

Quick Facts – How to make an appeal against Misconduct, Underperformance and other matters



Factsheet Number:

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Introduction/Purpose

1. ACT Public Service (ACTPS) Enterprise Agreements establish an Appeals Mechanism for employees who are not satisfied with the outcome of a decision that affects them.
2. The Appeal Mechanism applies to:
 - a. decisions to suspend the employee without pay;
 - b. decisions relating to findings of misconduct, provided that such an appeal can only be made after a decision about disciplinary action has been made;
 - c. decisions to take disciplinary action, except a decision to terminate the employee's employment;
 - d. decisions to take underperformance action, except a decision to terminate the employee's employment;
 - e. decisions taken in relation to an employee's eligibility for benefits and the amount of such benefits, the amount payable by way of income maintenance, and the giving of a notice of involuntary redundancy under clause L9; and
 - f. any other decision that is subject to appeal under the PSM Act.

How to seek an appeal

3. To initiate an appeal under the Enterprise Agreements, an application must be made to the Convenor of Appeals within 14 calendar days of being notified, or the appellant becoming aware of the decision to take action.

The application must contain all of the following:

- a. is in writing; and
- b. states what part of the process is being appealed i.e., the misconduct finding only, the sanction only or both;
- c. describes the decision or action taken or to be taken, the reasons for the application and the outcome sought; and
- d. is received by the Convenor of Appeals within 14 days of being notified, or the appellant becoming aware, of the decision to take the action; and
- e. seeks to appeal an appealable decision.

Applications must be submitted in writing via email OR post:

Email: ACTPS_Appeals@act.gov.au

Post: The Convenor of Appeals

WHoG Industrial Relations and Public Sector Employment
Chief Minister, Treasury and Economic Development Directorate
GPO Box 158
CANBERRA CITY ACT 2601

Next Steps

4. If the application satisfies the provisions under the Appeals Mechanism, the Convenor of Appeals will establish an Appeal Panel to consider the application.
5. Any application for appeal must be submitted in **full** within 14 calendar days of being notified, or the appellant becoming aware, of the decision to take the action. This includes a description of the decision or action to be taken, the reasons for the application and the outcome sought. It is not sufficient to merely state that an appeal is sought.
6. The Convenor **does not** have the discretion under the Agreement to accept late applications. Therefore, late applications **will not** be accepted.

Further Information

For further information, refer to the [Guidelines for Misconduct Appeal Panels](#) found on the [ACTPS Employment Portal](#).

For any appeal related inquiries, please contact the Appeals Coordinator on (02) 6207 4847 or email ACTPS_Appeals@act.gov.au.