OQPC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Qld Health	19	4	0	9	2	4	0	7	6	1	0	0	0	0	0	0	0	0	0	0	
QLeave	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	
QPS	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	
QLD Museum	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
QSS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Treasury	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	

**Table 3: Appeals received and finalised 2011/12, by agency and appeal type (continued)**

Agency	Suspension without pay						Decision s 47 PID*						Decision Priority Placement								
	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
Communities	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Community safety	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEEDI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DERM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DET	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DJAG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DPW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DTMR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HQCC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Local government and planning	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Office of Adult Guardian	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OQPC	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	1
Qld Health	3	2	0	0	0	1	2	2	0	0	0	0	2	1	1	0	0	0	0	0	1
QLeave	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
QPS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
QLD Museum	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
QSS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Treasury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Table 3: Appeals received and finalised 2011/12, by agency and appeal type (continued)**

Agency	Decision complaint/grievance outcome							Decision 14 day timeframe						
	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
Communities	2	0	0	0	1	0	1	1	0	0	0	0	1	0
Community safety	3	0	1	1	1	0	0	0	0	0	0	0	0	0
DEEDI	1	0	0	0	0	0	1	1	0	0	0	1	1	0
DERM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DET	6	1	1	2	2	0	0	0	0	0	0	0	0	0
DJAG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DPW	1	0	0	0	1	0	0	0	0	0	0	0	0	0
DTMR	3	0	0	3	0	0	0	0	0	0	0	0	0	0
HQCC	1	0	0	1	0	0	0	0	0	0	0	0	0	0
Local government and planning	1	0	0	0	1	0	0	0	0	0	0	0	0	0
Office of Adult Guardian	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OQPC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Qld Health	15	0	0	7	7	1	0	2	0	0	1	1	1	0
QLeave	0	0	0	0	0	0	0	0	0	0	0	0	0	0
QPS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
QLD Museum	0	0	0	0	0	0	0	0	0	0	0	0	0	0
QSS	1	0	0	1	0	0	0	0	0	0	0	0	0	0
Treasury	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Agency	Decision – required teacher transfer							Decision – requested teacher transfer						
	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
DET	14	2	9	0	0	0	3	9	3	3	0	0	1	2

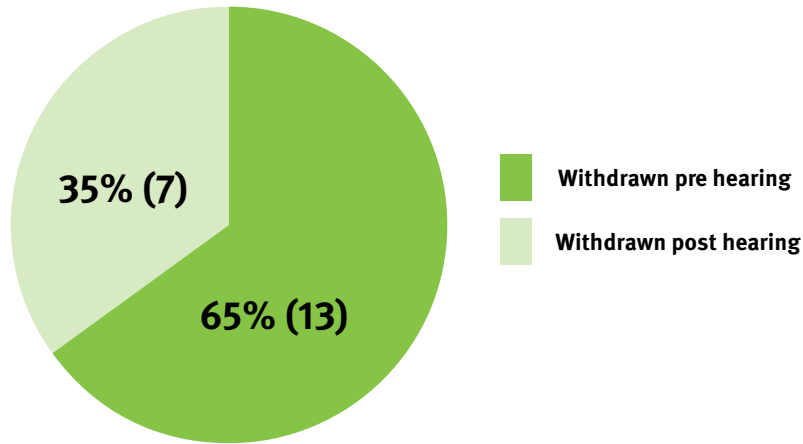
Notes:

1. There were no transfer decision appeals in 2011/12 other than teacher transfer appeals.
2. Only appeal types where appeals were received and finalised in 2011/12 are reflected in this table.

