TASMANIA

Tasmanian Industrial Commission

PRACTICE DIRECTION

No 1 of 2019 **23 July 2019**

Selection Reviews

This practice direction is published by the direction of President David Barclay.

As a result of a matter coming before the Commission it has become apparent that Departments should not confirm the appointment of applicants to positions until 14 days after the date written notification of the outcome of the selection process has been given to unsuccessful candidates.

Notwithstanding the Notice of Intention to Lodge an Application for Review of a Selection process, under section 39 of the *State Service Act* 2000 an appointment is made subject to the outcome of an Application for a Review or after compliance with any Directions made by the Commission in consequence of an Application to Review (sections 39(4) and (5)). Accordingly the event permitting the confirmation of appointments is not the failure to lodge a Notice of Intention to Lodge an Application for Review of a Selection, but is after any Application for Review is finalised or where no such Application is made.

The failure to lodge a Notice of Intention to Lodge an Application for Review of a Selection does not permit the appointment to be made. It is any Application for review which is determinative of the time after which an appointment may be confirmed.

The Commission will continue to advise Departments whether a Notice of Intention to Lodge an Application for Review of a Selection has been made and if that Notice lapses, however Departments should not confirm appointments other than in compliance with section 39 of the *State Service Act* 2000.

Alison Oakes
Registrar