

During the 12 months ended 20 June 1986, applicants before the VRB were represented in 72.8% of entitlement appeals and in 69.4% of assessment appeals. The comparable figures in the previous year were 89% and 83% respectively. Legal representation is not permitted before the VRB and advocates are provided from the RSL, Legacy, the Vietnam Veterans' Association, the ALAO (NSW only), other small organisations and private individuals. In the other two main first tier tribunals (the Social Security Appeals Tribunal and the Student Assistance Review Tribunal) less than 10% of applicants are represented at hearings.

Experienced advocates in Sydney and Melbourne were contacted about the operation of the VRB. They were generally complimentary in their comments and confirmed from their practical experience what is clearly indicated from the statistical returns about the efficiency of the VRB in processing its workload. One advocate suggested that the Repatriation Commission had cleared a large backlog of cases in his State in recent months and as a consequence a log jam could be building up at the VRB, but the Board's improved processing rate was now better able to move the build up of cases.

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#### Public Service Changes

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On 24 September 1986 the Prime Minister announced a range of decisions concerning reform of the public service. Included in the announcement were proposed major changes to the public service promotions appeals system and to the provisions for dismissal and retrenchment of public servants.

##### (1) Promotions appeals

Appeals will now be abolished against promotions to positions above the clerical/administrative class 8 level, or equivalent levels in other occupations. The Government considers that, like the Senior Executive Service, these positions are largely managerial and appeal rights are inappropriate. There will, however, be a right of grievance review through the Merit Protection and Review Agency, which will have power to recommend the annulment of a promotion by the Secretary if it finds that proper procedures have not been followed, or the decision has been discriminatory or one of patronage. The relevant provisions defining these circumstances will be strengthened.

Appeals to a Promotions Appeal Committee (PAC) will continue for grades below the class 9 level, but the appeals process will be considerably streamlined. PACs will be able to disregard frivolous or vexatious appeals, to undertake a level of inquiry appropriate to each case and to require parties to submit documentation by a specified time. The appeal period will be reduced and the right to appeal will be confined to the original applicants for the job concerned.

The definition of efficiency in the Public Service Act will be broadened to allow managers to take into account the potential of staff for future development, and their capability to perform a variety of jobs at the same level. Other elements of the appeal process will also be streamlined, and selection decisions will be excluded from the requirement to formally state reasons under section 13 of the Administrative Decisions (Judicial Review) Act.

## (2) Dismissals and retrenchment

The Commonwealth Employees (Redeployment and Retirement) Act 1979 is to be repealed and streamlined provisions for redeployment and retirement will be included in the Public Service Act. Discussions are to be held with public service unions on complementary provisions in industrial awards. The Public Service Act will be amended to give the Public Service Board power to transfer staff within the public service in the interests of the efficient management of the service.

Inefficient staff: The Secretary of a Department will be able to retire staff from the service when, after they have been warned and given an opportunity to improve their performance, the Secretary is satisfied that they have remained inefficient. This will be done after the possibilities of transfer to another job, or of reduction in status, have been considered. A single appeal process will replace the various processes which exist at present. In his speech to Parliament, the Prime Minister said:

It is essential in the public sector to protect staff against loss of jobs on political grounds if a non-partisan public service is to be maintained, and thus it is essential to maintain a formal appeal mechanism. Apart from this, processes to deal with inefficiency will be comparable to the normal personnel practices pursued by better-managed large employers in the private sector.

Surplus staff: Where public service units are abolished or reduced in size, present arrangements for redeploying or retiring staff are extremely lengthy. They contain a number of appeal points. In future where staff surplus is likely to arise, it is proposed that discussions will be held between the relevant departmental Secretary and union representatives. After considering possible redeployment to other positions, staff with poor redeployment prospects will be offered a lump sum termination benefit if they agree to voluntary retrenchment. A range of options is proposed for those not voluntarily retrenched. Where further efforts to redeploy staff are unsuccessful, they will be redeployed at a lower level or retrenched. Unlike the present system of multiple appeals, this will be the only point where an appeal will be expressly provided for on the grounds that the decision was unreasonable.

No detailed announcements have yet been made about the structure and form of the proposed appeals system.