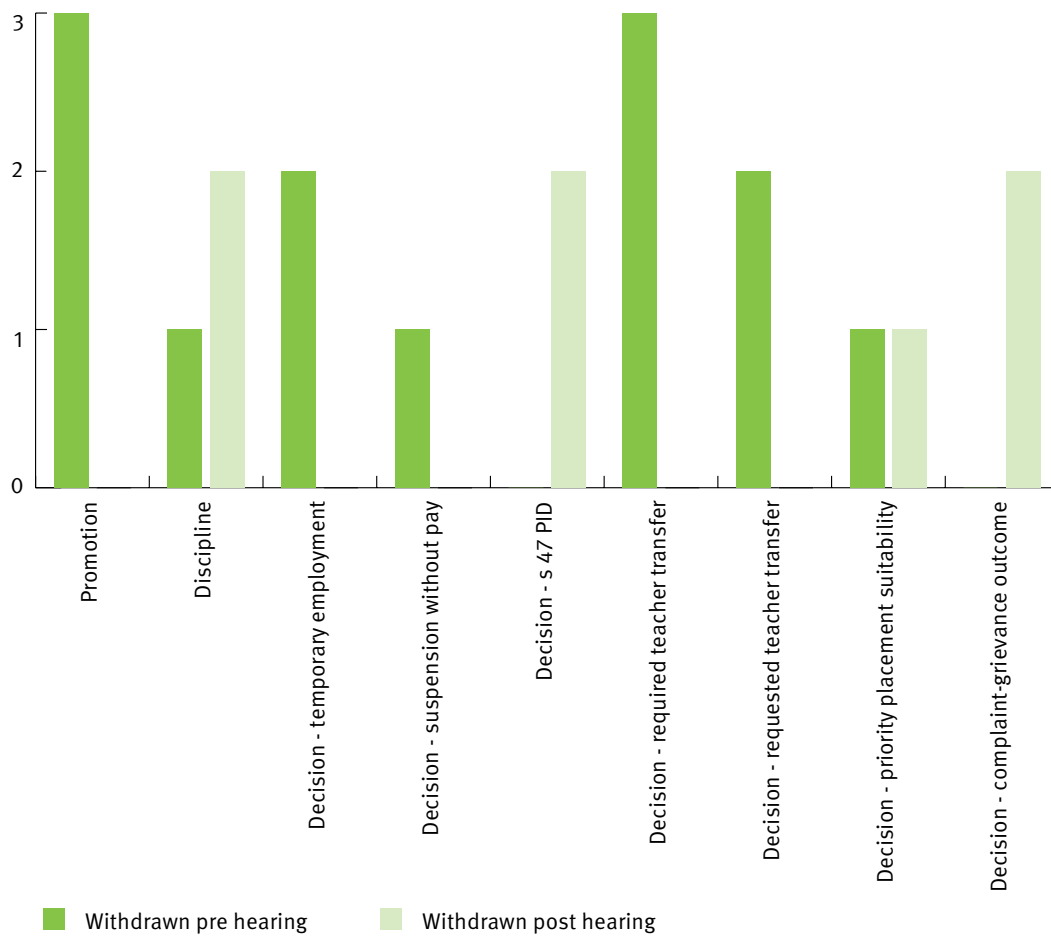
## Withdrawals

Of the 20 appeals that were withdrawn in 2011/12, 65% (13) were withdrawn prior to hearing. The remaining withdrawals occurred after the hearing of the appeal.

**Figure 3: Withdrawal of appeal, pre and post hearing 2011/12, as a percentage of withdrawals in 2011/12**



**Figure 4: Withdrawal by appeal category 2011/12**





## Hearings

Almost half of the 59 appeal hearings conducted in 2011/12 were conducted on the papers. The remainder were heard in person or by teleconference.

Directions hearings are conducted by appeals officers to clarify issues with the parties, establish a timeframe for exchange of documents and provide an opportunity for resolution of the dispute prior to hearing. In 2011/12, there were 24 directions hearings held for 20 appeals out of a total of 162.

**Table 4: Directions hearings 2011/12, by appeal type**

Appeal Types	Number of Directions Hearings
Promotion	3
Discipline	7
Decision – s 47 PID	2
Decision – priority placement	1
Decision – complaint grievance outcome	6
Decision – 14 day timeframe	1
<b>Total</b>	<b>20</b>

In 2011/12, there were five applications for extensions of time pursuant to the Act, section 197(3). Four out of the five applications were allowed by the appeals officer.

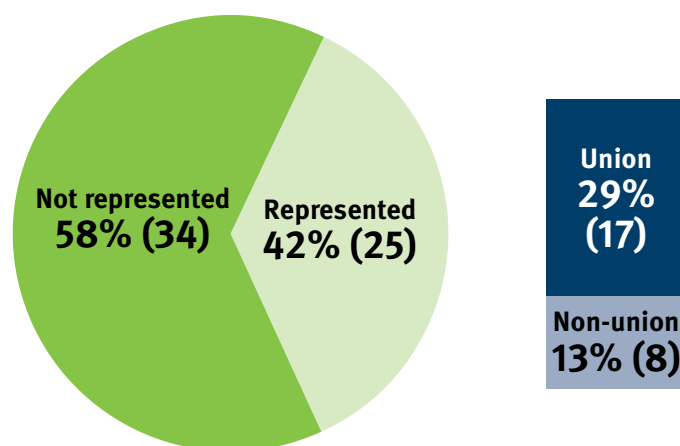
## Representation

Queensland Government agencies are usually represented by one or two human resource officers, as agents for the decision maker. Appellants may represent themselves, or are represented by another person such as a union official, industrial advocate, colleague, family member or friend.

