

Promotion review in the Parliamentary Service

This document provides advice on the following topics:

- general information about promotion review;
- how to apply for review;
- providing a statement to a Promotion Review Committee; and
- the review process and frequently asked questions.

1 General information about promotion review

The Parliamentary Service Merit Protection Commissioner

The Public Service Merit Protection Commissioner also holds the office of Parliamentary Service Merit Protection Commissioner. Parliamentary Service promotion reviews are handled by the Australian Public Service Commission (the APS Commission) on behalf of the Parliamentary Service Merit Protection Commissioner's office.

Further information about promotion review can be found in clauses 77 to 93 of *Parliamentary Service Determination 2013* (the Determination). A copy of the Determination is at <http://www.comlaw.gov.au/Details/F2013L01201>.

What is a promotion?

A promotion is the ongoing movement of a Parliamentary Service employee to a job at a higher classification level in the Parliamentary Service. The engagement of an Australian Public Service (APS) employee at a classification in the Parliamentary Service higher than the employee's APS classification is also treated in the same way as a promotion. A move of a Parliamentary Service employee to a higher classification within a department's broadbands is not a promotion.

An APS employee engaged in the Parliamentary Service at a higher classification is included in the term 'promotee' in this document.

Publication of promotions

Promotion decisions are published in the Public Service *Gazette* (the *Gazette*) and can be found at www.APSjobs.gov.au. Promotions normally take effect four weeks after the promotion has been published in the *Gazette*, subject to any promotion reviews.

Grounds for review

The only ground for a review of a promotion under the Act is merit (subsection 10A(2) of the Act). To be successful in an application for review, the review applicant needs to demonstrate stronger claims, in terms of skills and other work-related qualities, to the particular job than the promotee. A review applicant who is only able to demonstrate equal claims to the job will not be successful in overturning the original promotion decision.

Promotion Review Committee

Promotion reviews are conducted by an independent and impartial Promotion Review Committee (PRC) established by the Parliamentary Service Merit Protection Commissioner. The committee consists of three members:

- a convenor nominated by the Parliamentary Service Merit Protection Commissioner;
- a nominee from the relevant parliamentary department; and
- a third member nominated by the Parliamentary Service Merit Protection Commissioner.

The convenor will be an employee of the APS Commission with special training in merit-based reviews. The third member will be a Parliamentary Service employee who has the skills and experience to undertake merit-based reviews.

The following mechanisms help ensure the independence of the PRC:

- each member is required to sign a declaration of impartiality;
- PRC members cannot be directed when carrying out their duties. This means that they need to form their own judgement about candidates;
- it is an offence for a person to obstruct a PRC in carrying out its function; and
- PRCs need to follow binding instructions which the Parliamentary Service Merit Protection Commissioner issues to guide PRCs.

Role of the Promotion Review Committee

For each review application, the PRC is required to assess the relative merits of the review applicant and the promotee and to decide whether the original promotion decision should be upheld, or whether the review applicant should be promoted instead.

To be successful, a review applicant needs to demonstrate to the PRC a greater claim to be promoted to the job.

Who is entitled to seek review?

A. Active reviews

If you have applied for a promotion to a Parliamentary Service job but have been unsuccessful, you may apply to have the decision reviewed by a PRC in the following circumstances:

- you are an ongoing Parliamentary Service employee who has applied for promotion to the job;
- you are an ongoing APS employee who has applied for engagement to the relevant employment and the engagement would be at a higher classification than your classification in the APS;
- the job is at the APS 2 to 6 or equivalent classifications; and
- the successful candidate is an ongoing employee of the Parliamentary Service who would be promoted to the job or is an ongoing APS employee who would be engaged at a classification higher than the employee's current classification.

Promotion decisions resulting from recommendations of Independent Selection Advisory Committees or from reviews conducted by PRCs are not reviewable.

Moves within departments' breadbands are not promotions and are not reviewable.

B. Protective reviews

Some selection exercises fill multiple job vacancies and result in a number of promotions. Candidates whose promotions are published in the *Gazette* in these circumstances and who think that other candidates may seek reviews of their promotions are able to lodge 'protective' applications for review. This involves lodging review applications against the promotions of other candidates published in the *Gazette* from the same selection exercise.

Parties to the review

The parties to the review are the review applicants and the promotees nominated by the review applicants.

Notification of a review application

APS Commission staff will determine the validity of applications and advise the relevant parliamentary department and the parties to the review.

Information on departments whose promotions have attracted review applications is posted on the APS Commission's website on the day following the due date for applications. This usually occurs each Friday by 2:00pm Australian Eastern Standard Time (AEST).

See: [Notification of promotion reviews](#) on the APS Commission's website.

2 How to apply for review

You will need to provide the information required in the [application form](#) available from the APS Commission's website. Applications can be submitted either online, in person or by post, fax or email, to the contact numbers and address at the end of this document.

Applications for review must be received by 5:00pm, Australian Eastern Standard Time (AEST), on the 14th day after the date the promotion appeared in the *Gazette* (www.APSjobs.gov.au).

Steps in the review process

Step	Action
1.	Check the <i>Gazette</i> (www.APSjobs.gov.au) after completion of the selection exercise for details of any promotions. Check the <i>Gazette</i> in which the promotion was published for the closing date for making review applications. It is usually 5:00pm Australian Eastern Standard Time (AEST) of the 14th day following the publication of the promotion in the <i>Gazette</i> .

You can ask the human resources or corporate services area in the relevant parliamentary department when the outcome of the selection exercise will be published in the *Gazette*.

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2. Complete the promotion review **application form**.
 3. Submit the form online or in person, or post, fax or email it to the Review Team, in the APS Commission. See the contact details at the end of this document.

Note: You are not required to use the application form. You can provide the same details in another format by post, fax or email.

