

DETERMINATION UNDER TEACHING SERVICE ACT 1980

DETERMINATION NO. 5 OF 2005

APPOINTMENTS TO SENIOR POSITIONS – ADDITIONAL APPEAL PROCESS

I, Andrew Cappie-Wood, Director-General of Education and Training, make the following determination pursuant to section 13 of the *Teaching Service Act 1980*.

Coverage

1. The Determination shall apply to all officers of the Teaching Service including persons who have accepted an offer of appointment in the Teaching Service under section 47A (2) but not yet entered on duty in a position.

Purpose

2. The purpose of this Determination is:
 - (a) to confer an additional appeal right in relation to decisions to appoint persons from outside the Teaching Service under section 47A(2) of the *Teaching Service Act 1980*
 - (b) to specify the circumstances where the additional right of appeal will exist;
 - (c) to establish the procedures by which such appeals are considered.
3. The Determination shall have effect subject to the provisions of the *Teaching Service Act 1980*.
4. Terms used in this Determination shall have the same meaning as in the *Teaching Service Act 1980*.
5. Nothing in this Determination shall be taken as limiting any power of the Director-General conferred by the *Teaching Service Act 1980*.
6. "Director-General" means the Director-General of Education and Training and includes any officer to whom the Director-General has delegated his functions in relation to appointing staff and dealing with appeals under this Determination, including the Director of Staffing Services.

Additional Appeal Right

7. An officer (***the appellant***) may appeal to the Director-General against the decision to appoint a person to a vacant senior position for which the appellant has unsuccessfully applied.
8. Any such appeal must be made no later than 10 days after the day on which the appellant is notified (orally or in writing) of the decision concerned.
9. An appeal may only be made on the ground that the whole or any part of the selection process for the position was irregular or improper.
10. An appeal under this Determination shall be dealt with in accordance with any guidelines for the dealing with appeals under section 60 of the *Teaching Service Act 1980*, as published by the Department of Education and Training from time to time.
11. After considering the appeal and such other information as the Director-General considers appropriate, the Director-General may:
 - (a) allow or disallow the appeal, and
 - (b) make such determination with respect to the appeal as the Director-General thinks fit.
12. The decision of the Director-General under clause 11 is final.

Date of Effect

13. This Determination shall take effect from the date of signature, and shall remain in force until rescinded or varied.

Signed: _____

Andrew Cappie-Wood
Director-General of Education and Training

Date: _____

1/8/05.