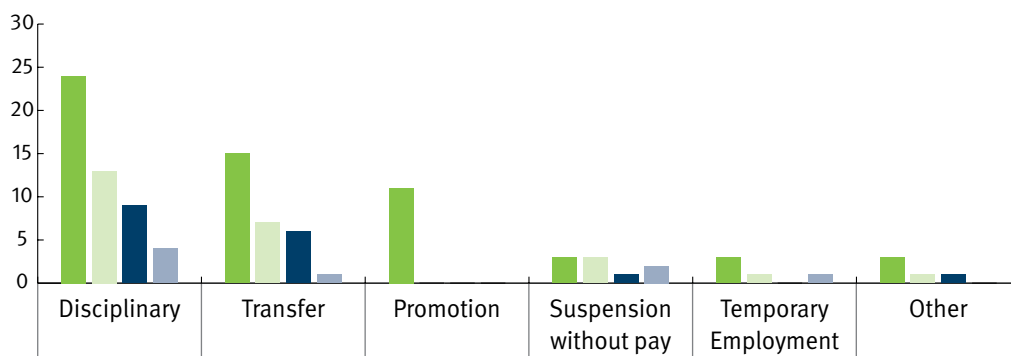
In promotion appeals, representation is only granted with the leave of the appeals officer hearing the appeal.

In 2011/12, appellants were represented in 42% (25) out of a total of 59 appeals heard, of which 29% (17) were union representation.

**Figure 5: Appellant representation 2011/12**



**Figure 6: Appellant representation 2011/12 by appeal type**



<span style="color: green;">■</span> Total appeals heard	24	15	11	3	3	3
<span style="color: lightgreen;">■</span> Number of appellants represented	13	7	0	3	1	1
<span style="color: darkblue;">■</span> Union	9	6	0	1	0	1
<span style="color: lightblue;">■</span> Non-Union	4	1	0	2	1	0

## Timeliness of decision making

In 2010/11 the appeals officer implemented a more streamlined case management practice to reduce appeal processing times from approximately 90 days to 42 days, from appeal lodgement to finalisation.

Further streamlining of case management practice in 2011/12 resulted in a significant reduction in appeal processing times from appeal lodgement to finalisation. Of the 162 appeals received and finalised in 2011/12, all but nine appeals met the 42 day finalisation target. Of the nine not completed in 42 days, four were completed within 45 days, three within 49 days and the remaining two within 55 days.

## Agency compliance with directions

In 2011/12, respondent agencies demonstrated timely compliance with their implementation of appeal decisions. Confirmation of compliance with appeal decisions was received for 94% of all appeals allowed with directions.

## Part D: Appeals 2012/2013

### Appeals received and finalised 2012/13

There were 154 appeals received in 2012/13, 139 of which were finalised in the 2012/13 financial year. 15 appeals were outstanding. Figure 7 depicts the outcomes of appeals received and finalised in 2012/13.

Of the 139 appeals received and finalised in 2012/13, 12 were allowed. This represents only 9% of the appeals received and finalised in 2012/13, a decrease from 2011/12 where 36 out of 162 appeals (22%) were allowed. The remaining appeals were:

- dismissed – 55 appeals (40%)
- withdrawn – 34 appeals (24%)
- no right of appeal – 19 appeals (14%)
- lapsed – 10 appeals (7%) or
- declined to hear – nine appeals (6%).

The number of appeals dismissed in 2012/13 increased from 25 appeals (16% in 2011/12) to 55 appeals (40% of 139) in 2012/13. However, the no right of appeal finalisation outcome decreased from 44 appeals (27% of 162) to 19 appeals (14% of 139 in 2012/13).

**Figure 7: Appeals received and finalised 2012/13**

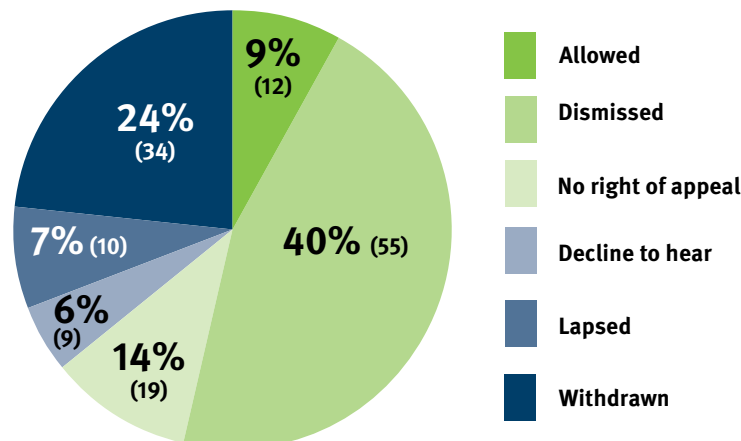


Table 5 depicts the number of appeals received and finalised in 2012/13, by agency and finalisation outcome.

