

GUIDANCE NOTES
LODGEMENT OF A REVIEW OF ACTION

Other State Service Action Review in accordance with section 50(1)(b) of the Act

- 1.1 Applicants are required to lodge their full application for review with the Commissioner within 14 days after the occurrence of the event-giving rise to the lodgement of the review. (refer Clause 5 of Commissioner's Direction No. 7).
- 1.2 The full application for review comprises a completed Application for Review Form (State Service Action Form 2) together with a review statement outlining the basis of their review.
- 1.3 It is recommended that the review statement addresses the following:
 - o clear and succinct statement of the specific grounds for seeking the review
 - o details of consultation, if any, with their employee organisation
 - o details of consultation undertaken between the employee and their agency regarding the issues raised, including the outcome of this consultation
 - o confirmation that the matter has been considered under the agency's internal grievance resolution process and the outcome of this consideration
 - o full presentation of the Applicant's case
 - o details of any witnesses that the Applicant wishes to call as part of proceedings. (NOTE: An alternative to the calling of witnesses is the provision of signed statements or Statutory Declarations relating to the evidence involved.)
 - o statement as to what outcome the Applicant is seeking
 - o attach any documentary evidence the Applicant wishes to have considered as part of the review
- 1.4 The onus is on the Applicant to present the basis for their case and substantiate this case – ie the onus of persuasion is on the Applicant.
- 1.5 It will normally be expected that employees would have accessed their agency's internal grievance resolution process prior to lodgement of a request for review.