You must submit the application to the Review Team to be received by the date and time specified in the *Gazette*. Applications not received by the due date may be considered to be out of time.

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4. It is your responsibility to ensure that your application reaches the APS Commission by the closing date. You can check with the APS Commission to confirm receipt of your application.

The contact details are:

Telephone: (02) 8239 5330

Email: review@apsc.gov.au

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5. APS Commission staff will acknowledge your application promptly and advise you about:
 - whether it was lodged in time;
 - whether your application is eligible; and
 - next steps.

3 Providing a statement to a Promotion Review Committee

You will be asked to provide a statement in support of your application.

Each other party to the review is also asked to provide a statement.

Purpose of the statement

The statement is an important opportunity for you to demonstrate to the PRC your claims to the job on the basis of merit. In deciding merit, the PRC will consider, among other things:

- your work-related qualities relative to those of the other parties to the review; and
- how your work-related qualities relate to the requirements of the job.

Work-related qualities include: your skills and abilities; qualifications, training and competencies; standard of work performance; capacity to produce outcomes from effective performance at the level required; relevant personal qualities; demonstrated potential for future development; and ability to contribute to team performance.

How to present your claims

You may wish to present your claims against the duties of the position as described in the selection criteria for the job. You can also use the statement as an opportunity to update your claims in your original job application; for example any additional experience or new qualifications you have gained since applying for the job.

It is your responsibility to bring to the PRC's attention, through your statement, any matter which, in your opinion, demonstrates your greater merit for the job.

You may wish to make comments in your statement about other parties to the review. In doing so, you should ensure that your comments are:

- relevant to the issue of merit;
- based on evidence;
- consistent with the Parliamentary Service Values, the Parliamentary Service Employment Principles and the Parliamentary Service Code of Conduct (for example they are respectful, professional and non-discriminatory); and
- not libellous.

Personal details form

Your statement should be accompanied by a **personal details form** which provides contact details and any information concerning your capacity to participate in the promotion review (for example, an absence on leave or any issues which may affect your capacity to attend a hearing).

Documentation format

Please provide your statement of claims and supporting documentation in Microsoft Word file type.

Please do not:

- provide copies of scanned documents with embedded images such as signatures or links - if you wish to provide referee reports please provide them in Microsoft Word with the work contact details for the referee; or
- include multiple attachments – you should convert these to Microsoft Word and cut and paste them into your statement.

Please include your name in your statement.

Disability

If you have a disability that requires special arrangements, you should indicate this on your personal details form. The APS Commission will contact you to discuss arrangements.

Due date for statements

You need to provide your statement by the due date and time by email, to the email address at the end of this document.

The due date and time will be specified in the letter or email to you acknowledging your application for review, or advising you that your promotion has received a review application. The timeframe for providing statements is specified in the Determination. You will usually have 10 to 14 calendar days to prepare and submit your statement from the time it is requested.

4 The review process and frequently asked questions

How the promotion review is conducted

The Promotion Review Committee considers written information provided by:

- the department about its original promotion decision(s); and
- the parties to the review about their claims for promotion to the job.

The PRCs may interview the parties to test their claims for promotion and may request additional information from the parties, the department or other people such as referees.

The PRC process is transparent and parties to the review will have access to relevant and permissible information considered by the PRC in the decision-making process.

What does the PRC assess?

The PRC assesses the relative merit of the promotee and the review applicant. This assessment requires the PRC to decide which candidate is most suitable to perform the duties of the job successfully.

The PRC can take into account considerations other than merit in deciding who should be promoted (see paragraph 10A(2)(e) of the Act). A relevant consideration might be a person's availability to take up the job. If there is such a consideration, the PRC will give an affected candidate the opportunity to comment before taking the consideration into account.

Will I have an interview?

The PRC determines what process it will use to assess the claims of the parties to the review. The PRC may consider that it has sufficient information from the department about the original decision and from the statements of the parties to the review to make a decision based on the written evidence before it. PRCs usually interview some or all of the parties to the review but in some cases they may not. PRCs are not required to give you a formal hearing, to enable you to present your claims in person.

Do I need to provide referees?

The PRC may wish to contact referees and will advise you if they wish to do so. In the event that a referee says anything adverse in relation to your claims to the position (e.g. that you do not have the relevant skills) you will be given the opportunity to comment on the referee's statement before the PRC makes its decision.

Who will tell me the outcome of the review process?

As soon as the PRC has made its decision, the relevant parliamentary department nominee will advise you of the outcome. You will also receive written advice from the parliamentary department in which the job is located. PRCs are not required to give reasons for their decisions and you will **not** receive a written assessment from the PRC.

Can I get feedback?

The parliamentary department nominee on the PRC is available to give oral feedback on the PRC's assessment of your claims. The PRC will decide on what feedback you are given; this will be only a summary of the deliberations of the PRC and may not cover all aspects considered in making a decision.

The promotion review decision

The PRC makes an independent decision about who is to be promoted. Under law, parliamentary departments are bound to implement PRC decisions.

Further review

There is no further right of administrative review under the Act or the Determination.

To take the matter further, you would need to apply to a court for a judicial review, under the general law or the *Administrative Decisions (Judicial Review) Act 1977*. In such cases, it would be prudent to seek legal advice.

Contact details

For more information on the PRC process, go to <http://www.apsc.gov.au/merit/reviewpromotions.htm> or telephone (02) 8239 5330.

The contact details for lodging applications and statements are:

Review Team
Office of the Parliamentary Service Merit Protection Commissioner
Australian Public Service Commission
PO Box 20636
World Square Post Office
SYDNEY NSW 2002

Telephone: (02) 8239 5330

Fax: (02) 6267 4944

Email: review@apsc.gov.au