**Table 5: Appeals received and finalised 2012/13, by agency and finalisation outcome**

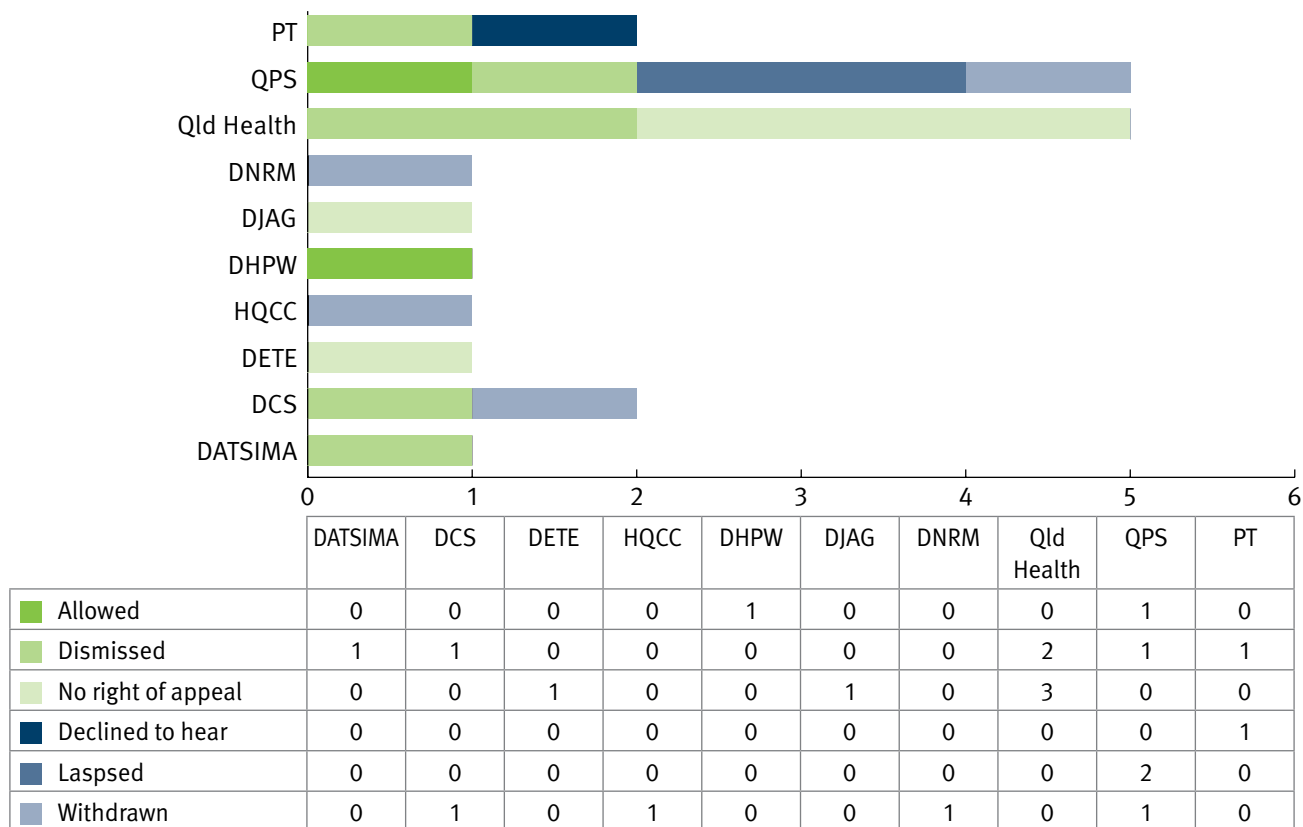
Agency	Total received and finalised	Allowed	Dismissed	No right of appeal	Decline to hear	Lapsed	Withdrawn
DATSIMA	2	1	1	0	0	0	0
DAFF	1	0	0	0	0	0	1
DCCSDS	3	0	2	1	0	0	0
DCS	8	0	6	1	0	0	1
DETE	62	4	30	5	1	1	21
HQCC	1	0	0	0	0	0	1
DEHP	1	0	0	1	0	0	0
DHPW	4	1	1	0	0	0	2
DJAG	4	0	0	2	0	1	1
DNRM	1	0	0	0	0	0	1
Qld Health	34	4	11	7	6	4	2
QPS	6	1	1	0	0	2	2
PTO	2	0	1	0	1	0	0
DTMR	9	1	2	1	1	2	2
Tablelands Regional Council	1	0	0	1	0	0	0
<b>TOTALS</b>	<b>139</b>	<b>12</b>	<b>55</b>	<b>19</b>	<b>9</b>	<b>10</b>	<b>34</b>

Notes:

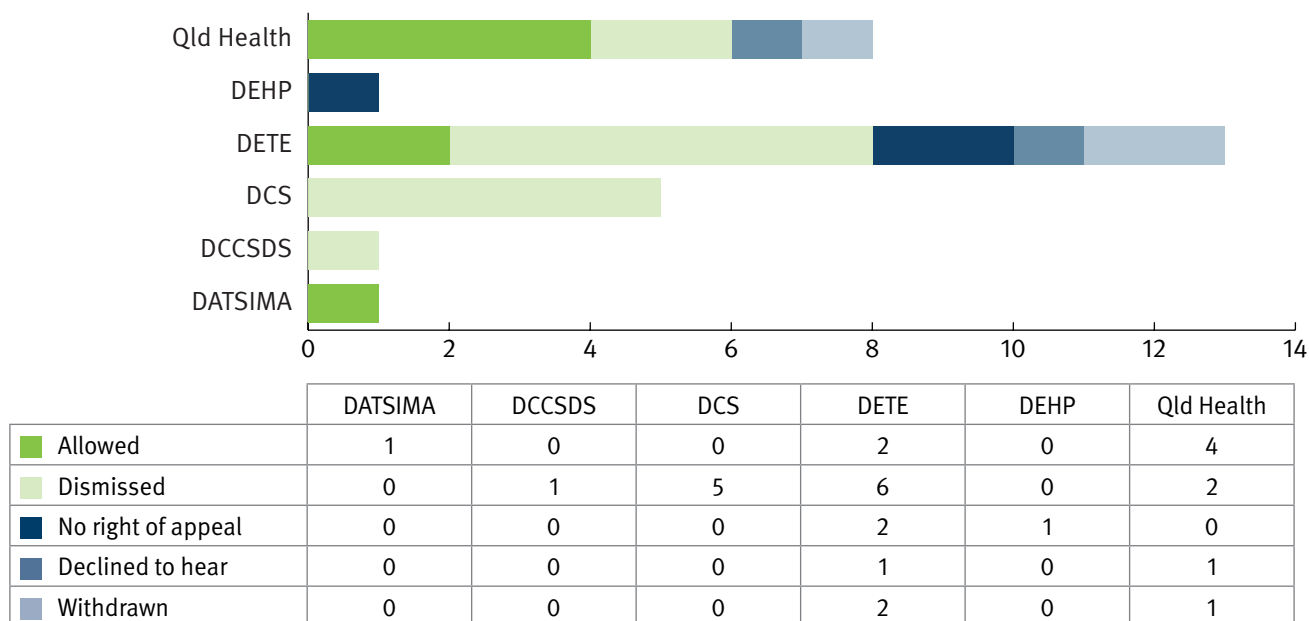
1. Agency names reflect the administrative arrangements that commenced on 3 April 2012 (for the current government) pursuant to the Administrative Arrangements Order (No. 3) 2012.
2. Only agencies with appeals received and finalised during this reporting period are reflected in this table.
3. An appeal was received by an employee of the Tablelands Regional Council which falls outside the jurisdiction of the appeal provisions of the Act.

Figures 8-11 and Tables 6-11 show the number of appeals received and finalised in 2012/13, by agency and appeal type.

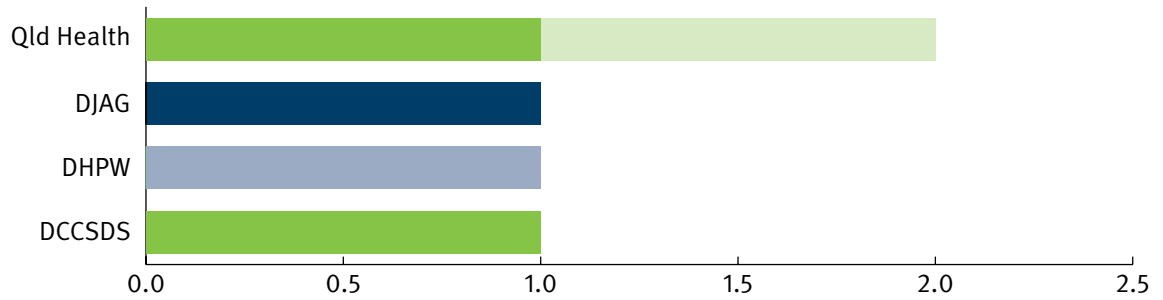
**Figure 8: Appeals received and finalised 2012/13, by agency and appeal type – promotion appeals**



**Figure 9: Appeals received and finalised 2012/13, by agency and appeal type – discipline appeals**

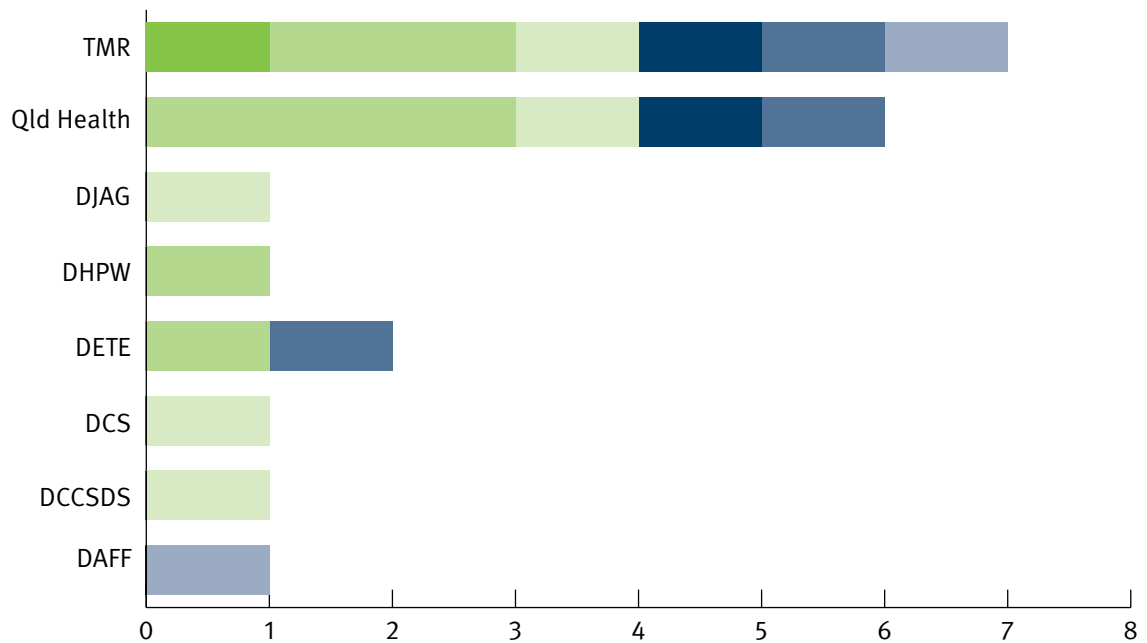


**Figure 10: Appeals received and finalised 2012/13, by agency and appeal type – suspension without pay appeals**



	DCCSDS	DHPW	DJAG	Qld Health
Dismissed	1	0	0	1
No right of appeal	0	0	0	1
Lapsed	0	0	1	0
Withdrawn	1	1	0	0

**Figure 11: Appeals received and finalised 2012/13, by agency and appeal type – decision under a directive appeals**



	DAFF	DCCSDS	DCS	DETE	DHPW	DJAG	Qld Health	TMR
Allowed	0	0	0	0	0	0	0	1
Dismissed	0	0	0	1	1	0	3	2
No right of appeal	0	1	1	0	0	1	1	1
Declined to hear	0	0	0	0	0	0	1	1
Lapsed	0	0	0	1	0	0	1	1
Withdrawn	1	0	0	0	0	0	0	1

**Table 6: Appeals received and finalised 2012/13, by agency and appeal type: decision - temporary employment**

Agency	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
DJAG	1	0	0	0	0	0	1
Qld Health	1	0	0	0	0	1	0

**Table 7: Appeals received and finalised 2012/13, by agency and appeal type: decision – section 47 PID Act 2010**

Agency	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
Qld Health	3	0	3	0	0	0	0

**Table 8: Appeals received and finalised 2012/13, by agency and appeal type: decision – complaint/grievance outcome**

Agency	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
Qld Health	7	0	0	2	4	0	1
Tablelands Regional Council	1	0	0	1	0	0	0

**Table 9: Appeals received and finalised 2012/13, by agency and appeal type: decision – 14 day timeframe**

Agency	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
DHPW	1	0	0	0	0	0	1
Qld Health	2	0	0	0	0	2	0



**Table 10: Appeals received and finalised 2012/13, by agency and appeal type: decision – required transfer**

Agency	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
DETE	20	1	8	0	0	0	11
DTMR	1	0	0	0	0	0	1

**Table 11: Appeals received and finalised 2012/13, by agency and appeal type: decision – requested transfer**

Agency	Total received and finalised	Allowed	Dismissed	No right of appeal	Declined to hear	Lapsed	Withdrawn
DETE	26	1	15	2	0	0	8

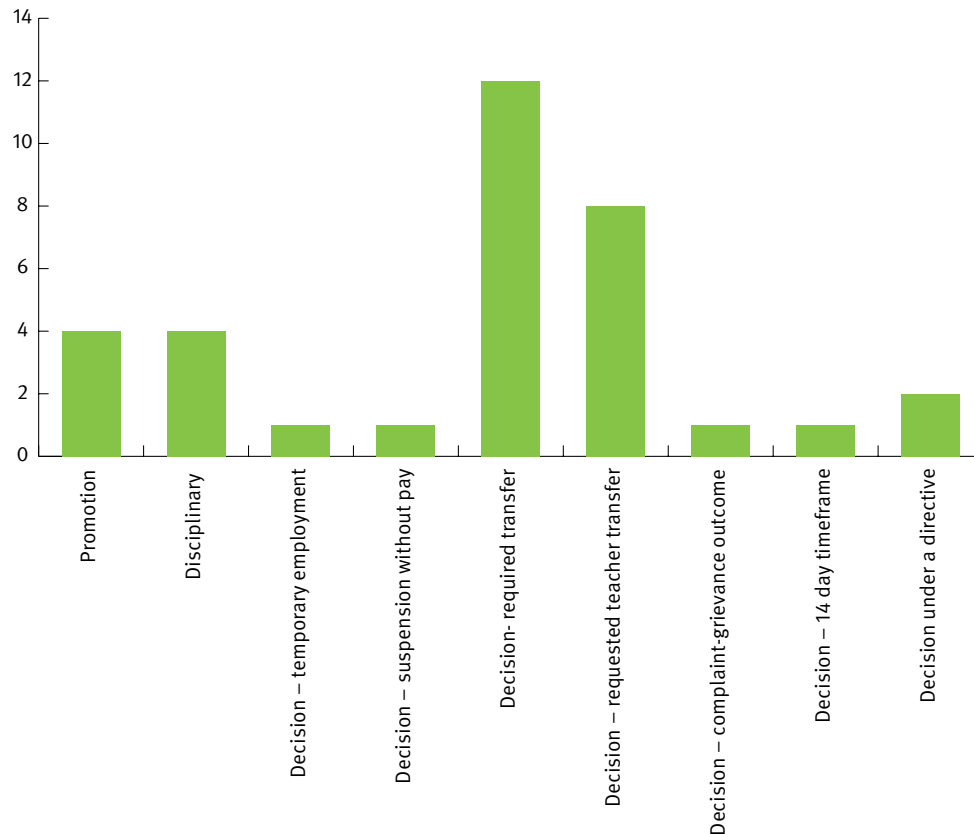
Notes:

1. Agency names reflect the administrative arrangements that commenced on 3 April 2012 (for the current government) pursuant to the Administrative Arrangements Order (No. 3) 2012.
2. Only agencies with appeals during this reporting period are reflected in these graphs and tables.
3. Only appeal types where appeals were received and finalised in 2012/13 are reflected in these graphs and tables.

## Withdrawals

In 2012/13, 34 appeals were withdrawn. All 34 were withdrawn prior to hearing. Figure 12 depicts the number of withdrawals of appeal, by appeal category in 2012/13.

**Figure 12: Withdrawals 2012/13, by appeal category**



## Hearings

There were 67 appeal hearings conducted in 2012/13. The majority of hearings, 76% (51 hearings) were conducted on the papers. The remainder were conducted by teleconference or in person.

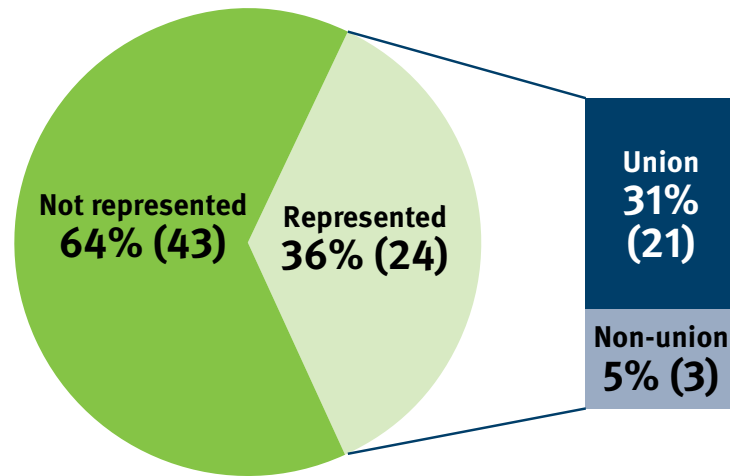
No data was collected in relation to the number of directions hearings or procedural hearings in 2012/13.

## Representation

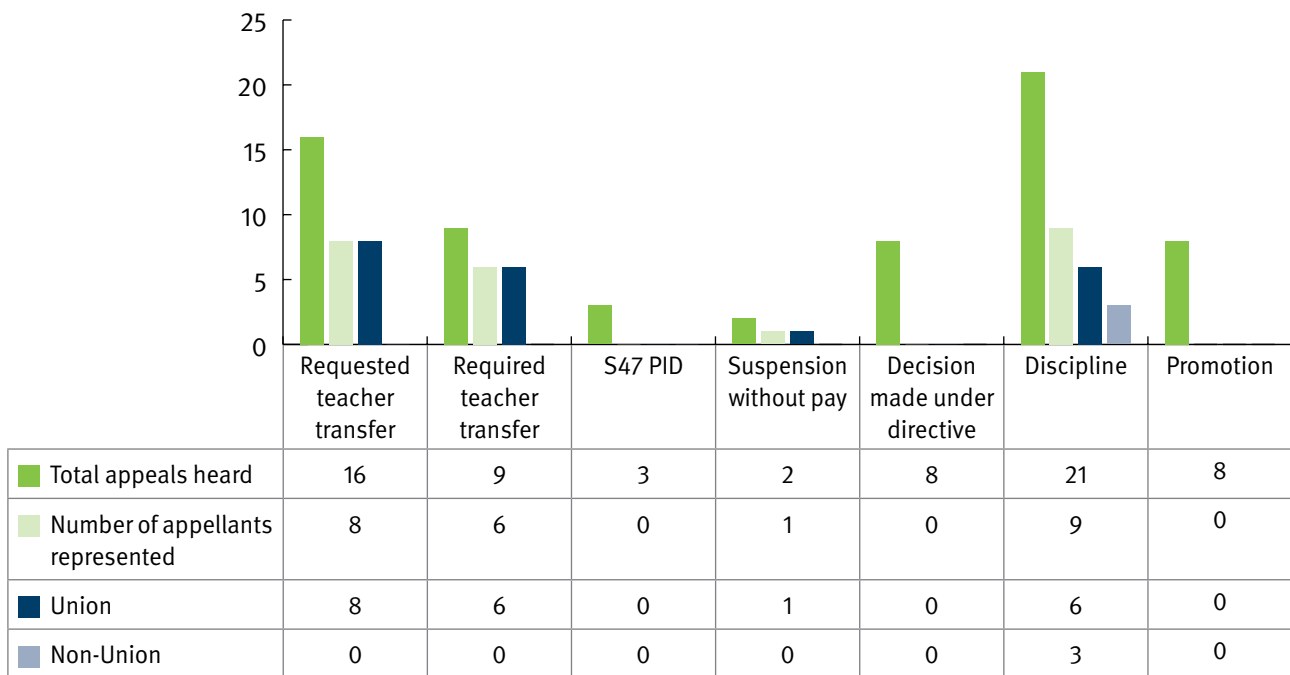
In 2012/13, appellants were represented in 36% (24) out of a total of 67 appeals heard, of which, 31% (21) were union represented. Teachers comprised just over half of appellants represented by a union noting that teacher transfer appeals accounted for 37% (25 hearings).

Figures 13 and 14 provide a breakdown of appellant representation for appeals heard during 2012/13.

**Figure 13: Appellant representation 2012/13**



**Figure 14: Appellant representation 2012/13, by appeal type**



## Agency compliance with directions and timeliness of decision making

Agency compliance with directions and timeliness of decision making was not recorded during the transition of the appeals officer role and appeals registry during the 2012/13 reporting period.

## Glossary and abbreviations

Abbreviations	
CCE Directive	A directive made by the Commission Chief Executive under the <i>Public Service Act 2008</i> , section 53.
Communities	Department of Communities
DCCSDS	Department of Communities, Child Safety and Disability Services
DCS	Department of Community Safety
DAFF	Department of Agriculture, Fisheries and Forestry
DATSIMA	Department of Aboriginal and Torres Strait Islander and Multicultural Affairs
DEEDI	Department of Employment, Economic Development and Innovation
DEHP	Department of Environment and Heritage Protection
DERM	Department of Environment and Resource Management
DET	Department of Education and Training
DETE	Department of Education, Training and Employment
DJAG	Department of Justice and Attorney-General
DPW	Department of Public Works
DHPW	Department of Housing and Public Works
DTMR	Department of Transport and Main Roads
HQCC	Health Quality Complaints Commission
HSS	Hospital and Health Service
OQPC	Office of Queensland Parliamentary Counsel
QIRC	Queensland Industrial Relations Commission
QPS	Queensland Police Service
QSS	Queensland Shared Services
PID Act	<i>Public Interest Disclosure Act 2010</i>
PSC	Public Service Commission
PT	Public Trust Office
The Act	<i>Public Service Act 2008</i>
Treasury	Treasury Department